

# Defining the Limitations and Opportunities in the Consultation with the Sámi: The Cases of the Arctic Railway and the Davvi Vindpark

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*The results of this study point to a number of limitations in the consultation with the Sámi, such as incomplete information, lack of transparency and the failure of governments to build relationships based on trust with the Sámi. The article discusses limitations and opportunities of consulting Indigenous peoples based on two cases, the Arctic Railway and Davvi Vindpark. It builds on the analysis of news articles from the Sámi unit of the Finnish national broadcasting company as well as “memory-work.” Additionally, the findings of this study seem to indicate that the limitations to consultation and participation of Indigenous peoples persist even after signing international agreements such as the ILO Convention No. 169. In the conclusions, we also point to some opportunities for consultation and greater participation found in the investigation.*

## Introduction

In this article, we discuss limitations and opportunities of consulting the Sámi in relation to the planning of the Arctic Railway and Davvi Vindpark, and the role of the Sámi media in relation to the consultation with the Sámi. The aim is to better understand the limitations and opportunities based on the two case studies. Additionally, we wish to explore the differences between Norway and Finland based on the fact that Norway has signed the ILO Convention No. 169. Finally, we discuss the role of the Sámi media in covering the consultation with the Sámi. The Arctic Railway is planned to be built from the city of Rovaniemi in Finland to the city of Kirkonjårga/Kirkenes in northern Norway. The construction of the Davvi Vindpark in northern Norway would require an area of 63 square kilometers and over 100 kilometers of service road networks.

The Arctic Railway would connect the Arctic regions to the Northeast Passage. Climate change causing the melting of continental ice is expected to open up new sea routes, which would shorten transportation from Asia to Europe by 40%. According to the original plans, Davvi Vindpark, with a total of 231 windmills, was planned to be built in the municipalities of Davvisiida/Lebesby

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and Deatnu/Tana in Finnmark, Norway. Due to local resistance, they also withdrew from Deatnu/Tana later.

The article draws on the concepts of “consultation” and “participation” of Indigenous peoples to examine how the consultation between Indigenous Sámi people, authorities and developers is actually realized, focusing on Finland and Norway. As previous studies on Indigenous journalism demonstrate, Indigenous media play an important role in reporting on matters important for the Sámi and acting as a watchdog.

The Sámi Parliaments of Finland and Norway are the highest representative bodies of the Sámi people with which authorities shall negotiate “in all far-reaching and important measures.” The Act on the Sámi Parliament of Finland (974/1995) and its provision 6 provide that “In matters pertaining to its tasks, the Sámi Parliament shall represent the Sámi in national and international connections.” It is a similar formulation in the Norwegian law on the Sámi parliament (1987: 56 § 2.1.) stating: “The business of the Sámi parliament is any matter that in the view of the parliament particularly affects the Sami people.” The Sámi parliament may on its own initiative raise and pronounce an opinion on any matter coming within the scope of its business. It may also, on its own initiative, refer matters to public authorities and private institutions, etc.

In 2005 the Sámi Parliament in Norway and the Norwegian Government (2005), agreed upon consultation procedures that apply to governments, ministries, directorates and other governmental bodies. The procedures are supposed to be followed in cases that could directly affect Sámi’s interests. In February 2021, the government proposed to include procedures for consultations with the Sámi Parliament in Norwegian law, as a section of the Law on the Sámi Parliament (Ministry of Local Government and Modernisation, 2021). The proposal was accepted by the Norwegian parliament in June 2021.

The investigation comprises three phases of research. First, it builds on the limitations and opportunities in the consultation with Indigenous peoples as described by Sara (2018). During the second phase, news articles about the Arctic Railway plan produced by Yle Sápmi were analyzed to map how seven types of limitations and seven types of opportunities in the consultation with the Sámi were reflected in the news articles. This resulted in a need to move to a third phase of research deepening the understanding of limitations and opportunities in the consultation with the Sámi by investigating the case of the Davvi Vindpark power plant in Norway. This led author Inker-Anni Sara to interview her colleague and co-author of the article, Associate Professor Torkel Rasmussen, about his observations based on his involvement in an association opposing the Davvi Vindpark project. The research design in the second phase of the research was guided by the following research questions:

RQ1:           What do the news articles and the memory work reveal about the limitations and opportunities concerning Indigenous consultation and the role of the Sámi media in informing the Sámi on the planning of the Arctic Railway and Davvi Vindpark?

