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**Land-use conflicts between reindeer husbandry and mineral extraction in Finnmark, Norway: Contested rationalities and the politics of belonging**

The article compares decision-making on two mining projects in Sámi reindeer pastures: the *Nussir* and *Biedjovággi* initiatives in northern Norway. Key actors are reindeer pastoralists, mining companies, local politicians and the state. Based on interviews, government documents, media debates and observations of meetings between the actors, the study examines the actors' claim to land and rationalities used in political decision-making. The case comparison shows that the actor groups used similar reasoning for claiming land. The mining companies argued that mining responded to local, national and global objectives and win-win opportunities of coexistence. The pastoralists referred to their customary rights to pastures and mining as a threat to their livelihoods. In the *Nussir* case, the politicians approved the project based on environmental assessments, public hearings and the wellbeing of society. Their assumption was that conflicting interests could be solved through dialogue. However, the decision-making process ignored the contested rationalities and power relations in land-use conflict. In the *Biedjovággi* case, local politicians rejected the initiative at an early stage. Here, the mining proposal initiated a debate about identity and ethics. In both cases, politics of belonging influenced the public recognition of the pastoralists' claim to land.

Keywords: belonging, land-use conflicts, rationality, reindeer husbandry, Sámi

**Introduction**

There is a state objective to develop mineral-based industries in Norway. From 2010 to 2014, the state allocated approximately 12 million USD to map the mineral

resources of the northern part of the country.<sup>1</sup> Estimates indicate that the profitable mineral resources of Norway amounts to 160 million USD, with the greatest potential in the north (UD 2013). The largest known copper deposits in Norway are *Nussir* on the coast of Kvalsund municipality and the copper-gold mineralization of *Biedjovággi* in Kautokeino and Nordreisa municipalities in the interior of Finnmark (Figure 1) (NGU 2015).<sup>2</sup>

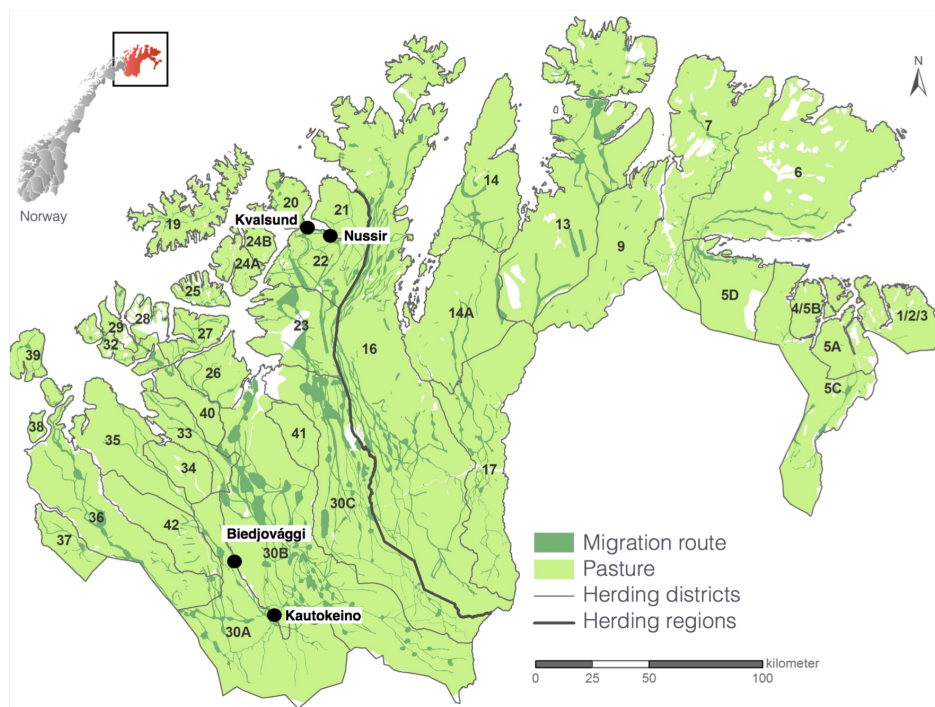


Figure 1. Map of West and East Finnmark Reindeer Herding Regions. Black dots indicate the towns of Kvalsund and Kautokeino and the Nussir and Biedjovággi sites. The numbers indicate herding districts. Numbers 20, 22 and 34 are the summer districts of Fálá, Fielttar and Ábborašša, respectively. Base map: SSB 2011.

<sup>1</sup> Exchange rate 9 December 2015

<sup>2</sup> In this article, *Nussir* refers to a mining project in Nussir and Ulveryggen mountains.

The government regards mineral extraction as a way to provide economic growth in local communities in northern Norway. However, it also poses a challenge to Sámi reindeer husbandry. Thus, recent initiatives to reopen the *Nussir* and *Biedjovággi* sites in Finnmark have been resisted by the pastoral users of the land. The pastoralists argue that the planned extraction activities will take place on pastures to which they have customary rights and that the mining will threaten their livelihoods. The counter-argument of the developers and their supporters is that there is a local need for jobs and economic development. They also argue that mining is not a new activity in these two sites, and that coexistence between mineral extraction and pastoralism is possible.

At first glance, the *Nussir* and *Biedjovággi* mining projects resemble each other. Both mining sites lie within reindeer calving areas and overlap reindeer migration routes. The planned infrastructure and extraction activities affect several herding communities. The two land-use conflicts differ in regard to how they were addressed in the municipal decision-making. The politicians in Kvalsund approved *Nussir* based on environmental impact assessments and the comments received during a formal consultation process.<sup>3</sup> Kvalsund politicians followed a procedural rationality for planning and decision-making and emphasized the economic growth of Kvalsund municipality. The *Biedjovággi* project, on the other hand, was at an early stage rejected. While the authorities in Nordreisa unanimously adopted the proposal, the Kautokeino Municipal Council rejected it before its impacts were assessed. Here,

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<sup>3</sup> Requirements for environmental impact assessments are regulated by the Mineral Act (KMD 2014b). The *Nussir* project is a private proposal and therefore Nussir ASA commissioned and paid for the project plans and impact assessments. The company invited the pastoralist communities to suggest experts who conducted the impact assessment for reindeer husbandry.

*Biedjovággi* triggered a political debate about identity, rights to land and ethics and the politicians followed a value-based approach in decision-making. In both Kautokeino and Kvalsund, notions of belonging were part of the politicians' response to the pastoralists' claim to land. However, while the politicians in Kautokeino regarded reindeer husbandry as part of the municipality's identity, authorities in Kvalsund addressed the herders as outsiders jeopardizing economic development and job opportunities for the 'proper' Kvalsund population (ABC nyheter 2010; Kommunal rapport 2015).

Due to conflicting land-use interests, *Nussir* and *Biedjovággi* are amongst the most heavily disputed mining projects in Norway. A number of actors are engaged in each of the cases, but this article focuses mainly on four sets of actors: reindeer herding communities, mining companies, local politicians and the state. In order to get a better understanding of the *Nussir* and *Biedjovággi* land-use conflicts, I search beyond the here-and-now struggles of some few square-kilometre of land (Turner 2004). Inspired by political ecology, the article examines actors' struggle over resources, but also conflicting interest and values and struggles over meanings (see Benjaminsen and Robbins 2015). The key questions addressed are: 1) What is the material basis of the land-use conflicts? 2) What are the moral claims to land presented by pastoral communities and mining companies? 3) How are these claims addressed in the political decision-making?

