Synthesis: Obstacles to Sámi Participation in Resource Development and Land Use Planning in the Nordic Countries

October 2026, compiled by Rauna Kuokkanen[1]

Executive Summary

1. Structural Gaps in Legal Frameworks

Across the Nordic region, domestic legislation fails to mandate **free, prior and informed consent (FPIC)** before land use projects and resource development affecting Sámi territories proceed. While legal duties to consult exist in Finland, Sweden, and Norway, they remain procedurally narrow compared to international human rights standards. Sweden's 2010 minority law establishes a duty to ensure "effective participation," yet lacks clarity on what constitutes sufficient influence or when participation must rise to consent. Finland's recent amendments to mining law strengthened municipal and private landowner positions while sidelining Sámi voice. Sectoral legislation (Mining Acts, Environmental Codes, Minerals Acts) operates independently of Indigenous rights frameworks, leaving state agencies unable or unwilling to operationalize consultation duties in practice.

2. The Participation Paradox

Sámi communities face a false choice: **non-participation risks later marginalization**, while active participation triggers "**participatory overload**" that exhausts limited institutional capacity without securing meaningful influence. In Sweden, wind and mining development generates cascading consultation rounds (EIAs, location planning, construction logistics), forcing Sámi institutions to choose which decisions to contest given finite resources. In all three countries, Sámi are invited late – and only to comment on predetermined permit applications rather than shape initial planning. Even successful participation merely preserves the status quo rather than improving livelihood conditions; the time invested yields no affirmative gains.

[1] Synthesis of existing scholarship, see the sources at the end of the document.

3. *Systematic Exclusion from Decision-Making Authority*

Participatory processes **treat Sámi as stakeholders, not rights-holders** on their traditional lands. Cumulative impact assessments remain weak or absent despite their centrality to evaluating effects on Indigenous livelihoods. Sámi representative institutions are frequently bypassed; for instance, Finland's 2023 wind turbine installation involved no consultation with the Sámi Parliament, and mineral exploration in Giehtaruohtas/Käsivarsi proceeded without engaging the affected siida directly. Negotiated agreements between Sámi communities and developers – increasingly common – typically grant developers unilateral exit clauses and commit only to "**information-sharing**" rather than binding joint decision-making. **Power imbalances are stark**: private developers and state agencies field salaried negotiators while under-resourced Sámi institutions bear consultation costs.

4. *Implementation Failures and Competence Gaps*

State officials lack basic knowledge of reindeer herding, Sámi governance structures, and their own statutory obligations. Sweden's County Boards and Finland's permit authorities **conflate corporate consultation with effective participation**, dismissing complaints about Sámi communities being unheard. The 2024 UN Human Rights Committee decisions against Finland (Giehtaruohtas/Käsivarsi mineral exploration) and previous rulings on forestry (Länsman cases) establish that FPIC requires cumulative impact assessment, meaningful participation in decision-making, and recognition of Indigenous cultural survival; standards Nordic states have not institutionalized.

5. *International Law–Domestic Practice Disconnect*

Norway's 2021 revised consultation legislation and Finland's constitutional protections remain unenforced in sectoral decision-making. The **absence of accountable mechanisms** in all three countries – from contractor selection in impact assessments to transparent feedback loops – leaves Sámi communities dependent on expensive appeals to international human rights bodies. Sámi have been systematically excluded from energy transition planning and land use decisions despite their territorial stakes.

6. *Core Findings*

Meaningful Sámi participation requires:
(1) legislative codification of FPIC as binding, not advisory;
(2) cumulative impact assessment frameworks across sectors;
(3) direct negotiation with affected siidas, not intermediary institutions;
(4) dedicated national funding for Sámi institutional capacity and independent legal representation;
(5) shift from reactive consultation to proactive co-design of resource governance; and
(6) recognition of Sámi as governing partners with decision-making authority, not participants or stakeholders seeking influence within predetermined frameworks.

