

Norway and the Sami People: (Historic) Human Rights Violations Amid Progress Toward Reparation

Abstract

The Sami people, indigenous to parts of Norway, Sweden, Finland, and Russia, have faced oppression and marginalization since colonization in the 15th century. More recently, in 2021, the Sami people again had to fight for their rights when a wind farm opened on the Fosen peninsula in Norway, which was historically their territory. This project disturbed the most integral part of Sami culture, namely reindeer herding. For this reason, the Sami community protested and started international legal battles to get recognized that their rights, both under the frameworks of UNDRIP and the ILO 169, were violated. After three years of dialogue and mediation, the Sami people and the Norwegian State came to the March 2024 decision, in which the Sami people were compensated by (1) a grant, (2) energy provision to the local community, and (3) new territory to practice reindeer herding. This essay analyzes whether this decision represents continuous oppression of the Sami people or reparation between the two groups. It does so by first examining how the relationship between the two groups has developed. Following this framework, the essay gives the tools to analyze the compensation package as provided by the March 2024 decision. As the measures still need time to prove their usefulness and effectiveness, the essay concludes that the decision reached represents an original step in the right direction for future possible reparation between the two, but that much of the compensation package still needs to prove its efficacy.

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Introduction

The ongoing struggle for Indigenous rights still remains a huge issue today, with many Indigenous groups all over the world struggling for recognition and protection of their rights. The Sami people, who trace their roots 2000 years back and with a total population of approximately 800,00 spread in parts of Norway, Sweden, Finland, and Russia, are no exception to this.¹² After the colonization in the 15th century of their historic lands, the Sami people have faced oppression, racism, displacement, land dispossession, and discrimination.³

Different disputes have taken place ever since, with a recent one starting in 2021, when the Norwegian government inaugurated its largest onshore wind farm on the Fosen peninsula. This district was traditionally inhabited by the Sami people, who used it to practice reindeer herding/farming, a cornerstone of their culture. As the wind power project negatively impacts the reindeer herding in Norway, many activists have protested, wanting to tear down the wind turbines.⁴

The wind farm project, which has a capacity of 1057 MW and, therefore, the largest wind power project in Europe, shows Norway's serious commitment to doing its part in the fight against climate change.⁵ However, as climate activist Greta Thunberg mentioned in an interview, human rights should always go hand in hand with climate action.

¹ Øyvind, Ravna. "The Legal Protection of the Rights and Culture of Indigenous Sámi People in Norway." *Siberian Federal University Journal. Humanities & Social Sciences* 6, no. 11 (2013): 1575-1591.

² Visit Northern Norway. "The Sami Are the Indigenous People of the North." Accessed June 10, 2024. <https://nordnorge.com/en/tema/the-sami-are-the-indigenous-people-of-the-north/>.

³ Regional Information Centre for Western Europe (UNRIC). "Sámi: We are the Natives of This Country." Last modified March 18, 2021. <https://unic.org/en/sami-we-are-the-natives-of-this-country/>.

⁴ Al Jazeera. 2023. 'Sami Activist Protests in Front of Norwegian Parliament Over Wind Turbines.' September 11, 2023. <https://www.aljazeera.com/news/2023/9/11/sami-activist-protests-in-front-of-norwegian-parliament-over-wind-turbines>.

⁵ Yanuar. "Fosen Vind Wind Farm Norway Complete Review." Exaputra, April 7, 2024. <https://www.exaputra.com/2023/04/fosen-vind-wind-farm-norway-complete.html>.

After years of dialogue and mediation between the two parties, in March 2024, a decision was reached to keep the wind farm open while simultaneously compensating the Sami people in three complementary ways: (1) a financial grant of NOK 7 million (€620,000) annual settlement, (2) energy production to the local community (including the Sami people), (3) and new territory for the Sami people to practice reindeer herding.

This essay will analyze whether the case described above represents a positive step forward in the relationship between the Sami people and the Norwegian state or if it perpetuates continuous oppression. It thus aims to answer the following research question: “Does the wind farm decision signify progress toward reparation or continuous oppression of the Sami?” It will do so by first showing how the relationship between the two has developed and then by analyzing the decision in March 2024. Furthermore, it will examine the future implications of this decision, keeping in mind that this decision sets a precedent for future similar cases.

Historical Context: The Sami People and the Norwegian State

The Sami people have a history that goes back over 2,000 years as the indigenous peoples to parts of Norway, Sweden, Finland, and Russia. In the 15th century, European colonization was destructive to the original livelihoods of the Sami people, because it led to land loss and systematic marginalization of the Sami, among other things. This period was the beginning of a process of forced assimilation driven by different state policies of the countries all focused at assimilation and land dispossession.⁶ For example, in the Norwegian case, from the late 18th century to 1959, the Sami people were not allowed to speak their own language in school. Quite shockingly, only after the Second World War did Sami language and culture get increased recognition.

