



Hallowed Grounds: Approaching Sacred Natural Sites in Sápmi

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Abstract

This article examines the identification and protection of the sacred natural sites (SNS) of Indigenous peoples, with a particular emphasis on a selection of cases where the Sámi people's SNS have come under pressure in Sápmi. The article unpacks the origins and impact of the concept of SNS, from the international level to domestic decision making. A key concern of this investigation is how discourses on SNS have come to interact with and influence other issues of global governance, from environmental and biological diversity concerns and activism for cultural heritage to protective measures for the human rights of Indigenous peoples. Following this overview, the article discusses the extent to which the Norwegian authorities, commercial actors, and civil society activists have drawn on the international SNS discourse to formulate their claims in a series of cases concerning energy developments in Sápmi.

Keywords: sacred natural sites, Indigenous religion, human rights, Sámi

The issue of self-determination and its violation over centuries of colonial rule has been front and centre from the beginning of the international movement for the recognition of Indigenous people's human rights (Niezen 2003, 119–120; Anaya 2004, 107). The centrality of self-determination and the shared history of colonial subjugation have served to galvanize the push for greater recognition of the human rights of Indigenous peoples and runs throughout the *Declaration of the Rights of Indigenous Peoples* (UNDRIP) adopted by the United Nations in 2007, from the preamble to its substantive provisions. The twin influence of the call for self-determination and the need to address the injustices of the colonial past stand out as uniting and consolidating features for Indigenous peoples around the world.

This article sets out to examine one specific dimension of the fight for self-determination as it has played out in acts of resistance against the vestiges of colonial rule: the struggle of Indigenous peoples to gain political and legal recognition of their sacred natural sites. Unlike sites that gain legal protection based on the perceived cultural, social, or religious value of existing or earlier constructions or archaeological traces of prior use, sacred natural sites can primarily be identified through the role they play in the worldviews, stories, and beliefs of Indigenous peoples (Liljeblad and Verschuuren 2019). Sites held to be sacred can be found all over the world, in mountainous areas, on plains, in caves, forests, and groves, on the coast, and along the banks of rivers. Such sites provide a prime location for some of the core aspects of the globalizing discourse of Indigenous religiosity, including harmony with and care for nature, autochthonous claims to place and genealogical connections between the living, ancestors, and the cosmos (Johnson and Kraft 2017, 4).

The interrelationship between nature and the sacred form some of the key interests in the early academic study of religion, from the idea F. Max Müller developed in his *Lectures on the Science of Language* (1861) that mythological ideas are derived from natural phenomena and the centrality of the sacred grove at Nemi to the theory of religion James G. Frazer proposes in *The Golden Bough: A Study in Magic and Religion* (1890), to Mircea Eliade's claim in *The Sacred and the Profane* (1957) that nature always represents something altogether different – the sacred – that transcends it.

While the willingness to create grand theories of religion may have diminished, the interest in the relationship between the natural world and religious concepts has not: scholars have shifted their attention to more locally oriented examinations of the sacred and its environment, with a particular emphasis on the social, cultural, and political forces that give rise to the identification and demarcation of certain areas and spaces as sacred. Notable contributions include *Sacred Sites, Sacred Places* (Carmichael et al. 1994), *Religion and Tourism: Crossroads, Destinations, and Encounters* (Stausberg 2011), *The Location of Religion: A Spatial Analysis* (Knott 2015), *A Sacred Space is Never Empty: A History of Soviet Atheism* (Smolkin 2018), and *Defend the Sacred: Native American Religious Freedom beyond the First Amendment* (McNally 2020). Across these contributions scholars have examined the sacredness of sites, places, and spaces not as static or stable phenomena but as fluid and ongoing examples of what may be categorized as the 'sacralization' of places and spaces, wherein the locus of sacredness

is not a fixed property but an inherently social process, as Thomas Kirchoff suggests (2023, 3).

Despite considerable interest in the study of Indigenous religion and spirituality (de la Cadena 2015; Tafjord 2016; Johnson and Kraft 2017; Kaikkonen 2020), there has been little work on the rapidly expanding legal and political initiatives to provide protections for the sacred natural sites of Indigenous peoples and the attendant grey and research literature that explores the status, structure, governance, and cultural and social effects of such sites for biological diversity, human rights, climate change, and nature degradation. The research literature on sacred natural sites in these areas of study has been growing steadily since the turn of the millennium, but has yet to pay sustained and systematic attention to its core category: the sacred and the disciplines that dedicate themselves to its study. A recent review of the conservationist and environmentalist SNS literature found that the conceptualization of the sacred in this body of work was ‘dichotomous’, ‘static’, and ‘oversimplified’, thereby engendering ‘subtle forms of discrimination’ (Tatay and Merino 2023, 11), in no small part due to its lack of interaction with the study of religion.

