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## Industrial development in the North – Sámi interests squeezed between globalization and tradition

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### ABSTRACT

In this article, we analyse tensions in Sámi local communities meeting new industrial development. Indigenous communities experience outmigration and are in need of new business development and employment. Global extractive companies may offer new jobs, but the type and scale of these jobs put pressure on traditional indigenous livelihoods. The study underlines the importance of two core ideal type Sámi positions – traditionalist and modernist – on future industrial development in rural Sámi areas in Norway. These positions are playing themselves out in different ways by the most important Sámi institutions; The Sámi Parliament (Sámediggi), The Finnmark Estate (FeFo) and Sámi-populated municipalities. The result is a deep-going institutional conflict around industrial development, making it very difficult to find compromises. To shed light on these conflicts and their implications, we analyse how different positions are institutionally visible in the ongoing battle concerning the Nussir mining case in the Sámi municipality Kvalsund in Northern Norway.

### KEYWORDS

Sámi Parliament; Finnmark Estate; indigenous policy; rural development; Sámi municipalities; mining

## Introduction

The Sámi is the only indigenous people in Western Europe, inhabiting the northern part of Norway, Sweden, Finland and Russia. In this article, we analyse the tension between modernity and tradition in Sámi local communities in Norway, meeting new large-scale industrial development. In doing that we particularly emphasize the divergent positions of core Sámi institutions in meeting this new environment of economic globalization.

Conflicts between traditional livelihoods of indigenous peoples and extractive industries are well known from the research literature (O’Faircheallaigh 2012; Southcott 2015; Southcott and Natcher 2018). The area under study is Finnmark,<sup>1</sup> the northernmost region in Norway, where most of the Sámi people in Norway live, and where traditional reindeer herding is the most extensive. This is also a region with previous mining experience, but with only a few small mines in operation today. Our case is located in a typical

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traditional Sámi coastal community, Kvalsund, where tensions are coming to the surface in the Nussir mining case and in which Sámi institutional positions differ. We use this case to emphasize deep-seated challenges that seem to have no easy solution and with implications broader than the Nussir case itself.

In trying to understand indigenous opportunities and constraints it is of particular interest to study the relationship between global extractive industries and small-scale sustainable industrial development in Sámi areas. This is not the least so due to two important aspects. Firstly, the Sámi has a strong legal position within Norwegian law, despite the lack of Sámi territorial autonomy. With the Norwegian signings of several important international declarations and conventions on indigenous rights<sup>2</sup> and the expanding role of the Sámi Parliament, the Sámediggi in governance arrangements are rather unique in a comparative perspective (Falch and Selle 2018). Secondly, the rather strong institutionalization of indigenous rights gives the Sámi a new space for influencing industrial developments in Sámi areas. In this paper, we address in particular the most important Sámi institution, the Sámediggi policies concerning how to develop and secure sustainable Sámi local communities, and comparing that position with the positions taken by the two other core Sámi institutions, the Finnmark Estate (FeFo) and the coastal Sámi municipality, Kvalsund.<sup>3</sup> Altogether, the interplay between these institutions in the Nussir case give a broad insight into the Sámi institutional landscape and power structure, clearly showing the differentiation of Sámi voices.

The structural challenges and the conflicting institutional policy positions connected to them are part of broader ideological positions or paradigms. In this article, we analyse why it is so difficult to develop a modern and less tradition-based business policy for Sámi rural areas. How should we understand the deep tension between modernization and traditionalism meeting new industrial development and how important is the State in securing the traditionalist model through its support system? However, before moving into the most typical characteristics of the ideal-typical traditionalist and modernist perspectives (part three) and how these perspectives are playing themselves out in the core Sámi institutions (part four), some basic information about the Nussir case and Kvalsund Municipality is needed to contextualize our study.

## **Socio-structural challenges and the Nussir case**

### ***What is at stake?***

Sámi local communities and livelihoods in Norway have experienced tremendous change over the last generations. Increased mobility, due to a higher educational level and more differentiated work opportunities elsewhere, are driving forces for change. As a result, more and more Sámi, particularly young men and women, move not only to the cities in the region but increasingly also to other parts of urban Norway (Angell and Lie 2016; Berg-Nordlie 2018). A growing number of Sámi people experience a decoupling from the traditional territories and traditional Sámi industries. This implies that for many Sámi the contact with Sámi culture and industries are in a process of deep-going change (Falch and Selle 2018). This type of change is well known from the literature of economic development in indigenous areas (Cooke et al. 2007; Glomsrød, Duhaime, and Aslaksen 2017; OECD 2019; Peters and Andersen 2013).

In the core Sámi rural areas, we find a weak and rather undifferentiated private sector. However, there is increased employment in the public sector (e.g. health care, elder care, education, kindergarten) made possible by the growth of the Norwegian Welfare State and the specific and extensive governmental support in building new Sámi institutions, such as the Sámi Parliament (Sámediggi), the Sámi College, the Sámi Broadcasting, the Sámi Theatre and culture- and language centres. These Sámi institutions give exciting work opportunities for high-skilled (Sámi) people, in which the majority are women. We are witnessing a growing Sámi “expert” labour marked developing (Angell et al. 2014; Angell and Lie 2016). Most of these Sámi institutions are located in the core Sámi areas, the inland communities of Karasjok and Kautokeino, where the majority of the population are Sámi. Others, and particularly Sámi coastal communities like Kvalsund, are lacking such institutions and have less labour marked diversity.

Only a limited amount of people along the coast can rely on traditional and small-scale Sámi fjord fishing and farming as a way of living. At a time when governmental policies stimulate efficient and larger-scale primary production, the Sámediggi business support system, as a counterforce emphasizing small-scale businesses, is far from strong enough to make a real long-term difference (Eriksen and Falch 2016; Angell 2016).

A core challenge then is how to deal with the problems of demography and employment through new policies. Sámi rural communities are in urgent need of new industrial activities to survive and grow. Which institutions have the legitimacy and position to develop and implement such a policy? Can Sámi institutions agree on the path forward? If so, to what extent can such institutions make a difference?

