

# The role of *meahcci* as Southern Saami intangible cultural heritage in the Fosen wind park debate

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## 1 Introduction

In October 2021, the Supreme Court of Norway ruled that the wind parks Roan and Storheia on the Fosen peninsula violate the right of the local Saami communities to practice reindeer herding as a cultural expression. This verdict was the immediate end of a conflict that started in 2010 when the Norwegian Water Resources and Energy Directorate (NVE) issued licenses to build wind parks on Fosen. Local communities including Saami people appealed this decision because the wind farms were about to severely alter the landscape, in particular the only winter pasture for the local reindeer flocks. The Ministry of Petroleum and Energy dismissed this complaint, and the farms were built and put into operation in 2019 and 2020 (Syring 2022, 991). In 2020, the court of appeal concluded against the ministry that the land in question was lost as winter pastures, and the wind farms, thus, threaten the life existence of reindeer husbandry on Fosen. However, it was not considered a violation of the right of Saami to practice their culture according to Norwegian law because alternative feeding methods were seen as available and still in line with traditional reindeer husbandry (998). Saami communities appealed against this reappraisal to the Supreme Court, challenging the interpretation and application of the article in question (992). Finally, the Supreme Court found the developer in violation of the rights. However, the farms are still in operation, and the debate about the future of them is an ongoing cause for protests.

### 1.1 Problem description

The case is by many seen as an economic debate between the state's interest in increasing the production of green energy and the livelihood of reindeer herders. In contrast, this report will point towards the underlying tension between the Norwegian and Southern Saami's understanding of land and its importance for heritage as the main reason for the debate. As such, the question is how this discrepancy affects the Fosen wind park debate.

This will be answered in the form of an analysis of how the practice of reindeer herding and its embedded relation to land is seen as intangible cultural heritage by the Saami people, and to what extent this is at odds with the view of the state on the same cultural markers. The results will be further discussed in light of a critical discourse analysis and an ecological approach to heritage that captures the ontologies of Indigenous cultures.

## **1.2 Scope, material and structure**

The report is limited to a discussion of Saami heritage, which excludes economic and ecological factors that are also present in the Fosen debate. On this basis, the material for this report is collected from research articles about Saami culture and the Fosen case, reports on intangible cultural heritage from the *Kulturrådet* and *Sametinget*, news articles, as well as the website of the wind park constructor.

The report is structured as follows: Section 2 provides the theory and methods that are the basis for the report. Section 3 presents the different positions in the debate and brings them in contact with the proposed theoretical framework, whereas Section 4 discusses additional consequences and provides a new understanding of heritage that points beyond this debate. Subsequent conclusions and recommendations can be found in Section 5.

# **2 Theory and methods**

## **2.1 Critical discourse analysis**

Critical discourse analysis (CDA) assumes heritage as a process and an instrument of cultural power relations used in the present about a conceived past (Harvey 2001, 327). As a consequence, tangible and intangible heritage becomes interrelated, for example, Smith (2006, 3) considers all heritage as intangible in as much as the material basis does not form any essence – there is no objectivity to what counts as heritage (compare Kirshenblatt-Gimblett (2004, 60)).

Following Smith (2006, 14–5), it is important to analyse the role of discourse, as a social practice by which meaning is given to physical and social realities through organising and acting in particular patterns, in this context. Here, she identifies the authorized heritage discourse (AHD) “as a set of ideas that works to normalise a range of assumptions about the nature and meaning of heritage and to privilege particular practices, especially

those of heritage professionals and the state” (Harrison 2013, 111). This discourse of the majority is thus led by experts and institutions with their specific epistemology and ontology dominating society’s understanding of heritage (Smith 2006, 51).