The analysis is based on frameworks for rationality in planning and decision-making (Flyvbjerg 1998; Watson 2003; Richardson 2005; Gezelius and Refsgaard 2007) and the politics of belonging (Yuval-Davis 2006). The study displays the actors' interests and the narratives they use to legitimize these – both concerns commonly addressed in political ecology research (Benjaminsen and Svarstad 2010;

Robbins 2012; Benjaminsen and Robbins 2015). Comparing two cases help contrast a diversity in both the actors' rationalities and concepts of belonging.

The study is based on a combination of first hand accounts of the actors and published material. The latter includes company and government documents, municipal council protocols, press releases, and TV documentaries. Through printed and live press coverage, I followed the local and national political debates concerning the mining proposals. I made field visits to both mining sites and made observations at two seminars (*Extractive industries and indigenous peoples* in Tromsø September 2012 and the official inspection to Kvalsund by the State Secretary of the Ministry of Environment March 2013). I had conversations with the Mayor of Kvalsund and the CEO of Nussir ASA in July 2012. Further, I interviewed and had informal conversations with members of pastoral communities in West Finnmark during 2012–2015, as well as studied their written accounts concerning the mining proposals. When reviewing the data set, I still felt that my database for framing the pastoralists presentation was weak and therefore I conducted additional in-depth interviews in March 2015 with one key informants from each of the two herding communities that are the most affected by the planned mines; i.e. *Fiettar* and *Ábborašša*. The interviews were conducted in Norwegian, recorded, and transcribed. All quotes from Norwegian sources have been translated by me. The study is based on grounded theory with an open coding of the data collected.<sup>4</sup> During the data analysis, 'rationality' and 'belonging' emerged as useful categories to conceptualize the actors' accounts and the perspectives that inform their reasoning.

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<sup>4</sup> An epistemological approach in qualitative studies that provides a strategy for developing theories grounded in empirical knowledge and induction (Svarstad 2010).

The article starts by presenting reindeer husbandry in West-Finnmark and national and international laws that protect indigenous rights in Norway. Then, it presents national planning policies relevant for mining projects before it engages in the actors' claims to land, rationalities for decision-making and the politics of belonging in the two cases.

### **Sámi reindeer husbandry and rights to land**

Sámi reindeer pastoralism in Norway dates back to at least the seventeenth century, and some argue that it emerged already in the Viking age (AD 800–1000) (Bjørklund 2013a). According to national law, only people of Sámi decent may own reindeer, with the exception of a few concession areas in the southern parts of the country. Finnmark, the northernmost county, is the largest pastoral region both in terms of reindeer stocks and number of pastoralists (Reindrifftsforvaltningen 2014). Approximately 73% of the semi-domesticated reindeer is found here and more or less the entire county is defined as reindeer herding area. Reindeer depends on access to large and undisturbed grazing areas. In West Finnmark, where *Nussir* and *Biedjovággi* are located, the majority of the pastoralist migrates across a number of municipalities between the winter pastures in the interior south and the spring, summer and autumn pastures closer to the coastal area in the north (Figure 1). A vast majority of the pastoralists have their primary homes in Kautokeino municipality. This is where they vote for local government, pay taxes, and where their children attend school. However, many herders also spend a considerable amount of time in secondary homes closer to the summer pasture.

Reindeer husbandry is under the tutelage of the Ministry of Agriculture and Food (LMD) and governed by the national Reindeer Husbandry Board through the

2007 Reindeer Husbandry Act. Reindeer husbandry is divided into six administrative regions, administered by the County Governors since the beginning of 2014, while previously six regional boards governed the regions. The main objective of the 2007 Act is to ensure sustainable reindeer husbandry. The Act does not fully regulate the rights of Sámi pastoralism; Sámi collective and individual rights to land are acquired through prolonged use of land and water areas (MD 2009). The Norwegian Constitution §108 states that: 'The authorities of the state shall create conditions enabling the Sámi people to preserve and develop its language, culture and way of life'. Further, international law protects the rights of the Sámi. The 1966 UN Convention on Civil and Political Rights, Article 27 provides the Sámi the right to practise their own culture, religion and language. And the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (ratified by Norway as the first country in 1990) commits states to recognize and protect the Sámi rights of ownership and possession over the lands they traditionally occupy, or have had access to.

The material basis for the Sámi pastoralists' culture and livelihoods is access to seasonal pastures, but despite the conventions, it is unclear what to what extent customary land-use is protected against encroachment (Einarsbøl 2005; Bjørklund 2013b). According to Ravna (2015), the legal protection of Sámi rights to natural resources and lands in Norway is not adequate. Reindeer herders all over the country face increasing pressure from infrastructure development on their pastures; e.g. from military activities, snow-mobile tourism, agriculture, wind and hydropower, development of new areas for recreational homes, and mineral exploration and mining. According to the Committee on the Elimination of Racial Discrimination, national legislation does 'not provide sufficient safeguards regarding the obligation to

consult the Sámi, in particular the rights to free, prior and informed consent, for all projects ... that have an impact on their livelihood' (CERD 2015). In 2008, the state established the Finnmark Commission to investigate individual and collective rights of the people of the county (Sámi and non-Sámi) to land and water. However, the investigations are slow and the study has so far examined four areas (Skogvang 2014). And, the Commission has yet to recognize actual land and water areas to which Sámi have acquired use or ownership rights (Ravna 2015).

### **Mineral policies, participation and coexistence**

In November 2011, the Government published their visions and strategies for the High North where it identified development of the mineral sector as a main priority. It stressed the need to strengthen the basis for employment and economic activity in the north, but also recognized that value creation in the High North 'must be done in a way that takes account of the environment, climate and interests of indigenous peoples' (UD 2011, p. 14).

In March 2013, the Government followed up by publishing its *Strategy for the Mineral Industry*. The strategy acknowledges that mining could involve challenges to the environment, Sámi culture and reindeer husbandry and thus, it suggests to find 'solutions for coexistence based on good dialogue and a shared understanding of the challenges to be met' (NHD 2013, p. 12). However, further description of what the concept of *coexistence* means in terms of mineral extraction is not provided (Bjørklund forthcoming). Section 6 of the 2009 Mineral Act states that mining shall be applied in accordance with international law concerning indigenous peoples and minorities. Of especial interest here is ILO Convention No. 169, Article 15, which gives states the obligation to consult, share benefits and compensate indigenous communities (Ravna 2015). The agreed *Procedures for Consultations between the*



*State Authorities and Sámi Parliament* is a follow-up of the ILO 169 and obligates state authorities (and municipalities) to consult with herding communities prior to decision-making that might affect pastoralism (AID 2006).

Prior to extraction, a mining company needs a concession in accordance with the Mineral Act, an approved zoning plan (according to the 2008 Planning and Building Act), and a discharge permit (according to the Pollution Control Act).<sup>5</sup> Potential land-use conflicts related to a new, expanded or reopened mine are addressed during the development of a zoning plan (NFD et al. 2014). The Planning and Building Act formalizes how and when reindeer herders and other interest groups can engage in formal dialogue with the municipality and developer, and it emphasizes 'transparency, predictability and participation' as 'basic democratic and judicial principles' in planning and decision-making' (MD 2011, p. 15). Municipalities are the planning authority for land-use and as such, they have a special duty to ensure that a developer, being public or private, has complied with the requirement for public participation in the preparation of project proposals and zoning plans (KMD 2013).

