



UiT The Arctic University of Norway

Sámi Dutkamiid Guovddáš

Resisting unfinished colonial business in Southern Saami reindeer herding landscapes

Struggles over knowledges, worldviews, and values

Eva Maria Fjellheim

A dissertation for the degree of Philosophiae Doctor - August 2024





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Faculty of Humanities, Social Sciences and Education

Sámi Dutkamiid Guovddáš

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Jodi lea buoret go oru

“It is better to be on a journey than staying put at one place.” According to Saami scholar Harald Gaski (2006), this proverb in Northern Saami reflects a philosophy and practice of movement crucial for gaining knowledge. Movement is also a way of celebrating “the cyclical, the coming, going and returning nature of existence.”

Nomadism is the way my ancestors have managed to *bearkadidh* - to manage a good living in the barren north by making and returning to many homes. The work with this thesis is part of a circular journey that has no clear beginning or end. It has moved me between different places, people(s) and struggles, where I have encountered diverse knowledges, thoughts and ideas - even worlds.

Un mundo donde quepan muchos mundos

Besides from Saepmie, my knowledge and political visions have roots in Abya Yala, the Indigenous Latin-America. Moving between these “homes” has kept my thoughts in motion. It has taught me the significance of defending pluriverse ways of knowing, being and valuing. I opt to pursue struggles with those who share a common vision for “a world that encompasses many worlds,” as the Zapatista movement in Mexico have phrased it.

On the way, I have certainly felt solitude and sometimes gotten lost. The guidance and care from others have been invaluable. I have had the privilege of working with three great supervisors who provided the tools I needed to follow through. The *Sámi Dutkamiid Guovddáš* has been a home and a workplace with colleagues who value collective efforts that are rare to find in academia. Else Grete has been present with a patience and enthusiasm that goes beyond her assigned task. Hans Kristian has encouraged me to always look beyond, while reminding me that the “devil lies in the details.” Mariel has helped me to bridge the many worlds between which I move and has inspired me to do research otherwise. I also thank Britt for her

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*Takk til alle dem
Som gikk frammafor
Som bar tungt
Og trødde veg*

“Thanks to all those who walked first, who carried a heavy burden, and made paths.” Finally, I owe gratitude to those who have walked and defended the land for us to inherit. *Aehtjie*, my father, wrote this poetic verse to introduce his book about our historical struggles to defend the reindeer herding landscape. I borrow his words and sentiment to honour the same ancestors that gave me strength to embark, and not least, to stay on this journey. More than anyone, *aehtjie* has taught me that being born into a struggle is a heavy burden – one that also provides pride, joy, and meaning to life. We have no other choice than to keep on walking and make paths for those who are yet to accompany us.

Gæjhthoe/thanks

Iktedimmie

Abpe veartanisnie aalkoealmetjh gæbpoeminie dej dajvide jïh dej jielemem vaarjelidh. Almetjh gaahksekesvoetine aalkoealmetji dajvide bârranieh. Seamma aejkien dâeriesmoerh klijma-jorkestimmie lea. Numhtie aalkoealmetji Saepmesne maajsoe löövles sjïdte: *kruana trumhpiestimmie*¹lea joekoen stoere dâeriesmoere. Dennie tjaalegisnie buerkesteminie guktie saalvh almetji dâåjrehtsi jïh aerpiemaadtoej gaske sjïdtieh. Naa geerve båtsoedajvide vaarjelidh gosse trumhpiestæjjah sijhtieh dej dajvide jaksedh jïh båtsoeburride fjinehtidh gosse kruana trumhpiestimmien åvteste tjohtjih.

Manne goerehtamme guktie jïh man åvteste tsagkesh sjïdtieh kruana trumhpiestimmien åvteste jïh guktie golme båtsoe-sjïth gamhpedeminie dej dajvide vaarjelidh: Gåebrien Sijte, Jillen Njaarke Sijte jïh Fovsen Njaarke Sijte. Båtsoeburrieh tjuerieh aarkebiejjien siebredahkem vuastalidh gosse reereme jïh reakta båtsoeburride stillieh. Geerve aejkie båtsoeburride gosse voejhkelin soptsestidh jïh vuesiehtidh guktie siebredahke maahta saemien maahtoem guarkedh. Manne sjïhtim daejredh guktie siebredahke maahta orre vuekieh åadtjodh gosse dovne sijtem, laahkoem jïh maadtoem åahpeneminie.

Jaepieh 2018-2024 manne eadtjohkelaakan giehtjedim guktie maektebe (kruana) trumhpiestimmie tjöödtjestidh jïh almetje-reaktam nænnoestidh. Sijhtim båtsoem gaarhkehtidh jïh faamoem jïh håhkoem båtsoeburride vedtedh. Manne aaj orre goerehtimmievuekieh jïh goerehtimmiesijjieh ohtsedim. Manne vuaptan sjïdtim gosse ovmessie tjaalegisnie lohkim, maektebe vuejnedh guktie seamma aamhtsigujmie dejpeli jïh daelie tjabrehteminie. Aalkoealmetjh jïh saemieh Saepmesne tjuerieh iktesth kruana trumhpiestimmien vööste gæmhpodh guktie orre aejkieh bætieh. Mearan gamhpedeminie dellie båtsoeburrieh dej krievvide gieriesvoetine ryöjnesjieh jïh aerpieguedtjih dej soptsesh, maahtoeh jïh dâåjrehtsh vadtesinie bætije boelvade vedtieminie. Daelie mov aejkie balkaraejkiem vaedtsedh.

¹ Trumhpiestimmie: colonialism. Consult the dictionary: trumhpiestidh.

Abstract

Globally, Indigenous peoples resist capitalist expansion, while climate change accelerates destruction of our landscapes and lifeworlds. In Saepmie, the Saami homelands, the double burden from climate change and its mitigation measures has been named green colonialism. In this thesis, I study epistemic controversies in Saami reindeer herding landscapes and explore how they are entangled in Nordic-Saami (green) colonialism.

Through a decolonial approach, I study (auto)ethnographic fragments and moments of resistance by three Southern Saami reindeer herding communities in Norway: Gåebrien Sijte, Jillen Njaarke Sijte and Fovsen Njaarke Sijte. Their struggles to defend ancestral landscapes and practices take place in and around academia, bureaucracies and courts. Relational accountability to *sijte* (community), *laahkoe* (kin) and *maadtoe* (origin) guide my research ethics and praxis. While mobilizing solidarity, care and commitment to struggles against colonial injustices and human rights violations, I explore novel and rich research sites and methods. During the period 2018-2024, I participated in, and observed diverse political, bureaucratic, and legal processes, conducted interviews, and analysed diverse written material.

Based on the findings, I argue that resistance and colonialism in the Nordic-Saami context all at once constitute continuity, rupture, and renewal. With temporal and spatial variation, dispossessions of Saami reindeer herding landscapes are legitimized by racist and paternalist narratives, as well as asymmetrical power relations in knowledge production and decision-making. Notwithstanding, Southern Saami reindeer herders and knowledge holders continue to challenge knowledge hierarchies, ignorance, and colonial presumptions of what Saami reindeer herding was, is and ought to be in the future. The decolonial task, in my view, is to accompany them.

Sammendrag

Urfolk verden over kjemper mot kapitalistisk ekspansjon, mens klimaendringer forsterker ødeleggelsen av våre landskaper og livsverdener. I Saepmie kalles den doble byrden fra klimaendringer og klimatiltak for grønn kolonialisme. I denne avhandlingen studerer jeg epistemiske kontroverser i det samiske reindriftslandskapet, og undersøker hvordan disse er viklet inn i nordisk-samisk (grønn) kolonialisme.

Med en avkoloniserende tilnærming, studerer jeg etnografiske fragmenter og momenter av motstand fra tre sørsamiske reinbeitedistrikter i Norge: Gåebrien Sijte, Jillen Njaarke Sijte og Fovsen Njaarke Sijte. Deres kamp for å forsvare historiske landskaper og praksiser finner sted i og rundt akademia, byråkratier og domstoler. Jeg baserer min forskningspraksis og etiske relasjoner på tilhørighet og forpliktelse til *sijte* (samfunn), *laahkoe* (slekt) og *maadtoe* (herkomst). I mobiliseringen av solidaritet, omsorg og motstand mot kolonial urett og menneskerettighetsbrudd, utforsker jeg nye forskningsmetoder og arenaer. I perioden 2018-2024 deltok jeg i og observerte, ulike politiske, byråkratiske og juridiske prosesser, gjennomførte intervjuer, og analyserte ulike dokumenter og skriftlig materiale.

Basert på funnene, argumenterer jeg for at kolonialisme i den nordisk-samiske konteksten, og motstand mot denne, på samme tid utgjør kontinuitet, brudd og fornyelse. Med variasjon i tid og rom, rettferdiggjøres frarøvelse av land med rasistiske og paternalistiske narrativ, samt asymmetriske maktforhold i kunnskapsproduksjon og beslutningsprosesser. Til tross for dette fortsetter sørsamiske reineiere og kunnskapsbærere å utfordre kunnskapshierarkier, ignoranse og koloniale forestillinger om hva samisk reindrift var, er og burde være i fremtiden. Den avkoloniserende innsatsen, etter mitt syn, er å følge dem.

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List of Abbreviations

CERD	International Convention on the Elimination of Racial Discrimination
EDL	Ethnic Democratic Equality
ELRI	Elsa Laula Renberg Institute
FPIC	Free, Prior and Informed Consent
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labor Organization's Convention on the Rights of Indigenous and Tribal Peoples
KLD	The Ministry of Climate and Environment
KMD	The Ministry of Local government and Regional Development
NIM	The Norwegian National Human Rights Institution
NVE	Norwegian Water Resources and Energy Directorate
OED	The Norwegian Ministry of Energy and Petroleum
SIKT	Data Protection Services for Research in Norway
TRC	Truth and Reconciliation Commission
UNDRIP	United Nation's Declaration of the Rights of Indigenous Peoples
UNPFII	United Nation's Permanent Forum for Indigenous Issues

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Glossary

Aahka	Grandmother
Aajja	Grandfather
Aaltoe	Female reindeer
Aehtjie	Father
Aerpieaajroe	Ancestral/inherited knowledge
Aerpiemaahtoe	Ancestral/inherited skills
Aerpievuekie	Ancestral/inherited ways
Bearkadidh	To manage
Bovtse	Reindeer
Båatsoe	Reindeer herding
Gapta	Southern Saami garment
Guelmiedahke	Mirror, reflection
Gåctie	Permanent dwelling
Iktedimmie	Abstract
Kruana trumhpiestimmie	Green colonialism
Laahkoe	Kin
Låavtege	Tent
Maadtoe	Origin, birthplace, kin
Maadteraahka	Great-grandmother
Maadter-maadter eejhtegh	Great-great-grandparents
Maadtoe-dajve	Ancestral/inherited landscape
Miesie	Reindeer calf
Rihrehke	Vein
Saepmie	Saami homelands

Sijte	Community, group, organization (reindeer herding district)
Soejmi	Slow, calm
Soptsestimie	Oral story, conversation
Tjaaliehtjimmie	Ornaments
Tromhpe	Reindeer Nose Botfly (parasite)
Trumhpiestidh	To force, urge, threaten (e.g. payment), move reindeer by force
Trumhpiestimmie	Colonialism
Trumhpiestæjjah	Colonizers
Trumpie	Thin meat piece under the abdomen of the animal
Vaerie	Mountain
Vuelie	Yoik (vocal tradition)
Vytnesjæjja	Craftswoman
Åarjel Saepmie	Southern Saami homelands
Åssjalommes	Thought, idea
Baajh vaeride årrodh	Leave the mountains be (let the mountains live)
Dih jis bäästoeh-loedtem guara	The one who follows the wrong way of the trail
Guktie dåemedh, nimhtie sjædta	The way you carry yourself, so it will be
Jodi lea buoret go oru	It is better to be on a journey than staying put at one place
Mas amas diehtá maid oarri borra	How can a stranger know what a squirrel eats

Áltá	Alta (city)
Bådåddjo/Buvvda	Bodø (city)
Čáhput	Svartskogen (forest/valley)
Fovsen Njaarke	Fosen peninsula
Gaelpie	Kalvvatnan (mountain)
Guovdageaidnu	Kautokeino (town)
Gåebrie	Kjølifjellet (mountain)
Jillen Njaarke	Western mountains
Mussere	Mosjøen (town)
Laakesvuemie	Namsskogan (municipality)
Oslove	Oslo (city)
Plassje	Røros (town)
Saalpove	Selbu (municipality)
Snåese	Snåsa (municipality)
Trompendalvese	Store Tromsfjellet (mountain)
Trompenjohke	Stortromselva
Trompenuemie	Stortromsdalen
Raarvihke	Røyrvik (municipality)
Trööndelage	Trøndelag (county)
Tråante	Trondheim (city)
Vaapste	Vefsn (municipality)

Prologue

October 11, 2023.

We are in the hall outside the plenary chamber in the Norwegian Parliament building. The room has a high ceiling, massive brick walls that merge into archways, and a few seating areas. We are sitting on the floor. I am wearing my *gapta*, a Southern Saami garment, and in my hands, I have a tape recorder and a notebook. On the recorder, I have documented a peaceful sit-in, a yoik² protest carried out by 15 Saami human rights defenders. They sit a few meters away from me and are the centre of attention of several media broadcasters and politicians. The politicians move in and out of the plenary chamber where they are debating what the yoik protesters are here to denounce: The Norwegian state's ongoing violation of Saami rights through wind energy development on the reindeer herding lands of *Fovsen Njaarke* – a Southern Saami community in *Trööndelage*³ County in Norway.

The Minister of Petroleum and Energy and the Prime Minister offer diplomatic gestures, but the human rights defenders ignore them and keep on speaking the language of the yoik. Applying the rules of law and abiding to the democratic language of the powerful has not brought justice. Fovsen Njaarke has spent years in court and participated in numerous consultations and “dialogues,” where they have withheld their consent to build wind energy infrastructure on their most important winter pastures. Two years earlier, on this day, Fovsen Njaarke won against the wind energy company Fosen Vind in the Norwegian Supreme Court. The court ruled the two wind energy licenses at Roan and Storheia invalid, because they violate the right to enjoy Saami culture through reindeer herding. The extensive wind energy infrastructure has already fragmented and destroyed the landscape where Fovsen Njaarke has followed and cared for the reindeer for generations. Despite the Supreme Court's unanimous decision, the Norwegian state refuses to restore and return the

² The yoik, or *vuelie* in Southern Saami, is an ancient Saami vocal tradition, a means of remembering or representing someone or something, and a language of communication.

³ *Trøndelag* in Norwegian.

lands to Fovsen Njaarke. What the Norwegian state and the wind energy company called a necessary sacrifice for a green transition, is nothing but green colonialism, the human rights defenders announced – as they initiated the largest Saami civil disobedience actions since the 1970s and 80s.

The clash between worlds could not be more apparent and is the reason they ended up here in the first place. Through the yoik, the human rights defenders bring a message from earth, compare the Minister of Petroleum and Energy with a wolf, and honour the struggle of Fovsen Njaarke. 12 hours earlier, they put up a *lávtege*, a Saami traditional tent, blocking the main shopping and pedestrian street Karl Johan that passes the Parliament building and ends up at the Kings Castle in Oslo. The parallels to the protests against the construction of a hydropower dam in the *Áltá-Guovdageaidnu* river fifty years back, are striking. While the *Áltá-Guovdageaidnu* movement led to constitutional reform, recognition of Indigenous peoples' rights and the establishment of a Saami Parliament in Norway, the Fovsen-uprising concerns a demand to respect these rights. Through a megaphone, the human rights defenders announced to the spectators that they would stay put, until the government responds to their demands: To recognize that the wind energy plants at Storheia and Roan constitute an ongoing human rights violation, to apology to Fovsen Njaarke, and to restore and give them their land back. Eidsvoll plass, the main square outside of the Parliament building, was renamed *Elsa Laula Siida*, after the Saami woman Elsa Laula Renberg who organized and led the first Saami national assembly in 1917.

The Elsa Laula Siida grew bigger, and the next day, I found myself sitting on a stool behind a desk with a large banner behind me, saying: *Elsa Laula Renbergen Instituhte*⁴ with the address Elsa Lulan Gæjnoe 2.⁵ When I was accompanying the yoik protest inside the Parliament the day before, I looked down on my empty notebook and was reminded that research is not always the intervention needed. The research for the thesis was done, but I continued to accompany Fovsen Njaarke in their struggles to protect the Saami landscape. A few hours before the yoiking human rights

⁴ Elsa Laula Renbergs Institute.

⁵ Elsa Laula's road 2.

defenders were carried out by the police, a provisional, nomadic, and autonomous “Institute” was founded. A journey began to explore knowledge as a form of direct action in collective mobilizations against colonial injustice and human rights violations (Berg-Nordlie, Fjellheim, & Ellingsen, 2023).



Figure 1. 15 Saami human rights defenders during a peaceful yoik protest in the Norwegian Parliament building on October 11, 2023. From the left: Márjá Karlsen, Elina Ijäs, Aina Madelén Nordsletta Aslaksen, Ingá Mikkelsdatter Utsi Boine, Elle Risten Eira, Sara Marielle Gaup Beaska, Petra Laiti, Niillas Holmberg, Ingke Jåma, Ella Marie Hætta Isaksen, Mihkkal Hætta, Ida Helene Benonisen, Elle Rávdná Näkkäljärvi, Maajja-Krihke Bransfjell, Kátjá Rávdná Broch Einebakken. Photo: Eva Maria Fjellheim.

1 Introduction

The prologue describes a moment of resistance that took place towards the end of the research process but serves to introduce what this thesis is all about: To provide decolonial perspectives on epistemic controversies in struggles over Saami reindeer herding landscapes. By *epistemic controversies* I refer to knowledges, worldviews and values that collide, but also to *ignorance* produced in knowledge and decision-making. The Fosen case is discussed in one of the articles and reflects some broader questions that this thesis concerns. What lead to the Fovsen mobilizations and protests? Why is it so important for the reindeer herders in Fovsen Njaarke and the Saami human rights defenders to protect the Saami landscape? Who defines “sustainability” and what Saami reindeer herding was, is and ought to be in the future? What is the “green” in colonialism, and how does it manifest in the Nordic-Saami context? How can decolonial approaches inform struggles for epistemic justice and self-determination for Indigenous peoples?

In the following I will introduce the broader research fields and contexts in which the work of this thesis takes place. Then I will present the main aims, questions and findings, as well as situate and map the main research sites I have engaged with. At the end, I will provide the outline for the rest of the chapters of the thesis.

1.1 Climate change, wind energy, and dispossession of Saami landscapes

This thesis concerns struggles against colonial dispossessions of Saami reindeer herding landscapes, epistemes and practices, focusing on the part of Saepmie claimed by Norway. During the Fosen protests in Oslo, the State Secretary of the Ministry of Petroleum and Energy (OED), Elisabeth Sæther, claimed that reindeer herding lands are vast and that some must be sacrificed to supply Norway with cheap and renewable energy. As a response, Ella Marie Hætta Isaksen, one the protagonists of the protests, firmly uttered: “I hate the argument that 40% of Norway is land available for reindeer herding, because 100% of Saepmie is colonized by the Norwegian state!” (in E. M. Fjellheim, 2023a). Statistics estimate that 71-89% of the lands assigned for Saami reindeer herding in Norway are fragmented by multiple infrastructure developments

(Engelien, Aslaksen, & Undelstvedt, 2020; Stoessel, Moen, & Lindborg, 2022; Tyler, Hanssen-Bauer, Førland, & Nellemann, 2021). Critical research affirms that the Nordic states continue to dispossess and fragment Saami reindeer herding landscapes and eliminate the epistemes and practices they hold (Kramvig & Avango, 2021; Lawrence & Åhrén, 2016; Lawrence & Larsen, 2017; Normann, 2022; Össbo, 2023; Raitio, Allard, & Lawrence, 2020). Under labels such as “sustainability” and “climate change mitigation,” and policies such as the “Green New Deal,” they continue to reproduce capitalist and colonial logics that legitimize the sacrifice of Saami reindeer herding landscapes (Kuokkanen, 2023; Lawrence, 2014; Normann, 2022; Össbo, 2023). Saami reindeer herding, that is “among the greenest” livelihoods there is, is paradoxically considered to be an obstacle for efforts to save the planet from climate change (Sámiráđđi, 2017).

Globally, Indigenous peoples defend ancestral landscapes, knowledges, and relational values against privatization, capitalist extraction, and environmental destruction. Due to unsustainable use of land and increased consumption, the world is facing a climate and ecological crisis with disproportionate and irreparable effects for Indigenous peoples (Cameron, 2012; Reibold, 2022; Whyte, 2020b). The Arctic is no exception. In fact, it is a region imagined to be the “last frontier” with revived interests to extract mineral and energy resources (Dale & Gross, 2023). Human induced climate change and loss of biodiversity is accelerating at alarming rates. Temperatures are rising, the ice is melting, snow cover is declining, and vegetation and ecosystems are changing. As a consequence, the risk for climate related extremes and hazards is increasing (IPPC, 2021).

Impacts from climate change on Saami culture, society, and livelihoods are severe. As expressed by the Saami Council, the Saami have the knowledge and resilience to face these challenges, but to be able to do so, full recognition of the right to self-determination must be in place when matters concerning climate- and land-use change are settled (Retter, Israelsson, & Winsnes, 2023). At the Nordic Sámi Youth

Conference in 2021,⁶ Saami youth denounced the lack of equitable inclusion of Saami knowledges and experiences in elaborating mitigation and adaptation measures.

Norway was the first country to ratify the Indigenous and Tribal Peoples Convention No. 169 of the International Labour Organization (ILO 169) and is signatory to the United Nation's Declaration on the Rights of Indigenous Peoples (UNDRIP) and the International Convention on the Elimination of Racial Discrimination (CERD). International principles and regulations concerning Indigenous Peoples' rights are reflected in e.g. the consultation law amended in §108 of the Constitution (KMD, 2021). The International Covenant on Civil and Political Rights (ICCPR) forms part of the Norwegian Human Rights law with precedence over other international conventions. Article 27 of the ICCPR is therefore considered to be the most important international regulation to protect Saami rights to culture against encroachments on Saami reindeer herding lands in Norway (NIM, 2022b). The reindeer herding act establishes that reindeer herding is protected to safeguard sustainable Saami livelihoods and culture (Ravna, 2019b). The Norwegian National Human Rights Institution (NIM) warns against potential human rights violations when industries are established on Saami reindeer herding lands, and emphasizes that Saami rights to culture and health is threatened by both climate change and its mitigation measures (NIM, 2022b, 2024).

In the government's current political platform, Norway aspires to be in the forefront of Indigenous peoples' rights and sustainability.⁷ However, Norway continues to issue licenses for wind energy development without the consent of impacted Saami reindeer herding communities and right holders (I. S. M. Olsen, 2019). The Norwegian government argues that the expansion of the industry is

⁶ "Sámi youths' declaration on climate change." Accessed on June 15, 2024.

<https://samediggi.fi/en/news/sami-youth-demand-actions-to-mitigate-climate-change/>.

⁷ "Hurdalsplattformen. For en regjering utgått fra Arbeiderpartiet og Senterpartiet 2021-2025."

Accessed on July 4,

2014. <https://www.regjeringen.no/contentassets/cb0adb6c6fee428caa81bd5b339501b0/no/pdfs/hurdalsplattformen.pdf>

necessary to comply with the Paris Agreement and EUs renewable energy goals.⁸

Today, Norway produces an energy surplus, mainly based on hydropower. However, the government pursues a goal to increase production of renewables to meet demands to fully electrify the transportation sector, supply other industries, and export surplus to replace fossil fuels in Europe.⁹

Between 2010 and 2021, the wind energy industry in Norway was boosted by subsidies under the government's "green certificate" scheme. This period was characterized as the "Klondike period" by staff from the Norwegian Water Resources and Energy Directorate (NVE) that issues permits for wind energy development (Gulbrandsen, Inderberg, & Jevnaker, 2021). According to a map from NVE, there are 22 wind energy plants built, and one license approved on Saami reindeer herding lands,¹⁰ of which 15 plants are built between 2017-2021 (see Figure 2). The total installed effect of wind energy production in Norway is 5 083 MW, and approximately half is produced on Saami reindeer herding lands.¹¹ The rapid expansion of the wind energy industry provoked what Aili Keskitalo, the former president of the Saami Parliament in Norway, first called out as *green colonialism* in the public debate (M. N. Olsen & Dolmen, 2013). Since then, the term has become a leading political narrative and critique of the continuation of historical injustices in Saepmie in the name of the so-called "green transition" (Kårtveit, 2021).

1.2 Colonial research and decolonial options

The decolonial approach of this thesis is not limited to analyse colonial dispossessions of Saami reindeer herding landscapes, its new shapes and colours, and the power structures that uphold them. It further strives to *speak back* to past and present colonial

⁸ "Det grønne skiftet." Last updated on December 8, 2021. Retrieved from www.regjeringen.no on June 17, 2024. <https://www.regjeringen.no/no/tema/klima-og-miljo/innsiktsartikler-klima-miljo/det-gronne-skiftet/id2879075/>

⁹ NOU 2024: 7. "Norge og EØS: Utvikling og erfaringer. Energipolitikk. Hovedtrekk." Accessed on July 4, 2024. <https://www.regjeringen.no/no/dokumenter/nou-2024-7/id3033576/?ch=10>

¹⁰ Map NVE. Accessed on June 3, 2024. <https://www.nve.no/energi/energisystem/vindkraft/kart/>

¹¹ Data for utbygde vindkraftverk i Norge. Accessed on June 3, 2024.

<https://www.nve.no/energi/energisystem/vindkraft/data-for-utbygde-vindkraftverk-i-norge/>

research agendas and praxis that marginalize, delegitimize, or ignore pluriverse epistemes.

The colonial history of research and its legacy has created a complex relationship between Indigenous peoples and academia as the famous quote of Māori educator and scholar Linda Tuhiwai Smith (2012, p. 1) so pertinently states: “the word ‘research’ itself is probably one of the dirtiest words in the indigenous world’s vocabulary.” The same way Indigenous peoples’ lands have been exploited, research has been used as a tool of conquest by dehumanizing Indigenous peoples and their lifeworlds and extracting their knowledges without consent. As expressed by Unanga scholars Eve Tuck & Wayne Yang (2018, p. 3) “the right to conquer is intimately connected to the right to know.” There is a direct relationship between the expansion of knowledge, trade and empire – today reframed as capitalist globalization (Smith, 2012). As such, research has privileged the interests of the “Western” academy and society (Chilisa, 2011; Smith, 2012). *Dirty* could not be a more apt word to describe my own “unfinished colonial business,” as I explore in the first book chapter (E. M. Fjellheim, 2020b) of this thesis. An autoethnographic approach was necessary to find a scholarly place and voice that challenge a still colonial context.

Decolonial and critical Indigenous scholarship propose alternative and pluriverse research agendas. These agendas emerge from critiques of colonial structures and praxis, as well as from Indigenous peoples’ experiences, philosophies, methodologies, knowledges, values, and worldviews. This includes to challenge knowledge hierarchies, applying Indigenous epistemes, and proposing more ethical approaches. I concur with the notion that these critiques can transform research into a powerful tool of resistance and contribute to broader struggles for justice and self-determination (e.g. Chilisa, 2011; Denzin & Lincoln, 2008; Kovach, 2010; Kuokkanen, 2000; M. N. Nakata, 2007; Jelena Porsanger, 2004; Smith, 2012; Wilson, 2008). As expressed by Bantu scholar Bagele Chilisa (2011, p. 16), decolonial endeavours permit us to keep “dreaming or imagining other ways of doing research” from the perspectives of the colonized “Other.”

Importantly, *decoloniality* is an option, and not a mission to establish new dogmas and knowledge hierarchies (Mignolo, 2018). To avoid becoming yet another

authoritative discipline, decolonial and critical Indigenous scholarship (as any) need to recognize its limits, and that it is made up of complex knowledge spaces beyond Western-Indigenous binaries which are often oversimplified (M. Nakata, Nakata, Keech, & Bolt, 2012; T. Olsen, 2016). Still, “Indigenous” ways of knowing, being in, and valuing the landscape often represent a difference that matters when bureaucratic, political and legal decisions over lands and resources are being made (Blaser et al., 2013; Kramvig & Avango, 2021; Law & Joks, 2019). It is the difference that occurs when a yoik-protest clashes with diplomatic gestures, and when reindeer herders struggle to explain why the Saami landscape is a living being with a value of its own.

1.3 Research aims and questions

As I will elaborate on in the methodology chapter (3), critical Indigenous and decolonial scholarship encourage a research process that takes research priorities of the peoples and communities in question into account. The Saami Arctic strategy of the Saami Council (2019) stresses that there is a need to study the impacts of climate change, but also mitigation measures that continue to extract resources in Saepmie, such as wind energy development. Situated within the above fields of research, which I will discuss further in the theoretical and methodological chapters, I now turn to the main research aims and questions of the thesis.

1.3.1 Research aims

The overarching aim of this thesis is to design and pursue a decolonial approach that encompasses colonial critiques and Indigenous alternatives in studies of how epistemic controversies in Saami landscapes are entangled in Nordic-Saami (green) colonialism. Although colonial critiques are growing in Saepmie, there is a need to develop further the theoretical particularities of Nordic-Saami colonialism in relation to colonial situations elsewhere. This endeavour is crucial, due to the Nordic states’ self-ascribed *exceptionalism* from racism and colonialism (K. G. Eriksen, 2022; Höglund & Burnett, 2019; Lehtola, 2015; Raitio et al., 2020; Svendsen, 2019). Focusing on its key components and dynamic forms, I aim to empirically explore how colonialism in the Norwegian-Saami context manifests in different situations and moments of resistance. I aim to contribute to develop the term “green colonialism” and use it as an analytical

tool to understand controversies over wind energy development on Southern Saami reindeer herding lands in Norway. As such, the thesis speaks to scholarship that critiques continued dispossession of Saami lands and the colonial logics of a corporate energy transition, which urgently calls for decolonial, Indigenous and grassroots alternatives in Saepmie and beyond (Batel, 2021; Dunlap, 2019; Lawrence, 2014; Normann, 2022; Össbo, 2023; Sánchez Contreras, Matarán Ruiz, Campos-Celador, & Fjellheim, 2023; Tornel & Montaña, 2023).

With few exceptions (e.g. Normann, 2022), decolonial approaches to epistemic dimensions in studies concerning “just energy transitions” are lacking (Zhou & Brown, 2024). In the context of an urgent climate crisis and continued dispossession of Saami landscapes, there is a need to deepen the analysis of competing narratives and claims to truth and the epistemic controversies that underpin them. In my study, I engage with power struggles at work when different knowledges systems and worldviews collide, but also with ignorance as a colonial and political geography of its own. I explore how colonial difference is all at once manifested in epistemological, ontological and political conflicts (Kramvig & Avango, 2021; Law & Joks, 2019). I approach this difference, not only as an empirical study, but also as an ethical and analytical approach in the whole research process. I aim to critically reflect on decolonial research praxis in a context characterized by (green) colonial harm and fatigue. Where pertinent, I strive to use Southern Saami concepts that stem from the same onto-epistemological and political context I analyse.

1.3.2 Research questions

Based on these aims, I have formulated three interrelated research questions that to various degrees encompass the book chapter and two journal articles that form the basis for the broader discussions of this thesis. The first question concerns how epistemic controversies in struggles over Saami reindeer herding landscapes are entangled in Nordic-Saami (green) colonialism. Focusing on its key components and refined forms permits me to identify what is old and what is new. The second question deepens the analysis of the epistemic controversies I study. Here, I focus on how Saami reindeer herding communities and knowledge holders challenge knowledge hierarchies and colonial presumptions of what Saami reindeer herding was, is and

ought to be in the future. The third and last question concerns how decolonial research on struggles over Saami reindeer herding landscapes can move towards more ethical approaches in the future.

1. How are the epistemic controversies I study entangled in Nordic-Saami (green) colonialism? What is old and what is new?
2. How do Southern Saami reindeer herding communities and knowledge holders challenge and resist colonial presumptions of Saami reindeer herding and its landscapes? What kind of epistemic controversies underpin the competing narratives and claims to truth?
3. How does the study contribute to decolonial learning in struggles over Saami reindeer herding landscapes?

1.4 Main findings

Based on discussions of the findings in the three publications, I conclude that epistemic controversies in past and present Nordic-Saami (green) colonialism constitute continuity, rupture, and renewal. With variation in time and place, dispossessions of Saami reindeer herding landscapes are legitimized by racist and paternalist narratives and effectuated by asymmetrical power relations in knowledge production and decision-making. Notwithstanding, Southern Saami reindeer herding communities challenge structural injustices, knowledge hierarchies, strategic ignorance and colonial presumptions of what Saami reindeer herding and its landscapes were, are and ought to be in the future. Based on lessons from the study, I suggest that decolonial praxis need to be attentive to fatigue and move away from participation as the a priori methodological aim. Critical reflexivity on positionality and accountability in all research relations is an ethical way forward. In my case, it meant mobilizing solidarity, care and commitment to struggles against colonial injustices and human rights violations, which opened otherwise research sites and methods.

1.5 Situating the research

The research process took place from the autumn of 2018 to the spring of 2024. To answer the research questions, I carried out (auto)ethnography, interviews and document studies in and around three reindeer herding communities in *Åarjel Saepmie*: *Gåebrien Sijte*, *Jillen Njaarke Sijte* and *Fovsen Njaarke Sijte*. *Sijte* is the Southern Saami term for an ancient form of organization, with rules and norms that regulate, among other things, who can own reindeer, where and when reindeer herding can be practiced, and in what way. I will elaborate further on Southern Saami terms, such as *sijte*, as well as situating myself as a researcher in the theory (2) and methodology (3) chapters. Here, I will map and briefly introduce the research sites, as well as the rationale for engaging with them.

1.5.1 Åarjel Saepmie

It is beyond the scope of this chapter to elaborate extensively on the characteristics and history of *Åarjel Saepmie* – the Southern Saami homelands. Archaeological registrations of dwellings, burial sites, and artifacts show presence of a Saami hunter and gathering culture dating as far back as the iron age (Bergstøl, 2008; Gerde, 2016; Zachrisson, Alexandersen, Gollwitzer, & Iregren, 1997). It is not known exactly when the transition to a more intensive nomadic reindeer herding took place. Most likely it happened gradually and at different times throughout *Åarjel Saepmie*. However, it became a livelihood which defined the Southern Saami lifeworld, language and identity, almost unchanged, during approximately 400 years. The extensive form of reindeer herding focused on meat production that we know today, came to be during the first half of the 20th century (S. Fjellheim, 1995, 1999, 2012).

Today, the Southern Saami reindeer herding landscape is under pressure from loss to predators, climate change, artificial district borders, and a wide range of infrastructure, industries and land-uses (e.g. Belbo, 2023), consequently threatening Saami culture (Nilssen, 2019). Despite these challenges, herders strive to care for the well-being of the reindeer and struggle to defend what is left of ancestral migration routes and access to natural and uncultivated pastures.

On the Norwegian side of *Åarjel Saepmie* there are 16 reindeer herding districts, which can include one or more *sijte*, as well as one licensed area secured by

law. In Norway, Southern Saami reindeer herding is practiced from the *Saltfjellet* mountain in the north to *Møre og Romsdal* and *Innlandet* counties in the south.¹² Despite its vast geographical distribution, the Southern Saami population constitutes a minority within the larger Saami community (Hermanstrand, Kolberg, Nilssen, & Sem, 2019). There is no exact number of the Southern Saami population, but 512 are registered as reindeer owners (Landbruksdirektoratet, 2023). It is fair to estimate that a larger proportion of the Southern Saami population owns reindeer or has close relatives who are involved with reindeer herding. Reindeer herding is thus said to be the backbone of Southern Saami culture, identity, and language (S. Fjellheim, 1991; Nilssen, 2019).

Maps

I have commissioned two maps to situate the research in Åarjel Saepmie. Without comparison, the maps are inspired by Saami artist Hans Ragnar Mathiesen's¹³ decolonial mapping of Saepmie (Lundström, 2017). Mathiesen's map of Åarjel Saepmie was printed with permission in the first book chapter (E. M. Fjellheim, 2020b, p. 217). Both maps show Saepmie without the state borders of Norway, Sweden, Finland and Russia, and instead make visible the rivers that constitute more natural borders between different linguistic and reindeer herding areas. The first map (Figure 2) marks Saepmie in the colours of the Saami flag which strengthen the unity of the Saami across the colonial borders. The map also gives an overview of wind energy plants in Norway based on data from NVE. The southern border of Åarjel Saepmie is marked further south than the area designated for Saami reindeer herding today, based recent archaeological findings (Hermanstrand et al., 2019, p. 7). The second map (Figure 3) locates the three reindeer herding *sijth* I have engaged with, and marks place names and wind energy sites that are frequently mentioned in the thesis.

¹² "Reinbeitedistrikter i sørsamisk område." Retrieved from Gaavnoes.no on June 20, 2024. <https://gaavnoes.no/2016/04/reinbeitedistrikter-i-sorsamisk-omrade/>

¹³ Also named *Elle-Hånsa* in Saami and *Kevislie*: <https://www.keviselie-hansragnarmathisen.net>

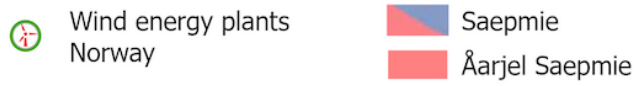
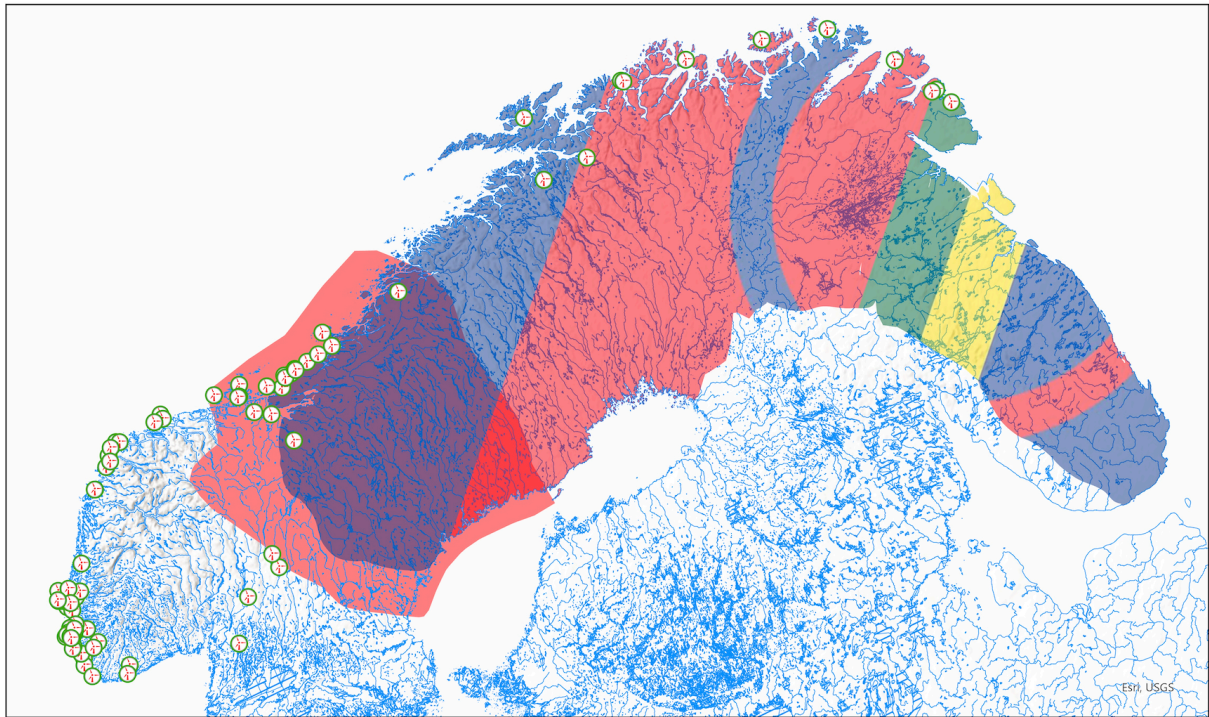
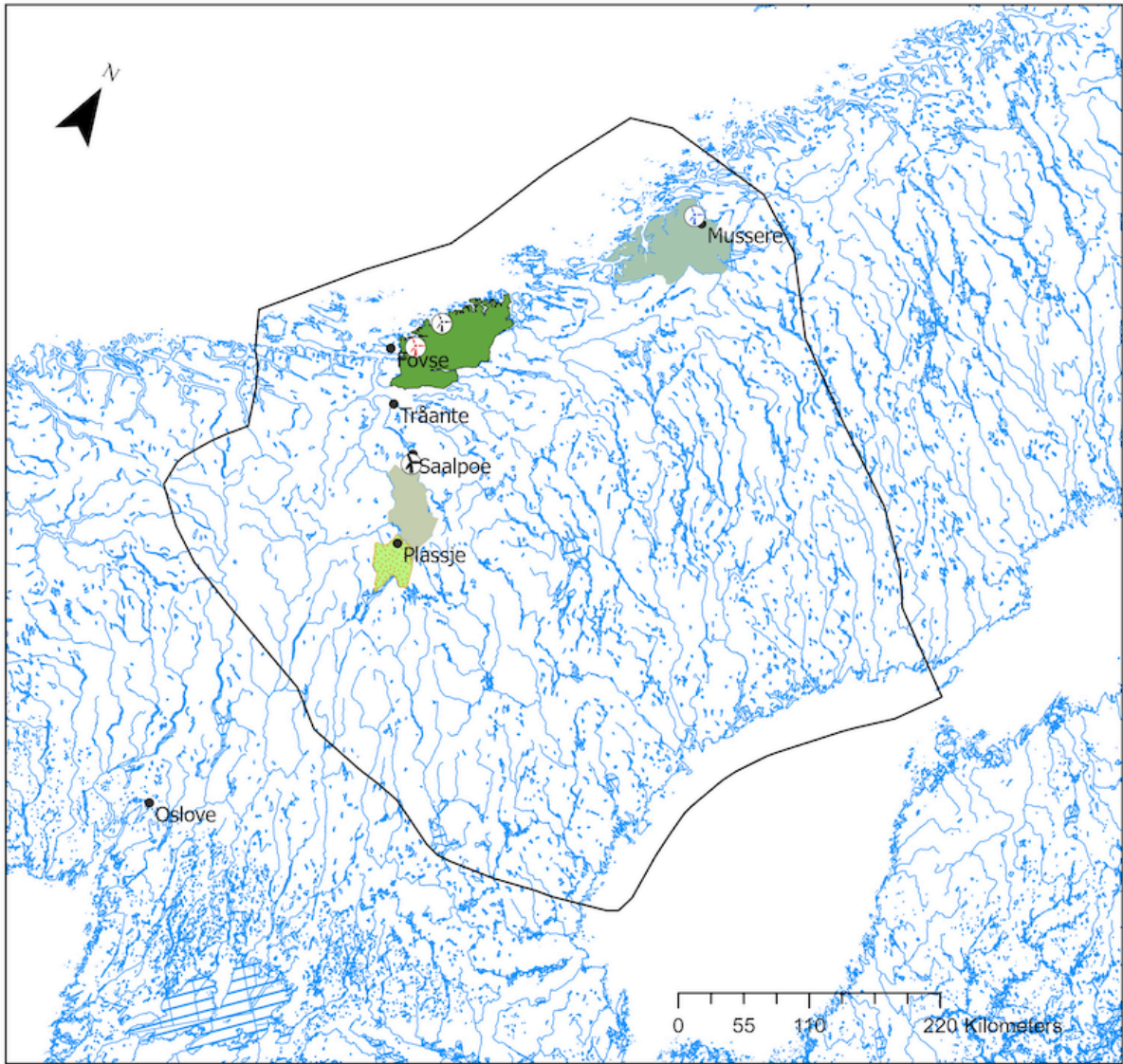


Figure 2. Map of Saepmie and wind energy sites in Norway. Produced by Camilla Brattland, the Norwegian Arctic University Museum. The map was developed based on cartography by Marthe Olea Angelsen Stupforsmo for the Centre for Sámi Health Research, borrowed with permission.













- | | | | |
|---|----------------------|---|--------------------------------|
|  | Jillen Njaarke Sijte |  | Places |
|  | Fovsen Njaarke Sijte |  | Øyfjellet wind power plant |
|  | Gåebrien Sijte |  | Roan wind energy plant |
|  | Fæmund Sijte |  | Storheia wind energy plant |
|  | Åarjel Saepmie |  | Stokkfjellet wind energy plant |

Figure 3. Map of Åarjel Saepmie, sijth, towns, and wind energy plants. Produced by Camilla Brattland, the Norwegian Arctic University Museum.

1.5.2 Gåebrien Sijte

Gåebrien Sijte is the ancestral landscape and community where my kin have practiced reindeer herding since time immemorial. *Gåebrie*¹⁴ is an old Southern Saami name for a mountain north of the *Riasten* lake (Bergsland, 1992; S. Fjellheim, 2012).

Agricultural settlements grew to supply workers in the area with food after the establishment of a copper mine in *Plassje*¹⁵ in 1644. The settlers expanded into the mountains where Saami reindeer herders had their dwellings and herds, in some cases with violence and theft. The conflicts intensified and culminated in several lawsuits from the 1870s and onwards (S. Fjellheim, 2020, 2022). After the second world war, Gåebrien Sijte became the common name of two former reindeer herding district of *Riasten* and *Hyllingen*. Today, 10 persons are registered as full time herders in Gåebrien Sijte, extending to 64 family members who own reindeer in a collective herd (Landbruksdirektoratet, 2023). Reindeer herding in Gåebrien Sijte extends across four municipalities in the southern parts of Tröndelage County and shares winter pastures with neighbouring *Saanti Sijte* in *Fæmund Sijte*.

Situating my research in and around the struggles of Gåebrien Sijte is not only important to position myself as Southern Saami scholar. The struggles over land which took place in this area during the late 1800s and early 1900s directly influenced state restriction of nomadic reindeer herding in relation to private property rights in Norway and Sweden (S. Fjellheim, 2020, 2022). In 2001, Gåebrien Sijte won a paradigmatic ruling in the Supreme Court that determined the right to reindeer herding from time immemorial in *Saalpove*¹⁶ (G. Eriksen, 2004). In the first book chapter (E. M. Fjellheim, 2020b), I provide decolonial perspectives on Southern Saami history, Indigeneity, and rights in Gåebrien Sijte, by exploring how colonial narratives have been contested over five generations. Informed by Indigenous autoethnography, I challenge racialization of our Indigeneity and epistemic ignorance of the ancestral rights to practice reindeer herding. In doing so, I trace how colonial narratives of “Southern Saaminess” persist and have been modified throughout history to

¹⁴ *Kjøliffellet* in Norwegian.

¹⁵ *Røros* in Norwegian.

¹⁶ *Selbu* in Norwegian.

accommodate private landowner interests. The article concludes that colonial and racist narratives has had severe implications for the perception and legal recognition of Southern Saami reindeer herding rights up until today. Yet, the counterstories of Southern Saami scholars and knowledge holders continue to challenge asymmetric power relations in academia and courts, as well as in public opinion on Indigenous peoples' rights.

