

Recognizing indigenous rights and local perspectives on Arctic development:

LESSONS FROM GREENLAND, NORWAY AND FINLAND (2016–2018)



HEARING LOCAL VOICES

Bureaucrats sometimes do not have the correct information, while citizens and users of resources do.

(Elinor Ostrom, 2009)

As Elinor Ostrom highlighted after receiving the Nobel prize in Economics in 2009, tensions exist between the institutional aims of controlling and directing development, and local practices and knowledge in managing current and future challenges. Within the Arctic and in regard to the variety of vast and rapid changes that are taking place, the same dynamics of polarization occur. Generally speaking, there is a sense of detachment and a feeling of miss- or non-hearing on the side of local stakeholders towards centrally run institutions. Despite officially developed mechanisms of participation, local consultations and processes of citizen feedback, the voices of local people, far too often, do not reach the distant decision-makers.

The aim of the “Recognizing indigenous rights and local perspectives on Arctic development: Lessons from Greenland, Norway and Finland” project has been to provide an easy-access platform for local people to convey their views to national and international tables of decision-making. In particular, the project aimed to gain knowledge from the Nordic countries on how local people are involved in developments in the Arctic region, and how the rights of indigenous and local people are recognized and respected. The project, funded by the Nordic Council of Ministers’ Arctic Co-operation Programme (2016–2018), has collected perspectives from local people in three Arctic locations: Karasjok (Norway), Inari municipality (Finland) and Ilulissat (Greenland). The project was carried out as a cooperation between researchers from three universities: Ilisimatusarfik/University of Greenland, UiT -The Arctic University of Norway and the University of Lapland, Finland.

This policy brief presents an overview of the themes discussed in the local workshops in Norway, Finland and Greenland. The workshops were arranged as open events welcoming all local inhabitants. To a large extent, the themes discussed in these workshops represent long-standing locally experienced issues and debates that still remain to be thoroughly addressed by states and officials. The themes common to the three locations include questions on the rights to participate and be heard, the actual chances of being listened to, questions of equal treatment, and the possibility of deciding one’s own future. The project has not looked to make abstractions or analytical summaries – the usual aims of research –, neither does this policy brief provide a coherent ‘answer’ to the questions of local developments and rights. Multiple voices and perspectives were present in the local

Policy Brief

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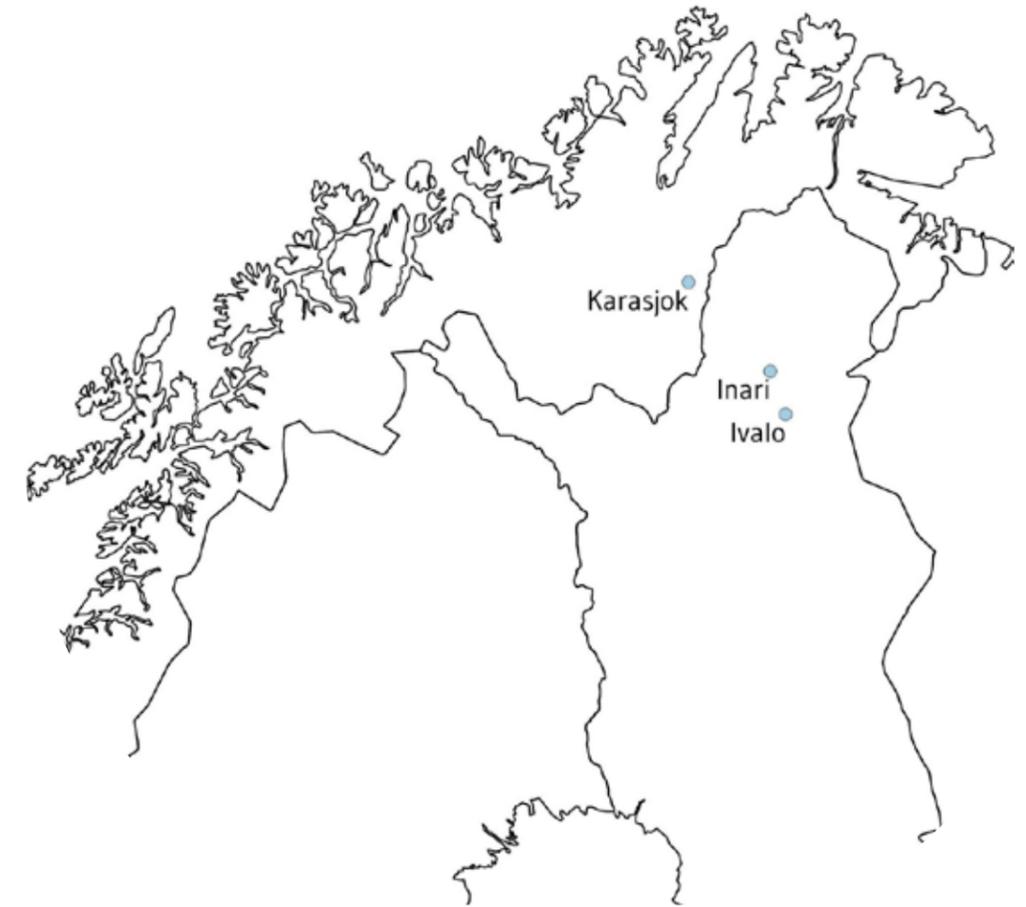
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workshops and this document aims to reflect the diversity of views. This policy brief also entails insights derived from the project's closing seminar organized on Rovaniemi 14 February 2018. In line with the commitment to hearing local peoples, the document includes two comments from local actors in Karasjok and Inari.