Setting out to investigate RQ1 led us to ask more questions related to the consultation process and especially those aspects that were not necessarily covered by the news media. We followed up by reconstructing key aspects of a parallel consultation process with great importance for Sámi living in neighboring Norway. We expected to find better consultation procedures in Norway as Norway

has ratified ILO Convention No. 169, concerning Indigenous and Tribal Peoples in Independent Countries, which Finland on the contrary has not ratified.

RQ2: Did the fact that Norway has ratified the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, provide the Sámi in Norway with better opportunities for extended participation in the consultation than Sámi people in Finland?

## **Background of the study**

At its meeting on May 2021, the Council of Lapland returned the Northern Lapland regional land use plan including the Arctic Railway for re-preparation. The first indications about plans for an “Arctic Railway” came in 2012 when a Finnish-Norwegian working group recommended the construction of a railway from the city of Rovaniemi in Finland to the city of Kirkenes in Norway. In 2013, the Finnish Government launched Finland’s Arctic Strategy including the Arctic Railway plan intended to evaluate alternative routes for the railway. In 2017, the Regional Council of Lapland initiated the process of Lapland’s regional land use plan, including the railway project.

In March 2018, the Ministry of Transport and Communications of Finland announced the final route to be built from the city of Rovaniemi Finland to the city of Kirkenes in Norway. In May 2018, three separate Finnish-Norwegian working groups were established to clarify the preconditions for the Arctic Railway construction and e.g. its funding options, global impacts and the impacts on Sámi culture and reindeer herding.

In January 2019, the Finnish Norwegian working group concluded that the Arctic Railway project is not profitable. Still, the Regional Council of Lapland initiated hearings on the railway construction in the affected municipalities and voted for the inclusion of the Arctic Railway in the Lapland’ regional land use plan. Moreover, a well-known Finnish businessman continued to plan the Arctic Railway.

The planning of the Davvi Vindpark has been running since at least 2008, however, NRK Sápmi reported on it for the first time before Christmas in 2016. In 2018, Ságat Sámi newspaper revealed a secret plan between Grenselandet AS and municipalities. Some Sámi and Norwegian activists opposing the wind power plan organized the first meeting to resist the plan in 2019. Afterwards, this activist group established an association to oppose the Davvi Vinpark power plant, and allied for example with a Norwegian social movement “MotVind” which organizes resistance against Wind Power Plants and opposes wind power policy on a national level, arguing that it destroys nature and wildlife, and that Norway already produces enough electricity for its own consumption. Davvi Vinpark is planned to cover 78 square kilometers with 120 kilometers of new gravel roads. The Davvi Vindpark wind power plant would produce 6.3 times the amount of electricity as the infamous dam on the Alta-Guovdageaidnu River in Northern Norway.

## **Consultation and participation**

As consultation and participation are the key elements of ILO 169, governments concerned are required to initiate consultation of Indigenous peoples in order to achieve consensus in decision-making that may affect Indigenous communities. Consultation should ensure that the governments concerned shall negotiate “in good faith” with the affected Indigenous peoples (Handbook for ILO Tripartite Constituents, 2013: 6, 11-19).

To implement the land rights of Indigenous peoples, ILO 169 sets out four requirements for consultation: “a participation obligation, an extended consultation obligation, a benefit-sharing obligation and a compensation obligation” (Ravna, 2015). The UN Declaration on the Rights of Indigenous Peoples aims to protect Indigenous rights by seeking free, prior, and informed consent of Indigenous peoples whenever administrative or legislative measures are taken that may affect Indigenous communities (Anaya & Puig, 2017). In the Nordic countries, the consultation obligation is based on international law (Allard, 2018). For example, the International Covenant on Civil and Political Rights (ICCPR) guarantees the effective participation of the Sámi (Scheinin, 2000). Although the Constitution and other laws including the ILO Convention No. 169 protect the rights of the Sámi, earlier research reveals various shortcomings related to consultation with the Sámi, for example the lack of information and not starting consultation early enough to have an impact on the planning of a project (Sara, 2018).