The CDA of Smith (2006, 48) is particularly helpful for discussing the “representational and symbolic value of heritage in constructing and giving material reality to ‘identity’”. Here, identity is connected to the individual self-understanding and position in social communities. Thus, heritage becomes a cultural tool that the ‘authority’ as well as other communities like Indigenous populations use to express, facilitate and construct a sense of self and belonging through identity and value determinations. In contrast, places as physical reality are socially constructed for Smith (2006, 76): “politicized, culturally relative, historically specific, local and multiple constructions”. They are the spaces where meaningful experiences occur, but also where meanings are discussed and changed (79). Ideally, each community should have the ability to control the experiences of being in place together with the meaning-making that constitutes identity – reaching a symbiosis of identity, values and objects within the heritage process (290). However, under the dominance of the AHD, minorities like the Saami people in Norway need to politically negotiate between those aspects they concede knowledge and experience to, and those they rather exclude for a range of political and cultural reasons (38). The AHD therefore becomes a question of cultural politics of identity: “[W]ho has the legitimacy and power to define who a [...] community are and who they are not” (35).

While Smith concentrates on the discourse around ‘officially’ conserved heritage, I will follow Harrison et al. (2020, 4) in arguing that her approach is also applicable to heritage that has not been conserved yet or never will: all practices that might eventually be associated with the Western understanding of conservation share the fundamental aim to form specific futures by acting on or around certain physical or non-physical objects and caring for them in particular ways (Harrison 2020, 42). These practices of care are dynamic and interrelated to the ontology of cultural and natural heritage, for which reason the practices themselves cannot be taken as prerequisites for the discourse but need to be taken to be subject to the discourse itself. Therefore, CDA can be also applied to cases about ‘generic nature’ or practices that are not ‘officially’ conserved.

## 2.2 *Meahcci* versus *utmark*

The report includes recommendations that respect the dualism of the Saami word *meahcci* and the Norwegian word *utmark*. Both are taken to express the same concept in many contexts; for example, the Kulturrådet (2010, 26) asserts that “[...] Reindriftsskole gir undervisning relatert til reindrift, *utmark* og *duodji*” [emphasis mine], and the Norwegian national parliament assumes them to be identical by law. In contrast, the Saami researchers Joks, Østmo, and Law (2020, 310) call this translation an act of colonialism, “an imposed but performative mistranslation” where the distinctiveness of Saami relationships and claims to the land are annihilated. This in turn represents to me a key for understanding the heritage debate on Fosen.

Consequently, *utmark* is defined as the uncultivated “other” to farmed land, *innmark*, but also as areas for *friluftsliv* – places for outdoor activities. Thus, it is related to the concept of wilderness and nature-culture dualism (309). In contrast, *meahcci* goes beyond these categorisations and is instead constituted of and in lively encounters and relations with the more-than-human world. Thus, it is not simply a physical landscape but an assemblage of uncertain and contingent encounters – interactions that unfold iteratively through negotiations in space and time (313–4).

## 2.3 Ecological heritage analysis

*Meahcci* implies not only that tangible heritage is always also intangible like in CDA, but that the “boundary between culture and nature is fluent” (Sametinget 2020, 3). Thus, Saami ‘culture-landscapes’ are not passive backdrops but active elements of heritage: meaning is not written into the landscape, like with *utmark* but evolves from interacting with it – “[i]ts forms are clues to meaning rather than carriers of meaning” (Norberg and Fossum 2011, 202). This implies that, for example, reindeer herding as practical ‘knowledge in’ cannot travel in the understanding of Western epistemologies that rotates around universal ‘knowledge on’, but is tied to a place and its human and non-human inhabitants (Joks, Østmo, and Law 2020, 315–6). This is incompatible with the CDA that deems land intrinsically passive: “[E]ach of these groups constructs a sense of place from the landscape that sustains their sense of identity, which in turn legitimizes the understanding of the landscape as a particular resource that can be used in particular ways” (Smith 2006, 188). The discourse, authorised or not, is considered to be *about* but not *with* land. In this

sense, Smith herself follows the AHD where heritage is “an expression of the existential reassurance human beings seek in the relative stability of the material world” (Bangstad and Pétursdóttir 2022, 7). She maintains the assumption that land exists as resources and discrete entities in time and space for identity formation – as *utmark*. I consider the CDA thus to hold that all nature is culture, all tangible cultural heritage is also intangible, but not vice versa, which would be required to incorporate *meahcci*.