### **Rationalities and the politics of belonging**

The rationality of the national policies on land-use planning and development is that transparency, predictability and participation in planning and decision-making will ensure sound decisions, and that good dialogue and shared understanding of how to minimize or avoid negative impacts of a project will lay the ground for coexistence between various land-use interests. Through these procedures, land-use conflicts can be avoided and good governance ensured.

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<sup>5</sup> A zoning plan is a detailed land-use map for planning purposes (KMD 2014b). The first step in developing a zoning plan is to prepare a project proposal.

My approach to analysing the land-use conflicts related to *Nussir* and *Biedjovággi* is that imbedded in these conflicts are the actors' struggle over both resources and meanings (Benjaminsen and Robbins 2015). Turner (2004) argues that the complexity of resource-related conflicts often are overlooked. He encourages research within political ecology on land-use conflicts to look beyond the *here-and-now struggle* over a relatively small (and seemingly insignificant) pastoral area and examine the nonmaterial issues and moral claims of the conflicts; e.g. the underlying ethical stands about proper resource use, historic ties to the place, precedence in customary law, encroachment history, unjust exercise of power by an authority, etc. In this way, the author argues, it is possible to 'shed light on divergent interests, powers, and vulnerabilities of different social groups' (Turner 2004, p. 864).

Rationality in planning and management can be unpacked in several ways. Richardson (2005) differentiates between instrumental, communicative and contested rationalities. Instrumental rationality is 'evidence-based' reasoning based on procedures for examination of technical studies (Richardson 2005). This approach to decision-making applies the ideal of optimality and methodology of cost-benefit analysis (Gezelius and Refsgaard 2007). However, critics argue that the use of technical studies for normative purposes blurs conflicting values and interest, competing knowledge systems and power struggles among the actors (Richardson 2005; Gezelius and Refsgaard 2007). Further, critics claim that this approach is restricted by processes of path-dependence, i.e. drawing on pre-existing ways of doing things and maintaining the authoritative actors' understandings and assumptions about the nature of the world and therefore, ensuring 'that some elements of policy remain largely unchanged over time' (Clever 2012, p. 144).

The communicative rationality emphasizes public deliberation through dialogue and debate (Watson 2003; Gezelius and Refsgaard 2007). The assumption is that differences can be overcome and that consensus can be established through the force of the better argument, i.e. an argument that the actors perceive as relevant and true (Watson 2003). Theoretically, the communicative approach is based on participation that is fair, equal and empowering (Watson 2003). However, Richardson (2005, p. 347, original italics) argues that planners tend to deal with participation 'as a procedural issue rather than one of *value*'. He explains that while public participation is seen as key to work with difference and conflict, value conflicts and competing perspectives are still present throughout the decision-making process.

According to Richardson (2005), both instrumental and communicative rationalities can be regarded as *ideals* for effective and relevant decision-making. These ideals simplify the way things are, whereas *reality* is often fragmented and defined by power (Flyvbjerg 1998). The more powerful actor has more means to define relevant knowledge, interpret the truth and create rationality and as such, power relations influence the consensus-seeking processes. Both the instrumental and communicative rationalities legitimize certain types of arguments as significant, while marginalizing or excluding others.

Furthermore, an actor's ability to participate in planning and decision-making is affected by the politics of belonging, i.e. the ethical and political value systems with which people judge their own and others' belonging and create 'the boundaries that separate the world population into "us" and "them"' (Yuval-Davis 2006, p. 204). Lund (2011a) found in his study on land rights and citizenship in Africa, that the question of land-use was closely tied to the question of social and political relationships. According to this author, the argument of belonging entails both a claim to access

resources and to social status. Lund (2011a) explains that citizenship or belonging entails specific rights and duties with respect to a given political community. These can be the obligation to pay taxes and obey the law, and the right to vote and social services. The political membership of a person implies his/her legitimacy to claim certain rights, but the right to claim rights 'can erode when certain forms of identity are stigmatized, devalued or otherwise marginalized' (Lund 2011a, p. 16). The status of belonging is often fluid and contested and therefore, the politics of belonging also includes struggles for recognition of ethical and political values (Yuval-Davis 2006).

A third approach to planning and decision-making is dealing with the actors' competing rationalities; i.e. to recognize conflicting values and worldviews among the actors (Watson 2003; Richardson 2005). In this line of thinking, rationalities are acknowledged as contested social constructs defined by power and conflicting values and planning is understood as a normative activity (Richardson 2005).

In the following sections, I present the material basis of the land-use conflicts before I move on to examine the actors' moral claims to land and the rationalities of decision-making in the two cases. I start however, with a short introduction to Kvalsund and Kautokeino municipalities.

### **Kvalsund and Kautokeino municipalities**

On a Norwegian scale, Kvalsund and Kautokeino are relatively poor municipalities. The unemployment rate in Kautokeino is 6.8%, compared to 2.7% in Norway and 3.2% in Finnmark County (NAV 2015). Kautokeino is geographically the largest municipality in Norway. It is also the largest reindeer husbandry municipality where one third of the population of approximately 3000 people are engaged in the industry (Dalfest 2010). Kautokeino is, together with Karasjok, the centre of the Northern

Sámi culture and language. There are no official data on ethnicity in Norway (NOU 2015); but then-Deputy Mayor of Kautokeino estimated that 90% of the population of the municipality identified themselves as Sámi and used Sámi as first language (NRK P2 2013).

In Kvalsund, the unemployment rate is only 2.0%, but here a declining population and lack of job opportunities create challenges. Approximately 1000 people are registered in Kvalsund and 40% of the economically active population have jobs outside the municipality (Dalfest 2014). Kvalsund is an old coastal Sámi community. Then-Mayor of Kvalsund estimated that while 90% of the population were Sámi descendants, only 15% speaks or understands Sámi language today (personal conversation, July 2012). Fishing combined with agriculture and reindeer husbandry were traditional livelihoods within the municipality, but these livelihoods were weakened after the Second World War (NOU 2008, p. 179). Between 1950 and 2004, the population declined by 43% – a decline related to the decrease in employment in fisheries (Dalfest 2014). During the last 10–15 years, occupational fishing in Kvalsund has been limited; in 2012 there were only 27 fishermen registered in the municipality.<sup>6</sup>

The municipalities have past experience with mining activities as both planned project sites were operated previously; *Nussir* from 1972–1979 and *Biedjovággi* from 1970–1975 and 1985–1991 (Bjørklund and Brantenberg 1981; Anttonen et al. 2010; SWECO 2011). The closures were due to low copper prices, but new optimism in copper prices led to a new interest for *Nussir* and *Biedjovággi*. During the last century, the copper price has varied between 1500 and 10,000 USD per ton, with price peaks 100 years ago, in the 1970s and in 2011 (Reinert 2012). The current

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<sup>6</sup> Kvalsund Municipal Council meeting invitation, dated 24 April 2012

mining projects were initiated in a period when the copper price was at its highest, but since then the price is halved.