Scholars of religion have started engaging with processes of ‘sacralization’ occurring in some of the areas designated as SNS by Indigenous peoples (Heinämäki and Herrmann 2017; McNally 2020; Kraft 2022). However, insufficient attention has been paid to the interconnections and overlaps between actors working to preserve SNS as a means to protect cultural heritage, biodiversity, and human rights at the international level, and the ways in which these processes have travelled to the domestic and local levels. This article therefore relies on two interrelated research questions: first, how and why the concept of SNS emerged at the international level; and second, the role of the international notion of SNS in local conflicts over energy developments in Sápmi.

After a methodological section this article seeks answers to these questions in two steps. First, the article provides an overview of initiatives to protect SNS internationally – mapping relevant actors, events, arenas, and legal instruments involved in the creation of more robust protections for SNS across different domains of governance and different communities of rights activists. Second, the article traces the influence of these initiatives on a selection of examples from Norway, where energy developments have put pressure on the nature and scope of available legal protections for the SNS of the Indigenous Sámi population.

Method and research design

The design of this study, which traces the effects of normative concepts developed at the international level on cases at the domestic level, builds on a long prehistory of international human rights law and policy studies. A significant inspiration is the work of Martha Finnemore and Kathryn Sikkink (1998, 893) on what they characterize as the 'strategic social construction' of norms and the influence of what they call 'norm entrepreneurs' on the efficiency and lifecycle of norms. Within this framework norms like the instruments that have been created or adjusted to protect SNS can only develop if there is sufficient momentum around the legitimacy and efficacy of a norm among 'entrepreneurs' – activists and organizations who can help propel the norm from its original inception point to broader communities and fields of action. After reaching a certain point of dissemination, or 'tipping point', beyond its point of origin, successful norms move on to become internalized, indicating broad support and acceptance in wider society, a trajectory through which major norms moved long ago (Finnemore and Sikkink 1998, 895). An important part of the investigation below is to determine SNS's current stage in the lifecycle of norms.

Similarly, human rights scholar Clifford Bob has highlighted four steps in the processes leading to the emergence of new rights: (1) communities frame grievances as normative claims; (2) communities convince gatekeepers in international NGOs to accept them; (3) states and international bodies implement new rights after pressure from (1) and (2); and (4) national institutions act to implement rights locally (Bob 2009, 4). The movement for the protection of SNS globally currently appears on the verge of moving from step (2) to step (3), as gatekeepers have been successfully convinced of the salience of SNS claims, though states have yet to fully implement mechanisms for their protection – but appear on the verge of doing so.

Whereas Bob, Finnemore, and Sikkink have paid most attention to the creation and dissemination of norms unidirectionally, from the international to the domestic level, and the role of 'gatekeepers' and 'entrepreneurs', social anthropologist Sally Engle Merry has traced the influence of local contextual factors on the legitimacy and efficiency of norms developed at the international and domestic levels to prevent violence against women. Merry has highlighted the importance of local cultural resources in the 'vernacularization' of norms that have been 'transplanted' from the international domain. For such translations to be efficient, they cannot simply be implemented but must draw on specific local cultural narratives (Merry 2006, 136–137). These conditions are particularly important in the case of SNS,

whose transmigration from the international to the domestic and local levels requires considerable awareness of and engagement with local conditions.

Finally, the present study sets out to examine what Kirsten Carpenter and Angela Riley have characterized as the ‘jurisgenerative moment’ in Indigenous peoples’ rights, engendered by the adoption of the UNDRIP in 2007:

By participating in the human rights movement as *peoples*, indigenous peoples have begun to transcend the state-centric model that often excludes other groups meriting legal and political attention on the world stage. In ‘uncovering’ their own legal traditions and working to ‘decolonize’ indigenous experiences, they increasingly expect international human rights law to reflect and advance indigenous norms (Carpenter and Riley 2014, 177–178, emphasis in original).

Through reflexive engagement with the development and implementation of norms, Indigenous peoples have effectively moved beyond the confines of the state-centric system of human rights and have thus significantly expanded their claims to sovereignty and self-determination. The ‘lifecycle’ of norms thus no longer has ‘internalization’ as its endpoint; rather, the full recognition of norms in Indigenous rights must be truly transformative, leading to categorical changes in the structure and methods of legal reasoning.

Taken together, the frameworks developed by Finnemore/Sikkink, Bob, Merry, and Carpenter/Riley provide a roadmap for the mapping and tracking of norms, from international and domestic levels of governance to the grounded local level. Within this framework the development of international norms for SNS must be seen as a reflexive process in which the identification of issues of concern successfully transitions to the level of normative commitments before gradually spreading in different networks of authority through the work of intermediaries, who play a pivotal role in the mainstreaming and dissemination of the norm at the local level but also in actively shaping and negotiating the norm to further their own interests and create a better fit with a variety of local conditions. Unlike the copious research output from conservationists on the urgency of providing more robust protections for SNS because of their potential to improve biodiversity (Zannini et al. 2021; Ma et al. 2022; Sullivan et al. 2024), this article seeks to further our understanding of how and why a specific concern with SNS has emerged, and how this concern plays out on the ground.