LOCATING ARCTIC DEVELOPMENTS

Karasjok, Inari municipality and Ilulissat were chosen as representative Arctic localities due to their high level of regional significance, and also their roles as sites of economic, political and cultural development. The workshop in Karasjok was arranged in 2016 (30 September). Three further workshops were organized in 2017. Two of these took place in the municipality of Inari, one in the town of Ivalo (23 January) that forms the administrative center of the municipality, and one in the village of Inari (24 January) that is the home



of the Finnish Sámi Parliament. The workshop in Ilulissat, Greenland took place on 15 September 2017.

All of these three locations are balancing the growing changes in the environment, economic structures, issues of demography and well-being, as well as questions of cultural continuity and identity (Arctic Human Development Report 2015; Megatrends 2011). For example, in terms of the use of natural resources and livelihoods, the communities are dealing with pressures coming from mining, tourism activities, various kinds of energy production initiatives (e.g. hydropower, windmills, wood energy), and the effects of the changing climate on traditional nature-based livelihoods (e.g. reindeer herding, fishing, hunting). Local developments are also highly impacted and shaped by issues of nature protection, such as wilderness areas, national parks and the limits placed on the growth of certain activities (e.g. the accepted number of reindeer, or limitations placed on the amount of tourists). In the midst of these changes and pressures, local communities are experiencing changing social structures. Northern communities are affected by an aging population, outmigration, a lack of educational and employment opportunities, and the flux of labor opportunities and workers



caused by the seasonality of certain industries (e.g. tourism or the extractive industry). Adding to the complexity of these developments, questions of cultural continuity are also felt in the local communities (e.g. language and cultural practices that are intimately tied to traditional livelihoods), as well as issues of identity and belonging (e.g. the recognition of indigenous status, changes in social networks and communal ties).

All in all, the selected locations broadly represent the developments and changes that are often faced by Northern communities. Even though clear similarities exist, Karasjok, Inari municipality and Ilulissat also illustrate the ways in which Arctic communities differ. While many contemporary developments are shared in the Arctic as a whole, each of these Northern regions has their particular own regional and national characteristics in terms of social structures and histories. For example, the regional management of these areas varies significantly. In Northern Norway, the Finnmark Estate Agency owns and governs the area. As one of the 19 municipalities in