The report will overcome this de-marginalisation of Saami cultural heritage using an ecological heritage analysis inspired by Harrison (2013, 112) who argues that it is required to reconsider who counts as an agent or heritage bearer versus as a heritage site. For this, Harrison (2015, 27) sees heritage in terms of ‘connectivity ontologies’ – modalities of becoming in which life and place bind time and living beings into generations of continuities that work collaboratively to keep the past alive in the present and for the future. Thus, heritage describes a performative phenomenon that arises through the intra-action between identity concepts, values and materializing processes. This is in contrast to Smith’s heritage understanding as inscriptions of meaning onto blank places and practices.

### **3 Analysis of different positions in the Fosen wind park debate**

In the following, the different positions in the Fosen wind park debate are analysed with focus on how the various groups position themselves concerning the *meahcci/utmark* duality and Saami cultural heritage.

#### **3.1 ICCPR Article 27 and Norwegian law**

Article 27 of the International Covenant on Civil and Political Rights (ICCPR) is based on the Universal Declaration of Human Rights and asks states with minorities to allow these “to enjoy their own culture, to profess and practice their own religion, or to use their own language” (The Human Rights Act 1999, Vedlegg 5, Part III). It was ratified in Norway in 1999 (The Human Rights Act 1999, Section 2.3) and protects the right of Indigenous peoples to enjoy their culture which, in this connection, is understood as practices including land and natural resources as its tangible basis (Ravna 2023, 162). In Norway, Article 27 is further supported by Article 108 of the Norwegian constitution, which requires the state

“to create the conditions for the Saami people to secure and develop their language, culture and social life” (cited in Ravna (2023, 163)). Therefore, the Norwegian state is not only asked for nonintervention but also obligated to safeguard the prerequisites for Saami to preserve their cultural heritage. While this legal construction is clearly supporting Saami people, the law subscribes to a culture-nature divide because land is seen as an inactive resource. Thus, the laws leave open the ignorance of *meahcci* by the Norwegian courts (compare Section 3.4).

### 3.2 Saami intangible cultural heritage in Norway

The 2003 UNESCO Convention for the conservation of intangible cultural heritage was ratified in Norway in 2007. Here, intangible cultural heritage is defined as “the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities [...] recognize as part of their cultural heritage”. Further, it “is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity” (both cited in Harrison (2013, 135)). In short, intangible heritage is a process in which cultural practices are to be seen as expressions of identity and cultural values, as the CDA presupposes. Following Kulturrådet (2010, 21), conservation is thereby about enabling active usage and preserving practical knowledge. Further, the process needs to be embedded locally to secure diversity and a feeling of belonging (14). This is particularly important in the Saami context, where Kulturrådet (2010, 23) states that “the inclusion of heritage transmitters and local communities is decisive for the successful conservation of Saami, traditional knowledge, and thus, of Saami, intangible cultural heritage” (own translation). This knowledge is less about ‘knowledge on’ linked to scientific documentation and communication of knowledge about a practice but defined as ‘knowledge in’, so, the practices and skills itself (24–5).

This understanding of Saami intangible cultural heritage is in line with the Saami people’s own understanding to a large degree. For example, Sametinget (2020, 1) defines it as a living process that resides in and is transmitted by individuals or groups and maintains that conservation requires an ‘environment’ for continuing the practices (1, 7).

Thus, Kulturrådet is in principle supportive of the Saami position. However, I could not identify any explicit support for the latter in the Fosen debate. A possible explanation

is the tension between Kulturrådet and Sametinget (2020, 7–8) that is yet sceptical about participating in drafting the Norwegian list of intangible cultural heritage or rather sees this only as a means to acquire formal acceptance and money for conservation.

### 3.3 *Fosen Vind* and the Norwegian state

The authorized discourse is led by the Norwegian state and *Fosen Vind DA* which is the main constructor and partial operator of the Fosen wind parks. The company is mostly owned by *Statnett*, a state-owned energy company. Before the construction period, the developers assumed that the practices of the Saami people would not be decisively affected in as much as they would in fact have financial gains through compensation measures (compare Nilssen (2019, 178)). On its homepage, Fosen Vind (2023) legitimises these measures through the increased complexity of herding as the pasture was to be traversed by multiple new roads. As such, the developers acknowledge the importance of reindeer herding for Saami people but consider this practice less related to the connection to the land than to sufficient economic resources for preserving it.