To follow the roadmap indicated above, the article provides an overview of the normative instruments involved in the protection of SNS, with

a particular emphasis on the centrality of SNS to the Indigenous rights movement, followed by its gradual inclusion in the *World Heritage Convention* (1972) and the *Convention on Biological Diversity* (1992). The uptake of and adjustments to these instruments to accommodate SNS represent the ‘tipping point’ in the model developed by Finnemore and Sikkink, and the intermediary stage in the model developed by Bob. After this overview the scope of protections presently available for SNS is briefly discussed, before the article moves on to examine how protections for SNS have emerged as a human rights concern in Sápmi. To pay attention to the local cultural conditions that provide the backdrop against which these claims have been developed, the article provides a basic overview of the current state of knowledge about some of the key features of the worldviews and beliefs of the Indigenous Sámi people, with an emphasis on the spiritual significance of nature and natural sites. The article’s final section discusses how concerns about SNS have been formulated and deployed in a selection of cases in Norway, examining whether the ‘jurisgenerative moment’ for Indigenous peoples’ rights that Carpenter and Riley highlight has arrived.

Sacralizing nature – naturalizing the sacred

The emergence of the concept of sacred natural sites (SNS) is intertwined with the Indigenous rights movement. Writing in 1982, the United Nations special rapporteur José Martínez Cobo observed in his *Study of the Problem of Discrimination against Indigenous Populations* that ‘...indigenous peoples all over the world hold certain areas of their ancestral land as holy’ (UN 1982, 42).¹ This holiness could have a variety of origins: they could be dwelling places or embodiments of spiritual beings; they could be burial grounds or sites for religious events; they could contain specific natural products or features; or the forefathers could have made arrangements of stones, erected architectural works, placed sculptural works, and left engravings, paintings, rocks, or other natural features of religious significance (United Nations 1982, para. 173). Hence, in Cobo’s definition SNS would above all be recognizable because of some kind of human interference, but with the additional opening for ‘natural features’.

Although Cobo characterized the existence of such sites as ‘a well-established fact’, their recognition and preservation at the international

¹ While there are subtle differences in the use of the terms ‘sacred’ and ‘holy’, the terms are used interchangeably in the discourses on SNS. For an overview see Stausberg 2017.

level took several decades: in 1993 the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities submitted a draft declaration on the rights of Indigenous peoples to the Human Rights Commission for further deliberation (United Nations 1994). Drawing on the Cobo study, article 13 of the draft declaration specified that '[s]tates shall take effective measures, in conjunction with the indigenous peoples concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected'. When the final declaration was adopted by the General Assembly in 2007, however, this protective measure was nowhere to be found, having been replaced by more generally phrased articles. This process, whereby the final international norm departs from its original framing, illustrates the importance of approaching the development of such norms reflexively as a movement back and forth between involved actors, not as a unidirectional, top-down process.

Parallel to discussions on a draft declaration of Indigenous rights, related processes focusing on the need to preserve sites with religious, spiritual, or sacred dimensions had been taking place at other international venues. Since the adoption of the UNESCO *World Heritage Convention* in 1972 the World Heritage Committee (WHC) has gradually expanded the operational guidelines that clarify the scope of the convention, under which the preservation of 'cultural' heritage was originally kept distinct from the protections offered for 'nature': cultural heritage was originally limited to monuments, groups of buildings, and sites, all of which were constructed or artificially developed or altered by 'man'.

Meanwhile, natural heritage was restricted to natural features, geological and physiographical formations, and natural sites, whose 'outstanding universal value' could be ascertained from the perspective of 'science, conservation or natural beauty' (UNESCO 1994, 10). Hence, the text of the convention established a mutually exclusive boundary between culture and nature, in which 'culture' presupposed some kind of imprint from human activities, while 'nature' did not. In the years since the convention was adopted this boundary's stability has gradually eroded, as the guidelines for the inclusion of sites under the convention have evolved. Since 1992 the guidelines have offered protections for 'cultural landscapes', transgressing the original boundary between culture and nature (Verschuuren et al. 2022, 3). This expansion has made possible the recognition of sites whose defining characteristics may not be their scientific importance or natural beauty but their connection with human-made cultural systems, whether tangible or intangible. Such landscapes could be designed and intentionally created by

humans, they could be organically evolved through cultural imperatives, or they could have 'powerful religious, artistic or cultural associations' (UNESCO 1994, para. 39).