Finnmark, Karasjok has a strong role in deciding the future development of the whole area. In Finland, there is a historical mixture of both ownership and legal governance. In the case of Northern Finland and Inari municipality in particular, a broad set of national and international legal and administrative rules affect development. As the geographically largest municipality in Finland, Inari is a highly important reindeer herding area. Rules and guidelines influencing different types of developments within the Inari municipality include, for example, the cultural self-government of the Sami, a specific act concerning the rights of the Skolt Sami, regulations on the use of state-owned land, protection measures in national parks, and rights securing reindeer herding. The Greenlandic people, of which Inuit form the vast majority, have a strong self-government arrangement from Denmark. As an engine for Greenland's tourism and as the country's third largest town, Ilulissat has a significant role in developing Greenland and decreasing its economic dependence on Denmark – even heading towards full independence (Wilson 2017).

The three communities have similar numbers of inhabitants. Inari municipality has the largest population with slightly less than 7000 inhabitants. Ilulissat numbers around 4700, whereas Karasjok has slightly less than 3000 inhabitants. In Ilulissat, the majority of the inhabitants are Inuit and in Karasjok the majority are Sami. In Inari municipality, there is a great diversity of Sami groups and languages spoken. Inari is the only quadrilingual municipality in Finland, where Inari, Skolt and North Sami are present in addition to the Finnish spoken by the majority of the population. Due to their culturally and geographically central location, Inari and Karasjok are home bases for the Sámi Parliaments in Finland and Norway, and they have been described as social and cultural capitals for the Sami people.

Through their similarities and differences, Karasjok, Inari municipality and Ilulissat bring forth the multi-layered and complex issues related to developments in the Arctic. Hence, there is all the more reason to hear the voices of the local people in all their diversity. The following themes of 'diverse stakeholdership', 'not being heard' and 'hopefulness' are efforts at capturing some of the local concerns and topics of discussion.

DIVERSE STAKEHOLDERSHIP

The diversity of views and positions on the direction of developments in the Arctic is a significant issue, yet one that remains to be taken properly into consideration by decision-makers. This issue sparks debates on a local level, bringing forth questions such as equality, recognition of stakeholdership and the practical arrangements for the participation and consultation of the local people (e.g. Suopajarvi 2015 on mining and social impact assessments). To a large degree, the discussions in the workshops revealed how local people

find it problematic that the multiplicity of stakeholderhood is not taken into account. The Northern communities incorporate a variety of interests, and social and ethnic groups, but a single person can also identify with several interests groups. For example, as a reindeer herder, one can be equally interested in developments concerning the forests and rights allocated for reindeer herding, as well as issues of cultural rights, economic opportunities in tourism and fishery. In terms of stakeholderhood, it is problematic to assume that a person would only fit into one category. Thus, stakeholderhood, more often than not, involves a mixture of concerns.

Hearing multiple views within one municipality

*A comment from Anu Avaskari,
Municipal Council of Inari municipality, Finland*

Many different themes emerged in the workshop organized by this project early 2017 in Ivalo. Among the themes were, for example, the position of Metsähallitus (the Finnish state-owned forest management enterprise) as the biggest land-owner, and the impact of nature protection areas on the business and industry sectors.

Taking the population of the area as a whole, the Local Government Act secures self-government for the local population, and thereby opportunities to participate and affect the activities of the municipality. The municipality works toward the well-being of all of its inhabitants.

The Land Use and Building Act gives the possibility for special interaction with, and the informing of those stakeholders and communities that are affected by, for example, various planning processes. In the Inari municipality as well as elsewhere in the reindeer herding area, the Reindeer Husbandry Act has impacts on issues of participation. In Finland, Finnish citizens and reindeer herding co-operatives that are in the reindeer herding area are allowed to own reindeer.

During the Ivalo workshop, different nature protection areas were discussed. Inari has two national parks, UKK and Lemmenjoki. The constitutional rights of the Sami people in the Sami Homeland Area are stated in the bylaws of the national parks. The Sami, as an indigenous people, have the right to maintain and develop their own language, culture and traditional livelihoods such as reindeer herding, fishing and hunting. Also the management, use and protection of those resources that fall under the auspices of Metsähallitus need

to be coordinated so that conditions for the exercise of Sami culture are secured in the Sami Homeland Area.

