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# **REGION REPORT**

## **Green Colonialism in Sápmi**

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## Green Colonialism in Sápmi

### Policy Relevance Statement

This Region Report provides a comprehensive analysis of the legal rights of the Sámi as an Indigenous Peoples under (inter)national law and presents contemporary land use projects in Sápmi that threaten and undermine these rights in the name of Sweden, Finland and Norway's green transition.

**Keywords:** Indigenous Rights; Sámi; Free, Prior, and Informed Consent (FPIC); Green Colonialism; Just Transition

### Abstract

The report examines the ongoing violation of Sámi rights through the lens of 'green colonialism'. Case studies from Sweden, Finland, and Norway illustrate how renewable energy projects continue to advance in various regions of Sápmi without genuine FPIC, indicating weak implementation of legal reforms. It argues that a 'just transition' requires enforceable mechanisms to secure FPIC and comprehensive Indigenous participation.

### Referat

Rapporten analyserar de pågående kränkningarna av samernas rättigheter i ljuset av "grön kolonialism". Fallstudier från Sverige, Finland och Norge illustrerar hur projekt för förnybar energi fortskrider i olika regioner av Sápmi utan genuint FPIC, vilket visar på en svag implementering av juridiska reformer. Rapporten argumenterar för att en "rättvis omställning" kräver verkställbara mekanismer för att säkerställa FPIC, och omfattande deltagande av urfolken.

### Key Points

- As a recognised Indigenous peoples, the Sámi enjoy important legal protections under international, regional and national frameworks, including the rights to participation in public affairs and free, prior and informed consent (FPIC).
- Mining, energy, and infrastructure projects carried out within the context of the 'green transition' put lands traditionally occupied by the Sámi under considerable strain, often without adequate prior consultation with or consent from Sámi representatives.
- As highlighted by numerous UN human rights treaty bodies and illustrated by the case examples in the current report, national legislation and its implementation in Sweden, Finland and Norway does not effectively ensure FPIC and genuine Sámi participation to meet international human rights law standards, resulting in human rights violations of the Sámi.

## About the Authors

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### Disclaimer

The authors recognise that similar projects also occur on the Russian side of Sápmi, which fall outside the scope of this report. This report is written with reference to the Ethical Guidelines for Research involving the Sámi People in Finland. It presents a legal analysis, not policy recommendations on behalf of the authors (or EUNRO).



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## Introduction: Sámi as an Indigenous People under the Law

While no globally accepted definition of Indigenous peoples exists, the term generally refers to self-identified groups who constitute a minority in their national community, who have strong ties to particular traditional territories and pre-colonial and/or pre-settler populations. Furthermore, their social, cultural and economic conditions distinguish Indigenous peoples from other groups in the national community.<sup>1</sup> The Sámi are the only UN-recognised Indigenous peoples of Europe, with the Sámi territory, Sápmi, spanning across the northern parts of Norway, Sweden, Finland and Russia. Here, nine distinct Sámi languages are spoken, and Sámi traditional livelihoods are maintained, such as reindeer herding, fishing and hunting.

As a recognised Indigenous peoples, the Sámi enjoy protection under different legal and political frameworks on the national, regional and international levels. Sweden, Norway and Finland recognised the Sámi as an Indigenous peoples in 1977, 1988, and 1995, respectively. Each act recognised the unique status of the Sámi and highlighted their right to maintain and develop their language, culture, and way of life.<sup>2</sup>

Internationally, an initial layer of protection for the Sámi stems from the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of

which have been ratified by Sweden, Norway, and Finland.<sup>3</sup> Article 27 ICCPR is especially significant, affirming that ethnic, religious, or linguistic minorities “shall not be denied the right (...) to enjoy their own culture, to profess and practise their own religion, or to use their own language”.

When also interpreted in light of Article 1 ICCPR, on the right to self-determination, the HRC has highlighted the fundamental right of Indigenous peoples to “freely determine their political status and freely pursue their economic, social and cultural development.”<sup>4</sup> Complementarily, the ICESCR protects the rights to, inter alia, education, work, and participation in cultural life,<sup>5</sup> which have been invoked in relation to Sámi access to culturally appropriate education, language use, and control over natural resources.<sup>6</sup>