### **Matters of land use**

Conflicts related to the planning of development projects often escalate due to a lack of information and create tension, as consultations are not initiated early enough with the affected communities (Sara, 2018). In the Nenets Autonomous Okrug, Russia, oil suppliers did not consult with the affected Reindeer Herding farm early enough (Meschtyp et al., 2005). The consultation of the First Nations in Northern Saskatchewan, Canada, on water governance lacked information, resulting in a lack of trust against the Canadian government (Lemoine & Patrick, 2014). In Bolivia, Latin America, those Indigenous groups who opposed other government projects were excluded from the consultation meetings on the reform of the forest legislation (Hirsh, 2017). A Norwegian study demonstrated that in environmental policy making on reindeer pastoralism power was unevenly distributed between the Ministry of Agriculture and Food and the Reindeer Herding Association of Norway (Ulvevadet & Hausner, 2011).

In the case of Stihken, in Västerbotten Sweden, the Sámi Reindeer Herding Cooperative was excluded from hearings related to wind power development (Lawrence, 2014). In the case of Storuman and Vilhelmina in Sweden, the negotiations with the forest industry were merely discussions for Sámi reindeer herders with no real influence on logging (Keskitalo et al., 2014). In Kvalsund and Guovdageaidnu in Norway, “vague legislation” and financial interests overcame the influence of the Sámi in the consultation related to the extractive industry (Nygaard, 2016). In Canada, the unclear division of roles and responsibilities between government and developers produced a lack of transparency since the government placed the consultation obligation on developers (Udofia et al., 2017).

### **The role of journalism and news media in fostering participation**

The role of the news media is considered important for the function of democracy, for example freedom of speech (Hanitzsch & Vos, 2018: 149). A free press is supposed to protect civil rights from abuse of power by informing citizens about the actions of political actors (Scammell & Semetko, 2018). Moreover, journalism is seen as a prerequisite for democracy enabling citizen participation in policy processes (Deuze & Witsche, 2018: 168). The role of the media in providing information may encourage people to exchange views and engage in public debate and policy-making (Konieczna & Powers, 2016: 14). However, “in a high choice media environment” some

may be more informed than others and have a better understanding of what effective participation is thus creating inequality in opportunities to affect policy making (Van Aelst et al., 2017: 19).

## Methods

This investigation employs the flexible approach of social exploratory research. According to Schutt, (2018), social exploratory research “seeks to find out how people get along in the setting under question... The goal is to learn ‘what is going on here?’” We started from earlier research on the limitations and opportunities in Indigenous consultation in a Sámi context (Sara, 2018). The second phase of the research was to take these types of limitations and opportunities as the starting point for investigating Yle Sápmi’s news coverage on the Arctic Railway plan in the period 2013-2020. We expected the investigation of the Finnish national broadcasting company to shed light on the role of the news media in relation to Indigenous consultation.

Still, we wanted to move beyond the media analysis to investigate consultation from the Sámi grassroots perspective. For this purpose, we selected the case of the Davvi Vindpark because news reports revealed that the developers had planned wind turbines in a Sámi area for eight years without involving the Sámi Parliament of Norway. Some Sámi were only involved when the Sámi media revealed that the plans existed.

We realized that the amount of news coverage was much smaller than in the case from Finland. This second phase led to new questions, which we explored through exploratory interviews with Associate Professor in Journalism Torkel Rasmussen. In accordance with Tuhiwai Smith (2007: 75) “the two activities of activism and research connect the visions, aspirations and needs of Indigenous communities.” Rasmussen was uniquely placed to reconstruct the history of Indigenous consultation and participation for several reasons. Firstly, Rasmussen is a first-hand source to the experiences of Sámi participants. Secondly, Rasmussen knew where to locate documents and archives to reconstruct the process in a way few outsiders could have achieved. Thirdly, as a researcher of media and journalism, Rasmussen could provide a unique inside account of the interaction of Indigenous participation and process, and media coverage.

The “memory-work” was done as a dialogue between Sara and Rasmussen, with Sara writing down the memories of Rasmussen as the discussion moved between memory and consultation of documents (Onyx & Small, 2001). Following established Indigenous research methodology, the knowledge holder (Torkel Rasmussen) is credited as co-author of this article. Rasmussen has additionally been an active contributor to the analysis and writing process. The questions posed in this phase led him to further interrogate archives, including digital archives, emails, Facebook and Messenger communication, meetings minutes and hearing statements to reconstruct the story of consultation and Indigenous participation (Larsen, 2021).