Following this expansion the WHC's advisory bodies created several initiatives to promote and facilitate the conservation of religious heritage and sacred sites, providing an important impetus to conservationists and rights activists across the world. Most prominent among them, the IUCN established its own specialist group in 1998 dedicated to the preservation of the cultural and spiritual values of protected areas: the Cultural and Spiritual Values of Protected Areas group, or the CSVPA. The CSVPA has issued guidelines for area managers of sacred natural sites and regularly publishes books and reports on the status of sacred natural sites and the role of Indigenous peoples in their conservation (see Verschuuren et al. 2021). The CSVPA has thus become one of the crucial intermediaries in the formulation of SNS, acting as a gatekeeper in the elaboration and consolidation of the norm at the international level.

In a related development the gradual expansion of cultural heritage concerns into the conservation of natural landscapes has led to increasingly shared interests between conservationists and environmentalists. These interests converged at the 1992 United Nations 'Earth Summit' in Rio De Janeiro, during which the Convention on Biological Diversity (CBD) was adopted, emphasizing the role of Indigenous peoples as custodians of biological diversity in article 8(j). In 2004 the secretariat in charge of following up the convention – the SCBD – published its own guidelines on impact assessments likely to affect sacred sites, better known under its abridged name, the *Akwe:Kón* guidelines (SCBD 2004). Since 2010 the SCBD has been running a joint programme with UNESCO that links biological and cultural heritage efforts in which the preservation of sacred natural sites occupies a prominent position (UNESCO 2010).

This brief list of international efforts to protect religious, sacred, and spiritual sites is not exhaustive, but it indicates the international community's willingness to strengthen the protections of such sites, the variety of reasons for such protections, and the expected outcomes of such efforts: they have been triggered by a diverse intertwined set of crises facing the international community, from the increasing awareness of biological degradation and the escalating climate crisis to the loss of sites and monuments of great cultural or spiritual significance, and to ongoing and systemic human rights violations based on religion, indigeneity, culture, and spirituality. The severity and scope of these interrelated crises have been instrumental

for the continued elevation of sacred and religious sites on the agendas of activists working for the environment, cultural heritage, and human rights protections worldwide.

Crucially, the sites that are gradually becoming visible, recognizable, 'sacralized', and hence eligible for protection under these international processes represent alternatives to the established order and the hierarchy of protective measures for the built environment. These initiatives are indicative of a shared sense that the international community needs to identify new and more sustainable models of governance that take the claims of Indigenous peoples to self-determination and the use of their lands seriously. In these initiatives, however, there is a continued and marked divide between sites that are already recognized as religious and sites whose status is less clearly established in the lexicon of international law. The latter group – cultural landscapes, holy lands, and sacred sites of Indigenous peoples – whose religiosity, sacredness, and set-apart character has been less clearly recognizable under international law, have become prominent due to their entanglements with nature and the environment, which have acted as force multipliers for their protection.

Identifying sacred natural sites

The process under which sacred natural sites have become recognizable and considered worthy of protection has created a need for precise definitions of such sites. In recent decades a large body of research and consultancy literature on different types of sacred natural sites (SNS) and their management has developed (Liljeblad and Verschuuren 2019, 1–3), largely without any input from the study of religion. Guidelines and declarations developed for the management of SNS tend to provide expansive definitions of sites eligible for protection, echoing the open-ended approach UN rapporteur Cobo favoured in 1982. In language that persistently evades the definitional ambiguities of the sacred, a common denominator is the existence of some sort of spiritual 'significance' (SCBD 2004, II6(e)), 'importance', or 'value' (WWF 2005; Delos Initiative 2017). The communities that cultivate these bonds are rarely specified. The identifying features of such sites are also numerous, and one guideline simply observes that '[s]acred natural sites can encompass virtually any land or aquatic habitat' (WWF 2005, 18), while others specify that they can be constituted by 'a site, object, structure, area or natural feature or area' (SCBD 2004, 7). Features eligible for conservation can encompass:

...attributes of nature that are evident at all levels of ecological organisation, ranging from species of flora and fauna to geological and topographic features to entire landscapes and waterscapes. They can encompass diverse manifestations such as night skies, monumental natural features, intimate local sites, as well as the practices, knowledge, beliefs, (non)human relationships and institutions associated with them (Verschuuren et al. 2021, 3).

The present and prior usage and access to SNS is equally diverse: one summary observes that '...sacred sites have existed in all cultures and all parts of the world. (...) In all cultures, sacred places are seen as crossing-over [sic] points, situated between the mundane and the spirit world: entry points into another consciousness' (Gaia Foundation 2007, 7). Sacred sites can provide their communities with resources, but their use and access tend to be controlled to some degree, ranging from completely forbidden areas considered to be the abode of gods or spirits to open access to anyone '...so long as they show respect' (WWF 2005, 18).

Whereas the early international Indigenous rights movement was largely 'secular' in the sense of calling for the international rights regime to restore original notions of ownership and land use, the importance of SNS for such claims has gradually expanded, strengthening such activism's spiritual and sacred component. A similar development, which appears to support and encourage processes of 'sacralization' at the local level, now seems to be occurring among the Indigenous Sámi.