1.5.3 Jillen Njaarke Sijte

Jillen Njaarke is the Southern Saami name of the western mountains in the Helgeland region where ancestral reindeer herding rights, practices and migration routes between different seasonal pastures are well documented (Severinsen, 2007; Vorren, 1986). During the 1700s, some areas within *Vaapste*¹⁷ municipality were considered to have exclusive Saami land use (Bergsland, 1992). In 1862, the Supreme Court ruled in favour of Jon and Peder Pedersen who had been taken to court by a landowner for cutting down birch trees to mend the roof of a *gåetie*, a traditional dwelling. Interestingly, the verdict reflects a legal perception of the (Southern) Saami as “indigenous” habitants compared to “Norwegian landowning immigrants” (Severinsen, 2022). However, as in Gåebrien Sijte, reindeer herders were subject to settler dispossession and legal persecution from the second half of the 19th century when the legal perception of the Saami changed. Due to a state administrative decision, Jillen Njaarke became the new name of the former *Brurskranken* and *Brønnøy/Kvitfjell* reindeer herding districts. Today, 21 persons own reindeer in Jillen Njaarke (Landbruksdirektoratet, 2023). The four families are divided into two groups. One of the groups keeps their reindeer in the eastern part¹⁸ and the other group in the western parts.¹⁹

Although Jillen Njaarke's struggle against the Øyfjellet wind energy project in *Nordland* County has been referred to as the second Fosen case, it has been given less attention in the public debate. In the second article (E. M. Fjellheim, 2023c), I study

¹⁷ *Vefsn* in Norwegian.

¹⁸ Eastern Sijte.

¹⁹ Western Sijte.

Jillen Njaarke's experiences and contestations over state consultation and corporate dialogue in a Nordic-Saami green colonial context. Based on ethnography from a consultation meeting and diverse written material, I provide critical perspectives on governance practices in Norway. Based on the findings, I suggest that the state- and corporate-led "dialogues" in the Øyfjellet case displaced the root cause of the conflict and ignored Indigenous peoples' epistememes and practices to facilitate green colonial interests. The premises and discourses underpinning the "dialogues" further reproduced racist notions which devalue ancestral Saami landscape relations. The study challenges dialogue as prescription of good governance and conflict resolution in a context where democracy and compliance with Indigenous peoples' rights are perceived as high.

1.5.4 Fovsen Njaarke Sijte

Fovsen Njaarke is the Southern Saami name of the Fosen peninsula in Tröndelage County. Compared to the southern part, there are few and fragmented written sources of the historical presence of Southern Saami in the northern parts of Tröndelage. However, in addition to traces in church records (Løøv, 2004), Southern Saami place names and sacred mountains clearly indicate ancient Saami presence at the Fosen peninsula before 1700 (Bergsland, 1992). From the late 1700s and onwards, Saami reindeer herding families in the area were increasingly displaced by settlers (Bergsland, 1992). Today six families with 66 affiliated persons own reindeer in Fovsen Njaarke (Landbruksdirektoratet, 2023). Fovsen Njaarke consists of two groups that respectively keep their reindeer in the southern²⁰ and northern²¹ parts of the peninsula.

Engaging with Fovsen Njaarke's struggle against the Fosen Vind projects has been crucial, as the case is the first concerning violation of Saami rights in the context of wind energy development considered by the Norwegian legal system. In the third article (E. M. Fjellheim, 2023b), I study the epistemic controversies that emerged in the legal struggle between Fovsen Njaarke and Fosen Vind DA. Drawing on

²⁰ Åarjel Fovsen Njaarke Sijte.

²¹ Nord Fosen Siida.

courtroom ethnography and diverse written material, I focus on how the parties' competing claims to truth rely on different knowledge systems and worldviews concerning Southern Saami reindeer herding and its landscape. I conclude that beyond onto-epistemological struggles between the "Indigenous" and the "Western," Fosen Vind DA and the Norwegian state strategically ignore knowledges that threaten capitalist and green colonial interests. The Fosen case illustrates how Indigenous peoples can contest dominant knowledge regimes and colonial presumptions about their livelihoods, culture, and rights through the legal system. However, the Norwegian state's reluctance to respect the outcome of a Supreme Court verdict reveals that asymmetric power relations continue to pave the way for colonial dispossession of Saami landscapes, epistemes, and human rights in the so-called "green energy transition."

1.6 Outline of the thesis

The rest of the thesis is organized as follows. In the second chapter (2), I review literature pertinent to the research topic and move beyond disciplinary rigour to develop a theoretical framework that mainly serves to discuss the first and the second research questions. In the third chapter (3), I critically reflect on the ethics, present the methodology and methods chosen for the study, and prepare the foundation for discussing the third research question. In the fourth chapter (4), I present the main findings of the book chapter and two journal articles that constitute the research material of the thesis. In the fifth chapter (5), I revisit my research questions, weave the fragments and moments of resistance I have studied, and discuss my findings in conversation with other relevant studies. In the last chapter (6), I present some concluding thoughts that point towards challenges and opportunities in (research on) future struggles over Saami reindeer herding landscapes.

2 Theorizing epistemic controversies and Nordic-Saami (green) colonialism

The aim of this chapter is to build a theoretical framework and clarify key concepts that serve to analyse the main findings of this thesis. The chapter is organized around two theoretical pillars which lay the foundation for answering the two first research questions, but is also relevant for reflecting on the third.

The first pillar is given most space, as the article format had less room to elaborate on what I choose to call “Nordic-Saami (green) colonialism,” which I argue operates simultaneously through its material, discursive, structural, and epistemic dimensions. Focusing on Norway, I briefly introduce the particularities of the colonial past and present of the Nordic region in relation to the Saami. I emphasize the review of theoretical contributions that concern dispossessions of ancestral Saami lands. Then I explore the analytical value of “green colonialism”, a concept frequently used in Saami critiques of the hegemonic discourses and practices around the current climate- and ecological crisis. A dynamic framework that encompasses spatial and temporal variation, enables me to analyse continuity, rupture, and renewal in my findings.

The second pillar elaborates a framework that engages more deeply with colonial difference in knowing, being in, and valuing the landscape. It serves to conceptualize and understand the epistemic controversies I studied as simultaneously epistemological, ontological, and political conflicts. I further explore “ignorance” as a colonial geography of its own.

2.1 Nordic-Saami (green) colonialism

There are many colonialisms in the Nordic region (Höglund & Burnett, 2019). Here, I am not concerned with Nordic complicity in the pan European colonial project, but rather with the colonial relationship between the Nordic states and the Saami.

Although my research takes place in the part of Saepmie claimed by Norway, I’m referring to the broader Nordic context due to its intertwined history and present.

Unlike overseas colonization, no single event marks the beginning of colonial domination in Saepmie which expanded in a gradual and non-linear way. However, the process intensified from the 15-16th century and onwards, parallel to European

colonial expansion and mindsets elsewhere. Similar, yet distinct from other Indigenous geographies, this domination included appropriation of ancestral Saami lands and waters, restriction and regulation of ancestral practices, as well as spiritual persecution, assimilation policies and scientific racism (Evjen, Ryymin, & Andresen, 2021; Hansen & Olsen, 2004, 2013). Importantly, there are spatial and temporal variation within Saepmie, as colonial processes in different points in history have been shaped by the different power constellations and circumstances (Lehtola, 2015).

Saepmie was never governed by a distant empire, and coexistence between Nordic peoples and the Saami has an ancient history. Until the Middle Ages, these relationships were characterized by alliances and trade of goods and services, and territorial boundaries were somewhat stable. From the late middle ages, Saami territorial rights, social organization and practices gradually began to be marginalized (Evjen et al., 2021; Hansen & Olsen, 2004, 2013), but not in a linear way. Saami relations to Danish-Norwegian, Swedish-Norwegian, and Finnish authorities were also characterized by recognition of Saami as a distinct people with rights to lands and resources (Evjen et al., 2021; Kuokkanen, 2020a; Lawrence, 2014; Ravna, 2019b). For example, the Lapp Codicil, an addition to the border agreement between Sweden and Norway drawn in 1751, recognized the Saami's right to move freely with their reindeer across the newly established borders (Ravna, 2019b).

From the mid 19th century, however, the recognition of Saami rights to lands and waters gradually diminished due to industrialization, technological development, and monocultural nation-state formation. A long-during "Norwegianization" period with assimilation policies was enacted through the education system (Minde, 2003) and regulation of ownership to land (Evjen et al., 2021; Ravna, 2019b). This was also the period where social-Darwinist ideas of a racially and culturally superior Nordic race thrived. An article published in the newspapers "Tromsø Tidende"²² in 1841 claimed that the settlers were worse off in Norway than elsewhere in the world, as they were fewer and did not enjoy the right to kill the "wild indigenous" who entered their private properties (Zorgdrager, 1997). Nomadic Saami land-use was not considered

²² "Tromsø Times."

worthy of acquiring property rights (Lawrence & Åhrén, 2016; Oskal, 2001; Ravna, 2019b), and herders could no longer move freely with their reindeer across national borders (Labba, 2020). In Finnmark County, land could only be sold to Norwegian speaking citizens and all unsold or unmatriculated land was considered to be the property of the state.²³ After the dissolution of the Union between Sweden and Norway in 1905, policies and incentives stimulated further agricultural settlements at the expense of ancestral Saami reindeer herding rights (Ravna, 2019b).

Colonial dispossession of Saami lands and waters, and its racist underpinnings, was analysed and critiqued by the Southern Saami political pioneers Elsa Laula Renberg and Karin Stenberg already in the early 1900s (Svendsen, 2019). In Åarjel Saepmie, reindeer herding was particularly harmed by policies which restricted ancestral rights to land during the late 1800s, as I discuss in the first book chapter (E. M. Fjellheim, 2020b). From being recognized as an Indigenous people with distinct rights, the Southern Saami were now considered to be racially inferior immigrants. In some cases, they were violently threatened and chased by armed landowners who plundered their belongings, burnt down their dwellings, and killed their reindeer (S. Fjellheim, 2012, 2022). In 1883, the Common Lapp Act, the first law regulating Saami reindeer herding, was adopted by the Norwegian Parliament. The objective of the law was to provide greater protection for the landowning sedentary population, by imposing collective liability on the nomadic Saami reindeer herding community for alleged damage caused by their reindeer on their private properties (Ravna, 2019b). In legal conflicts with settler agricultural interests, reindeer herding rights were reduced to a “tolerable” or “innocent” use (K. S. Bull, 2023; G. Eriksen, 2004; Ravna, 2006). This meant that reindeer herding could only be practiced if it did not conflict with more “advanced” forms of land-use.

2.1.1 Internal colonization, settler colonialism and capitalism

Decolonial scholarship has explored how contemporary Nordic political and legal structures allow dispossession of Saami lands, waters, and ancestral practices to

²³ Until the Finnmark Act of 2005 transferred ownership to “Finnmarkseiendommen.”

continue, despite of the constitutionalization of Saami rights in the 1980s and 90s. Here, colonial domination is referred to in general terms (Lehtola, 2015; Öhman, 2010), as well as in the particular forms “internal colonization” (Lawrence, 2014; Lawrence & Åhrén, 2016), “coloniality” (Normann, 2022; Össbo, 2023), and “settler colonialism” (Junka-Aikio, 2022b; Kuokkanen, 2020a; K. Olsen, 2010; Össbo, 2022). Here, I will not profoundly discuss the similarities and differences between these theoretical perspectives which all originate from colonial studies in other geographies. Rather, I will draw on them to provide analytical richness to what I choose to call “Nordic-Saami (green) colonialism.”

Although official state policies moved away from ideas of racial hierarchies in the post second world war period, inequalities have persisted between the Nordic and Saami populations (Josefsen, Mörkenstam, & Saglie, 2015). The Norwegian sociologist Per Otnes (1969) stated that, in this period, a neo-colonial relationship between the Norwegian state and the Saami persisted. He considered Saepmie as an “internal colony” that faced similar challenges as “developing countries” in other parts of the world, such as economic marginalization, dispossession of lands, and political constraints. Minde (2003) argues that the “Norwegianization period” lasted until the 1980s and referred to the recognition of Saami rights after the Áltá-Guovdageaidnu uprising as the end of active political marginalization of the Saami. However, Nergård (2011) is critical of reducing colonial history to “Norwegianization” as it too kindly portrays and only partially covers the Norwegian state’s policies towards the Saami. Consequently, it may disguise the worst violations of Norway’s colonial history and the asymmetrical power relation which continues to cause harm in Saami societies.

While Nergård is concerned with how colonization continues to influence identity issues and discrimination of the Saami, others have focused on continued dispossession of Saami lands and water. Lawrence (2014) and Lawrence & Åhrén (2016) link the lack of recognition of Saami reindeer herding land rights in Sweden to the unresolved colonial relations between the Saami and the Swedish state. They argue it is a form of “internal colonization” (Tully, 2000) when a Western society establishes exclusive jurisdiction over Indigenous lands formerly recognized as free and sovereign. The gradual derecognition of Saami rights to lands and waters took place

alongside increased interest in resource extraction. Today, neoliberal governance mechanisms, lax regulations, and incentives stimulate industrial expansion, while little royalties or compensation are left for the Saami who carry disproportionate burdens and costs (Lawrence, 2014; Lawrence & Åhrén, 2016). The “internal” is a useful denominator to distinguish from “external” domination over distant colonies. However, it may give a false impression of a “pre-conceived connection between the colonizer and the colonized” (Höglund & Burnett, 2019), and creates artificial boundaries in a context of fluid and transnational capitalism (Dunlap & Arce, 2021).

Introduced by Saami scholar Rauna Kuokkanen, the basic premises of “settler colonialism” has been used to understand Nordic-Saami colonial relations. Kuokkanen (2020b, p. 299) argues that despite the unique colonial history in Saepmie, “settlers coming to stay and Indigenous land dispossession” characterize the Nordic-Saami colonial context. Native scholars and activists in Turtle Island engaged with the term “settler colonialism” long before it became a distinct field of study. However, the term became popularized in academia by Patrick Wolfe in the late 1990s and has mainly been used in the Anglophone North (Speed, 2017). In broad terms, settler colonialism refers to the period that succeeds overseas colonization and explains how white Europeans established permanent settlements with new political, legal, economic, and social structures at the expense of Indigenous sovereignty. A “logic of elimination” of Indigenous peoples through either extermination (physical) or assimilation (cultural) was justified by the doctrine of discovery, the conception of *Terra Nullius*,²⁴ and racial ideology. Instead of referring to a distant past or single event, settler colonialism is marked by continued dispossession of land and structures that uphold a hierarchal relationship between settlers and Indigenous peoples, eventually through state formation (Veracini, 2010, 2015; P. Wolfe, 1999; P Wolfe, 2006).

Importantly, there are differences between the Nordic countries. For instance, only Norway has ratified ILO 169. With stronger financial resources, political influence, and autonomy over internal political and administrative affairs, the Saami Parliament in Norway to a greater extent fulfils its role as a representative body in

²⁴ Latin for “the land of no one”.

comparison to its equivalents in Sweden and Finland (Josefsen et al., 2015). Nevertheless, all Saami Parliaments depend on allocations from state budgets, lack legislative power, and have limited decision-making authority in external affairs. Although international legal frameworks, such as ILO 169 and UNDRIP, recognize Indigenous peoples' rights to lands, territories, and resources, they have not succeeded in altering state power relations that obstruct effective Saami self-determination over ancestral use of lands and waters. In practice, the Nordic states always have the final say in decisions concerning industrial development on Saami reindeer herding lands (R. Kuokkanen, 2019; Nilsson, 2021; Össbo, 2022), or environmental management that restrict or threaten ancestral practices (Holmberg, 2018; Kuokkanen, 2020a; Lawrence & Larsen, 2017).

I recognize that there are diverse and complex perspectives on Indigenous peoples' right to self-determination that deserve more attention than it is possible to provide in this thesis. In the Nordic-Saami context, Saami self-determination has conventionally focused on political relation between the Saami parliaments and the states (e.g. E.G Broderstad, 2011; Mörkenstam, Josefsen, & Nilsson, 2016). However, these relations remain hierarchal and conflict resolution is organized through procedural solutions that undermine Indigenous peoples' worldviews (R Kuokkanen, 2019; Nilsson, 2021). Kuokkanen (2019) argues that there is a need to restructure all relations of dominations, including colonialism, capitalism and patriarchy. Indigenous peoples' self-determination can thus be reimagined from “the interlinked angles: decoloniality, intersectionality, and relationality” (Constantinou et al., 2024). Southern Saami scholar Ragnhild Nilsson (2021) argues that there is a need to move towards a relational understand of self-determination that is embedded in Saami legal perception, knowledges and worldviews. She suggests that the Southern Saami verb *bearkadidh*, which translate into “to manage,” embraces this idea. To *bearkadidh* is not about territorial sovereignty from a rights-based perspective, but rather depends on strengthening *maahtoe* (skills), *vuekie* (ancestral ways) and relations between *laahkoe* (kin) and *maadtoe-dajve* (ancestral landscape) (Nilsson, 2021, p. 213). I will return to some of these Southern Saami concepts in the second pillar of this chapter, as well as in the methodology chapter.

While settler colonialism is a useful framework to understand the colonial relations between the Nordic states and the Saami, the current “logic of elimination” needs to be understood in the context of global capitalism and expanding land grabs (Crook & Short, 2014). Not as an antitheory, but rather to “add new richness and dimensions to the overall theoretical analytic,” Speed (2017, p. 783) proposes the term “settler capitalism.” This term bridges the settler logic and structures of state formation more prominently addressed in the Anglophone North, with different phases of capitalism, especially neoliberalism that has been more profoundly analysed in the Latin-American South (Speed, 2017). Arboleda (2020) also proposes an analysis of contemporary geographies of extraction where the world market is a priori level of analysis, and not the nation state.

In this thesis, I contend that it is possible to understand Nordic-Saami colonialism both in terms of its particularities and its parallels to other Indigenous geographies. The “internal” of Nordic-Saami colonial histories and precolonial relations between Nordic peoples and the Saami, mark a crucial distinction from settler colonial states that succeed transatlantic colonization. Nevertheless, a settler colonial lens which includes critical engagement with global capitalism, is useful to analyse how colonial structures, logics and discourses continue to effectuate and legitimate dispossession of Saami reindeer landscapes, epistemes, and practices.

2.1.2 Racism and “subtle” forms of violence

Without reducing its significance, colonial violence against the Saami in struggles for rights to land and water has been characterized as structural injustices (Kuokkanen, 2020a, 2020b; Reinert, 2019; Sehlin MacNeil, 2017). For example, state management of Saami reindeer herding has been described as “quiet, soft-spoken colonialism of the north (...) patient (...) understated, polite and bureaucratic” (Reinert, 2019, p. 3), and as “subtle colonial manoeuvrers” that operate in disguise of progressive politics (Kuokkanen, 2020b, p. 294). Late Saami artist and philosopher Nils-Aslak Valkepää (1983) eloquently stated that: “really highly advanced states carry out genocide without blood, without physical violence.”

Decolonial studies from Latin-America and their engagement with the concept of “coloniality” of power and knowledge (Mignolo & Walsh, 2018; Quijano, 2000) are

also useful to understand the more “invisible” forms of colonial domination found in territorial and environmental struggles. Like settler colonialism, “coloniality” refers to institutionalized and structural forms of oppression that succeed overseas colonialism, but emphasizes a critique of the universalist “modernity” project defined by European cultural values (Mignolo & Walsh, 2018). Moreover, “environmental justice thinking in Latin-America has developed alongside decolonial thought” (Rodríguez & Inturias, 2018, p. 90). In addition to political- and economic harm, coloniality also centers around epistemic violence that in its worst expression results in “epistemicide” - the destruction of pluriverse knowledges and lifeworlds to pave the way for capitalism, colonialism, and patriarchy (de Sousa Santos, 2015; Escobar, 2017). Coloniality has previously been used to analyse epistemic violence and other injustices in relation to wind energy development on Saami reindeer herding lands (Normann, 2022; Össbo, 2023).

Although “race” is no longer a legitimate scientific category, racialization of the Saami as the inferior “Other” continues to have social relevance (Dankertsen, 2019), also in contemporary struggles over Saami rights to land (Berg-Nordlie, 2022; E. M. Fjellheim, 2013; Junka-Aikio, 2022a; K. Olsen, 2010). Saami scholar Mikkel Berg-Nordlie (2022) suggests that the concept “antisaamism” is useful to cover both attitudes and actions, and the complex and diverse forms of structural racism the Saami experience today. These range from hate speech and conspiracy theories to the erasure of the Saami from history in certain areas. Dispossession of Saami reindeer herding lands are still justified by racist and paternalist narratives that proclaim that reindeer herders must necessarily give away or strive for coexistence with more “progressive”, “modern” or “technologically advanced” land uses (Kuokkanen, 2023; Lawrence, 2014). In the first book chapter (E. M. Fjellheim, 2020b) I study how racialization of the Southern Saami persists through the course of five generations, only modified to accommodate settler landowning interests. In the second and third articles (E. M. Fjellheim, 2023b, 2023c), I address how Saami epistemes and landscape relations are devalued or rendered invisible when decisions over wind energy development are made.

2.2 Green colonialism

I would like to speak about the paradox of green colonialism. When colonialism has dressed up in nice green finery and we are told that we must give up our territories and our livelihoods to save the world, because of climate change.²⁵

After elaborating on the characteristics of Nordic-Saami colonialism, I explore the particularities of its “green” dimension. The current global economy is characterized by the expansion of so-called “green industries” that are legitimized by hegemonic climate change policies, such as the *New Green Deal* (Zografos & Robbins, 2020). But what is the *Deal* with the *New Green*? In line with broader Indigenous calls for climate justice (Whyte, 2020b), a Saami political counter-narrative of “green colonialism” (Kårtveit, 2021) has emerged to critique Norway’s so-called “green transition” agenda. “Green colonialism” has been frequently used by Saami politicians, activists and impacted reindeer herding communities, in relation to the expansion of the wind energy industry on Saami reindeer herding lands. The concept constitutes the broader analytical framework for the second and third articles (E. M. Fjellheim, 2023b, 2023c), and serves to explore further the continuity, rupture, and renewal of colonial logics and practices addressed in the first book chapter (E. M. Fjellheim, 2020b).

Scholars have borrowed the concept to study how resistance to wind energy development on Saami reindeer herding lands is entangled in (settler) colonial structures and coloniality. These studies focus on how state- and capital interests benefit from legal, political, and bureaucratic structures that allow for continued dispossession of Saami reindeer herding lands. This in turn, threatens Saami reindeer herders’ self-determination over their lands and culture (Bjerklund, 2022; Kårtveit, 2021; Kuokkanen, 2023; Lawrence, 2014; Normann, 2020; Össbo, 2023). These injustices and harms are legitimized by colonial and racist logics that Saami reindeer herders are morally obligated to make sacrifices for the national, and even global, common good (Kuokkanen, 2023; Normann, 2022; Össbo, 2023). Moreover, Saami

²⁵ Extract from Aili Keskitalo’s statement at the Arctic-Global Indigenous Dialogue on Indigenous Guardianship and Self-Governance in 2018. Video accessed in Youtube.com on June 23, 2024. https://www.youtube.com/watch?v=Dpbh4ED_NPA&t=419s

values and ecological practices are ignored in the climate change debate (Normann, 2020). Apart from a master thesis (Bjerklund, 2022), the studies above contribute only partially to a broader analytical potential, and lack deeper engagement with “green colonialism” as a concept of its own.

Here, I am not offering an all-encompassing or complete definition. Rather, I will sketch out one that serves to illuminate the “green” particularities of Nordic-Saami colonialism. The contributions from the studies mentioned above are pertinent, but I chose to start from the selection of public articulations from Saami politicians, reindeer herders, and activists. Although Keskitalo’s statement above is comprehensive, others strengthen and complement her points. Particularly, young Saami have expressed how wind energy development threatens the future existence of their identity and culture.

In a poem presented during a protest march against the construction of the Storheia wind energy project I attended in 2016, Sara Emilie Jåma from Fovsen Njaarke called out the neo-colonization of her ancestral lands: “For centuries it has been the lands of the reindeer, not the big and strong energy man. A new and white man spreads his three wings, chasing away century old and future memories.” In a protest against another wind energy project planned in *Gaelpie*,²⁶ Ina Theres Sparrok from *Voengelen Njaarke Sijte* expressed that wind energy development that deprive young Saami of a reindeer herding future is a form of racism and cultural genocide (Bye, Olsen, & Trana, 2015). In a statement at the United Nation’s Permanent Forum for Indigenous Issues (UNPFII) in New York in May 2023, Saami youth organizations denounced that mining and energy production in the name of “sustainability” is “Nordic colonialism hiding behind a new kind of mask.” They called out the patronizing rhetoric and sacrificial logic the Nordic governments use to legitimize further dispossessions:

We as youth know all too well the depth of the climate crisis, and for us to be called anti-climate is nothing short of insulting. They tell us, everyone has to

²⁶ *Kalvvatnan* in Norwegian.

sacrifice something. To that we say, when a colonizer has already taken everything, there's nothing more you have left to sacrifice.

Green colonialism has also been articulated in Saami policymaking. In a proposal concerning climate change and just development,²⁷ the Saami Parliament in Norway states that it is the industrial part of the world that has caused, and continues to accelerate, the climate crisis, not Indigenous livelihoods. It calls for policies that recognize “sustainability” in line with Saami philosophies and values, one that guides respectful and reciprocal relationships with nature. For instance, *birget* in Northern Saami refers to means of subsistence and to manage or survive (Guttorm, 2011), equivalent to *bearkadidh* in Southern Saami (Nilsson, 2021), mentioned above. Moreover, the Saami Parliament expresses that green energy only can be developed on Saami lands with free, prior, and informed consent (FPIC) and fair benefit sharing. In similar terms, Aslak Holmberg (in Ramanujam & Asri, 2022), vice chair of the Saami Council, proclaims that:

Not all that is ‘green’ can be accepted if it’s harmful for the Sámi. It always comes down to the right to self-determination, to the right to live your own culture, because that’s inextricably linked to the lands, and to waters and the territories.

The fact that climate action is undertaken at the expense of Indigenous knowledges and practices is a brutal green paradox highlighted by the Saami Council (2017):

The Saami have always used and are still using their traditional areas in an ecologically responsible and sustainable manner (...) That these Saami areas in a large extent is to be exploited by what the Nordic peoples define as “green energy” is a paradox.

²⁷ Klimaendringer og rettferdig utvikling – Dá lkkádatrivdan ja vuoiggalaš ovdáneapmi. Accessed on June 23, 2024.
<https://innsyn.onacos.no/sametinget/mote/norsk/wfdocument.ashx?journalpostid=2019004509&dokid=855722&versjon=1&variant=A&>

2.2.1 Green grabbing and sacrifice zones

As argued above, “green colonialism” is a useful term to describe the colonial injustices in Saepmie in the context of climate change and its hegemonic mitigation measures. Beyond the Saami context, theorizing colonial dispossession of land in the name of the environment or the climate is nothing new. To further build an analytical framework around the “green” in Nordic-Saami colonialism, I put the statements above in dialogue with the concepts of “green grabbing” and “green sacrifice zones.”

Green grabbing (Fairhead, Leach, & Scoones, 2012) is a conceptual framework that originates from broader agrarian studies and political ecology. It illuminates how agropastoral lands in Asia, Latin-America, and Africa has been appropriated for environmental ends. The framework’s consideration of spatial and temporal variation opens an opportunity to explore parallels and particularities of Nordic-Saami colonialism. Here, biodiversity conservation, biofuels, and ecotourism, are presented as examples of a new kind of appropriation of nature. Whether labelled “green” or not, all land grabs follow the same logics of extraction of resources or energy development that cause ecological degradation and destruction of Indigenous and rural livelihoods (Andreucci & Zografos, 2022; Ávila-Calero, 2017; Dunlap, 2019). Green grabbing thus builds on “well-known histories of colonial and neo-colonial resource alienation,” now in the name of the environment (Fairhead et al., 2012, p. 239). Here, Marxist theorization (Harvey, 2005), lays the foundation for understanding how capitalist logics and mechanisms generate socio-economic inequality by allowing the rich to continue to accumulate wealth at the expense of rural populations who are dispossessed of their lands (Fairhead et al., 2012).

Land grabs are labelled “green” when hegemonic valuations and norms guide how nature should be protected, used, or repaired. New actors are involved, as well as novel political, legal, and economic mechanisms that facilitate expansion to new capitalist resource frontiers. Neo-liberal flow of capital and governance mechanisms, as well as state tax systems and financial incentives favour business, while right holders are dispossessed of entire landscapes or restricted from their agricultural or pastoral land-use practices. These processes are rushed and legitimized under a sense of urgency to deal with an environmental crisis. “Green” discourses legitimize these

new forms of material and structural transformations that must be analysed in their historical and political contexts. Importantly, these agendas are not imposed without resistance from local and Indigenous communities who advocate for alternative ontologies of human-nature relations in the impacted landscapes (Fairhead et al., 2012).

The concept of **green sacrifice zones** (Andreucci & Zografos, 2022; Scott, 2017; Zografos, 2022; Zografos & Robbins, 2020) engages more deeply with the racism and violence that permeate appropriation and destruction of Indigenous landscapes. It also elaborates further on neoliberal governance mechanisms and the discursive power vested in hegemonic climate change mitigation policies and practices. As noted by the Saami Council and Saami Parliament above, the imposition of “green energy” disregards Indigenous sovereignty and self-determination over ancestral lands to ensure low-carbon societies elsewhere. In this logic, sacrifice is considered necessary for the sake of gaining something else. It is even considered to be a duty to act on a moral responsibility to contribute to a higher purpose or a common good in society (Andreucci & Zografos, 2022; Reinert, 2018; Scott, 2017; Zografos & Robbins, 2020). In *green* sacrifice zones, this higher purpose is said to save the planet from global warming and climate disasters, even if this means to accept encroachments on Saami reindeer herding landscapes and livelihoods (Kuokkanen, 2023; Normann, 2022; Össbo, 2023). Narratives of crisis has typically been used to legitimize colonial domination throughout history, today reproduced in name of the environment or the climate (Fairhead et al., 2012; Whyte, 2020a).

In settler colonial contexts, the *logic of elimination* and its primary motive of accessing territory is helpful to understand why Indigenous landscapes and practices are considered worthy of sacrifice in the name of climate change (Bjerklund, 2022; Kuokkanen, 2023). The destruction and violence generated in green sacrifice zones are not merely material, but also epistemic (Andreucci & Zografos, 2022; Bjerklund, 2022; Normann, 2022). Moreover, the discursive justifications of climate change mitigation are underpinned by racist and paternalist perceptions of those who inhabit the sacrifice zones. For instance, the Lockean logic (Lawrence, 2014) or ideology of manifest destiny (Kuokkanen, 2023) indicate that Saami reindeer herding must

necessary give way to more “progressive” or “modern” forms of land-use. Here, racism is understood as a form of *Othering* that either aims to entirely remove populations that are in the way of the hegemonic climate change agenda or to consider them as “in need of improvement” or “development.” As discussed above, racism is more than a mentality, and can be expressed through governmental instruments to legitimate brutal or more soft forms of violence to further expand resource frontiers (Andreucci & Zografos, 2022).

The analytical contributions to understand “green colonialism” presented above can be summarized as follows: **First**, the climate crisis is a result of colonization and climate mitigation efforts renew colonial structures and effects. **Second**, the double burden inflicted on Indigenous peoples from climate change and mitigation measures that are based on further land grabs, constitutes a form of material and epistemic violence. In its worst case, impacts on Indigenous landscapes, epistemes and lifeworlds result in epistemicide. **Third**, these burdens, violences, or sacrifices, are justified with racist presumptions of Saami reindeer herding and a paternalist moral imperative to save the planet from global warming. **Fourth**, settler and capitalist structures of domination induce power asymmetries that disregard Saami self-determination and rights by allowing land grabs in the name of the climate to continue. **Finally**, the hegemonic climate change agenda constitutes a green paradox, as it builds on further capitalist expansion and destruction of ecosystems. At the same time, it ignores Indigenous peoples’ knowledges and stewardship practices in efforts to address broader sustainable- and climate issues.

2.3 Summary and relevance for research question 1

Nordic-Saami (green) colonialism is a useful framework to grasp with the broader context in which this thesis takes place. Keeping a parenthesis around the “green” allows me to explore what is old and what is new in how the epistemic controversies I study are entangled Nordic-Saami colonialism. In broader terms, Nordic-Saami colonialism can be studied by its material, discursive, structural, and epistemic dimensions, all of which overlap and intertwine. **Material**, through the environmental footprints of climate change, infrastructural development, dispossession of entire

landscapes, or restricted access of certain practices. **Discursive**, by renewing racist and paternalist imaginaries of “development,” “progress” or a “green transition.”

Structural, due to asymmetric power relations in decision-making that are enabled through settler colonial legal, bureaucratic, and political institutions, as well as neo-liberal structures that limit Saami reindeer herders’ rights to land and self-determination over ancestral practices. In this thesis, I mainly focus on the **epistemic** dimension, which leads me to the second theoretical pillar.

2.4 Epistemic controversies

The second theoretical pillar more deeply engages with epistemic controversies that underpin competing narratives and claims of what Saami Indigeneity and reindeer herding was, is and ought to be in the future. Here, I review literature that conceptualizes Indigenous knowledges, worldviews, and landscapes as relational. I also engage with studies of power asymmetries between Saami nomadic practices and state management of lands and resources. Importantly, I do not understand “Indigenous” and “Western” as essentially binary categories (Agrawal, 1995). For instance, methodologies and results of studies that use Saami reindeer herding knowledge and Western science about reindeer can overlap (Sara, 2009). However, I am concerned with how the *difference* between them matters in knowledge production and decisions concerning conflicts over landscapes and resources (Law & Joks, 2019). Like its antonym *knowledge*, I furthermore address *ignorance* as a social construct entangled in capitalist and colonial interests.

2.4.1 Indigenous knowledges, worldviews and values

There is not one single definition of “Indigenous knowledges,” as they are diverse across peoples and geographies (Chilisa, 2011; Dahl & Tejsner, 2020; Kuokkanen, 2000; Smith, 2012). Categories such as “traditional knowledge” (TK) and “traditional ecological knowledge” (TEK) refer to place-based and particular environmental knowledges and practices that have a “long historical and cultural continuity, having been passed down through generations” (Helander-Renvall, 2017, p. 104). However, terming Indigenous peoples’ knowledge systems and ways of life “traditional” is problematic as it implies a racist notion of static cultures (Kuokkanen, 2000) and a

colonial dichotomy between “tradition” and “modernity” (J Porsanger, 2011). As such “Indigenous knowledge” is perhaps a more precise term, as it encompasses social and cultural dimensions and recognizes the distinct human rights of Indigenous peoples (Dahl & Tejsner, 2020). Building on Michel Foucault’s definition of “epistemes” as “something like a world-view,” Saami scholar Rauna Kuokkanen (2008, 2017) proposes that “Indigenous epistemes” can be understood as the particular lens through which we are socialized to know, be in, value, and perceive the world. Although differing from each other, and being dynamic in time and space, many Indigenous peoples’ epistemes share a relational understanding of the world that I will return to below.

In this thesis, I alternate between using Indigenous *knowledges* and *epistemes* when I discuss my findings in relation to other studies. I also use the Southern Saami term “aerpiedaajroe” as a general form of the inherited knowledges held by Saami reindeer herding communities and knowledge holders, as done by *Sámi Allaskuvla* - the Saami university of Applied Sciences.²⁸ However, there are distinctions between having knowledge about something and practical skills (Guttorm, 2011). “Aerpie” means heritage and “daajroe” stems from the verb “daejredh” which means to know. “Maahtoe” stems from the verb “maehtedh” which means to know how. The difference between “aerpiedaajroe” and “aerpiemaahoe” can therefore be understood as theoretical and practical knowledge inherited through generations, although their meanings overlap.

I study aerpiedaajroe in relation to scientific knowledges. However, I also strive to use Southern Saami terms as methodological and analytical tools. As emphasized by Porsanger & Seurujärvi-Kari (2021, p. 38) “indigenous theorizing constitute an adequate lens through which an indigenous context can be analysed, and contributes to deeper scientific understanding of the same phenomena.”

²⁸ In the *Arbediehtu* project. *Arbediehtu* is the Northern Saami term for *aerpiedaajroe*.

2.4.2 Saami landscape relations

Saami scholarship has contributed substantially to theorizing Saami landscapes ontologies and ethics as relational. One of the Saami myths of origin speaks of a pact, or agreement made between the Saami and the female reindeer. The Saami agreed to take care of her and protect her from any danger, and in return, the female reindeer would provide the Saami with food and materials to survive. Sara (2009) emphasizes that herders can never fully control the reindeer, as it is a free creature who has a will and dignity of its own. Oskal (1995) explains how Saami reindeer herders respectfully relate to the landscape by asking for permission to pass through or take something from nature. Joks et al. (2020) discuss the Northern Saami word *meahcci*, equivalent to *miehtjiesdajve* in Southern Saami, as places constituted through practices and social relations, including non-human beings. Kramvig (2020, p. 88) explores the landscape as a *home* that encompasses complex feelings of “oblivion and sorrow, but also memories, pride and community.” Jernsletten (2010) explains how Southern Saami lifeworlds are constituted and given meaning through the relations between humans and the landscape with its visible and non-visible beings. Fjellheim (1995) argues that a “Saami cultural landscape” is both practical and spiritual and has an identity strengthening meaning to those who relate to it through kinship and use.

In this thesis, Saami concepts and proverbs have been important to understand Saami reindeer herders’ relational knowledges, worldviews and values. One example is how I have used “*aerpievuekie*” instead of “tradition” to move away from a dichotomy with “modernity.” As mentioned earlier in this chapter, Saami reindeer herding is considered “backward” within a Western and linear perception of “development.” While *tradition* has a static connotation, *vuekie* describes modes, customs, norms, ethics, values judgements, behaviour, and practices which guide respectful relations between humans and other-than-humans in the landscape. *Aerpievuekie*, or *árbevierru* in Northern Saami, “better express the indissoluble ties in tradition between the past, the present and the future” as it all at once concerns heritage, continuity, and innovation (J Porsanger, 2011, p. 241). For instance, I suggest that *aerpievuekie* is necessary to explain what Saami reindeer herders mean when they

contest mitigation measures such as artificial feeding and mechanical transport of reindeer, while accepting other new technologies (E. M. Fjellheim, 2023b, 2023c).

2.4.3 Colonial difference in the landscape

As I do in the second and third articles (E. M. Fjellheim, 2023b, 2023c), other scholars have studied knowledge hierarchies, and how Saami landscape relations collide with state governance and decision making. These studies show how conflicts are informed by different ways of knowing, being in, and valuing the landscape. For example, Benjaminsen et. al (2015) question state policy of forced reduction of reindeer as it relies on a narrative of overstocking and pasture degradation sustained by a dominant research community and the media. Saami reindeer herding knowledges and alternative scientific evidence which present a different reality are misunderstood or rendered insignificant. Others point out how Saami epistemologies have been excluded from impact assessments and in resource governance processes in Norway (Eythorsson & Thuestad, 2015; Riseth, 2012; Winge, 2016). Although international conventions and national frameworks to a larger degree recognize Indigenous knowledge in resource management practices, implementation beyond symbolic representation is a challenge (Lawrence & Larsen, 2017).

Lawrence & Larsen (2017) importantly include a colonial lens when addressing power asymmetry in license permitting processes concerning reindeer herding in Sweden, in particular the role of impact assessments. They note that different knowledge systems, as well as their related ontologies, make up “competing claims to truth” concerning what constitutes significant impacts from industrial development on Saami reindeer herding lands. “Truths” are contested when Saami reindeer herding communities challenge company led impact assessments with “shadow reports.” They propose assessments that are community based and co-produced with impacted Saami reindeer herding communities. If not, corporate owned processes and interests can continue to marginalize Saami perceptions of what Saami reindeer herding is and ought to be in the future (Lawrence & Larsen, 2017, 2019).

Some conflicts over landscapes and land-use are not merely conflicting interests or a matter of gaining control over natural resources. When different worldviews collide they can be understood as what Blaser (2014) and Blaser et. al (2013) term

“political ontologies” and “ontological conflicts.” What is at stake here, are controversies that come out of a clash between radically distinct realities, not to be mistaken with different cultural perspectives on one single reality. Kuokkanen (2017, p. 314) argues that “multicultural attempts of “knowing the other” is a particular form of racism that reduces Indigenous epistememes to having only a partial position in a universal and dominant presumption of reality. In a Saami context, ontological conflicts and epistemic racism become evident when Saami worldmaking, relational practices and values are disrupted, marginalized, or ignored by decision-makers who are intolerant to pluriverse ways of knowing and being in the landscape. They are intolerant to them, because they challenge settler practices, and the way science detach human-nature relations (Holmberg, 2018; Johnsen, Mathiesen, & Eira, 2017; S Joks & Law, 2017; Kramvig & Avango, 2021; Law & Joks, 2019; Lawrence & Larsen, 2017; Østmo & Law, 2018).

Joks and Law (2019) converge well these perspectives by arguing that colonial *difference* must be understood as simultaneously epistemological, ontological and political. This difference cannot be translated into *sameness* by adhering to the language and codes that the “Western” academy expects (Kuokkanen, 2008). The analyse of the epistemic controversies I study takes this understanding of colonial difference in knowing, being in, and valuing the landscape as a point of departure. To this, I add analytical perspectives on the colonial workings of *ignorance* which I explore in the following.

2.4.4 The colonial politics of ignorance

“Mas amas diehtá maid oarri borra”²⁹ and “dih jis baaſtoeh-loedtem guara”³⁰ are two Saami proverbs that refer to what we do *not know* and prompts to ask *why*. Unlike vast terminology of knowledge in Saami languages, there are to my knowledge no words

²⁹ “How can a stranger know what a squirrel eats.” Translated from Northern Saami to English by Harald Gaski (2006).

³⁰ “The one who follows the wrong way of the trail.” Written down by Maja Lisa Kappfjell with reference to her father Harry Kappfjell from Voengelen Njaarke Sijte.

for *ignorance*. However, Saami proverbs “come out of a culture whose attitudes and ways of thinking are distinctly different from those held by their Nordic neighbours” (Gaski, 2006). As such, they can help to understand how Saami reindeer herders experience that their *aerpiedaajroe*, *aerpiemaahtoe* and *aerpievuekie* are ignored by those who do not share their lifeworld.

Extensive literature engages with coloniality and politics of knowledge in land and resource management that impact Indigenous peoples, but the role of ignorance is understudied (Lawrence, 2022). *Ignorance* is commonly understood as a neutral and native state, a knowledge gap, or information deficit, and as such, a phenomenon that is remarkably undertheorized. However, the same way “epistemology” is concerned with theorizing what we know, “agnotology” (Proctor & Schiebinger, 2008) or “epistemology of ignorance” (Sullivan & Tuana, 2007) can help us theorize the power at work around the *unknown*. By studying ignorance we can better understand “how and why various forms of knowing have not come to be, or disappeared, or have been delayed or long neglected, for better or for worse, at various points in history” (Proctor & Schiebinger, 2008).

Within critical Indigenous scholarship, the conventional way of understanding the social and political construct of ignorance has been across the Indigenous-Western divide. Informed by Gayatri Spivak’s (1998; 1999) concept of “sanctioned ignorance” and epistemological marginalization, Kuokkanen (2008, 2017) discusses how universities wilfully ignore Indigenous peoples’ knowledges, worldviews, and values in academia. Epistemic ignorance “is not merely not knowing or lack of understanding. It also refers to practices and discourses that actively foreclose other than dominant epistemes and refuse to seriously contemplate their existence” (Kuokkanen, 2008, p. 60). As such, ignorance may be an active exclusion or denial of the existence of other than dominant Western epistemes, and particularly their ontological foundation. Indigenous students and scholars can speak within academia, but the knowledges, worldviews, philosophies, and conceptual frameworks from which they speak, are devalued. As Spivak, Kuokkanen (2008) argues that this kind of ignorance is a subtle form of violence which is inseparable from colonial domination. In the first book chapter (E. M. Fjellheim, 2020b), “epistemic ignorance” is a useful

concept to understand contestations over Southern Saami history in academia. It is also useful to analyse further the knowledge controversies and ontological conflicts around development of wind energy, which I study in the second and third articles (E. M. Fjellheim, 2023b, 2023c).

While epistemic ignorance focuses on colonial structures within universities, “strategic ignorance” (McGoey, 2019; Proctor, 2008; Rayner, 2012) concerns a broader set of *unknowns* or *uncertainties* that are key to uphold capitalism, settler colonialism and environmental injustice (Lawrence, 2022). It refers to how corporations manufacture, exploit or produce ignorance to avoid any kind of knowledge that is bad for businesses. More concretely, strategic ignorance can be produced by delay and neglect, maintenance of diversions or distractions, or by taking advantage of doubt or uncertainty to avoid liability for past actions (McGoey, 2019; Proctor, 2008; Rayner, 2012). Here, industries avoid “uncomfortable knowledges” – the kind corporations *do not* want you to know (Rayner, 2012), while they produce “corporate science” – the kind they *do* want you to know (Kirsch, 2014). The most widely known example of ignorance as a strategic ploy is perhaps how the tobacco industry funded research carried out by a handful of scientists, or “merchants of doubt,” to manufacture uncertainty and confusion about the severe health risks of smoking most scientists warned about (Oreskes & Conway, 2010). In the third article (E. M. Fjellheim, 2023b), I am particularly concerned with how strategic ignorance is linked to the green colonial agenda of Norwegian license authorities and the capitalist interests of the wind energy company.

2.5 Summary and relevance for research question 2

The second theoretical pillar of this chapter focuses on how the epistemic controversies I study can be understood as colonial difference. That is, how epistemological and ontological struggles between Saami reindeer herding communities and knowledge holders matter in political and legal conflicts over landscapes. These controversies are more complex than an Indigenous-Western divide. I am thus concerned with ignorance as both *epistemic* and *strategic* when settler colonial and capitalist interests are at stake.

3 Research ethics, methodology, and praxis: A decolonial approach

Decolonial and Indigenous methodologies are closely intertwined with theory and broader ethical concerns in research (McGregor, Madden, Higgins, & Ostertag, 2018). As such, a critical engagement with Nordic-Saami (green) colonialism needs to be reflected in research praxis. Although Indigenous methodologies emerge from local concerns and situated epistememes, they may have general relevance throughout the Indigenous world (Virtanen, Keskitalo, & Olsen, 2021a). A dialogue with pluriverse approaches served to reflect on the questions I asked, the choices I made, and the dilemmas which emerged in my research encounters (Huaman, 2020).

In this chapter, I begin with a critical reflection on positionality and ethics before presenting the methodological approach and methods applied in this study. The chapter also serves to prepare the ground for discussing the third research question which aims to inform decolonial learning in future studies of struggles over Saami landscapes. **First**, I introduce my epistemic grounding as a Southern Saami researcher, before I explore *sijte*, *laahkoe* and *maadtoe* as a way of situating *relational accountability* (Wilson, 2008) in a Southern Saami lifeworld. **Second**, I discuss two ethical dilemmas that were crucial for defining the methodological approach and methods. **Third**, I present the material that forms the basis for the three publications and reflect on the diverse methods and analytical approach I applied during 2018-2024. In this period, I negotiated committed research relations to Saami landscapes, communities and participants, performed through (auto)ethnographies, interviews and the analysis of diverse written material. At the end, I sum up the methodological approach through the metaphor and model of a *låavtege*, the Saami tent.