In Kvalsund, the planned extraction activities will take place as underground mining in the Nussir and Ulveryggen mountains (SWECO 2011). The operations will also include new over-ground infrastructure, including buildings, dams and roads. Tailings from the mine will be discharged in the Repparfjord. The area plan covers a total area of 37,6 km<sup>2</sup>; 16,8 km<sup>2</sup> on the mainland and the remaining area is in the fjord (Figure 2).

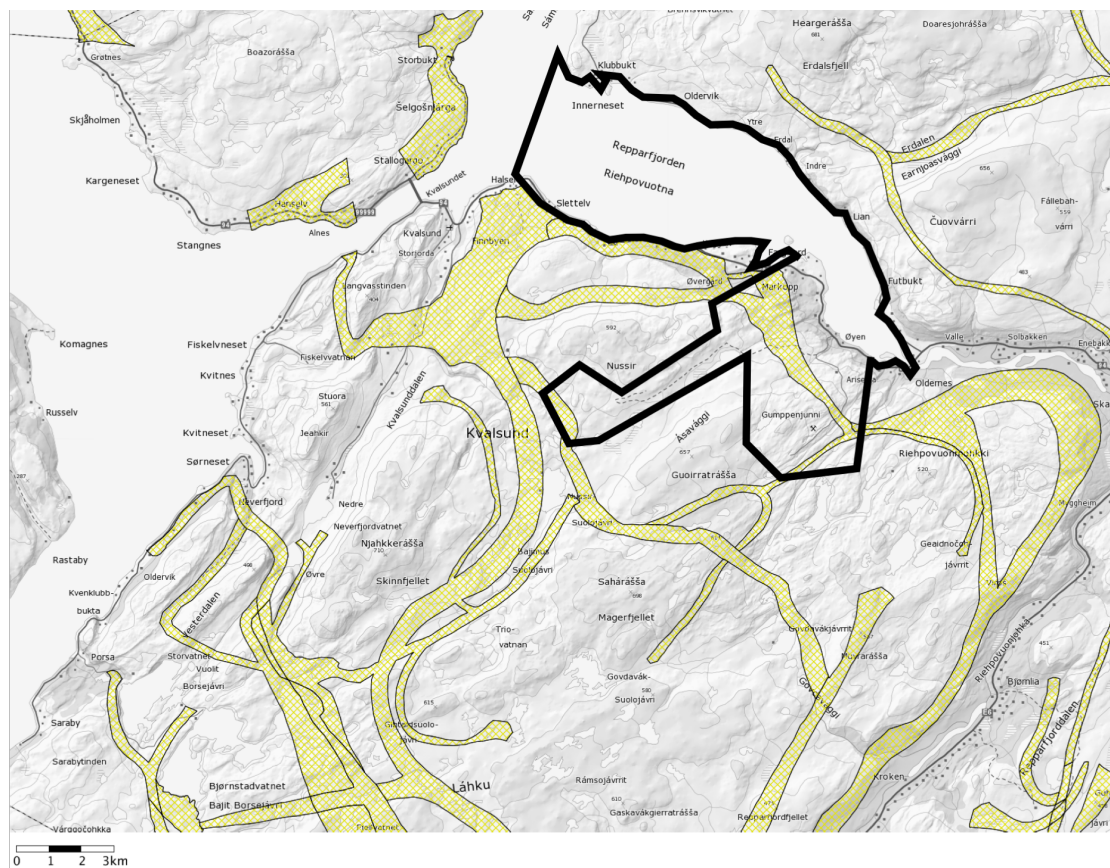


Figure 2. Approximate planning area for Nussir sketched in black. Migration routes are also indicated. Map source: Kilden.no.

The *Biedjovággi* project is copper and gold production nearby the old mining sites in the Bidjovággi mountain area (Rambøll 2012). The plan includes open pits and underground mining, a number of landfill areas for tailings and waste rock, and other needed infrastructure as buildings and roads. The total planning area covers 19,4 km<sup>2</sup> (Figure 3).

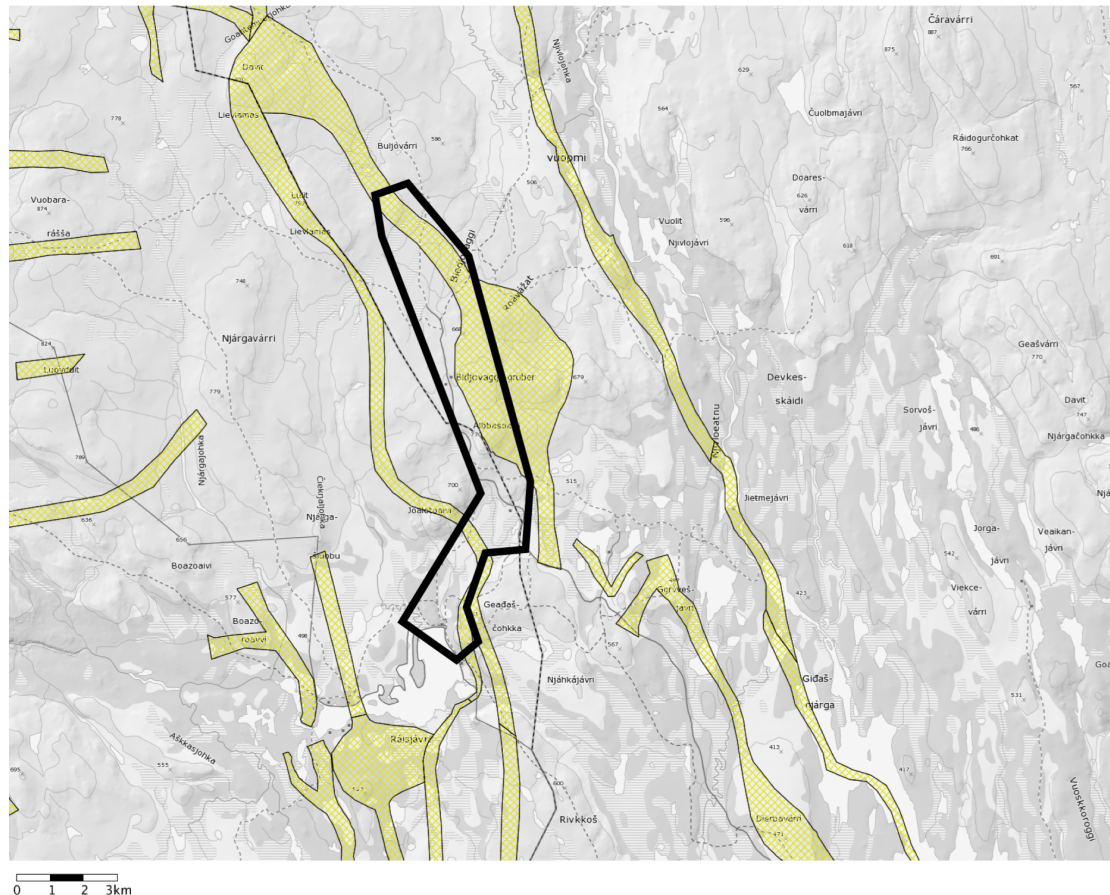


Figure 3. Approximate planning area for Biedjovággi sketched in black. Migration routes are also indicated. Map source: Kilden.no.