Sacred natural sites in the Nordic countries

Although land rights have been at the heart of the relationship between Sámi communities and the Nordic states since at least the seventeenth century, the spiritual dimensions to the relationship between the Sámi and their lands have thus far been virtually non-existent in their human rights struggle. Landmark events in the development of Sámi rights struggles have focused on language, access to, ownership, and use of land, and reindeer husbandry, with the last acting as the primary form of cultural practice eligible for protections under international human rights law.² As a result of the rights struggles of the last 50 years, all the Nordic countries now provide legal opportunities for the assessment and recognition of Sámi land rights based on a variety of legal concepts, like usufruct, immemorial

² For an overview of the different land rights regimes in each country see Allard and Skogvang 2015.

usage, established privileges, and local customary law (Allard 2011). After many years of neglect Sámi interests now hold an integral and central position in Nordic law, partly through international commitments such as the ILO *Indigenous and Tribal Peoples Convention* and the UN *Covenant on Civil and Political Rights* (ICCPR), and partly through gradually increased recognition in statutory laws concerning Sámi issues.³ An example of how the ICCPR has been given direct effect in the preservation of Sámi interests in Norway is the *Fosen* case, in which the Norwegian Supreme Court found licences for wind power development in the Fosen peninsula were invalid because the construction violated Sámi reindeer herders' right to enjoy their own culture through the adverse effects of windmills on reindeer grazing (Supreme Court of Norway 2021).

Across these regulatory frameworks, which can loosely be characterized as 'Sámi law' (Skogvang 2009), the role of spirituality, religion, and sacrality has until recently been all but non-existent. This omission is notable given the emphasis on the spiritual relationship between Indigenous peoples and their land in the 1982 Cobo report, the ILO *Indigenous and Tribal Peoples Convention*, 1989 (No. 169), and the UNDRIP (2007), all of which have been influential for the development of Sámi law in all the Nordic countries, though the latter has yet to become binding legal commitments.

During the last decade, however, movements for increased recognition of the human rights of Indigenous peoples in the Nordic countries have begun to articulate claims for increased protections for SNS as a subset of their larger rights struggle, indicating that 'norm entrepreneurs' have started working for the formal recognition of this norm, moving from step 2 to step 3 in the model of rights development developed by Clifford Bob (Bob 2009). A landmark event in this transition was the 2010 meeting in Aanar/Inari in Finland organized by the Delos initiative, a programme developed by the CSVPA, the specialist group for SNS the IUCN created in 1998. This event led to the *Aanar/Inari Statement on the diversity of sacred natural sites in Europe*, highlighting the need to provide more robust protections of SNS in European countries, including but not limited to the SNS of the Sámi. In 2013 a related event was organized by the Sacred Natural Sites Initiative (SNSI), another subsidiary of the CSVPA, in Pyhänturi in Finland. Unlike the statement from Aanar/Inari, the resulting *Pyhänturi Statement* exclusively emphasized the need for better protection of the SNS of Indigenous peoples, specifically highlighting the need to implement the provisions of

³ Primarily the *Act on the Sámi Parliament and other Sámi Legal Issues* (1987) and the *Reindeer Husbandry Act* (2007).

the UNDRIP (SNSI 2013). Also in 2013 a preparatory conference before the 2014 UN *World Conference on Indigenous Peoples* was organized in Alta in Norway, resulting in an outcome document that urged states to

...affirm and recognize the right to the protection, preservation and restitution of our sacred places, sites and cultural landscapes and establish mechanisms that can effectively promote the implementation of these rights including through the allocation of sufficient financial resources (United Nations 2013).

Despite these promising developments, none of the Nordic countries has created legal frameworks that provide specific protections for SNS, though the Finnish authority in charge of national parks has adopted the *Akwé:Kon* guidelines in its regulatory framework (Markkula et al. 2019; Onyango and Wiman 2021). Despite this implementation, there is still some distance to travel in Finland, as evinced by the longstanding controversies surrounding a water bottling plant in an SNS in Suttésája in Finnish Sápmi (Kuokkanen and Bulmer 2006), where the Sámi Council has also criticized the lack of recognition of the SNS concerned by the development (Saami Council 2017).

Identifying sacred natural sites in Sápmi

A crucial challenge to the protection of SNS in Sápmi is the long and painful history of the wilful eradication of Sámi worldviews and spirituality. As a result of colonial encroachments in Sápmi, the Sámi's spiritual and religious ideas and practices prior to the seventeenth and eighteenth centuries are only fragmentarily known. The term 'Sámi religion' can currently be used to describe (at least) three different yet interrelated worldviews, as identified by Konsta Kaikkonen:

(1) Sámi indigenous religion (SaaN. *eamoskkoldat*); (2) different forms of Sámi Christianity; and (3) Sámi shamanism (which of course does not cover all contemporary forms of Sámi post-secular practices) (Kaikkonen 2020, 12).