Table 1: List of Obstacles to Sámi Participation in existing literature

Country	Type of participation	Form of development	Consultation process	Consequence for Sámi participation
Finland (1)	Akwé: Kon guidelines in enviro management, esp. impact assessment	Any	n/a	Can promote effective Sámi participation but not working well in practice
Sweden (2)	**NOT** participating in consultations	land use planning	participation in consultations	1) Participation considered by authorities and developers as consenting to proposed land use change plans; 2) Not participating may be used against them later on → Can at best only deliver the status quo (2)
Sweden (2)	'tyranny of participation'	permitting process	n/a	choose b/w two bad options: risking low level of influence (if not participate), or suffering from a participatory overload
Sweden (2)	Participation only as stakeholders	land use planning	n/a	not as a rights holders on their customary lands
Sweden (2)	Sameby participation and engagement	Mining	EIA adaptation and mitigation measures require active and continued engagement	Possible participatory overload with limited human/financial resources

Sweden (2)	2–3 consultations by a Sameby	Wind industry	If granted permission → more rounds of consultations re. location of gravel pits for construction, access roads, power lines, switchgears, individual turbines etc.	1) Possible participatory overload with limited human/financial resource. 2) If no participation, nobody to minimize the expected negative impacts on reindeer herding in that particular area
Sweden (2)	Not participating not an option	any	Any	"The degree of exploitation is increasing a lot, and the lands are very fragmented. … today we don't have the luxury of **not** trying to defend our land. But we still have to prioritise what we participate in." Sameby chair
Sweden (2)	Differing Sámi views re. the pros and cons of participation (no clear indication that increasing participation in itself negative)	Any	Any	Some sameby reps: burden of participation is increasing as samebys getting increasingly involved in planning process; participation considered positive
Sweden (2)	Sameby participation and engagement	the driver of increased participation a problem: significant increase of fragmentation of the reindeer herding landscape	participating in consultations	
Sweden (2)	The structure of participating in resource development planning processes inherently reactive instead of proactive		participating in consultations	even if Sámi participation in a consultation was successful (ie., proposed project not realized), only amounts to maintaining status quo (ie, avoid further deterioration). The time and effort spent on participating would not have improved the conditions for their livelihood
Sweden (2)	Merely providing samebys with improved resources and opportunities to participate is deeply inadequate	the whole permitting system must be improved to better receive Sámi input in a meaningful and efficient way		Power imbalances in land use planning problematic for reindeer herding rights and Indigenous self-determination. (well-known challenge worldwide)
Sweden (3)			lack of codified duty to consult the Sami; narrow scope & weak status of cumulative impact assessments in Swedish EIA legislation and practice; weak recognition of Sami reindeer herding as a "property right"	

Sweden (5)			2009 the law on ethnic minorities: a state duty to promote the possibility to maintain and develop Sami culture and ensure Sami effective participation in decision making concerning them	the 2010 amendment to Constitution and the law on national minorities §4 (duty to promote the conditions for Sami to maintain and develop their culture) and §5 (duty to provide opportunities for effective participation of the Sami) were phrased with the explicit intention of giving effect to the European Framework Convention for the Protection of National Minorities – relationship b/w 2009 and 2010 legislation a bit unclear
Nordic (4)			consultation limitations include: incomplete information, lack of transparency; failure of states to build trust and relationships with the Sámi	
Sweden (5)			The state duty to provide opportunities for effective participation procedural in nature (like the duty to consult and participatory rights more generally).	Consultation (in the minority law as the "possibility to exert influence") offers a mechanism for state agencies to ascertain if they are duly promoting conditions for the Sami to maintain and develop their culture by providing Sami communities with opportunities to effectively influence state decisions and define what actions are needed to promote their culture.
Sweden (5)	Meaning of 'effective participation' in different situations ambiguous. No clarification what degree of influence is acceptable under different conditions, or situations where duty to ensure 'effective participation' implies a duty to ensure Sami consent.			
Sweden (5)			competence gaps: 1) gov't institutions lack basic knowledge of reindeer herding to meaningfully engage with Sami communities in IA. 2) re. what the duty to ensure	state officials in state agencies unaware of their existing duty based on the minority law or what it entails in practice. → prone to fail to ensure the right of the Sami to effective participation in land and resource decisions on Sami traditional lands.