Since relatively few Sámi make their living from traditional Sámi industries, to develop new business models seems to be a continuous and pressing challenge in the interface between economy and culture. That is why the Nussir mining case is such an illustrative case in trying to understand the different Sámi positions on industrial development. To what extent can the growth of such extracting industries open up a new and alternative path for rural Sámi communities? Moreover, how and to what extent would it have an impact on Sámi culture and the way of living in these areas? Since much is at stake here, conflict should be of no surprise, since Sámi interests and politics are diverse and there is clearly more than one voice.

The global demand for natural resources and the Norwegian Northern policy supporting increased extraction of natural resources goes hand in hand (Angell 2010). Offshore petroleum production (Nilsen 2016), new mining (Nygaard 2016b) and wind power projects (Riseth and Lie 2016) are all examples of new industrial initiatives where a mix of national and global business actors are involved. These initiatives have an impact on traditional Sámi land and sea use in Finnmark. Sámi reindeer herding utilizes almost all land due to seasonal migration from inland to the coast, and traditional Sámi fjord fishing depends on access to local resources as well as clean water and a clean environment. This situation causes deep conflicts between different Sámi interests and between the Sámi and the majority of the population. New industrial projects will increase employment and support a more diversified private sector in fragile local areas but may at the same time clash with the interests of traditional Sámi livelihoods. These are traditional industries, strongly supported by international law and by indigenous thinking more in general, being seen as core keepers of the culture itself (Bowles and Wilson 2016; Eriksen, Valkonen, and Valkonen 2018; Falch and Selle 2018; Southcott and Natcher 2018).

### ***Core characteristics of Kvalsund municipality***

The Nussir case in Kvalsund is already well-studied in the social science literature, both as a single case study and as a case compared with other mining projects in Norway or internationally (Bjørge and Røyseland 2018; Hasselberg 2016; Nygaard 2016a; 2016b; Syvertsen 2015). This rather broad literature gives important input to the Nussir case, but lacks emphasis on what we are primarily interested in here, namely how the developing relationship between new global industries and indigenous tradition and rights have a direct impact on Sámi thinking and economic policies within core Sámi institutions.

Kvalsund is a small coastal community with approximately one thousand inhabitants, reduced by almost half during the last 50 years. Back in the 1960s, it used to be a coastal Sámi community where the inhabitants lived of small-scale fjord fishing usually in combination with small-scale farming. Due to more than a hundred years of assimilation policies, outmigration and commuting to neighbouring cities, Sámi traditional livelihoods and language gradually impaired, as well as much of the Sámi identity (Minde 2003). Lately, there is an on-going mobilization to revitalize the costal Sámi identity, by bringing forward cultural history and traditions. This is seen in both Kvalsund and other costal Sámi municipalities (Angell et al. 2012; Nygaard 2016a; Pedersen and Høgmo 2012). The Kvalsund Municipal Council has recently underlined the need to make the Sámi presence more visible and acknowledged.<sup>4</sup> The reindeer herding still utilizes most of the land in Kvalsund in the season from April to October. The majority of the reindeer herders' families do not reside in Kvalsund, although holding seasonal houses there. They are registered and pay taxes in neighbouring municipalities.

The understanding of Kvalsund as a weak and unsustainable society needs some nuances even if the overall population has dramatically decreased. The unemployment rate is practically zero as those who cannot find work locally have access to thriving labour markets in the neighbouring "petroleum city" of Hammerfest and the "construction city" of the county, Alta.<sup>5</sup> Modernization and mobility gradually transformed Kvalsund to a residential and recreational area. Being part of a bigger housing and labour market region offers opportunities outside the municipal borders but can also hamper motivations for developing industries within the borders of the municipality. In any case, the demographic challenges are comprehensive.

### ***The Nussir mineral case***

Back in 2004, a newly founded Norwegian mining searching company got permission to test bore for copper in the Nussir Mountain in Kvalsund. Copper mining previously took place in Kvalsund, the last time for a few years in the 1970s, but closed down due to low market prices. The global mining boom inspired the new company Nussir, based on Northern Norwegian capital, to start the licencing process for gaining access to the resources. The company presented the draft-planning program in 2010, and public authorities and interest groups had the chance to comment on the document during the process of scrutiny. The company ordered several environmental impact assessment reports from different scientific and consulting specialists to fulfil the obligations of Environmental Impact Assessment (EIA) studies.

Kvalsund Municipal Council supported the planning program from the very beginning, and little debate have ensued on the possible adverse effect of the mine at this stage. The

local politicians are aware of the needs of the reindeer herders for future herding but do not consider the mine as the end of reindeer herding in the area. The local politicians have instead mainly focused on the project's role in facilitating new local jobs and possible new migration to the area (Nygaard 2016b; Nygaard, Carlsson, and Sletterød 2017). The new mine is estimated to give 150 new jobs, but with the limited available local workforce, employment must be based on migration or commuting. Such an influx of new residents can be a challenge and requires good planning on the part of the municipality and company to encourage permanent settlement instead of extensive "fly-in fly-out" arrangements (Eikeland et al. 2009; Storey 2010).

