

CHRISTINA ALLARD, Guest Editor

Green Transition or Green Colonialism?

Introduction

From 2022–2024, I have had the honour of holding the position of Arctic Six Chair in Sami/Indigenous Peoples Law, and this special issue is one of the results from that position.¹ Chairs form a component of the Arctic Six, whereby their primary goal is to foster collaborations in research and education amongst colleagues within the Arctic Six universities.² Many of the authors of this special issue are participants of the Arctic Six through their respective universities.

Green Transition or Green Colonialism? is the title of this special issue; the issue is devoted to placing a lens on the “green transition,” or rather, the re-industrialization processes, currently taking place across the region known as Sápmi.³ For those who are unfamiliar with the word, Sápmi is the Sami name for the traditional Sami homeland region, and it comprises northern areas of Norway, Sweden, Finland and the Russian Kola Peninsula. The Sami are formally recognized both as an Indigenous people and a minority in all the three Nordic states, which means that these states have specific obligations in regard to in the upholding of related national and international laws, including laws relating to the human rights of the Sami.

Throughout the articles of the issue, the reader has the opportunity to follow both historical and contemporary issues related to Sami rights, settlements and, industrialization objectives. Today, with the climate crisis, these matters are commonly framed within the context of the “green transition,” or “green transformation.” This issue includes stories in this context from both the Swedish and Finnish sides of Sápmi, as well as international law aspects relevant for the Sami. By placing a longitudinal and critical perspective, the articles in this issue, when combined, address much-needed knowledge on aspects of the green transition that are not readily communicated in research outputs or our Northern societies at large. Typically, matters pertaining to the Sami and Sami rights are, rightfully, perceived as complicated and politically sensitive. Thus, in the context of this special issue, short-length articles offer, all together, a perspective and understanding of complex issues in a compact, efficient way, mak-

¹ I gratefully acknowledge the funds I received in relation to my Chair, from the Arctic Six and the Department of Social Sciences, Technology and Arts at Luleå University of Technology.

² Arctic Six; see <https://www.arcticsix.org/arctic-six/research>; accessed on 10 Jan. 2025.

³ For a map of Sápmi see <https://www.samer.se/karta>; accessed on 10 Jan. 2025.

ing comprehension possible to those outside of our own disciplines, as well. The aim of this issue is to critically analyse different aspects of the ongoing green transition and its negative effects, or potential negative effects, on Sami rights and Sami culture, while also invoking the challenging subject of green colonialism in relation to the Sami.

Colonialism as a concept has indeed longstanding roots, commonly defined as a form of domination over a territory and/or behavior of other individuals and groups, and usually tied to an (historical) influx of permanent settlers connected to the colonizing state or power.⁴ Indigenous peoples living within settler-colonial states have ongoing struggles to reclaim control of traditional territories and to regain self-determination.⁵ Because of historical and ongoing effects of colonization on Indigenous communities there are endeavors to establish a mutually respectful framework for a sustainable nation-to-nation-relationship between settler society and Indigenous peoples, via International Human Rights Law and pushed by some states. Scholarly literature on settler colonialism offers different assessments of approach, primarily focusing on reconciliation and revival in countries such as Canada, the United States and New Zealand.⁶ In Norway, Sweden and Finland, the concept of reconciliation until recently has been applied very little in the context of a state–Sami relationship;⁷ reconciliation has only recently surfaced on the public agenda in the Nordic states, in forms of truth and reconciliation processes in Norway, Sweden and Finland.

What, then, is meant by *green* colonialism in the context of the Nordic states and this special issue? In the context of today's green transition and contemporary debate, the term *green* is increasingly used to include "critical perspectives regarding policies that, under the guise of development, involves promoting and expanding practices like resource extraction and infrastructural development that implicitly rely on increased energy consumption."⁸ The Nordic states are considered to be at the forefront of the green transition while making significant commitments to achieving zero carbon emission goals and promoting a green economy.⁹ However, cumulative effects of existing and planned industries and other competing land and water uses in Sápmi are real and pressing. These new industries, including adjoining infrastructural projects, require land and, therefore, further reduce grazing areas for culturally significant Sami reindeer herding. Such industry adds cumulative pressures, within landscapes where grazing areas have been steadily shrinking, through developments of, for example, hydroelectric plants and dams, modern forestry, mines, windmills, other industry and infrastructural developments, tourist centres, and more.