3.1 Positionality and critical reflexivity

the land
is different
when you have lived there

wandered

sweated

frozen

seen the sun

set rise

disappear return

the land is different

when you know

here are
roots

ancestors

This poem was written by late Saami philosopher, activist, and multi-artist Nils-Aslak Valkeapää, also known as *Áillohaš*.³¹ To me, it illustrates well how relations to ancestral landscapes can inform research ethics, methodologies and praxis. Knowledge does not exist in a vacuum and is therefore a social, cultural, and political construct. Feminist scholarship argues that knowledge is situated, embodied, and as such, partial and implicated, depending on the researcher's multiple identities, experiences, and relations in the research context (e.g. Ahmed, 2013; Haraway, 1988). Decolonial research is concerned with how the researcher reproduces or interrupts colonial structures (e.g. Mignolo & Walsh, 2018). Indigenous scholarship repositions research which for long has been dominated by non-Indigenous researchers and knowledge systems (e.g. Chilisa, 2011; Cumes, 2018; Kovach, 2010; Kuokkanen, 2000; Jelena Porsanger, 2004; Smith, 2012). As mentioned in earlier chapters, I am aware of the

³¹ *Áilu* is Saami for the Norse name *Aslak*. In the Northern Saami language, *aš* is a diminutive suffix that translates *Áillohaš* into little *Áilu*.

risk of essentializing and reproducing binary opposites, such as “Indigenous” and “Western.” If not carefully addressed, they may be counterproductive to the overall decolonial task (M. Nakata et al., 2012). However, critically engaging with them is necessary to understand and make visible the coloniality and asymmetrical power relations (re)produced in knowledge production. Moreover, the different positions, knowledges, values, and worldviews we hold matter in our research praxis, relations, as well as in the way we analyse the research material.

Positionality and critical reflexivity in Indigenous research can also be linked to the insider-outsider debate. In my own research, I recognize what other Indigenous researchers describe as navigating between both an insider and outsider position. This positionality can be understood as “outsiders-within” (Smith, 2012) or the liminal in-between (Graugaard, 2021). In the first book chapter (E. M. Fjellheim, 2020b), I introduce an autoethnographic approach that I bring into the epistemological, ontological and political landscape I study in the second and third articles (E. M. Fjellheim, 2023b, 2023c). I engage in research relations with other Southern Saami communities than my own, but at the same time I belong to the broader (Southern) Saami community. I am informed by the conventional and Saami education systems, and I am both the researcher and the researched. These liminal positions mobilize opportunities, but also risks (T. Olsen, 2016; Jelena Porsanger, 2004; Smith, 2012). Indigenous researchers need to be as ethical, critical, and reflexive as any other researcher, but we work from a “different set of roles and relationships, status and position” (Smith, 2012, p. 140). For example, the Indigenous researcher may establish trust and frame the research in line with Indigenous knowledges, worldviews, and needs, but simultaneously being held more accountable for the implications of the research. Assuming to know-it-all, taking certain views for granted (Smith, 2012), ignoring diversity within (T. Olsen, 2016), or essentializing indigenous positionalities, epistemologies and ontologies (Nilsson, 2021), are other potential risks which should be considered with caution.

3.1.1 Belonging to *sijte*, *laahkoe* and *maadtoe*

As a Southern Saami researcher doing research in her own community, I explore a positionality embedded in *sijte*, *laahkoe* and *maadtoe*. My engagement with these

terms must not be read as complete definitions, as it may risk simplifying their complex and deeper meanings. However, they are helpful to introduce systems and philosophies of Southern Saami relationality, in terms of how we belong and are accountable to a community, humans, other-than-humans, and ancestral landscapes. **Sijte** is a social, legal, political, and organizational unit. It consists of one or more families that collectively adapt to, manage, and make a livelihood out of the environmental conditions that at any time are present within a designated landscape. A reindeer herding *sijte* organizes around the care for, and follows, a collective herd of reindeer that migrate between different seasonal pastures and living areas. Before being replaced by administrative reindeer herding districts in 1894, the *sijte* was autonomous, flexible, and dynamic (Oskal, 1995; Sara, 2009). Today, only those who own reindeer are legal members, but many Southern Saami participate in reindeer herding activities and on social arenas of the *sijte* of relatives. **Laahkoeh** is the Southern Saami kinship system that includes both social and biological relations on both parental sides, including the deceased and spiritual beings. **Maadtoeh** translates into origin, birthplace, and situates *sijte* and *laahkoe* relations in particular landscapes (Jernsletten, 2010; Kappfjell, 1998; Nilsson, 2021; G. Ween, 2005). Maadtoe is also used to refer to mother earth herself.

Sijte, *laahkoe*, and *maadtoe* can be understood as institutions, whose norms regulate the transmission of *aerpiedaajroe*, *aerpiemaahtoe* and *aerpievuekie*. A person's place in these institutions determines rights and responsibilities in relation to humans, other-than-humans, and the landscape (G. Ween, 2005). It influences how a person is perceived, the kind of social relation they engage in, and what kind of knowledges and practices they are introduced to (Jernsletten, 2010; Kappfjell, 1998). As mentioned in the theory chapter, strengthening these relations is crucial for the reindeer herding culture to *bearkadidh* – to manage (Nilsson, 2021).

I was born and raised outside of *Gåebrie* - the *sijte* of my *laahkoe* and *maadtoe*. However, I grew up in *Snåese*,³² where I could attend a Southern Saami primary school that strengthened my relations to our language, culture and struggles. During

³² *Snåsa* in Norwegian.

the summer, we spent several weeks at our cabin at Fjellheim in Gåebrien's summer pasture area. Fjellheim was the first permanent dwelling that my *maadter-maadter eejhtegh* (great-great grandparents) built in the beginning of the 20th century, when reindeer herding and the life around it was reorganized. In the footsteps of my *aehtjie* (father), *aahka* (grandmother) and *aajja* (grandfather), I grew up walking the landscape my ancestors struggled to defend. Together with my *laahkoe*, I participated in reindeer herding activities and learned how to know, relate to, and respect the Saami reindeer herding lifeworld. Not least, I grew up with an identity and a consciousness of being part of a long lineage of resistance to colonial injustices, but also pride to defend this landscape and our very existence. My positionality within *sijte*, *laahkoe*, and *maadtoe* thus informs the ethical reflections, the research relations and praxis, and the analytical framework of the study.

Inspired by Porsanger and Seurujärvi (2021), I find the *lávvu/låavtege*,³³ the Saami tent, to be a useful metaphor to frame and guide my research approach. *Válddahagat*, the Northern Saami concept of the three main poles that come together at the top and sustain the *låavtege*, represent Saami epistemological *knowing*, ontological *being*, and axiological *valuing*. The *låavtege* depends on all three poles to be solid and to protect those who are inside it from harsh weather. It has a fireplace in the middle that constitutes a warm and caring centre for sharing knowledge and experiences. It has a circular form that has no beginning or end, and is a shared space for the living, the deceased, and the spiritual world. The *låavtege* also represents movement as fundamental to gain and transfer knowledge in Saami nomadic way of life (Gaski, 2006). In the end of this chapter, I will present a model of a research *låavtege* (Figure 8) that sums up my epistemic grounding, ethical praxis, and methodological approach in the work with this thesis.

3.2 Relational ethics in Indigenous and Saami research

In conversation with literature on Indigenous research ethics and methodologies elsewhere, I will elaborate more on how my position as a Southern Saami researcher

³³ *Lávvu* in Northern Saami and *låavtege* in Southern Saami.

informed relational accountability and commitment to the research agenda, the researched landscapes, and the research participants. Critical reflection about ethics in a context where research has been used as a colonial tool to subjugate and dispossess our ancestral lands, knowledges and practices is a crucial decolonial endeavour, also for Indigenous scholars. This concerns more than applying University and national ethical guidelines, as they do not necessarily consider the colonial legacy of research and its implications for Indigenous peoples. Indigenous research involving individuals or communities is more than a consent-seeking process and should not be considered a mere checklist of universal ethical procedures. Ethical praxis is about establishing trust and respecting Indigenous peoples' self-determination in research participation. Many Indigenous peoples, communities and institutions have developed their own ethical guidelines which often follow cultural protocols. Some Saami organization, e.g. the Swedish Saami reindeer herding association (SSR),³⁴ have developed their own guidelines for their involvement in research. The Saami Parliament in Norway has adopted guidelines for Saami health research in Norway (Saemiedigkie, 2019). Together with Saami communities, institutions and researchers, a working group of Saami scholars have developed guidelines for research involving the Saami in Finland (Heikkilä et al., 2024). A processes to develop guidelines for Saami research across the Nordic countries is ongoing (Holmberg, 2022).

While guidelines are being developed, emerging scholarship critically discusses ethical research engagement in Saepmie (e.g. Drugge, 2016a; Virtanen, Keskitalo, & Olsen, 2021b). In addition to positionality and critical reflexivity, *relationality* is key to understand Indigenous research ethics and praxis (Moreton-Robinson, 2017). Opaskwayak Cree scholar Shawn Wilson (2008) argues that relationships are the very essence of seeking, building and sharing knowledge, and that we are accountable for these relations throughout all stages of the research process. This includes holding “relational accountability” to what you do research on, to your Indigeneity, to the

³⁴ “Policy regarding research and project collaborations with Sámiid Riikkasearvi.” <http://pdf.sapmi.se/wp-content/uploads/2019/10/Forskningsriktlinjer-light-eng.pdf>. Accessed July 1, 2024.

people(s) you engage with, as well as to other-than-humans who inhabit the landscapes we do research within. Other Indigenous scholars (e.g. Chilisa, 2011; Finbog, 2021; Kovach, 2010; Moreton-Robinson, 2017; J Porsanger & Seurujärvi-Kari, 2021; Smith, 2012) emphasize how these relations should be founded on *responsibility*, *respect*, and *reciprocity*, as well as the recognition of *rights* and *regulations* established by the communities or peoples of concern. Research processes and relations should moreover build on Indigenous knowledges and worldviews and respond to Indigenous needs and priorities. From this perspective, the researcher is not only responsible for avoiding harmful effects but is also committed to contribute to recovery and healing from colonial violence (Smith, 2012).

Refusal is another principle that denies the settler colonial logic of academia's unlimited right to know. For example, the researcher may refuse to convey all stories or knowledges shared in relationships of trust, or the researched may resist to participate in extractive or damage-centred studies (Simpson, 2015; Tuck & Yang, 2018). Refusal also concerns the kind of knowledges Indigenous peoples want to keep hidden and protected, such as spiritual knowledge (E.g. Chilisa, 2011; Kovach, 2010; Jelena Porsanger, 2004; Smith, 2012). In the words of Tuck & Yang (2018, p. 225) refusal means “marking what is off limits, what is not up for grabs or discussion, what is sacred, and what can't be known.” A common misconception, however, is that refusal avoids or disengages with difficult issues. Although it may redirect the research focus, it can open up spaces for research alternatives otherwise ignored (Gross, Mashreghi, & Söderman, 2023).

Southern Saami *vytnesjæjja* (craftswoman) and scholar Maja Dunfjeld (2006) argues that *tjaaliehtjimmie* – the Southern Saami ornaments – can be interpreted as metaphors of broader relational norms in social, cultural, and spiritual terms. *Guelmiedahke* and *åssjalommes* are two such ornaments that guide ethical relations to humans, other-than humans, and the landscape. *Guelmiedahke* can be translated to a “mirror” or “reflection” and is aesthetically represented by two parallel lines with triangle ends that mirror each other. *Åssjalommes* means to process thoughts and is constituted by four triangles that also mirror each other. Dunfjeld connects these

ornaments to the Southern Saami proverb “Guktie dåemedh, nimhtie sjædta”³⁵ to explain how the two ornaments, when placed together, guide how one should behave in nature and towards other beings. Saami scholars Liisa Rávná Finbog (In Kosner, 2023) and Jorun Jernsletten (2010) suggest that *guelmiedahke* can be mobilized to critically reflect on reciprocity in all the relations you encounter in the research process.

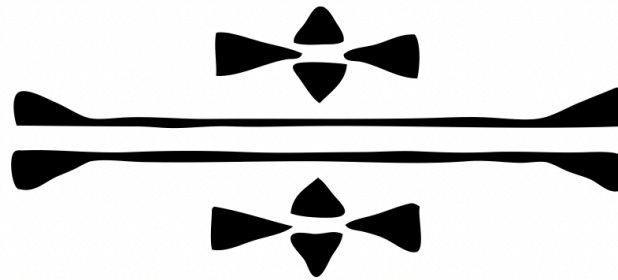


Figure 4. Illustration of *guelmiedahke* and *åssjalommes* drawn by Jernsletten (2010), printed with permission.

3.3 Ethical dilemmas and options

The R- principles (relationality, responsibility, respect, reciprocity, rights, regulations, and refusal) are inherent to Indigenous value systems and *speak back* to colonial research praxis which has dominated Indigenous research historically. Critical reflexivity through *guelmiedahke* guides the research processes and relations in this thesis. But what were the challenges I encountered in applying them, and what kind of ethical dilemmas emerged? In the following I will elaborate on two dilemmas that were crucial for defining the methodological framework and methods that I will elaborate on towards the end of this chapter. The **first** concerns how to be an engaged researcher without putting yet another burden on fatigued communities. The **second** concerns how to navigate the blurry lines between activism and research in a Nordic context where positivist assumptions of knowledge production as neutral, objective and disengaged still dominate.

³⁵ “The way you carry yourself, so it will be.”

3.3.1 Participation and fatigue

Indigenous and decolonial research methodologies encourage participatory and collaborative methods (e.g. Chilisa, 2011; Denzin & Lincoln, 2008; Lawrence & Raitio, 2016; Löf & Stinnerbom, 2016). At the same time, Saami and other Indigenous peoples are among the most researched in the world (Gaski, 2013; Pentikäinen, 1995), causing fatigue and exhaustion for individuals and communities (Löf & Stinnerbom, 2016; Pentikäinen, 1995; West, 2021). As noted by Löf & Stinnerbom (2016, p. 139): “The growing research interest we are currently witnessing is thus a double-edge sword which needs to be treated with caution, awareness and care.” Participatory research has risks and challenges such as validity of the data collected, internal power asymmetries, time constraints, lack of adequate ethical guidelines, miscommunication across knowledge systems, structural constraints, and predefined agendas of the researcher (Chilisa, 2011; Graugaard, 2021; Kater, 2022; Lawrence & Raitio, 2016; Löf & Stinnerbom, 2016; Zavala, 2013). Important steps have been taken to improve research collaborations in Saepmie by compensating participation with a fair salary, establishing equal partnerships and distribution of research grants, respecting Indigenous knowledge on equal foot as science, discussing and analysing findings with the broader community to ensure transparency, and co-writing articles (Herrmann et al., 2023; Löf & Stinnerbom, 2016; Sandström, 2015; G. B. Ween & Riseth, 2011). However, all these measures are necessarily time-consuming, and potentially risk aggravating fatigue.

Identifying fatigue as a risk of non-engagement in research is not new in qualitative social science literature (e.g. Clark, 2008). There are numerous examples of Indigenous peoples hesitating to participate in research due to past colonial experiences, such as the epistemic racism I address in the first book chapter (E. M. Fjellheim, 2020b). However, there is a lack of critical engagement with fatigue as a reality within decolonial research fixated on participation and co-production of knowledge as a priory praxis.

My concern with fatigue as a potential risk emerged at an early stage in the work with this thesis. When elaborating the research project six years ago, few researchers were engaged in Saami resistance against wind energy. Soon, however,

Saami reindeer herding communities experienced a research boom, especially by undergraduate students who asked for interviews. Many requests also entered my inbox asking for possible “informants,” advice from a “Saami researcher,” or a “Saami activist” perspective on the matter. In conversations with the reindeer herding communities who took part in my study, many expressed sentiments of saturation. Some had already publicly announced that they did not want to participate in any more research projects. One reindeer herder asked me if it was ok for him to say no to interview requests from other researchers: “I am just so tired of explaining our ways to somebody who do not understand where I speak from, but is it ok to say no?” He also mentioned an encounter with a journalist who was so excited to shoot images from the wind energy site. All he wanted, however, was to get out of there as soon as possible, because it was so painful to see the destroyed mountains.

Helga West’s (2021) is among few Saami scholars who has written about fatigue in contemporary Saami research. She converts feelings of guilt into a colonial critique. In an essay, she reflects on how she chose to rewrite an answer to a French student who asked her for an interview for a thesis about Saami identity. At first, she formulated a polite and accepting answer to the student whom she considered had the best of intentions. However, she could not let go of the discomfort it generated and the fact that she really did not want to give an interview. Finally, she decided to delete the message, start over, and phrase what she considered to be baby steps towards voicing her *refusal* (West, 2021, p. 203):

Thank you for your kind letter. Unfortunately, I find your research extremely little relevant for me personally or for the society I am part of. I hope you understand my refusal and do not take it personally. I am just so tired. I am just so tired of strangers who continually approach my people in the name of science. Kind regards, Helga West.

When imagining fatigue, one might think about how time consuming it is to receive and reply to numerous e-mails. As expressed by West, it is also an emotional burden that goes beyond administration of requests. One such burden is *guilt*. Guilt of not wanting to respond to polite, well-intended and open-ended inquiries that expect yes

for an answer. Another is *duty*. Duty for assuming responsibility as a Saami scholar to redirect research agendas that are potentially harmful to Saami communities. The latter can be understood as what Saami scholar Astri Dankertsen (2014) terms the affective “additional work” the Saami have to do in social relations with the majority population. This made me reflect on how emotions are relevant for our work as researchers. As any social interaction, emotions affect how we engage in research and the research process may affect us emotionally (Campbell, 2002). Feminist scholars argue that critical engagement with “politics of discomfort” is affective, but also an epistemic praxis necessary to transform patriarchal and colonial structures (Ahmed, 2013; Chadwick, 2021). As such, feeling and knowing is closely intertwined. In my case, the fatigue I experienced myself guided the research relations I established with research participants.

The critical reflection on fatigue is not an argument against participatory and collaborative research methods or co-creation of knowledge. Rather, it is an urgent call to deal more seriously with fatigue as a harmful reality in many Saami communities and recognize the risk of accelerating this burden in the name of *decolonization*. The participation-fatigue dilemma puzzled me throughout the research process. How can research be inclusive without becoming yet another burden? How can participation and collaboration be ensured in new and creative ways? Could other approaches better embrace responsibility, respect, and reciprocity in research relations? How can we carefully address limits to research and acknowledge refusal as a legitimate stance by both research participants and researchers? There are no easy answers to these questions, but critically engaging with them in a context characterized by fatigue, provided me with important insights to the complexity of ethics in Saami research. I will come back to how these questions informed my research praxis at the end of this chapter.

3.3.2 Research and activism

To many Indigenous communities, there are sometimes much more pressing issues at stake than participating in research (Tuck & Yang, 2012; Tuck & Yang, 2018). Being too preoccupied with doing research the right *decolonial* way, may distract from the present moment and from establishing reciprocal relations (Graugaard, 2021) and

commitment to long-term struggles for self-determination (Zavala, 2013). Critical Indigenous scholarship aims to contribute to social and political transformation in an overall aim for decolonization (Kuokkanen, 2000; Tuck & Yang, 2012). Committed, activist, or action-oriented research is also emerging within various social science disciplines, especially decolonial approaches to anthropology (Chilisa, 2011; Hale, 2006; Speed, 2006).

While decolonial and Indigenous scholarship consider political implications of research inevitable, the prevailing norm in the Nordic context is for the researcher to be objective, neutral, and disengaged. This necessarily creates a tension between conventional discourses and critical Saami research ethics and methodologies (Lawrence & Raitio, 2016). In public debates about Saami research in media, the concern for alleged political agendas of Saami researchers is frequently raised (Lawrence & Raitio, 2016; Sem, 2019). Some critics go far by accusing Saami colleagues for being part of an “identity-political clergy” (Røvik, 2020) or activists in the “Saamiland movement” with separatist motives (Hellesvik & Sirkka, 2019). Some categorically reject theories and methodologies situated in Saami epistemologies and claim they are unscientific and ideology driven (Bjørnan, 2023; Hjelm, 2024), without recognizing the political and normative stance in their own critiques (Nilsson, 2024).

The point I aim to stress here is that Saami research and researchers are often being measured by scientific standards of objectivity-neutrality, not to be confused with critical reflexivity and academic integrity and accuracy. Engaged and committed researchers are concerned with maintaining a critical distance to ensure validity and legitimacy, by being explicit about who they are, how they carry out research and for whom (Lawrence & Raitio, 2016; T. Olsen, 2016). This caution may be particularly important in research on conflicts concerning resource extraction and Indigenous peoples’ rights, not least, in order to influence actors and institutions the research aims to challenge (Lawrence & Raitio, 2016). This means to be transparent about what it entails to hold such positions, as put by Lawrence and Raitio (2016, p. 132):

The choice between objective/neutral researchers on the one hand, and subjective/engaged ones on the other, is a false one. The choice rather, lies

between researchers who acknowledge and critically reflect on their own role in (de)colonizing the (Nordic) academia, and those who do not.

In my view, an ethical stance to *act* is not more political than remaining silent in matters of colonial injustice. A committed approach was crucial for assuming relational accountability towards the communities and landscapes I engaged with throughout the research process. In addressing the research-activism dilemma often imposed on Saami researchers, I took a transparent, but critical approach to my actions that were mobilized by different situations and circumstances. That is, I explored how my role as a committed researcher could cause friction or potentially intersect in ways that ensured rich research opportunities and results.

3.4 A committed research approach with solidarity and care

Using *guelmiedahke* to mirror, or critically reflect on my own positionality and experiences of colonial harm from research (e.g. E. M. Fjellheim, 2020b), guided my methodological choices and research praxis. These reflections provoked me to rethink my role as a researcher and deeply impacted the research design and relations I negotiated with Fovsen Njaarke and Jillen Njaarke in their struggles against wind energy development on their ancestral lands (E. M. Fjellheim, 2023b, 2023c). *Refusing* to push exhaustive participatory agendas with potential harmful implications was a way of assuming this relational accountability, but this stance also opened rich research alternatives. While only partially participatory, the research process and relations were fully committed.

As introduced earlier, I am a Southern Saami scholar, but I am also an Indigenous rights defender and activist. I have been actively engaged in Indigenous politics, solidarity work and activism in Saepmie and abroad through the Saami Parliament, the Saami Council, the Norwegian Solidarity Committee for Latin-America (LAG), as well as smaller collectives and initiatives. Although the lines between these roles are blurry, I argue they are characterized by different tools and actions that are negotiated and mobilized at different times and in different contexts. In the following I will narrate some examples.

When I initiated the research process in 2018, Fovsen Njaarke and Jillen Njaarke were facing ongoing bureaucratic, political, and legal struggles. Fovsen Njaarke had just raised claims of human rights violations from the Fosen Vind projects in court, the wind energy infrastructure was under construction, and they reported growing requests from researchers. Jillen Njaarke was mobilizing political alliances to stop the construction which had not yet begun and had only started to respond to media attention and research interests concerning the Øyfjellet project. A legal case was one of the strategies discussed, but Jillen Njaarke hoped they could convince the license authorities to withdraw the license in consultations concerning mitigation measures. Conversations with Fovsen Njaarke and Jillen Njaarke, as well as the broader Saami community, revealed a need to address green colonialism through struggles against wind energy development on reindeer herding lands.

Fovsen Njaarke and Jillen Njaarke welcomed the study and told me on several occasions that I shouldn't hesitate to reach out to them, and that my research approach was unique. I was told that our conversations were useful to air individual concerns and to inform the collective struggle. However, taking the need for research *and* fatigue seriously meant careful engagement. As such, I avoided conventional participatory approaches, such as workshops, extensive interviews, and other time-consuming activities outside of already scheduled events. Instead, political mobilization, consultations and dialogues with state and corporate actors, and legal processes became the main research sites, which I will elaborate on later in this chapter. Another strategy to alleviate fatigue was to coordinate with other researchers to share experiences and to avoid overlapping aims.

As a researcher who is part of the Southern Saami community, I constantly engaged in conversations about the research topic which indirectly contributed to the ideas and analysis I developed. I therefore also explored how participation could expand to include the broader Saami community, by presenting my research on arenas outside of academia. On one occasion, I presented preliminary results at the Southern Saami festival *Raasten Rastah*.³⁶ The presentation was followed by a commentary

³⁶ <https://raastenrastah.no/portfolio/seminar-tema-don-jih-daan-bijre-kl-10-15/>

panel with the president of the Saami Parliament, leader of the EU Unit of the Saami Council, and the leader of Fovsen Njaarke. I also invited the public to contribute. The panel and broader Southern Saami public provided me with valuable inputs and critical questions which helped to shape and move the analysis forward. This approach could be understood as a form of “extended peer review” (Brattland & Hausner, 2022) which enabled other Saami knowledge holders to validate and inform the work.

In 2016, I documented the *Storheia March* which gathered Southern Saami and environmentalist allies to manifest against Fosen Vind’s license to construct a wind energy project at Storheia. This was before I started the research project and my role was to raise attention about the case through independent media (E. M. Fjellheim, 2016). In 2019 and 2020, I followed the Fosen case in court as a researcher, resulting in one of the articles of this dissertation (E. M. Fjellheim, 2023b). Based on my experiences from the courtroom, I published opinions through essays (E. M. Fjellheim, 2020a) and chronicles (E. M. Fjellheim & Normann, 2021), and I was interviewed by media (Holstad, 2021; Loge, 2023; Tønset, 2021). On request from Fovsen Njaarke, I contributed with written material to document the human rights violation at Storheia by Swiss Investors BKW to the National Contact Point of Switzerland regarding OECD guidelines for responsible business. Although BKW abstained from divesting in the project, the process resulted in a commitment to assume more corporate responsibility in the future, including to respect Indigenous Peoples’ right to FPIC in their internal guidelines.³⁷ During a protest marking the second anniversary of the Supreme Court verdict in the Fosen case, I co-founded the *Elsa Laula Renbergen Instituhete*³⁸ (see prologue). Through the mobile research institute we explored knowledge as a form of direct action when human rights are at stake (Berg-Nordlie et al., 2023; Klemetzen, 2024a). On two occasions, I also co-organized visits from a Mapuche delegation from Chile who sought to establish solidarity relations with Fovsen Njaarke in a joint struggle against Statkraft’s green colonialism on Indigenous peoples’ lands (Berg-Nordlie et al., 2023; Martínez & Ellingsen, 2023).

³⁷ <https://www.gfbv.ch/en/media/press-releases/bkw-to-assume-more-corporate-responsibility/>

³⁸ Elsa Laula Renbergs Institute in English. <https://elsalaularenbergeninstituhte.jimdofree.com/om/>



Figure 5. In May 2023, a delegation of Mapuche leaders visited Fovsen Njaarke to establish solidarity relations. From the left: Elle Rávdná Näkkäläjärvi, Maja Kristine Jåma, Leif Arne Jåma, Norma Eugenia Vargas Queulo, Juan Antonio Huichalaf Malpu, and Machi Millaray Virginia Huichalaf Pradines with Anukeupu Uribe Huichalaf in her arms. Photo: Eva Maria Fjellheim.

In the Øyfjellet case, I participated in internal strategy- and alliance meetings (Nilsen, 2018), from which I was disclosed not to publish certain information for research purposes. Here, limits were put to research intervention (Simpson, 2015; Tuck & Yang, 2018). Instead of extracting data from these meetings, I listened carefully to get a better insight into the broader process and contributed with emerging tasks such as writing minutes from the discussions. As a researcher, I observed a state-led consultation and court hearings, resulting in the second article of this thesis (E. M. Fjellheim, 2023c). The transcribed notes from the consultation were made available for Jillén Njaarke to complement consultation protocols that contained a limited summary of the discussion points and agreements made. On request from Jillén Njaarke, I facilitated contacts with international news, and on one occasion I acted as a

translator (Reid-Collins, 2020). I also co-authored chronicles with other researchers and activists (Ellingsen, Fjellheim, & Normann, 2022; E. M. Fjellheim, Carl, & Normann, 2020) and was interviewed by Norwegian and International news about the conflict (Kuhn, 2022; Thonhaugen, 2021). Together with Bárru Indigenous Collective, the *Elsa Laula Renbergen Instituhete* provided a space for global solidarity and epistemic dialogues in the intersection of knowledge, art and protest (Klemetzen, 2024c). In June 2024, we organized the event *Soptsestimmie: Baajh vaeride árrodh = Land back!*³⁹ in the city of Bådådđjo/Buvvda⁴⁰ in Nordland County. The time and place of the event was strategically set parallel to NAISA – one of the largest conferences on Indigenous Studies - to raise awareness of an ongoing court case in the Øyfjellet case (Sylte, 2024). The gathering of Indigenous scholars, activists and artists from *Kalaallit Nunaat*⁴¹ in the north to *Abya Yala*⁴² in the south culminated in a closing ceremony of solidarity with Jillen Njaarke’s struggle (also see epilogue of this thesis).

The examples above reflect an approach in which my roles as a researcher, activist, and journalist sometimes overlapped. Instead of separating between them, I negotiated and defined my relational accountability and academic integrity according to the ethical principles discussed above. The overall research process mobilized solidarity and care, a much needed stance in and around settler colonial bureaucracies and courts (Spiegel, 2021). Being present, witnessing and accompanying the processes was just as important as documenting them for research purpose (See also E. M. Fjellheim, 2020a).

³⁹ *Soptsestimmie* means oral story and conversation in Southern Saami. *Baajh vaeride árrodh* means “leave the mountains be,” and is a slogan emerging from Saami struggles against wind energy development.

⁴⁰ Lule Saami/Pite Saami.

⁴¹ Inuit land of Greenland.

⁴² The Indigenous Latin-Amerika.



Figure 6. The Elsa Laula Renbergen Institute in the protest camp named Elsa Laula Siida outside the Norwegian Parliament. From the left: Henrikke Sætre Ellingsen, Eva Maria Fjellheim, and Mikkel Berg-Nordlie. Photo: Private.

3.5 From ethics to research praxis

Rethinking ethics and methodologies in Indigenous research contexts can be a liberating but challenging task (Brattland, Kramvig, & Verran, 2018; Drugge, 2016b; Smith, 2012). As expressed by Smith (2012, p. 5) it is “not quite simple as it looks, nor quite as complex as it feels!” A critical reflection on my epistemic grounding, positionality and the ethical dilemmas I faced led me to the diverse methods I applied during the research process. The research focus was developed and adjusted based on conversations with research participants and the larger Saami community. The case studies were selected due to their pivotal role in setting precedence for Saami rights struggles. Taking fatigue seriously meant partial participation, but fully committed research relations. This resulted in methods negotiated in the complex interface between relevance, respect, reciprocity, responsibility, as well as the refusal I

encountered and performed in the process. During the period 2018-2024, I explored Indigenous (auto)ethnography, observed political, bureaucratic, and legal spaces, conducted interviews, engaged in numerous informal settings and conversations, and analysed a wide range of written material (Figure 7). The methods that concern data protection were approved by the Data Protection Services for Research in Norway, SIKT (the former NSD).

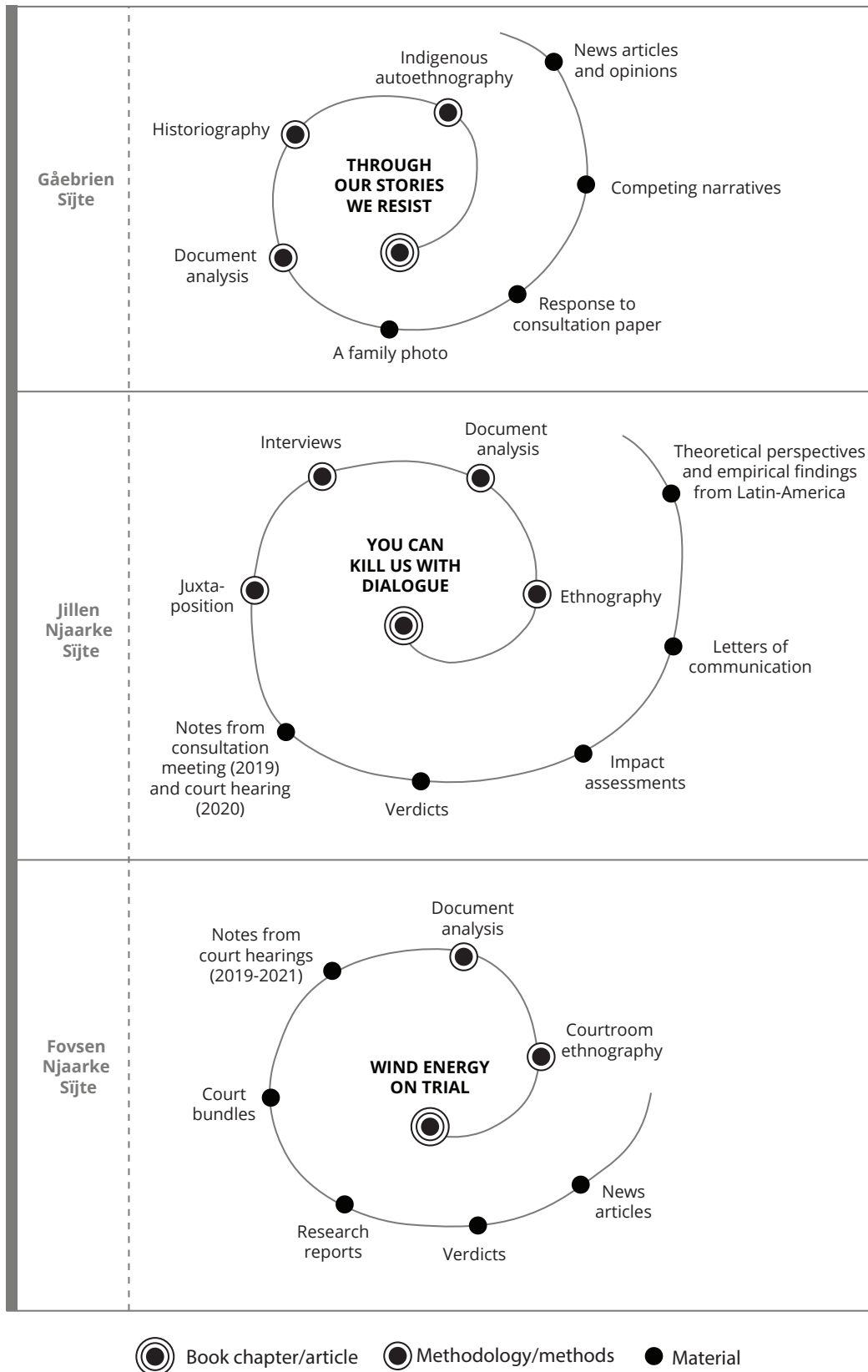


Figure 7. Diagram of the methodology, methods and materials of the three publications, presented here by their short titles. Design and drawing by Astrid Fadnes, based on my sketch and idea.

3.5.1 Indigenous autoethnography: Collective stories of resistance

Introduced by the first book chapter (E. M. Fjellheim, 2020b), the work with this thesis is guided by Indigenous autoethnography. This approach serves as a broader framework that connects my epistemic grounding and lived experiences with the collective stories of resistance I study in all three publications. As a research method, autoethnography emerged in the 1990s from critical ethnographers who sought to recentre Eurocentric norms from researching the “Other” to inquiring the researcher herself (Chawla & Atay, 2018; Jones, Adams, & Ellis, 2016). Although the field intended to include lived experiences of those underrepresented in academia, it is still dominated by white Western scholars. However, autoethnography is gradually explored as a decolonial space for critical reflexivity and situatedness in structures of power and privilege (Chawla & Atay, 2018; Spry, 2018), also from the vantagepoint of Indigenous scholars (Bishop, 2021; Dankertsen, 2019; Graugaard, 2021; Tomaselli, Dyll, & Francis, 2008; Whitinui, 2014).

Autoethnography has been critiqued for placing the lived experiences and emotions of the “Self” at the centre of attention, and even for being unscientific with little relevance for wider academic scholarship (Denshire, 2014; Tomaselli et al., 2008). However, Indigenous autoethnographies challenge the perception of the “Self” as an individual concern. Māori Scholar Paul Whitinui (2014), suggests that learning about the Indigenous “Self” is inextricably linked to the researcher’s cultural context. Indigenous autoethnography can be a transparent learning process where you get personal with your material of inquiry and engage actively with what you are researching. This endeavour should connect to wider social issues and aspires to contribute to transformations that foster collective well-being. In the words of Whitinui (2014, p. 481): It is “a journey of (re)connecting with specific cultural sites, spaces, and struggles that relate to our fluid past, present, and hopes for the future.” Gamilaroi scholar Michelle Bishop (2021) further argues that Indigenous autoethnography allows Indigenous scholars to centre research around Indigenous knowledges, worldviews and values, as well as to respond to relational accountability to kin, ancestry and the land as embodied gifts from our ancestors. In this thesis, I

approach Indigenous autoethnography as a collective and resistance-based research practice in which the researcher is an active agent.

The first book chapter (E. M. Fjellheim, 2020b) serves to introduce myself according to a Southern Saami protocol by sharing my belonging to *sijte*, *laahkoe* and *maadtoe*. I use my epistemic grounding to contest colonial narratives of Southern Saami Indigeneity, history, and rights. Writing this chapter was also a way of processing and resisting colonial violence by acknowledging the *maadtoe-dajve* (ancestral landscapes), *aerpiedaajroe* (ancestral knowledges), *aerpiemaahtoe* (ancestral skills) and *aerpievuekie* (ancestral ways) that my *laahkoe* (kin) and *sijte* (community) have defended throughout five generations. In the words of other Indigenous scholars, it is a way of refusing colonial conquest by research (Simpson, 2015; Tuck & Yang, 2018), researching back (Smith, 2012) and unsettling colonial research relations (Graugaard, 2021). Through critical historiography, a family photo (printed in E. M. Fjellheim, 2020b, p. 211), and a response to a consultation paper concerning Saami rights to land, I tell a generational and collective story of colonial oppression, but also celebrate our own ways of knowing and resisting. Through personal (auto) writing (graphy), I engage in a dialogue with the experiences, ways of knowing, and narrations of my ancestry and community (ethno).

3.5.2 Ethnographic fragments

An Indigenous autoethnographic approach needs to recognize that one person's story alone is not enough to address collective concerns (Whitinui, 2014). The approach I explore in the first chapter lays the foundation for the relational accountability I negotiated with the research participants, as well as for the epistemic framework I use to analyse the research material. My positionality and critical reflexivity informed the epistemological, ontological, and political dialogues I had throughout the whole research process. As the circular *låavtege* (Saami tent), my research does not have a beginning or an end. Rather it presents and weaves different stories, moments and situations that can be understood as “ethnographic fragments” (Tsing, 2011) of broader Saami struggles against Nordic-Saami (green) colonialism.

The findings of the second and third articles (E. M. Fjellheim, 2023b, 2023c) are based on ethnographic accounts of interactions between the Saami reindeer herding

communities, wind energy companies, legal- and state authorities. These encounters provided a unique opportunity to observe power dynamics at work in bureaucratic, political and legal spaces. At times, I was just as well an observant participant as a participant observer, the same way the research participants were partially engaged in my research. This alternating approach allowed me to engage in an *ethnographic dialogue* (Tedlock, 1991) where the distinction between the researcher and the researched was downplayed. The second article is based on observations from a consultation meeting between Jillen Njaarke and NVE in August 2019, as well as a court hearing between Jillen Njaarke, Eolus Vind AB, Øyfjellet Wind in Oslo District Court in September 2020. Informed by courtroom ethnography (e.g. Spiegel, 2021; Walenta, 2020), the third article is situated in and around the Court of Appeal and the Supreme Court in the Fosen case in 2019 and 2021 (E. M. Fjellheim, 2023b).

Through *courtroom ethnography*, I got in-depth access to information about the conflict, with its timeline, evidence, discourses, bodily performances, power relations and resistance (Spiegel, 2021; Walenta, 2020). It was a space within which I could observe both colonial authority and resistance at work, as I listened, took notes, observed, and interacted, as well as gained access to court bundles and written statements. It was also a space in which my positionality influenced social dynamics (Spiegel, 2021). Several weeks in court established social patterns within and around the courtroom which both enriched and limited research access. For example, a close relationship with the reindeer herders and their lawyers provided me with documents, but not necessarily those from the wind energy parties. As narrated elsewhere (E. M. Fjellheim, 2020a), the courtroom can be a violent place in which the reindeer herders have everything to lose. While the inside spaces are controlled by structures of power, the outside spaces enabled voices and opinions of resistance to float more freely (Walenta, 2020). Sharing informal spaces to debrief expressions of racism and sometimes ridicule of the reindeer herders' arguments, knowledges and values was important to ensure ethics of solidarity and care. The informal spaces outside of the courtroom furthermore provided time to discuss details about the case and the larger research topic, without requiring the reindeer herder communities to set a side additional time.

In contrast to the court hearings, which were open to the public, the consultation meeting between Jillen Njaarke and NVE was closed. My participation therefore required consent from all parties. Here, my presence as participant observer was more “intimate,” as we were sitting around the same table in a small meeting room. It is reasonable to believe that my presence somehow influenced the communication between the parties, but difficult to know how and to what extent. Besides this difference, the methodological implications were quite like the ethnography I performed in the courtroom.

Importantly, the consultation meeting and court hearings were analysed in a broader spatial and temporal context. During the research process, I participated in more activities and social arenas, such as other court cases, public and political meetings, protest actions, as well as discussions in (social) media. The analysis of the broader research questions is based on the sum of all these experiences, and not fragments of what conventionally is referred to as “fieldwork” or “data collection.” Engaging in these activities also strengthened the committed research approach and relations with the reindeer herding communities.

3.5.3 Interviews and accountable relations

The ethical choice to engage the reindeer herding communities only partially in the research process implied to rely more on ethnography and document studies than interviews. I used the parties’ statements during court hearings, consultation meetings and media to get their opinions about state consultation, corporate dialogue and court decisions, but this alternative limited the inclusion of more extensive narratives shared in spaces where they could speak more freely. However, a few interviews form part of the research material. Here, my refusal attentive to fatigue was challenged by a reindeer herder who insisted on sharing his stories of how he experienced the “dialogues” with state and corporate actors (E. M. Fjellheim, 2023c).

From a decolonial perspective, there is need to transform conventional interview methods in social sciences by challenging asymmetric power relations and individualistic assumptions of the researcher and their informant. These approaches are more concerned with equality, collective, and relational ways of knowing (e.g. Chilisa, 2011; Graugaard, 2021). I did not use interview guides. Instead, I encouraged

the conversation partner to speak freely about what they considered to be most urgent or important.

In the initial phase of the research, I conducted explorative conversations with other reindeer herding communities, lawyers, and the Saami Parliament administration of reindeer herding affairs. These did not end up as material for the publications but were valuable to narrow down the research focus and define research questions. Although interviews and informal conversations have similarities, they have different functions and methodological implications which are important to clarify. The interviews I conducted were recorded and transcribed accordingly. The conversations were more spontaneous, and the topics were defined according to the context. Such informal conversations were never recorded or cited in publications, but I sometimes took notes which have helped me to grasp the larger picture and reminded me to follow up on certain aspects.

Anonymity is a conventional ethical measure in most social science research. However, decolonial and Indigenous methodologies encourage the use of original names to ensure accountability, transparency and to acknowledge the contribution of research participants (Chilisa, 2011; Kovach, 2010; Löf & Stinnerbom, 2016). Still, it is important to devote time to discuss the potential risks of revealing names in published material, especially in a context of tense conflicts. For example, in court hearings that are open to the public it is possible for everyone to enter or access information about who testified, but there are no written public records of the testimonies. If original names are connected to citations from these testimonies, there is a risk that statements can be taken out of context and misused in other occasions. Regardless, anonymity is difficult to ensure where reindeer herding communities consist of few families and members. Based on a critical reflection with the persons of concern, we decided that original names could be used in the second article (E. M. Fjellheim, 2023c), but not in the third (E. M. Fjellheim, 2023b).

3.5.4 Analysis of documents and written material

Documents are materials written by someone for a specific reason and are situated and reflected in their specific contexts and realities. As such, documents form part of complex relations and power struggles that may transform the societies and social

practices in which they circulate (Asdal, 2015; Asdal & Reinertsen, 2022). Including document analysis in ethnographic research opens an opportunity to understand their role in the social phenomenon we study. As explored by Asdal & Reinertsen (2022, p. 25), ethnographic method can also provide new insight into documents as research *sites*: "...if we spend time with the documents and actively reflect upon what we observe, we will begin to know our way around."

A flexible and dynamic approach inspired my engagement with court bundles, impact assessments, research reports, white papers, bureaucratic- and legal decisions, and media publications. *Spending time* with them, as I did in and around other research sites, was important to put the pieces together and to provide broader perspectives on the research questions. Access to some of these documents also depended on the ethnographic approach, the character of the research sites, and the relations I engaged in. Exploring court bundles of thousands of pages was time-consuming, but necessary for a thorough and rigorous analysis of the Fosen case. Some of the documents from the court bundles were studied more in-depth as I used them to better understand the evidence on which the final decision of the court was made. This was important, as only excerpts from e.g. impact assessments or research reports were presented during the hearings. By analysing these documents, I also ensured that selected ethnographic observations and citations from the court hearings were not taken out of context. This way, I was able to check statements from expert witnesses in relation to their written work.

In addition to relevant documents, the transcribed interviews and notes from court hearings and the consultation meeting constituted textual material that I analysed. Due to the different character and relevance of the documents and written material, I did not use one single method to systematize and analyse them. Rather, spending time with them allowed me to engage with them as both particular and related texts. This meant close and repeated reading, looking for patterns and specific wording or language, but also being open to find the unexpected.

As any other method and engagement with research material, the selection and analysis of documents is not a neutral process. As any research engagement, it is influenced by the researcher's positionalities, knowledge, and abilities to understand

particular (con)texts. For instance, as a non-legal scholar it was challenging to engage with legal language, as well as following legal arguments in the courtroom. Due to close relations with the reindeer herding communities and their lawyers, I got valuable help to understand and interpret the material, but this knowledge was still partial. Moreover, the character of different documents cannot be treated in a universal way. For instance, political documents are considered normative (Lindberg, 2017), but contain facts, although they may be contested. Some of the scientific reports debated as evidence in court were presented as neutral and objective. The latter stems from a positivist philosophy of science which I challenge in this thesis.

3.6 A research *låavtege* as methodological framework

In this chapter, I have explored a research approach informed by scholarship on Indigenous and Saami ethics and methodologies. Through *guelmiedahke*, I have critically reflected on ethical principles and dilemmas from a positionality guided by *sijte*, *laahkoe* and *maadtoe* relations. Inspired by Porsanger and Seurujärvi (2021), I have developed a research *låavtege* (Figure 8) that sums up the methodological framework of the research process as a whole. Although my research methods build on conventional academic tools and techniques, the *låavtege* represents a positionality within a Southern Saami lifeworld that informed the research process in a dynamic and cyclical way. The three main poles reflect my epistemic grounding, and my relational accountability to kin, community and land are safely placed around the fireplace. My knowing, being and valuing informed the methods I mobilized and the relations I engaged with. I always returned to the *låavtege* to rethink my methodological approach and to analyse what I learned. The *låavtege* also represents the broader Saami community to which I always returned to share and discuss preliminary research results. The *låavtege* itself is movable, so I could always bring it along and return to it when necessary.