The analysis both in the second and third phases is based on thematic content analysis applying the limitations and opportunities for participation in the consultation with Indigenous peoples (Sara, 2018). The nine types of limitations are: 1) Consultations too late in the process; 2) Selective stakeholder participation; 3) The creation of long-standing relationships; 4) Lack of transparency of the procedures; 5) Lack of information for participants; 6) A shared understanding was missing; 7) Lacking free, prior, and informed consent and the right to say “no”; 8) Unclear roles and responsibilities; and 9) Traditional knowledge not considered legitimate. The five types of opportunities are: 1) Binding legislation; 2) Provisions for litigation and appeals; 3) Networking

and building long-standing mutually beneficial relationships; 4) Awareness of one's Indigenous rights; and 5) Traditional knowledge considered legitimate.

### **Analysis: Limitations and opportunities in the consultation with the Sámi**

The analysis of the research data on the planning of the Arctic Railway and Davvi Vindpark showed a lack of transparency and several shortcomings in the consultation with the Sámi in Finland and Norway during the process.

#### **Early consultations**

The research data addressed the initiation of consultation at an early stage in both cases. Despite the obligation to consult, the consultation of the Sámi on the planned Arctic Railway was not initiated well in advance. The planning process has been ongoing since at least 2013, and negotiations including several other actors have taken place over years. The Ministry of Transport and Communications of Finland negotiated for the first time with the Sámi Parliament of Finland, in January 2018. In addition to the lack of early consultations, Indigenous peoples are often not consulted at all. In the Nenets Autonomous Okrug, Russia, the Nenets reindeer herders were not engaged in the consultation related to oil shipping early enough (Meschtyp et al., 2005).

In the case of Davvi Vindpark, the consultation was not initiated at an early stage. The planning of Davvi Vindpark has lasted since 2008, but the Sámi Parliament of Norway has not been consulted so far. It took at least eight years for wind power developers to initiate negotiations with right holders such as reindeer herding districts and the landowner FeFo. Grenselandet AS did provide prior information to the Sámi Parliament of Norway regarding the permit application for the construction to be submitted to the Norwegian authorities. This application has been submitted but the process is on hold and a time limit for processing has not been set. Until 2021, the Sámi Parliament of Norway did not have an official role to play in the consultation on the planning of development projects under Norwegian law. It is important to study the coverage of the Sámi media regarding the consultation of the Sámi, since a free press is supposed to help uphold civil rights and protect against abuse of power by informing citizens about the actions of political leaders (Scammell & Semetko 2018). The role of the media and journalism is seen as a prerequisite for democracy facilitating citizen participation in policy processes (Deuze & Witsche 2018, 168).

#### **Selective stakeholder participation**

The research data indicated selective stakeholder participation. Much had happened in the planning in 2012–2018 and many other actors as the Finnish Government, ministers, other leading politicians, regional authorities, municipalities, and the business sectors of Finland and Norway were involved in it. The Finnish-Norwegian working group had recommended the construction of the Railway, Finland's Arctic strategy including the railway plan was launched, the different route options were explored and Lapland's regional land use plan was initiated. The Sámi Parliaments of Finland and Norway, the Sámi communities and the Reindeer Herding Cooperatives were excluded from the planning process for at least five years. When the final track for the railway was selected in March 2018, the Sámi Parliament of Finland was denied access.

The research data on the planning of Davvi Vindpark indicated selective stakeholder participation. The three owners of Grenselandet AS, St1, VindKraft Nord and Ny Energi have been planning

Davvi Vindpark since 2008. The Sámi Parliament of Norway has been consulted before the company started the impact assessment. The municipalities of Davvisiida/Lebesby, Poršangu/Porsanger and Deatnu/Tana, the four affected reindeer herding districts with usufruct and FeFo as the landowner have been involved in the negotiations. However, the Sámi Parliament of Norway and other Sámi communities have been excluded from the negotiations. The developers did a terrain survey in the area including the reindeer herding districts, municipalities, county municipality and county governor. Earlier research on Indigenous consultation also indicates selective stakeholder participation. Research from Bolivia reveals that some Indigenous groups have been excluded from the consultation on the Forest legislation reform (Hirsch, 2017).

### **The creation of long-standing relationships**

In the case of the Arctic Railway, the Government of Finland's actions lacked in creating long-lasting relationships with the Sámi Parliament of Finland, because the affected Sámi communities were not engaged in the consultation well in advance. The Sámi Parliament of Finland had to request negotiations several times. Previous research shows that the Norwegian government is not interested in establishing a long-standing relationship based on equality with the Sámi people. In Norway, environmental policy making regarding reindeer pastures reflected the unbalanced power relations between the parties (Ulvavedet & Hausner, 2011).