Among many Indigenous politicians, including many Sami politicians, this sustainability transition is also increasingly referred to as green colonialism.¹⁰ For example, Aili Keskitalo, the former President of the Sámi Parliament of Norway, ad-

⁴ See e.g. Horvath, "A definition of colonialism," 1972, pp. 46, 50.

⁵ Kohn & Reddy, "Colonialism," *The Stanford Encyclopedia of Philosophy*, 2024.

⁶ Kohn & Reddy, "Colonialism," *The Stanford Encyclopedia of Philosophy*, 2024.

⁷ See e.g. Allard & Curran, "Indigenous influence and engagement in mining permitting," 2023, p. 15.

⁸ Sandström, "Green transformation or green colonialism," 2024, p. 127.

⁹ See e.g. Sandström, "Green transformation or green colonialism," 2024, p. 131.

¹⁰ E.g. during the 22nd session of the Permanent Forum on Indigenous Issue at the UN headquarters in New York City on 20 April 2023. See Monet, "'Green colonialism.' Indigenous world leaders warn over West's climate strategy," *The Guardian* 23 April 2023.

dressed, at an Arctic Circle Conference, the paradox of green colonialism; Keskitalo explained that the Sami are expected to give up their traditional livelihoods to save the world, because Sami lands are needed for “green” industries and energy production.¹¹ Keskitalo argues that Indigenous peoples carry both the burdens of climate changes and the burden of facilitating climate change mitigation on their territories. A Saami Council Declaration from 2022 sums up the situation in the following words:

We distance ourselves from the resource rush and the overconsumption that have caused the climate challenges that the world faces today. A “green shift” is needed, but it must be just and fair, and it cannot be based on colonialist practices. We demand that Indigenous Peoples’ rights are respected when combatting and adapting to climate change.¹²

A common thread seems to be that these “green” projects risk reinforcing existing power imbalances and may further result in the displacement and marginalisation of Sami communities that have been sustainably managing their lands and resources for generations.¹³ Therefore, it is necessary to acquire a more comprehensive understanding of the multifaceted challenges of land use conflicts across the Sápmi region, if the “green transition” will have a chance of becoming a just transition for the Sámi people involved;¹⁴ this special issue seeks to contribute to such an endeavour.

All articles in this issue display the complicated and still painful relationship between the Sami and the states, focusing on various aspects and effects of the green transition. In the first article, Åsa Össbo sets the scene by giving a historical overview of certain Swedish extractive projects and settlement measures from mid-1600s to approximately the year 2010; Össbo argues that there exists an ongoing process of replacement rather than a single event of conquest. In today’s green transition, Össbo elaborates, negative Sami experiences of previous industrialisation processes are left unconsidered. She further explains that the preconditions for both a just transition and social sustainability risk being overshadowed by “green” industry needs of forestry, minerals, and water/wind power as these industry measures are articulated in the name of climate change.

The second article, written by Laura Del Duca, Adriana Abril, Rasmus Kløcker Larsen, Biljana Macura, Neal R. Haddaway and Maria Boström in collaboration with Muonio reindeer herding community, Vilhelmina södra reindeer herding community and Voernese reindeer herding community, focuses on mineral extraction and impacts on reindeer herding. More specifically the authors have been reviewing selected Environmental Impact Assessments (EIAs) made by mining companies operating in Sweden (as a component of a mining-related permitting process) and how the negative effects on Sami reindeer herding are expressed therein. The authors have examined Sami experiences of real impacts from two existing mines in Sápmi, in Sweden, and then the authors, in turn, compared the two data sets. Overall, the authors found

¹¹ YouTube. Arctic-Global Indigenous Dialogue on Indigenous Guardianship and Self-Governance (17 Jan. 2020); https://www.youtube.com/watch?v=Dpbh4ED_NPA, at 6:01; accessed on 17 Jan. 2025.

¹² Saami Council, The Váhtjer Declaration, 2022, p. 3.