The claims developed to gain protections for SNS tend to draw on a combination of (1) and (3). The main sources of such ideas and practices are archaeological and material evidence and accounts written by Christian missionaries (Pollan 2005, 419). From these sources there appears to be a

scholarly consensus on a set of key characteristics.⁴ The Sámi pre-Christian worldview encompassed several dimensions of being, of which the present material world was only one. While the number of additional spheres listed in the written record differ, there were conceptions of at least one spiritual world in which beings outside our regular plane of existence dwelt. Particular landscapes and sites appear to have played central roles in the pre-Christian Sámi religious outlook. The significance of *sieidis* – specific places or natural objects where offerings could be made to ensure future hunting or reindeer success – has been clearly established by numerous depictions in the written sources that have come down to us, as well as in the preponderance of archaeological evidence of their widespread and diverse use (Salmi et al. 2011). Because *sieidis* offer tangible clues of ritual activities and can be identified through established archaeological methods and evidence, their status as set apart and eligible for legal protection under paragraph 4 of the *Norwegian Cultural Heritage Act* is clear and relatively undisputed, offering automatic protections for any cultural traces more than 100 years old.

In addition to *sieidis*, however, specific landscapes, areas, and natural features have played key roles in traditional reindeer herding, serving functional, material, symbolic, and lingual dimensions, bearing place names that function as toponyms that can explain the ‘...history, events, images, tales and folklore attached to the place’ (Näkkäljärvi and Kauppala 2017, 119). Place names deploying Sámi language terms for sacredness, such as *sáivu*, *bássi*, *áiles*, and *háldi*, have been used to detect areas that had religious significance in earlier times (Äikäs 2015, 65; Myrvoll 2017, 101). Because these areas tend to have few material indications that set apart their status, they are more difficult to classify, whether by the cultural heritage authorities, reindeer herders, or companies working in the mining and energy sector looking for available areas to exploit.

In addition to placenames the main sources for the sacredness of areas in Sápmi today are missionary accounts from the seventeenth and eighteenth centuries, when the pre-Christian Sámi religion was still dominant, combined with whatever traces of the beliefs and myths the missionaries collected that can be gathered among today’s Sámi (Myrvoll 2017, 102). Additionally, ‘neo-shamans’ have recently started identifying sacred mountains in Sápmi, arguing that they represent ‘Mother Earth’, and thereby nature in general and all of life’s relations (Kraft 2022, 34–35). Finally, the recreational aspects of serene mountainous areas have also assisted their status as

⁴ These characteristics are primarily based on the synthetic account given by Hansen and Olsen 2022.

‘almost sacred’ among non-Indigenous inhabitants, as evinced in the case of Tromsdalstind in the early 2000s (Kraft 2010).

Because of sacred natural sites’ resonance in international heritage discourses, their documented importance to the ritual and spiritual life of pre-Christian Sámi society, and their appeal to both neo-religionists and non-Indigenous people, they have come to play an increasingly important role in recent claims-making among the Norwegian Sámi. Although the question of SNS was peripheral in the 2013 document that spelled out the Sámi parliament’s official cultural heritage policy (Sametinget 2013), it occupied a more prominent place in the 2020 policy, which raised the issue of better guidelines and documentation of SNS in Sápmi (Sametinget 2020a). Also in 2020 the Norwegian parliament considered a proposal by Green Party MP Per Espen Stoknes to subject ‘selected Sámi sacred mountains’ to their own heritage protection initiative (Stortinget 2020). Referring to the conservation of sacred mountains in Sweden and Australia and the brutality of the Norwegianization efforts targeting the Norwegian Sámi in the 1700s, Stoknes highlighted proposed energy developments on the Rástigáisá and Aahkansjurhtjie mountains, comparing their status among the Sámi to that of culturally significant church buildings among the majority Norwegian population. The proposal failed to gain traction in parliament, with the majority citing the already existing possibility to attain conservation status for sacred mountains in paragraph two of the *Cultural Heritage Act*, which offers protections for constructed or natural sites connected with ‘events, beliefs, or traditions’.

Following this attention, the 2021 *Sametingsmelding* (Sámi parliament report) highlighted the importance of SNS for Sámi cultural heritage. Seeking to move the discussion of how to identify candidate areas and mountains forward, the report suggested that naming traditions could be useful for establishing sacredness (Sametinget 2021, 32). According to the report an absolute criterion for the establishment of sacredness would be the existence of ‘empirical data’, encompassing ‘oral traditions, written sources, place names, and archaeological evidence’. Recognizing the limited consensus regarding the proper methodology with which to approach questions of which areas may or may not be sacred and therefore eligible for protection, the Sámi parliament has initiated a strategy to develop guidelines for registration, requirements for documentation, ethical concerns, and registration of Sámi sacred places in cultural heritage databases.