In the bylaws of the Lemmenjoki National Park, established in 1956, there are some special regulations concerning the local people and inhabitants living in nearby villages. The bylaws recognize that the Sami, as an indigenous people, have rights that are affected by the Constitution and the Sámi Parliament Act in the area of Inari municipality covered by the Lemmenjoki National Park. The bylaws also state that the conditions for the use of land for reindeer herding need to be secured.

Nature protection areas are a common topic for discussion in Inari. In order to maintain the wilderness character of the area, to secure Sami culture and nature-based livelihoods, and to develop a diverse use of nature, wilderness areas have been established. The Wilderness Act came into force in 1991. The wilderness areas of Kaldoaivi, Muotkatunturi and Paistunturi are situated in the municipalities of Inari and Utsjoki. The area of Inari encompasses the wilderness areas of Vätsäri, Tsarmitunturi and Hammastunturi.

Land use in the wilderness areas is guided by maintenance and use plans, and in recent years, these plans have been updated. Metsähallitus has voluntarily adopted the Akwé: Kon guidelines in cooperation with the Sámi parliament. The guidelines, accepted by parties to the UN Biodiversity Convention in 2004, obligate parties to protect indigenous peoples' traditional knowledge, innovations and practices that are linked to the diversity of nature. In Finland, the Akwé: Kon guidelines apply to the Sami people, and Metsähallitus has adopted these guidelines in the planning of the use of state-owned land in the Sami Homeland Area. Finland is the first country to implement the guidelines in land use planning. From the perspective of the municipality, the Akwé: Kon guidelines have become topics of discussion because the remainder of the local population is not involved in the process at the same level.

The Sámi Parliament Act (1995) includes the obligation to consult, according to which officials are to consult the Sámi Parliament in all far-reaching and significant measures that can immediately or in a particular way affect the status of the Sami as an indigenous people, and that have to do with the Sami Homeland Area. The obligation to consult applies to community planning as well as the management, use, lease and surrender of state-owned land, protected land and wilderness areas.

The Reindeer Husbandry Act (1990) applies in the reindeer herding area, and with certain limitations, reindeer can also be herded on private land. The Skolt Act (1995) applies to the Skolt Sami and

is in force in the Skolt area. The benefits deriving from the Skolt Act do not apply to other Sami. The Mining Act (2011) includes clause 38 on the Sami Homeland area, the Skolt area and the reindeer herding area. The Fishing Act came into force in 2016. The Finnish constitution secures the cultural and linguistic self-government of the Sami as an indigenous people in the Sami Homeland Area. Everyman's rights were also a topic for discussion in the Inari workshop, as there have been some problematic situations with these rights in connection with tourism.

Local people are of the opinion that the population should be equal before the law. The long-standing dispute over who belongs to the indigenous people is a topic discussed in different contexts among the local people in Inari, and revolves around the issue of who is Sami. There are also views that see the differentiation of rights of the local and indigenous people as unconstitutional. In Inari, there are many inhabitants that identify themselves as indigenous, but have not gained an official recognition of their status.

As a conclusion, I can state that in the Inari area, the Sami have a stronger position in the processes of land use planning of the state-owned land through the Akwé: Kon guidelines. The Sámi Parliament Act and the Act on State Forest Enterprise secure the Sami a special participation in the planning and use of state-owned land. The Act on State Forest Enterprise specifically includes named rights of participation for the Skolt Sami. These rights do not apply to those people who lack the official recognition as being indigenous. The land use rights of reindeer herders are often seen as broad in relation to other livelihoods such as tourism, gold mining and different activity enterprises.