The hearing process revealed disapproval from environmental and Sámi organizations. It was more forceful and organized from the reindeer herders than from the Sea Sámi in the area (Nygaard 2016b). The Sámediggi and Reindeer herders' organization used the new tools given by the Planning- and Building Act of 2009 to reject the proposal, mainly because of the adverse effect on reindeer herding in the area. However, the municipal council, entitled to decide the future use of land for industrial development, approved the planning program in 2011 and then also the zoning plan in 2012 (Nygaard, Carlsson, and Sletterød 2017). When the County Governor's mitigating efforts failed to reach an agreement between the mining company, the reindeer herders and the Sámediggi, the case was brought up for decision at a higher level of government. Several ministries gave their statements, and the final decision came from the Ministry of Local Government and Modernization that granted the approval of the Zoning Plan in April 2014 due to the expected positive effects on the local community. The Ministry granted the permission on one condition:

... the mining company must consult with the reindeer herders to implement remedial measures that secure the continuation of reindeer herding in the area. This must be in place before the mining activity can start up.<sup>6</sup>

This resolution is an unusual break with Norwegian planning practice as the State strangely enough transfer the responsibility of granting indigenous rights to the company. More importantly here, the affected reindeer herders refused to negotiate, and they argue for bringing the case to court as they hold that it violates their impending existence as reindeer herders and as indigenous people. Despite this lack of agreement, the licensing process moved forward to the next step of assessing a discharge permit. The Norwegian Environment Agency dismissed new protests from the Sámediggi and the Reindeer Herders' Organization (as well as environmentalist organizations) to the discharge application, and in December 2016 it granted Nussir the discharge permit for disposing of the tailing waste in the Repparfjord.

The last step in the licensing process is the operating license, where the focus is on the economic feasibility of the project and the competence of the company. Nussir handed in the application in May 2017, and the Sámediggi objected to the plan because of the adverse impact on reindeer husbandry and fjord fishing, leaving the case to be sent back to the Ministry of Trade, Industry and Fisheries. In addition to the local municipality, Kvalsund, the landowner, the Finnmark Estate (FeFo), as well as the Sámediggi, have a pivotal role in assessing the project in accordance with the rules of the Finnmark Act concerning changed use of uncultivated land. Of particular interest here is that the Sámediggi and FeFo, to the surprise of many, have different positions on this very important matter for Sámi culture and living. While the Sámediggi is strongly against mining (traditionalist)

in the costal Sámi area of Kvalsund, FeFo is in favour of the industry, as is the Kvalsund Municipality and the Finnmark County Council (modernist).

The Ministry of Trade, Industry and Fisheries announced its final support in favour of the mining in February 2019.<sup>7</sup> The Sámediggi then appealed to the highest possible level, namely the King's cabinet,<sup>8</sup> but the appeal was of no help and on 29 November 2019 the King's cabinet gave its final "yes" to the Nussir mine (Kg. res 2019). The Nussir case is increasingly understood by the Sámediggi as a test case of Sámi land rights in particular, and of Sámi self-determination in general. At this stage, the Sámediggi has vowed to take legal action, not only in trying to stop the mine but to clarify Sámi land-management rights more in general. Whether there will ever be a mine in operation is in any case still an open question. Since the mining company is in need of capital to be able to start up, it also has to take broader economic and political risks into account. Strategies here are not the least in line with the internationally increasing emphasis on Corporate Social Responsibility (CSR) and Social Licence to Operate (SLO) (Falch and Selle 2018; Papillon and Juneau 2015; Wilson and Selle 2019).

We already know the general positive position of the municipality of Kvalsund, in which new jobs outperform environmental and indigenous concerns. What we see in the Nussir case are divergent interests and deep-going conflicts between core Sámi institutions. To dig deeper into these differences, we shall look closer into the industrial and economic policy of the two most important Sámi institutions in this respect, the Sámediggi and the Finnmark Estate (FeFo). These are institutions meant to cover broader and more general Sámi interest than the municipality itself. But before doing so we need to have a deeper understanding of what the two different paradigms, traditionalism and modernization, are actually saying, and the kinds of the economic path they open up for.

## **The challenging interplay between traditionalism and modernization**

### ***Balancing economic development and indigenous politics?***

The State is responsible for securing Sámi rights according to national and international law and the Norwegian State has supported new Sámi institutions and infrastructure. The State is also responsible for the national mineral policy and the general Northern policy in the age of increased economic globalization. Balancing these multiple and often conflicting interests is not an easy task for any government or governance institution, particularly when foreign investments and ripple effect on the local economy are at stake.

Extractive industries (like minerals) are place-specific and can only be extracted where the resources are found. Global industrial actors often meet local communities with a relative strong say in planning processes, but in this case, they also meet the indigenous voice (or voices) – not always compatible with the position of the local majority looking for new job- and development opportunities. The overall political landscape is complex and there may increasingly be reasons to understand Sámi business development broader than continued traditional Sámi livelihoods (Eriksen and Falch 2016). Even so, small-scale traditional industries are important for Sámi culture and are supported by the Sámediggi and to some extent also by relevant municipalities and the Finnmark County Council.<sup>9</sup>

We observe two main paradigms or overall understandings regarding business development in Sámi rural areas: traditionalism (conservation) and modernization. Of course,

these positions are not always that clear-cut in real life and should be regarded more as ideal types. Even so, since they originate from very different basic understandings, a consensus in practical politics becomes very difficult to find. Both perspectives are important parts of the more general thinking within the social sciences on development and change and it is also an important conflict dimension within many indigenous communities (Bowles and Wilson 2016; Falch and Selle 2018; Poelzer and Coates 2015). Importantly, both positions are also found in non-Sámi areas and are part of different perspectives on change in general (Inglehart and Baker 2000; Tranvik and Selle 2003). Here we use them as broad categories or generalized dimensions without emphasizing important internal variation within the different perspectives. Instead, we use these contrasting paradigms to give meaning to the different positions and their consequences in actual Sámi politics made visible through the Nussir mining case.

### ***The traditionalist argument***

The core of the traditionalist argument is that traditional and small-scale Sámi livelihoods are on the verge of distinction and needs protection by the Government and Sámi institutions. The small-scale rural industries of reindeer herding, agriculture, fjord fishing, outfield industry and different combinations of those industries have historically been the core Sámi industries securing jobs. Together with culturally based industries, including tourism, these industries should be supported and strengthen rather than weakened or even destroyed by new global and large-scale businesses moving into core Sámi areas. Reindeer herding retains the right of being granted as an exclusive Sámi industry by Norwegian law (The Reindeer Act) and should be given priority when conflicting with other interests. Sámi fjord fishing never attained similar legal protection (Søreng 2013).