Locally, many welcomed the *Nussir* and *Biedjovággi* initiatives as opportunities for new jobs, population growth and an improved municipal economy. However, in both cases, the pastoral communities argued that mining would jeopardize their herding practices and livelihoods. They explained that the situation is

different today than last time the mines were operated. Now there are more infrastructures and a higher number of reindeer in West Finnmark, resulting in few vacant spaces where the herds can move. In the late 1970s, the number of reindeer in West Finnmark was two thirds of the current stocks, but even then development infrastructure reduced reindeer's access to pastures (Bjørklund and Brantenberg 1981).

### **Claims to land in Kvalsund**

In November 2009, the Norwegian mining company Nussir ASA publically announced their interest in mining the copper ores on the coast of Repparfjord. The company estimated that the *Nussir* project would have an operation period of between 25 and 30 years, create 150 jobs and an annual revenue of NOK 600–700 million after the start-up phase (KMD 2014a). The CEO of Nussir ASA, Øystein Rushfeldt, argued that *Nussir* addressed local need for economic growth, as well as the national objective to develop the mining sector and international demand for minerals (Centre for Sami Studies 2013).

At a seminar called *Extractive industries and indigenous peoples* in September 2012, Rushfeldt said that Nussir ASA aimed at reaching public consent to its activities by emphasizing 'early involvement', 'full transparency' and 'true dialogue' (Centre for Sami Studies 2013). He referred to an extensive number of meetings with different rights- and stakeholders, including the pastoralist communities. The CEO argued that though the planned land area covered almost 17 km<sup>2</sup>, the footprint of *Nussir* would only cover a small surface area (0.4 km<sup>2</sup>). He argued that pastoralist use 96% of Kvalsund for pastures, and therefore 'the reindeer herding should to a large



extent be able to continue as before' independent of the realization of *Nussir* (Centre for Sami Studies 2013, p. 83).

However, *Nussir* met opposition from actors who argued that mining could not coexist with existing livelihoods. Especially, the plan to deposit tailings in the fjord caused a controversy.<sup>7</sup> The Repparfjord serves as a breeding ground for cod (Fiskeridirektoratet 2012) and the Repparfjord River is rated among the country's ten best salmon rivers (Norges Jeger- og Fiskerforbund 2014). In a public hearing in 2011, the Regional Reindeer Husbandry Board in West Finnmark, the Sámi Parliament and the Directorate for Fisheries objected to Nussir ASA's zoning plan.<sup>8</sup> The institutions were concerned about the impacts on important habitats for reindeer and fish. However, whereas the protests concerning pastoralism were acknowledged in the Municipal Council decision-making, the Directorate for Fisheries submitted their objection after the deadline and therefore the Council did not take their statement into account.

The Sámi pastoral communities called *Fieltar* and *Fálá* (also referred to as summer districts 22 and 20) repeatedly protested against the *Nussir* project. As of March 2013, *Fieltar* consisted of 108 reindeer owners and a spring herd of 7,326 reindeer (before calving); in *Fálá* there were 22 reindeer owners and a spring herd of 2,682 reindeer (Reindrifftsforvaltningen 2014). *Nussir* is located in the autumn pasture and rutting area, as well as in the migration route of *Fálá* (SWECO 2011). The

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<sup>7</sup> Most of the media attention concerning *Nussir* has focused on the plan to discharge tailings in the Repparfjord. Several political parties, the tourist and fishing organizations, recreational interests, and environmental NGOs have publicly protested against this plan.

<sup>8</sup> Some institutions have the authority to object to a zoning plan. The Regional Reindeer Husbandry Boards had – until they were terminated end of 2013 – such authority.

mining site is also situated within the calving area and summer pastures of *Fielttar*. The latter community is more affected by mineral extraction as it lingers for a longer period on the coast of the Repparfjord. *Fielttar* has also been more active in the public debates concerning *Nussir*.

*Fielttar* argued that the project would affect the animals' access to and use of pastures.<sup>9</sup> They claimed that previous mining activities in the 1970s had created dust and caused pneumonia in their herd and they were concerned about air pollution and noise from the new project (see also Bjørklund 2013b). A key informant from *Fielttar* (interviewed March 2015) explained that disturbances from mining activities would have a negative domino effect on pastoralism. He claimed that the wellbeing of the herd during spring influences the survival rate of the herd. He also explained that *Nussir* was just one out of several encroachments (e.g. a 420kV power line, hydropower plants, areas for recreational homes and roads) on *Fielttar*'s grazing lands and that *Nussir* ASA's impact assessments neglected the cumulative effects of all the projects combined.

According to the same key informant, the cost-benefit of the planned copper mine was not distributed fairly; the herding communities carried all the risks as the mineral extraction would come at the expense of pastoralism. Numerous meetings and discussions with *Nussir* ASA did not help the actors get a shared understanding of the distribution of risks. He explained:

The mining company argues that it is possible to exist side-by-side, but they are not the ones taking a risk. ... [Pastoralism] cannot in any way affect the mining in a negative way. [The company] is the robust actor, while the pastoralists will

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<sup>9</sup> Letters from *Mihkkal Niillasa siida* and *Fielttar* to Kvalsund municipality (dated 7 and 9 September 2011, respectively)

have to adapt to predicted, as well as unpredicted, consequences. So, it is easy for both the mining company and the municipality – who do not understand the [pastoralists'] concerns – to say that coexistence is possible.

At the Tromsø seminar in September 2012, a representative from *Fielttar*, Ragnhild Marit Sara, argued that the *Nussir* project would threaten the livelihoods for 120 people (Centre for Sami Studies 2013). Sara referred to the pastoralists' customary rights to the land in Kvalsund and stated that the court had concluded that the tolerance limit of the herding community to encroachments had been exceeded in the late 1970s or early 1980s.<sup>10</sup> She referred to *Fielttar*'s experience with the impact from previous mineral extraction activities and claimed that coexistence between mining and reindeer husbandry is not possible. Sara argued that cooperation would require that all actors feel like winners. She rhetorically questioned the 'need for dialogue if there is no respect for the herders' view' (Centre for Sami Studies 2013, p. 82).

### **Claims to land in Kautokeino**

In April 2010, the Swedish company Arctic Gold AB purchased the right to mine the *Biedjovággi* site. The company estimated five years of profitable production and set a target to find resources sufficient for 10 years of production, 100 jobs and an annual revenue of approximately 22 million USD (Anttonen et al. 2010; Arctic Gold 2010, n.k.).

At the seminar on extractive industries and indigenous peoples (September 2012), the CEO of Arctic Gold, Lars-Åke Claesson, claimed that the main challenge of *Biedjovággi* was the political majority in Kautokeino, which rejected the project

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<sup>10</sup> The court case concerned a claim for compensation for loss of pastures to the development of recreational homes (Hålogaland lagmannsrett, 27 September 2002, Case: LH-2001-812 - RG-2003-1 (1-2003)).

without giving the company an opportunity to conduct environmental assessments (Centre for Sami Studies 2013). As such, he argued, the politicians also represented an obstacle for the state objective to develop the mineral sector. The CEO claimed to have good relations with local people in Kautokeino and that the pastoralists were 'happy to do deals' with the company. According to Claesson, *Biedjovággi* would provide opportunities for pastoralism; e.g. upgrading the road between Kautokeino village and the mining site would improve the herders' access to the pastures and the herd (Centre for Sami Studies 2013).