After the Supreme Court ruled that the construction of the wind farms violated the rights of the Saami people to practice their culture, *Fosen Vind* and the Oil and Gas Department of Norway started unofficial conciliation proceedings. Here, Fosen Vind (2023) restates on its homepage that it respects the rights of Saami people, but nonetheless, the sought compromise shall also secure the preservation of the production of renewable energy. As they are solely operating on Fosen, I take this to imply the insistence to continue operating the specific wind farms in question. This position is further defended by the Department in September 2022, where they relate a possible solution to economic issues only: “[s]entralt er bruken av tilgjengelige beiter og statusen på disse, bruk av infrastruktur, samt utvikling av produksjon og produktivitet” (Olje- og energidepartementet 2022). The proposed measures are among others the designation of new pasture and changes to the herding operation according to emerging scientific research.

This indicates the embeddedness of the authorized discourse within an ontological dualism of nature versus culture but also Western epistemology that focuses on scientific evidence. Here, green infrastructure projects under the guise of climate mitigation are seen as direct competitors to reindeer herding for natural resources – land is explicitly integrated into a market logic which necessitates the objectification and separation of nature

as *utmark* (compare Karam and Shokrgozar (2023, 185)).

### 3.4 Courts

The authorized discourse is further strengthened by the courts. This is particularly visible for the *Inntrøndelag* district court that ruled in 2018 that compensation for the damage through the wind farms was required because the parks reduce the availability of land resources for reindeer herding (Ravna 2023, 158). Here, the decision was based on expert witnesses, research articles, economic assessments and measurements of area usage patterns of the reindeer (Syring 2022, 992). Thus, the utilised methods to collect evidence rely heavily on 'knowledge on' and Western epistemologies compliant with the AHD.

When the Supreme Court settled the case regarding Article 27 ICCPR in 2021, it accepted the district court's way of finding facts and considered it a sufficient basis for its verdict. As outlined in Section 1, the result was however different: the Supreme Court ruled that Saami reindeer husbandry falls under the concept of Saami culture and that the land used for this practice is part of its material basis. Therefore, reindeer herding on Fosen is protected by the provision (Ravna 2023, 164). In particular, "Article 27 ICCPR does not allow the States to strike a balance between the rights of indigenous people and other legitimate purposes" (Supreme Court cited in Syring (2022, 993)). Nonetheless, land is still considered *utmark* as the law suggests (compare Section 3.1). I argue that this explains the reluctance of the courts to demand the direct removal of the wind turbines and legitimises the current discussions about a compromise (compare Section 3.3) despite the ruling of the court that, for example, economic compensations are never equivalent to the principle rights of the Saami people to practice their culture.

### 3.5 Southern Saami people

The Southern Saami people are a small minority of about 2000 persons living in middle Norway and Sweden (Normann 2021, 80). The structure of the Southern Saami consists of different *sijte* which are groups of practising reindeer herders in a specific area with common interests and duties for herding (Reindeer Husbandry Act in Syring (2022, 996–7)). The Storheia and Roan wind parks are located within the pasture of the Sør-Fosen and Nord-Fosen *sijte*, respectively.

This structuring of communities indicates that reindeer herding and its embedded relationship between people and the more-than-human world is considered the core of the



Southern Saami culture. As Nilssen (2019, 176) explicates, “[r]eindeer herding and its regions, and the narrative relating to the relationships between people and territory, are part of important socialization processes and have helped create a sense of belonging to the Saami community”. The landscape and activities related to reindeer herding represent thus both material and immaterial frames for values and identity as well as physical ‘locations’ for conserving the past (compare Nilssen (2019, 174)). The Norwegian-Saami politician Maja Kristine Jåma emphasises this to NRK Sápmi (2021) as: “[n]år man er oppvokst med det og har med i reindriften helt siden en var liten, så er det jo en del av den du er – av identiteten”. Further, the Southern Saami spokesperson Fjellheim (2020) shares that “gjennom å ta del i [reindriften] fra begynnelsen av, har jeg fått verdier som jeg er glad jeg har fått. Verdier om hvordan man tenker på naturen, og deler med den. Ikke bare å ta av den, men vi passer på hverandre og respekterer landet vi virker i. I områdene vi har, så ligger det mye historie. Minner fra fortiden, og det ligger også håp for framtida”.