The private sector in the Sámi areas is as mentioned generally weak and mostly filled with small-scale-enterprises, often organized as a single-person company or as part of a household economy that has increasingly been linked to the market. What we find is a distinctive element of self-employment and combination industries (Angell and Lie 2016; Eriksen and Falch 2016). The understanding is that the State has a profound moral, judicial and economic responsibility for securing Sámi culture and industries, a responsibility written into the Norwegian constitution (paragraph 108). Within this discourse, reindeer herding, as a territorial intensive industry, is understood as crucial to the survival of Sámi culture. Being under great pressure, it is losing territory “every day”. It should be underlined that this type of traditionalism does not mean anti-modernization in the meaning of being anti-new technologies. Reindeer herders use modern technology that has changed the business itself in fundamental ways. The same goes for small-scale Sámi farmers and fishers.

Within this traditionalist view, Sámi culture and identity are understood as closely connected to the traditional livelihoods and industries clearly expressed through a strong community or local level orientation (Selle et al. 2015). Eriksen and Falch (2016) argue for a broader Sámi industrial policy with a stronger territorial emphasis and in which the core Sámi areas are deeply in need of economic development. The right to cultural and societal development is a right of collective character, they argue, and such rights must, at least to some extent, be exercised in a common territorial and political space where language, culture and industries are interconnected. This is at the core of



indigenous politics, where the collective territorial dimension is prominent, in contrast to minority politics more in general (Coakley 2017; Falch and Selle 2018).

Within this way of thinking, large-scale mining, like in Kvalsund, is understood as an intruder, as something putting pressure on traditional Sámi culture by being a threat to traditional industries. This understanding is, as we shall see in part four, an integrated part of the Sámi Parliament's industrial policy. It is a way of thinking, presupposing that national (paragraph 108 in the Norwegian constitution) and international law (as expressed in ILO convention 169, different human rights paragraphs and the UN declaration on Indigenous right of 2007 (UNDRIP)) are decisive to protect Sámi culture. Within this discourse, state-dependency within the Norwegian "state-friendly" society is preferred over a riskier and less stable market-dependency (Eriksen and Falch 2016).

The understanding is furthermore that in the core Sámi areas there exist extensive Sámi land rights, also expressed through the Finnmark Act of 2005, in which the Sámi themselves should decide on the proper use of this land. An important part of the argument is not only that culture, industry and identity are closely integrated, but also that new large-scale industries and Sámi culture cannot live side by side, or at least only under very specific and controlled circumstances. The understanding is that the long-term consequences would put too much pressure on Sámi culture and living. Particularly important in this context, is the understanding of that the Norwegian mineral law is not seen as protecting Sámi rights in line with international law (Nygaard 2016b; Falch and Selle 2018). Objection and obstruction to new industrial development are increasingly felt to be the only strategy for the Sámi to have an impact on the outcome, as clearly expressed in the Nussir case. However, this type of postponing or stopping power is not of much help in developing a new and more dynamic Sámi economic policy for Sámi communities. The result is a further strengthening of Sámi traditionalism, now increasingly within a more global setting, presupposing strong governmental support (Eriksen and Falch 2016).

### ***The modernization argument***

In the indigenous discourse both in Norway and more generally, the question of identity is a core feature. It is all about how to understand the relationship between where you live, what you do and who you are (Bjørklund 2013, 2016; Olsen 2010, 2015). The modernization argument builds on the understanding that Sámi rural communities, like other rural communities, need a more differentiated economic structure to survive and prosper. This means that Sámi communities should out of necessity adapt to modern industrial development. In such a situation, policies have to be developed to secure Sámi interest in the transforming industrial process.

At the core of the modernization argument it is underlined that even if the Sámi has a different culture, the Sámi (and other indigenous groups) are in most aspects like other people and in need of the same type of economic growth. Therefore, they should also take part in the general development and increase their standard of living. In general, the modernization perspective holds that the Sámi must see the opportunities for innovation and entrepreneurship in new industries, even large-scale industries. The only way to have their fair share of value creation is by engaging in new globalized industrial activities by extracting local resources, especially since they lack investment capital of their own (Eriksen and Falch 2016).

The underlying view is that Sámi life and culture are not that different from the lifestyle of other people, particularly not in a highly integrated unitary welfare-state like the Norwegian one. Within this way of thinking, a Sámi can have whatever type of work, regardless of whether he or she lives in traditional Sámi areas or in cities (Nyseth and Pedersen 2014; Peters and Andersen 2013; Selle, Semb, and Strømsnes 2020), and still have a strong Sámi identity. The Sámi identity may not primarily be defined by the work experience, or place of living, but rather by subjective feelings of being Sámi, in combination with having Sámi ancestors (Olsen 2010, 2015; Selle et al. 2015). Furthermore, new businesses could generate financial resources used for the revitalization of Sámi language and culture, particularly in areas in which Sámi culture has been weakened over the last generations. Our case, Kvalsund, is a typical example. This implies that Sámi identity, particularly in areas where the Sámi position is weak, can be strengthened through new types of industries. It is not only about new jobs, but also about economic resources for cultural revival.

This means that the mineral industry may not only provide new work opportunities but also sustain public services that may halt the severe challenge of outmigration in these areas. This understanding breaks the unity of culture and industry, which is so important within the more general indigenous thinking. It further suggests that even if reindeer herding is an important part of Sámi culture, it may have a too dominant position, preventing necessary modernization in the traditional Sámi areas (Eriksen and Falch 2016; Falch and Selle 2018). The reindeer husbandry may even be understood as being not economically viable and sustainable, with low-value creation and too strong dependency on state support (Angell et al. 2014; Riseth and Lie 2016). In any case, there is not space for everyone to work commercially within the field, regardless of whatever cultural value it is given.

Within this way of thinking, one holds that there is a desperate need for a more varied private sector and that increased small-scale agriculture and fjord fishing, together with reindeer herding, will never alone make these areas more thriving. One also finds the view that reindeer herding and traditional Sámi businesses can function well side by side to modern large-scale industry (Falch and Selle 2018; Southcott 2015).