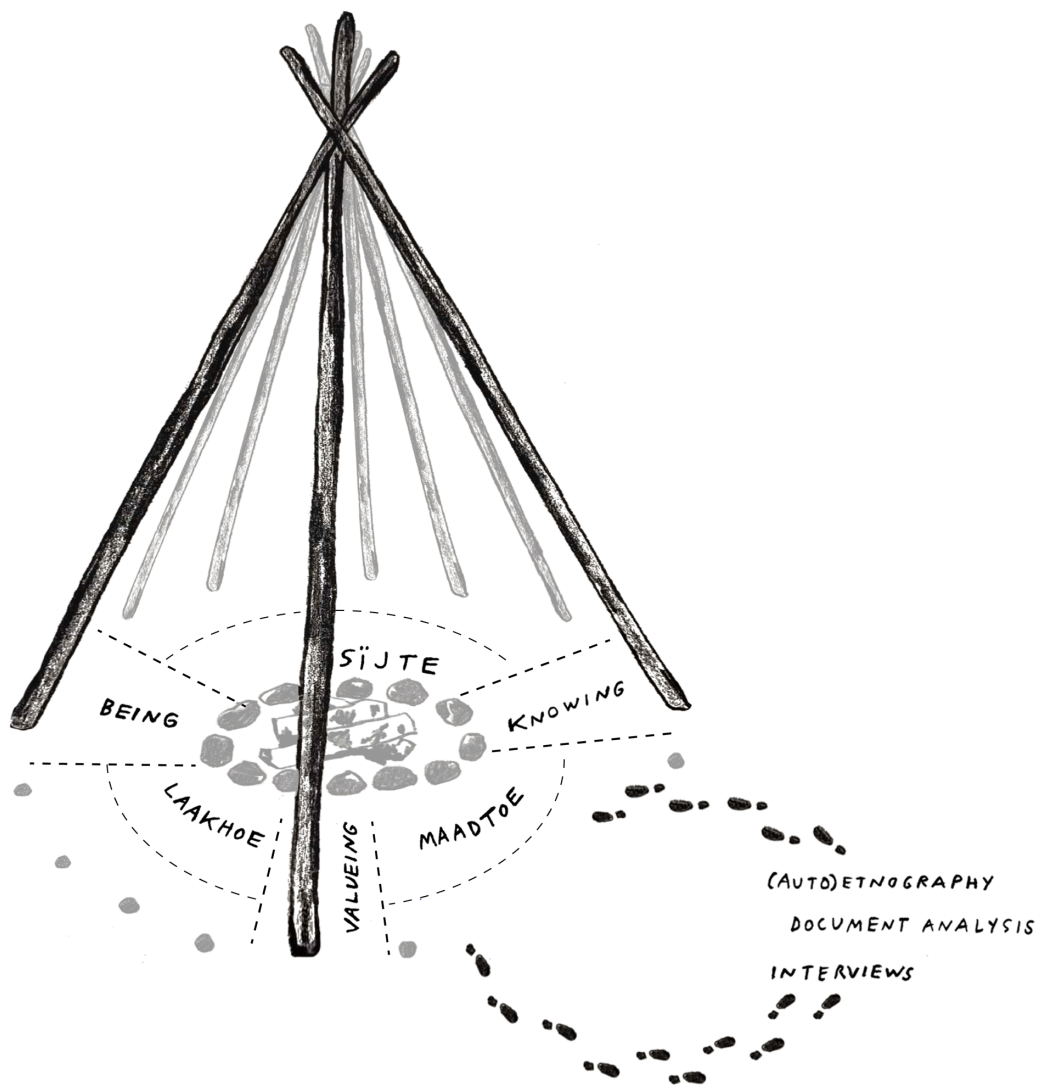


Figure 8. A research låavtege. Design and drawing by Astrid Fadnes, based on my sketch and idea.

4 Summary of findings

This chapter summarizes and presents the main findings of the book chapter and two journal articles that constitute the main material for the discussions in chapter 5. Here, I use short titles of the publications which are attached in their full length at the end of the thesis.

4.1 “Through our stories we resist”

In this book chapter, I provide decolonial perspectives on Southern Saami history, Indigeneity, and rights, by studying how colonial narratives are contested by Southern Saami counterstories. The chapter was written and published early in the research process and is important to position my research within decolonial Indigenous scholarship. Saami and other Indigenous scholars critique how academia continues to reproduce colonial power asymmetries and harm but recognize that our counterstories and knowledge horizons constitute powerful forms of resistance. Informed by Indigenous autoethnography (Whitinui, 2014), I tell a personal, yet collective story to challenge racist discourses and knowledge hierarchies, and their implication for Southern Saami reindeer herding and its landscape. Through the knowledges and experiences of five generations, I contest long-enduring colonial narratives of the Southern Saami as racially inferior immigrants in Gåebrien. As well as responding to the main research questions, the book chapter serves as an important methodological and ethical starting point for the second and third articles.

Previous research has contested dominant narratives of Southern Saami origin from the perspective of different academic disciplines (S. Fjellheim, 2020; Sem, 2019). I analyse them in a context of Nordic-Saami colonialism and demonstrate how epistemic controversies are intrinsically linked to struggles over land. Based on material from the “family archive,” I further trace how racism and racialization continue to inform the public debate of Saami Indigeneity and rights. A public statement from the Røros Forest Association in 2009 is linked to a photo of my *maadteraahka* (great-grandmother) being skull measured by a racial scientist in 1922. The forest association claimed that my father and uncles are too intelligent and industrialized to be Indigenous, and that the Southern Saami in the area are late

immigrants lacking ancestral rights to practice reindeer herding. This serves as a starting point to explore how broader scientific ideas from social-Darwinism, racial biology and Yngvar Nielsen's *advancement theory* from the late 19th and early 20th century, inform how Saami history, Indigeneity and reindeer herding rights are contested up until today.

Through a decolonial lens, I conclude that Southern Saami counterstories challenge colonial legacies manifested through asymmetric power relations in academia and legal structures that still limit Saami rights to land. I argue that academic institutions have a responsibility to address its epistemic ignorance (Kuokkanen, 2008) and arrogance towards Saami epistemes and the critical scholarship that challenge them. To work towards greater epistemic justice, there is a need to strengthen Saami scholarship and epistemes, as well as decolonial initiatives within "Western" knowledge institutions.

4.2 "You can kill us with dialogue"

In the second article, I provide critical perspectives on governance practices and human rights compliance in Norway's green energy transition. I do so by studying Southern Saami reindeer herders' experiences and contestations over state consultation and corporate dialogue in the Øyfjellet case. The article is based on a committed research approach to Jillen Njaarke in their struggle to defend their ancestral landscapes and practices. By observing a consultation meeting with NVE and the corporate dialogue with Øyfjellet Wind and Eolus Vind, I got valuable insights into "dialogues" as contested spaces. As in the first book chapter, I explore competing knowledges and truths, but go further by critically addressing "dialogue" as prescription of good governance and conflict resolution in a context where human rights and democracy are perceived as high.

In the article, I address power dynamics and mechanisms that are understudied in literature concerning governance processes in industry development on Saami reindeer herding lands. By juxtaposing (Hooker, 2017) findings from the Øyfjellet case with critical literature from Latin-America, I introduce novel perspectives on governance practices and human rights compliance in a Nordic-Saami green colonial

context. The four mechanisms and effects identified by Rodrigo-Garavito (2011) helped organizing a broader set of literature to illustrate how “dialogues” in practice dispossessed the root cause of the conflict, revealed epistemic miscommunication and strategic ignorance of Saami knowledge claims, and how asymmetric power relations limited emancipatory effects for Jillen Njaarke.

Like in the book chapter, I study how racism is manifested in struggles over Southern Saami reindeer herding landscapes. Informed by Grégoire’s (2019) research on Indigenous peoples’ resistance to the mining industry in Guatemala, I suggest that the “dialogues” Jillen Njaarke engaged in represent a form of violence and racism. The findings from the Øyfjellet case demonstrate that paternalist practices and premises underpinning the “dialogues” devalue Saami knowledges, practices and landscape relations. While the first book chapter traces how colonial narratives are contested over time, the second article focuses on how *green colonialism* is manifested in the Nordic-Saami context. Like findings from Indigenous peoples’ territorial struggles in Latin-Amerika, I argue that neo-liberal interpretations of Indigenous peoples’ rights to FPIC consultations predominate the premises, practices and discourses of the “dialogues” that took place. A “green and good” label was actively used by the wind energy company to legitimize continued dispossession of Southern Saami landscapes and herding practices, supporting findings from studies elsewhere in Saepmie (Kårtveit, 2021; Kuokkanen, 2023; Lawrence, 2014; Normann, 2020).

4.3 “Wind energy on trial in Saepmie”

In the third article, I study epistemic controversies in a legal struggle over impacts on Saami reindeer herding landscapes and culture in the Fosen case. Through courtroom ethnography, I contribute with a novel methodological approach to studies on land-use struggles and Indigenous peoples’ rights in Saepmie. While previous studies have analysed decisions from license authorities (E. G Broderstad, 2022; I. S. M. Olsen, 2019) and courts (Cambou, 2020; Ravna, 2022), I address the epistemic controversies and power asymmetries that underpin legal debates and lead to final decisions. As an ethical stance to alleviate research burdens and fatigue, courtroom ethnography

moreover enabled me to mobilize solidarity and care with Fovsen Njaarke in and around the courtroom.

As in the first book chapter and second article, I address colonial presumptions of Saami reindeer herding and its landscapes. Like in the second article, I study *competing claims to truth* (Lawrence & Larsen, 2017) concerning impacts from wind energy infrastructure on Saami reindeer herding culture. The study builds on literature that conceptualizes power dynamics that operate when different knowledge systems and worldviews collide, especially studies of epistemic controversies in Saami landscapes (Johnsen et al., 2017; S Joks & Law, 2017; Kramvig & Avango, 2021; Lawrence & Larsen, 2017). By not only questioning what is known and by whom, the article also provides insights to the power that operates around the *unknown*. In particular, I explore how *ignorance* is strategically produced by powerful actors to secure capitalist and colonial interests (Lawrence, 2022; Proctor & Schiebinger, 2008).

The findings demonstrate that the parties' competing claims to truth relied on different knowledge systems and worldviews. However, beyond an onto-epistemological conflict between the "Indigenous" and the "Western," Fosen Vind DA and the Norwegian state strategically ignore knowledges that warn against severe negative impacts from wind energy development. Like in the second article, I argue that wind energy development constitutes a green colonial dispossession of Southern Saami landscapes, practices and culture. The historical supreme court verdict in the Fosen case illustrates how Saami reindeer herders can interrupt and challenge established knowledge regimes and colonial presumptions of Indigenous livelihoods, culture, and rights. However, the state's reluctance to respect the outcome of its own legal system suggests that power asymmetries impede a space for Indigenous epistemes and rights in the green energy transition.

5 Weaving fragments and moments of resistance

In this chapter, I discuss the findings presented in chapter 4 in conversation with broader literature concerning Saami and Indigenous peoples' struggles against colonial injustices. With spatial and temporal variation, I found continuity, rupture, and renewal in how the epistemic controversies in struggles over Southern Saami reindeer herding landscapes are entangled in Nordic-Saami (green) colonialism. This prompts to reflect further on what is old and what is new and to engage more deeply with the ways the three *sijth*⁴³ challenge colonial presumptions of what Saami reindeer herding and its landscapes were, are, and ought to be in the future. A critical reflection on the research approach of the study serves to inform decolonial learning and future praxis in studies on struggles over Indigenous landscapes. Building on the theoretical and methodological frameworks presented in previous chapters, I revisit the broader aims of the thesis. Although the findings overlap and intertwine, I structure the discussion around each research question worth mentioning anew:

1. How are the epistemic controversies I studied entangled in Nordic-Saami (green) colonialism? What is old and what is new?
2. How do Southern Saami reindeer herding communities and knowledge holders challenge and resist colonial presumptions of Saami reindeer herding and its landscapes? What kind of epistemic controversies underpin the competing narratives and claims to truth?
3. How does the study contribute to decolonial learning in struggles over Saami reindeer herding landscapes?

5.1 Epistemic controversies and Nordic-Saami (green) colonialism

The first question situates the epistemic controversies I study in a broader context and allows me to explore spatial and temporal variations and particularities of Nordic-Saami (green) colonialism. All three publications concern struggles over Southern Saami reindeer herding landscapes, and how dispossessions are legitimized with racist

⁴³ The – h ending in Southern Saami indicates the plural form of the word, in this case *sijte*.

and paternalist narratives and effectuated by structural injustices and asymmetrical power relations. Based on the findings of this thesis and other studies, I argue that Nordic-Saami (green) colonialism simultaneously has a material, discursive, structural, and epistemic dimension which I will attend to in the following.

5.1.1 Dispossession of Southern Saami reindeer herding landscapes

Studies on historical dispossessions of Saami lands emphasize how colonial policies and laws have been modified to favour state and corporate interests at the expense of Saami reindeer herding and fishing. These studies emphasize the dispossession of Saami lands as a primary colonial premise (Kuokkanen, 2020a; Lawrence, 2014; Lawrence & Åhrén, 2016; Össbo, 2023). In this thesis, I focus on how epistemic controversies inform decisions that impact Saami reindeer herding landscapes in Norway and the epistemic implications of the material dispossessions of land.

In the first book chapter (E. M. Fjellheim, 2020b), I provide an historical account of how racial biology and the advancement theory shaped the dominant narrative of the Southern Saami as racially inferior immigrants in the late 19th century. Parts of this colonial narrative was reproduced by scholars and landowners throughout the 20th century, with severe implications for reindeer herding up until today. During more than 100 years, my *laahkoe* in Gåebrien has been taken to court by landowners whose ancestors settled and acquired private property rights on ancestral Saami reindeer herding lands. In some areas, the reindeer herders had to pay high monetary compensation for alleged damage on the landowners' crops and lost the entire right to use some areas (S. Fjellheim, 2012, 2022). Although the documentation of Southern Saami cultural heritage and critical scholarship challenge epistemic *ignorance* (Kuokkanen, 2008) and *arrogance* (Kuokkanen, 2017) in academia, the legacy of these narratives has informed legal decisions concerning land rights until the 21st century.

In the second and third articles (E. M. Fjellheim, 2023b, 2023c), I focus on the continuation of dispossession of lands in the context of climate change. As other studies from the Nordic-Saami context (Kårtveit, 2021; Kuokkanen, 2023; Lawrence, 2014; Normann, 2020; Össbo, 2023), the articles address wind energy development as a “green” form of dispossession with severe negative impacts on Saami reindeer

herding landscapes. As argued elsewhere, the impact assessments lacked engagement with the cumulative effects on Saami reindeer herding (Dannevig & Dale, 2018; Lawrence & Larsen, 2017; Österlin & Raitio, 2020). Political mobilization and legal struggles against wind energy development needs to be understood as a continuation of historical struggles to protect the Saami landscape from multiple industries and encroachments (Kårtveit, 2021; Nilssen, 2019). In the Fosen and Øyfjellet case, reindeer herders depict how wind energy infrastructure adds on to already fragmented landscapes, and how climate change further limits the extensive and flexible use on which sustainable reindeer herding depends (E. M. Fjellheim, 2023b, 2023c). They illustrate well the double colonial burden Saami reindeer herders carry, from climate change and its alleged mitigation measures.

While the first book chapter addresses how reindeer herders have been denied ancestral rights to land (E. M. Fjellheim, 2020b), the second and third articles concern how these rights are limited by legal expropriation (E. M. Fjellheim, 2023b, 2023c). Based on a study of colonial seizure of Indigenous *Maya Q'eqchi'* lands in Guatemala, Grandia (2012) makes a distinction between “hard” and “soft” dispossessions. Whereas the former represents violent conquest, the latter points to appropriations enabled by complex agrarian legislation and bureaucratic mechanisms that favour foreign investments and the interests of national elites. Other studies illustrate how contemporary dispossessions tend to be characterized by restricting access to landscapes or practices that are in the way of capitalist interests (Fairhead et al., 2012; Grandia, 2012; Perreault, 2013; Rasmussen & Lund, 2018). In the studies of the Fosen and Øyfjellet case, I found that the wind energy licenses were approved based on the premise of “coexistence” - meaning that reindeer can continue to graze inside, and migrate across, wind energy infrastructure (E. M. Fjellheim, 2023b, 2023c). When the court began to acknowledge that reindeer tend to steer clear of wind turbines that are in operation, wind energy companies argued that reindeer herding should adapt to technocratic solutions. For instance, by replacing lost migration routes with mechanical transport during spring migration (E. M. Fjellheim, 2023c), the right to Saami culture was reduced to constitute *any* kind of reindeer herding.

As discussed above, all three publications illustrate how the outcomes of epistemic controversies are decisive in bureaucratic and legal decisions that impact Saami landscapes, practices and rights. Lawrence & Åhrén (2016) suggest that the state needs to critically engage with its colonial legacy and return Saami ancestral lands which historically have been dispossessed without consent. As discussed in the first book chapter (E. M. Fjellheim, 2020b), the Supreme Court eventually dismissed the advancement theory and recognized Saami oral transmissions of knowledge, documentation of cultural heritage and legal conceptions in the *Saalpove* verdict in 2001. However, Southern Saami reindeer herding lands historically dispossessed by the Supreme Court have never been returned.⁴⁴ In the Fosen case, the Supreme Court concluded that the Roan and Storheia licenses constitute a human rights violation, but the state refused to restore and return the lands to Fovsen Njaarke (E. M. Fjellheim, 2023b).

As previously mentioned, the dispossession of Saami reindeer herding lands concern more than material and economic loss. As I will discuss further in 5.2, what is at stake is the existence of entire lifeworlds. Therefore, there is a need to make visible, not only the knowledge controversies that took place over facts, but also the ontological conflicts that underpinned the competing narratives and claims to truths concerning what Saami reindeer herding landscapes and practices was, is and ought to be in the future. As argued by Normann (2022, p. 64), the dispossession of the material base for Indigenous lifeworlds lays the foundation for *epistemicide* (de Sousa Santos, 2015). In the first book chapter (E. M. Fjellheim, 2020b), epistemicide manifests through “hard” dispossession of entire landscapes and erasure of historical memory. In the second and third articles, it occurs through more “soft” bureaucratic and legal dispossessions that limit reindeer herding practices according to *aerpiedaajroe*, *aerpiemaahtoe* and *aerpievuekie* (E. M. Fjellheim, 2023b, 2023c).

⁴⁴ An area near the Aursunden lake, Korsjøfjellet and Trollheimen in Norway, and Herjedalen in Sweden.

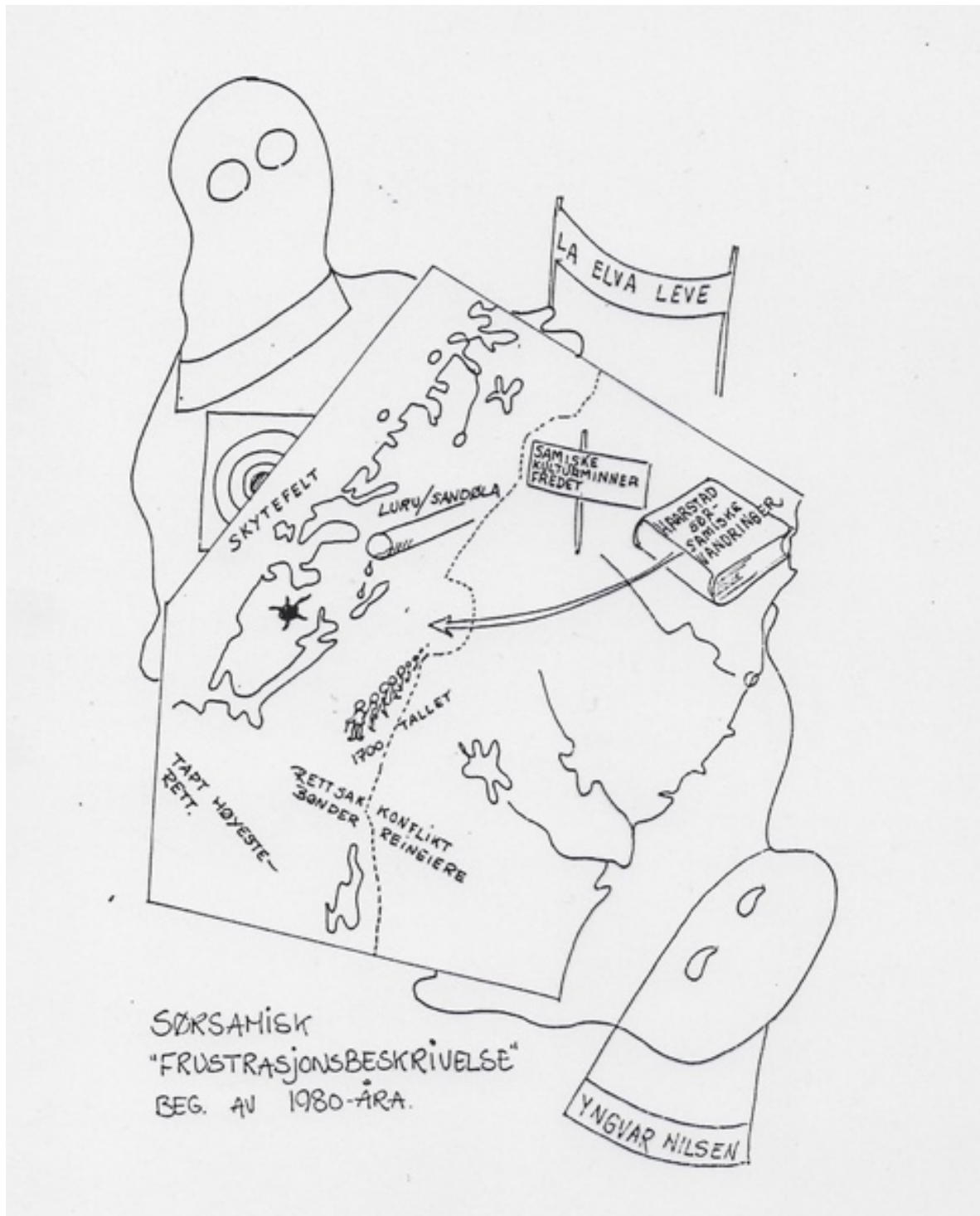


Figure 9. A Southern Saami “frustration description” from the beginning of the 1980s is still pertinent today. In the late 70s, a large shooting range in Fovsen Njaarke and a regulation of the Luru-Sanddøla river was planned. Further north, the slogan “Let the river live” illustrates the civil disobedience protests to defend the Áltá-Guovdageaidnu river. Yngvar Nielsen is portrayed as a ghost from the past who continues to legitimate settler dispossessions of Saami reindeer herding landscapes in Åarjel Saepmie through historians who reproduce the advancement theory. Drawing by Katharina Anna Bircher, printed with permission.

5.1.2 Racism and paternalist narratives

Racism is integral to the colonial logic and agenda that legitimizes dispossessions of Indigenous peoples' lands. This thesis challenges *Nordic exceptionalism* (Loftsdottir & Jensen, 2012), a dominant notion in the Nordic countries that the region is exempt from colonialism and racism. Berg-Nordlie (2022) suggests that “antisaamism” is a useful term to address the historiography and complexities of racism against the Saami. The examples he presents are diverse, ranging from hate speech to structural erasure of the Saami from history and injustices in decision-making concerning Saami affairs. In all three publications, I provide examples of how racism is manifested, expressed, and transformed over time. I argue that dispossession of Saami reindeer herding landscapes are legitimized by paternalistic narratives that erase or devalue Saami ways of knowing, being in, and valuing the landscape.

The first book chapter (E. M. Fjellheim, 2020b), builds on studies of the colonial premises and implications of Yngvar Nielsen's advancement theory (S. Fjellheim, 2020, 2022; Sem, 2019). When assessing theories produced in a period where social-Darwinism prevailed, it is necessary to account for the researchers' reproduction of these ideas (K. S. Bull, 2024). Nielsen was not a racial scientist, but reflected views prominent academic authorities and institutions had of the Saami as inferior to the Germanic “race” (K. S. Bull, 2024; Pedersen, 2019). In one of his travel guides, Nielsen (1885) describes the Røros Saami as very dirty, even compared to other “Lapps.”⁴⁵ This racial ideology informed legal frameworks that regulated Saami reindeer herding, in particular in relation to private property rights. In 1883, the Transborder Lapp Act⁴⁶ reduced Saami reindeer herding rights to *tolerable* use of land. The commission that followed the new act restricted reindeer herding within administrative areas limited to the territorial boundaries of the Norwegian state. Collective liability was imposed on the newly established reindeer herding districts to facilitate legal claims for alleged damage caused by reindeer on private properties. In its recommendations, the commission clearly expressed its views on the Saami as

⁴⁵ Lapp is a derogatory colonial term for Saami.

⁴⁶ *Felleslappeloven* in Norwegian.

“lazy” and “underdeveloped,” and as such, in the way of nationalist interests (G. Eriksen, 2004; Somby, 1999). The legal perception of nomadic reindeer herding as inferior to agricultural land-use and private property rights was reproduced in the Reindeer Herding Act in 1933 and in court rulings as late as 1997 (K. S. Bull, 2023; G. Eriksen, 2004; Ravna, 2006). During a century, Nielsen’s erasure of Southern Saami history and landscapes thus had both colonial and racist implications (Berg-Nordlie, 2022; S. Fjellheim, 2020).

In the book chapter (E. M. Fjellheim, 2020b) I also study how racialization has been strategically modified throughout history to justify dispossession of Saami reindeer herding landscapes. The settler landowners and the organizations that support them continue to use essentialist stereotypes to define the “Indigenous” as biologically distinct and culturally primitive. However, contrary to racial scientists, they exclude the Saami from a category that now serves to strengthen, and not weaken, Saami rights to land. Building on Lawson’s (2004) theories of settler rhetoric, Olsen (2010) argues that EDL,⁴⁷ the same organization that intervened in the landowner meeting in *Saalpove* in 2019, uses common colonial tropes to discursively displace Indigeneity and Saami rights to land. EDL delegitimizes Indigenous peoples’ rights by building narratives that either portray Indigenous peoples as settlers themselves or as lacking continuity with the past. The latter was the case in both the forest association’s and EDL’s arguments, that in addition, racialized the Saami as too *industrialized* and *educated* to be Indigenous (E. M. Fjellheim, 2020b).

Yngvar Nielsen (1900, p. 2) also expressed that “civilization is merciless. With its steam and electricity, it pushes the weaker race to the ground without consideration.” Nielsen’s depiction of the Saami as a “weak race” destined to succumb to the “civilized” resonates aptly with the sacrificial logic used to justify the current “green” energy transition. In the late 19th and early 20th century, racialization of Saami Indigeneity and devaluation of nomadic way of life was expressed explicitly in legal propositions and court decisions. A hundred years later, the Nordic states reproduce racist and paternalist notions of Saami reindeer herding. As noted by Össbo (2023),

⁴⁷ EDL is short for Ethnic Democratic Equality.

“we are back to square one,” as Saami reindeer herding lands continue to be sacrificed to make room for what the states consider to be more “progressive” or “advanced” forms of land-use, now labelled as “sustainable” or “climate change mitigation” measures (Kuokkanen, 2023; Lawrence, 2014; Normann, 2022; Össbo, 2023).

Simultaneously, companies, state license authorities, and courts frequently argue that “coexistence” between industrial development and Saami reindeer herding is possible (Cambou, 2020; Lawrence, 2014; Össbo, 2023). Here, the negative impacts narrated by reindeer herders are minimized, neutralized, or completely erased, and the benign connotation are more difficult for reindeer herders to contest (Reinert, 2018). However, as Össbo (2023) suggests, coexistence is a renewed settler colonial logic of elimination. In the case Fosen and Øyfjellet case, Fovsen Njaarke and Jillen Njaarke were forced to move away from a form of reindeer herding that is guided by *aerpiedaajroe*, *aerpiemaahtoe* and *aerpievuekie* – one that values landscapes beyond pastureland for reindeer. The moral imperative underpinning the rhetoric of both *sacrifice* and *coexistence* legitimizes infringement on Saami rights in the name of climate change (E. M. Fjellheim, 2023b, 2023c).

As indicated in the second article (E. M. Fjellheim, 2023c), Jillen Njaarke experienced the “dialogues” taking place with the license authorities and the wind energy company as a form of racism. In social media, commentators reproduced stigmatizing stereotypes of the Jillen Njaarke Saami as “greedy for compensation” and an obstacle for “job opportunities and development” in the municipality. This reflects a common racist trope of the Saami as an economic burden to the Norwegian welfare state (Berg-Nordlie, 2022). It also reflects a study by Amnesty which found that the most common negative mentions of the Saami on Facebook concern alleged opposition to “modern development.” The negative comments increased substantially as a direct consequence of the Fosen case (Amnesty, 2023). In juxtaposition with a study on extractive industries in Guatemala (Grégoire, 2019), I moreover suggest that the “dialogues” in which Jillen Njaarke took part constitute a structural manifestation of racism. Corporate dialogue and agreements were made in the context of coercion, and bureaucrats devalued Saami epistemes and practices in the consultation meeting.

To Ole-Henrik (Heihka) Kappfjell from Jillen Njaarke, being rendered invisible is racism in its most brutal form (E. M. Fjellheim, 2023c).

A comprehensive study of the living- and working conditions of the Southern Saami reindeer herding population support these findings and stress severe health implications due to discrimination, marginalization, harassment, threats and violence. Only 2% of the respondents meant that state authorities consider reindeer herding to be important for the larger society and that they receive the same support and protection as other industries in Norway (Møllersen, 2018).

5.1.3 Structural injustices and power asymmetries

In all three publications, I found that Saami reindeer herders challenge structural injustices and asymmetrical power relations with settlers, state, and corporate actors. The tension between Saami self-determination and colonial domination persists in contemporary struggles, although the structures that shape these relations have changed over time (Junka-Aikio, 2022b; Kuokkanen, 2020b; Lawrence, 2014; Lawrence & Åhrén, 2016; Össbo, 2023). As argued above, the advancement theory and social-Darwinism legitimized legal provisions and precedence that discriminate between private property and Saami reindeer herding rights. It took a century for the Supreme Court to recognize reindeer herding rights from time immemorial in the *Saalpove* case in 2001. In 2018, the Supreme Court in the Fæmund case dismissed compensation claims from landowners and questioned whether the provision of collective liability in the Reindeer Herding Act is in accordance with constitutional Saami rights and corresponding legal provisions of ILO 169 (E. M. Fjellheim, 2020b). In the latter case, the Supreme Court recognized what the second Saami Rights Committee suggested already in 2007 - that the act ought to be revised (Ravna, 2019a). However, the Ministry of Agriculture has not yet taken any measures to revise a law that was elaborated in a time when Saami land-use and way of life were considered inferior (K. S. Bull, 2023).

In testimonies given to the Norwegian TRC Commission, Saami reindeer herders express that Norway's colonial and assimilation policies continue through industrial development on Saami reindeer herding lands. Southern Saami reindeer herders in particular, argue that the increased pressure from encroachments

deliberately threatens Saami culture (Høybråten et al., 2023, pp. 532-562). In Norway, the ICCPR is considered to be the most important international convention for protecting Indigenous peoples' rights to culture, due to its integration into the Human Rights Law (Ravna, 2019b). However, with few exceptions (E. G Broderstad, 2022), its application in license processes concerning wind energy development, has proven to be extremely difficult in Norway (I. S. M. Olsen, 2019). In both the Øyfjellet and Fosen case, the license authorities considered the benefits of producing wind energy to outweigh the disadvantages for reindeer herding (E. M. Fjellheim, 2023b, 2023c). This can be understood as a form of “sacrificial planning” (Reinert, 2018) that was challenged by the Supreme Court in the Fosen case. Here the Supreme Court concluded that the Saami right to enjoy their culture is absolute, even if the production of renewable energy is an important political priority. Nevertheless, by insisting on “coexistence” and strategically ignoring the epistemic foundation of the Supreme Court’s decision, the Norwegian state continues to protect green colonial dispossessions in the 21st Century (E. M. Fjellheim, 2023b).

In the second and third articles (E. M. Fjellheim, 2023b, 2023c), I further illustrate how Saami-State relations are influenced by neoliberal capitalism. This global economic order constitutes a form of *settler capitalism* (Speed, 2017) with governance mechanisms that make tracking and placement of accountability more difficult (Arboleda, 2020). Decisions to expand the wind energy industry are linked to the Nordic states’ commitment to a hegemonic climate change agenda that is based on a green colonial and capitalist logic of extraction (Batel & Küpers, 2022; Dunlap, 2019; Siamanta & Dunlap, 2019; Tornel & Montaña, 2023). Recent studies address how neoliberal tendencies expand in governance processes concerning Saami reindeer herding rights in Sweden and Finland. These studies emphasize how corporate-led dialogues and impact benefit agreements leave out questions of sovereignty and territorial rights (Larsen, Boström, et al., 2022; Larsen, Staffansson, Omma, & Lawrence, 2022; Lawrence, 2007, 2014). In what they call a “salutary note of caution,” Howlett and Lawrence (2022) warn Norway about agreements that are presented as democratic and participatory solutions to Indigenous peoples’ rights claims, as they are designed to facilitate dispossessions. Importantly, they note that

Indigenous peoples may have informed and strategic agency in these processes. However, this agency is often limited to accommodate colonial realities. Although scholars note that the Saami right to consultation is stronger in Norway than in the other Nordic countries (Allard, 2016; Raitio et al., 2020), my research shows that its implementation constitutes a bureaucratic form of colonial domination (Dunlap, 2018). Instead of resolving the Øyfjellet conflict, the state consultation displaced the root cause of the conflict and ignored Jillen Njaarke's epistemic foundation to legitimate green colonial interests (E. M. Fjellheim, 2023c).

Studies from Sweden (Nilsson, 2021) and Finland (Kuokkanen, 2020b) emphasize the lack of legal recognition of Saami rights to land and water as a colonial legacy that allows further infringement on self-determination over ancestral practices. Despite a stronger legal recognition of Saami rights, the Norwegian state has a final say in decisions concerning encroachment on Saami reindeer herding lands and there is a lack of recognition of Saami rights to land and water south of Finnmark County. Össbo (2023) suggests that a decoloniality approach must ensure that Saami organizations engage on equal terms when decisions over land-use are made. However, focusing only on the recognition of rights in terms of state and international law may risk reducing struggles for self-determination to a (neo)colonial relationship with the state (R Kuokkanen, 2019). Kappfjell from Jillen Njaarke critiques how the entire legal system fails to capture Saami knowledges, worldview, and legal perception (E. M. Fjellheim, 2023c). Hence, the problem does not only concern lack of implementation or "bad governance" that can be fixed or improved (Acuña, 2015), but also the limitations of colonial laws and structures.

The findings of this thesis reflect the need to restructure all relations of domination (R Kuokkanen, 2019). They also call to strengthen Indigenous peoples' knowledges, worldviews, norms, values, and not least, relations with kin, community and the landscape (Constantinou et al., 2024; Nilsson, 2021) to reclaim a kind of self-determination that permits us to *bearkadidh* – to manage (Nilsson, 2021). This leads me to a discussion of the second research question which engages more deeply with epistemic controversies that take place in conflicts over Saami reindeer herding landscapes.

5.2 Colonial difference in the landscape

In this thesis, I have studied competing narratives and claims to truth in academia, bureaucracies, and courts. The second research question deepens the analysis of the concrete epistemic controversies that underpin them. To help structure a discussion that encompasses the complexity and diversity in my findings, I build on an understanding of epistemic controversies as a matter of *colonial difference* that simultaneously concerns *epistemological*, *ontological* and *political* dimensions (Law & Joks, 2019). Moreover, my findings show that there is a need to engage more deeply with the political and colonial construct of *ignorance*, emphasized here in its epistemic and strategic form.

5.2.1 Knowledge controversies

The *epistemological* dimension of the conflicts I studied can be understood as knowledge controversies over what is often referred to as “facts” for decision-makers to consider. Based on findings from all three publications, I identify a hierarchy between *aerpiedaajroe* (oral, written, practical and theoretical) and *science* on one hand, and disagreements on methodologies within scientific disciplines on the other. The controversies also concerned subjectivity and bias claims which were actively used to delegitimize knowledge authorities of the opposing parties.

One of the main controversies I address in the first book chapter (E. M. Fjellheim, 2020b), concerns who came first; sedentary landowners or nomadic reindeer herders. In lawsuits, this question determined whose rights should be given priority when they came into conflict with each other. Here, the advancement theory and racial science represent Western and colonial epistemes that dehumanize Saami reindeer herders, devalue a nomadic way of life, and erase Saami historical relations with the landscape. While racial biology was quickly dismissed as a legitimate science, the advancement theory was reproduced or rendered unchallenged by some historians into the 21st century (K. S. Bull, 2024; S. Fjellheim, 2020; Sem, 2019). In records from a court case from 1892, my *maadter-maadteraajja* (great-great-grandfather) Paul Johnsen testified that we have always been here (S. Fjellheim, 2020). Since then, Southern Saami knowledge holders have contested the colonial imaginary of the Saami immigrant. In this endeavour, strengthening and

institutionalizing Saami cultural heritage work has been crucial. This work builds on principles, methods and processes that rely on “cultural competence” of, and “territorial affiliation” to the landscape (S. Fjellheim, 1991). That is, knowledges, practices and values that have been orally transferred from generation to generation and acquired through relations to the landscape and its historical and present use (Nordberg & Fossum, 2012; G. Ween, 2005).

Translating Southern Saami oral knowledge about landscape practices and relations into writing has been important to prove continuous use. This strategy might have grown out a need to meet expectations of the clarity that written knowledge can offer. For instance, courts require measurable indicators and rigid descriptions of Saami reindeer herding practices. A part of this strategy has been to draw on critical research of historical and contemporary matters that concern the Southern Saami community (G. Ween, 2005). As argued in the first book chapter (E. M. Fjellheim, 2020b), Southern Saami counterstories are supported by scholarship that challenges perceptions of Southern Saami ancestral presence which for long dominated within archaeology, linguistics, and history (Bergsland, 1974, 1992; Bergstøl, 2008; Sem, 2019; Zachrisson et al., 1997). Here, critical scholars have played a crucial role in strengthening the legitimacy of Southern Saami counterstories that finally had repercussions in the Supreme Court’s decision in the *Saalpove* case (E. M. Fjellheim, 2020b).

It took a century, for the Supreme Court to recognize the documentation of Saami cultural heritage sites and oral memory as legitimate knowledge, abandon the advancement theory, and render the question of who came first irrelevant. The narrative of Saami “absence” in historical sources, however, continues to shape history writing in the region. Sem (2019) critically engages with the methodologies historians rely on in the book volume *History of Trøndelag* (I. Bull, Skevik, Sognnes, & Stugu, 2005). He studies the hidden ideologies behind structures and patterns of the text and argues that they avoid to critically engage with available sources, indicating the political and legal implications of doing so. As a consequence, Saami presence is systematically excluded in the time period before Nielsen argued the Saami migrated southwards (Sem, 2019). The statement from the Røros Forest Association further

illustrates how scientific theories and arguments broadly rejected by academia continue to sustain colonial narratives in public debates concerning Indigeneity and Saami rights (E. M. Fjellheim, 2020b).

The second and third articles (E. M. Fjellheim, 2023b, 2023c) address *competing claims to truth* concerning impacts from wind energy infrastructure on Saami reindeer herding culture. Here, the main knowledge controversy between the reindeer herding *sijth*, state license authorities, and companies concerns *if* and *how* coexistence is possible. Fovsen Njaarke and Jillen Njaarke challenged the premise that laid the foundation for the license authorities' decision to authorize the projects in the first place; that reindeer do not avoid wind energy infrastructure in operation. The reindeer herders, who are "local ecological experts" (S Joks & Law, 2017), provided license authorities and courts with testimonies of *aerpiedaajroe*, *aerpiemaahtoe* and *aerpievuekie*. They also presented "shadow reports" (Lawrence & Larsen, 2017) elaborated by natural- and environmental scientists who contest the impact assessments and expert opinions commissioned by the wind energy companies. Similar to the first book chapter, the controversy did thus not only concern a clash between "Indigenous" oral/practical and "Western" scientific/written knowledge, but also disagreements between scientists concerning methodologies, methods, and interpretation of findings (E. M. Fjellheim, 2023b). The Saami consultancy firm Protect Sápmi played a central role in bridging knowledges and results from research on impacts with Saami reindeer herding terminology and experiences (E. M. Fjellheim, 2023c).

In the Fosen case, it was difficult to read out of the verdicts how asymmetry played out in consideration of the diverse set of knowledges presented to the court. However, it was clear that Fovsen Njaarke's truth claims were devalued by Fosen Vind's consultants (E. M. Fjellheim, 2023b). This points to a need to explore further how courts deal with different knowledge systems and methodologies, but also how testimonies of reindeer herders are assessed in expert opinions of scientists. In an article about the status on research on impacts from wind energy on reindeer (Eftestøl, Tsegaye, Flydal, & Colman, 2022), the same consultants Fosen Vind commissioned make a general argument that information stemming from interviews with reindeer

herders should be used with caution and combined with “objective” data, such as GPS. They underpin this argument by emphasizing that reindeer herders are parties in land-use conflicts. The implicit claim that reindeer herders cannot be trusted, resembles legal records from the Supreme Court in the late 19th and early 20th centuries. Here nomadic Saami reindeer herders, and the oral knowledge and legal perceptions they represented, were considered untruthful compared to the testimonies presented by the Norwegian sedentary landowners (Somby, 1999).

Devaluation of the authority of Saami ecological experts is reflected in other studies. Despite of Saami reindeer herding knowledge being legally recognized as significant in decision-making in Norway and Sweden, they are in practice rendered “subjective” (Lawrence & Larsen, 2017), “testimonial” (Österlin & Raitio, 2020), “emotional” or “irrelevant” (Kramvig & Avango, 2021). Or as noted by Sem (2019, p. 168): “South Saami voices are seen as representatives of special interests, while non-Saami voices in contrast have been understood to represent higher truths.” This, in spite of historians reproducing the advancement theory and acting as expert witnesses on behalf of landowners in court (E. M. Fjellheim, 2020b). In the Fosen and Øyffjellet case, the wind energy companies commissioned expert opinions from the same consultancy firm, whose research supported the claim that coexistence is possible. In the Fosen case, Fovsen Njaarke’s lawyers claimed that the consultants had changed their conclusions in favour of the wind energy interests (E. M. Fjellheim, 2023c).

5.2.2 Ontological conflicts: What is at stake?

Beyond “facts” concerning impacts on reindeer’s behaviour, Saami herders contest that Saami reindeer herding culture can “coexist” with the wind energy industry. I suggest that an ontological perspective is needed to grasp with what are different presumptions of what actually “exists.” As such, the epistemic controversies I studied cannot be reduced to biological evidence or even conflicting interests over natural resources. What was at stake emerged from radically different worlds or realities that strive to sustain themselves (Acuña, 2015; Blaser, 2018; Blaser et al., 2013; Kramvig & Avango, 2021; Law & Joks, 2019; Lawrence & Larsen, 2017). In all three publications, I found that Saami reindeer herders, scientists, settlers, wind energy companies, license- and legal authorities mobilize conflicting realities of what Saami

Indigeneity and reindeer herding and its landscape was, is and ought to be in the future.

Blaser (2009) argues that “culture” is an insufficient category to grasp with such conflicting realities. In Canada, he studied ontological conflicts that emerge in state regulation of hunting and management of what scientists refer to as *Caribou* and what the Innu people in their language name *Atiku*. Although looking at the same physical or bodily entity, in this case the animal, Innu hunters, scientists and state managers, do not see or talk about the same “thing.” As scientists assume *Atiku* to be the Innu word for *Caribou*, whose behaviour best could be studied through biology, the Innu’s relation to the *Atiku* as a being with a will of its own is rendered invisible (Blaser, 2018). This study resembles how Saami herders relate to what can be considered the kin of *Atiku*, *bovtse*, or what we also know as reindeer. In the Øyfjellet case, Kappfjell questions how much longer we can call the “industrialized” reindeer herding they are forced to practice *båatsoe* (E. M. Fjellheim, 2023c). *Båatsoe* is not a Southern Saami word for any kind of reindeer herding. It means the continuation of *aerpiedaajroe*, *aerpiemaahtoe* and *aerpievuekie* – the ancestral knowledges, practices and norms that guide respectful relations with the landscape.

Although not explicitly addressed in the first book chapter (E. M. Fjellheim, 2020b), the Southern Saami counterstories I discuss can also be understood as contestations of colonial presumptions of Saami Indigeneity and reindeer herding. Beyond the question of who came first, a settler agricultural land-use consider nature as an object that can be controlled, delimited, and owned. The view that the herders should prevent reindeer from trespassing private property underpin existing legal provisions that enable landowners to legally pursue reindeer herding communities. This stands in stark contrast to relational values and nomadic use of the landscape, which in turn has left few traces. Or rather, the traces of Saami use are there, but they have been rendered invisible by a settler scientific gaze – such as Yngvar Nielsen’s epistemic ignorance of Saami cultural heritage sites. The political and legal implications of ontological differences are significant. As noted by Southern Saami archeologist Ewa Ljungdahl (2011): “If we are invisible, we do not exist.” If we do not exist, we hold no rights.

Ontological conflicts really came to the fore in the Øyfellet and Fosen cases. Here, the main legal question concerned whether wind energy development violates the right to enjoy Saami culture in line with article 27 of the ICCPR (E. M. Fjellheim, 2023b, 2023c). Here, scientists, and license- and legal authorities mobilized a “Western” ontological and normative assumption that reindeer can and should be controlled. “Coexistence” meant balancing the *interests* of producing reindeer meat with wind energy production. The mitigation measures they suggested respond to a positivist-reductionist understanding of reindeer as an object to be tracked, measured, and weighed (Johnsen et al., 2017). Jillen Njaarke and Fovsen Njaarke, however, were concerned with sustaining a meaningful and respectful relationship with the reindeer and the landscape. This meant defending the free migration between natural pastures, and not depending on artificial feeding or mechanical transport all year around. As expressed by Kappfjell, it is only when you move together with the herd that you get a *juhtiedaemies krievvie* - a tame herd that is easy to move and work with (E. M. Fjellheim, 2023c). In both the Øyfellet and the Fosen case, the destruction of landscapes is described as a form of violence that can be compared to losing a part of the body or the entire self (E. M. Fjellheim, 2023b, 2023c). This reflects a Saami worldview that values human, animals and nature as closely related and mutually dependent on each other (S. Fjellheim, 1991; Jernsletten, 2010; Johnsen et al., 2017; Kramvig & Avango, 2021; Law & Joks, 2019; Sara, 2009).

Legal struggles to protect Indigenous peoples’ epistemes and practices face challenges, as the language used in international conventions is developed within an ontology of *modernity*. The critique of “culture” as an insufficient category to encompass these claims, concerns the very assumption that culture and nature are separate and detached entities (Blaser, 2009; Kramvig & Avango, 2021). The findings discussed above allow me to dwell further on the implications of *colonial difference* in academia, bureaucracies, and courts. They further invite to critically reflect on the concepts and analytical frameworks we use to make visible that more than one world exists.

Paradoxically, legal debates about the right to continue Saami reindeer herding as a right to “culture” are not put into any scholarly context, compared to the extensive

assessment of research on reindeer and pastures. At least, this is the case in the lawsuits concerning wind energy development I have studied. To some extent, natural- and environmental research is juxtaposed with reindeer herders' *aerpiedaajroe* and *aerpiemaahtoe*, but this is limited to concern "natural" phenomenon. Even though the Supreme Court verdict in the Fosen case expresses that a transition to artificial feeding constitutes a violation of traditional Saami reindeer herding, it does not build its reasoning on any scholarly knowledge or debate.