			‘effective participation’ entails in practice.	
Sweden (5)	Forced participation w/o influence: Sami communities swamped in administrative tasks and requests from gov’t agencies and developers to participate in meetings concerning new dev’t plans			very limited opportunities to influence decisions
Sweden (5)		F ex, Mineral Inspectorate struggling to identify maneuvering space to ensure ‘effective participation’ for Sami communities in Minerals Act (and refer to County Boards)	sectoral legislation a stumbling block for state officials in enacting their duty to ensure Sami communities’ effective participation	SL doesn’t refer to existing duty to ensure Sami communities’ effective participation in line with national minority law (nor the duty to consult in conformity with Sweden’s obligations towards Sami as an indigenous people).
Sweden (5)		County Boards only consider Environmental Code requirements to ensure that developers hold meetings to exchange information with Sami communities (corporate consultations, or ‘samråd’) while carrying out the environmental impact assessments.		Well-known: the quality of meetings held by developers with Sami communities leave much to be desired regarding the requirement of effective participation with little possibility to influence decisions made by state authorities. As one Sami community chairperson stated: “I’ve been to numerous meetings but have never been listened to. [Samråd] has become a word of abuse!”.
Sweden (5)			state offcials and agencies more committed to sectoral legislation than to their duty to promote the possibility for the Sami to maintain and develop their culture by ensuring Sami communities’ effective participation.	The result: general state duties, rooted in the Constitution and in international law, and set out explicitly in the law on ethnic minorities, not applied by state agencies in the intended way when contested land and resource decisions are made.
Norway (6)	Sámi view: accountability mechanisms and Sámi participation lacking in every phase, including in the selection of contractors, typically solely hired by developers to conduct impact assessments	resource management, land use planning, and the resolution of land-related disputes	Need for mechanisms for regular and transparent communication to address concerns, seeking input, and building consensus on issues related to Sámi rights and interests.	Need for development of legislative measures to ensure direct, early, timely, full, effective and meaningful participation in good-faith negotiations concerning development or projects that may directly or indirectly impact Sámi, incl. issuance of development approvals, licence issuance regulations, and related laws and/or policies. These

				should include explicit recognition of FPIC in decision-making processes as well as mechanisms. HRC: Indigenous Peoples' participation in decision-making processes must be "effective" (See Poma Poma case)
Norway (6)	Norway expressed: right to self-determination exercised through the right to participate in the public administration affecting both Sámi and the community at large. Their understanding is that the obligation to consult is in accordance with the ILO Convention No. 169.		In 2021, a national Act adopted requiring gov't consultation with Sámi, incl. regional and local gov'ts.	EPRIP:insufficient nature of present consultation procedures in Norway, esp. in light of the wider progressive developments on consultation and FPIC in the distinct cultural context of Indigenous Peoples. Norway should consider a dedicated national fund to finance capacity-building initiatives for Sámi institutions and organizations (to cover costs related to training, legal aid, negotiation support, and participation in impact assessments, consultations, and other decision-making processes; also could help Sámi rights holders develop resources and expertise needed to assert their rights in negotiations with the government and businesses
Nordic (7)	The Sámi people have few opportunities to participate; FPIC not implemented			The Sámi are not asked for prior consent for large land use projects; not able to influence the use of their own lands.
Nordic (7)	meaningful participation & effective consultation **not** protected through domestic legislation		Legal duty to consult exist but too narrow compared to international human rights law	affected Sámi communities forced to defend their culture and livelihoods through appeals to the courts or international human rights bodies.
Nordic (7)	All three legal systems fail to mandate decision-makers to obtain FPIC from Sámi representative institutions before initiating land use projects			may significantly impact Sámi rights as an Indigenous People
Finland (8)	CESCR & CRC decisions Oct. 2024: Finland had violated the Sámi rights by granting mineral exploration permits in Giehtaruohtas/Käsivarsi without an impact assessment or free, prior and informed consent	Mining exploration in Giehtaruohtas/ Käsivarsi	mining permit procedures had not met FPIC standards for effective participation	Committees' decisions: negotiations should have been held with members of the Kova-Labba siida. (10) The harm caused to Sámi reindeer herding and culture reduced to the opportunity to participate in the permit procedure, and participation was found to

				be appropriate, although it was burdened by the lack of an impact assessment, the Sámi Parliament's position that consensus could not be reached without an impact assessment, Tukes' satisfaction with the fact that the Käsivarsi reindeer herding association had been represented at the hearing (but not the Kova-Labban siida grazing in the target area), and the written position expressed by the reindeer herding association against the project after the hearing. However, the colonialist-paternalist tradition of formal consultation of indigenous peoples does not change in accordance with the FPIC principle because the highest national court finds that Article 27 of the ICCPR and UNDRIP have been "due" taken into account. (11)
Finland (9)	The right of the Sámi to effective participation is not being realised. Planning should be based on up-to-date and high-quality, jointly shared information, in which cumulative impact assessment (CIA) plays a central role. According to international case law: free, prior and informed consent (FPIC) should be the guiding principle of joint planning.	Forestry	Sámi Homeland Natural Resource Plan's 2022–2027, negotiation process and joint planning	
Finland (10)	There were no negotiations with Sámi Parliament; the Sámi were not involved in the process (though The building permit was in the comment round at time of publication)	In August-September 2023, the telephone operator Elisa erected an 8 m high wind turbine near the telephone mast in Lavivaara, Käsivarsi reindeer herding district.		
Nordic (7)	The Sámi people have not been sufficiently involved in any land use plan related to the energy transition.			
Finland (8)		Forestry	Through the Länsman 1 and Länsman 2 complaints of the	