However, Anders Oskal, Director of the International Centre for Reindeer Husbandry, responded in the following way to the win-win presentation of the road:

Contradictory to the statement from Arctic Gold, the road is seen as a clear problem for reindeer husbandry because of other people's use of it, with subsequent disturbing of reindeer on the winter pastures and so on (Centre for Sami Studies 2013, p. 88).

The *Biedjovággi* site lies within reindeer pastures used by four different reindeer herding communities. *Ábborášša* (summer district 34) is the community most affected by the planned mine. During a public hearing on *Biedjovággi* in late 2011, *Ábborášša* argued against the mine by referring to their current use of, as well as their customary rights to, the land.<sup>11</sup> They argued that approximately 8000 reindeer (including calves) graze and rut in the area during autumn; in spring roughly 2500 reindeer go there for calving; and another approximately 3000 reindeer migrate through the area.<sup>12</sup> A key informant from *Ábborášša* (interviewed March 2015) explained that his resistance towards the project was due to experience with previous *Biedjovággi* extractions. He

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<sup>11</sup> Letter from *Ábborášša* to Rambøll, dated 6 December 2011

<sup>12</sup> *Ibid.*

claimed that mining had limited the reindeer's access to important pastures. (This is also acknowledged by Bjørklund and Brantenberg 1981.) Concerning the relations with Arctic Gold, the key informant argued:

We have talked. I do not call it dialogue. ... It is just so that he can show his investors that he has had a meeting with a local Sámi. ... He talks about how he can adjust, but it is not possible to *adjust* in the middle of a calving and rutting area. It is our production area. And if the mining starts ... it would be like doing carpentry in a maternity ward. What do you think will happen? It will create chaos.

The informant explained that *Ábborášša* had survived the previous mining period only by moving their herd illegally onto other herding groups' pastures during critical periods.

The same informant argued that it would be naïve to believe that mineral extraction would improve or save the economy of Kautokeino. He pointed to the important economic and social role of reindeer husbandry in the municipality and rhetorically asked:

Kautokeino, the largest reindeer husbandry municipality within the Nordic countries, why on earth should it pursue mining? Why not pursue something else, like tourism for example, which does not degrade the pastures?

We find that Nussir ASA and Arctic Gold used similar argumentation to morally claim the *Nussir* and *Biedjovággi* projects and associated land. Both CEOs said that the projects concerns more than creating revenue for shareholders; they argued that the initiatives address local, national and global needs for jobs, economic growth and minerals. They further legitimized mining by arguing that coexistence with pastoralism is possible because reindeer husbandry survived mining in the past. Also the argumentation of *Ábborášša* and *Fiettar* resembles each other; they described the

land-use conflicts as more than the 'here-and-now' struggle over the mining site areas. They referred to domino and cumulative effects of development projects, and claimed the disputed area by referencing their customary rights to land.

### **Municipal and national decision-making**

The most apparent difference between the two cases is how the local politicians in Kvalsund and Kautokeino assessed the claims of the companies and pastoralist communities; while the majority of the Municipal Council in Kautokeino embraced the perspective of the pastoralists, Kvalsund Municipal Council emphasized the local need for economic growth and adopted the perspective of the mining company.

After a first draft and a public hearing, Nussir ASA submitted a proposal for the *Nussir* project, which the Municipal Council approved July 2010. The company followed up by developing a zoning plan and conducting environmental impact assessments. These were also sent on a hearing before the company presented the final *Nussir* plan in March 2012, along with the comments and objections received during the hearing. In preparing the *Nussir* case for the Municipal Council, the administration recommended an approval of the zoning plan.<sup>13</sup> The administration referred to the objections from the Regional Reindeer Husbandry Board and the Sámi Parliament and argued that there had been extensive dialogue with the objectors on suggestions for mitigating measures, but the objectors never responded to the suggestions. The administration chose not to discuss the protests from *Fielttar*, or address Sámi pastoralists' customary rights.<sup>14</sup> In May 2012, the Kvalsund Municipal Council voted 12 against 3 in favour of *Nussir*. The minority was concerned about

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<sup>13</sup> Kvalsund Municipal Council meeting invitation, dated 24 April 2012

<sup>14</sup> *Ibid.*

depositing mining waste in the Repparfjord, but was otherwise positive to the *Nussir* project.<sup>15</sup> Due to the objections, the case was transferred to the County Governor of Finnmark for mediation, but the mediation was not successful (KMD 2014a). The municipality and objectors did not come to an agreement and – because the Municipal Council maintained its approval of the zoning plan – the *Nussir* case was sent to the Government for a final decision.<sup>16</sup>

Within the state, various ministries play different – and sometimes conflicting – roles. For example, the LMD first recommended rejecting *Nussir* due to the project's impacts on pastoralism.<sup>17</sup> However, after a change of government in 2013 from a centre-left coalition led by the Labour Party to a conservative government, the LMD supported *Nussir* on the condition that Nussir ASA and the affected herding communities came to 'an agreement on remedial measures [for coexistence] prior to commencement of [mining] activities'.<sup>18</sup> Herders interviewed pointed out the paradox in that the LMD recommends mining in a period when the Ministry is forcing pastoral communities, including *Fielttar* and *Fálá*, to destock to conserve pastures from degradation (see also Benjaminsen et al. 2015; Johnsen et al. 2015).

The Ministry of Local Government and Modernization (KMD) – which is responsible for the Planning and Building Act, Sámi affairs and a number of other issues – gave a final approval of *Nussir* in March 2014. The KMD emphasized the economic development of Kvalsund, but it also acknowledged reindeer husbandry as an indigenous livelihood protected by international law. The Ministry stated:

'According to [the International Covenant on Civil and Political Rights], action

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<sup>15</sup> Kvalsund Municipal Council meeting 3/2012, 8 May 2012, issue 34/12

<sup>16</sup> Kvalsund Municipal Council meeting 6/2012, 25 October 2012, issues 80/12

<sup>17</sup> Letter from the LMD to Ministry of Environment (MD), dated 26 August 2013

<sup>18</sup> Letter from the LMD to MD, dated 17 December 2013

resulting in a refusal or a substantial violation of the material basis for the exercise of Sámi culture cannot be allowed' (KMD 2014a). The KMD set as a requirement for the approval that Nussir ASA, 'in consultation with the reindeer industry, develop mitigating measures that secure the continuation of pastoralism in the area' (KMD 2014a). As such, the decision recognized the herders' claim to the disputed land, but it did not give further elaborations on the threshold for 'substantial violation'. The decision did not address domino and cumulative effects of *Nussir* on the herding practices of *Fielttar* and *Fálá*, or the project's consequences for the unsettled land rights of the pastoralists (Bjørklund 2013b). Further, it did not give any directions for the continuation of consultations between the company and the pastoralists; it is unclear whether the pastoralists had alternatives to accepting coexistence. In December 2015 the Norwegian Environment Agency granted Nussir ASA a permit to discharge tailings from the mining extraction in the Repparfjord. The current Mayor, Terje Wikstrøm, called the permit an early Christmas gift to Kvalsund (Altaposten 2015), while the leader of *Fielttar*, Mikkel Nils Sara, responded by reminding the actors that there was still no agreement between the pastoralists and the company on mitigating measure. 'We have had no contact with Nussir since last year and the matter is unresolved', he said (NRK Finnmark 2015).