Anthropologists have discussed challenges and opportunities of translating Saami *customs* in Norwegian courts (Bjerkli, 2015; Thuen, 2004; G. Ween, 2006). In consideration of a case concerning customary use and collective property rights in the Sea Saami forest valley area of *Čáhput* in 2001,⁴⁸ Thuen (2004) and Bjerkli (2015) stress that "customs" are simultaneously characterized by continuity and change. So far, this consideration reflects the assumption both parties shared in the Fosen and Øyfjellet case, although they disagreed on the threshold for when infringements on reindeer herding constitute a violation of the right to Saami culture (E. M. Fjellheim, 2023b, 2023c). However, in the *Čáhput* case, the Supreme Court recognised the "local opinion" of the population's customary use of the uncultivated lands in question. Implicit in the court's consideration of these opinions, are the social institutions and norms that determine what kind of use is permitted and not (Bjerkli, 2015). As put by Bjerkli (2015, p. 141): "It is through social acceptance that new forms of utilisation can be understood as traditional continuation of older forms." Thuen (2003, p. 274) emphasizes that although societal developments, such as technology and economy, changes practices in landscapes, they may still be characterized by the continuation of certain "inter-personal modes of behaviour, local moral values and fundamental beliefs."

The point here is not to suggest that anthropologists should validate Saami epistemes or determine what constitutes Saami customary practices or culture. However, I suggest that there are lessons to be learned from theoretical and empirical perspectives that have set legal precedence, and that remain surprisingly absent in

⁴⁸*Svartskogen* in Norwegian.

debates concerning impacts from wind energy on Saami culture. I am aware that the right to “culture” established by the ICCPR and “customs” as part of property rights claims are different legal categories. The customary rights of Jillen Njaarke and Fovsen Njaarke were not at stake, but reindeer herding is a customary practice that is directly linked to the right to enjoy Saami culture. In both the Čáhput and Fosen case, defining the content of these practices was fundamental to settle the legal questions of concern. However, in the Fosen case the Supreme Court did not establish *whose* authority should be considered in determining what constitutes a violation of the right to Saami culture. If following the logic of the Čáhput ruling, the defining authority of what constitutes Saami reindeer herding as a cultural practice should pertain to those who practice them. Consequently, the limits put on impacts on these practices should be (self)determined by the reindeer herders themselves.

I am not arguing that the “worlds” Saami reindeer herders enact and defend are essentially different from that of settlers, corporate actors, or state authorities. Rather, I suggest that the differences they mobilize *matter* in knowledge production and decisions concerning conflicts over landscapes and resources (Law & Joks, 2019). The reindeer herding communities’ lack of attempt to validate the “cultural” dimension of their legal claim with expert opinions from social sciences, could be explained by a priority to counter and correct errors and missing “facts.” Another plausible explanation could be expectations to meet positivist legal premises unable to recognize that multiple worlds exists (G. Ween, 2006).

Taking an ontological critique seriously, further implies to recognize the theoretical and analytical value of Indigenous concepts, also in legal claims. This is important, because they stem from the same knowledges, worldviews, and values they aim to understand and explain. As proposed in the second article, *aerpievuekie* illustrates better the Saami reindeer herders’ refusal of altering certain reindeer herding practices, such as using mechanical transport and force the reindeer through the wind energy site during spring migration (E. M. Fjellheim, 2023c). As Porsanger (2011) argues, *aerpievuekie* moreover renders the tradition-modernity and nature-culture dichotomy irrelevant. In my view, *aerpievuekie* means allowing Saami reindeer

herders to continue ancestral practices according to certain values and norms, and to decide which changes and adaptations are in accordance with them.

In sum, “culture” and “tradition” not only reflect the language the parties used, but also the limited ways Saami reindeer herding landscapes and practices were defined by landowners, licence authorities, and corporations. These terms are insufficient to analyse the relational epistemes of Indigenous peoples. Moreover, reducing worldviews and worldmaking to different cultural perspectives on “nature” risk *actual* dispossessions of Indigenous peoples’ landscapes. Thus, the theoretical and analytical value of concepts such as *aerpievuekie* may not only enrich scholarly debates concerning ontological conflicts. They can also inform legal arguments and have implications for reindeer herders’ self-determination in cases concerning impacts on Saami landscapes, epistemes, and practices.

5.2.3 The colonial politics of ignorance

Research on struggles over Saami reindeer herding landscapes has addressed ignorance as general exclusion of Saami voices and rights by colonial authorities (Össbo, 2018), and the lack of knowledge reindeer herders face in the larger society, as well as among politicians and scientists (Normann, 2020). It is well documented that Southern Saami experience ignorance about reindeer herding, leaving the impression that their way of life is less important than other industries (Møllersen, 2018). Studies confirm that racism and discrimination towards the Saami based on stereotypes is partially linked to lack of education about Saami issues in general in Norway (NIM, 2022a). There is a need, however, to connect this ignorance to the settler colonial agenda to dispossess and eliminate ancestral Saami landscapes, epistemes and practices (Kuokkanen, 2023). In this view, ignorance is more than a structural consequence of oppressive systems (Alcoff, 2007). Based on the work of this thesis, I argue that ignorance, in its *epistemic* and *strategic* form, is actively and wilfully produced to privilege settler rights to land (E. M. Fjellheim, 2020b) and to secure green colonial and capitalist interests (E. M. Fjellheim, 2023b).

In the first book chapter (E. M. Fjellheim, 2020b), I argue that ignorance is epistemic when historians reject the counterstories of Saami knowledge holders, oral knowledge, and the Saami landscape as a living archive. Up until recently, decision-

makers have not been obligated to include Saami knowledges in decisions that concern impacts on Saami landscapes and practices. Bureaucracies and courts have thus been able to epistemically ignore other than “Western” scientific knowledges in impact assessments and expert opinions. In 2001, the Supreme Court accepted evidence that built on local Saami oral knowledge and legal perception in the *Saalpove* and *Čáhput* cases. Current environmental law in Norway requires decisions to be based on both science and knowledge that is acquired based on Saami use of landscapes (KLD, 2009). However, these developments are not reflected in regulations (KLD, 2017) and procedures that assess impacts from encroachments on Saami reindeer herding lands. As discussed earlier, scientists still refer to Saami reindeer herding knowledge as “unscientific” and “biased,” and the impact assessment regime is structured around positivist classification of impacts and mainly biological evidence. The Court of Appeal and Supreme Court in the Fosen case recognize Saami reindeer herding knowledge in their decisions, but this knowledge is reduced to match the premises and “objects” of study defined by natural- and environmental sciences. In a white paper about changes concerning the licencing process of wind energy development, OED (2020) advises better involvement of Saami reindeer herders and their traditional knowledges in impact assessments. However, these recommendations are vague in terms of the competence about reindeer herding required from consultants and the status reindeer herding knowledge should have in final decisions.

“Epistemic ignorance” does not only speak to the exclusion or marginalization of Indigenous ways of knowing, but also ways of understanding the world (Kuokkanen, 2008, 2017). As discussed above, the ignorance both Jillen Njaarke and Fovsen Njaarke face in consultation meetings and the court also has an ontological dimension in terms of how their ways of being in the landscape was suppressed or erased. What can be explored further in future research, is how *ignorance* can be strategically performed (Code, 2007) or how certain knowledges can be strategically refused (Simpson, 2015; Tuck & Yang, 2018) by the “oppressed” in encounters with colonial authorities. For instance, Jillen Njaarke and Fovsen Njaarke did not speak about the spiritual dimension of the land, although this was brought up as important in our conversations. We talked about the dilemmas it entails to share “sacred”

knowledge and cultural heritage sites, and how these topics cause stigma and fear of not being taken seriously by colonial bureaucracies and courts. Gradually, however, Jillen Njaarke has introduced their sacred mountains into the public debate about the destructive effects of wind energy infrastructure on Saami landscapes (Sylte, 2022, 2023).

Through the work of the second and third articles (E. M. Fjellheim, 2023b, 2023c), the kind of ignorance that is actively produced to favour capitalist and colonial interests became apparent. “Strategic ignorance,” by way of delay, neglect, uncertainty, and distraction (McGoey, 2019; Proctor, 2008; Rayner, 2012) really came to the fore in the Fosen case. First, in the way Fosen Vind avoided *uncomfortable knowledges* (Rayner, 2012) and instead relied on *corporate science* (Kirsch, 2014) and visual images to leave an impression that reindeer do not mind wind turbines. This way Fosen Vind omitted the reindeer herders’ knowledges that gave context to these images and produced doubt about other scientists’ conclusions that reindeer herding and wind energy infrastructure cannot coexist. Fosen Vind further argued that Fovsen Njaarke should carry the burden of proof against the uncertainty and doubt the corporation wilfully produced. After Fovsen Njaarke won in the Supreme Court, OED avoided the knowledges that laid the foundation for the verdict, by insisting on a (re)assessment of impacts to enforce coexistence (E. M. Fjellheim, 2023b). In the Øyfjellet case, Eolus Vind delayed funding for the impact assessment report from Protect Sápmi until the decision about the license already had been made. Although agreeing to pay for the report after substantial pressure from Jillen Njaarke, the content was ignored by the corporation and license authorities in further decisions concerning the project (E. M. Fjellheim, 2023c).

Strategic ignorance performed by the wind energy industry and state authorities in the Øyfjellet and Fosen case is not an isolated case in Saepmie. In 2017, the Swedish energy authorities refused to publish a peer reviewed research report that they had funded as part of their report series, as they did not like its “definite and far-reaching conclusions” (Gunnarsson, 2017, p. 4). The report was elaborated by the same biologist whose expert opinions were fundamental for determining the Supreme Court’s decision in favour of Fovsen Njaarke in the Fosen case. The research was later

published at the university's own platform. However, in several court cases, the wind energy industry used the controversy around the publication to produce doubt about its scientific legitimacy. In these cases, the court concluded in disfavour of Saami reindeer herders (Gunnarsson, 2017).

In light of the findings from the second and third articles, the strategic dimensions of ignorance also become clearer in the findings from the first book chapter (E. M. Fjellheim, 2020b). As discussed earlier, historians ignored critical studies from different scientific disciplines. A (self)critical review of Saami research carried out at the Institute of History at NTNU in *Tråante*⁴⁹ from 1965 to 2010 confirms what external critics for long have argued: That affiliated historians omitted to mention sources or scholarly work that prove ancient and continuous presence of the Southern Saami. The study found that internal critique of methodological shortcomings was raised towards the scholars who most prominently published and defended the advancement theory, but this critique was never made public. This left the impression of institutional legitimacy of a theory that informed legal debates and even determined supreme court rulings in disfavour of Saami reindeer herding communities in both Norway and Sweden (Eliasson, 2023). As mentioned in the book chapter (E. M. Fjellheim, 2020b), legal scholar Kirsti Strøm Bull (2004) considers that the long life of Nielsen's advancement theory and the ignorance of its critics need to be understood in direct relation to the majority populations' interests in the land-use conflicts.

Certainly, intentions underpinning strategic ignorance as an analytical concept is difficult to pin, as the boundaries between deliberate and inadvertent unknowns are blurry (Proctor, 2008). Yet, explaining knowledge gaps only as a result from, and not as a mechanism to maintain settler and (green) colonial power structures, risks *not-knowing* or *uncertainty* to be excused and rendered unaccountable for. The epistemic and strategic ignorance at work in the three publications are not clear-cut and overlap. Notwithstanding, ignorance plays a significant role in shaping and maintaining the colonial narratives and truth claims of settlers, corporations, and the Norwegian state.

⁴⁹ *Trondheim* in Norwegian.

Not only by producing uncertainty of “facts,” but also by omitting to acknowledge that conflicts in Saami landscapes also concern conflicting realities. Even if ignorance stems from structural knowledge gaps, it ultimately favours colonial interests (Lawrence, 2022).

5.3 Challenging (de)colonial research praxis in Saami landscapes

Above I have discussed the epistemic controversies I studied and illustrated how they are entangled in resistance to Nordic-Saami (green) colonialism. The third research question allows me to reflect further on the colonial entanglements I faced in the research process, the decolonial paths I chose to dismantle them, and the implications of the study for future research. As introduced in the methodology chapter (3), critical reflexivity through *guelmiedahke* and my relational accountability to *sijte*, *laahkoe* and *maadtoe* guided my research praxis and provided purpose to the overall research task. Particularly, the lessons from the study prompt to rethink committed research in a context characterized by (green) colonial harm and fatigue.

5.3.1 From participation to relational accountability

A central aim of the decolonial agenda is to unsettle colonial relations by making space for Indigenous voices and epistemes and addressing power asymmetries between the colonizer-colonized/researcher-researched/subject-object. An important methodological implication has been a shift towards participatory research agendas that in different ways recognize the authority of multiple research participants. However, this tendency, alongside increased research pressure in Saami reindeer herding communities “is a double-edged sword” (Löf & Stinnerbom, 2016) with tricky ethical implications. One challenge I faced in my own research is how to work around what I choose to call the “participation-fatigue” dilemma. Research on the implications of green colonialism is encouraged by impacted reindeer herding communities to generate knowledge and raise awareness of the hidden injustices in Norway’s “green energy transition.” However, the same communities experience accumulated fatigue. Not only from research, but also due to coercive and exhaustive “dialogues” and legal processes with license authorities and wind energy companies

(E. M. Fjellheim, 2023b, 2023c). The time spent in court- and meeting rooms furthermore deprive reindeer herders from valuable time to transfer and strengthen the knowledges and ways of life they struggle to defend.

In facing these challenges, I turn to relational ethics and explore research opportunities that alleviated burdens while reassuring relational accountability (Moreton-Robinson, 2017; Wilson, 2008). The Indigenous autoethnography I explore in the first book chapter (E. M. Fjellheim, 2020b) was a way of navigating the liminal between “researcher” and the “researched” (Graugaard, 2021). It was also a way of including the personal “Self” in the collective stories of resistance I study in all three publications. Moreover, the uncomfortable experience of being approached as a research object informed (research) relations with Jillen Njaarke and Fovsen Njaarke (E. M. Fjellheim, 2023b, 2023c). Critical reflexivity on what respect, reciprocity and responsibility could look like in a context characterized by green colonial harm and fatigue, guided the methodological approach and the concrete methods I used. This meant establishing accountable relations through other means than exhaustive research tasks, such as interviews or co-writing. While refusal puts limits to colonial research praxis, it opens up unexpected and unacknowledged alternatives (Gross et al., 2023). For example, courtroom ethnography provided a timely space for solidarity and care, while constituting a research site with unexplored potential in the Nordic-Saami context (E. M. Fjellheim, 2023b).

The Saami Council is leading important work towards establishing ethical guidelines for research collaborations in Saepmie (Holmberg, 2022). In this work, taking fatigue seriously will be crucial to counter what could risk turning into a “tyranny of participation” (Hickey & Mohan, 2004) in the name of *decolonization*. Research funding schemes increasingly encourage interdisciplinary collaborations and coproduction of knowledge with Indigenous partners, but structural constraints prevent participation on equal footing (Herrmann et al., 2023). Funding institutions still seem to understand fatigue as a hurdle to access research data and not as refusal that should be handled with caution (e.g. NordForsk, 2023). This, risks reproducing colonial presumptions of an unlimited right to know (everything) about the Indigenous “Other” (Kuokkanen, 2017; Tuck & Yang, 2018). Whether stemming from genuine interest to

improve research collaborations or the need to tick a required box, fatigue is a lived reality that requires careful attention. Lessons from this study suggests that critical reflection on refusal can mobilize options that alleviate fatigue and simultaneously inform new and rich research sites and methods.

Importantly, these reflections and lessons need to transform into research praxis that mirror diverse positionalities and epistemic horizons in the research contexts and relations in which we engage. Non-Saami scholars and students have taken important steps to address fatigue as a problem for Saami institutions, scholars, and communities alike, by acting on refusal. For instance, in her master thesis Laila Pellenec (2023) chose to abandon her planned ethnographic fieldwork and rather explore potential of a critical textual analysis of climate change policies. Natural scientist Ilona Kater (2022) write upfront and direct about her own ignorance and “messy mistakes” in attempts to collaborate with Saami reindeer herding communities in an interdisciplinary study. She encourages decolonial learning, but warns against putting this burden on Saami participants who may involuntary become “therapists” for researchers who struggle with this task (Kater, 2022, p. 108). Sticking with discomfort in constructive and reflexive ways, can move decolonial thinking and praxis forward. I concur with Kater (2022, p. 108) that “sometimes, allies must step up, but other times, allies must step aside, and both of these actions require careful consideration and commitment.” Also, the academy needs to do its “homework” to address epistemic ignorance by learning “from below” and “to receive” Indigenous epistemes as gifts that enrich and broadens intellectual inquiry (Kuokkanen, 2008, 2017).

5.3.2 “Decolonization is not a metaphor”: Caring for the Saami landscape

To many Indigenous scholars, the decolonial project concerns more than unsettling colonial research structures, as well as challenging the praxis of individual researchers. For long, knowledge has been used as a colonial tool to dispossess Indigenous peoples’ lands, epistemes, and practices. To me, the decolonial task therefore implies a commitment to struggles for self-determination and justice for Indigenous peoples, also outside of academia. These commitments and struggles are furthermore long-term, and do not start or end with the research projects with which researchers engage

(Kuokkanen, 2000; Jelena Porsanger, 2004; Smith, 2012; Tuck & Yang, 2012). Above I have focused on the importance of establishing relational accountability with research participants. In my work, I extend this accountability to care for living Saami landscapes.

All three publications of this thesis concern struggles to protect Southern Saami reindeer herding landscapes with its inherent beings, epistemes, and practices. One of these landscapes, Gåebrien, is the *sijte* and *maadtoe* where my *laahkoe* has lived and struggled for generations. As I demonstrate in the first book chapter (E. M. Fjellheim, 2020b), documenting counterstories and traces from ancestral use of the land is a way of protecting it for the future. Protecting the mountains from green colonial harm is thus a political stance I share with Jillen Njaarke and Fovsen Njaarke (E. M. Fjellheim, 2023b, 2023c). I accompanied their struggles as a researcher in bureaucracies and courts but practiced my relational accountability through broader means. For instance, I shared findings from my research and organized broader public platforms to inform the larger debate around committed research, green colonialism, Indigenous peoples' rights and epistemic controversies that take place in Saami landscapes (Berg-Nordlie et al., 2023; Klemetzen, 2024a, 2024b, 2024c).

While research itself potentially can contribute to broader struggles for self-determination and justice, it may not be the most urgent priority or intervention needed (Tuck & Yang, 2018, p. 224). "Decolonization" is not a metaphor and requires repatriation of Indigenous peoples' lands (Tuck & Yang, 2012), and not least, recognition of different ontologies in relations to the land (Nilsson, 2021; Reibold, 2022). Taking part in political mobilizations as a researcher contributed to my overall understanding of what was at stake in the controversies I studied, but my engagement in "land-back" struggles also put me in a position where I had to respond to questions around my positionality (Loge, 2023).

In sum, I suggest we need to move away from *participation* as the a priori aim, and rather focus on how we best can perform *relational accountability* in the context we do research. This endeavour furthermore needs to be guided by critical reflexivity on the positionalities we negotiate in the complex web of colonial, racial, class and gender structures from which no researcher is exempt. Saami and non-Saami

researchers will experience, and be expected to perform, refusal, commitment and relational accountability in different ways. As will Saami researchers with different backgrounds and relations to the researched landscapes, communities, and beings. The reflections above stem from an *outsider-within* position in the Southern Saami community with a particular epistemic and political grounding and horizon. I was privileged with trust, but still put limits to the access I enjoyed by choosing careful and partial, yet fully committed engagement.

Finally, I am not concerned with assessing the “failure” or “success” of the decolonial task I set to carry out. Nor do I aim to carve out a one-size-fits-all recipe for others. Recognizing limitations, challenges and dilemmas, I propose exploring new research sites, processes and praxis that strengthen Indigenous epistememes, speak back to colonial knowledge regimes, unsettle research relations, and mobilize for self-determination and justice for Indigenous peoples.



Figure 10. Artwork by Ingemund Skålnes, printed with permission. The poster was commissioned for the event Soptsestimmie: Baajh vaeride árródh = Land back! organized by Elsa Laula Renbergen Instituhte and Bárru Indigenous collective in Bådáddjo/Buvvda on June 5-7, 2024 (See p. 59 and the epilogue of this thesis).

6 Concluding thoughts: Resisting unfinished colonial business

The world is facing an ecological and climate crisis with disproportionate negative impacts for Indigenous peoples, who additionally, are the most exposed to measures *said* to mitigate global warming. At the same time, Indigenous peoples' landscapes, practices and rights are under increased pressure from capitalist expansion and colonial dispossessions in the name of a so-called “green energy transition.” Although Indigenous peoples have the knowledge and experience of adapting to climate change, the destructions have reached an extent where it might be too late for a just transition to occur (Whyte, 2020b).

In this thesis, I argue that Southern Saami reindeer herding communities are resisting unfinished colonial business in struggles to protect ancestral landscapes, knowledges, and relational values and practices. These struggles also apply to academia, as research continues to extract, exhaust, and ignore Indigenous epistemes and lifeworlds – which in turn serves to legitimate further dispossessions. In three publications, I have empirically explored how epistemic controversies in struggles over Saami reindeer herding landscapes are entangled in Nordic-Saami (green) colonialism. Through different fragments and moments, I have demonstrated how Saami reindeer herders and knowledge holders resist and challenge the continuation and renewal of colonial injustices. Despite strengthened recognition of Saami rights in Norway, dispossessions of Saami reindeer herding landscapes are still legitimized by racist and paternalist narratives, as well as asymmetrical power relations in knowledge production and decision-making

Particularly, I have borrowed, unpacked and developed the concept “green colonialism,” frequently used by Saami politicians, activists and reindeer herding communities to critique a hegemonic climate change agenda. The concept served as a broader analytical framework to understand the “green” particularities of colonial domination in struggles over wind energy development. It provided an opportunity to explore what is old and what is new in struggles over Saami reindeer herding landscapes. The current climate and ecological crisis are symptoms of colonial and capitalist expansion itself. The corporate energy transition is named “green” by those

who benefit from it. However, it renews colonial structures, discourses, and land grabs that destroy Indigenous landscapes and lifeworlds. By allowing dispossessions in the name of climate change to continue, states and corporations transform Saami reindeer herding lands into “green sacrifice zones” and disregard Indigenous sovereignty and self-determination. “Coexistence” serves as a new, and perhaps more hidden, logic of elimination, but still enables epistemicide – meaning the erasure of Saami reindeer herding practices and relations guided by *aerpiedaajroe*, *aerpiemaahtoe* and *aerpievuekie*. The moral imperative that justifies the destruction and neglect of Indigenous ways of knowing of, being in, and caring for the landscape, is a paternalist green paradox that obstructs just, pluriverse, and lasting solutions. This again, weakens our ability to *bearkadidh* – to manage (Nilsson, 2021) in a world at the verge of collapsing.

In the process of translating the abstract of the thesis to Southern Saami, Meerke Krihke Leine Bientie developed two new concepts. Although this occurred late in the process, they are too valuable to let pass without an introduction and reflection. To our knowledge, there are no equivalent established concepts for *trumhpiestimmie* (colonialism) and *trumhpiestæjjah* (colonizers) in other Saami languages. The concepts were developed from the verb “trumhpiestidh” which means to force, urge, and threaten someone, for instance, regarding payment. It also means to move reindeer by force, and is the opposite of “soejmi,” which means to pasture in a slow and calm way (Bergsland & Magga, 1993). Place names in Southern Saami give similar associations. For example, “Trompe” is the root of the name of a big steep mountain (Trompendalvесе), a river (Trompenjohke), and a valley (Trompenvuemie)⁵⁰ in *Raarvihke*⁵¹ and *Laakesvuemie*⁵² municipalities in Tröndelage County. This is a difficult landscape to move the reindeer across.⁵³ “Trumpie” is also a thin piece under the abdomen of the reindeer (Bergsland & Magga, 1993). Reindeer herding knowledge is important to understand why a part of the reindeer could be associated with colonial

⁵⁰ *Store Tromsfjellet, Stortromselva, Stortromsdalen* in Norwegian.

⁵¹ *Røyrvik* in Norwegian.

⁵² *Namsskogan* in Norwegian.

⁵³ Personal communication with Meerke Krihke Leine Bientie on Teams, July 10, 2024.

violence and harm. For example, it is important to be cautious with *trumpie* while holding the reindeer calf still to mark its ears. If the pressure is too hard, it can cause great pain to the reindeer.⁵⁴ “Tromhpe” is also the Southern Saami name (Bergsland & Magga, 1993) for the Reindeer Nose Botfly⁵⁵ that attacks the reindeer that often respond with panic and flight.

The new concepts and their etymons reaffirm the colonial experiences and mechanisms I have studied and bring new analytical dimensions to pursue in further research. However, I allow myself to briefly reflect on them, as they put in motion instant parallels to Jillen Njaarke’s testimonies in the most recent court hearing of the Øyfjellet case.⁵⁶ In court, Torstein Appfjell testified how difficult it was to move the reindeer across the wind energy infrastructure during spring migration, as the reindeer turned around several times. He emphasized how it pains them to have to coerce (*trumhpiestidh*) the herd to accommodate the pace and circumstances that benefit the wind energy company and licence authorities (*trumhpiestæjjah*). The reindeer is constantly facing new threats, and fragmentations of the landscape by different industries provide less places to seek refuge. The vicious parasite *tromhpe* infects, attacks and panic the reindeer, whose instinct is to search for snow patches and breeze in the mountains during summer. Now, these mountains are threatened by a new intruder, as Sara Emilie Jåma from Fovsen Njaarke also describes in her poem (see p, 30). This new intruder, like *tromhpe*, invades the landscape piece by piece. It is difficult to get rid of and causes fear and stress that makes it impossible for the reindeer to move and pasture in a slow and calm way.

Although these reflections are preliminary, they serve as a pertinent reminder of the theoretical and analytical value of Saami concepts, whose development require careful and respectful attention. Not only in studies concerning Saami knowledges, worldviews and values, but also of the mechanisms that ignore or erase them. It is an

⁵⁴ Personal communication with Meerke Krihke Leine Bientie on Teams, July 10, 2024.

⁵⁵ The Latin name of the botfly type that only can be found on reindeer is *Cephenemyia trompe*, first described by Adolph Modéer in 1786: https://en.wikipedia.org/wiki/Cephenemyia_trompe.

⁵⁶ I observed the legal debates in Helgeland District Court, on June 2, 2024.

important decolonial task for the future to continue developing and strengthening them.

Although I have engaged with the (green) colonial harm inflicted on Saami reindeer herding communities, I refuse to reproduce stories of suffering and pain (Tuck & Yang, 2018). Through the struggles of the three reindeer herding *sijth*, I have sought to make visible how they resist and defend alternatives to capitalist extraction and destruction, or “a world that encompasses many worlds.”⁵⁷ Krenak writer, journalist, philosopher and Indigenous movement leader from Brazil, Ailton Krenak (2020), insists that Indigenous peoples hold “ideas to postpone the end of the world” – if the world is ready to listen. To stop environmental disaster, Krenak argues we must reject the Western notion that humanity is separate from, and superior to, nature. The rejection of a nature-culture dichotomy reflects an epistemic and political foundation that resonates with findings from this thesis. To emphasize the paradox of forcing reindeer herders to adapt to technocratic mitigation measures to save the world, a reindeer herder told me: “It is not us who must go through a transition. Our ways have cared for the land for generations to come.”

The epistemic controversies I studied took place across different spatial and temporal fragments and moments, and through different stories and struggles. Based on the findings, I argue that Saami reindeer herding communities and knowledge holders challenge neo-liberal and settler colonial structures, the coloniality of power and knowledge, as well as racist and paternalist presumption of what Saami reindeer herding “culture” and landscapes were, are and ought to be in the future. Their struggles are examples of colonial difference in knowing, being, and valuing, which simultaneously concerns epistemological, ontological, and political conflicts in the landscape. While state and corporate actors claim Saami reindeer herding can and should adapt to the (green) development needs of the larger society, resistance from Saami reindeer herding communities is motivated by ensuring well-being of, and reciprocity between, all beings in a living Saami landscape. Furthermore, I have

⁵⁷ “Un mundo donde quepan muchos mundos” in Spanish. A saying from the Indigenous Zapatista movement in Chiapas, Mexico.

critically engaged with the kind of *ignorance* that serves settler, capitalist and (green) colonial interests.

The ethical reflections that guide the methodology I pursue, mirror the positionality I take in the epistemic controversies I studied. Relational accountability to *sijte*, *laahkoe* and *maadtoe* frame my commitment to community, kin, and the landscape. This implies to apply research ethics and praxis that alleviate fatigue, mobilize solidarity and care, and not least, commitment to struggles against colonial injustices and human rights violations. It is therefore pertinent to end this thesis by reflecting on future possibilities for radically different ways of knowing, being in, and valuing the landscape. Where have the struggles led us?

On June 2 and 3, 2023, the report of the Norwegian TRC (Høybråten et al., 2023) was read out loud from the main stage of the Norwegian National Theatre in Oslo. The over 700 pages were read by a hundred different voices during approximately 30 uninterrupted hours. The reading, named *Norge lytter*,⁵⁸ was broadcasted live at the public Norwegian broadcasting corporation (NRK, 2023). I was in Oslo and listened to parts of the readings from the Theatre's balcony. It was an absurd moment, as I coincidentally walked into the historical depictions of how my ancestors fought against settler colonial expansion and social-Darwinist dehumanization. A few hours later, I was on my way to accompany a political mobilization summoned by the Saami youth organization *NSR Nuorat* and the environmentalist youth from Friends of the Earth *Natur og Ungdom* to commemorate 600 days since the Supreme Court issued its verdict in the Fosen case. A 100 days earlier, the human rights defenders' peaceful occupation of several Ministries had pushed Prime Minister of Norway, Jonas Gahr Støre, to apologize to Fovsen Njaarke and to promise to implement the verdict in a way that secured the right to enjoy Saami culture.

When the TRC report was officially handed over to the Norwegian Parliament, the leader of the commission, Dagfinn Høybråten, expressed that “this is a historical opportunity to pursue reconciliation. It should be managed with wisdom.” The

⁵⁸ Norway is listening.

president of the Norwegian Parliament, Masud Gharahkhani, followed by expressing that “to Norway, as a modern and open democracy, the protection of human rights is fundamental” (Stortinget, 2023). The contradiction could not be more apparent. While Norway pretended to reconcile with its past atrocities, Saami youth and thousands of allies were protesting an ongoing human rights violation against Fovsen Njaarke and denouncing the Norwegian state’s continued dispossessions in Saepmie.

Before the work of the TRC commission initiated, several voices called for a critical engagement with the role of academic institutions in the “Norwegianization” period and the dispossession of reindeer herding lands (e.g. Danielsen, 2017). NTNU’s critical assessment of its own research history (Eliasson, 2023) led to a public apology by rector Anne Borg in 2023 for “making mistakes with irreparable consequences” for the Southern Saami. Borg encouraged to “focus on the future” (Gælok, 2023). The assessment and apology are steps forward. However, addressing the “irreparable consequences” is fundamental for reconciliation to occur for the Southern Saami communities whose landscapes have been dispossessed throughout centuries. If decolonization is not to become yet another metaphor, it needs to pursue repatriation of Indigenous peoples’ lands (Tuck & Yang, 2012). In a time when colonial injustices are worsened by climate change, repatriation of lands alone does not ensure Indigenous peoples’ self-determination over relational landscapes and practices. There is a need to decolonize Western land-ontologies and concepts of self-determination (Nilsson, 2021; Reibold, 2022), but also to provide Indigenous peoples with lands that have the qualities to maintain them.

If not acted upon, the Norwegian TRC report and public apologies become just more examples of “subtle colonizing manoeuvrers” of the Nordic states that hide behind “progressive” politics (Kuokkanen, 2020b). In December 2023⁵⁹ and March

⁵⁹ “Avtale mellom sør-Fosen sijte og Fosen Vind.” Press release from the Norwegian government on December 12, 2024. <https://www.regjeringen.no/no/aktuelt/avtale-mellom-sor-fosen-sijte-og-fosen-vind/id3019277/>

2024,⁶⁰ the Fosen case resulted in agreements between Fovsen Njaarke and the wind energy companies, a process that the reindeer herders compared to “having a gun pointed at our heads.” Fovsen Njaarke’s demand to dismantle the infrastructure and return the lands was dismissed, and the alternative OED gave to an agreement was new long-enduring bureaucratic processes. Fovsen Njaarke expressed that they had no other choice than to sign the agreements, which included monetary compensation from the wind energy companies, veto power to stop potential applications to extend the licence period,⁶¹ and a promise from OED to provide new winter pastures outside of the boundaries of the reindeer herding district (Stranden, 2024b; Ystad, 2024). Where these pastures can be found and the potential challenges Fovsen Njaarke will face in reorganizing their migration patterns, are still uncertain. The conditions of the agreements are better than what the wind energy companies offered before the Fosen protests initiated. Notwithstanding, the process that followed the Supreme Court verdict reinforces the argument that “dialogues” are coercively used as deadly weapons to protect (green) colonial and capitalist agendas (E. M. Fjellheim, 2023c).

Shortly after the agreements in the Fosen case were publicly known, two wind energy companies announced plans for more wind energy development in Fovsen Njaarke. Aneo,⁶² the company that already owns shares in Roan Vind, withdrew its plans after a clear no from Fovsen Njaarke, but Nordic Wind AS insists on upholding their application until the municipality gives its opinion (Stranden, 2024a). State authorities have on several occasions said that they have learned from the Fosen case (e.g. Opsal, Mudenia, Skartland, & Saxrud, 2024). However, they continue to approve wind energy development without consent from impacted Saami reindeer herding communities. A few weeks before submitting this thesis, the Saami Parliament in Norway announced that they would take the Norwegian state to court for approving the electrification of *Melkøya* – one of Northern Norway’s largest platforms to

⁶⁰ “Avtale mellom nord-Fosen siida og Roan Vind.” Press release from the Norwegian government on March 3, 2024. <https://www.regjeringen.no/no/aktuelt/avtale-mellom-nord-fosen-siida-og-roan-vind/id3028614/>

⁶¹ The approved licenses are valid for 25 years.

⁶² Former Trønderenergi.

produce liquid natural gas owned by the state oil and gas company Equinor.⁶³ The electrification legitimates the approval of several wind energy projects on Saami reindeer herding lands in Finnmark County. The Saami Parliament argues the negative impacts from the project on Saami rights to culture are insufficiently assessed and that lack of consultation with them on the matter violates the consultation law.⁶⁴ The decision to produce more wind energy to continue the production of gas, brings the “green paradox” of Norway’s green energy transition even more to the fore.

It is challenging to end this thesis on a note where injustices seem infinite. Paradoxically, the human rights defenders who put their lives on hold to defend the Supreme Court’s ruling in the Fosen case, were prosecuted for not accepting the fines they were given for not following police order. The District Court of Oslo absolved the charges on the grounds that their civil disobedience was backed by a supreme court ruling and that their actions were necessary to force an apology from the Prime Minister (Schmidt, 2024), but the state prosecutor has appealed the case (Ørnhaug, 2024). Notwithstanding, the dignified movement, uprising, and solidarity among those who defend the Saami landscape, leave sparks of hope. The struggles against green colonialism and other potential (re)inventions, is a constant endeavour. In my view, the decolonial task is to accompany them: In academia, courts or wherever it is needed.

⁶³ “The Snøhvit field.” <https://www.equinor.com/energy/snohvit>

⁶⁴ “Sametinget saksøker staten.” Press release from the Saami Parliament in Norway on June 25, 2024. <https://sametinget.no/aktuelt/sametinget-saksoker-staten.32981.aspx>

Epilogue

June 7, 2024.

We are sitting on reindeer hides and drink coffee around the fireplace in *Girjegumpi* – a nomadic Saami architectural library designed and built by the Saami architect and artist Joar Nango. This version of the library is set up in the garden outside of Nordlandsmuseet in *Bådådđjo/Buvvda*. During the last three days, *Girjegumpi* has hosted the event *Soptsestimmie: Baajh vaeride árrodh = Land back*, a gathering of Indigenous scholars, activists and artists for a joint cause: To celebrate and protect Indigenous landscapes and lifeworlds from colonial destruction.

Soptsestimmie means oral story and conversation in Southern Saami. The fireplace has been the centre for telling stories since time immemorial. It invites to rest and keeps our thoughts moving. Mats Pavval, a reindeer herder from *Doukta*, who shared stories with us earlier this week, reminds me of what Johan Turi (1854–1936) wrote in his book “*Muitalus sámiiid birra*,” an account of the Saami (Turi, 2010). It is difficult to think under a roof. Beneath the sky and in the mountains our mind and souls are free to embrace bigger thoughts.

Next to me sits Rosa Ixchel Tuyuc, a Maya Kaqchikel from Conavigua – the National Coordination of Widows in Guatemala. On behalf of peasant and Indigenous organizations in Guatemala, Colombia and Bolivia, Rosa expresses solidarity with Jillen Njaarke and all who defend mother earth. She reads out loud from a letter of support written only a few hours earlier: “Those who are present here today must continue to condemn violations against the Saami people done in the name of “development” or a “green transition.” A green transition can never be sustainable if it threatens life, human rights and the land” (LAG, 2024).

It is almost midnight and chilly, but the sun is up just above the polar circle. The fireplace keeps us warm enough to endure. “We should appreciate the cold here in the north. If the climate gets warmer, it is time to worry,” Rosa reflects. Beside Rosa sits Ole-Henrik (Heihka) Kappfjell from Jillen Njaarke. Heihka has spent the last two weeks in a courtroom trying to explain that their reindeer migration routes, now destroyed and disturbed by spinning wind turbines at *Øyfjellet*, are like *rihrehke* – the

veins that keep the Saami landscape alive. Would the judges understand that the ancient pact the Saami have with *aaltoe*, the female reindeer, to take care of her in exchange of *miesieh*, her reindeer calves, is now under threat? Would they listen?

For a little while, these thoughts can rest. Girjegumpi is not a courtroom that only recognizes that one world exists. Nor is it a university aula where the experiences and knowledges of Saami reindeer herders are reduced to subjective opinions. Girjegumpi is a place to share stories and other gifts from the land that represent pluriverse ways of knowing, being and valuing. Through his stories, Heihka invites us to a world in the mountains where a little boy accompanies his family and relatives. At the same time, a newborn reindeer calf struggles to learn how to get on his feet. It is summer and the little boy is excited to arrive to the reindeer coral where the little calf will get his ear mark. The little boy wishes that the summer will last forever. He does not want to go back to the boarding school, far away from his relatives and the life in the mountains. When you have lived to see new life grow every spring, you learn to love the landscape that carries this life. Time passes, and the little boy becomes a grown man that reaches his dream of becoming a reindeer herder that carries on the knowledges and ways of the elder generation. However, he has also inherited their struggles. Now he is the one that needs to show up in court, as his grandparents did. It becomes difficult to defend the land the boy learned to love.

Stoerre vaerie

ja hâja na nâja na,

miesie jih aaltoe

ja hâja na

Across the fireplace sits Cecilia Persson, a Southern Saami playwright, actor and artist. She yoiks *stoerre vaerie*, the big mountain world of *aaltoe* and *miesie*. Then she yoiks *Smuerie*, a little white reindeer calf who is named after the black spot he has on his back. *Smuerie* got his name from the snow free spot where he was born. The *vuelieh*, yoiks, bring us even closer to the mountains and the landscapes Cecilia and Heihka invite us to know and care for.

We are still sitting around the fireplace. It is almost midnight, and Rosa tells us to close our eyes and think about the ancestors we want to remember and honour. Jarvi Ulchur, an intellectual of the Totoroez people and the Indigenous Intercultural University UAIIN in Colombia, is playing tunes on a flute.

From Jarvi's tunes we travel to *Kalaallit Nunaat*, the ancestral lands of the *Kalaallisut* people. Vivi Noahsen also wants to give her gift through a story about how the *Kalaallisut* are connected to the Saami through the reindeer. The Saami tried to teach reindeer herding to *Kalaallisut*. However, they failed, because *Kalaallisut* are hunters and fishers, and not herders. Instead *Kalaallisut* began to hunt the *tuttut*, the reindeer, that was gifted from the Saami. Vivi narrates how hunting the *tuttut* involves a ritual where the hunter must be present in the moment, attentive to all senses, and most importantly, wait until the reindeer gives itself to you.

The night is coming to an end, and the fire is slowly burning out. Next week, Heihka and Cecilia must return to the courtroom. However, they bring home support and gifts from pluriverse Indigenous landscapes. Heihka gazes into the fireplace, takes a deep breath and expresses what become the closing words of a ceremony that has weaved stories of struggles, but also of dignity and love.

On behalf of the mountains that we have inherited from our ancestors in Jillen Njaarke, on behalf of us who are trying to pass on the Saami cultural heritage, I thank you with all my heart.



Figure 11. Closing ceremony of Soptsestimmie: Baajh vaeride årrodh = Land back! in Girjegumpi. From the left: Eva Maria Fjellheim, Rosa Ixchel Tuyuc and Ole-Henrik (Heihka) Kappfjell. Photo: Regina Bergman.

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1. Fjellheim, E. M. (2020). Through our stories we resist: decolonial perspectives on south Saami history, indigeneity and rights. Indigenous Knowledges and the Sustainable Development Agenda. R. Krøvel and A. Breidlid, Routledge: 207-226.
2. Fjellheim, E. M. (2023). "“You can kill us with dialogue:” A critical perspective on wind energy development in a Nordic-Saami green colonial context." Human Rights Review: 25-51.
3. Fjellheim, E. M. (2023). "Wind energy on trial in Saepmie: Epistemic controversies and strategic ignorance in Norway’s green energy transition." Arctic Review on Law and Politics 14: 140-168.

11 Through our stories we resist

Decolonial perspectives on south Saami history, indigeneity and rights

Eva Maria Fjellheim

Māori educator and scholar Linda Tuhiwai Smith (2012, p. 1) reminds us that «the term ‘research’ is inextricably linked to European imperialism and colonialism.» She argues that for centuries, Indigenous Peoples’ histories, knowledges, and practices have been written and presented through the eyes and voice of the colonizers. At the same time, she encourages indigenous scholars to be protagonists in research about and for ourselves. According to her, our *counterstories* can constitute powerful forms of resistance and contribute to *decolonize* academia and knowledge construction. Smith’s critical analysis of a colonial knowledge hierarchy is echoed across the indigenous world, also in *Saepmie*, the traditional territory of the Saami people in Fennoscandia. In this chapter, I critically examine the implications of a colonial narrative of south Saami history, indigeneity, and territorial rights in the Røros area¹ in Norway. Through five generations of struggles and resilience, I have my own counterstory to tell:

In 2009, the Association of forest owners of Røros wrote the following about my family in a written statement to the Norwegian Parliament:

It is impossible that our counterparts here in Røros, those who are reindeer herders in the Riast/Hylling district, belong to this category of humans. As an example, we want to mention the Fjellheim family, which is the largest reindeer herding family in Riast/Hylling. They are people with a very high intelligence, many of them have university education. (...) We who live in the same community as these people, have off course a hard time accepting that they belong to an indigenous population.

(Skogeierlag, 2009)

The quote is taken from a statement responding to the second Saami Rights Commission’s report (SRU II) on Saami rights to land and water south of Finnmark County (2007).² Based on two main arguments, the forest owners intend to delegitimize the application of an indigenous rights framework which protects reindeer herding rights in the Røros area. The first argument questions the *indigeneity* of the south Saami, by claiming we are too intelligent, Norwegian-looking, and industrialized to be indigenous. The second argument states that the south Saami immigrated to the area as late as the

mid 1700s, and that the agricultural rights are older than reindeer herding rights. In sum, they reject that the south Saami in Røros are entitled to Indigenous Peoples' rights to land, territory, and resources.

The statement from the forest owners expresses racist attitudes and misconceptions about south Saami history, indigeneity, and the right to practice reindeer herding in the Røros area. I argue this is an example of a *colonial narrative* of the kind Smith (2012) encourages us to contest. My aim is not to address the individuals who signed it but rather to understand how the colonial history and legacy of research has shaped and maintained the structures behind such ideas. I argue the two main arguments of the forest owners' statement are informed by two academic contributions with strong affiliation to the colonial project of the Norwegian state. The first is the broader discipline of racial biology rooted in social Darwinist thought from the late 1800 and early 1900s, which legitimated treatment of the Saami as an inferior race (intellectually and culturally). The second is *The advancement theory*, a study carried out by historian and geographer Yngvar Nielsen (1891). Nielsen concluded that the south Saami immigrated to the Røros area after the expansion of the Norwegian sedentary population, a view which legitimated dispossession and marginalization of south Saami territorial rights through political and legal measures. The latter theory has been decisive in several Supreme Court cases settling land disputes in favor of land-owning farmers up until as late as 1997.

Nielsen's theory is no longer actively defended within dominant academia, but the narratives of the historical presence of the south Saami are still disputed. Despite extensive research and documentation work refuting late immigration, South Saami counterstories of historical continuity are still being marginalized. I argue that this uneven power relation is a colonial legacy which can be understood as *epistemic ignorance* (Kuokkanen, 2008). The continued struggle over knowledge and (re)presentation of south Saami history became evident when the extensive book volume "The History of Trøndelag" (Bull, Skevik, Sognnes, & Stugu, 2005) was published, excluding south Saami competence in the process. However, the knowledge hierarchy is constantly being challenged by south Saami scholars and knowledge holders who continue to push for epistemic self-determination and justice. In 2001, the Supreme Court settled a land dispute in favor of reindeer herding based on the principle of *use from time immemorial*. After over 100 years of marginalization of reindeer herding rights, the court took Saami knowledge, research and documentation work, culture and concept of law into consideration for the first time.

Before I continue, it is important to state my methodological approach and positionality, as the references I use are highly personal. My ancestors/relatives were/are active reindeer herders in *Gåebrien Sijte*, the reindeer herding district the forest owners address as Riast/Hylling in Norwegian. They are introduced by south Saami, and translated into the English genealogical denominations. Growing up in a community with a strong sense of identity and strive for justice has provided me with a unique horizon of knowledge about the historical struggles of my people. The analysis is based on literature review and storytelling informed by an emerging indigenous

scholarship striving for decolonization and self-determination within education, research and knowledge construction (Porsanger, 2004; Smith, 2012). In particular, Whitinui (2014) proposes *indigenous autoethnography* as a way of repositioning insider ethnography from an indigenous perspective. He encourages a resistance-based research approach, aiming to address social justice and change. Following Whitinui, I part from my own family history, and contest the colonial implications academia has had for the understanding of south Saami history, indigeneity, and rights.

In her groundbreaking book “Decolonizing methodologies,” Smith (2012, p. 2) explains this position eloquently:

Indigenous Peoples across the world have other stories to tell which not only question the assumed nature of those ideals and the practices that they generate, but also serve to tell an alternative story: the history of Western research through the eyes of the colonized.

With Smith’s words in mind, I begin telling our story with respect and recognition of the counterstories already told by south Saami scholars and knowledge holders.