The subsequent adoption of the International Labour Organization (ILO)’s Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (ILO 169) in 1989, despite containing now outdated language, constitutes a milestone legal development for Indigenous rights. The Convention explicitly addresses Indigenous rights and outlines clear obligations for states, including the recognition of rights to lands traditionally occupied; to participate in the use, management, and conservation of the natural resources pertaining to those lands; the necessity of obtaining Indigenous peoples’ free, prior and informed consent (FPIC) in decisions affecting them; and the recognition of their right

to self-determination in internal matters.<sup>7</sup> While Norway ratified ILO 169 in 1990, Sweden and Finland have not followed suit, despite repeated calls from United Nations human rights treaty bodies and Sámi political institutions.<sup>8</sup>

Within the European context, the European Convention on Human Rights (ECHR) provides relevant protections, particularly regarding private life, property rights, and non-discrimination. Though the ECHR does not explicitly reference Indigenous peoples, the European Court of Human Rights has heard cases involving Sámi cultural and land-based rights, such as reindeer herding and language use, to limited success.<sup>9</sup> More direct protections are afforded by the Framework Convention for the Protection of National Minorities (FCNM), adopted by the Council of Europe in 1995. The FCNM obliges states to ensure the cultural, linguistic, and political rights of national minorities, including the right to participate in public affairs and to maintain their own institutions.<sup>10</sup> Sweden, Norway and Finland have all ratified the FCNM with compliance monitored through periodic reports.<sup>11</sup>

In 2007, the UN General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Although it is not legally binding, the Declaration reflects a broad international consensus on Indigenous rights and is increasingly used as an interpretative source for legal obligations under customary human rights law.<sup>12</sup>

UNDRIP affirms the rights of Indigenous peoples to, inter alia, self-determination, to own and control their lands, territories and resources, FPIC, and the maintenance of distinct political, legal, economic, social and cultural institutions.<sup>13</sup> While Sweden, Norway and Finland all endorsed UNDRIP and have referenced it in national and international forums, their actions and policies remain inconsistent or outright hostile to its implementation, particularly in areas such as land restitution and FPIC, as exemplified by the case examples in this report.

In this context, the Sámi Parliaments in each country serve as key institutions for implementing the right to Indigenous self-determination. Norway established its Sámi Parliament in 1989 under the Sámi Act of 1987. Arguably, it has the strongest and largest mandate of the three, with consultative authority on all legislative and administrative matters affecting the Sámi.<sup>14</sup> In 2005, Norway formalised consultation procedures between the government and the Norwegian Sámi Parliament, fulfilling part of its obligations under ILO 169 and providing a legal basis for Sámi input in state decisions.<sup>15</sup>

Sweden's Sámi Parliament was established under the Sámi Act in 1993. Importantly, the Swedish Sámi Parliament functions both as an elected political body and a government administrative authority under the Ministry of Culture.<sup>16</sup> This dual structure has been widely criticised for undermining the Sámi Parliament's independence

and limiting its political role.<sup>17</sup> Moreover, Sweden lacks formal legal consultation procedures comparable to those in Norway, leaving Sámi input largely dependent on discretionary government processes.<sup>18</sup>

Finland established its Sámi Parliament in 1996 under the Sámi Parliament Act. It is responsible for cultural and linguistic matters in Sápmi and has a statutory right to be consulted in issues affecting the Sámi.<sup>19</sup> However, as exemplified by the case examples of the current report, enforcement of this consultation obligation remains weak. Concentrated efforts to undermine Sámi self-determination by questioning voter eligibility criteria in the Finnish Sámi Parliament have also been made by various politicians and Finnish courts. These interventions have been strongly criticised by the UN Committee on the Elimination of Racial Discrimination (CERD) and the HRC as violations of the Sámi right to collective self-identification and political participation.<sup>20</sup> Following decades of tireless work by the Sámi Parliament and Sámi civil society, the criteria were removed from the Sámi Parliament Act through a June 2025 amendment.<sup>21</sup>

The three Sámi Parliaments collaborate closely through the Sámi Parliamentary Council, established in 2000.<sup>22</sup> Additionally, nine national Sámi associations cooperate within the Saami Council, a non-governmental organisation aimed at promoting Sámi rights and interests. Statements, declarations, and political programmes are adopted.<sup>23</sup>