In the case of Davvi Vindpark, the actions of Grenselandet AS lacked in creating long-standing relationships with the Sámi Parliament of Norway. The developers excluded the Sámi Parliament of Norway from the consultation on the planning of the Davvi Vindpark project. Grenselandet AS contacted the Sámi Parliament and asked for a meeting with its political leadership. In its reply, the Sámi Parliament of Norway demanded that all Sámi right holders and stakeholders should be involved in negotiations. However, the developers never succeeded in organizing the meeting.

### **Transparency of the procedures**

According to the data, the consultation process on the Arctic Railway project lacked transparency. A lack of trust was created, when the Ministry of Transport and Communications of Finland stated that such a great railway plan would not be realistic to implement. However, only two months later the final route for the railway track was announced by the Ministry. A previous study demonstrates similar results from Finland: "The loose legal requirements for consultation and the lack of a substantive binding regulation" created a lack of transparency, because Metsähallitus did not determine the rules of negotiations in advance" (Raitio, 2012: 314).

The case of Davvi Vindpark reveals a lack of transparency as VindKraft Nord did invite three affected municipalities Lebesby, Porsanger and Tana to negotiations while the Sámi Parliament of Norway was denied access. Developers desired to keep the negotiations secret and none of the municipalities recorded VindKraft Nord's letter of invitation in the public diary. The result was that the media had difficulties receiving information both beforehand and after the meeting. However, Ságat Sámi newspaper was able to cover the secret negotiations the wind power developers wanted to conceal.

### **Lack of information**

The data about the planning of the Arctic Railway revealed how a lack of information was a problem during the follow-up investigations carried out by the Finnish-Norwegian working groups. A Sámi member of one working group claimed that the working group did not function well since the opinions of the Sámi were not reflected in the report. Moreover, the document translations were not available in a timely manner. Free and open news media is a cornerstone of democracy. The news media is expected to produce reliable information, and to cover a multiplicity of views (Hanitzsch & Vos, 2018: 148). Along the same lines, scholars as well as most news media adhere to the normative view that media should try to report on voices otherwise excluded from policy-making.

In the case of the Davvi Vindpark, the research data addressed lacking information. The developers did not begin to inform the Sámi right holders and stakeholders at an early stage. The planning of the wind park had been going on for years. Moreover, the developers had already decided to apply for permission from the authority to build the wind plant before contacting the various parties. Other studies regarding Indigenous consultation also highlight lack of information as a major hindrance. The case of water governance in Northern Saskatchewan, Canada showed that the lack of information led to a lack of trust against the Canadian government (Lemone & Patrick, 2014).

### **A shared understanding was missing**

The data demonstrated that a shared understanding of the consultation process related to the Arctic Railway project, between those promoting the railway and those resisting it, was missing. The Minister of the Transport and Communications of Finland stated that the ministry had negotiated with the Sámi Parliament as the law obligates. The Sámi Parliament claimed that the Sámi were not consulted early enough. In 2018, the Sámi Parliament of Finland claimed that the Sámi concerns such as the impact assessment remained unresolved in the follow-up investigations.

In the case of Davvi Vindpark, the Sámi perceptions of nature and the company's views are far apart. The developers have stated that the area is well suited for wind power because there are no people living there. The Sámi reindeer herders claim that the area is important for reindeer herding and some state that these mountains are sacred according to the Sámi world view. In the summer heat, when there are a lot of mosquitoes, the reindeer gets to cool off and rest in the high mountains. For the Sámi, areas more than 50 kilometers away from their homes, the sea, the forest, the river and the tundra are also important for fishing and hunting. Something that developers do not understand. Also earlier studies from Canada show that the First Nations, developers and governments concerned may have different approaches to what Indigenous participation is (Udofia et al., 2017).

### **Free, prior and informed consent and the right to say “no”**

The research data addressed if there was free, prior, and informed consent, and the right of the Sámi to say “no”. In 2018, when the final route for the Arctic Railway track was selected, some reindeer herders stated that the Sámi did not have an opportunity to influence this decision and had not the right to say “no”. In 2018, the ready-made maps on the Arctic Railway plan with different alternative route options were presented for the reindeer herders in negotiations on Lapland's regional land use plan. The herders were expected to choose the best route for the railway and evaluate its impacts on reindeer herding.