Background

The south Saami people is a small minority within the larger Saami society, with a population of approximately 2,000 people in both Norway and Sweden (NOU, 1984, p. 18). In Norway, it is estimated that half still speaks the language (NOU, 2016, p. 18). The assimilation policies carried out by the Norwegian government from the mid-1800s up until the 1980s (Minde, 2003) affected the south Saami particularly hard (Johansen, 2019). In addition to assimilation through the education system, the expansion of agriculture, industries and infrastructure developments encroached on Saami traditional territories. Traditional livelihoods, such as reindeer herding and fishing, were further restricted by new administrative and legal measures. This process has been referred to as *internal colonization* (Lawrence, 2014; Lawrence & Åhrén, 2016), which has had diverse expressions and responses across the national borders of Norway, Sweden, Finland, and Russia, as much as in different localities in Saepmie (Spangen, Salmi, Äikäs, & Lehtola, 2015). For the purpose of this chapter, internal colonization is understood in the specific south Saami context as the state’s historical deprivations of territorial, intellectual, and cultural rights.

I acknowledge the complexity of using the term “Western” as opposed to “indigenous/Saami.” They are not meant to produce binary and exclusive categories, rather to be used as a conceptual tool to understand the colonial relationship between the dominant Norwegian society and the south Saami. In this context, it is important to clarify that I do not address all Western research as colonial, but rather the scholars and institutions who fail, or ignore to contest colonial narratives with severe implications for the understanding of south Saami history, indigeneity, and rights.

Norway was the first country to sign the ILO-Convention No. 169 on the Rights of Indigenous and Tribal Peoples in 1990.³ The Norwegian constitution recognizes the right to maintain and strengthen Saami languages, culture, and livelihoods.⁴ Reindeer herding has been described as the backbone of south Saami culture and language (Nilssen, 2019), as about half of the population are reindeer owners (Landbruksdirektoratet, 2018) or second- or third-generation descendants of reindeer owners (S. Fjellheim, 1991). This proportion is larger than in other Saami communities, e.g. Finnmark County in the north.

Reindeer herding is characterized by semi-domesticated reindeer and the extensive and cyclical use of seasonal pastures. In the south Saami area, it is to a large degree practiced on private owned outfields.⁵ The reindeer herding Act recognizes the State's obligation to safeguard reindeer herding as the material base for Saami culture and allows its practice on private owned outfields within the reindeer herding districts. However, the districts are held collectively liable for any damage reindeer may cause on cultivated farmland,⁶ which has led to compensation lawsuits from landowners. The Act does not require fencing to keep the reindeer from entering, in contrast to the legal framework of liability in the case of livestock (Ravna, 2019). As mentioned in the beginning, the forest owners' statement was a response to the second Saami Rights Commission's report, aiming to recognize and secure Saami rights to land and water in the south Saami area.⁷ Among other recommendations from the report, the Commission suggested to revise the reindeer herding Act, including the principle of collective liability.

In addition to conflicts around cultivated farmlands, commodification of outfields (Rønningen & Flemsæter, 2016) is putting increased pressure on the already vulnerable south Saami cultural landscape (Nilssen, 2019). Recently, the expansion of the wind power industry as a response to climate change mitigation politics (Normann, 2019; Otte, Rønningen, & Moe, 2018) has been contested as *green colonialism* by Saami politicians and right defenders (Aslaksen & Porsanger, 2017). The racist attitude and clear political motive of the statement from the forest owners needs to be understood in the context of a conflict over resources and rights but not as a natural cause from it. There are also examples of a tolerant coexistence between reindeer herding and farming activity, also within the Røros area. However, as reindeer herding is an exclusive Saami right within the reindeer herding districts in Norway, ethnicity becomes a central component in many land-use conflicts (E. M. Fjellheim, 2013).

The science of racism and its legacy

As quoted in the beginning, the forest owners doubt that the south Saami in Røros are indigenous. My *aehtjie* (father) Sverre Fjellheim came across the statement in official records, and it quickly made it to the front page of local, regional and national newspapers: «Too intelligent to be indigenous»

was the headline of an article of the Saami division of the Norwegian National Broadcasting, who interviewed my late *jiekie* (uncle) Anders Fjellheim: «I was laughing well when I read the statement. One should almost believe that it was written 300 years ago, when the Saami were looked upon as inferior,» he says to the newspaper (Larsen, 2009).

In order to understand the racist tone and stereotypical depictions in the statement, we need to revisit history. While I was reading the newspaper coverage, I began to think about a picture from 1922, where five people sit and stand around a wooden table on a grass plain. They are wearing their *gaptah*, the south Saami traditional garments. On the left, stand my 12-year-old *aahka* (grandmother) Paula Margrethe Paulsen (Fjellheim) and her three years younger sister, *aahka* Lisa Antonie Paulsen (Løkken). To the right sits my great-great grandfather's brother, *maadter-maadteraajja* Morten Mortensen, and in the middle of the picture, my *maadteraahka* (great-grandmother) Sara Margrethe Nordlund Paulsen. Maadteraahka Sara looks serious, but her posture is firm and somehow proud. Her hat lies on the table in front of them, and a man stands above her, holding a metal instrument around her head. This man is Jon Alfred Mjøen, one of Norway's most prominent racial scientists in the 1920s and 1930s.



Figure 11.1 The picture was taken at Storelvollen in 1922, near the family dwelling in Røros municipality. From the left: Paula Margrethe Paulsen (Fjellheim), Lisa Antonie Paulsen (Løkken), Sara Margrethe Nordlund Paulsen, Jon Alfred Mjøen and Morten Mortensen. © Sverre Fjellheim.

Mjøen was part of a school of scientists informed by social Darwinist thought, where racial examinations of both human skeletons and living human beings were conducted. Of the leading physical anthropologists in Norway in the early 1900s, he was by far the most extreme. Although many scholars were strongly influenced by the idea of Eugenics, or racial hygiene, they held different views on its purpose. While prominent scholars such as Kristian and Alette Schreiner were interested in the propagation of healthy individuals, Halfdan Bryn and Mjøen promoted genetic control as a necessary tool to avoid degeneration of the superior Nordic race (Kyllingstad, 2012). During a few decades, the Saami population in Norway and Sweden was photographed, measured, and depicted as primitive, less intelligent and with generally bad genes (Evjen, 1997). Saami families were even portrayed as exotic objects through living exhibitions in Europe and America (Baglo, 2011).

In the 1920s, Mjøen conducted racial examinations on the south Saami population in the Røros area. While physical anthropologists quickly rejected the scientific validity of Eugenics, Mjøen continued to inform the field of study up until the beginning of the second world war. In the book “Racial hygiene” (1938), he describes the phenotypes and abilities of the people(s) he measured, including my ancestors. About the Saami in general he writes:

In northern Scandinavia there is an element of a rather insignificant number of so-called Saami or Lapps,⁸ a mongoloid people. They are short grown, with broad skulls, high cheekbones, dark colors. Their looks and abilities are very different from the Nordic.

(Mjøen, 1938, p. 2)

Just like Mjøen, the statement from the forest owners in Røros is concerned with phenotypes and abilities in their understanding of the indigeneity of the south Saami. In addition to referring to intelligence and education, they suggest that *aehtjie* (my father) and his brothers look like Thor Heyerdahl, the famous Norwegian adventurer and explorer in the 1900s. In this context, the comparison must be understood as some kind of symbol of Norwegianness as opposed to Saaminess in a hierarchy based on a racial distinction. They write: «If we are to find other people to compare with, concerning both intelligence and looks (same human type) – it must be Thor Heyerdahl who is a great celebrity in our country» (Skogeierlag, 2009).

Finally, they underline that «these ‘indigenous’ people are practicing industrialized reindeer herding» and that «DNA-tests should be provided» (Skogeierlag, 2009). The criteria they adhere to indigeneity is to be less intelligent and unindustrialized, and genetics is required as proof for Saaminess. These assumptions have strong parallels to the racial theories presented by Mjøen and other racial scientists of the time. The idea of the Saami as a race claiming rights based on DNA is problematic, as it is far from how the ILO convention No. 169 defines the peoples entitled to indigenous rights.

Still, it is not rare to find racial and genealogical references in public debates concerning Saami territorial rights. As an example, the documentary “Brennpunkt – The first right” from 2011 insinuates that the Saami claim territorial rights based on their DNA, and not their ethnic origin and practices (E. M. Fjellheim, 2013). The notion of indigeneity as pure and static is an illustrative example of what Jeffrey Sissons (2005) names “oppressive authenticity.” Such misconceptions of Saaminess are also dominant in contemporary Norwegian textbooks which portray the Saami as stereotypical or exotic (Gjerpe, 2020).

While writing this chapter, I was reminded that racist argumentation and misconception of indigeneity in public debate around Saami territorial rights is an ongoing structural problem. In June 2019, a controversial meeting between landowners was held in the municipality of Selbu, 130 kilometers north of Røros. As was the case of the statement from the forest owners in 2009, the meeting was a response to a political process concerning reindeer herding and Indigenous Peoples’ rights. To be specific, it concerned the proposition for a consultation law and revision process of the existing reindeer herding Act. One of the main speakers of the event, Jarl Hellesvik, chairs the controversial organization Ethnic Democratic Equality (EDL) and is known to argue against the recognition of the indigenous status of the Saami and to encourage racist and hateful attitudes in public debates (Berg-Nordlie & Olsen, 2019). At the meeting, he gave a speech with the title «Are the Saami entitled to be protected by ILO 169?» This was clearly an anti-Saami rights meeting and was met with fury from the Saami community who claimed it was an attempt to spread “fake news” about Saami indigeneity and territorial rights (Balto, 2019; Bransfjell & Magga, 2019). As a response to the critique, Hellesvik sums up EDLs main argument, which follows the same understanding of indigeneity and Saaminess as the forest owners’ statement put forward ten years earlier:

At the meeting in Selbu, I asked the public the following question: Is there anything suggesting that ILO was concerned to adopt a convention aiming to protect well-educated, well-integrated, urban and resourceful humans, as the Saami in Norway today? (...) a convention meant to apply to secluded and marginalized peoples.

(Hellesvik, 2019)

In addition to promoting anti-Saami content in a meeting where approximately 100 persons attended, the organizers attempted to prohibit a Saami landowner, and leader of one of the reindeer herding districts in the area, from attending (Tretnes Hansen, Balto, Aslaksen, & Paulsen, 2019). The meeting in Selbu was a reminder that the forest owners’ statement was not a single and exclusive event. It shows how racialization is repeatedly used through organized structures to influence public perceptions of indigeneity and policies concerning indigenous and Saami territorial rights.

The advancement theory and its consequences

The second argument from the forest owners claim late south Saami immigration to the Røros area. In the statement they write: «We want to refer to the fact that there were no permanent living Saami in our area as late as 1742. There were no Saami place names, graves, offering sites nor a living Saami tradition at that time» (Skogeierlag, 2009).

While most would agree that a racial understanding of indigeneity has little to do with legal claims to territorial rights, the question of whose right came first, has been central in land disputes the Røros area. The expansion of a sedentary agricultural population is related to the establishment of a copper mine in 1644, and the increased necessity of local food sufficiency to support the workers and their families. When the mine was established, only 15 people were registered as sedentary dwellers in the area which today constitutes Røros. In about 100 years, the population grew to become one of the largest industrial societies in Norway, numbering 3231 inhabitants (S. Fjellheim, 2020). In order to get recognition of private agricultural rights over collective reindeer herding rights, the forest owners had to reinforce the narrative of late south Saami immigration.

The immigration narrative of the south Saami is based on historian and geographer Yngvar Nielsen's *advancement theory* published in the yearbook of "The Norwegian Geographical Society" in 1891. In 1889, Nielsen was granted a scholarship to study the old dwelling sites of the south Saami population between Namdalen in the north and Femunden in the south and to explore the relationship between the sedentary farmers and the nomadic Saami. According to himself, he made a «scientific contribution to the practical question» (Nielsen, 1891), referring to the conflict arising when farmers expanded further up into the mountains where the Saami kept their reindeer and dwellings (S. Fjellheim, 2012). After a weeklong fieldwork, he concluded that the south Saami population in the Røros area had migrated to the south from Namdalen as late as 1742. Among the "scientific" evidence supporting this theory was the absence of south Saami place names or pre-Christian graves or offering sites, exactly the same arguments used in the forest owners' statement.

Nielsen's advancement theory quickly became the leading narrative of south Saami origin in the Røros area and had severe implications for reindeer herding rights. My great-great-grandparents and other reindeer herders were violently chased away or convicted in court to pay high compensation due to alleged damage on the farmers' crops. The consequences were severe: From 10 to 12 families having reindeer herding as their main livelihood in the beginning of the 1800s, only one family remained in 1889 (S. Fjellheim, 2012). This was maadter-maadteraaajja (great-great grandfather) Paul Johnsen and his family.

The legal grounds to hold the south Saami reindeer herders liable for damage caused by their reindeer was the Common Lapp Act from 1883,

whose intention was to strengthen the property rights of the farmers in relation to the reindeer herders. In the new Act, reindeer herders were made collectively liable for any damage caused by reindeer on cultivated land, despite being strongly criticized by two Supreme Court judges in Sweden (Ravna, 2007). In 1889, the Lapp Commission decided within which areas, now named reindeer herding districts, reindeer herding should be permitted. Nielsen's theory legitimated the new Act,⁹ the work of the Commission and the first Supreme Court case concerning collective liability in 1892 (S. Fjellheim, 2020). The verdict (in S. Fjellheim, 2020) shows that Nielsen's scientific contribution was decisive in the court's decision:

Paul Johnsen claims that the Lapps are the indigenous inhabitants, whereas the Norwegians need to depart from the area. However, it is the other way around. According to a dissertation by professor Yngvar Nielsen about the expansion of the Lapps towards the south in the dioceses of Trondheim and Hedmark it appears that the Lapps in their expansion towards the south of Norway had not reached here until the year 1742. The agriculture of these mountains is of course much older.

My *maadter-maadteraajja* Paul lost against the ten farmers who sued him during the years of 1875–1877. He had to pay compensation for alleged damages on their private properties, without any proof put forward in court. Only five years later, in 1897, he lost another case in the Supreme Court. In this verdict, reference was made to “scientific research” proving that the rights of the sedentary farmers were older than the Saami's. In addition to paying the compensation, the reindeer herders lost the entire right to pasture near the Aursunden lake (S. Fjellheim, 2020; Ravna, 2019).

Smith (2012) argues that the systematic exclusion from writing history went hand in hand with fragmentation of lands and forced evictions through legislation. Saami scholar Jelena Porsanger (2004, p. 107) claims «research has been used as a tool of the colonization of Indigenous Peoples and their territories.» This is fair to argue for the south Saami case, where Nielsen's advancement theory legitimated colonial control over south Saami territory.

The struggle over history, knowledge and rights continues

As mentioned in the beginning, Smith's book “Decolonizing methodologies” (2012), first published in 1999, has become a classic inspiration for indigenous scholars with a critical perspective on the colonial entanglements of academia and knowledge construction. Her work has especially been echoed in the English-speaking world, by indigenous scholars from settler colonies, who propose alternative research agendas (e.g. Kovach, 2010; Nakata, 2007; Wilson, 2008). In *Abya Yala*, the indigenous Latin-America, decolonial epistemological perspectives have an equally strong presence, providing literature in Spanish, e.g. among critical Mapuche historians in Chile

(Antileo Baeza, Cárcamo-Huechante, Calfío Montalva, & Huinca-Piutrin, 2015; Nahuelpan, 2018) and Mayan intellectuals challenging epistemic racism in Guatemala (E.g. Cumes, 2018).

In the early 1980s and 1990s, critical thoughts about research were also emerging in the south Saami area. *Aehtjie* (*my father*) is an important knowledge holder and community historian who has published various articles and books about south Saami history in the Røros area. At that time, he was the first director of the newly established south Saami cultural institution *Saemien Sijte*. Based on the experience of the institution's work on the documentation of south Saami cultural heritage sites, he proposed a "process model" as a response to the "object model" of research on Saami issues. In the former model, he emphasizes the need for a continuous relationship between the institution and the Saami community, and to integrate Saami knowledge in the process. He argues for the importance of knowledge transfer between generations and says the participants valued it as an identity strengthening process. According to him, the problem with the "object model" is that knowledge is "extracted" and analyzed by the so-called external experts who easily can misinterpret their findings (S. Fjellheim, 1991).

The Saami process model of research and documentation work has been particularly important in areas where the invisibility and rejection of south Saami history has been strong. From 1985 to 1989, my father led a large cultural heritage project encompassing ten regions in the entire south Saami territory in Norway. Through this work, the concepts of *cultural competence* and *territorial affiliation* were introduced as crucial criteria for the participants. Most of the cultural heritage sites in the south Saami area are somehow related to nomadic reindeer herding and the life around it. Thus, the ability to locate and recognize them requires cultural knowledge about how reindeer herding in the specific area has been practiced. In order to secure this competence, 32 south Saami community members were selected by their respective regions to speak with elders and to use their knowledge to document and map cultural heritage sites. The group registered a variety of sites, such as dwellings, milk and food storages, spring water sources, hunting pits and fences, and offering sites (S. Fjellheim, 1991).

From the 1970s and onwards, a range of scholars from different disciplines have refuted Nielsen's *advancement theory* and supported the south Saami counterstories of ancient origin. The first who challenged Nielsen's theory was professor of linguistics, Knut Bergsland (1970, 1992) who identified several south Saami place names which cannot be explained by modern Saami language. As an example, *gåebrie* is the south Saami name of the reindeer herding district *Gåebrien Sijte* addressed in the forest owners' statement. Following Bergsland, archeologists documented south Saami burial sites and dwellings from as early as the iron age (Bergstøl, 2008; Gerde, 2016; Skjølsvold, 1980; Stenvik, 1983; Zachrisson, Alexandersen, Gollwitzer, & Iregren, 1997). A thorough systematization of Nielsen's critics can be read in S. Fjellheim (2020).

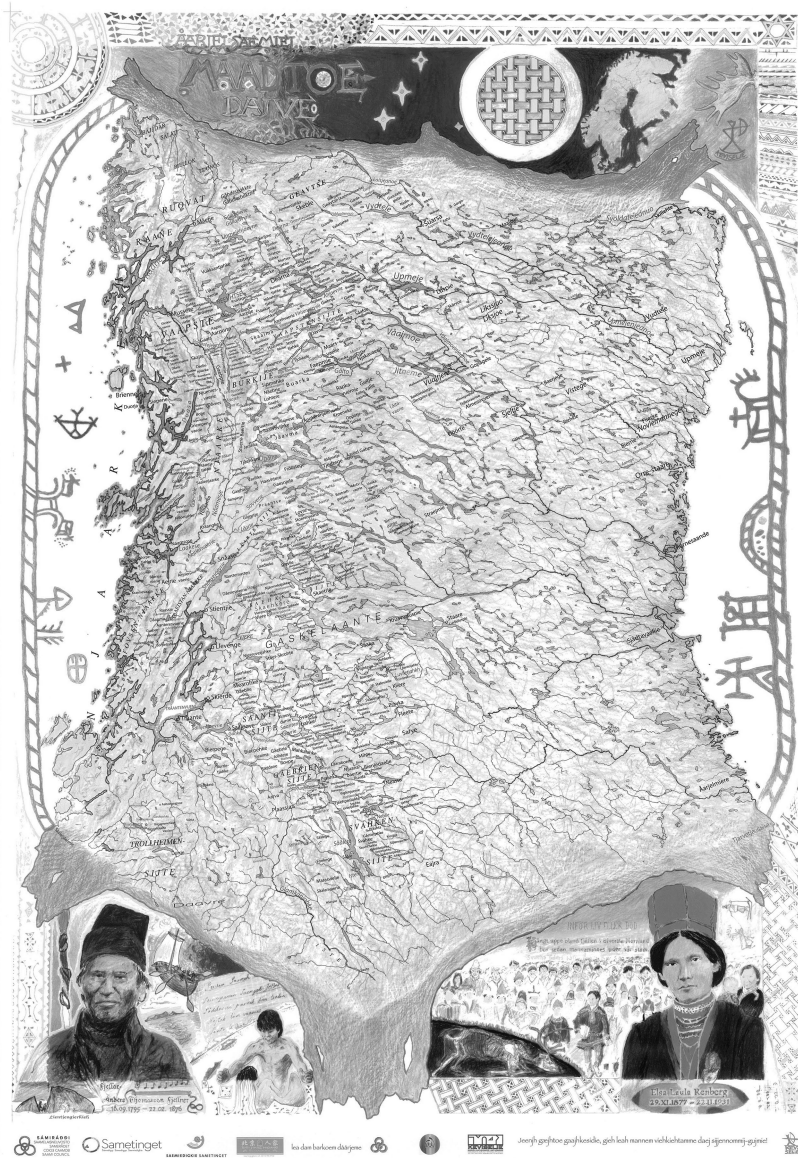


Figure 11.2 The map is drawn by Saami artist Hans Ragnar Mathisen and shows the most southern part of the Saami territory in Norway and Sweden. It contains south Saami place names from the area around Røros and is adorned with traditional ornaments, symbols, and historical illustrations. Hans Ragnar Mathisen: KM 21: ÅARJELSAEMIEH MAADTOE-DAJVE made in Sálašvággi 1998–2011–2017 © Hans Ragnar Mathisen / BONO, Oslo 2019.

Despite of extensive critique of Nielsen's methods and conclusions, two historians at the Norwegian University of Technology and Science, Jørn Sandnes (1973) and Kjell Haarstad (1992), kept the narrative of late south Saami migration alive until the late 1990s. The latter acted as expert witness defending land-owning farmers in several Supreme Court cases (S. Fjellheim, 2020; Sem, 2019). In 1997, exactly 100 years after my ancestors lost the Aursunden case, their decedents lost another case in the same area. Professor of law Kirsti Strøm-Bull (2005) reflects on the relation between history and law in Norwegian Supreme Court verdicts concerning south Saami territorial rights and questions the political motivation of Nielsen's theory, in the past and present. She says:

It is tempting to critically question the rapid acceptance of the theory as it supported the majority population in the conflict with the Saami. And one can wonder if it is due to the same reason that the theory has survived despite new research presenting another story.

The unequal power relationship in the struggle over knowledge and south Saami history in the Røros area is evident but constantly being challenged. In 2001, a Supreme Court verdict marked an important shift when it took Saami knowledge, documentation and research, culture, and concept of law into consideration for the first time. The claims from the 201 land-owning plaintiffs in Selbu were rejected by the ruling court. The two reindeer herding districts *Gæbrien Sijte* and *Saanti Sijte* finally experienced that the same knowledge and arguments our ancestors presented a 100 years ago were taken seriously in the courtroom. For the first time, Saami reindeer herding rights were considered legitimate in relation to the legal principle of *use from time immemorial* (Eriksen, 2004; Ravna, 2019). The extensive south Saami documentation work and research carried out in the 1980s and onwards must be seen as a decisive contribution for the court to shift course. It is also important to mention that the question of "who came first" has become less significant, as the legal status of Saami is safeguarded by Norway's ratification of the ILO-Convention No. 169. The convention does not define Indigenous Peoples as exclusively the peoples who first inhabited an area (Ravna, 2011).

The Supreme Court verdict from 2001 was an important victory after centuries of political and legal marginalization of reindeer herding in relation to agricultural practices. Not only in the Røros area, as the verdict set precedence in Norway as a whole. In 2018, a similar case was raised by land-owners in Tufsingdalen against *Gæbrien Sijte* and *Saanti Sijte*, who have their common winter pastures in *Femund Sijte*. The reindeer herding districts appealed the decision on compensation from the Court of Appeal and requested the Supreme Court to address the provision on collective liability as discriminatory according to the Norwegian Constitution and human rights principles. The Supreme Court verdict did not give reason to the entire appeal but revoked the decision regarding compensation payment

and expressed it was unfortunate that the Saami Rights Commission's recommendation to revise the provision on collective liability is unresolved (Ravna, 2019). The case was sent back to the Court of Appeal and resolved through settlement (Rensberg, 2019).

Even though there have been some positive legal precedence resolving land-use conflicts between reindeer herders and farmers, the right to use the territories lost in previous Supreme Court cases has not been restored. In addition, new opportunities through the commodification of outfields have intensified the conflicts (Rønningen & Flemsæter, 2016) and the disputes over legal interpretations remain. Recently, Gåebrien Sijte and Saanti Sijte resisted a wind power project to be built in the mountain of Stokkfjellet, in Selbu municipality. They feared negative impacts on their calving land and pastures would have substantial negative effects for future reindeer herding in the area. In the public hearing process concerning the development plan, the municipality and land-owners in favor of the project argued that the Selbu verdict from 2001 limits grazing rights outside established borders of the reindeer herding district. However, the Ministry of Oil and Energy, the authority for energy licenses in Norway, confirmed the actual use of the area for reindeer herding would lay the grounds for their decision, not the district limits (OED, 2017). Yet, the final licence for construction was approved, without the consent from the reindeer herding districts.

Back to academia, the struggles over south Saami history and knowledge continues. About the same time as Nielsen's theory was "defeated" in the Supreme Court, a major book volume about the "History of Trøndelag"¹⁰ was commissioned by County officials. Due to the fear of a revival of the advancement theory, central south Saami institutions demanded to affiliate a person with Saami history and cultural competence to the project, but the editors refused and claimed they had sufficient competence on the matter (Sem, 2019). The book consists of three volumes and was published in 2005 without any participation of Saami scholars or knowledge holders. *Aehtjie* was central to this critique and called it «a history supporting lies, myths and prejudices which the south Saami cannot recognize» in an opinion in the newspaper *Adressa* (S. Fjellheim, 2005). Other scholars criticized the organization of the project, use of sources, and methodological foundation on which the historical part of the volume is based (Bergstøl, 2008; Hermanstrand, 2009; Sem, 2017, 2019). Leiv Sem (2017, 2019) presents the most thorough evaluation, where he claims editors have structurally excluded Saami representation and integration into the story. He also states that the editors avoid to settle the controversies around Nielsen's advancement theory:

The thesis of Saami advancement may be said to have been somewhat modified, but it is equally true that this controversial theory that has laid the grounds for Saami losing rights to land in favor of farmers, is rendered without challenge in *Trøndelags Historie*.

(Sem, 2019, p. 167)

Sem's critique is essential for understanding the power of history writing, and the consequences of the choices scholars and institutions make. Kuokkanen (2008) suggests that academia and its institutions need to address what she calls epistemic ignorance, meaning the lack of inclusion and visibility of indigenous epistemes in academia:

Epistemic ignorance occurs at both the institutional and individual levels and is manifested by exclusion and effacement of indigenous issues and materials in curricula, by denial of indigenous contributions and influences and the lack of interest and understanding of indigenous epistemes or issues in general by students, faculty and staff alike.

(Kuokkanen, 2008, p. 64)

According to her, *ignorance* is not only about passive lack of understanding but also an active avoidance of other knowledges and ways of knowing. She urges universities to address the “academic practices and discourses that enable the continued exclusion of other than dominant Western epistemic and intellectual traditions” (Kuokkanen, 2008, p. 60). The editors of the volume the “History of Trøndelag” included south Saami content, but it was presented from a colonial perspective. They could have made an active choice to critically address the colonial history in the region and include south Saami competence and perspectives in the process. A critical position of academia is particularly crucial in a context where the legal and political debate over territorial rights continues to be influenced by colonial narratives of south Saami history, indigeneity, and rights.

With this in mind, it is timely to ask why south Saami counterstories and knowledge contributions continue to be excluded, and why their impact is so slow. The answer is probably not one sided. Interpreted at best, it is a matter of epistemic *blindness*, understood as a more passive omission of other ways of knowing and a reflection of the lack of knowledge about Saami issues in society in general. Interpreted at worst, it can be viewed as epistemic *arrogance* when Western scholars and institutions place themselves at the top of a knowledge hierarchy. I think it can be a matter of both. Accordingly, there is a need for an active south Saami scholarship on one hand and self-critical decolonial initiatives from dominant academia on the other.

Final reflections

Through the knowledge and experience of five generations, this chapter provides decolonial perspectives on south Saami history, indigeneity, and territorial rights in the Røros area in Norway. Based on our counterstories, I have argued that the struggle over history and knowledge in the south Saami area is closely intertwined with the struggle over territorial rights. I have critically discussed two academic contributions which have shaped a dominant colonial narrative of the kind Smith (2012) encourages us to contest. By addressing the controversial role of racial biology and Yngvar

Nielsen's "advancement theory," I have shown how they have had severe implications for the understanding of south Saami history, indigeneity, and rights up until today.

The racial stereotypes expressed in the forest owners' statement undoubtedly have their roots in social Darwinist thought and racial science conducted in the early 1900s. My point here is not to say that racist expressions today are the same as they were 100 years ago, but rather that racialization is common to find in the public debate about Saami territorial rights today. Racial biology was rather quickly rejected as a legitimate scientific tradition. However, Yngvar Nielsen's advancement theory strongly informed the narrative historians used to discuss south Saami origin in the Røros area up until the late 1990s. It has not only influenced public opinion but also had severe implications for the current legal status of reindeer herding in the area. The lack of repatriation of lost territories and revisions of the reindeer herding Act must be seen as an unresolved colonial legacy.

In this context, academia has a critical role. Even though the advancement theory is no longer actively defended within academia, south Saami knowledge contributions and counterstories continue to be marginalized. I argue that the knowledge hierarchy in academia is upheld in the book volume about the "History of Trøndelag" as an expression of epistemic ignorance. It is timely to call for a greater responsibility of academic institutions and scholars to strive for epistemic justice.

The unequal power relationship between colonial narratives and south Saami counterstories persist but is constantly being challenged. A 100 years ago, my ancestors were made objects of research, with no control over, nor influence on how this research was conducted or used. Now, south Saami scholars and knowledge holders are (re)writing our history and providing research rooted in our own horizon of knowledge. These counterstories are, as Smith (2012) suggests, powerful forms of resistance and can be a tool for self-determination and justice. The Supreme Court settling the Selbu case in 2001 is a clear example, as it ruled in favor of historical rights for reindeer herding in the area after 100 years of marginalization.

The statement from the forest owners in 2009 and the anti-Saami rights meeting in Selbu in 2019 indicates that we are facing severe structural challenges beyond the academia and the courtrooms. It feels like a cold shiver from the past when racist ideas and language are used to question south Saaminess and the right to practice reindeer herding in the 21st century. Some might ask why these events should be given more attention than the public shaming they received in the news. To be honest, I have asked myself the same question. However, the statement was signed by an association with an influential role in the community and lacked public rejection by the majority population in Røros. Ten years later, the landowner meeting in the neighboring municipality of Selbu reminds us that we are not talking about individual and exclusive events but rather long-lived colonial narratives embedded in organized structures. I sustain we need to ask ourselves where these attitudes and arguments come from, rather than reducing their

significance. It is important to critically address them, because they continue to influence our well-being, how we are perceived as a people, and how our right to continue practicing our culture, knowledge and livelihood in the Saami cultural landscape is recognized.

Through our stories we resist.

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Notes

- 1 The area around Røros where reindeer herding is practiced, including the municipalities of Holtålen, Selbu and Tydal.
- 2 The second Saami Rights Commission was established the 1st of June 2001, and the report was published by the Justice- and Police department the 3rd of December 2007.
- 3 Norway ratified the convention the 20th of June 1990: /www.regjeringen.no/no/tema/urfolk-og-minoriteter/samepolitikk/midtpalte/ilokonvensjon-nr-169-om-urbefolkninger-0/id451312/ (Retrieved 15.10.2019).
- 4 The Norwegian Constitution: https://lovdata.no/dokument/NL/lov/1814-05-17/KAPITTEL_6 (Retrieved 15.10.2019).
- 5 95% of Finnmark was previously owned by the State, but as a result of the first Saami Rights Commission – SRU I, the Finnmark Law was approved to create a new legal entity, the Finnmark Property. The Finnmark Commission was also established to identify user- and owner rights due to use from time immemorial.
- 6 The reindeer herding Act, revised in 2007: <https://lovdata.no/dokument/NL/lov/2007-06-15-40>
- 7 Saami rights to land and water have only been formalized in the northernmost County in Norway, through the Finnmark Act. The Finnmark Act was approved in 2005 and was a result of the first Saami Rights Commission's recommendation (SRU I).
- 8 Historically, the Saami population has been named Lapps, a derogatory term used by the majority population in historical sources.
- 9 The Common Lapp Act applied to the reindeer herding districts south of Finnmark. Reindeer herding in Finnmark was included in the revised reindeer herding act in 1933 (Ravna, 2019).
- 10 The Røros area belongs to Trøndelag County.

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“You Can Kill Us with Dialogue:” Critical Perspectives on Wind Energy Development in a Nordic-Saami Green Colonial Context

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Abstract

This article explores Southern Saami reindeer herders’ experiences and contestations over state consultation and corporate dialogue during a conflict over the Øyfjellet wind energy project in Norway. Informed by a committed research approach and *juxtaposition* with findings from Indigenous peoples’ territorial struggles in Latin-America, the article provides critical perspectives on governance practices in a Nordic-Saami green colonial context. The research draws on ethnography from a consultation meeting between Jillen Njaarke, the impacted reindeer herding community, and state authorities, as well as diverse written material. The study suggests that the state- and corporate-led “dialogues” *displaced* the root cause of the conflict, revealed epistemic *miscommunication*, and perpetuated relations of *domination* which limited *emancipatory* effects for Jillen Njaarke. The premises and discourses underpinning the “dialogues” further reproduced racist notions which devalue ancestral Saami reindeer herding knowledges, practices, and landscape relations. These findings challenge dialogue as prescription of good governance and conflict resolution in a context where democracy and compliance with Indigenous peoples’ rights are perceived as high.

Keywords Green colonialism · Jillen Njaarke Sijte · Øyfjellet · Southern Saami reindeer herding · Consultation · Dialogue

Introduction

You can kill us with dialogue (...) It is difficult for me to sit here and listen to people talk about a moral responsibility to save the world, because who should pay the price? (Tømmerbakke, 2019).

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In a panel discussion about the production of wind energy and electric car batteries at the business conference *High North Dialogues* held in Bådådjo,¹ Norway in 2019, the president of the Saami Parliament,² Aili Keskitalo, critiqued the dialogue that underwrites Norway's green transition agenda.³ Keskitalo's critique has been echoed by Saami authorities, organizations and right-holders who argue that non-consensual encroachments by so-called "green" industries on Saami reindeer herding lands is a form of "green colonialism" (e.g., Brandvold, 2021; SaamiCouncil, 2017; Sametingsrådet, 2019). Saami and other Indigenous peoples' land-use practices leave small ecological and climate footprints but are among the most exposed to climate change. Still, the Nordic states' commitment to the international climate change agenda legitimates industries that perpetuate colonial discourses and a continued dispossession of ancestral Saami reindeer herding lands and practices (E. M. Fjellheim, *forthcoming*; Kuokkanen, 2022; Lawrence, 2014; Normann, 2020).

Conflicts between wind energy development and Indigenous peoples' rights are not unique to Saepmie⁴ (e.g., Avila, 2018; Dunlap, 2019). Norway presents an interesting case, as the escalating conflicts over wind energy development on Saami reindeer herding lands belie citizens' high level of trust in democratic and legal processes in the country (Kleven, 2016). Norway was the first, and only country in the Nordic-Saami context,⁵ to ratify the International Labor Organization Convention No. 169 on the Rights of Indigenous and Tribal Peoples (ILO 169),⁶ and the government aspires "to be at the forefront of Indigenous peoples' rights".⁷ With few exceptions (Broderstad, 2022), however, the application of these rights in wind energy licensing processes has proven to be extremely difficult (Olsen, 2019).

In accordance with ILO 169, the Saami people's right to consultation and participation in decision-making regarding matters which concern them is considered to be a crucial mechanism to safeguard broader Indigenous rights. In 2005, the Saami Parliament and Norwegian authorities signed a consultation agreement,⁸ which was recently converted into law through an amendment to the Saami Act. While the scope of the agreement was formerly limited to government officials, the new amendment extends the responsibility to consult the Saami Parliament and Saami interests and rights-holders to municipal authorities (Prop. 86 L, 2020). The

¹ The southern Saami name of Bodø in Norwegian language.

² The Norwegian Saami Parliament is the directly elected political representative body of the Saami in Norway, established through the Saami Act in 1987 and opened in 1990.

³ "Det grønne skiftet" (08.12.2021): <https://www.regjeringen.no/no/tema/klima-og-miljo/innsiktsartikler-klima-miljo/det-gronne-skiftet/id2879075/>

⁴ *Saepmie*, equivalent to *Sápmi* in northern Saami, is the Southern Saami term for the Saami ancestral homelands across the colonial border of Norway, Sweden, Finland, and Russia.

⁵ Sweden and Finland have not ratified ILO 169.

⁶ "Ratifications of C169 – Indigenous and Tribal Peoples Convention, 1989" (No.169): https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312314.

⁷ Hurdalsplattformen. For en regjering utgått fra Arbeiderpartiet og Senterpartiet 2021-2025 (14. Oct., 2021): <https://www.regjeringen.no/contentassets/cb0adb6c6fee428caa81bd5b339501b0/no/pdfs/hurdalsplattformen.pdf>

⁸ "Prosedyrer for konsultasjoner mellom statlige myndigheter og Sametinget" (11. May 2005): <https://www.regjeringen.no/no/tema/urfolk-og-minoriteter/samepolitikk/midtspalte/prosedyrer-for-konsultasjoner-mellom-sta/id450743/>

amendment recognizes “good faith” consultations with the objective of reaching an agreement, but denies the Saami demand to include Free Prior and Informed Consent (FPIC) as established in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)—an omission which is inconsistent with recent developments in Indigenous law (Ravna, 2020). In effect, the Norwegian state has a legally binding responsibility to safeguard Saami rights, while companies are merely expected to engage in dialogue in accordance with international principles and guidelines for responsible stakeholder engagement and human rights.⁹

Although legal requirements and guidelines have been in place for almost two decades, research on their implications for Saami reindeer herding rights is understudied. The UN Special Rapporteur on the Rights of Indigenous Peoples has called for more effective consultations to implement “the right of the Saami people to self-determination and to more genuinely influence decision-making” (UN, 2016), and the Norwegian National Institution for Human Rights has admitted a lack of systematic knowledge of how consultations are carried out (NIM, 2022). Previous studies show that Saami rights to land and water are the most controversial issues consulted over, and that the Saami Parliament is least likely to consent on policy regarding wind energy development and power lines (Broderstad, 2022; Broderstad, Hernes, & Jenssen, 2015). A few studies from both Sweden and Norway address how Saami reindeer herding communities engage with both state and corporate actors in decision-making over resource extraction (e.g., Johnsen, 2016; Kårtveit, 2021; Larsen & Raitio, 2019; Normann, 2021). However, there is a need for more research on how state consultation and corporate dialogue intertwine, as well as for ethnographic accounts of how these processes are carried out with Saami reindeer herding communities whose lands are directly impacted.

In this article, I address this knowledge opportunity through the study of a conflict over the Øyfjellet wind energy project in Vaapste¹⁰ municipality. Øyfjellet is one of Norway’s largest onshore wind energy projects and illustrates well Keskitalo’s critique of how dialogue is used to legitimate green colonialism in Saepmie. The aim of this article is to provide critical perspectives on the practices, premises, and discourses of “dialogues”¹¹ that are prescribed as good governance and conflict resolution in Norway. Informed by a committed decolonial approach, I focus on how Jillen Njaarke Sijte,¹² the impacted reindeer herding community, experienced and contested consultations with Norwegian license authorities and corporate dialogue with wind energy developer Eolus Vind.

The main part of the analysis is based on “ethnographic fragments” (Tsing, 2011) from a consultation meeting between Jillen Njaarke and the Norwegian

⁹ “Business and Human Rights. National Action Plan for the implementation of the UN Guiding Principles” (Accessed 13. Jun., 2022): https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/mr/business_hr_b.pdf

¹⁰ The southern Saami name of Vefsn in Norwegian language.

¹¹ When I use “dialogues” in plural, I refer to both state consultation and corporate dialogue.

¹² Sijte is the southern Saami term for a community of families, often related, who collectively organize and practice reindeer herding within a designated area.

Water Resource and Energy Directorate (NVE) in the town Mussere¹³ in 2019. This approach goes beyond previous studies of meeting protocols and final outcomes of consultation procedures (e.g., Broderstad & Hernes, 2008; Broderstad et al., 2015) by enabling direct observation of a space characterized by power struggles. I further analyze the implications of the consultation and the corporate dialogue with Eolus Vind through a diverse range of written material. As such critical perspectives are limited in Saepmie, I propose to draw lessons from the more extensive literature from Latin America, a region where Indigenous peoples' contestations over "dialogues" as premise for the Indigenous rights regime in territorial struggles are extensive. I do not aim to generalize nor compare what are substantially different political and socio-economic contexts. I am rather inspired by Juliet Hooker's (2017) methodology of *juxtaposition* that allows to learn from contexts which are related yet distinct.

The article is structured as follows: I begin presenting the methodological and analytical approach, before briefly introducing some background to the Øyfjellet project and the actors involved. Based on the analysis which follows, I argue that the study exemplifies and expands on four mechanisms and effects of state consultations and corporate dialogue found in empirical and legal studies from Latin America (Rodríguez-Garavito, 2011). Despite contextual variation, the study illustrates that the "dialogues" (1) *displaced* the root cause of the conflict with procedural norms and compensation, (2) revealed epistemic *miscommunication* in impact assessments, (3) perpetuated colonial state and corporate *domination* which (4) afforded limited *emancipatory* effects for Jillen Njaarke. Informed by Grégoire's (2019) study of the Canadian mining industry in Guatemala, I further question the political and normative underpinnings of the "dialogues" Jillen Njaarke engaged in, and suggest that they reproduce racist notions which devalue ancestral Saami reindeer herding knowledge, practices, and landscape relations.

Methodological and Analytical Framework

Informed by a decolonial approach to research (e.g., Kuokkanen, 2000; Smith, 2012), my methodology is committed to identify and challenge colonial power asymmetries and contribute to self-determination and emancipation for Indigenous peoples in academia and beyond. Saami reindeer herding communities that face multiple encroachments on their lands are vulnerable to research and participation fatigue (E. M. Fjellheim, [forthcoming](#); Löf & Stinnerbom, 2016). As an ethical response to this fatigue, I did few interviews and instead used a consultation meeting as the main research site. One of the reindeer herders from Jillen Njaarke,¹⁴ however, expressed strong interest to share his knowledge and reflections of the process, which resulted in several research conversations between 2018-2022. In addition, I analyzed a diverse range of written materials, including letters of communication between the lawyers of Jillen Njaarke, Eolus Vind, and the license

¹³ The Southern Saami name for Mosjøen in Norwegian language.

¹⁴ Ole-Henrik Kappfjell.

authorities, reports, and news articles. I also accompanied political gatherings and legal processes, and engaged on social arenas where the research topic was discussed. The research process was furthermore committed beyond academic endeavors, as I published opinions based on preliminary research results (e.g., Ellingsen, Fjellheim, & Normann, 2022; E. M. Fjellheim, Carl, & Normann, 2020), shared extensive notes from meetings and a court hearing, and reached out to media and provided interpretation service for Jil-len Njaarke when requested (Reid-Collins, 2020).

Literature and experiences from Latin America offer a novel critical lens to study Indigenous peoples' rights and governance processes in a Nordic-Saami green colonial context. Latin America is the region in the world where most countries have ratified ILO 169¹⁵ and adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and where jurisprudence on consultation and FPIC is prominent (Rodríguez-Garavito, 2011; Sieder, Schjolden, & Angell, 2016). Indigenous peoples have been central players in territorial struggles and have influenced decolonial thinking (Rodríguez & Inturias, 2018). Not least, ethnographic and critical studies on the implications of consultation and corporate dialogue for Indigenous peoples' rights are extensive (Barkin & Lemus, 2016; Rodríguez-Garavito, 2011; Wright & Tomaselli, 2019). Simultaneously, Norway differs substantially from most Latin American countries in social, political, and economic terms. Norwegian legal and bureaucratic institutions are considered strong, and the country scores high on health, education, and standards of living.¹⁶ Recognizing that these differences influence the conditions for Indigenous peoples' political and legal participation, I do not aim to compare, but rather juxtapose findings from the Øyfellet study with literature from Latin America. Hooker (2017) suggests that *juxtaposition* offers a way to avoid comparison and its prior assumptions of similarities and differences. She writes: "it is by being viewed simultaneously that the viewer's understanding of each object is transformed" (2017, p. 13). Allowing ideas to travel, I further build on my decade-long exchange and solidarity work with Indigenous peoples' territorial struggles in Latin-America (E. M. Fjellheim, 2013, 2018).

My analysis is mainly structured around the four mechanisms and effects of Indigenous peoples' right to consultation identified by Rodríguez-Garavito (2011) in a study of cases from Colombia, Guatemala, Bolivia, Peru, Ecuador, Chile, and Nicaragua, but is complemented by a broader set of literature from the region. The first concerns how procedural norms and compensation *displace* the root cause of the conflict (Rodríguez-Garavito, 2011). Consultations led by states or corporations are depoliticized spaces designed to defuse tension without resolving crucial elements, such as environmental impacts and human rights violations (Dunlap, 2018; Grégoire, 2019; E Leifsen, Gustafsson, Guzmán-Gallegos, & Schilling-Vacaflo, 2017a; Rodríguez-Garavito, 2011). Interpretations of legal principles differ widely on a spectrum between consultation and consent (Gustafsson, 2018; E Leifsen et al., 2017b; Rodríguez-Garavito, 2011). Rodríguez-Garavito (2011) argues that dominant

¹⁵ 15 out of 24 countries.

¹⁶ "Human Development Index (HDI) by Country 2022": <https://worldpopulationreview.com/country-rankings/hdi-by-country>

consultation practices are characterized by a “business-friendly” interpretation which is limited to procedure; meanwhile, Indigenous peoples call for self-determination and a right to give or withhold consent. Through the Øyfjellet case, I study how Jillen Njaarke’s human rights claims and the state license authorities’ accountability to comply with them are displaced by corporate dialogue and mitigation measures, which compromise ancestral Saami reindeer herding knowledge, practices, and landscape relations.

Miscommunication emerges when “different kinds of knowledge, based on radically distinct epistemological roots, get crossed” (Rodríguez-Garavito, 2011, p. 295). Decolonial scholarship from Latin America has developed alongside environmental struggles (Rodríguez & Inturias, 2018), e.g., by critiquing how colonial knowledge regimes destroy diverse epistemologies and lifeworlds through *epistemicide* (de Sousa Santos, 2015). Knowledge controversies in impact assessments are common, as Indigenous peoples contest the epistemic foundations of these decision-making processes (Aguilar-Støen & Hirsch, 2017; E Leifsen, Sánchez-Vázquez, & Reyes, 2017b; Schilling-Vacaflor, 2019). In Saepmie, epistemic injustice has been explored in natural resource management (Johnsen, Mathiesen, & Eira, 2017; S Joks & Law, 2017; Law & Joks, 2019), license permitting (Lawrence & Larsen, 2017; Raitio, 2020), and litigation processes (E. M. Fjellheim, [forthcoming](#)), but in this article it is analyzed in relation to a broader set of dynamics found in consultation and corporate dialogue processes. Miscommunication, however, must not be reduced to mere lack of understanding between “Indigenous” and “Western” knowledge systems. Beyond epistemic difference, any knowledge which challenges corporate science (Kirsch, 2014) and interests might be strategically ignored (McGoey, 2012; Proctor & Schiebinger, 2008), as found in a similar conflict over wind energy development on reindeer herding lands in Fosen (E. M. Fjellheim, [forthcoming](#)).