The recognition of stakeholderhood was among the key themes in the workshops, and local people brought up the contemporary example of the establishment of new fishing regulations in the Teno river, a significant salmon river in Finland and Norway. People in both countries were critical of local inhabitants and their concerns being overlooked in the agreement process driven by officials in the Southern capitals of the respective countries (YLE news 2016; 2017). In a similar way, the Akwé: Kon guidelines utilised by the Finnish forest agency in the management of state-owned land were discussed as an example of the selective ways in which stakeholderhoods are currently being recognized (Application of Akwé: Kon Guidelines in the Management and Land Use Plan for the Hammastunturi Wilderness Area 2013). The understanding of stakeholders as only comprising of states and indigenous groups oversimplifies, polarizes and divides the understanding of who the relevant

parties are. Even though indigenous peoples are a very important party to be consulted, by no means are they the only groups of local people whose traditional livelihoods (e.g. fishing, hunting, reindeer herding) and social and cultural ways of using the forest are impacted by various developments in land use. So, in order for local peoples to actually be heard (whether indigenous or not), a broader recognition of the variety of statuses is required.

According to the views of the local people, an unsolved issue that highly impacts the actual chances of local people being heard is the overall question of defining the stakeholders. Questions raised in the workshops included: How are people living in the area recognized as stakeholders? What is the role of people who do not live in the area but have historical and family links to it? Can a municipality act as a stakeholder? How are the roles of stakeholderhood juxtaposed with the interests of states, and, for example, resource extraction industries?

NOT BEING HEARD

Another topic widely discussed was the contradiction between the formal mechanisms of consultation, and actually being listened to. This was brought up in relation to various development and consultation processes where local people have been or should have been involved. Ironically, as one participant in the workshops poignantly summarized, "local people have become accustomed to being served coffee and cake". What many of the consultation processes do is invite people to attend specific events, for example, concerning new energy projects, in order to fulfil the numeric requirement of having organized a local hearing. These hearings fulfil the letter of the law in terms of local consultation, but people feel that there is no actual chance of getting their message through or having an influence on development plans. Thus, it is the 'coffee and cake' that people get out of these events, and not any actual possibilities of participation.

The recent Teno river debate is a case in point. When drafting the new agreement, even the letter of the law in terms of consultation was ignored and the Finnish state failed to comply with its legal duty to consult the Sámi Parliament, which raised a lot criticism. The fact that the state was able to set aside the legal rights of the Sami meant effectually non-existing chances for other local people to be heard. The case of the Teno river is also descriptive of the way that time is allocated for hearing processes. Local people strongly criticized the way in which they are generally involved in discussing planned developments always rather later, when there is already a rush to proceed. The implication of this to local peoples is that they are expected to come up with a single voiced opinion to the matter at hand because, as the rhetoric goes, there is 'no time' to accommodate multiple views. As a

result, people felt that the spirit of the law does not become a reality. As a consequence, local people described many administrative, legal and structural processes where they felt that they were not treated in a just and equal manner. There was disappointment and tiredness in the air, and due to the lack of success of formal processes in securing local people's participation, and the weak implementation of the spirit of the law, their trust in

The poor settling of Teno fishing rights

*A comment from John Nystad,
deputy mayor of Karasjok municipality, Norway*

The joint states of Norway and Finland have stated to grant virtually identical fishing rights to permanent residents and to non-residential Finnish cottage owners in Utsjoki municipality. The agreement to allow non-resident cottage owners in Finland the same fishing rights as the local residents have enjoyed for over 100 years will have negative effects on Sami cultural life in the river valley. The Tana River Fish Management (TF), *Deanučázádaga guolástanhálddahus* in Sámi, was established in March 2011 and is a local administrative body of the Norwegian side of the Tana River. The main tasks are of a private law character, like regulating the fishing activity, providing and organizing River Policing during the fishing season, being responsible for operating and managing the revenues from the sale of fishing licenses. These tasks were previously assigned to the County Governor of Finnmark.

Tana River Fish Management is organized with a group of nine members, where the local fishermen with net fishing rights appoint five. The Tana and Karasjok municipalities each appoint two representatives that are not in possession of net fishing rights. The term of office is four years. The Chairman and the deputy Chairman are elected by the Tana River Fish Management.