In the years following the Second World War, both in national and international legislation, Norway committed itself to increasingly recognize the rights of the Sami people. Constitutionally, Norway has since 2004 been responsible for safeguarding the Sami language,

⁶ Øyvind, Ravna. "The Legal Protection of the Rights and Culture of Indigenous Sámi People in Norway." *Siberian Federal University Journal. Humanities & Social Sciences* 6, no. 11 (2013): 1575-1591.

culture, and legal traditions.⁷ Although that is regarded as a positive fact, to get to this point, the Sami people had to suffer centuries of oppression, making the relationship between the Norwegian state and the Sami people turbulent one.

Norwegianization

To expand on what was pointed out above, the Sami were subjected to policies of Norwegianization, in which the language, culture, and traditional practices of the Sami people were suppressed. This was grounded in the belief from the Norwegian government that the Sami people were inherently inferior to the Norwegian people.⁸

Policies, including suppression of language, supporting intermarriage, and the confiscation of lands essential for their reindeer herding, were all put in place to emerge the Sami people into the Norwegian culture, identity, and customs.⁹ Arguably, the Norwegianization was not just cultural but also economic in nature, as they sought to integrate Sami lands into the expanding Norwegian state economy.¹⁰

Economic Dispossession

Building on what was explained previously, the Sami people also struggled with the consequences of Norwegian economic policies, such as agricultural and industrial policies. One of the most important aspects of Sami culture, reindeer herding, faced severe disruptions due to territory confiscation and environmental changes brought about by these activities.¹¹ The construction of infrastructure such as railways, roads, and dams in Sami territories also frequently led to the displacement of the reindeer herding grounds.

⁷ Øyvind, Ravna. "The Legal Protection of the Rights and Culture of Indigenous Sámi People in Norway." *Siberian Federal University Journal. Humanities & Social Sciences* 6, no. 11 (2013): 1575-1591.

⁸ Secci, Giulia. "From Assimilation to Self-Determination: The Recent History of the Sámi People of Norway."

⁹ Berg-Nordlie, Mikkel. 2021. "'Sámi in the Heart': Kinship, Culture, and Community as Foundations for Indigenous Sámi Identity in Norway." *Ethnopolitics* 21 (4): 450–72. doi:10.1080/17449057.2021.1932116.

¹⁰ Heidemann, Knut. *Language of the Land: Policy, Politics, Identity*. Place of Publication: Publisher, 2007.

¹¹ Bjerklund, H. S. 2022. *Green Colonialism: Conceptualizing Contemporary Sami Struggles for Life and Land*. Master's thesis, UiT Norges arktiske universitet.

Furthermore, the growing Norwegian economy and the introduction of the market-based economy and wage labor changed the dynamics in which the Sami people lived.¹² Many Sami needed to abandon their traditional economic system and instead seek employment in the market-based system, leaving part of their culture behind, for example, by leaving the reindeer herding practices. This economic shift thus not only impacted Sami's livelihoods but also threatened the survival of their cultural identity.

Case Study: The Fosen Wind Farm Controversy

In 2021, the Norwegian government inaugurated the Fosen wind farm, Europe's largest onshore wind power project with a capacity of producing energy of 1057 MW. This project was framed by the Norwegian state as them committing to combating climate change, as it produces a great amount of wind energy. However, this project appeared to be in contrast to the interests of the Sami people, who traditionally lived on the Fosen peninsula.¹³

More specifically, the construction and operation of the Fosen wind farm have had serious impacts on the Sami community's ability to practice reindeer herding.¹⁴ Reindeers are highly sensitive to disturbances in their environment, and for that reason, the presence of wind turbines, associated noise, and human activity disrupt the migratory patterns and grazing areas. This has led to a reduction of herd sizes and increased stress on reindeer populations, directly threatening the sustainability of reindeer herding as a livelihood and cultural practice for the Sami.

¹² Follesdal, A. 2001. "On Saami Claims to Land and Water." *International Journal on Minority & Group Rights* 8: 103.

¹³ Al Jazeera. 2023. 'Sami Activist Protests in Front of Norwegian Parliament Over Wind Turbines.' September 11, 2023. <https://www.aljazeera.com/news/2023/9/11/sami-activist-protests-in-front-of-norwegian-parliament-over-wind-turbines>.

¹⁴ "International Work Group for Indigenous Affairs. 2023. 'Press Release: Fosen - Norwegian Authorities Violate Human Rights of Sámi People.' October 2023. <https://www.iwgia.org/en/news/5278-press-fosen-oct2023.html>."