			Finnish Sámi, the UN Human Rights Committee developed criteria for assessing when other land use that interfered with the protection of culture was a violation of the treaty and when it did not constitute a "denial" of culture as referred to in Article 27. The key criteria: a) a cumulative assessment of the combined impact of gradual, separate disturbances, b) the right of the indigenous people to participate in decision-making on the matter, and c) the survival of the indigenous cultural form despite the disturbance.	
Finland (8)	The most recent process of amending the Mining Act strengthened the position of both the municipality and the landowner, but not the participation of the Sámi people, let alone the implementation of the FPIC principle.	Mining		
Norway (11)	ILO 169 obliges nation states to allow indigenous peoples to participate in decision-making processes that affect their rights, positions and interests. Consultation is an important instrument for ensuring such participation. Art. 6 (a) on consultation and (b) on participation essential provisions of ILO 169 and inform interpretation of provisions of the Convention. … The core areas for consultation and participation		The Committee noted that the State party had not obtained the free, prior and informed consent of Poma Poma, stating that: The Committee considers that participation in the decision-making process must be effective, which requires not mere consultation but the free, prior and informed consent of the members of the community. In addition, the measures must respect the principle of proportionality so as not to	

	comprise matters regarding the relationship between indigenous peoples and the nation state.		endanger the very survival of the community and its members (para. 7.6).	
Sweden (12)	power imbalances and uneven distribution of resources to participate and influence the process.	Any		As one of the leaders of the RHC stated: "resources are constrained so this entire process has cost the Sami RHC an enormous amount of time and money…it's not right, it's not equal…we are to talk with a mining company or an authority, and the people who sit there earn a salary to do that, and, yes, that's totally wicked" (interview 1 Jåhkågaska).
Sweden (12)	assessment processes for the mine projects are deemed illegitimate due to the lack of meaningful consultation and biases.	Mining (Gállok)	no formal consultation between the company and the most affected Sami RHCs, and their views were not reflected in the EIA accompanying the company's mining permit application.	
Sweden (13)	Sami communities are involved late, if at all, in the IA process, most often only invited to comment on already determined investment plans and permit applications.	Impact assessment process, permitting process	The limited participation options in the IA regimes in Sápmi partly explained by the relative absence of successful land claims	non-territorial mode of self-determination in Sápmi does not provide necessary leverage in securing substantial changes in procedural rights for IA participation.
Sweden (14)	a growing trend for Sámi reindeer herding communities to enter negotiated agreements with developers on projects that aim to exploit land and natural resources. The primary objective for reindeer herders, when engaging in agreement-making, is to try and negotiate some measure of protection for the lands and safeguard the reindeer via various mitigation measures. As such, participants all talked about how reindeer herding communities rarely if ever opt for agreements out of free will or a hope	Any	Sámi influence under the agreement: This is an area where the agreements performed particularly poorly. In most instances (11 agreements), the developers had only agreed to inform or listen to the reindeer herding districts, without commitment to any actual Sámi influence in decisions. Accountabilities: Several agreements (7) provided developers a unilateral right to re-negotiate or exit the agreement, eg if reindeer	agreements provide some positive contributions to mitigate harm to the reindeer, but also contribute considerable risks. We argue that agreements might have a meaningful role to play in the integration of Sámi rights in land and resource decisions, but herding communities have considerable space to increase the range of clauses – guided by larger goals of Sámi self-determination.

	of socio-economic benefits. Instead, communities find themselves pushed into agreement-making as means of mitigating harm, e.g., when perceiving that the developer is intending to proceed without Sámi consent.		herding community deemed to not comply with the agreement or the developer was exposed to more stringent conditions by regulatory government authority or environmental court.	
Sweden (15)	experiences of limited opportunities to influence decisions, and perceived low competence as well as limiting attitude from governance actors.	Hydroelectric development		widespread signal of low trust, correlated with a confluence of factors: a strong concern with negative impacts from hydropower on Sámi culture

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