Shortly after the TF was established, Norway and Finland opened negotiations for new agreement for the fishing rules in the Tana river. The harvest rate for especially some salmon stocks in the river had been too high, leading to the depletion of those stocks. The old regulations were also not according to the precautionary principle, and new regulations were needed.

The Norwegian Ministry of climate- and environment were leading the negotiations at Norwegian side, but also the local management was a part of the Norwegian delegation. The Tana River

Fish Management had two representatives and the Sámi parliament had one representative.

The representatives from the local and governmental level of the management had many small battles during the process. What were really the status of different stocks, how much reduction were needed to rebuild these stocks, what measures were needed, and which groups of fishermen had to carry the biggest reductions in access to the fisheries?

The toughest battles came, however, in the negotiations with the Finnish side. The never-ending story seemed to come to an end in the fall of 2015, but new elements appeared, and the agreement wasn't signed by the Ministers in the two countries before September 2016. This happened after the Tana River Fish Management got new representatives in the late fall of 2015. The negotiations had been a mostly closed process for the public in the valley, and the new members had other views on the situation than their predecessors. Elements that had been through hard discussions early on in the negotiations reappeared. The governmental representatives were not willing to discuss these elements this late in the process, and this led to a harsh climate between the governmental representatives and the local management as well as other local organizations. Also local governmental institutions like the Municipalities of Tana and Karasjok, the Sámi parliament and the County Council were negative to the process and the result from the negotiations. Especially the final part of the process met a lot of critics. The final parts of the agreement were agreed only between the governmental representatives and did not receive the approval from the local management. The parliaments in Norway and Finland still approved the agreement in the spring of 2017.

In the new agreement the management has aimed on reducing the harvest rate by 1/3, and this would probably be sufficient to re-establish all the stock at their management target in 1-2 salmon generation. The cutback in actual fishing time has for some fishermen become way more severe than that. Some netfishermen have experienced a cut back up to more than 80 % of fishing time when we consider that these fishermen earlier were fishing with two nets each and may only fish with one net now. The net fishing for salmon is an important part of a lifestyle for many inhabitants in the Tana valley on both side of the border, and the severe cutbacks for the local fishermen has met a lot of criticism.

Another group that had to reduce their fishing was the tourist anglers. On the Finnish side of the border there is established a major tourist fishing industry. Many families have their income

from anglers that visit their camping grounds and rent their boats in the summer time. The numbers of visitors rose after the roads were built to the Tana valley in the 1960s, with e.g. 7000 anglers in the early 1980s. After the year 2000 the number of visitors fishing on the common border stretch has been around 7000–8000 most years, and these anglers have spent 30 000–40 000 fishing days on the common border of Tana river each year. A major part of the new agreement was to reduce the number of fishing days for tourist anglers. By setting a “roof” of 22 000 fishing days, the aim has been to reduce the harvest rate by one third and give more possibilities for local rod fishermen to enter their home river without standing in line together with those visitor anglers.

In the new agreement, a new group of rightsholders has been approved. One principle has earlier been absolute when it comes to fishing rights at both sides on the Tana river: You must live in the valley to use your fishing right. In the new agreement also rightsholders that live outside the river valley are recognized as rightsholders at the Finnish side. The fishing rights on the Finnish side depend on properties. When the persons owning these properties don't live in the valley, they have also given up on using their rights. In the new agreement these rights are however recognized, and these right-holders may buy a limited number of fishing days from the tourist quota for a symbolic amount of money. They may own their own boat, and on their special days, they may fish all 24 hours.