Protests and Legal Battles

In response to the Fosen wind project, the Sami community, supported by several environmental activists, protested and initiated legal battles to stop the farm.¹⁵ These actions brought significant attention to the conflict, highlighting the broader and global issue of indigenous rights in the context of environmental and economic development. Activists argued that the project was implemented without adequate consultation with the Sami people, not understanding and meeting their needs, and a violation of their rights under international law.

The Fosen wind farm case thus highlights the complex interplay between a state's environmental goals, economic interests, and indigenous rights. The Norwegian government's decision to proceed with the project and open the wind farm in 2021, despite its impact on the Sami community, raises questions about the prioritization of climate action over human rights. As climate activist Greta Thunberg emphasized, climate action should never come at the expense of human rights.¹⁶

International Legal Frameworks

Interestingly, from a legal perspective, the Sami have had a strong case under international law. Frameworks such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the International Labour Organization's Indigenous and Tribal Peoples Convention (ILO 169) provide structures for the protection of indigenous rights, including the right to land and cultural practices.^{17 18} The Norwegian state's actions on the Fosen peninsula

¹⁵ Al Jazeera. 2023. 'Sami Activist Protests in Front of Norwegian Parliament Over Wind Turbines.' September 11, 2023. <https://www.aljazeera.com/news/2023/9/11/sami-activist-protests-in-front-of-norwegian-parliament-over-wind-turbines>.

¹⁶ Al Jazeera. 2023. 'Sami Activist Protests in Front of Norwegian Parliament Over Wind Turbines.' September 11, 2023. <https://www.aljazeera.com/news/2023/9/11/sami-activist-protests-in-front-of-norwegian-parliament-over-wind-turbines>.

¹⁷ "United Nations. 2007. 'United Nations Declaration on the Rights of Indigenous Peoples.' Accessed June 16, 2024. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2019/01/UNDRIP_E_web.pdf."

¹⁸ "International Labour Organization. 1989. 'C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169).' Accessed June 16, 2024. https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C169,/Document."

can be seen as a violation of these rights, as the wind farm project was implemented without the 'free, prior, and informed consent' of the Sami people.¹⁹

- UNDRIP: The UNDRIP was adopted by the United Nations General Assembly in 2007, emphasizing the rights of indigenous peoples to preserve and strengthen their own institutions, cultures, and traditions. It also declares their right to development in line with their needs and goals. Crucially, it mandates the free, prior, and informed consent of indigenous peoples before enacting or executing legislative or administrative measures that could affect them.

- ILO 169: The ILO's Indigenous and Tribal Peoples Convention was adopted in 1989 and also affirms the rights of indigenous peoples to participate in the decision-making processes that may affect their lives and territory. It requires governments to consult with Indigenous peoples and consider their perspectives when developing policies and projects.

As the Norwegian state did not meaningfully consult with/ and get consent from the Sami community before initiating the Fosen project, the farm project could be seen as a breach of the above-mentioned international principles. Therefore, after the inauguration of the farm in 2021, a mediation process between both parties started to find a solution in which both sides could agree.

The March 2024 Decision: The Sami People Compensation and Its Implications

As mentioned before, in March 2024, after three years of dialogue and mediation, a decision was reached to keep the Fosen wind farm operational while at the same time compensating the Sami people in three supplementary ways: a financial grant, provision of part of the energy production to the local community, and a new territory for reindeer herding.²⁰ This decision represents a compromise, but it also raises questions about its effectiveness in addressing the root causes of the conflict.

¹⁹ "United Nations. 2007. 'United Nations Declaration on the Rights of Indigenous Peoples.' Accessed June 16, 2024. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2019/01/UNDRIP_E_web.pdf."

²⁰ Angela Symons, "Norway Agrees to Compensate Indigenous People Over Land for Europe's Largest Onshore Wind Farm," Euronews, March 7, 2024, <https://www.euronews.com/green/2024/03/07/sami-activists-backed-by-greta-thunberg-reach-deal-to-save-reindeer-farming-from-giant-win>.

Financial Compensation

The fact that part of the decision was providing the Sami community with a financial compensation of annual €620,000 raises questions, both instrumental and ethical, about the consequences of accepting money as part of compensation for a violation of indigenous rights. Financial compensation, while providing immediate relief, may not always address the long-term cultural and economic implications of the wind farm on reindeer herding. Reindeer farming is strongly ingrained in the Sami economy and culture, serving as not only a source of income but also a strong cultural tradition. Therefore, one could argue that monetary compensation cannot fully replace the cultural loss experienced by the Sami community.

Energy Provision of Fosen Farm Project to the Local Community

Providing energy production is supposed to benefit the local community positively; however, it does not directly address the displacement and disruption of the reindeer caused by the wind farm. While it can foster better relations between the state and the Sami by sharing the benefits of the Fosen wind project, it does not automatically substitute the loss of traditional land and the impact on reindeer herding.