Taken together, the recent political and legal attention to the need for more robust protections of SNS appears to suggest that the lifecycle of this

norm is approaching the point where it is internalized and implemented, thus entering the final stages of the models developed by Finnemore/Sikkink and Bob. The successful implementation of the norm strongly depends, however, on its reception and 'vernacularization' in specific cases, as Sally Engle Merry's work highlights. To gauge whether the 'jurisgenerative moment' in Indigenous rights recognition that Carpenter and Riley identify has arrived, this article's final section examines three instances when the issue of SNS has been part of the discussion about the acceptability of energy developments in Sápmi.

Davvi wind park

In May 2017 the Norwegian Energy Regulatory Authority (NVE) was notified by the energy company Grenselandet AS of its plans to apply for a wind power development with between 100 and 267 turbines in the municipalities of Lebesby and Tana in Finnmark county, an area of approximately 78 square kilometres. The proposed development area was in Sápmi, and would affect four reindeer herding communities in the area.⁵ As a preparatory measure for the licensing process, the NVE initiated consultations with the communities, which voiced their concerns about the consequences for reindeer herding and the continuation of Sámi traditions. The Sámi parliament was also consulted, and it expressed concern that the potential ramifications for Sámi beliefs and traditions should be better documented before permits could be approved, referring in particular to Rástigáisá's role as a sacred mountain, a sentiment echoed by the National Trust of Norway, the Norwegian National Sámi Association, and Sirma Gilisearvi,⁶ which submitted written complaints to the process. Specifically, the consultation with the Sámi parliament led to the inclusion in the preparatory stages of the licensing process of a survey of 'immaterial cultural heritage, including sacred areas, in the planning area' (NVE 2018a). Sirma Gilisearvi's submission offered the most elaborate depiction of Rástigáisá's sacredness, emphasizing the existence of offering places in the mountain's vicinity combined with the role of 'nature religion' as a vehicle for the Sámi community's cultural resilience (NVE 2018b).

The Sámi parliament suggested that a survey would have to be conducted by someone with a knowledge of Sámi languages, culture, and local Sámi

⁵ Reindeer herders are organized in collective, representative units called *siida* (Northern Sámi) or *sijte* (Southern Sámi).

⁶ A *gilisearvi* is a communal unit below the municipal level.

conditions, with the ability both to review historical sources and gather information among the rural communities affected by the development, indicating its interest in collating information from both the historical record and any potential contemporary views of or uses of the concerned area. This request could not be guaranteed by the NVE, as the only requirement under the licensing regime was to use a surveyor with 'relevant and sufficient competence', and whom the company proposing the development project would select (NVE 2018a).

In 2019 Grenselandet AS submitted a review of the consequences of the project conducted by Multiconsult, an independent consultancy. The review provides a detailed assessment of the project's ramifications for the landscape, nature, cultural heritage, hiking, and tourism. There is no indication in the report that historical sources have been reviewed, or that the consultancy had contacted residents or others using the area (Multiconsult 2019). Rástigáisá is mentioned as the 'sacred mountain of the Sámi' several times in the report but without a discussion of source materials, beliefs, or current perceptions of the mountain. Assessing the landscape of the area surrounding the mountain, the consultancy found the qualities to be 'very high', and that the development would have 'strongly negative' effects on these qualities. Similarly, the report found the mountain itself to have 'great value' in terms of both tangible and intangible cultural heritage qualities, and that the proposed development would have 'strongly negative' effects on these qualities.

Supplementing the report by Multiconsult, Grenselandet AS commissioned an additional survey of the ramifications for Sámi nature use, culture, and reindeer herding in 2021. This report was compiled by Sámi ealáhussearvi (the Sámi Business Association). It featured an elaborate description of the historical sources of Rástigáisá's sacredness, supported by reference to Roald Kristensen, a historian of religion at the University of Tromsø, Aage Solbakk, a local historian, and the writings of Jacob Fellman (1795–1875), a Finnish Lutheran priest who had worked in the area. The report recommended that the detrimental influence of the windmills on the area's spiritual aspects could be compensated for by erecting information boards documenting the written sources for the Sámi conceptions of the sacred aspects of the area and the spiritual forces of nature (Sámi Business Association 2021, 55). The final application for Davvi was submitted in June 2022 and remains pending with the NVE. The project has received widespread attention in the Nordic media (NRK 2022; The Barents Observer 2021; Saami Council 2020), with growing interest especially since the decision in the *Fosen* case. The Davvi case illustrates the complexities of developing

a coherent protection regime for SNS, as the legal framework in place for energy development impact assessments currently has no room for the specific recognition of such sites. Adding to this complexity, the disagreement between different Sámi stakeholders about how to preserve the area under development shows the challenges of trying to adapt protective regimes to local cultural conditions that are neither uniform nor predictable. Hence, the ‘vernacularization’ of the notion of SNS appears incomplete, as local stakeholders disagree about the concept’s boundaries.