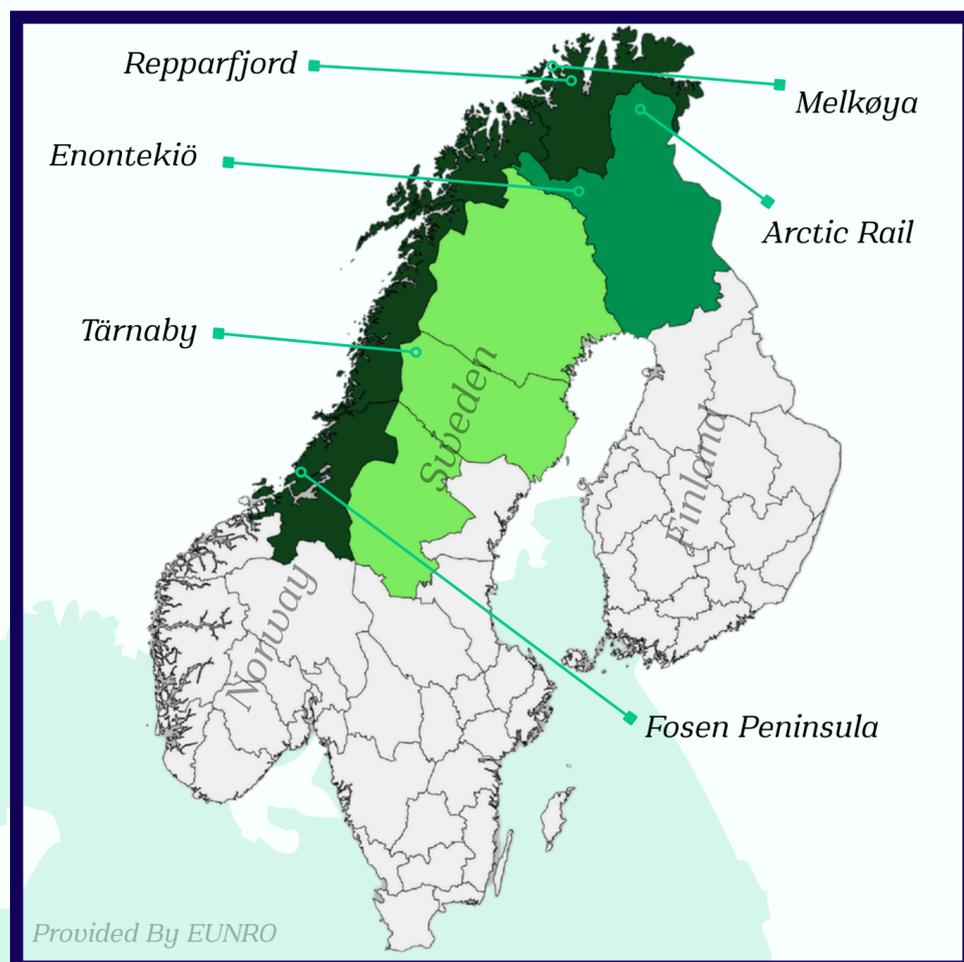
## Green Colonialism & Free, Prior and Informed Consent

Although the Sámi enjoy recognised rights regarding activities occurring on their land, external parties still frequently fail to obtain mutual consent for even the potential “just” use of Sámi land. The rising pressure for states and businesses to uphold their climate goals, in particular, has increased interest in the area, known for its potential for mineral resource extraction. Sápmi has since then been viewed as an opportunity to fulfil green energy transition goals, or rather, execute a form of ‘re-industrialisation process’, simultaneously benefiting states’ industrialisation objectives and boosting their economy through green technology.<sup>25</sup> This process is originally based on the European Commission’s 2019 growth strategy, ‘the European Green Deal’, more commonly known as ‘green transition’.

A recurring theme seems to be that states and businesses have failed to consult and receive FPIC of Indigenous peoples in several of their attempts to execute these ‘green transition’ projects, which also risk reinforcing existing power imbalances. In this context, FPIC refers to Indigenous peoples having inherent and prior right to their lands and waters, resources, and traditional livelihoods, as well as to impact projects and policies that may affect these. They must have access to all relevant information, in the language used by their specific community, and a ‘real choice’ to approve and reject a

project or policy according to widespread consent in their community. For instance, a form of community development arrangement called ‘Impacts and Benefits Agreement’ has previously been used in Canada and Australia as a mechanism to formalise the negotiations between companies and Indigenous peoples.<sup>26</sup> Without FPIC, states and businesses instead perpetuate ‘green colonialism’, a term used by human rights activists to describe the continued exploitation of Sámi land without their consent, now under the guise of climate mitigation.<sup>27</sup>

To address green colonialism, the all-encompassing nature of Indigenous cultures is crucial to mention. Kipuri describes it as a ‘holistic and comprehensive way to view the natural world’, containing ‘lands and languages, spirituality, social institutions and traditional knowledge’ as one interconnected system.<sup>28</sup> This is important as the green colonialism experienced in Sápmi demonstrates how disregard for this fundamental element of the Indigenous cultures has led to Sámi communities losing access to land and resources, all in the Nordic countries’ efforts to boost the production of renewable energy and critical raw materials, according to European Commission’s 2020 list,<sup>29</sup> needed for their transition to ‘greener’ economies.<sup>30</sup> By presenting development projects in different parts of Sápmi, the following section illustrates how the green transition adversely affects the Sámi and perpetuates green colonialism in the absence of their FPIC. Figure 1 visualises the following cases.