Domination (Rodríguez-Garavito, 2011) refers to power asymmetries between state, companies, and Indigenous peoples. Indigenous peoples in Latin America contest a top-down and neoliberal implementation of consultation which constrains alternative development paths, such as the philosophy of *Buen Vivir* which can be translated into *good living* (Villalba, 2013). Although the state is accountable for consultations to take place, companies tend to disrespect them in practice, often committing acts of violence, cooptation, and coercion (Dunlap, 2018; Grégoire, 2019; E Leifsen et al., 2017a; Rodríguez-Garavito, 2011). In this article, I analyze power asymmetries in a Nordic-Saami colonial context which is characterized by subtle and bureaucratic mechanisms and expressions of violence (Kuokkanen, 2020; Reinert, 2019; Sehlin MacNeil, 2017), e.g. through nonconsensual disposessions of Saami reindeer herding lands legitimated by paternalistic and moral discourses of climate change mitigation (E. M. Fjellheim, [forthcoming](#); Kuokkanen, 2022; Lawrence, 2014; Normann, 2020).

Possible *emancipatory* effects (Rodríguez-Garavito, 2011) may explain why Indigenous peoples continue to engage in constrained spaces for decision-making. While some consider them to be “bureaucratic traps” (Dunlap, 2018), others argue that Indigenous peoples’ agency needs to be understood as complex, ambiguous, and strategic (E Leifsen et al., 2017a). This implies balancing “a fine line between confronting companies directly and claiming, for instance, monetary compensation” (Normann, 2021, p. 13) or

making a decision between "life or death" (Rodríguez-Garavito, 2011, p. 302) if irreversible environmental or cultural harm can be avoided or postponed (E Leifsen et al., 2017b; Rodríguez-Garavito, 2011). These processes may also stimulate collective mobilization, strengthen identity formation, promote knowledge of rights, and increase leverage for future negotiations (Aguilar-Støen & Hirsch, 2015; E Leifsen et al., 2017b; Rodríguez-Garavito, 2011). In this article, I study how Jillen Njaarke's contestations over the structures, content, and decisions of the "dialogues" they engaged in, afforded limited but some strategic benefits and sense of emancipation.

While the studies above focus on practice, less attention has been given to the political and normative implications of "dialogues" in resource conflicts on Indigenous peoples' lands. Often, state consultations and corporate dialogues are portrayed as the only legitimate solution, while resistance to, or critique of these processes is stigmatized and criminalized (Dunlap, 2018; Grégoire, 2019). Through research in Guatemala, Grégoire (2019, p. 696) explores how "dialogue" is performed and legitimated by the elite's racist discourse toward Indigenous peoples, calling for more research on how "ontological underpinnings of CSR¹⁷ interact with local political regimes elsewhere". Responding to this call, I add a critical analysis of the premises and discourses underpinning the strong notion of dialogue as prescription of good governance and conflict resolution in Norway.

Jillen Njaarke Sijte and the Øyfjellet Project

The Øyfjellet wind energy project is located in the middle of an important reindeer migration route and pasture area of Jillen Njaarke, a southern Saami community that has practiced nomadic reindeer herding since the 1600s (Severinsen, 2022; Vorren, 1986). Due to the colonial politics of the Nordic states, the Saami have been dispossessed of ancestral lands, exposed to religious persecution and assimilation policies, and considered racially inferior to the majority population (Evjen, Ryymin, & Andresen, 2021; Hansen & Olsen (2004). The southern Saami population living in both Norway and Sweden is a minority within the larger Saami society. *Båatsoe*, southern Saami reindeer herding, is considered to be crucial for maintaining southern Saami language, identity, and culture, and is protected by the Reindeer Herding Act (Ravna, 2020). Currently, Jillen Njaarke's yearly migratory pattern between different seasonal pastures spans nine municipalities in the Helgeland region. Four families and around 20 affiliated persons own reindeer in a herd which is collectively cared for by Jillen Njaarke's members.

The Øyfjellet project consists of 72 wind turbines and connected infrastructure aiming to produce 1.2 TWh annually.¹⁸ In consultations during the licensing process,

¹⁷ Corporate Social Responsibility.

¹⁸ "Project fact file" (Øyfjelletvind.no): <https://oyfjelletvind.no/en/project-fact-file/>. Retrieved 30.05.2022.

Jillen Njaarke expressed concern that the project would interrupt the migration route and violate their right to continue Saami reindeer herding culture according to article 27 of the ICCPR, incorporated into the Norwegian Human Rights Law. However, In 2016, the wind energy company Øyfjellet Wind AS¹⁹ was granted a license from the Norwegian Ministry of Petroleum and Energy (OED) on the condition that the licensee would facilitate a dialogue and reach an agreement with Jillen Njaarke on mitigation measures. Øyfjellet Wind claims that the project has broad local support through a benefit agreement with the municipality²⁰ and with over 100 landowners, individuals, and companies, but notes that no agreement is in place with Jillen Njaarke.²¹ Swedish wind energy developer Eolus Vind AB²² is responsible for constructing and operating the project and was thus the main actor interacting with Jillen Njaarke during the research period. Despite lack of consent from Jillen Njaarke, the license authorities and Eolus Vind asserted that coexistence was possible and necessary to comply with Norway's renewable energy goals. Both Eolus Vind and Øyfjellet Wind lack publicly available guidelines on stakeholder engagement and Indigenous peoples' rights, but claim they are willing to "go far" to reach an agreement with the reindeer herding community.²³ Neither company responded to my email request to confirm if such guidelines exist.

Before Eolus Vind was legally granted the right to begin the construction in December 2019, Jillen Njaarke was consulted by NVE. The consultation concerned the required detail plan Eolus Vind had submitted in May 2019, which Jillen Njaarke asserted was in violation of the license condition. The plan was submitted before the completion of an impact assessment by Protect Sápmi, a Saami consultancy firm that was commissioned to assess the impacts from a Saami epistemological perspective. Eolus Vind argued they had done what they could to reach an agreement and was running out of time to comply with the deadline to obtain state subsidies through the so-called green certificate schemes.²⁴ The consultation meeting took place in Mussere on the 27th of August 2019, and the following section ethnographically outlines and discusses the conflicting lines concerning the process and its content.

The State-Led Consultation: A Process in Good Faith?

"Consultations should be carried out in good faith, right? I think that is a good point of departure", one of the bureaucrats from NVE says when he opens the meeting. In addition to three reindeer herders from Jillen Njaarke and two bureaucrats from

¹⁹ "About us. Our organization and business partners" (Oyfjelletvind.no): <https://oyfjelletvind.no/om-oss/>. Retrieved 30.05.2022.

²⁰ "Vindkraftavtale sikrer 26 millioner årlig til Vefsn kommune" (Oyfjelletvind.no): <https://oyfjelletvind.no/vindkraftavtale-sikrer-26-millioner-arlig-til-vefsn-kommune/>. Retrieved 30.05.2022.

²¹ "72 of 72 turbines in place" (Oyfjelletvind.no): <https://oyfjelletvind.no/72-av-72-turbiner-pa-plass/>. Retrieved 30.05.2022.

²² "A pioneering spirit, expertise and good business sense has taken us a long way" (Eolusvind.com): <https://www.eolusvind.com/about-eolus/?lang=en>. Retrieved 30.05.2022.

²³ "Spørsmål og svar" (Oyfjelletvind.no): <https://oyfjelletvind.no/sporsmal-og-svar/#>. Retrieved 19.12.2022.

²⁴ "Elsertifikater": <https://www.nve.no/energi/virkemidler/elsertifikater/>

NVE, two observers from the Saami Parliament are in the room. Jillen Njaarke's lawyer is also present to address potential rights violations, and a representative from Protect Sápmi has been invited to present the impact assessment report. We are sitting around a table at Fru Haugans in Mussere, the oldest hotel in Northern Norway. Ironically, the assigned meeting room for the day is named "Øyfellet", and from the hotel garden we can see the mountain's highest peak. Some of the turbines would be visible from here, if the project were to be built according to the initial plan, but aesthetic complaints from residents were taken into consideration and Eolus Vind agreed to relocate additional turbines to the western mountains—into an important migration route of Jillen Njaarke.

Although the NVE bureaucrat invited Jillen Njaarke to a process in "good faith", the encounter quickly reveals unresolved tensions around core issues of the planned project and a general discontent with the way NVE manages consultations. A few minutes into the meeting, NVE informed us about an inspection of the construction site together with Eolus Vind and the municipality the following day. The reindeer herders were caught by surprise and Torstein²⁵ stated that it was not the first time the company planned to fly into the area without consulting them first. Ole-Henrik, another reindeer herder from Jillen Njaarke, elaborated on this concern:

If you are to understand the Saami use of the area, it is extremely important that we are present. It should have been an exclusive inspection only with the reindeer herding community. This is exactly why this is so difficult because you do not have any knowledge about Saami use of the area, and we must explain this around a table in a meeting room.

Following Jillen Njaarke's statements, one of the observers from the Saami Parliament intervened and criticized NVE's understanding and practice of the consultation agreement.

It is not a secret that we have had a process with NVE, where we have not yet agreed on how to consult. The way we see it, NVE uses them as mere information meetings while making decisions behind closed doors. The Saami Parliament expects NVE to be transparent about their views. Only then we can have effective consultations in good faith with the objective of reaching an agreement.

The observers from the Saami Parliament recommended that Jillen Njaarke include details about their position in the final protocol and explicitly state that they reject the project. NVE took note of the critique but denied that there was a violation of the consultation agreement. The Saami Parliament and NVE did not come to terms on this matter and this tension characterized the dynamic of the rest of the meeting.

²⁵ Anonymity of research participants is considered to be a standard ethical measure in most social science research. However, if agreed, decolonial and Indigenous methodologies encourage use of original names to ensure accountability, transparency, and acknowledgment of knowledge holders who contribute (Chilisa, 2011; Kovach, 2010; Löf & Stinnerbom, 2016). After evaluating risks and opportunities, Torstein Appfjell and Ole-Henrik Kappfjell from Jillen Njaarke decided that their names could be used.

The disagreement on *how* to consult was followed by contestations over *what* to consult and what constitutes an agreement. While NVE expected Jillen Njaarke to accept that the license had been approved and that this consultation should only include details concerning construction and mitigation measures, Jillen Njaarke emphasized their ancestral right to use the area and that they had never consented to the project. In the license approval, NVE and OED highlighted that they took reindeer herding interests and rights sufficiently into consideration by rejecting a wind energy project in the Reinfjellet mountain—another important area for Jillen Njaarke’s reindeer. According to Torstein, however, Jillen Njaarke was not really given any option.

I find it very unfortunate that two megaprojects were compared to each other in the decision (...) It has been pointed out that we consider Øyfellet to be less harmful to reindeer herding than Reinfjellet, but it is a situation where you are pressured to choose which foot to be shot in.

Torstein’s statement explains how Jillen Njaarke was deprived of the right to say no to both projects and instead forced to choose between “two evils”. While the license authorities interpreted a priority between the projects as consent to legitimate both the process and the decision, Jillen Njaarke characterized it as a form of coercion. The embodied metaphor Torstein uses is a reminder of the violence inflicted by extractive industries on people who have a close connection to their lands (Sehlin MacNeil, 2017). The analogy of being shot in the leg emphasizes the strong relationship Saami reindeer herders have with the animals and the landscape in which reindeer herding is practiced (Johnsen et al., 2017). In this lifeworld, losing a part of this landscape is like losing a part of yourself.

Contested Knowledges

The prioritized item on the consultation agenda set by NVE is a discussion of impacts, mitigation measures, and details of the construction plan. Here, Jillen Njaarke expressed their discontent with the lack of inclusion of *aerpiedaajroe*,²⁶ ancestral Saami reindeer herding knowledges and practices, and they characterize earlier meetings they have had with Eolus Vind on the matter as “chit-chat” leading nowhere. Since the “dialogue” began, Jillen Njaarke have argued that Eolus Vind should pay for an impact assessment from Protect Sápmi, a demand they declined, allegedly because it was too expensive. According to Torstein, Eolus Vind only agreed to finance the report when Jillen Njaarke appeared in the local newspaper under the headline “Alliance to save Øyfellet: – Our goal is to stop the plans of the wind farm”²⁷ in October 2018 (Nilsen, 2018). By then, however, the license had already been issued and Eolus Vind decided to submit the construction plan to NVE in May 2019 before the Protect Sápmi report was completed.

²⁶ A Southern Saami term for inherited knowledges and practices.

²⁷ A meeting which the author of this article attended as an observer.

When NVE confirmed they would consult Jillen Njaarke on the construction plan, Eolus Vind commissioned their own consultants to assess and propose mitigation measures. Contrary to the Protect Sápmi report, Eolus Vind's consultants express that "it is uncertain how reindeer react to wind turbines during herding and migration" (Naturrestaurering, 2019) and suggest that the migration route could still be used if the reindeer herders were only willing to adapt. During the consultation, Jillen Njaarke's lawyer asks NVE to be careful not to rely on consultants who hold little trust among reindeer herders and who have been criticized for trivializing and generating doubt regarding research that shows negative impacts of wind energy projects on reindeer herding. A parallel critique can be drawn to the controversial Fosen Vind project by another southern Saami reindeer herding community, where the same consultants were hired by the wind energy company to legitimate the operation and to deny any violation of Saami rights. In that case, the conflict concerned friction between reindeer herding knowledge and natural sciences, but also revealed how Fosen Vind and OED strategically ignored all knowledge which threatened colonial and commercial interests (E. M. Fjellheim, *forthcoming*).

Next, the representative from Protect Sápmi presented the alternative impact assessment and emphasized that "Saami right holders must have sufficient information to make their informed decisions in cases concerning infrastructure development". Their methodology builds on Saami knowledge and terminology from reindeer herding, but also includes scientific research on impacts from infrastructure development on reindeer herding lands. While Eolus Vind's report only assesses impacts from the wind energy project, the Protect Sápmi report addresses the implications of cumulative impacts from all the encroachments approved by the Norwegian state, and which effect Jillen Njaarke's reindeer herding practices. The report concludes that the Øyfjellet project is one among a long list of challenges, from hydropower, mining, railroad, highways, agriculture, forestry tourism, recreation, mismanagement of predators, and climate change. If the project were to be realized, Jillen Njaarke would run a high risk of losing a crucial migration route and its surrounding pastureland. This not only has significant implications for reindeer herding practices, but also for Saami culture and social relations (Valio, Eira, & Granefjell, 2019).

Industrialization, Ancestral Reindeer Herding, and the Saami Landscape

The Protect Sápmi representative asserted that Jillen Njaarke's primary position was to reject the project, but *if* the project were to be realized, the only viable solution would be to move all the turbines to the edge of the Øyfjellet mountain, as far away from the migration route in the western mountains as possible. He stressed that the construction plan required Jillen Njaarke to deviate from the traditional character of Saami reindeer herding, as Eolus Vind and their consultants suggested the use of mechanical transport to move the reindeer from one pasture to another during spring migration. He underlined that there was no guarantee that this measure would work because it replaced migration knowledges and practices which have been developed

and tested over many generations. This risk, he argued, should be borne by Eolus Vind and not by Jillen Njaarke.

Jillen Njaarke explained how they value ancestral migration and emphasized both the practical and cultural implications of the project. According to Ole-Henrik, the area impacted by wind energy infrastructure was not only important for pasture and migration, but also as a Saami landscape where reindeer, herders, and the surroundings have interacted for generations. Research on Saami landscape relations emphasizes how more-than-human relations and practices are important for the transmission of ancestral knowledge and worldview, as well as for strengthening Saami collective memory and identity formation (e.g. S. Fjellheim, 1995; S. Joks, Østmo, & Law, 2020). Based on such landscape relations, Ole-Henrik narrated an ideal use of the migration route from winter to spring pastures.

The impacts of this for us as reindeer owners are severe, if we cannot maintain a traditional migration, if we cannot have a reindeer herd that is, I have to say this in Southern Saami, a “juhtiedaemies krievvie”. It means that you have a herd who knows where it is going. We know from old Saami knowledge that it is during the spring migration that you tame the reindeer. Then you move quite far, it’s bright most of the day, and you spend a lot of time with the herd. The herd gets used to people and people get used to the reindeer. Young dogs and herders learn how to move with the herd, and you enjoy the journey without stress. When we have a “juhtiedaemies krievvie” we bear the fruits of this work when the calves are born, and we start the summer work. It is so tame that the work is easy. This is what we are losing with the industrialization of reindeer herding.

By “industrialization”, Ole-Henrik referred to increased use of mechanical transport of reindeer. In a conversation we had following the consultation,²⁸ he continued to reflect on why this is problematic. In the construction plan, Eolus Vind stressed that Jillen Njaarke and other reindeer herding communities already use trucks and boats during migration and argued that the impacts of the project would not interfere with current herding practices. Ole-Henrik explained to me that encroachments in the landscape and bad weather sometimes force them to use trucks, but that they strove to allow reindeer to move freely according to their natural pace. This is particularly important during spring migration because the herd is vulnerable after a long and harsh winter. Reindeer know when and how to move, as they remember their previous yearly seasonal migration. When they are moved by boats or trucks, they forget this knowledge and herders no longer need to herd. Ole-Henrik asserted that expectations to adapt to changes in society has a limit, which has already been crossed: “We have already gone through drastic change by adapting to a range of

²⁸ Interview 10.11.2019.

industries and infrastructure developments. I ask myself how much longer we can call it *båatsoe*, and sustain our cultural practices?"²⁹

The argument that reindeer herding is already "modernized" without severe impacts is frequently used by companies who promote coexistence between industrial development and Saami reindeer herding. It ignores, however, how mitigation measures, such as artificial feeding, fencing, and mechanical transport, are often applied as a response to climate change or to the loss of land from multiple industrial and infrastructure developments (E. M. Fjellheim, [forthcoming](#); Lawrence & Åhrén, 2016; Lawrence & Larsen, 2019). Forced mechanization and "domestication" of Saami reindeer herding not only compromise current ancestral practices, but might generate loss of traditional knowledge to the next generation (Riseth, 2012). The tradition–modernity dichotomy which underpins the assumptions Eolus Vind has of Jillen Njaarke's reindeer herding practices is moreover alien to Indigenous epistemologies and reduces them, either to something static and backward (Porsanger, 2011; Smith, 2012), or to something that must accept any kind of change. The Southern Saami term *aerpievuekie*³⁰ better explains what Saami reindeer herders mean when they defend "traditional" herding practices and why they may both embrace and reject, for instance, technological solutions. *Aerpie*³¹ means "inheritance" and refers to transmission from generation to generation. *Vuekie*³² refers to ways of doing or behaving, customs and ethics, implying certain norms and values. From this perspective, "customs, innovations, wisdom, knowledge, values, heritage, and continuity are inseparable from each other" (Porsanger, 2011, p. 241) and not something that is opposed to "modernity". Jillen Njaarke's practices and choices are guided by accountability to ensure the wellbeing of the reindeer, as expressed by reindeer herding communities elsewhere (Larsen, Staffansson, Omma, & Lawrence, 2022).

The Corporate Dialogue: Construction Begins

In December 2019, a few months after the consultation between NVE and Jillen Njaarke, the construction plan was approved with few modifications. NVE considered the consultation to be successful,³³ and in their decision they argued that Jillen Njaarke had been given the opportunity to influence the project on several occasions. They suggested that construction work should be stopped during spring migration, but that Jillen Njaarke would need to move the reindeer "effectively". The approval reaffirmed that an agreement with Jillen Njaarke on mitigation measures should be in place before construction could begin (NVE, 2019). However, the following communication between the lawyers of Jillen Njaarke and Eolus Vind was characterized by unresolved tensions from previous attempts at dialogue. While Jillen Njaarke argued they needed at least six weeks to carry out ancestral migration, Eolus

²⁹ Interview 10.11.2019.

³⁰ *Aerpievuekie* is equivalent to *árbevierru* in Northern Saami.

³¹ *Aerie* is equivalent to *árpie* in Northern Saami.

³² *Vuekie* is equivalent to *vierru* in Northern Saami.

³³ Interview with a bureaucrat from NVE, 23.09.2019.

Vind offered to stop the construction for one day to facilitate migration through the construction site. By the deadline (10th of March of 2020), no agreement was in place. NVE thus intervened and decided the construction should stop for four weeks, but Eolus Vind appealed to OED who immediately ruled that further delays would inflict financial damage on the company.

When Eolus Vind finally broke ground and started to construct a road in April 2020, the conflict escalated. Ole-Henrik later explained to Novara Media how the situation turned dramatic as they were forced to gather and chase their reindeer with helicopters during three days. The only mitigation measure provided by Eolus Vind was a satellite phone Jillen Njaarke could use to alert the construction workers of their transit. “This wasn’t a spring migration; we were forced to flee (...) If our ancestors saw us, they would give us a hard time. They would tell us that this is not a good way to herd them”, Ole-Henrik remarked (Reid-Collins, 2020). Instead of embarking on one of the most beautiful journeys of the year, the spring migration became a nightmare for Jillen Njaarke. They worried about the reindeer who are vulnerable to stress after a long and harsh winter and thus more exposed to predators and miscarriage of calves.

On the 11th of May 2020, the Norwegian Broadcasting Corporation (NRK) invited Aili Keskitalo, the president of the Saami parliament, and Tony Tiller, the state secretary of OED, to discuss the dramatic spring migration and the unresolved conflict between Jillen Njaarke, Eolus Vind, and OED. Tiller was concerned about the “millions that would go to waste if [the company] was not able to continue the construction” and insisted that Norway has a very good “track-record” of taking reindeer herders’ interests into consideration. Keskitalo expressed that the Saami trust in the licensing process is at a breaking point, and that the Ministry *de facto* has delegated its responsibility of safeguarding human rights to the company (NRK, 2020).

In September 2020, Jillen Njaarke appealed for a temporary injunction against the construction until the validity of the license could be resolved in court, but this was denied by the Bailiff in Oslo District Court a month later. During the hearing, Eolus Vind and Øyffjellet Wind assured the court that Jillen Njaarke had been consulted by NVE and OED during all stages of the licensing process and denied that the project is in any violation of human rights.³⁴ The court ruled in favor of the companies who stated they had done what they could to facilitate a dialogue and reach an agreement with Jillen Njaarke on mitigation measures. The verdict concluded that Jillen Njaarke’s right to practice Saami culture through ancestral reindeer herding can be safeguarded by actively herding the reindeer or using mechanical transport to move through the project site. Jillen Njaarke had to pay a total of 1.7 million NOK, equivalent to 180,000 USD, and their appeal to a higher court was rejected.³⁵ To support Jillen Njaarke, the national anti-wind energy movement *Motvind* raised 1 million NOK to pay for the court expenses (Greger, 2020).

³⁴ Courtroom ethnography at the Bailiff in Oslo, the 21–24 of September 2020.

³⁵ “Oslo Byfogdembete kjennelse”: <https://enerwe.no/files/2020/10/13/Kjennelse.pdf>. Retrieved 19.12.2022.

Coercion, Erasure, and Racism

The court's refusal of Jillen Njaarke's attempt to halt the project shifted the power asymmetry even more in favor of Eolus Vind. The following winter (2020–2021), the company insisted Jillen Njaarke could use other winter pastures on the coast, although Jillen Njaarke considered them to be overgrazed and in need of regeneration. The migration was delayed, and Jillen Njaarke was not able to slaughter and give the reindeer vaccines in time (Wærstad, 2021). According to Ole-Henrik, they were forced to enter into a short-term agreement with Eolus Vind on how to carry out the migration that year, in order to ensure pastures for the reindeer for the winter. He argued the situation was against "any democratic principles" and remarked: "It is strange that we are forced into an agreement after the construction has already begun. This way, we have no opportunity to negotiate. We can hold the pen, but they decide what we write (...) it's coercion".³⁶ Eolus Vind, on the other hand, portrayed the agreement as a good solution in the regional newspaper (Engås, 2021):

The fact that we have an agreement shows that it is entirely possible to meet and come up with good solutions. We at Eolus, at least, want to find solutions where traditional reindeer herding and new green energy production can coexist.

Here, Eolus Vind takes coexistence for granted and insinuates that Jillen Njaarke has not been "constructive in discussions and meetings", as affirmed by their webpage.³⁷

The third winter after the construction began (2021–2022), the delayed migration led reindeer to look for green pastures in the lowlands, and local farmers claimed their crops were destroyed (Engås, 2022). According to Ole-Henrik, Jillen Njaarke were stigmatized and blamed for their supposed unwillingness to resolve the conflict on a pro-wind energy page on Facebook.³⁸ The commentators accused the reindeer herders of obstructing job opportunities and development in the municipality and suggested that they were greedy for compensation. One of the comments resulted in a police report for hate speech (Johansson, 2020). "Everyday racism prevails",³⁹ Ole-Henrik sighed when he reflected on the comments which are not unusual in public discourse about Saami reindeer herding rights (e.g., Berg-Nordlie, 2022; E. M. Fjellheim, 2020a). However, he was more concerned with how Norway's green transition agenda devalues and renders Saami existence invisible. For instance, a local politician expressed that there were no reindeer to be seen at Øyfjellet, insinuating that Jillen Njaarke were not truthful when arguing that the area is crucial for pasture and migration.⁴⁰ The same way the presence of reindeer is denied, the voices of Saami reindeer herders is rendered invisible in decision-making concerning wind energy development.

³⁶ Interview 21.07.2021.

³⁷ "FAQ": <https://eolusvind.no/faq/>. Retrieved 30.05.2022 (no longer available).

³⁸ "Medvind – Bygg ut Øyfjellet" (Accessed 18. Aug., 2022): <https://www.facebook.com/groups/930708977375629>

³⁹ Interview 21.07.2021.

⁴⁰ Interview 21.07.2021.

Why do they not say it outright, that there is no room for an Indigenous people and our livelihood here in these municipalities? That this green transition takes precedence over everything else, so we have to sacrifice a good deal for this to be realized?⁴¹

Ole-Henrik said he was provoked by the fact that the license authorities simply assume that Saami interests should align with Norway's green transition agenda: "I dare say that I am not equal. I am an invisible party when it comes to consultations. Even if the Sami Parliament is involved, and even though we argue well and have lawyers, we are not listened to".⁴² Ole-Henrik is not the only who has raised this critique. During a protest carried out by neighboring reindeer herding community against another wind energy project in 2015, young reindeer herder Ina-Theres Sparrok expressed that wind energy development represents the majority society's racism and cultural genocide because it denies the Saami the opportunity to continue ancestral reindeer herding in the future (Bye, Olsen, & Trana, 2015).

Ole-Henrik continued to reflect on why power asymmetries prevail, remarking that the problem concerns not only the implementation of existing laws, but also how political and legal structures are developed from a non-Saami perspective.

Is it really that strange? (...) Saami legal perception, livelihood and morals are not taken into consideration in Norwegian law and resource management, so how can I expect to show up at a consultation meeting which lasts two hours, and try to explain my way of life and future? (...) It is not good enough to invite us to a nice lunch at Fru Haugans hotel.⁴³

Ole-Henrik refuses to recognize Indigenous peoples' "rights" based in colonial laws (Coulthard, 2014; Kuokkanen, 2019) and believes that a "radical change is needed"⁴⁴ for ancestral reindeer herding and the Saami landscape to persist. He emphasizes that license authorities and the majority population in Norway need to respect the Saami as an equal negotiating party. Compensation and mitigation measures are insufficient to remedy the destruction of the landscape which constitutes the foundation of the very Saami being: "You cannot buy a Saami soul. A Saami soul needs to be free. It belongs to our lands".⁴⁵

"Dialogues" in a Nordic-Saami Green Colonial Context: A Critical Juxtaposition

In this section, I unpack how Jillen Njaarke's experiences and contestations over state consultation and corporate dialogue can be understood in conversation with experiences and tendencies identified in literature from Latin America. As

⁴¹ Interview 31.03.2022.

⁴² Interview 31.03.2022.

⁴³ Interview 31.03.2022.

⁴⁴ Interview 31.03.2022.

⁴⁵ Interview 31.03.2022.

mentioned earlier, categories from Rodríguez-Garavito (2011) are helpful to organize the analysis around a broader set of literature, which I return to in the following.

Displacement

Displacement concerns how “consultation’s procedural steps displace, replace, or postpone the more substantive conflicts” with procedural norms and compensation (Rodríguez-Garavito, 2011, p. 292). In an emblematic case in Colombia, the Constitutional court ruled that the Embera people’s right to consultation had been violated in the construction of the Urrá dam, and that consent would be required in future encroachments on Indigenous lands. However, the project had already destroyed the Sinú river and ecological basis for the Embera people’s ancestral fishing and hunting practices, consequently threatening their self-sufficiency and cultural survival. The monetary compensation ordered by the court created a dynamic of economic dependency on the company and cultural change. In the struggle against plans to expand the dam, the Embera found themselves absorbed with how they could apply the Constitutional Court’s precedence on consultation and consent, while facing continuous threats from armed groups affiliated with the corporate interests on their territories (ibid.).

Although Jillen Njaarke was consulted prior to the license decision, NVE ignored their lack of consent to the license based on the argument that mitigation measures could avoid a violation of their right to continue Saami reindeer herding culture. By insisting that Jillen Njaarke and Eolus Vind should come to an agreement, the state license authorities waived their responsibility to safeguard Saami rights, displacing the conflict to a forced dialogue with the company. The court’s ruling that Eolus Vind adequately attempted to reach an agreement reduced Jillen Njaarke’s opportunity to influence the outcome to a mere right to procedure, in accordance with the neo-liberal and business-friendly interpretation of consultations and FPIC in Latin America (Dunlap, 2018; Rodríguez-Garavito, 2011). Finally, the court recommended the same mechanism for conflict resolution which had failed earlier in the process: dialogue.

Miscommunication

Miscommunication refers to epistemic frictions between different ways of knowing (Rodríguez-Garavito, 2011). In Latin America, epistemic struggles often take place outside of formal spaces of consultation. For instance, Indigenous communities in Guatemala and Ecuador turn to community-based monitoring and external networks of experts and allies to challenge poor quality research and corporate science in EIAs of controversial mining projects (Aguilar-Støen & Hirsch, 2017; E Leifsen et al., 2017a). Although Jillen Njaarke was formally consulted, the process and final decision of the state consultation ignored Jillen Njaarke’s *aerpiedaajroe* and *aerpievuekie*. Jillen Njaarke thus turned to the Saami consultancy firm Protect Sápmi who addressed these omissions and argued the reindeer herders’ informed consent

had been violated throughout the process. The disagreement between Jillen Njaarke, NVE, and Eolus Vind did not only concern “facts” about how reindeer react to wind energy infrastructure, but also what Saami reindeer herding culture is and ought to be (E. M. Fjellheim, [forthcoming](#); Lawrence & Larsen, 2017). While the construction plan sought to facilitate “an effective migration of the reindeer within a designated timeframe”, Jillen Njaarke valued *aerpievuekie* and a “juhtiedaemies krieveie” to ensure transfer of *aerpiedaajroe* and to maintain a meaningful relationship with the Saami landscape.

The disregard of ancestral Saami reindeer herding knowledges and landscape relations is a form of violence which resonates with Sousa Santos (2015) concept of *epistemicide*—the destruction of Indigenous and other than “Western” knowledges and lifeworlds by capitalism, colonialism, and patriarchy. Protect Sápmi’s assessment was financed after the license had already been granted and its report was ignored by Eolus Vind in the elaboration of the construction plan. Instead, Eolus Vind chose consultants who generated doubt about scientific research that confirmed the negative impacts identified by Saami reindeer herders. The conflict thus goes beyond epistemic difference between the “Indigenous” and the “Western”; Eolus Vind strategically ignored any knowledge which threatened their commercial interests (E. M. Fjellheim, [forthcoming](#); Kirsch, 2014; Proctor & Schiebinger, 2008).

Domination

Domination in consultation procedures found in Latin America concern the power asymmetry and multiple expressions of violence which permeate the relationships between Indigenous peoples, companies, and states (Rodríguez-Garavito, 2011). Rodríguez-Garavito’s analysis is situated within a critique of global capitalism and its dispossession of Indigenous peoples’ lands. In a study of wind energy development in Oaxaca, Mexico, Dunlap (2018, p. 105) interprets consultation and FPIC procedures as a form of inclusionary control which “enforce colonial law and protect corporate investments”. The Øyffjellet case similarly reveals how the Norwegian state continues to reproduce colonial relations with the Saami through bureaucratic and legal structures that allow the wind energy industry to dispossess and fragment Saami reindeer herding lands in the name of climate action (E. M. Fjellheim, [forthcoming](#); Kuokkanen, 2022; Lawrence, 2014; Normann, 2020). Saami rights-holders have better access to political and legal institutions than Indigenous peoples in Latin America, but neither state license authorities nor the court recognized Jillen Njaarke’s warnings of the destructive effects of the project. The power imbalance was also manifested by economic disparity, as Jillen Njaarke hold substantially less capital to commission alternative impact assessments and hire legal assistance. The more “quiet, soft-spoken (...) understated, polite and bureaucratic” (Reinert, 2019) acts of domination that characterize the Nordic-Saami colonial context can be difficult to identify and denunciate. As expressed by Ole-Henrik, the system renders Saami voices and lifeworlds invisible and the final decision is always made by the state.

"There is no negotiation when you have a gun to your head", said a leader from the national Indigenous organization ONIC when referring to the coercive and violent conditions in which consultations over extractive industries take place in Colombia (Rodríguez-Garavito, 2011, p. 299). While Indigenous peoples in Latin America risk death threats and execution if they refuse to consent to extractive projects, Jillen Njaarke's experience resonates with a form of "subtle colonizer maneuver" disguised as progressive politics typical for the Nordic states (Kuokkanen, 2020). It concords, however, with violence as a structural phenomenon (Galtung, 1969) enabled through a settler colonial "elimination" of Indigenous cultures by means of the fragmentation and dispossession of their lands (Kuokkanen, 2020; Wolfe, 2006). Jillen Njaarke was not threatened by guns, but the false choice offered between two large wind energy projects in the licensing process felt like choosing which leg to be shot in. Similarly, the forced dialogue and expected agreement with Eolus Vind was a form of coercion. In a struggle for the continued survival of Saami reindeer herding culture, Jillen Njaarke's experiences resonate with Keskitalo's critique of dialogue as a deadly weapon.

Emancipation

Displacement, miscommunication, and domination predominated in the state consultation and corporate dialogue Jillen Njaarke experienced. Despite these constraints, however, Jillen Njaarke continued to engage in ways which afforded limited but some strategic benefits and a sense of emancipation (E Leifsen et al., 2017b; Rodríguez-Garavito, 2011), e.g., by expressing a clear resistance to the project, questioning the epistemic foundation and coercive methods used to legitimate consent, and critiquing the very structures within which the "dialogues" took place. Although not extended on here, the constrained participation stimulated means to build alliances with others and develop new political tactics which could be explored in future studies. Jillen Njaarke strategically engaged with a diverse network of actors, which e.g. supported their struggle by raising funds for the court case (Greger, 2020), facilitated attention in international news (E. M. Fjellheim et al., 2020; Reid-Collins, 2020), encouraged investors to divest from the project,⁴⁶ and demanded the project to be immediately stopped (Fallmyr, 2020). One achievement resulting from this endeavor was the Norwegian Bank Storebrand's (2022) announcement to put Eolus Vind on their list of observation for potential violation of their human rights policy for responsible investment.

In future quests for emancipatory effects, Saami reindeer herding communities might also consider looking into experiences from Latin America, where Indigenous peoples engage in autonomous processes as a response to failed state compliance with their rights. For instance, Indigenous communities in Guatemala and Colombia have organized community consultations independent of state and corporate control, exercising their right to self-determination by rejecting large-scale mining and hydropower projects through popular referendums (McNeish, 2017; Xiloj, 2019).

⁴⁶ Email communication with Silje Karine Muotka, member of the Norwegian Saami Parliament Council, 27.03.2020.

“Dialogues” as Racism?

The four overlapping categories discussed above focus on whether or to what degree state consultation and corporate dialogue serve to strengthen claims for Indigenous rights to ancestral lands and practices. Informed by Grégoire’s (2019) work on the Canadian mining industry in Guatemala, I suggest that there is also a need to critically assess the political and normative underpinnings of “dialogues” as prescription of good governance and conflict resolution in Norway. Grégoire argues that the promotion and implementation of Canada’s CSR strategy and mining interests fit well with Guatemala’s post-conflict political dynamics of dialogue, while upholding the racist discourse of the oligarchy toward Indigenous peoples who resist mining. In other words, the Guatemalan elite’s racism toward Indigenous peoples has advantaged Canadian mining interests. The dominant discourse around dialogue as a mechanism in mining governance is based on the premises that: “Society and mining companies share the same interests; the problem is conflict itself, not underlying substantive issues; and conflict arises from communication problems and incorrect perceptions” (Ibid, p. 692). This portrays Indigenous peoples as ignorant troublemakers, instead of recognizing them as rights-holders with different onto-epistemological proposals to how society should “develop.”

Unlike Guatemala, trust in political and legal processes and human rights compliance is considered high in Norway (Kleven, 2016), and stakeholder engagement is closely linked to the agenda of the welfare state (Ihlen & Von Weltzien Hoivik, 2015). Norway’s commitment to peace and reconciliation diplomacy abroad⁴⁷ strengthens the perception of a political culture grounded in dialogue as solution to conflict. In the Øyfjellet case, the state secretary claimed that Norway has a good “track-record” concerning Indigenous rights, and the license authorities assumed that “dialogues” automatically could resolve the conflict between the reindeer herders and the wind energy developer. However, the forced dialogue with Eolus Vind only exacerbated and aggravated the very conflict it intended to resolve.

Norway’s self-image is exempt of racism toward the Saami and other ethnic minorities, although such exceptionalism has been critiqued, e.g., in studies on education (Dankertsen, 2019; Eriksen, 2022; Loftsdottir & Jensen, 2012). Studies on wind energy conflicts elsewhere in Saepmie emphasise how colonial rationales are reproduced when Saami reindeer herding is sacrificed to meet renewable energy goals (Kuokkanen, 2022; Lawrence, 2014). Racism in Norway is not only expressed by hate speech, but also manifested through structures and processes which render Saami voices invisible (Berg-Nordlie, 2022). As asserted by Ole-Henrik, Saami reindeer herders are blamed in public discourse for being greedy and an economic burden to the larger society, and Saami knowledges and practices are not respected in political decisions. As in Grégoire’s (2019) study from Guatemala, the Øyfjellet conflict shows that the Norwegian state considers “dialogues” as the main means to solve the conflict, but in practice the process and outcome ignored Jillen Njaarke’s epistemic

⁴⁷ “Norway’s engagement in peace processes since 1993” (02. Dec., 2019); https://www.regjeringen.no/en/topics/foreign-affairs/peace-and-reconciliation-efforts/innsiktsmappe/peace_efforts/id732943/

foundation and human rights claims. The premises and discourses underpinning the state consultation and corporate dialogue thus reproduce the paternalist notions that 1) wind energy and Saami reindeer herding can coexist, *i.e., the state knows best what constitutes significant negative impacts*; 2) "dialogues" produce solutions if only herders are willing to collaborate, *i.e. reindeer herders are not constructive and do not know their own good*; and 3) reindeer herding has a duty to adapt to the production of wind energy, *i.e., renewable energy is a more important solution to climate change than ancestral Saami stewardship of the landscape*. Wind energy as a "green" mode of colonial dispossession adds a moral imperative which exacerbates the pressure for consent and renders it even more difficult to critique and contest "democratic" processes defined and led by state and corporate actors.

Final Remarks

This article provides critical perspectives on the practices, discourses, and premises of state consultation and corporate dialogue in Norway through a study of a conflict over the Øyfjellet wind energy project on the ancestral reindeer herding lands of Jillen Njaarke. Juxtaposed with findings from Indigenous territorial struggles in Latin America, the study contributes with new perspectives on wind energy governance and green colonialism in a Nordic-Saami context.

The domination experienced by Jillen Njaarke is subtler than the brutal violence inflicted on Indigenous peoples in Latin America. The Øyfjellet study reminds us, however, that colonial violence and racism may take various forms, and that there is a need to further scrutinise the implications of "dialogues" as prescription of good governance and conflict resolution in states where democracy and compliance with Indigenous peoples' rights are perceived as high. In Latin America, a crucial factor explaining the gap between policy and implementation of consultation, FPIC and Indigenous peoples' rights, is the weak presence of states (Rodríguez-Garavito, 2011). However, the experiences and contestations of Jillen Njaarke challenge the perception of Norway as a strong welfare state representing "best practice." The problem is not dialogue itself, but rather how it is used to displace the root cause of the conflict it is supposed to resolve; to ignore and erase Indigenous peoples' knowledges and practices; and to facilitate the interest of the powerful—in this case dispossess Saami ancestral lands to pave the way for a dominant green transition agenda.

Decolonial approaches to the global climate and ecological crisis are needed to identify and shift the power asymmetry which constrains Indigenous emancipation and self-determination (Batel & Küpers, 2022; Dunlap, 2019; Normann, 2020). This is difficult as long as the current structures allow license authorities to overrule lack of consent and ignore the epistemic foundations of impacted Saami reindeer herding communities. When "dialogues" automatically are expected to lead to an agreement it not only disrespects the Saami peoples' right to self-determination over their culture. It also fails to recognize that radically distinct lifeworlds, values, and land-use

practices might not be reconciled. Future research might explore conflicts over resource extraction, not as “something negative that must be overcome or reduced by dialogue, but rather as a potential catalyst for social change” (Rodríguez & Inturias, 2018, p. 94).

While this article has focused on lessons learned for Saepmie, future juxtapositions might explore how Indigenous geographies elsewhere can learn from the Saami green colonial experiences and critique, as the dominant climate change- and green transition agenda presumably will expand pressure on Indigenous lands in the future.

Epilogue

A few months before submitting this paper, Ole-Henrik eagerly called to tell me that he has GPS tracked an *aaltoe* (a female reindeer) who was unable to join the herd’s migration from the winter pastures due to the conflict with Eolus Vind. She had returned to the summer pasture all by herself, using an ancestral migration route. According to Ole-Henrik, this proves why it is so important to recognize ancestral knowledges of both Saami herders and the reindeer.

The value we have created together with the reindeer herd is built on the dressage we do. It is amazing when we team up with nature and use the intangible knowledge and traditions we have learned and when it can be documented with technology! But it also shows how fragile it is. That is why I am preoccupied with migration by foot and not on the asphalt by trailer in the spring. If we hadn’t done that, *aaltoe* wouldn’t have come wandering by herself. This is Saami traditional knowledge. It is a terrible shame that reindeer herding becomes so modernized that all this knowledge disappears.⁴⁸

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Declarations

Ethics Approval and Consent to Participate The research project has been approved by the Norwegian National Center and Archive for Research Data, NSD. The participants have given their informed consent to participate in the study.

⁴⁸ Personal communication 08.07.2022.

Conflict of Interest The author declares no competing interests.

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Wind Energy on Trial in Saepmie: Epistemic Controversies and Strategic Ignorance in Norway’s Green Energy Transition

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Abstract

Climate change policies and the green energy transition have renewed colonial structures and injustices for Indigenous peoples in land-use conflicts, but not without resistance. This article explores epistemic controversies in a legal struggle concerning impacts from wind energy infrastructure on Southern Saami reindeer herding and culture in Norway. The article draws on courtroom ethnography and diverse written material concerning a court case between the wind energy company Fosen Vind DA and the Southern Saami reindeer herders in Fovsen Njaarke Sijte. The findings show that the parties’ competing claims to truth rely on different knowledge systems and worldviews concerning what Southern Saami reindeer herding is an ought to be. However, beyond onto-epistemological struggles between the “Indigenous” and the “Western”, Fosen Vind DA and the Norwegian state strategically ignored all knowledges that threatened capitalist and green colonial interests. The Fosen case illustrates how Indigenous peoples can contest dominant knowledge regimes and colonial presumptions about their livelihoods, culture, and rights through the legal system. However, the Norwegian state’s reluctance to respect the outcome of the Supreme Court verdict reveals that asymmetric power relations continue to pave the way for colonial dispossession of Saami landscapes, epistemes, and human rights in the green energy transition.

Keywords: *Southern Saami reindeer herding, green colonialism, courtroom ethnography, Indigenous epistemes, strategic ignorance, Indigenous peoples’ rights*

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1 Introduction

“Baajh vaeride årrodh. Baajh vaeride årrodh!” [Let the mountains live!], was shouted repeatedly in the Southern Saami language outside the Frostating Court of Appeal on a grey December morning in 2019, in the city of Tråante¹ on the Norwegian side of *Áarjel Saepmie* – the Southern Saami homelands.² A group of Southern Saami activists and environmentalist allies had gathered to protest against Fosen Vind’s construction of one of Europe’s largest onshore wind energy complexes on the Fosen peninsula across the fjord. The protesters questioned the environmental impacts of the project and its implications for Southern Saami reindeer herding, as the large-scale wind energy infrastructure had dispossessed Fovsen Njaarke, a reindeer herding community on the Fovsen peninsula, of its crucial winter pastures. Beating drums, appeals and shouted slogans made up the soundscape that received the parties on the first day of the court hearings and reflected growing discontent over Norway’s so-called “green transition” agenda.³ Inside the courtroom, Fosen Vind and Fovsen Njaarke disputed the impacts the wind energy infrastructure has on Southern Saami reindeer herding and culture. While the company argued that wind energy development and Saami reindeer herding can and should coexist, the Saami reindeer herders argued it violates their right to enjoy their culture in the landscapes which historically belong to them.⁴

The Fosen Vind project constitutes the largest encroachment on Saami homelands in history, and is linked to Norway’s commitments to international climate policy, EU’s renewable energy goals and demands to electrify industry and society in general.⁵ Critical scholarship has questioned the limits of green growth and a technological quick-fix to solve the ecological and climate crisis.⁶ Despite low-carbon emissions, renewable energy infrastructures have renewed historical patterns of colonialism, capitalism and extractivism.⁷ Wind energy development requires vast space to generate energy⁸ and exacerbates mineral extraction,⁹ causing infrastructural harm and environmental, psychosocial, and cultural impacts on rural and Indigenous communities in both the Global North and South.¹⁰ Decolonial perspectives on the energy transition focus on dismantling power asymmetries which are upheld through the colonial structures that persist in contemporary societies.¹¹

In the Nordic-Saami context, injustices occurring in processes of wind energy development have been termed “green colonialism”.¹² First publicly expressed in 2013 by the former president of the Saami Parliament in Norway, Aili Keskitalo, the concept has been used as a political narrative¹³ to contest Norway’s climate change policies and the non-consensual expansion of wind energy projects on Saami reindeer herding lands. While Fosen Vind and other wind energy companies argue that the industry is necessary to achieve climate goals, Saami authorities, organizations and impacted reindeer herding communities assert that it violates Saami rights to self-determination,¹⁴ destroys cultural landscapes, and threatens the wellbeing of both herders and reindeer.¹⁵ Legitimized by paternalist and moral discourses of wind

energy as “green, good and necessary”, the industry has exacerbated historical disposessions of Saami reindeer herding lands and practices.¹⁶ The Arctic has the highest rise in temperatures due to climate change,¹⁷ posing severe threats to Saami health, livelihoods, and culture.¹⁸ Paradoxically, Saami reindeer herding thus faces a double colonial burden; from climate change itself and its mitigation measures.