¹³ Allard, “Sámi rights in the sustainable transition,” 2024, p. 184.

¹⁴ Cf. Sandström, “Green transformation or green colonialism,” 2024, p. 136.

that there were considerable discrepancies between, on the one hand, the actual impacts of mining experienced by Sami practising reindeer herding and, on the other hand, how well the EIAs understood and expressed these impacts. These authors, who also include members of Sami reindeer herding communities, are concerned that policy proposals made to fast-track permitting, so as to enable “green” industry, also risk neglecting, in particular, economic and socio-cultural aspects of Sami rights. The authors address the legislative process that led up to the European Union (EU) Critical Raw Materials Act¹⁵ as an example of the lack of interest EU policy makers and Member States have in protecting Sami rights in the green transition.

After focussing on re-industrialisation impacts in Sweden, this special issue then turns to Marlene Payva Almonte, who, in her article, takes an overarching stance in the context of International Environmental Law (IEL); she asks how the IEL discipline’s view of nature as anthropocentric, or as aimed to satisfy human needs and to be used for promoting unlimited economic growth, can be improved. Payva Almonte emphasises that IEL is a root cause of eventual unyielding exploitation of land and natural resources. While rethinking IEL, she, by embracing non-Western views of nature, argues that Indigenous knowledge systems from Arctic peoples may contribute to expand IEL’s conceptual horizons while correcting the human-nature relationship. Examples from the world views of the Skolt Sami in Finnish Sápmi are used by Payva Almonte as guiding principles for rectifying IEL’s underpinning assumptions. She explains that because the Arctic and Sápmi are at the forefront of climate impacts, the many “sustainable development” projects promoted in the context of the green transition in these areas pose additional risks to these already vulnerable regions.

In the fourth article, Leena Hansen focuses on climate change and human rights, in particular the new and progressive Finnish Climate Act. The Sami, as well as other Indigenous peoples, have demanded justice and adoption of a human rights-based approach, namely in the form of respect for their rights in climate change mitigation and adaptation measures, which is enshrined in the Paris Agreement from 2015. The aim of Hansen’s article is to analyse the extent to which the climate justice and human rights-based approach in the new Finnish Climate Act succeeds in both protecting Sami culture against climate change and safeguarding the Finnish constitutional protection of the Sami as an Indigenous people. Hansen finds that the new Finnish Climate Act demonstrates a high-level legal commitment to implementing the justice and human rights-based approach of the Paris Agreement; in fact, the Finnish course has already been endorsed by important bodies of the United Nations. Finland has, thus, not only the potential to herald in a new approach to climate change legislation for Norway and Sweden in relation to Sami rights, but also for other states with Indigenous peoples. However, Hansen also highlights a few concerns that may jeopardise the actual application of the act.

The last article of this special issue, authored by Juha Joona, addresses the importance of recognizing Sami land rights as private rights in Finnish legislation and especially due to ongoing “green” industrial projects (in particular, mines). Joona analyses, first, the various legal statuses in Finland of reindeer owners and in different grazing areas, and the reasons behind these statuses. After that, the article puts a spotlight on

¹⁵ EU Regulation 2024/1252.

the protection of Sami rights in Finland in the context of Finland's minerals-related permitting. Joona explains that, although the Finnish Reindeer Husbandry Act states that reindeer may graze within a designated area regardless of who owns the land, this herding is not based on principles of private law as its Swedish counterpart is. Reindeer husbandry, in Finland, Joona explains, has a stronger protection within the demarcated Sami homeland than outside of it; this discrepancy can be seen as inequality when a non-Sami person practicing reindeer husbandry in the Sami homeland is in a more protected legal position than a Sami reindeer herder who is situated outside of the demarcated area. In Finland there are, thus, several legal challenges connected to the rights to reindeer herding and the green transition, according to Joona; the obvious challenge being that the green transition accelerates the reduction of Sami reindeer grazing areas. One finding by Joona is that, for example, protection afforded by Finnish legislation, expressed as "significant harm" to reindeer herding, holds uncertainties that are not interpreted to the advantage of Sami reindeer herders.

Enjoy reading this special issue!

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