**Figure 1.** Location of case studies within Sápmi

### Case example: Sweden

In Sweden, mining permit processes have been at the centre of the green colonialism discourse. Several such mining projects in Sápmi have resulted in protracted and highly publicised disputes over land rights and a lack of Sámi participation and influence over the mining permit processes. The Rönnbäcken nickel mine near Tärnaby, in Storuman municipality, constitutes an important example.<sup>31</sup> Between 2005 and 2011, Sweden granted eight exploration permits in the Björkvattdalen area. The deposit is embedded in the Vapsten reindeer herding district, and the area has been described as an area of particular importance and significance for Sámi culture in Sweden.<sup>32</sup> Despite Sámi representatives expressing serious concerns over the project’s adverse impacts on lands crucial for reindeer pasture, fishing and hunting, as well as sacred sites, the exploration

permits were granted, and subsequent appeals were rejected by the Swedish Supreme Administrative Court.<sup>33</sup> In 2013, CERD found that the lack of prior consultation with the affected Sámi communities constituted a breach of their right to property, and urged Sweden to revise the mining concessions after FPIC consultations, and to bring legislation in line with international human rights standards.<sup>34</sup>

As of January 2025, no action had been taken by the Swedish state in order to comply with these recommendations.<sup>35</sup> Similarly, in 2022 Sweden granted exploitation permits for the Gállok iron ore deposit, despite strong opposition from Sámi communities and environmental organisations. The planned mine is located close to both the Jåhkågasska tjiellde and Sirges reindeer herding districts, as well as the Laponia World Heritage site. Sámi representatives, environmental NGOs, and UN mechanisms had warned that the mine would sever critical migration routes and cause irreversible damage to central winter pastures, threatening the survival of reindeer husbandry in the area.

In a prior joint communication to the Swedish Government, the Special Rapporteur on the rights of Indigenous peoples and the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment had expressed their concern over the lack of good-faith consultations and failure to obtain FPIC, and urged Sweden not to grant the permits.<sup>36</sup>

In June 2024, following a request for appeal from the affected reindeer herding districts, the Swedish Supreme Administrative Court ruled to uphold the exploration permits, effectively affirming that national economic interests in minerals required for the green transition could outweigh the asserted harms to culture and grazing as well as the self-determination of Indigenous peoples, provided mitigation conditions and later permitting stages address environmental impacts.<sup>37</sup>

In 2022, following significant criticism from various UN monitoring mechanisms, Sweden adopted the Sámi Consultation Act.<sup>38</sup> Aimed at ensuring FPIC, the Act obliges government agencies to consult Sámi representatives in matters of “particular significance” to the Sámi, including exploitation concessions. In their 2024 review of Sweden, ICESCR recognised the adoption of the Act as a positive development but expressed concern over the lack of effective guarantees that FPIC is ensured in practice. ICESCR also highlighted Sweden’s failure to adequately consider the adverse impact that mining in the context of the “green transition” has on the Sámi.<sup>39</sup> Furthermore, the Act has several shortcomings; it does not extend veto rights to Sámi representatives, lacks formal procedural requirements, as well as guidance on which situations give rise to the obligation to consult. Implementation of the act remains inconsistent. In its reports to various UN monitoring mechanisms, the Swedish Institute for Human Rights has consistently highlighted these shortcomings, calling for

continued pressure to reinforce the legal protection of FPIC.<sup>40</sup>

## Case example: Finland

When assessing the central legal gaps in the Finnish legislation regarding green colonialism in Sápmi, the ongoing mining and railway projects, together with land use for Finnish defence training, can be raised as significant recent cases. The Mining Act (621/2011), one of Finland's most significant laws concerning mineral exploration and mining permits, lies at the core of the discussion of the legal disputes in the mining projects in Sápmi.<sup>41</sup> These activities are mainly situated in the Enontekiö region in Sápmi.<sup>42</sup> In June 2023, the Act was amended to better enable various Finnish 'green energy transition' activities, and to "reduce the harm experienced by area residents".<sup>43</sup>