The decision-making on the *Biedjovággi* case took another turn. Arctic Gold sent a draft project proposal on a public hearing in late 2011 and submitted a final proposal to Nordreisa and Kautokeino municipalities in spring 2012. Despite some concerns about the environmental impacts of the project, politicians in Nordreisa unanimously adopted Arctic Gold's proposal (Rambøll 2012). In Kautokeino however, the Municipal Council rejected the company's proposal for an impact



assessment with 11 against 8 votes. The majority's main argument was that reindeer husbandry would be negatively affected by mineral extraction. The decision stated:

Kautokeino's population has experience with mining in Biedjovággi. Therefore one can, with reasonable certainty, know that new mining activities in the area will have large negative consequences for the natural environment, the livelihoods and the users of the area without having carried out environmental impact assessments.<sup>19</sup>

The Kautokeino decision received a lot of attention by national politicians and media. The controversy concerned whether a municipality had the authority to reject an environmental impact assessment. Due to the controversy, Arctic Gold submitted a revised proposal in December 2013. Again, the Municipal Council rejected *Biedjovággi*; this time with 10 against 9 votes.<sup>20</sup>

The Kautokeino decision was the first time that a municipality rejected a proposed area plan before an impact assessment (NRK 2013). According to a government official at KMD (personal communication, July 2015), the *Biedjovággi* case triggered an adjustment of the Planning and Building Act to clarify municipalities' authority to refrain from approving proposals for private zoning plans. July 2013, the Ministry of Justice stated (with some doubts) that a municipality could reject a proposal in cases where it did not want the proposed project (JD 2013).

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<sup>19</sup> Kautokeino Municipal Council meeting April 2012, issue 13/12.

<sup>20</sup> Kautokeino Municipal Council meeting December 2013, issue 38/12. At this meeting the majority also addressed the need to revise national regulations in order to secure local economic benefits from mineral extraction. The politicians in Kvalsund are currently advocating the need for local benefit-sharing. Here, the politicians are negotiating with Nussir ASA to secure one percent of the company's gross revenue (estimated to 1.2 million USD per year) for new development projects in the municipality.

However, critical voices argued that only impact assessments would give a proper knowledge-base for decision-making (Claesson 2012; Morgenbladet 2013; Eek 2014).

### **Conflicting rationalities**

The majority of the Kautokeino Municipal Council went against the 'taken for granted' way of doing things. Instead of following standard procedures for area planning (i.e. to adopt a project proposal), the Council majority addressed the value conflicts in the *Bidjovággi* case. The Municipal Council decision states:

It would be remarkable if the largest reindeer municipality in Norway approves ... mining in Biedjovággi while there is an on-going examination of rights [to land] in Finnmark. ... There is also a question whether it is morally right of Kautokeino municipality to allow such a significant encroachment before the customary rights of the land-users are clarified. Kautokeino municipality is an indigenous peoples municipality with a vision to be an example to follow ... By rejecting the project proposal the municipality gives a clear signal to national and international actors in favour of major infrastructure development that the municipality wants to safeguard the continuation of existing industries.<sup>21</sup>

The decision acknowledged that *Bidjovággi* would create winners and losers; the majority were explicit about the ethical judgements that guided their decision, and they recognized the nonmaterial issues of the land-use conflict by addressing the conflict as one concerning identity, unsettled rights to land and ethics (Turner 2004).

In Kvalsund, on the other hand, decision-making followed standard procedures (KMD 2014a): the land-use conflict was addressed through public hearings, meetings and negotiations. However, this article shows that the herders and the decision-makers had very different interpretations of the dialogue. While the

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<sup>21</sup> Kautokeino Municipal Council meeting April 2012, issue 13/12.

pastoralists claimed that the mining company and the municipality never understood their concerns, the decision-makers claimed that the pastoralists were not willing to discuss solutions for coexistence. Neither local nor national decision-makers acknowledged the nonmaterial issues of the conflict (Turner 2004). They ignored the competing knowledge systems, conflicting rationalities and power struggles of the actors attempting to influence the decision-making (Richardson 2005; Gezelius and Refsgaard 2007; Blaser 2009).

In contrast to the political majority in Kautokeino, the decision-makers in the *Nussir* case did not discuss the land-use conflict beyond the here-and-how struggle for some few square-kilometres of land. It is a familiar argument for development projects in grazing lands to refer to a relative small surface area needed for infrastructure. Bjørklund and Brantenberg (1981) show how the argument was used in relation to hydropower projects and previous mining periods in *Nussir* and *Biedjovággi*.

### **Politics of belonging**

Though *Nussir* and *Biedjovággi* are both located within areas to which pastoralists have customary rights, the decision-making represents two different attitudes towards the perspectives, needs and rights of the pastoralists. In both cases the decision-makers' recognition of the herders' right to claim land is tied to notions of *belonging*, i.e. whether the herders are recognized as *proper* citizens of the municipality (Sikor and Lund 2009; Lund 2011a). However, whereas the rhetoric used by the decision-makers in Kautokeino recognized pastoralism as part of the municipality identity, authorities in Kvalsund presented the *Nussir* land-use conflict as one between an interest group (i.e. *Fiettar*) and 'society at large'. In a media interview, the Mayor of Kvalsund, Ragnar Olsen, argued:

All types of encroachment, big or small, have negative and positive consequences. [From *Nussir*] we get jobs, income for individuals, tax revenues to the municipality, new jobs, better health care, better roads. All of which help society and its people prosper (Kommunal rapport 2015, p. 12).

In another media interview, the County Mayor of Finnmark, Runar Sjøstad, said:

I fully understanding the reindeer industry's need for land ... [but] in Kvalsund, non-residential reindeer owners, who do not pay taxes to the municipality ... claim the entire municipal area. ... It is a paradox that [Finnmark] has an area equal the size of Switzerland and Denmark ... but anywhere we plan a development project, there is a conflict [with herders] (ABC nyheter 2010).

The ethno-political context of Finnmark is an important backdrop when examining the politics of belonging in the two cases. For close to 100 years, from approximately 1850 until the end of the Second World War, official state policy was to assimilate Sámi (and the Kven) in Finnmark into the majority society (Minde 2003; NOU 2008).<sup>22</sup> Most effort was put to 'Norwegianize' areas with a substantial element of ethnic Norwegians – typically Coast Sámi areas (Minde 2003). In school, Norwegian language and culture was promoted and Sámi language was not allowed, and crown land could only be sold to individuals who read and wrote Norwegian and used this as first language (NOU 2015).

Eythórsson (2003) points to other factors in addition to the Norwegianization policies which stimulated assimilation on the coast of Finnmark: the Russian revolution (1917) terminated the trade in fish and flour between Coast Sámi and

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<sup>22</sup> Kvens are an ethnic minority who are descended from Finnish peasants and fishermen who migrated to Northern Norway during the 18th and 19th centuries. The assimilation politics had its roots in Norwegian state building and social Darwinism (Minde 2003; NOU 2008).

Russian Pomors and weakened the economic independence of the coastal communities; and the German forces' scorched earth tactic during their retreat from Finnmark and northern Troms in the autumn of 1944 deleted the material traces of Coastal Sámi culture. The traditional livelihoods of the sedentary Sámi (typically, the combination of fishing, agriculture and reindeer husbandry) were further weakened after the War (NOU 2008, p. 179). And the Reindeer Husbandry Act of 1978 removed the right of sedentary Sámi to own reindeer. A consequence of the latter was less contact and collaboration between Coast Sámi and the pastoralists and less insight and interest in each others' lives and needs (NOU 2008, p. 180). Furthermore, Sámi language was not re-introduced in schools on the coast until the 1980s (in Kautokeino it happened in 1967) (Hermansen and Olsen 2012).