An important underlying reasoning is that if you are not able to modernize areas in which people live, they move out. Education, urbanization and globalization are important driving forces for demographic change in which rural areas are losing strength and the cities are growing fast. Women in Sámi areas have reached an education level in line with the national average for women and are more inclined to move out for relevant jobs (Angell and Lie 2016). If the economic weakening of such areas continues, one should not be too surprised if out-migration increases and especially young people move in order to use their creativity and knowledge where they feel they can make a difference.<sup>10</sup>

The modernist position is a way of thinking that deeply differ from the mainstream thinking within the indigenous field, including within international law, in which Indigenous culture, industry and identity are understood as closely integrated and territorially dependent. However, within many indigenous communities, for instance in Canada where they have territorial autonomy with high degree of self-rule, including limited tax-making and law-making power, the modernization argument has a stronger position than in a unitary state like Norway, since it may be “more in it for me” (Falch and Selle 2018; Papillon and Juneau 2015; Wilson and Selle 2019).

Importantly, within the modernist understanding, marked solutions are understood as a driving force for change to secure a varied economic life. One may also find the belief that the strong position within Sámi culture of the rather well-organized reindeer herding community marginalizes other legitimate Sámi interests (and other interests more in general). The economic potential is not taken advantage of in these areas, partly due to the position of reindeer herding (Falch and Selle 2018). In other words, there is a need to open up for broader market-solutions, including more large-scale and globalized industries. As we shall see in the next section, such an understanding exists both within FeFo, the Kvalsund Municipality and Finnmark County Council. This is a position that has little or no support in the Sámi Parliament.<sup>11</sup>

## The core Sámi institutions and their mining and industrial policy

### *The Sámediggi's mining and industrial policy*

The Sámediggi in Norway, established in 1989, works with all types of issues of interest to the Sámi people. It is primarily a Sámi political democratic body with elected members<sup>12</sup> but also a governmental agency. The Sámediggi has over the years taken over administrative responsibilities and policy instruments from the State, particularly within culture and language. The Sámediggi is the core institution within the new Sámi political space that has over time gradually become much more than a consultative body for the government, even if its formal power is still limited (Bjerkli and Selle 2015; Falch and Selle 2018; Falch, Selle, and Strømsnes 2016; Josefsen 2014; Selle et al. 2015).

From the start, the Sámediggi has emphasized industrial politics, with a particular focus on the traditional Sámi industries, such as the primary industries: fishing, farming and reindeer herding, as well as Sámi handicrafts, traditional outfield industry and combinations of these (Sametinget 2011, 2019b). The national government has the overall responsibility for all primary industries in Norway and decides almost regardless of the position of the Sámediggi, who has only a minor role as an advisor to the State and as an observer in the annual negotiations.<sup>13</sup>

The Sámediggi has a budget of about 35 million NOK (4.5 million USD) annually to support business development in Sámi areas.<sup>14</sup> Most of this financial support goes to traditional local businesses, and competence- and network-building in a geographically defined Sámi area, the so-called STN-area.<sup>15</sup> A core characteristics of the Sámediggi industrial support system is that most of the support goes to businesses in the Sámi core areas (the Karasjok and Kautokeino) and that the support is small-scale (from 30,000-500,000 NOK (3,500-60,000 USD)). From 2020, the support system is under revision and still not fully implemented. Furthermore, there have over the years been several regional programs trying to develop new Sámi industries, with limited success (Angell 2016). This tells us that it is not easy to set in motion such development processes in peripheral rural areas with few inhabitants, being they Sámi or not.

Framed by the traditionalist industrial policy, it is interesting to elaborate on how the Sámediggi encounter mineral expansion in Sámi areas, and consequently developing a mineral policy of its own. Its mineral policy is in opposition to the national government's mineral policy. Several industrial initiatives in core Sámi areas have from the 1990s had an important impact on Sámi economic policy-thinking, increasingly requiring comprehensive project evaluation and a clear position from the Sámediggi (Falch and Selle 2018).

Mining policy has been an area for political strife within the Sámediggi system itself, with different positions concerning economic development and mining. Often the two core parties, Norske Samers Riksforbund (NSR) (The Norwegian Sámi National Federation) and Arbeiderpartiet (AP) (The Labour party) held different positions into the 2000s, with NSR being strongly against mining while AP has been somewhat more positive, emphasizing the local needs for new jobs above the more general emphasis on indigenous land-owning rights. The shaping of a new and more consensus-based mining policy of the Sámediggi started with the preparation of the new National Minerals Act. Here the Sámediggi, in line with the new Consultation Agreement of 2005 with government, had several consultations to safeguard the interest of the Sámi people in the new act (Falch and Selle 2018). Even so, the government adopted the new Minerals Act in 2009, without the consent of the Sámediggi (Nygaard 2016b).

The main areas of disagreement concern whether the Minerals Act fulfils the obligations of the Norwegian State towards the Sámi, in line with the requirements of international law ratified by Norway. The Sámediggi argues that the Act does not secure the national resources used by Sámi, rejects Sámi participation in the decision-making processes outside Finnmark, and lacks instruments for the distribution of a part of the value creation from the mining industry to the Sámi people (Sametinget 2012). The Sámediggi developed its own Mineral Guide (Sametinget 2010), elaborating on how mining companies and the Sámediggi should relate to each other in cases of mining activities taking place in traditional Sámi areas.

The Sámediggi also formulated bilateral agreements with three mining companies to form procedures for future negotiations. Due to heavy protests both regionally and nationally, and a political majority change in the Sámediggi itself, with the NSR now in position, the Sámediggi withdrew the guide and agreements (Nygaard 2016b). Consequently, the Sámediggi debated and formulated a new mining policy document (Sametinget 2014), emphasizing the need to consult on and review the Minerals Act. The Sámediggi's position is that the Norwegian State must take responsibility for bringing the law in line with the United Nations Conventions signed by Norway and should not leave it to commercial companies to negotiate with the Sámi people. It is a State responsibility. The Sámediggi underlines that its strategy at this stage is to consider new industrial cases one by one, and when felt necessary use the only instrument they have, namely to object to the different plans and permits. This is what the Sámediggi has done during all of the different stages in the Nussir case (planning program, zoning plan, discharge permit and operating license) (Falch and Selle 2018; Nygaard 2016b). Now, as the final decision is taken, the only option for the Sámediggi is continued and broad mobilization against the mine, with the last possible resort being to file a lawsuit against the Norwegian state.