What is at stake for the Southern Saami people in the Fosen debate is, therefore, not simply their livelihood; it is about the importance of the relational web of place, practical knowledge and kin beings as an expression of their cultural identity and heritage, both in the present and for the future. As Lysaker and Ebeltoft (2023) conclude in *Aftenposten*: “Fosen-saken omfatter mer enn menneskerettighetsbrudd. Samisk naturforståelse er like viktig”. Here, the debate mobilises an explicit identification with reindeer herding as a practice and the place because “[t]he relationship to the landscape and its management changes its character and becomes clearer when the threats against it are concrete and comprehensive” (Nilssen 2019, 174–5). Ellinor Jåma, the spokesperson of the *Norske Reindriftingsamers Landsforbund* shares this very experience in 2017 with Klassekampen (2017): “Jeg har ikke tenkt så mye på det før, fordi det har vært så vanlig. Men hvis en tenker etter, er det ganske unikt. Jeg er veldig glad for å ha fått en samisk oppdragelse og lært meg utrolig mye. Kunnskap og tradisjoner som har gått i arv fra generasjon til generasjon”.

## 4 Discussion

### 4.1 Compliance of Southern Saami with the authorized discourse

The previous subsection outlines the struggle of the Southern Saami communities to defend their heritage around *meahcci* against the AHD that presumes landscapes to be either

resources or *utmark* at best. Here, I observe that the Saami tend to emphasise the importance of reindeer herding and its required access to land, while de-emphasising the active role of the reindeer and land in *meahcci* (see also Nilssen (2019, 174)). This I see as a way to seek acceptance and protection through aligning with the AHD language (compare Smith (2006, 190)): the AHD is adopted to appeal to the legitimacy of their identity, values and rights to pasture. The same is indicated by the expression of Sametinget that the listing of Saami heritage would ascribe them power (compare Section 3.2).

As a consequence of this strategy, the AHD bypasses the demand to acknowledge the Saami heritage beyond its own, Western socio-cultural frame. Instead, Saami have to choose between adopting the AHD and fighting for 'resources' that they actually do not consider to be such, or staying true to their alternative cosmology but facing the continuous marginalisation and settlement of the case in the AHD without their voices being respected. As a local Saami reflects on the consequences of the wind farm in regards to *meahcci*, "our traditional knowledge about this [herding], and how the reindeer react and how they are, is not taken into account" (cited in Karam and Shokrgozar (2023, 191)). The danger of the adoption strategy is that Saami hide the complexities of their history, politics and culture (compare (Hafstein 2009, 13)). As Hafstein (2009, 18) argues, any such transformation changes the people's relationship with their own practices, as well as their identity and values – it 'squares' them. Heritage practices are therefore meta-cultural – they are cultural representations of cultural representations – with the risk of losing oneself in the process of adopting the AHD and its constraints.

## 4.2 Heritage understanding in line with *meahcci*

I will suggest recommendations beyond this lose-lose situation for Southern Saami using an ecological analysis of cultural heritage. Based on the framework outlined in Section 2.3, Harrison (2013, 33) suggests acknowledging agencies as multiple and diverse for this purpose. For example, by attending to the work of reindeer as non-human agents, we may begin to recognize the contribution of the more-than-human world in the materialization of the cultural heritage of Saami people (compare Bangstad and Pétursdóttir (2022, 19)).

However, Harrison's approach, as an actor-network-theory, runs into the danger of replacing one dualism with another. On the one hand, the concentration on *agency* as a universal concept, and thus necessarily compatible with our (human) agency, collapses the agent-specific differences Harrison actually wants to assign to the more-than-human world

(compare Vetlesen (2019, 18)). On the other hand, the assumption that agency is related to single entities presupposes ontological determinations of who counts as an individual and which 'skills' are required to qualify. Thereby, cultural expressions become insensitive to anything beyond the coarsest expressions of agencies, that is, human-defined groups interacting with each other.