The approval of the new group of right-holders has been a hot topic for locals on both the Finnish and the Norwegian side. Never before have persons living outside the valley had these rights, and the locals have argued that this is breaking the traditions. The biggest issue has thus been of principal character. However, this new rule has also made it harder for the tourist business which already has experienced tough cutbacks. As one third of the tourist quota is appointed exclusively for this new group, the cabin owners, granting it the right to row and take guests on fishing trips, owners of existing small businesses together with local people will experience severe loss of their livelihoods. The consequences will be enormous for the Sami culture: the depopulation of Utsjoki municipality, the loss of the Sami way of life and the endangering of the existence of Sami language in Finland.

justice taking place has decreased. A sense of institutional and processual tiredness was evident, and people lacked the motivation to participate. In a long run, this situation does not benefit anyone for a number of reasons. It

becomes increasingly difficult to invite and engage local people to participate in joint planning processes, and in some cases, reaching stakeholders has already proven to be difficult. The failing processes of negotiation and hearing one another end up providing fertile soil for controversies and conflicts to escalate, as the sense of being treated equally becomes eroded (Heinämäki et al. 2017, 517). Taken further, losing trust in societal structures leads to a weaker commitment to the society at large and its development. Hence, the issue of hearing local voices is not to be treated lightly.

HOPEFULNESS

The local residents described a number of issues as being of key importance for the future of their communities, and these included education, health services, cultural continuity and opportunities for young people. Instead



of locals waiting for measures to be implemented by central authorities, in many cases they have taken action themselves and started to tackle the challenges brought on by developments that affect their lives and surroundings. In the local workshops, the ways in which Northern communities collaborate was also brought up. People have insisted on having their own institutions of higher education, thus providing opportunities for young people (e.g. the University of Greenland and the Sámi University of Applied Sciences in Kautokeino, Norway). Northern communities have also joined forces in securing health services by, for example, promoting cross-border cooperation. So, despite many negative issues being raised, the development of Northern communities and the role that local people have in designing the future should not be seen only as doom and gloom. Despite significant challenges, local people have found innovative solutions and ways to benefit from their changing situations. These include, for example, supplementing traditional livelihoods with the economic opportunities provided by increasing tourism, utilizing new technical solutions for the purposes of distance learning and education, and taking pride in their cultural heritage and customs. Local people are committed to developing their communities so that they remain good places in which to live.

CONCLUSIONS

Professor Elinor Ostrom (cited in the beginning of this document) has conducted groundbreaking research concerning the governance of common pool resources. Ostrom has noted how local people have frequently succeeded in developing ways of managing common resources in a sustainable manner, without the support or interference of the state or market. On the basis of context-specific solutions that are locally devised, Ostrom has drawn together general principles that promote longevity, legitimacy and social sustainability of institutional designs. Ostrom's principles are not to be taken as a universal template, but more as a description of the elements required for the successful co-management and dialogue that is needed for governing resources at large. Her principles emphasize the role and knowledge of local peoples, and locals generally have the greatest incentive to find the best solutions since they are the ones who have to live with those solutions.

Ostrom's (1990, 90) design principles (applied by Grove 2018, 118–119) for successful management of common pool resources include:

1. Clearly-defined boundaries that delimit the extent of the resource and, the appropriate users, and their rights



2. Congruence between rules of use and local conditions that insure rules of appropriation and provision are aligned with local social and environmental conditions
3. Collective-choice arrangements that allow users to participate in modifying rules of use
4. Monitoring of resource conditions and resource user behavior
5. Graduated sanctions that increase the penalty of rule violation as violations occur
6. Conflict-resolution mechanisms that allow users and officials to resolve conflicts

7. Minimal recognition of the right to organize, which allows users to develop their own institutions without external challenge
8. In larger systems, nested enterprises allow multiple, overlapping organizations across a number of scales to carry out these functions

In light of the outcomes of the project, we find Ostrom's principles highly relevant as many of the debates concerning local views and rights for participation relate to (the use of) resources. Therefore, these principles could be used when defining stakeholders, acknowledging the importance and role of the local decision-making processes, defining the limitations for the use of resources (and the sanctions involved when these limitations are violated), recognizing the different roles of actors and, for example, communicating procedures among all stakeholders. Clear and forthright 'rules of the game' would benefit everyone, with local people having an equal say and real opportunities for participation, and officials gaining much needed local input and expertise. Overall, the issues of development that concern Northern communities are complex, but instead of trying to escape this complexity by oversimplifying the situation, one should accept and embrace the diversity. This is by no means an easy task, but a crucial one for the sake of securing sustainable and equal development.

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