In the case of Davvi Vindpark, hearings organized in Sámi villages by Grenselandet AS and The Norwegian Water Resources and Energy Directorate (NVE) in 2019-2020 have been little more than meetings where the Sámi have been able to express their opinions without any influence on the planning process. Some Sámi state that the company has organized public hearings in order to be able to record the Sámi consultation in their reports. This looks good when authorities begin to process their application. Still, many Sámi do not feel that the developers have any intention of taking into account their views.

### **Unclear roles and responsibilities**

The research data on the Arctic Railway project demonstrate unclear roles and responsibilities between the Finnish government and the developers in relation to the consultation. In May 2019, a well-known Finnish businessman continued to plan the Arctic Railway construction. Unclear roles and responsibilities occurred when the Finnish government's obligation to consult with the Sámi Parliament was instead placed on the developers.

The research data on Davvi Vindpark demonstrated that until now the obligation to negotiate and consult with the Sámi has been on developers. Under Norwegian law, the authorities were not obliged to consult the Sámi Parliament of Norway before the company delivers a permit application to the Norwegian Water Resources and Energy Directorate (NVE). Unclear roles and responsibilities is a challenge in consulting the First Nations in Canada. The consultation of the First Nations demonstrated unclear roles and responsibilities because of the responsibility for consulting Indigenous people lay on the developers (Udofia et al., 2017).

### **Traditional Indigenous knowledge was not considered legitimate**

The research data on Davvi Vindpark demonstrated that the traditional knowledge of the Sámi is not considered legitimate by developers. Sámi perceptions about nature, the use of nature such as hunting, and the traditional knowledge of Sámi reindeer herders were not considered relevant by developers. Instead, the views of municipalities are highly valued. When one municipality (Deatnu/Tana) affected by the plan showed a negative view, the company withdrew. Another municipality (Davvisiida/Lebesby) has shown a more positive attitude against the project and the company has been frequently in contact with this municipality.

### **Opportunities for the realisation of consultations**

We identified many limitations. Still, some opportunities for Indigenous participation were found in the research data .

### **Protection by the existing legislation**

The existing legislation provided opportunities for the Sámi to be consulted in the planning of the Arctic Railway. The Ministry of Transport and Communications of Finland negotiated on the planned Arctic Railway with the Sámi Parliament in January 2018. Almost a year later, the Sámi Parliament of Finland requested negotiations on the shortcomings of the follow-up investigations. The same year, the Regional Council of Lapland negotiated with the affected Reindeer Herding Cooperatives on Lapland's regional land use plan and hearings were organized in the affected Sámi municipalities. Hence, the agenda setting power of the media lies in its ability to shape opinions, exchange ideas and by engaging people in public debate and policy-making societal change may occur (Konieczna & Powers, 2016: 14).

Norwegian law protects the rights of Sámi and provides opportunities for participation and consultation. However, in the case of Davvi Vindpark, the Sámi Parliament of Norway was not consulted until the Norwegian Water Resources and Energy Directorate (NVE) is considering the company's permit application to build a wind power plant. Earlier studies indicate that the existing legislation protecting the rights of Indigenous peoples provides more opportunities for participation than in cases where such legislation does not exist (Sara, 2018).

### **Litigation, appeals and traditional knowledge**

The research data on the Arctic Railway project demonstrates that litigation intensifies governments and developers' readiness to listen to Indigenous views. In 2019, the Board of Lapland's Regional Council decided to include the Arctic Railway plan in Lapland's regional land use plan and the Deputy Chair stated that no group has a complete veto power over this important project. This was followed by an appeal from the Sámi Parliament of Finland to the international courts about the disregard of the rights of the Sámi. Previous Nordic research shows that demonstrations helped Sámi protesters to achieve their goals. In Sweden, appeals to international courts by the Sámi speeded up the sharing of benefits and compensation (Lawrence, 2014).

### **Networking and building mutually beneficial relationships**

The research data on the planning of the Arctic Railway demonstrate that networking helped Sámi actors to achieve their goals. In autumn 2018, Greenpeace, Suohpanterror Sámi art group, the Sámi Youth Organization of Finland together with the Sámi Parliament of Finland and the Sámi communities organized peaceful Red Line "No consent, No access" demonstrations in the affected Sámi Villages claiming a halt to industrial development.