In contrast, I understand *meahcci* as lacking self- or human-defined spatio-temporal boundaries. It presents instead an open system with distributed control among components, that does not necessarily coincide with our idea of individuality or agency (compare Haraway (2016, 33)). Therefore, I consider it more appropriate to avoid explicit agency assignments in the first place and instead, argue that action and change arise through a congealing of a variety of sources and forces. It is a sympoiesis, where the parts become-with everything else as part of a whole – through creating new ways of meaningful entanglements in the material world but also opposing this emerging reality to create new meaning as self-relating individuals and communities (Weber 2016, 84). Thus, heritage in line with *meahcci* is not an agential structure in relation to other actors like people or reindeer, but an assemblage of potentiality for action from various parts as well as the whole. It is an unfolding of meaning, at which humans and more-than-humans can make agential cuts by which they form identity and value (compare Fredengren (2022, 309)).

## 5 Conclusion and recommendations

This report outlined the Fosen wind park debate in light of intangible cultural heritage of Southern Saami. Based on the presented analysis, I conclude that the winter pasture on Fosen cannot be understood within the *innmark/utmark* logic of the Norwegian state without violating the cultural identity and heritage of the Southern Saami people. Even worse, the mistranslation of *meahcci* as *utmark* leads to a derailing of the debate from one about what cultural heritage is, epistemologically and ontologically, to one about economical and legal measures for enabling reindeer herding as practice. The application of a CDA enables the explanation of this tension through the identification of the AHD by the Norwegian majority, and the struggle of Saami communities to adopt this discourse. I argued that despite this useful insight, the approach is unsuitable to get beyond this problem because it remains embedded in an overly social understanding of the heritage process. Macdonald (2013, 162) raises the question of whether it is possible to use heritage

to form new identities that include rather than exclude cultural diversity, and it seems possible to me if one follows the ecological heritage approach that actively challenges the epistemological and ontological discrepancies as well as the damages they cause.

The recommendations arising from the previous analysis and discussion are therefore as follows:

- The Norwegian state needs to stop translating *meahcci* as *utmark* in political and legal documents.
- The ruling of the Supreme Court should be interpreted to imply that the authority of how to herd reindeer and live integrated with land needs to be returned to Southern Saami. This includes the ending of the conciliation process in terms of economical discussions and instead, the compliance of *Fosen Vind* with the demands of the local communities to remove the wind parks.
- The protection of Saami heritage cannot be linked to authorized cultural institutions as long as they undercut the ontological and epistemological basis for the heritage process. Kulturrådet should therefore follow the demand of Sametinget that the conservation of Saami heritage should be assigned to Saami authorities (see Kulturrådet (2010, 48)).
- Steps toward a common heritage practice beyond colonial asymmetries necessitate avoiding the dichotomy of tangible and intangible heritage, but also cultural and natural heritage, as well as the collaborative re-working of conservation practices; for example through heritage authorities joining Saami people into *meahcit* to discover how Saami practices make and know the world (compare Joks, Østmo, and Law (2020, 315)).

As a consequence of these recommendations, I expect that further colonisation or cultural appropriation can be avoided in the future. But it also has the potential to transform the authorized heritage discourse into one that suits the precarious transformations the world at large is facing. As Lysaker and Ebeltoft (2023) remind us: “Samers helhetlige naturforståelse er viktig for selvforsyningen i økokrisen og ivaretar nye generasjoner på økologisk bærekraftig vis”. If our understanding of heritage includes rather than excludes the entanglements with the more-than-human world, our chances for a real green shift instead of green colonialism increase. Ultimately, it is yet undecided what happens with

the Fosen wind parks, but it should in any case have a significant impact on any planned incursions into Saami pastures. Also, the continuous and intensifying protests by the Saami people (see NRK (2023)) show that it will become more difficult for the majority to ignore their voices in the future.

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