Minde (2003, pp. 133-134) has assessed the consequences of the period of *Norwegianization* and he argues:

[O]ne can safely conclude that the state's efforts to make the Sami (and the Kven) drop their language, change the basic values of their culture and change their national identity, have been extensive, long lasting and determined. ... The result in the Coast Sami areas was that the Sami 'disappeared' from the censuses, and that Sami interests and identity in the fishing industry were stigmatized.

The post-war initiatives to revitalize the Sámi language and culture focused on the interior of Finnmark as this area was considered the heartland of the Sámi (NOU 2008). Here, reindeer husbandry had a strong position and had kept the Sámi culture and language vital. Olsen (2010) explains that when Sámi politicians joined the international indigenous peoples movement and started categorizing Sámi as *indigenous* in the early 1980s, this was a rhetoric that did not unite the Sámi. This author argues that the struggle for indigenous identity and rights created resistance in the interior Finnmark, but especially in the coastal areas. Along the coast, being Sámi

was still stigmatized, people did not have a strong Sámi identity, and there was less interest to differentiate between ethnicities (Olsen 2010). The ethno-political struggle for rights to land and water was seen as controlled by the interior Finnmark and dominated by the reindeer pastoralists (Olsen 2010).

In 2006, the state initiated an investigation of fishing rights on the coast and sea of Finnmark. The working group, which conducted the investigation, visited coastal communities and gathered input from the public through a number of open meetings. The clear advice of the meeting participants was that fishing rights should not be based on ethnicity (NOU 2008, p. 365). Then-Mayor, Ragnar Olsen, stated during the public meeting in Kvalsund, November 2006: 'Rights must not be based on ethnicity. The same rules must apply whether you are Kven, Norwegian or Sámi.' (NOU 2008, p. 432). Minutes from the meeting show that many of the participants vocally agreed with the Mayor. One participant explained: 'It is almost like swearing in church to discuss rights in such a Norwegianized area [as Kvalsund]' (NOU 2008, p. 438).

The history of Norwegianization and the ethno-political struggle for the recognition of indigenous rights have created a public narrative about the 'Sámi' as a Sámi speaking reindeer herder with indigenous rights protected by international law (Olsen 2010). This is a narrative that constructs a division between pastoralists and other Sámi – a division that can be recognized in the *Nussir* and *Biedjovággi* cases. The Mayor of Kvalsund argued that the pastoralists' opposition to the *Nussir* project, and their ability to stop development, had created frustration locally (conversation, July 2012). The Mayor explained that 'Sámi' is more than reindeer husbandry and that many Coast Sámi were very annoyed with the pastoralists, which did not understand the needs of society at large. The CEO of *Nussir ASA* also acknowledged a local

aggression towards the pastoralists. He said that after the first public meeting with residents and pastoralists, the company had decided to conduct separate meetings with the two groups (conversation, July 2012). According to him the first meeting was unproductive as undercurrents of racism against the pastoralists dominated the discussion.

Also in Kautokeino, the *Biedjovággi* proposal created a conflict between those that advocated on behalf of the pastoralists and those who advocated new jobs and industries in the municipality. In the press, the latter group was fronted by the political partnership of 'residents' (Sámi: *Guovdageainnu Dáloniid Listu*; Norw: *Kautokeino Fastboendes Liste*). This is a partnership of people who live in Kautokeino all year and who are not engaged in reindeer husbandry. Then-Deputy Mayor and representative of this partnership, Hans Isak Olsen, argued that the land-use conflict was presented as one between the Sámi and society at large, but:

This is not the case in Kautokeino. Here, we are all Sámi. I am Sámi myself, but I do not own reindeer. My mother tongue is Sámi. My parents are Sámi. And it is the same for 90% of Kautokeino's population. But where are our Sámi rights; we who are not engaged in reindeer husbandry and must find other ways to make a living? This is a forgotten aspect [in the debate]. When people talk about the Sámi, it is all about reindeer husbandry (NRK P2 2013).

In both the *Nussir* and *Biedjovággi* cases, the *politics of belonging* affected the pastoralists' social status, as well as their ability to advocate their concerns (Yuval-Davis 2006; Lund 2011a), but this politics take different forms. In Kvalsund, the pastoralists' ability to claim land was limited because they were regarded as 'outsiders'. The local politicians rhetoric and decision-making emphasized the 'insiders'; they were silent about the pastoralists' claim to customary rights to the land. In Kautokeino, on the other hand, the pastoralists' belonging was not challenged. The

decision-makers placed the herders' claim to land within a narrative on Sámi rights, international law and ethics.<sup>23</sup> In the *Biedjovággi* case, the supporters of the mine advocated their own interests by presenting a counter-narrative about being 'Sámi'. They made their own claims to the contested land by arguing that also non-pastoral Sámi have a right to make a living.

## **Conclusion**

While mineral extraction provides new opportunities for economic growth in local communities in northern Norway, it also poses a pressing challenge to Sámi reindeer husbandry. The *Nussir* and *Biedjovággi* cases represent two land-use conflicts in West Finnmark. In both cases, developers made moral claims by stating they were responding to local needs for jobs. They referred to extensive dialogue with pastoralists and argued that coexistence was possible because the mining sites were minimal compared to available pastures. The pastoralists, on the other hand, argued that coexistence was not possible. Their moral claim concerned their customary rights to land and that mineral extraction would threaten their livelihood.

The *Nussir* and *Biedjovággi* cases differ in regard to how they were addressed by the decision-makers. In Kvalsund, the local politicians followed a combination of instrumental and communicative rationalities for decision-making (Richardson 2005); i.e. they followed the standard procedure to review technical impact assessments and cost/benefit of *Nussir* and comments received during public hearings. The underlying assumption was that land-use conflicts could be solved through dialogue and that coexistence and win-win solutions could be facilitated by a

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<sup>23</sup> Kautokeino Municipal Council meetings April 2012, issue 13/12, and December 2013, issue 38/12.



shared understanding of mitigating measures. However, despite multiple arenas for participation and dialogue, the actors of the *Nussir* case did not come to a shared understanding on how to coexist. The procedural rationality of the politicians simplified reality by ignoring the contested rationalities and power relations (Flyvbjerg 1998).

In Kautokeino, the *Biedjovággi* case triggered a debate about identity and the pastoralists' unsettled rights to land. The decision-making followed a value-based approach in decision-making; i.e. the Municipal Council majority recognized the nonmaterial issues of the land-use conflict, that *Bidjovággi* would create winners and losers, and they were explicit about the ethical judgements that guided their decision (Turner 2004).

In both Kautokeino and Kvalsund, notions of belonging were part of the politicians' narratives about the land-use conflicts. In Kautokeino, reindeer husbandry had a strong position. The livelihood was regarded as part of the local identity and the majority of the politicians saw the pastoralists' claims to the contested land as legitimate. In Kvalsund, the pastoralists were addressed as outsiders and there was less recognition of Sámi rights to claim land. In both cases however, the actors struggled over the categories that constitute 'belonging' (Lund 2011b).

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