In the summer of 2018, the Sámi Music Festival Riddu Riddu in Gáivuotna, Norway organized a debate about the Arctic Railway. Also, the Saami Council invited all Sámi communities to a seminar to discuss the Arctic Railway plan and required the Ministry of Transport and Communications of Finland to negotiate with all Sámi organizations and communities.

The research data on the Davvi Vindpark showed that networking helped the Sámi to achieve their objectives and make the wind power plans public. Several Sámi activists together with the national "MotVind" movement against wind power with 20,000 members allied and mobilized a civic movement against Davvi Vindpark. This association has arranged public events and issued statements to the Norwegian government to oppose the Davvi Vindpark project. As an example, an outdoor gathering was arranged during the summer of 2020. Local land users, also reindeer herders, told how they would be affected alongside environmentalists and experts on flora and wildlife. Elsewhere in the world, Indigenous peoples have achieved positive outcomes through networking. By building mutually beneficial relationships with the oil industry, Nenets herders managed to receive compensations and economic assistance (Meschtyp et al., 2005).

### **Awareness of their Indigenous rights**

In relation to the planning of the Arctic Railway, Greenpeace and the affected Sámi communities launched a campaign to collect names to protect old-growth forests and reindeer herding. Some demanded that the rights of the Sámi should be respected. The Sámi Parliament of Norway has publicly opposed the construction of Davvi Vindpark. One member of the Sámi parliament's board, named the plan as "Outright stupidity". The Sámi parliament of Norway has demanded

that all Sámi right holders and stakeholders should be allowed to participate in the consultation and the planning process. In Sweden, awareness of their Indigenous rights provided Sámi with more opportunities for negotiations (Sara, 2018).

### **Traditional Indigenous knowledge was considered legitimate**

The research data on the Arctic Railway indicated that the traditional knowledge of Sámi reindeer herders was considered legitimate. The affected Reindeer Herding Cooperatives were expected to select one of the proposed routes for the railway track and to assess its impact on reindeer herding based on their traditional knowledge. In this way, the damage to reindeer herding was minimized.

### **Conclusions**

Although the Sámi in Finland and Norway have legal rights, the results of this study point to a number of limitations in the consultation with the Sámi, such as incomplete information, lack of transparency and the failure of governments to build relationships based on trust with the Sámi.

In relation to RQ1, we found that the 61 news articles did discuss limitations and opportunities in the consultation with the Sámi. The findings demonstrate that the news coverage highlighted aspects of the issues important to the Sámi in relation to consultation and participation.

We also wanted to see if the fact that Norway had signed the ILO Convention No. 169 meant that the Sámi in Norway benefitted from earlier and better consultation leading to greater participation than the Sámi in Finland (RQ2). However, the findings of this study seem to indicate that the limitations to consultation and participation of Indigenous peoples persist even after signing international agreements. The findings indicate that the limitations in the consultation were quite similar in the Norwegian and the Finnish cases.

The findings resonate with findings in previous studies (Sara, 2018) on Indigenous participation in consultation. Indigenous peoples worldwide face similar challenges when competing land uses threaten Indigenous communities. We found that consultation of the Sámi both on the planning of the Arctic Railway and Davvi Vindpark was initiated too late to have an effect on important processes. Further, we found that the Sámi Parliaments of both Finland and Norway were excluded when the final decision was made about the track of the railway. It is fair to call this a very *selective* stakeholder participation in the meaning that important stakeholders were not selected to participate. The government of Finland and Grenselandet AS were not creating long-standing relationships with the Sámi Parliaments of Finland and Norway. In both cases, a lack of information produced a lack of transparency in the consultation. The data also demonstrated that the parties involved did not have a shared understanding of what Indigenous participation is. In the Davvi Vindpark project, Sámi reindeer herders' traditional knowledge was considered illegitimate. Moreover, the consultations did not include free, prior and informed consent by the Sámi, and while negotiations took place, the Sámi did not in reality, have a right to say "no".

In addition to limitations, we also found some opportunities for consultation. The legislation at the time provided opportunities for consultation via networking and awareness of one's Indigenous rights. The traditional knowledge of Sámi herders was considered legitimate, but as the consultation merely focused on choosing between proposed routes its use still led to a poor outcome for the herders.

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