The Sámediggi further criticized the Environmental Impact Assessment-process (EIA-process) in the Nussir case for not providing sufficient knowledge of the overall societal effects of the mining. A study ordered by the Sámediggi concludes that the negative effects of the project exceed the positive effects earlier claimed by the government. One argues that it is not possible to conclude within a cost-benefit framework, since the market price for copper is uncertain, environmental costs are undocumented and health effects are not considered in the EIA reports (Ibenholt, Rasmussen, and Skjelvik 2016). The objection to the operating license given by the Sámediggi claims that the project violates future Sámi traditional small-scale livelihoods, with a negative impact

on fisheries and reindeer herding, and it is very critical to the lack of consent from the reindeer herders and the Sámediggi (Sametinget 2017). The same type of argument is found in the final appeal of March 2019 (Sametinget 2019a), overruled by the State.

In general, what we see here is a strong emphasis on small-scale traditional industries (especially reindeer herding) and few, if any, incitements to support large-scale industries in Sámi areas. The Sámediggi as an institution does not have anything to gain from this mining activity economically, where the Sámediggi has no tax benefits. In matters like these, the Sámediggi relies on international Indigenous law (ILO169 and UNDRIP) and its emphasis on Free, Prior and Informed Consent (FPIC) in trying to protect traditional Sámi interests. Furthermore, Sámediggi also connects to the beforementioned Corporate Social Responsibility (CSR) thinking implemented by many global companies (Eriksen and Falch 2016).

### ***The industrial policy of FeFo***

The Finnmark Act of 2005 was a fundamental institutional reorientation and gave a new public accept for Sámi land- and user rights in Finnmark. Three new institutions were created as part of implementing the Finnmark Act: *The Finnmark Estate* (FeFo), owning and administering the land use in the county; *The Finnmark Commission*, set down to evaluate property- and user right in the county; and a specific *Finnmark Court*, set up to decide disputes on land rights. These three new institutions are part of a deep-going change, transferring approximately 96 per cent of the land in Finnmark, including the land of the Nussir mining area, from being state-owned “crown-land” managed by the state institution, Statskog, to be regionally owned and managed by FeFo. It is the most comprehensive land transfer ever to have happened in Norway, making FeFo the biggest “private” landowner in the country (Selle 2016). However, only very limited individual or collective property rights have been granted in the areas so far approached by the Finnmark Commission. The original expectations from 2005 of deep-going change in Sámi property rights as part of the Finnmark Act are clearly weakened. With a growing lack of expectations to the Commission as fundamentally changing land rights, FeFo itself becomes increasingly understood as a very important institution for Sámi self-determination, to some extent compensating for the Finnmark Commission’s lack of proposed change in the status of the land (Falch and Selle 2018). This may increase internal conflict within FeFo and with its broader environment since the Sámediggi demand for more emphasis on the Sámi dimension will increase.<sup>16</sup>

FeFo’s Board consists of six members: three appointed by the Sámediggi and three by the County Council of Finnmark, the two “mother-institutions” of FeFo. This composition shows the importance and political breakthrough of the Sámi in an area where they are in minority. FeFo plays an important role when it comes to managing renewable resources, property and industrial development.<sup>17</sup> FeFo has put great emphasis on its role as an industrial developer, although this role is not extensively specified within the Finnmark Act itself, like renewable resources are. It is exactly within the role as an industrial developer that FeFo has developed a less traditionalist economic thinking and policy, clearly expressed through its support of the realization of the Nussir mine.

Within a general understanding of the need for economic development, and particularly within areas in which Sámi culture is weakened as part of the modernization

processes, FeFo strongly emphasizes the need to secure employment, stop out-migration and through a new industrial policy generate new resources to support Sámi culture and language (Selle 2016). A particular challenge here is the fact that the Finnmark Act is forcing FeFo to balance the interest of the whole population of Finnmark while at the same time put special emphasis on securing Sámi rights and culture (Eriksen and Falch 2016). FeFo may be understood as a new governance or co-management institution, trying to balance the general interests and the more particular Sámi interests within the same institution (Selle 2016). It should not be of great surprise that this is a difficult position for FeFo to hold, being under the constant pressure of being too much Sámi and not Sámi enough. These challenges are particularly difficult to handle since FeFo as an institution has limited support among the population of Finnmark, being they Sámi or not (Broderstad, Josefsen, and Sørensen 2015; Selle 2016).

The later stage of considering an operating license brought the Nussir project in a new direction as the landowner, FeFo, has a significant role in assessing the project in line with the Finnmark Act. The situation today is that FeFo has ended up in deep conflict with one of its mother institutions, the Sámediggi (Falch and Selle 2018). The director of FeFo, himself being a Sámi, is confident about the Nussir mining project, and supports the operating license:

FeFo emphasizes that the project will be a base for a positive development of the local society and provide further foundations for safeguarding the Sámi interests through increased settlement in marginalized coastal areas (FeFo 2017), (authors' translation).

At this stage, we see deep conflict concerning mining built into FeFo itself. The FeFo Board has become a battlefield for conflicting interests as the Finnmark County Council and its board members are supporting the new mining industry while the Sámediggi's board members are negative. The FeFo Board was not able to conclude when discussing the Nussir case in September 2017. The case ended up being sent back to the Sámediggi for further evaluation and decisions, resulting in the Sámi Parliament complaining to the King (the Government) without any success. This tug of war within the FeFo Board pinpoints the importance of the two key positions on industrial development for rural Sámi areas, the traditionalist and the modernist view. We see that this divide also goes deep within the same governance institution, clearly expressed through the divergent positions taken by the board members of the two "owning institutions", the Sámediggi and the Finnmark County Council, and with an administrative position closer to that of the Finnmark County. Under such circumstances, it is not easy for FeFo to govern or conduct long-term planning.