According to the Saami Council's 2025 report on green colonialism, the Finnish legal framework still specifically lacks safeguards obligating decision-makers to inform the Sámi communities about all land-use decisions, particularly first-stage mineral exploration permit processes.<sup>44</sup> This was previously witnessed in 2020, when a Dutch-owned mineral exploration company, Akkerman Finland Oy, attempted to enter the municipality of Enontekiö without providing prior information to the reindeer herding districts in the area.<sup>45</sup> The company later received a mineral exploration permit for the project in the Hietakero area from the Finnish Safety and Chemicals Agency, Tukes, while the

Finnish Sámi Parliament's appeal was dismissed by the District Administrative Court of Northern Finland. Against the principle of FPIC, Tukes did not inform the affected community in North Sámi.<sup>46</sup> It has since also been unclear whether the granted Sámi influence on the negotiation and cooperation procedures in the recent green transition mining cases truly offers them equal opportunity to impact the outcome of the negotiations or to entirely withhold their consent.

In 2021-2022, similar appeals regarding the Lätäseno exploration permit and Ruossakero mining project were once again dismissed.<sup>47</sup> Later in 2022, all cases were appealed by the Käsivarsi reindeer herding cooperative and the Sámi Parliament of Finland, ultimately leading to the UN human rights committees ICESCR and CRC's decisions that Finland had violated their rights by granting the permits "without an impact assessment or an adequate participation process."<sup>48</sup>

The effects of the green transition mining projects on Sámi traditional livelihoods and culture, simultaneously considering the unique and delicate nature in Käsivarsi, are critical. This rare area in Sápmi allows a distinctive year-round *siida* system, an element of traditional Sámi reindeer herding.<sup>49</sup> The mining exploration activities directly impact traditional reindeer husbandry, disturbing the reindeer and destroying their grazing area.<sup>50</sup>

Another example of a land-use dispute concerning unobtained FPIC is

Finland's Arctic railroad project, crossing traditional Sápmi lands, an existential threat to the traditional livelihoods and culture of the Skolt Sámi. This was due to criticism raised by both the Sámi Parliament of Finland and the local reindeer herders.<sup>51</sup> Comparably, the recent increase in military land use for joint Arctic warfare exercises with NATO forces has intensified the atmosphere in Sápmi, specifically the communities near the Russian border. These military defence training operations should require extensive consultations with the Indigenous communities,<sup>52</sup> which have not been conducted in accordance with Article 30 UNDRIP regarding military activities within the lands of Indigenous peoples.<sup>53</sup>

## Case example: Norway

Although Norway's national legal framework – particularly Chapter 4 of the Sámi Act – appears progressive in recognising Sámi rights and consultation duties, Norway consistently fails to implement these provisions effectively. In practice, it often neglects even minimum consultation requirements, let alone FPIC. Norway's commitment to a green transition frequently overrides Sámi rights, as demonstrated by the three projects outlined below.

The first project involves Roan and Storheia wind farms on the Fosen peninsula, which are located within the Fosen Njaarke reindeer herding district, an area used by South and North Fosen reindeer herders.<sup>54</sup> In 2010, the Norwegian Water Resources and Energy

Directorate granted licenses for the developments, but Sámi reindeer herders appealed in 2013, arguing the construction violated their right to enjoy their culture, including traditional reindeer herding under Article 27 ICCPR.<sup>55</sup>

Their claim was rejected, and despite the matter being taken to Court, the construction of the wind farms was allowed to proceed.<sup>56</sup> In 2021, the Supreme Court of Norway unanimously found that the wind power development would have “a substantive negative effect on the reindeer herders' possibility to enjoy their own culture on Fosen”, amounting to a violation of Article 27 in the absence of satisfactory remedying measures, rendering the construction license invalid.<sup>57</sup> The Court referenced decisions from the HRC and its own earlier case law, stressing that consultation is essential for assessing possible Article 27 violations,<sup>58</sup> but also that “if the consequences of the interference are sufficiently serious, consultation does not prevent violation.”<sup>59</sup> However, the Court did not specify how authorities should remedy the violation or prevent its recurrence, leaving ongoing human rights violations unresolved<sup>60</sup> and leading to extensive protests by Sámi activists.<sup>61</sup> Meanwhile, between the ruling and 2024, the wind farms generated over a billion NOK (€86m) in revenue,<sup>62</sup> and though mediation led to agreements between the herders and companies in 2023<sup>63</sup> and 2024,<sup>64</sup> replacement grazing areas have not yet been identified, and remedial action remains incomplete. The government has until