This article addresses Norway’s green colonial energy transition by exploring the epistemic dimensions of wind energy controversies. Previous research in Saepmie has studied epistemic injustice in natural resource management, land-use planning and licensing processes.¹⁹ Reflecting international tendencies,²⁰ Environmental Impact Assessments (EIAs) in the Nordic countries have been critiqued for being industry-owned, positivist, and lacking in Saami knowledges and worldviews.²¹ Asymmetric and colonial power relations between Saami and “Western” knowledge systems have been identified in state regulation of Saami fishing²² and reindeer herding.²³ Importantly, these contestations are not considered as a binary opposition between the “Indigenous” and the “Western”, but rather as “situated at the intersection of dominant ways of knowing and Other forms of caring for humans and other-than-humans”.²⁴

Struggling for self-determination over “culturally distinct livelihoods, lifeways and cosmovisions”,²⁵ reindeer herding communities are increasingly resisting and challenging state and corporate perceptions of what constitutes legitimate knowledge and what has a significant impact on Saami reindeer herding and culture.²⁶ This has challenged decision-makers with *competing claims to truth*.²⁷ Here, disagreements between reindeer herders, the state, and companies reflect struggles over what kind, and whose knowledge determine impacts. It also concerns conflicting ontologies, or worldviews, in the consideration of what is at stake when large-scale infrastructure disrupts Saami landscapes.²⁸ Nevertheless, the possibility of achieving self-determination over Saami livelihoods and culture in land-use conflicts has shown to be limited, as these struggles take place within state governance structures and market relations which rearticulate and reaffirm capitalist and colonial rationalities and strategies. The Nordic states have the final say in decisions over resource extraction and there is a lack of legal and political recognition of Saami ancestral lands and waters.²⁹

In this article, I am concerned with how impacts from wind energy infrastructure on Southern Saami reindeer herding and culture are contested in the courtroom. Illustrated by the Fosen case, the main research task is to analyze how conflicting knowledges and worldviews shape and maintain the *competing claims to truth* put forward by the parties in court, but also how *ignorance* is actively and strategically produced to promote capitalist³⁰ and colonial³¹ interests. First, I provide background on Southern Saami reindeer herding, Indigenous Rights in Norway and the Fosen case (2). Then I present the methodological and ethical approach based on courtroom ethnography and document analysis (3). The main discussions (4) build on ethnographic fragments from the hearings of the Frostating Court of Appeal in 2019

and diverse written material from the court bundle. However, as the Fosen case is the first of its kind settled in the Norwegian court system I analyze how both the Court of Appeal (2020) and the Supreme Court (2021) dealt with the competing truth claims. Finally, I discuss the parties' reactions to how the government sought to implement the legally binding verdict of the Supreme Court. Following court procedure, the article ends with a "concluding argument" from the point of view of the researcher (5).

2 Southern Saami reindeer herding and Indigenous peoples' rights in Norway

The Saami have resisted colonial domination by four nation-states, in terms of territorial dispossessions, Christian mission activities, scientific racism, and assimilation politics, among other atrocities.³² *Åarjel Saepmie*, the Southern Saami homelands, has its own colonial history and legacy with implications for the current status and practice of Saami reindeer herding, culture, and rights.³³ The Southern Saami population in Norway and Sweden is a minority within the larger Saami society, and the Southern Saami language is considered to be severely threatened by UNESCO.³⁴

Båatsoe, southern Saami reindeer herding, is an ancient way of pastoralism, characterized by the breeding, herding, and caring for semi-domesticated reindeer that seasonally migrate between extensive and uncultivated pastures. To adapt to climate change and avoid degradation, a sustainable use of the seasonal pastures depends on flexible access to vast landscapes.³⁵ Today, a significant proportion of the Southern Saami population in Norway are reindeer owners³⁶ and many are second- or third-generation descendants of reindeer herding families. *Båatsoe* and its ancestral land-use is thus not only important for subsistence, but is considered to be the backbone of Southern Saami culture, language, and identity.³⁷

The Reindeer Herding Act establishes Norway's obligation to safeguard reindeer herding as the material base for Saami culture. Norway was the first country to ratify the ILO Convention No. 169 on the Rights of Indigenous and Tribal Peoples in 1990 and adopted the UN Declaration on the Rights of Indigenous Peoples in 2007. § 108 of the Norwegian Constitution and article 27 of the International Covenant on Civil and Political Rights (ICCPR) in the Norwegian Human Rights Law, protect the Saami's right to enjoy their culture, including reindeer herding.³⁸ Despite increased legal protection, Southern Saami reindeer herding culture is under high pressure from competing land-uses and their negative cumulative impacts.³⁹ Norway's Truth and Reconciliation Commission's recently published report,⁴⁰ which assessed the Norwegianization policies and other injustices the State conducted towards the Saami, concluded that this implementation gap still has assimilating effects for Saami reindeer herding communities today.

2.1 Fovsen Njaarke Sijte and the Fosen Vind DA projects

Fovsen Njaarke is the Southern Saami name for the Fosen peninsula and the reindeer herding community impacted by the Fosen Vind DA wind energy complex. Fovsen Njaarke Sijte consists of two separate groups, referred to in this article as the *North Siida* and the *South Sijte*.⁴¹ *Siida/Sijte* is a Saami term for one or several families, often related, who share collective responsibility, but individual ownership of reindeer within a designated area. In Fovsen Njaarke, the two family groups use separate pastures during the whole migratory year and are impacted by different projects in the Fosen Vind DA complex.

Fosen Vind DA consists of six projects comprised of 278 wind turbines and has a yearly production of 3.6 TWh. It is a joint-venture company owned and operated by the Norwegian energy companies Statkraft (52.1 %) and Aneo (7.9 %),⁴² and foreign investors in Nordic Wind Power DA (40%).⁴³ The Norwegian system operator Statnett owns the upgraded 420kv power lines which connect Fosen Vind DA to the national grid. In 2021, Statkraft sold its shares from one of the projects which then became a separate company called Roan Vind DA owned by Aneo Roan Vind Holding (60%)⁴⁴ and Nordic Wind Power (40%).⁴⁵ Fosen Vind DA and Statnett, however, were the responsible industry parties in the legal process addressed in this article between 2017 and 2021 which concerned four of the six projects on Fovsen Njaarke's winter pastures; Storheia in the South Sijte, and Roan, Kvenndalsfjellet, and Harbaksfjellet in the North Siida.

The Fosen Vind DA complex was given a final license by the Norwegian Ministry of Petroleum and Energy (OED) in 2013, but in 2015 the main share holder Statkraft announced they would withdraw due to lack of profitability.⁴⁶ However, due to a push from the local mayor in Åfjord and with international capital on board, the project proceeded⁴⁷ and was issued a pre-approval to construct by OED in 2016. The same year, the Saami Parliament expressed that neither they or Fovsen Njaarke had given their free, prior, and informed consent to the Storheia and Roan projects.⁴⁸ Initially, the North Siida negotiated compensation agreements regarding the three projects which impacted their winter pastures, but broke the dialogue after their demand to keep their third and most important winter pasture at Roan intact was dismissed. The South Sijte resisted the Storheia project from the beginning and tried to halt construction by filing for a temporary injunction to the District Court in 2017. When their complaint was denied, they sent a communication to the Committee on the Elimination of Racial Discrimination (CERD). CERD then urged the Norwegian state to halt the project due to the high risk of human rights violations, but the request was dismissed by OED in 2018.⁴⁹

The Frostating Court of Appeal hearing in December 2019 merged two lawsuits which were treated separately in the District Court: Compensation due to the expropriation of property rights of both the North Siida and the South Sijte in 2018, and the validity of the license litigated by the South Sijte in 2017. Paradoxically, the

Court of Appeal and the Supreme Court were to settle the question of validity, even though construction was completed. Despite their initially different strategies, both the North Siida and the South Sijte claimed that two of the projects, Storheia and Roan, violate their right to enjoy their culture on the lands which historically belong to them, as established in article 27 of the ICCPR.

3 Methodology, ethics and methods

Legal scholars have analysed how the court systems in the Nordic countries deal with Saami rights to culture when wind energy is developed on Saami reindeer herding lands,⁵⁰ but ethnographic perspectives on these legal struggles are understudied. I thus engage with the courtroom as both a research site and methodological approach to explore epistemic controversies in Norway's green energy transition. Courtroom ethnography allowed me to access rich material and was a unique opportunity to analyze the competing truth claims of the parties. Access to the court bundles further permitted me to do a comprehensive assessment of evidence alongside the testimonies of expert witnesses and the parties which laid the foundation for the Court's decision. Importantly, my presence in the courtroom enabled me to "witness" and reflect over power dynamics between the parties through courtroom performances and interactions.⁵¹

The main material for the article comes from observations and interactions with the parties inside and around the Frostating Court of Appeal between 2–13 December 2019. In Norway, most civil cases are open to the public, but all parties were made aware of my presence as a researcher on the first day of the court hearings. As no official recordings were available, I made direct transcriptions of testimonies and notes from interactions, resulting in two hundred written pages. I am thus accountable for all quotes which are reproduced, translated, and analyzed in the article, and for ethical considerations, all testimony has been anonymized.⁵² Recognizing the complexity and extensive scope of the case, this article is limited to address contestations over the impacts of wind energy infrastructure on Saami reindeer herding and culture. In the process of selecting quotes and situations from the court hearings, the transcribed notes were repeatedly read in order to identify patterns and tendencies according to the research task. As only excerpts of evidence were presented by lawyers and expert witnesses in court, relevant documents from the court bundles were scrutinized to ensure that the quotes selected represent the parties' views and claims. Finally, I analyzed the Frostating Court of Appeal and Supreme Court verdicts to understand how they dealt with the competing claims, as well as written material that reflects the Norwegian state's and the parties' reactions, positions, and (in)actions in the aftermath of the historical Supreme Court verdict.

As a Saami scholar exploring decolonial approaches to research,⁵³ I take a committed approach⁵⁴ to struggles against colonial injustices and support Indigenous peoples' rights. Thus, I question taking a neutral position in research concerning human

rights violations, and rather actively negotiate the blurry spaces between activism, advocacy and academia.⁵⁵ The Saami share a colonial history with other Indigenous peoples and are among the most studied peoples in the world.⁵⁶ This calls for urgent ethical considerations beyond consent seeking and participatory processes, even for Indigenous scholars who carry out research in their own communities. Building research relationships on respect, reciprocity and responsibility is a way to “speak back” to colonial research practices and to increase the legitimacy of the research process.⁵⁷ Despite a growing consciousness of relational ethics in research on Saami issues,⁵⁸ research fatigue is reported by reindeer herders facing wind energy development and other extractive industries on their lands.⁵⁹ In this article, I choose to “stand with”⁶⁰ Fovsen Njaarke in solidarity and with care, a much needed stance in and around settler-colonial courts where Indigenous peoples’ legal perceptions, ways of knowing and being are devalued.⁶¹ As such, accountable research relations through courtroom ethnography were sought as an alternative to extensive participatory methods, which potentially would risk exhausting the Saami reindeer herders further. During the research process I also engaged in public discussions and shared opinions based on preliminary findings.⁶²

4 The Frostating Court of Appeal: Competing claims to truth

“Do you solemnly affirm that you will tell the truth, the whole truth,
and nothing but the truth?”

The Frostating Court of Appeal is like any other court; square, grey, and with strict rules of procedure. For some, the building represents business as usual. For others, it conjures feelings of discomfort and unease beyond the uncomfortable seats and monotonous presentations that make your back ache and eyelids droop after a few hours of listening. For Fovsen Njaarke, the struggle began when the first plans were presented back in 1999. Twenty years later, confronted with Europe’s largest wind energy complex, the future existence of reindeer herding as the Saami reindeer herders know it is at stake. Since the Foson Vind projects were already built, hopes that the court would recognize the reindeer herders’ claims had dwindled. As one defendant told me before the opening statements were presented on the first day:

We are the guinea pigs of large-scale wind energy and its impacts on Saami reindeer herding in Norway. When the project was launched, everyone applauded it as climate action. Now the general opinion in Norway has changed, but for us I am afraid it is too late.

As I have described elsewhere, the atmosphere and order abruptly changed when the seven judges entered the courtroom: “All rise. From now on, the rule of Law and its language prevails”.⁶³ The two parties were seated on opposite sides of the room, facing each other from a distance. Even though they were the protagonists of the case, their lawyers sat in front and conducted most of the interactions that

took place. The lawyers know the “rules of the game” in a place where rationality and rhetoric narrow down the space for spontaneous emotions and diverse forms of knowing.⁶⁴

From one side of the courtroom, Fovsen Njaarke’s lawyers argued that two of the most crucial winter pastures at Roan and Storheia are completely lost, and that impacts from climate change will increase the significance of these pastures in the future. In recent years the winters in the Arctic have been characterized by increased snowfall and fluctuating temperatures, among other challenges, causing frozen and inaccessible pastures for reindeer.⁶⁵ The pastures at Roan and Storheia are located high in the mountains where there are strong wind conditions, which ensure that pastures are always free of snow and ice. The Fosen Vind projects added to multiple dispossessions which have fragmented and accumulated negative impacts in the landscapes on which reindeer herding depends, such as hydropower, power lines, roads, crushing plants, cabins, and ski slopes. As they lack sufficient pastures to maintain the size of the herd, the reindeer herders are left with two painful options: to stop herding, or implement permanent infrastructure for artificial feeding during the winter to compensate for the lost pastures. They argued that the future existence of Saami reindeer herding culture is threatened; by being denied the practice as a whole or by being restricted from using and relating to the landscape according to their knowledges, values and norms – either way, the license permit is invalid.⁶⁶

From the other side of the courtroom, Fosen Vind’s lawyers argued that Fovsen Njaarke have sufficient winter pastures to cope and that wind energy infrastructure and reindeer herding can coexist if certain mitigation measures are implemented, such as extra herding, equipment, and supplementary feeding if needed. According to them, reindeer can pasture between the spinning turbines, power lines and roads, if the Saami herders are only willing to keep them there. Thus, permanent and expensive artificial feeding is not necessary. In addition, they argued that some inconvenience must be accepted without claiming for compensation or a violation of rights. According to the Expropriation Law, they argued, reindeer herders and other rights holders have the duty to adapt to the development needs of the larger society, in this case, Norway’s obligation to produce more renewable energy – and as such, the license permit is valid.⁶⁷

The opening statements of Fosen Vind and Fovsen Njaarke, reveal contestations over the impacts wind energy infrastructure has on Saami reindeer herding culture and landscapes. As declared before the Court, both parties solemnly affirmed to tell the truth, but on what kind of knowledges and worldviews did they base their competing claims?

4.1 Knowledge controversies and competing “facts”

As in any other trial, the parties had to provide evidence to sustain their arguments and claims. Throughout the court hearing, the lawyers presented legal precedence

from similar cases in Norway and abroad, Environmental Impact Assessments, research articles and reports on reindeer's reactions to infrastructure, maps, and more. In addition, the testimonies of the parties and the expert witnesses they called provided the judges and the audience with direct access to their knowledges and opinions. In the following, I explore how the competing claims of Fosen Vind and Fovsen Njaarke are supported by different epistemologies, but also by conflicting views on “the state of the art” within the environmental sciences – the knowledge system that dominates the assessment scheme and state decision-making.

4.1.1 Corporate commissioned EIAs and research

In their closing argument on the last day in court, Fosen Vind argued that Fovsen Njaarke can still use their winter pastures at Storheia and Roan. As stated by their lawyers:

No studies show that reindeer stop using an area because of wind energy or power lines (...) Research show that reindeer are afraid of humans, and not infrastructure itself (...) Reindeer are steered by hunger which is stronger than their fear (...) Reindeer will adapt (...) Reindeer herders can make sure the reindeer use the pastures inside the wind turbine sites.

The research and expert opinions they presented to support this claim, mainly derive from the EIAs they had commissioned for the license permitting process between 2008–2011. In line with Norwegian regulation,⁶⁸ they could freely choose their consultants and hired a firm whose researchers had led two large research projects on impacts on reindeer from wind energy (VindRein, 2005) and power lines (KraftRein, 2007).⁶⁹ Published articles and a final report from these projects, mainly funded by the energy industry, conclude that it is human activity that disturbs the reindeer, and not the infrastructure itself.⁷⁰ These findings, they proclaimed, challenge prevailing assumptions regarding encroachments and impacts on reindeer, as they conclude that reindeer are disturbed during the construction phase, but do not avoid power lines and wind turbines in operation.

In 2013, OED gave a final license to Fosen Vind based on the EIAs the company had commissioned, as well as on ongoing studies by the same researchers. In its decision, the Ministry argued that the benefits of renewable energy production outweigh the disadvantages this may have for reindeer herding.⁷¹ By requiring Fosen Vind to compensate for the increased workload and infrastructure needed, the projects would not threaten the future existence of reindeer herding, nor violate the Fovsen Saami's right to “enjoy their culture” as established by article 27 of the ICCPR. Further, the Ministry recognized that research on impacts from wind energy on reindeer herding is scarce, but that ongoing studies and observations indicate that impacts may be less severe than initially feared. One of the main premises for approving the license was that Storheia and Roan could still be used as winter pastures and thus coexist with the wind energy infrastructure in the operation phase.⁷²

4.1.2 *Aerpiedaajroe and aerpiemaahtoe: The knowledge, practices, and experiences of reindeer herders*

Back in the courtroom, Fosen Vind claimed that OED's decision is well-founded, while Fovsen Njaarke argued that it is based on erroneous factual grounds. Fovsen Njaarke's lawyers asserted that the company commissioned EIAs are superficial, ignore the knowledges and concerns of reindeer herders, and fail to assess the cumulative impacts on reindeer herding landscapes from other encroachments. Further, they argued that the reindeer herders' own experiences and observations of severe impacts have been confirmed by research in Sweden and GPS data from an ongoing research project at Roan. This, they argued, indicates that Storheia and Roan have to be considered lost as winter pastures, consequently threatening the future existence of Saami reindeer herding at Fovsen.

The Saami reindeer herders from Fovsen Njaarke are local ecological experts,⁷³ and provided the court with *aerpiedaajroe* and *aerpiemaahtoe*, which can be explained as theoretical and practical knowledges deeply rooted in Saami culture and worldview.⁷⁴ *Aerpie* means inheritance, while *daajroe*⁷⁵ and *maahtoe*⁷⁶ refer to the knowledges passed on and accumulated over generations. In court, Fovsen Njaarke described how important the pasture lands are to them, how they use them, the impacts they have already seen from wind energy and other encroachments, and how climate change is an additional challenge. In his testimony, Laara, from the South Sijte, explained that the few animals he has seen near Storheia "act in a strange way" and that these animals predominantly comprised of less shy bulls accompanied by a few females without calves. Fovsen Njaarke also called on other reindeer herders to share their experiences of impacts. Marja, a reindeer herder from a community impacted by wind energy infrastructure in Sweden, narrated how the situation had turned chaotic and the herd had spread in different directions as they tried to actively herd them past the turbine site. She affirmed that the reindeer avoid the sight and sound of the wind turbines, and that they do not show any signs of adapting.

During breaks from the formal procedures, the herders from Fovsen Njaarke expressed that their knowledges and observations are difficult to explain outside of a practical context and to people who lack an understanding of reindeer herding in general. When asked by the Fosen Vind lawyer about their ability to control and keep the reindeer within a desired area, Toamma from the North Siida answered: "The reindeer tend to move according to the weather and the wind". This answer is perhaps the most precise way for a reindeer herder to explain the dynamics between the herders, animals, and the landscape. There is an old Northern Saami proverb that aptly illustrates how the nomadic use of the Saami reindeer herding landscapes cannot be reduced to a rigid and square pattern: "Jahki ii leat jagi viellja",⁷⁷ no year is the other year's brother. As climate conditions are changing faster than ever, the need for flexibility will be even more important in the future. Fovsen Njaarke's argument that access to the winter pastures at Roan and Storheia is crucial because these pastures are always free of snow and ice, is an illustrative example.⁷⁸

When the same lawyer asked Toamma where his reindeer could be found right now, the question seemed to be perceived as a mere provocation supporting the repeated argument that herders should be able to control their animals within the wind turbine site. At this point, Meerke, a young reindeer owner from Fovsen Njaarke who was awaiting her turn to testify, loudly exclaimed from the audience bench in the back of the courtroom: “How should we know, we have to be here [in court]!”. According to the Norwegian court’s code of conduct observers are not allowed to engage in any form of communication or activity that disrupts the formal hearings.⁷⁹ The silent response and lack of rebuke by the judges, however, could be understood as some kind of recognition of authority in her abrupt statement. It was also a reminder that many reindeer herders spend numerous hours addressing legal and bureaucratic processes, while being deprived of crucial time to herd their reindeer. This burden translates into fatigue, and paradoxically prevents reindeer herders from engaging in reindeer herding activities and transferring ancestral knowledges to the younger generations. As such, defending Saami reindeer herding culture through long-during legal processes can be considered as a threat to the aim itself.

4.1.3 Contested EIAs and research

Explaining reindeer herding knowledges to decision-makers in a context where “Western” sciences and perceptions of Saami land-use predominate, is a challenge identified in other struggles over industrial development and state management of the environment and natural resources in Saepmie.⁸⁰ Since the first District Court cases in 2017 and 2018, the South Sijte had thus commissioned several expert reports about the importance of Storheia and the cumulative impacts from all encroachments on their reindeer herding lands. In contrast to the research and EIAs carried out by the Fosen Vind consultants, these “shadow reports”⁸¹ were written by Saami ecological experts and natural and environmental scientists, and were thus based on both *aerpiedaajroel/aerpiemaahtoe* and science. Altogether, the reports and the expert witnesses who presented them in court concluded that Fovsen Njaarke’s pastures are lost, and that the cumulative impacts will threaten the future existence of reindeer herding at Fovsen.

Similarly, Fosen Vind had commissioned updated reports from the same consultants they had used in the licensing process. While these consultants agree that flexible rotation and access to Storheia and Roan are crucial for the sustainable use of Fovsen Njaarke’s winter pastures in the future, they disagree on how severe the impacts will be, and whether the future existence of reindeer herding at Fosen is actually threatened or not. In the reports presented to the Court, they acknowledge that the available research indicates some change in reindeers’ land-use, but still note that “the impacts from wind energy on reindeer herding may not be as severe as previously feared,”⁸² and that “it is possible the pessimism among reindeer herders is unnecessarily great.”⁸³ In his testimony, one of the consultants hesitated to conclude on the cause-effect relationship between the reindeer avoiding the pastures and the

infrastructure itself, assuming that the reindeer have a strong motivation to access available pastures despite their potential fear of the turbines.

During their cross-examination of the same consultant, Fovsen Njaarke's lawyers challenged him to comment on research which found clear avoidance patterns, including an ongoing study in Rákkočearru in northern Norway, led by himself. Although recognizing that the impacted reindeer herding community had stated that avoidance up to 10 kilometers from the turbine site is a direct consequence of the project, he responded that more GPS data is necessary to rule out other causes and natural fluctuations of reindeers' land-use. When asked if he thinks it is possible for reindeer to pasture inside a wind turbine site, he answered:

It is entirely possible (...). I would say under most conditions if the reindeer have used the pastures before. If there are disturbances, they might avoid at first, but then adapt over time. Like us humans. They understand it is not as dangerous as they thought. I do not see any reason for the reindeer not wanting to use an area where there is good pasture.

When asked whether future reindeer herding is threatened, he first hesitated to respond, but eventually said that: "I think that the issue of threatened existence has to do with reindeer herders not liking an area and not because it is a threat to reindeer as such. The reindeer herders have to account for this."

4.1.4 A question of method(ology)

It was crucial for the court to clarify the disagreement between the two research groups called by the parties as expert witnesses, as these researchers have carried out most of the available studies on impacts from wind energy infrastructure on reindeer herding in Norway and Sweden. The report "Wind energy and reindeer – a knowledge synthesis"⁸⁴ addresses the ongoing knowledge controversy between them and was frequently referenced during the court hearings. The report juxtaposes available studies on the impacts from wind energy and power lines respectively, accounting for the different methods, scope and limitations that can explain the diverging results. However, as the report does not conclude on whose research design is more accurate, the disagreement between them continued to unfold in court. For example, Fovsen Njaarke's consultants claimed that the studies carried out by the Fosen Vind consultants are invalid as they were carried out on a local scale and ignored the reindeer that were already avoiding the area. The Fosen Vind consultant, on the other hand, claimed that studies carried out on a large scale fail to exclude other variables which may cause avoidance.

Beyond differences in research methods and techniques, what becomes apparent when listening to their testimonies and from reading their studies and reports, is how the two research groups have substantially different methodological approaches to reindeer herders' knowledges and experiences with wind energy. In the studies and EIAs presented to the court, only Fovsen Njaarke's consultants included

in-depth interviews with impacted reindeer herding communities, recognizing their knowledge as equally valid. Environmental decision-making in Norway increasingly requires the inclusion of Saami knowledges. For instance, the Norwegian Biodiversity Act⁸⁵ says that authorities must base their decisions on both science and knowledge “based on many generations of experience acquired through the use of and interaction with the natural environment, including traditional Saami use.” In the consideration of a potential violation of article 27 of the ICCPR it was also relevant for the parties to discuss to what degree Saami reindeer herding knowledge had been included in the licensing process. In court, the Fosen Vind lawyer and consultant both argued that collaboration with the reindeer herders in the EIA process had been good, but the response from Toamma from the North Siida revealed the contrary. He exclaimed: “Collaboration? No, I do not recall any other collaboration than making the animals available to them. The [GPS] marking began with them doubting whether we have actually made use of the areas we claim.”

Reindeer herders from other communities were also called by Fovsen Njaarke to testify and give their opinions on research practices and results of studies carried out by the Fosen Vind consultants in their areas. They expressed how the researchers had ignored their knowledges and reached conclusions contrary to what reindeer herders observe and communicate. Issát, a reindeer herder from Rákkočearru, a study mentioned above, seemed annoyed when he explained how the researcher hesitated to conclude that reindeer avoid wind turbines.

[the researcher] tried to explain away our interpretations of the results, but we disagreed. I maintain that reindeer avoid everything that moves (...) Nobody can come and explain to me how reindeer herding works after only three days in the field. That is how it is with all impact assessments. They [consultants] stay there a short time, and claim they know more about reindeer herding than us.

In a research article about the knowledge status of impacts on reindeer herding from wind energy infrastructure, the same research group that Fosen Vind used as consultants explicitly discredits the knowledge Saami reindeer herders hold. In doing so, they affirm a positivist position as neutral scientists while warning about the subjective role of reindeer herders in knowledge production. In a concluding paragraph they write that “there are challenges in using intervju data from reindeer herders, because they are often a party in ongoing conflicts of interests where wind energy is built or planned (...) intervju based information should be combined with objective data for reindeer land-use (GPS)” and analyzed “with a neutral set of data”.⁸⁶

4.1.5 Ignorance as a strategy?

The testimonies from reindeer herders and the statements from the Fosen Vind consultants above illustrate how Indigenous knowledge is devalued and even dismissed as biased by researchers who largely influence decision-making. During the court hearings, I observed how Fosen Vind seemed to take advantage of such a positivist stance,

and how they also constructed doubt about all knowledge production that was critical towards wind energy development on Saami reindeer herding lands. As argued by Fovsen Njaarke's lawyers, Fosen Vind has trivialized the impacts observed by reindeer herders and relied on knowledge produced by consultants who adapted the EIAs in favor of the priorities of the license authorities. In the licensing process, the same consultants had changed their conclusions from the first EIA in 2008 to the second and third EIAs in 2009 and 2011. This happened after the Norwegian Directorate for Water and Energy (NVE) had already prioritized and given a final permit to the Storheia and Roan projects. After first warning against construction of these projects, the consultants concluded that they no longer constitute a threat to the future existence of reindeer herding, noting that they had not conducted any new assessments of the projects. To support this claim, Fovsen Njaarke's lawyers read out loud from a published critique from another scientist who warned against researchers who become "merchants of doubt" when they present the current knowledge status as uncertain and diverging, leaving decision makers and courts confused or with the impression that reindeer herders exaggerate.⁸⁷ This concern was also reflected in a letter from the County Governor in Trøndelag that was presented to the court. The letter stresses how a lack of trust from reindeer herders in EIA processes is a serious problem in Norway, as developers are free to choose consultants who may favor their development plans.

I furthermore observed how doubt was actively produced by Fosen Vind in the courtroom through the use of visual images. Even though Fovsen Njaarke repeated that the few animals who seem less afraid of turbines and other infrastructure are a few bulls that constitute only fifteen percent of the entire herd, the lawyers of Fosen Vind projected pictures and videos of reindeer lying and pasturing close to the wind turbines. The presentation of visual images, supported by what Kirsch terms *corporate science*,⁸⁸ the kind of research and expert opinions that companies rely on to indicate that impacts are less severe, left the impression that reindeer do not mind the wind energy infrastructure. As such it represent what Proctor⁸⁹ refers to as *ignorance* as a *strategic ploy*. Here, ignorance or what is "not known" is understood, not as something neutral, but as doubt, uncertainty or misinformation that is actively constructed to protect capitalist⁹⁰ and colonial interests.⁹¹ The controversy taking place in the courtroom then, not only concerns knowledge gaps or friction between different knowledge systems, but also strategic ignorance of all knowledges supporting the reindeer herders' claims.

Another crucial question disputed by the parties in the courtroom was how much knowledge is needed to support a claim and how to deal with uncertainty. In their closing statement, Fovsen Njaarke's lawyers argued that there is enough available research indicating that the winter pastures will be lost because of the projects, and they stressed that reindeer herders' knowledges have to be emphasized in research and decision-making processes. In case of any doubt regarding severe impacts, they argued that the Court should apply a precautionary principle as OED had done

when they rejected a license permit for a wind energy project in Gaelpie in 2016, with special considerations for the already vulnerable Southern Saami language and culture.⁹² Fosen Vind, on the other hand, argued that the available research is unclear and that reindeer herders should carry the burden of proof when they claim that wind energy prevents reindeer herding from continuing.

4.2 Impacts on Saami land-use, landscapes, and relations: Worlds apart?

At Fosen, reindeer herding is the only Saami practice that provides an environment where we can meet. Reindeer herding is our core, and the very foundation of the Southern Saami language and traditions. Having taken part in this culture (...) I am glad to have received values of how to think about nature and share, not only exploiting from it. We look after each other and we have respect for the lands that have traces of history, hold memories of the past, and also hope for the future.⁹³

The testimony above from Meerke, a young reindeer owner from the South Sijte, illustrates how important reindeer herding and the landscapes in which it is practiced are for the Southern Saami culture at Fosen. While the logic of the case mainly evolved around financial and metric schemes to calculate compensation for loss in terms of meat production, Meerke highlights values embedded in the relationship between humans, reindeer, and the landscape. While Fosen Vind and their expert witnesses reduce the distinction between impacts on reindeer and Saami herding practices to a matter of “being willing to adapt” or “reindeer herders not liking an area,” Meerke considers losing the lands as equivalent to losing what is integral to her very existence, a sentiment expressed by Saami reindeer herders in struggles against wind energy infrastructure elsewhere.⁹⁴ As she explicitly told the Court: “To me, reindeer herding is the most important identity marker. If I cannot continue, I would struggle to know who I am.”

Critical geographers encourage us to look into the landscape as a framework for addressing basic human rights, justice and well-being, by integrating spiritual and cultural values to the analysis.⁹⁵ Decolonial approaches to geography need to be “rooted and routed in the places and genealogies we inhabit”,⁹⁶ in this case the Southern Saami landscapes. Beyond the experience of material loss and disrupted access to pastures for the animals, Meerke expresses relational values which reflect practical, cultural, and ideological aspects of Saami livelihoods and worldviews.⁹⁷ The integral and reciprocal care between humans, non-humans and the lands can be understood as taking place within a “Saami cultural landscape”.⁹⁸ Although dynamic in time and space, this landscape contains intangible knowledges and herding practices which carry memories of ancestral use and has an identity strengthening meaning to those who relate to it.⁹⁹ In Northern Saami, this landscape can be conceptualized as *meahcci*, equivalent to *miehtjiesdajve* in the Southern Saami language, and is characterized by “practical places, uncertain but productive social relations with lively and morally sensible human and non-human beings.”¹⁰⁰ In this

landscape, there is no distinction between nature and culture, just as impacts on reindeer and Saami herders are inseparable from each other.

Meerke's testimony further contrasts with the claim made by Fosen Vind that reindeer herders have an obligation to adapt to the needs of society, as stated in the Expropriation Law. According to her, Saami reindeer herders have instead an obligation to take care of the landscape, by not exploiting it. Although Fosen Vind argued that impacts are less severe, they maintained the paternalistic mindset that reindeer herders have a duty to "sacrifice their attachment to place for the greater good of a nation-state."¹⁰¹ In the context of wind energy development, this colonial argument is framed as a global common good, as it builds on the premise that reindeer herders need to make some sacrifices to save the planet.¹⁰² However, as expressed by the Saami Council,¹⁰³ this moral imperative is embedded in a green colonial paradox: Saami lands are being exploited "by what the Nordic peoples define as 'green energy'", while "Saami livelihoods – including reindeer herding – are among the 'greenest' there are".

During the court hearings, Fosen Vind further argued that Saami reindeer herding has already adapted to technological innovations, and that Saami culture therefore is far from being threatened by the mitigation measures they propose. This is similar to what has been stated by wind energy developers who dispossess Saami reindeer herding lands elsewhere.¹⁰⁴ The green colonial underpinnings of Fosen Vind's arguments came to the fore in the closing statement of their lawyer:

All parts of society develop, and we must work together to make it work. Technological development affects reindeer herding. It is not a question of maintaining a culture from 100 years ago. They have adapted by using drones, snowmobiles, helicopters, etc. today. The state demands more renewable energy to be produced, which is important for the society. From our perspective, it is totally unlikely that reindeer herding will disappear because of the wind energy plans.

4.2.1 Mitigation measures and impacts on Saami reindeer herding culture

According to Fovsen Njaarke, lack of access to the Roan and Storheia pastures will eventually force them to reduce the herd. As a consequence, they fear that at least one family from each Sijte/Siida will be pushed out of reindeer herding. This will have implications for the ability to conduct the collective work required to maintain the herd, consequently affecting the remaining families' ability to continue. The only measure which can secure the survival of the reindeer is to compensate for lost winter pastures with artificial feeding, a "necessary evil" which pushes "the question of what 'Sami reindeer herding' actually is (...) to its limit".¹⁰⁵ As expressed by Læjsa, a young reindeer owner from the North Siida during the court hearing: "It is difficult for me to suggest this, because it is not something we want to do. It is not traditional reindeer herding".

It is important to stress that permanent artificial feeding differs from supplementary feeding, because it requires extensive and enclosed infrastructure, different knowledges and expertise, and increases the risks of spreading disease and morbidity

among reindeer that are used to free pastures and mobility.¹⁰⁶ Marja, a reindeer herder from Sweden, testified how it also effects the well-being of herders who see their animals suffer: “It is difficult for a reindeer herder to see reindeer die at such a close range (...) It is a trauma (...) This is not the kind of reindeer herding you want to practice. You want them to pasture freely”. Protect Sápmi, the Saami consultancy firm that elaborated a cumulative impact assessment for the Storheia project, also calculated the costs of introducing extensive artificial feeding. The consultant, an economist and a reindeer herder himself, emphasized that it is an emergency solution which forces herders to domesticate free ranging reindeer:

You must think like a farmer and build a barn (...) It is not desirable. As an old reindeer owner once said: “If I have to start feeding the reindeer, instead of it feeding me, I will quit reindeer herding.”

Beyond knowledge controversies over “facts”, the competing claims revealed conflicting perceptions of what constitutes Southern Saami reindeer herding and culture. Fosen Vind were only concerned about calculating how much pasture was lost to the extent this would affect the value deriving from meat production. State governance of Saami reindeer herding in general reflects such positivist-reductionist presumptions characterized by generalizations, rationalizations and simplifications of Saami reindeer herding, as well as a limited understanding of “sustainability”.¹⁰⁷ As such, Fosen Vind’s arguments stood in stark contrast to how Fovsen Njaarke valued their relationship with the reindeer and the landscape. Although the court case concerned Saami *cultural* rights as conceptualized in international human rights conventions, the disagreement between the parties points towards what Blaser¹⁰⁸ instead prefers to call world-making or “worlding”. Here ontological difference is understood, not as cultural perspectives on the same reality, but rather as a recognition of multiple realities. When these conflicts are entangled in struggles over lands and resources, they become *political ontologies*.¹⁰⁹ Fovsen Njaarke’s claims to protect their Southern Saami “culture” can thus be understood as an “ontological interruption to western presumptions”¹¹⁰ of what is at stake, in this case, the future existence of Saami knowledges, practices, and landscapes. In this world-making, Saami reindeer herders and animals relate to each other with mutual respect.¹¹¹

4.3 The verdicts: Implications for Fovsen Njaarke and beyond

Based on the competing claims of Fovsen Njaarke and Fosen Vind, the role of the Court was to resolve the conflict. But whose “truth” did it recognize and what are the implications for Fovsen Njaarke and beyond? The Court of Appeal reached its verdict on 8 June 2020. Contrary to OED and the District Court, the verdict stated that “there is a solid scientific foundation for claiming that reindeer avoid wind energy plants when they have alternative pastures at hand.”¹¹² The decision mainly builds on the testimony and research of one of the expert biologists called by Fovsen Njaarke, but recognized that testimonies from reindeer herders support this conclusion. The

verdict is not clear however, on whether this conclusion relies more on *aerpiedaajroe/aerpiemaahtoe* than science, or if scientific research was required to confirm the knowledges and experiences of reindeer herders. By saying that the “conclusion is relatively open regarding the impacts from wind energy infrastructure”¹¹³ the Court of Appeal to some degree hesitated to engage in the disagreement between the two research groups and did not address the question of what constitutes quality or non-biased research.

Contrary to Fovsen Njaarke’s claim, the verdict further agrees with Fosen Vind that the potential impacts were responsibly assessed based on the knowledge available to the license authorities in 2013. Similar to court decisions in wind energy conflicts in Sweden¹¹⁴ the Court of Appeal considered the argument of the “green transition” as legitimate when balancing conflicting interest with Saami reindeer herding.¹¹⁵ It recognized that the current knowledge status indicates that the future of reindeer herding is threatened at Fovsen, consequently violating article 27 of the ICCPR, but concluded that artificial feeding will mitigate the human rights violation. Admittedly under doubt, it concludes that the “main features” of Saami culture will remain intact, and that knowledge of reindeer herding can be transferred to the next generation.¹¹⁶

Compared to a more thorough assessment of the knowledge controversy over “facts”, the Court of Appeal did not refer to any expert opinion and only used its own discretion to define what constitutes significant impacts on the Southern Saami reindeer herding culture. In doing so, the verdict fails to recognize the *aerpiedaajroe* and *aerpiemaahtoe* embedded in the ancestral use of the free and natural winter pastures at Storheia and Roan. By deeming it satisfactory to compensate for the lost winter pastures with artificial feeding, the verdict further denies that the Storheia and Roan pastures are part of a Saami landscape with a relational value of their own. As expressed by Maja Kristine Jåma from Fovsen Njaarke after the verdict was passed: “the value of reindeer herding culture we no longer can pursue cannot be replaced with money”.¹¹⁷ In one paragraph, the Court of Appeal reasons that reindeer herding never has been static and that winter feeding has been introduced by reindeer herders elsewhere. The latter argument, however, ignores that climate change, predators and loss of pasture to multiple industries and infrastructure are among the main reasons reindeer herders have been forced to implement supplementary feeding.¹¹⁸ The verdict does not make a distinction between extensive artificial and supplementary feeding nor between technological adaptations which have been internally adapted and externally imposed. In doing so, the Court of Appeal fails to recognize Saami reindeer herders’ right to self-determination over their own cultural practices on the lands which historically belong to them.

4.4 A historical Supreme Court verdict and Norway’s green colonialism

By concluding that artificial feeding could mitigate the human rights violation, the Court of Appeal opted for an “in-between” solution to resolve the conflict. However, this made both parties appeal the verdict to the Supreme Court. While Fosen Vind

considered the compensation issued to pay for artificial feeding was unnecessary and too high, Fovsen Njaarke insisted that the license still violates their right to practice reindeer herding according to their culture. In this case, this means to continue to use the free and natural winter pastures at Roan and Storheia. During the Supreme Court hearing, the state attorney intervened as a third party, arguing that the case was of interest to the state as the license authority. The state attorney did not only support Fosen Vind's claim that the license was in line with the Norwegian Human Rights Law, but also plead that Fovsen Njaarke as a collective was the wrong legal subject to evoke article 27 of the ICCPR. The appeal left the Supreme Court to decide whose truth it considered more just: The moral green colonial imperative and coexistence narrative of Fosen Vind and the Norwegian state, the self-determined world-making of Fovsen Njaarke, or the emergency feeding solution issued by the Court of Appeal.

The Supreme Court's final decision represents a historical verdict in the Norwegian-Saami context. On 11 October 2021, eleven judges in the Grand Chamber unanimously ruled in favor of Fovsen Njaarke, rendering the license invalid due to the violation of article 27 of the ICCPR. For the first time, the Supreme Court came to the conclusion that industrial encroachments on Saami reindeer herding lands in Norway constitute a human rights violation. The verdict decisively contradicts the Court of Appeal on the compensation measure: Artificial feeding differs significantly from traditional nomadic reindeer herding and has not been "given a broad and thorough assessment, and general reindeer husbandry interests have not been heard".¹¹⁹ The verdict further established that the Saami reindeer herders' right to enjoy their culture is absolute and that a minority's interest cannot be balanced against the interests of the majority society, particularly emphasizing that the interest of a "green transition" could have been maintained through options less intrusive to Saami reindeer herding.¹²⁰

Although the Supreme Court recognized Fovsen Njaarke's human rights claim, the construction of 151 wind turbines, 130 km of roads and connected infrastructure had already destroyed crucial winter pastures and the Saami landscape. In the wake of the Supreme Court verdict, Fovsen Njaarke demanded a removal of all infrastructure and restoration of the pastures.¹²¹ However instead, OED called for further impact assessments aiming to enable coexistence¹²² – a common premise and argument used by industries to legitimize material dispossession and fragmentation of Saami reindeer herding landscapes throughout Saepmie.¹²³ Fosen Vind and Roan Vind announced that they support further assessment of mitigation measures which can repeal the human rights violation,¹²⁴ while applying for a new license permit.¹²⁵ In particular, they proposed an assessment of current experiences with mitigation by feeding.¹²⁶ OED consulted the Saami Parliament and Fovsen Njaarke on the proposed impact assessment program. However, the Ministry ignored demands to assess how the winter pastures could be returned and restored, and instead proposed to reassess what had already been considered by the Supreme Court. The lack of

respect for the knowledge and opinions of the winning party of the trial resulted in a withdrawal from the process by both the Saami Parliament and Fovsen Njaarke. In a letter to the Ministry, the lawyers of both the North Siida and the South Sijte jointly express: “The proposal gives an impression that the government lacks genuine will to implement the Supreme Court verdict, and is directly at odds with the government’s statements that it will listen to the Siidas, and to have a trustful dialogue”.¹²⁷

The lack of implementation of the Supreme Court verdict has stirred mass mobilizations and protests. On 23 February 2023, exactly five hundred days after the Supreme Court verdict was announced, the youth branches of the National Norwegian Saami Association (NSR Nuorat) and Friends of the Earth (Natur og Ungdom) peacefully occupied the offices of OED, followed by a week-long blockade of the entrances of several ministries. They announced they would “close the State” through civil disobedience until the prime minister apologizes to Fovsen Njaarke and recognizes that the human rights violation is ongoing. They demanded that the State take immediate action to restore and return Roan and Storheia to Fovsen Njaarke.¹²⁸

In a statement held at the UN Permanent Forum for Indigenous Issues in New York a few months later, Saami youth organizations denounced the land grabs the Nordic states have made in the name of the green transition, in Fosen and elsewhere in Saepmie: “It is just Nordic colonialism hiding behind a new kind of mask.”¹²⁹ Their critique frames how the epistemic controversies addressed in this article are linked to Norway’s colonial interests. Through Statkraft and Aneo, the Norwegian State owns 60% of the projects. OED’s authorization of a pre-approval for construction before Fovsen Njaarke was able to legally try the validity of the licenses in 2016; its disregard of CERD’s request to temporary halt construction at Storheia in 2018; and finally, the state attorney’s support for Fosen Vind in the Supreme Court, all show how the Norwegian state has willfully defended its green colonial dispossessions in Saepmie. As further evidence of this power asymmetry, it is the same state that will decide how the Supreme Court verdict will be implemented. The assumption that new impact assessments and “dialogue” will result in a solution where Saami reindeer herding and wind energy infrastructure can coexist, resonates with the “subtle”,¹³⁰ “quiet, soft-spoken... understated, polite and bureaucratic”¹³¹ maneuvers which characterize and legitimize contemporary Nordic-Saami colonialism. As late Saami artist and poet Nils Aslak Vålkepää¹³² eloquently stated: “really highly advanced states carry out genocide without blood, without physical violence”. In this case, by destroying Saami landscapes, ways of knowing and being in the name of the so-called green transition.

5 Closing argument

Following court procedure, I will end this article with a “closing argument”. Through an ethnographic and decolonial lens, I have invited you inside the walls of the courtroom to “witness” epistemic controversies and contestations over impacts from wind

energy infrastructure on Southern Saami reindeer herding, culture, and landscapes. The courtroom is certainly a space where asymmetrical power relations and dynamics leave marginal room for Indigenous self-determination and epistemic justice. However, the Fosen case also illustrates how Indigenous peoples can contest dominant knowledge regimes and colonial presumptions about their livelihoods, culture, and rights.

Previous research on land-use struggles in Saepmie has focused on how Indigenous knowledges and worldviews are marginalized in planning and decision-making processes, as this article has addressed in the context of the courtroom. Impacts from the wind energy infrastructure on reindeer dominated the logic of the court hearings, whether based on *aerpiedaajroe/aerpiemaahtoe* or on natural and environmental science. Paradoxically, less attention was given to impacts on reindeer herding as integral to Southern Saami culture – the defining legal premise of the court case. However, beyond onto-epistemological differences between “Indigenous” and “Western” ways of knowing and being in the landscape, the findings clearly show that Fosen Vind produced doubt about all knowledge which threatened their commercial interests. This *strategic ignorance* was willfully reproduced by the Norwegian state in the aftermath of the Supreme Court verdict, as new bureaucratic processes and assessments of impacts and mitigation measures were sought to enforce coexistence.

As long as EIA processes are industry-led and solely based on environmental sciences, Saami reindeer herders will continue to lack trust in consultants and licensing processes which exclude them from being experts on their own livelihoods and culture – or world-making as Blaser¹³³ would prefer to call it. To improve the quality and legitimacy in decision-making processes, there is a need for an integral approach, including assessments of social impacts, such as on economy, health, well-being, and Saami culture.¹³⁴ Joks & Law¹³⁵ have suggested that in order to work less destructively across colonial difference, there is a need “to ‘soften’ the realisms of biology and ‘harden’ the contextual knowledges” and “nomadic practices of Saami experts”. Yet, the findings from this article show that winning knowledge struggles is not necessarily enough, as *ignorance* may be strategically produced to legitimate capitalist and colonial interests. The Norwegian state’s reluctance to respect the outcome of its own legal system reveals that asymmetric power relations continue to pave the way for colonial dispossession of Saami landscapes, epistemes, and human rights in the green energy transition.

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NOTES

1. Tråante is the Southern Saami name for Trondheim.
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