The broadly used modernist and traditionalist divide give meaning to these important differences across and even within core Sámi institutions. The two development models are springing out of very different basic premises, with one particularly emphasizing cultural survival and stability and the other emphasizing economic growth and change.<sup>18</sup>

### **Conclusion: compromise possible?**

In this article, we have analysed how the two main positions on industrial development in rural Sámi communities, the traditionalist and the modernist position, are playing themselves out within core Sámi institutions in the Nussir mining case. The boundaries

between these positions are not always clear-cut. However, we have seen conflicting institutional positions among the Sámediggi, on the one hand (traditionalist), and FeFo and the Costal Sámi Municipality, Kvalsund, on the other hand, also enjoying the support of the Finnmark County Council. No easy compromise appears possible. We even see deep-going conflict inside FeFo. However, it should be underlined that the Sámediggi is meant to have the central role in supporting Sámi interests, being the representative elected body of the Sámi people, and furthermore, being one of the “mother-institutions” of FeFo. These types of conflicts are particularly challenging within Sámi politics, since both the Sámediggi and FeFo have contested positions in the first place (Broderstad, Josefson, and Sørensen 2015).

The conflict we have seen, springing out of very different understandings of what is at stake and what constitutes something as Sámi, is challenging not only in the Sámi context, but also more generally within the indigenous field (Poelzer and Coates 2015). It may however be particularly challenging in the Norwegian context since the Sámediggi is not really a territorial based political institution but is covering the whole country and lacks territorially based power (Wilson and Selle 2019). In general, the positions vary from seeing large-scale industrial development as deeply needed and the core to further development, while not necessarily having a negative impact on indigenous culture, to be understood as new forms of colonization while putting pressure on Sámi culture and self-determination, i.e. as a new form of assimilation (Coulthard 2014; Falch and Selle 2018; Nadasdy 2017; Poelzer and Coates 2015).

However, there is also a more direct or pure economic dimension at work. FeFo and the Kvalsund Municipality will receive income from the mining activities; FeFo as a landowner through fees, and Kvalsund through taxes from workers and support from the mining company.<sup>19</sup> Without any negotiated economic agreement with a mining company, the Sámediggi does not receive any direct monetary benefits from mines, and has no institutional economic incentives to support this kind of new large-scale business. Such an agreement is difficult to negotiate in a unitary state like the Norwegian, in which the Sámediggi is fully financed over the general national budget (Wilson and Selle 2019). This structural position may further strengthen the traditionalist understanding, when economic globalisation is moving in, i.e. strengthening what you already have got instead of broadening the perspective and searching in new and culturally more risky directions (Eriksen and Falch 2016).

The demography in the Sámi rural communities, as in many rural areas in Norway more generally, is challenging, with an increasingly aged population, a negative birth rate and an uneven gender balance, especially for young people (Angell et al. 2014; Broderstad and Sørli 2011; Glomsrød, Duhaime, and Aslaksen 2017). These communities need new innovative ideas and investment capital to be able to prosper. In that case, Sámi rural development may need to be understood broader than what is emphasized within the traditionalist position. Especially since relatively few people even in the core Sámi areas make their living out of these traditional industries (Angell et al. 2014).

Already in the early 1990s, research showed that it was difficult to recruit newcomers into small-scale combinations industry, even with considerable financial support from the Sámediggi (Eikeland and Krogh 1994). These challenges have later only been reinforced (Gaski and Eikeland 2001; Eriksen and Falch 2016). If this development continues, it might increasingly turn these areas into “deviant areas” within the national

context. However, even if there are developments pointing in that direction, to go “all the way” may be unlikely in a strongly politically and geographically integrated society like the Norwegian one. That is true even if certain Sámi industries, like reindeer herding, may live well with such a development since that would give them more “space” and less conflicts. Connected to this, there is also the important question of whether traditional Sámi businesses, including reindeer herding, can live well next to modern more large-scale industry, as seen in some territorially based Indigenous communities in Canada (Papillion and Juneau 2015; Wilson and Selle 2019).<sup>20</sup>

At the same time, the small-scale traditional industries are important to the Sámi identity and way of life and seem to be at the core of any boundary-building, distinguishing between what is genuinely Sámi and what is not. It is exactly this position emphasizing how different one is from others, that is supported by international laws, indigenous global networks, and the more general Norwegian indigenous politics (Falch and Selle 2018).

The welfare state institutions (health care, elderly and childcare and the educational system) and the growing Sámi institution-building are both very important for the newer developments within the Sámi areas, that is, for what the core Sámi areas look like today. These institutions direct extensive public resources into the area that would not have come about to the same extent without the new position of the Sámi. It brings with it well-paid and secure jobs, especially for highly educated women. At the same time, it makes the Sámi society and the Sámi politics very dependent on the public sector and the State. A stronger and more varied private sector with vital companies and industries would have brought more economic diversity to the area, but with unknown long-term cultural consequences. It is exactly this “cultural risk” that makes it a very important and challenging political question, in which no easy compromise is to be found.

For FeFo, its more modernist position is structurally challenging. Being in long-term conflict and competition with one of its “owners”, that at the same time is the core institution responsible for the overall Sámi interests, is a very difficult position to be in. The Sámediggi has so far chosen a traditionalist understanding of Sámi needs for rural development, in formulating a mineral policy where protection of traditional land and sea use is at the core. Furthermore, international law and commitments increasingly legitimates free, prior, informed consent as spelled out in UN declaration of 2007 (UNDRIP). However, they so far do not imply a Sámi veto right on important matters for Sámi culture and living (Falch and Selle 2018; Papillion and Rodon 2019). Even so, if the Sámediggi is able to show that new mineral industries have a clear negative impact on Sámi traditional living, the Sámediggi is in a rather strong legal and political position. That is so even if main institutions like the Finnmark County Council, the Kvalsund Municipality as well as FeFo consider the mining industry as an important solution for marginalized Sámi rural communities. The Sámidiggi and its political space is to such an unusual extent supported by national and international law, and the UN system more in general, that it seems to survive well even with rather low legitimacy in its local and regional environment and also, somewhat paradoxically, among those that the institution are meant to serve (Falch and Selle 2018).