2027 to fulfil this commitment.<sup>65</sup> The Supreme Court ruling has not, however, discouraged foreign companies from pursuing new wind installations in Fosen.<sup>66</sup> Companies with such endeavours include the likes of Nordic Wind,<sup>67</sup> with its investors<sup>68</sup> funding and providing services to illegal Israeli settlements in Palestine.<sup>69</sup>

The second case involves copper mining in Repparfjord, Finnmark – a small fjord vital for local fisheries and Sámi reindeer herding. In February 2019, the Ministry of Trade, Industry and Fisheries granted Nussir a copper mining licence.<sup>70</sup> The planned operations, including infrastructure development targeted Sámi grazing lands and waters, threatening traditional reindeer husbandry and Sámi traditional livelihoods.<sup>71</sup> Environmental groups warned that mining would annually produce millions of tonnes of heavy metal-laden sludge, with Nussir granted permission to deposit this waste underwater in the national salmon fjord.<sup>72,73</sup> The levels of toxic metals would far exceed legal limits, posing an acute risk to marine life and jeopardising fish stocks and fisheries, including those relied on by the Sámi.<sup>74</sup>

The Norwegian Sámi Parliament immediately appealed the licence but was rejected.<sup>75</sup> As of summer 2025, construction had stalled until Blue Moon Metals acquired Nussir,<sup>76</sup> prompting renewed blasting work. This move triggered blockades by environmental and Sámi activists.<sup>77</sup> According to Sámi Parliament President Silje Karine Muotka, the mine still lacks agreements

with local landowners and principal rightsholders – mainly Sámi reindeer herders – risking a violation of Article 27 ICCPR.<sup>78</sup> In August 2025, a Fiettar reindeer herding district requested an immediate halt to mining, citing the lack of agreement or advance access authorisation.<sup>79</sup> A decision is pending as of writing.

The third case involves the electrification of the Melkøya gas plant, which processes natural gas from the Snøhvit field via a 143-kilometre pipeline. The plant cools and compresses the gas into liquid form for export, but currently relies on gas turbines that emit about 900,000 tonnes of CO<sub>2</sub> annually, around 2% of Norway's annual national CO<sub>2</sub> emissions.<sup>80</sup> As part of the Norwegian government's efforts to reduce its greenhouse emissions, the Norwegian government approved transitioning the plant to renewable power from the grid by 2030.<sup>81</sup> This shift requires new power production to prevent grid shortages in Finnmark.<sup>82</sup>

In 2024, the Sámi Parliament took a historic legal action against the government, arguing that the impact on reindeer herding was insufficiently studied and the reindeer herding districts were not given the opportunity for FPIC.<sup>83</sup> In July 2025, the Oslo District Court ruled in favour of the government, stating that the potential future consequences of the electrification do not trigger a duty to consult under the Sámi Act or international law, writing: *“future development must (...) be considered a possible indirect consequence of the decision. This does not trigger a duty to*

*consult under Chapter 4 of the Sámi Act or Norway's obligations under international law.*<sup>84</sup>

The Sámi Parliament strongly opposed the ruling, saying it weakens legal protections for Sámi rights under the Sámi Act, the Constitution, ILO Convention No. 169, and Article 27 ICCPR,<sup>85</sup> and has since decided to appeal the decision.<sup>86</sup>

## Moving towards a 'just' transition

Despite the existence of a legal framework for Sámi Indigenous rights, as exemplified by these cases, they are routinely violated in legislation, administration, and the courts. The 2025 joint report by the Saami Council and Amnesty International on green colonialism in Sápmi provides wide-ranging recommendations for Sweden, Finland, and Norway. The report urges these governments to uphold their international obligations, enact national laws that guarantee genuine FPIC for energy projects affecting Sámi communities, and recognise FPIC as essential to a just energy transition.<sup>87</sup>

Beyond states' responsibility to ensure FPIC for all land use projects, multinational corporations operating in Sápmi must also engage in meaningful consultation and secure FPIC before any development begins and respect the denial of FPIC. Where clear international legal requirements for corporate responsibility are lacking, states must ensure that companies consult and respect Sámi rights and Sámi self-determination. Without strong laws, effective implementation, and judicial enforcement, the so-called

'just transition' will remain anything but just from the Sámi perspective.

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