

11 Through our stories we resist

Decolonial perspectives on south Saami history, indigeneity and rights

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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-maadteraajja (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).

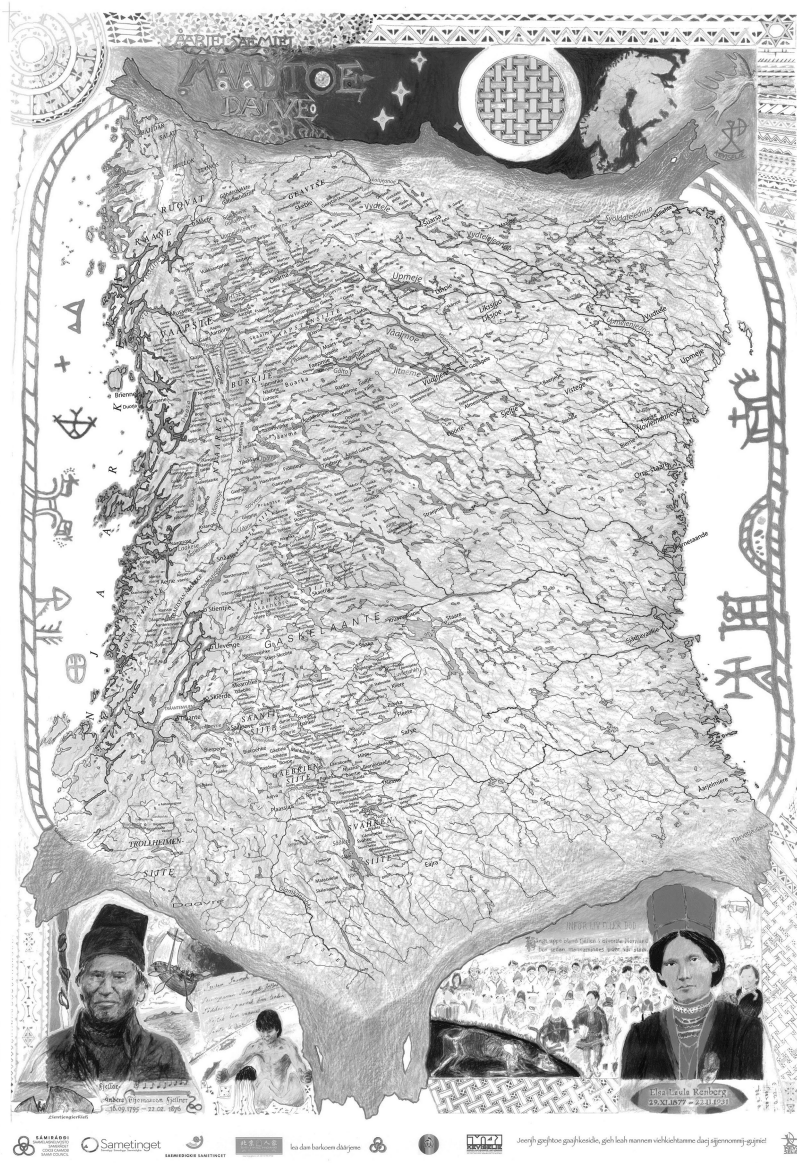


Figure 11.2 The map is drawn by Saami artist Hans Ragnar Mathisen and shows the most southern part of the Saami territory in Norway and Sweden. It contains south Saami place names from the area around Røros and is adorned with traditional ornaments, symbols, and historical illustrations. Hans Ragnar 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 *Gåebrien 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 *Gåebrien 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-o/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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