Industrial development in traditional Sámi areas, as in indigenous communities more generally, is highly complex and it seems to be very difficult to reach any consensus on core policy matters for further Sámi economic development. The different positions are to a large extent explained by deeply diverging understandings of the long-term cultural risk of having traditional small-scale and global large-scale industry living side by side. In



the Nussir case, we see FeFo and the Kvalsund Municipality as supporters of the mine. At the same time, we see a Sámediggi that for 10 years now has managed to postpone this rather large-scale industrial project. International declarations and conventions are of course important for securing Sámi rights but are most often not specific enough to give a clear direction to new policies in important and contested areas like these. In general, such conventions and declarations are not that easy to implement when structural challenges are as profound as we have seen in this case. Any kind of a new equilibrium balancing the two different core paradigms is deeply challenging. The result is conflicting positions between core Sámi institutions with unclear long-term consequences for Sámi local societies as well as Sámi politics in general.

## Notes

1. Finnmark County merged with the neighbouring Troms County 1st of January 2020. So far there is no indication of this having important consequences for what we are analysing here. We therefore keep Finnmark as the geographical and administrative unit in this article. Furthermore, Kvalsund Municipality merged with the neighbouring municipality, Hammerfest, 1st of January 2020. We keep Kvalsund Municipality as the geographical and administrative unit in this article.
2. Norway was the first country to ratify the ILO Convention 169 on indigenous peoples in 1990 and voted in favour of adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007. Norway further incorporated the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights into its domestic law.
3. In this article, we define FeFo as a Sámi institution even if it is more than that. It is also a “governance-institution” for all the inhabitants of Finnmark, but with a special responsibility for Sámi culture (see Selle 2016). We also name Kvalsund as an example of a coastal Sámi municipality even if it may be a long time since the Sámi dominated this area. In other words, the naming may be questioned.
4. The Social Part of the municipal master plan, 2014–2024 (Kommuneplanens samfunnsdel, 2014–2024).
5. One could argue from a stability perspective rather than an economic growth perspective that the problems of Kvalsund are not that big since the municipality has a low unemployment rate and is not in need of new jobs. Further, the argument goes that mining would not primarily benefit local people, but rather that those moving in may destroy the local culture, whether that culture being primarily Sámi or not.
6. Authors’ translation of (parts of) letter to the Governor of Finnmark from the Ministry of Local Government and Modernization, on 26 March 2014.
7. Press release of 19 February 2019, <https://www.regjeringen.no/no/aktuelt/nussir/id2629241/> (Read 3 June 2019).
8. Press release 7 March 2019, <https://www.sametinget.no/Nyhetsarkiv/PRM-Sametingets-klage-paa-Nussir-vedtaket-sendt-til-regjeringen> (Read 3 June 2019).
9. The challenging situation in traditional Sámi areas increasingly means that also people and institutions with a basic traditionalist understanding are looking for solutions to break out of a “locked in” position in order to make Sámi living and culture more varied and thriving.
10. It is not necessarily so straightforward. Especially within indigenous thinking, the emphasis on traditional knowledge may be important so that there can be a space for new thinking and innovation also within the more small-scale traditionalist position. However, in any case this is not enough to solve the extensive demographic challenges.
11. The supporting position of the primarily non-indigenous institution, the Finnmark County Council, is mentioned, but not really analyzed in this article

12. The 39 members of the Sámediggi are elected by Sámi who have registered in a Sámi electoral roster, and in 2019, the electoral roster holds about 18,000 people.
13. For a comprehensive analysis of the development of the Sámi Parliament and its developmental policies and relationships with government, see Falch and Selle (2018), particularly chapter 3 and 8.
14. This is about 8 per cent of the Sámediggi's total budget of 2018. In comparison, language and culture get 45 per cent of the total budget of 485 million NOK.
15. This support system is geographically based and concerns rural areas with a Sámi historical tradition north of Saltfjellet in Nordland County. The Sámediggi delivered a new white paper on industrial policy, *Sustainable Industry Development*, in 2019. The Sámediggi demands a stronger responsibility from the municipalities in the STN area to be able to get financial support. In practical terms that would probably mean increase support given to the core Sámi areas. However, so far, nothing points in the direction of a break with the small-scale traditionalist emphasis.
16. However, the land-tenure situation may change. In December 2019 the Finnmark Commission completed its survey of the lands of the inner Finnmark municipal district of Karasjok, the second largest municipality in Norway and a core Sámi area. The Commission declared almost all land in Karasjok to belong collectively to the local residents, but with only even minor references to the residents' ethnicity. The logic undergirding the decision suggest more land will be turned over to the Sami, i.e. the municipal district of Kautokeino, and to parts of the nearby municipal district, Tana. If this decision prevails, it will be an important change. However, various entities, including the Norwegian State, could challenge the decision. Achieving clear answers will likely take several years.
17. For more information and perspectives on FeFo, see Broderstad, Josefsen, and Søreng (2015); Falch and Selle (2018); Nygaard and Josefsen (2010); and Selle (2016).
18. It is important to note that these two paradigms are not only important in understanding different views on industrial policies, but also concerning Sámi politics more in general (Falch and Selle 2018).
19. The present law directs the business taxes to the State level, but there are now changes in the municipality property tax-system with consequences so far not clear. Even so, the company can in contrast to the Sámediggi case sign voluntary agreements with the municipality to facilitate new business development.
20. You do not find this type of Indigenous herding tradition in Canada, giving the conflict dimension concerning traditionalist vs. modernist a different character (Wilson and Selle 2019).

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