On the other hand, one could also argue that giving part of energy production to the local community shows how an energy project can contribute to the development of the local community, which includes the Sami people. However, the benefits of this energy provision have to be tangible and significant enough to be better than the negative impacts the farm has on Sami's traditional cultural practices.

New Territory to Practice Reindeer Herding for the Sami People

Maybe allocating new territory for reindeer herding is the most significant aspect of the compensation, as it tries to compensate *directly* the aspect of which most critique was based: reindeer herding. This should give the Sami people the opportunity to practice their culture by having new territory to herd. However, it remains to be seen whether this new territory is suitable for reindeer herding and whether Sami people actually have the autonomy to manage it by

themselves. The effectiveness of this measure depends on the quality and location of the land provided, as well as the Sami's ability to access and use it without being bothered by the Norwegian state.

Future Perspectives: Reparation or Continuous Oppression?

So far, the essay has focused on analyzing the historical relationship between the Sami people and the Norwegian state from the 15th century onwards. Furthermore, the case study of the Fosen wind project has been outlined, including the decision reached in March 2024. The essay will now turn to analyze whether the March 2024 decision represents a true reparation between the Sami and the Norwegian State or, rather, a continuous oppression of the Sami. To a certain extent, the effectiveness of the compensation measures will only be clear as time passes in the upcoming years. However, this essay will try to provide a first attempt at analyzing this case, providing the tools for future examination.

Reparation

Arguably, for the decision of March 2024 to signify progress toward reparation, it must lead to real improvements in the lives of the Sami people. Therefore, genuine progress in the relationship between the Sami people and the Norwegian state entails more than just a financial compensation; and therefore establishing a package including different measures has potential. One could argue that true progress also necessitates efforts to preserve and promote the Sami culture. In the case of the Fosen project, providing the Sami with new territory should help preserve part of their culture, the one related to reindeer herding. However, it is important to see whether this land is really viable for reindeer herding and to what extent the authority over the land will be in the hands of the Sami people. On top of this, it would be beneficial if an ongoing dialogue cooperation between the two takes place to address any potential future conflict, making sure that the Sami community feels heard.

Continuous Oppression

On the other hand, the compensation measures as decided on in March could also signify continuous oppression. Especially if the compensation measures are badly implemented, they can contribute to a cycle of oppression of the Sami people, as the violation of the rights will continue without any reparation. A poor implementation of the measures described in the decision would for example be if the financial compensation fails to address any negative long-term economic and cultural effects, being used for unproductive projects. Furthermore, if the energy production benefits do not translate into any tangible improvements for the Sami community and are misallocated to useless projects, it also becomes of little value. Finally, as stated before, when the territory that has been allocated to the Sami people for reindeer herding appears to be inadequate, then the compensation will also be insufficient.

Furthermore, if it becomes clear in the upcoming years that the Sami are not given a substantial role in managing the new territory, and other aspects of the compensation package, but rather are still dominated by the Norwegian state, this could lead to the further marginalization of the group. This would also not contribute to true reparation of the relationship between the two groups.

Broader Implications

Before moving to the conclusion of the essay, it is important to highlight the broader implications that this specific case has. The Fosen wind farm case will set a precedent for other projects worldwide in which similar projects can clash with the rights of Indigenous communities. Therefore, the decision made about the Fosen wind farm has repercussions not just in Norway, but worldwide. The interesting compensation package shows the possibility of balancing different options and seeing which ones are most effective in offsetting the violation of human rights.

This specific case-study also shows how states have to always manage different priorities and how possibly environmental goals can coincide with human rights and cultural preservation. As the world transitions to more renewable energy, it is even more crucial now to ensure that such projects do not come at the expense of indigenous rights.

Conclusion

The Fosen wind farm project in Norway has illuminated how states today have to balance economic and environmental sustainability with the protection of indigenous rights. After years of mediation between the Norwegian State and the Sami people, a decision was reached in March 2024, in which the Sami people are compensated by a grant, energy provision, and access to new land. This essay has tried to analyze whether this compensation package represents a step towards reparation or rather shows continuous oppression of Indigenous communities. It has done so by first examining the development of the relationship between the Norwegian State and the Sami people and afterward by establishing the tools to analyze and judge the March 2024 decision. As was made clear in the analysis, true reparation means that the compensation measures are correctly implemented in which the Sami people have adequate authority over the execution of the measures. Furthermore, as was argued, true reparation means compensation that reaches further than mere financial compensation. As the compensation package also provides new territory for reindeer herding and energy provision to the local community, this package has true potential. It remains to be seen in the upcoming years how useful the new land is for reindeer herding, and to what extent the grant is dedicated to projects that represent economic sustainability for the Sami community, and how much the Sami will benefit from the energy provision. For the above-mentioned reasons, although the compensation package shows potential to be a new and original way to compensate for human rights violations, it remains to be seen whether true oppression and marginalization of the Sami people has been put to an end.

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