National plan for land-based wind power

Parallel to the developments in the Davvi case, and following extensive consultations with other regulatory agencies, the NVE launched a proposal in 2019 for a national plan for land-based wind power commissioned by the Ministry of Petroleum and Energy in 2017. The plan assessed the potential for wind power development across the Norwegian mainland, subdividing the country into 43 regional units and recommending large-scale developments in 13 such units, five of which were in Sápmi, and the rest in southern parts of Norway. The plan was met with widespread condemnation, elicited more than 5,000 responses in a public hearing, and was soon scrapped by the government.

Numerous Sámi interest groups participated in the hearing, heavily criticizing the ramifications for reindeer herding were the plan to be adopted. Among them the response from the reindeer herding community Leavvajoga ja Rastigaissa Samesiida (LRS) stands out: unlike the responses from other herding communities, the LRS argued that their area – Leavvajohka and its surroundings – should be protected from wind power development because it constituted ‘the most comprehensive Sámi sacred land areas in Norway’ (LRS 2019). Attached to the response was a comprehensive document that argued for the sacredness of numerous mountains, lakes, and rivers in the Leavvajohka area, drawing partly on their names’ religious connotations and partly on Jakob Fellman’s writings about Sámi religion and specific landscape features. Hence, much like the consultancy reports commissioned for Davvi, the emphasis for the LRS in documenting the sacredness of the landscape was very much on historical sources.

Despite massive resistance to a national plan for land-based wind power and its consequences for Sámi reindeer herding, Statistics Norway published a white paper in September 2022 offering its perspectives on which areas of Norway might most efficiently provide land-based wind power. Of the

4 TWh capacity the paper recommended, 2.6 TWh was recommended for development in areas used by Sámi reindeer herding communities, indicating that the tensions between Sámi land rights and energy development were unlikely to subside in the near future.

Aahkansjurhtjie

Whereas the status of Rástigáisá as an SNS has been undisputed, another energy development initiative further south in Sápmi illustrates the difficulties that can arise when actors disagree about an area's status. In 2013 a proposal to build a hydroelectric dam in Stikkelvika in the Hattfjelldal municipality, further south in Sápmi, was submitted to the Norwegian energy authorities. In the hearing process both the Sámi parliament and local reindeer herders opposed the initiative, not because of the area's sacred properties but because of its potential to harm reindeer. The Ministry of Petroleum and Energy (MPE) dismissed the opposition, and issued a licence to proceed with construction in 2018.

Shortly after the licence's approval the Arctic Shaman Circle (ASC) – a self-styled religious group – was formed and immediately sought to oppose the construction, citing its detrimental effects on an area sacred for the Sámi. The ASC submitted a 30-page report listing several characteristics said to attest to the mountain's sacredness, including its Sámi name – Aahkansjurhtjie – which can be linked to the term for goddesses (*aahka*); its prominence and visibility from many of the surrounding areas, which also features numerous other sacred mountains; the finding of an offering ground; its central position within the local reindeer herding district; and the particular kinds of respect the mountain invoked, providing power and calm (ASC 2018). Most of the report detailed personal experiences with and feelings for the mountain among locals.

Following the resistance, the Sámi parliament also issued a statement on the development's ramifications in which it reiterated its concerns about the effects on reindeer herders, while questioning the ASC's claim that the area was sacred for the historical and modern Sámi. According to the parliament's statement opinions were divided over whether the term *aahka* always indicated that a mountain had been held in high esteem, or if it might also indicate simply 'female' or 'old woman'. Additionally, the statement stressed that none of the missionary accounts from the area reported any beliefs associated with the area, further weakening its status as sacred (Sametinget 2020b). The MPE approved the construction of the power plant, but construction has yet to commence at the time of writing.

Building on the momentum created by the ASC resistance to the power plant, the South Sámi museum and cultural centre Saemien Siŋje started a project to document sacred areas in the southern part of Sápmi in 2019. Combining historical source materials and interpretations of existing place names, the report found more than 50 areas and locations that were or had been held sacred (Nordberg 2021). An important motivation for both the ASC and Saemien Siŋje in this work has been to offer a systematic critique of Norwegian cultural heritage legislation and administration, which has until recently been dominated by a preference for tangible material cultural remains. With the processes currently underway to prevent the construction of Davvi and the process surrounding the Hattfjelldal development, this dominance is likely to be increasingly contested in the coming years.

Much in the same way as with the proposed Davvi wind park development, the Aahkansjurhtje process demonstrates local stakeholders' ambivalence concerning the identification and protection of SNS and the challenges facing its formal codification in Norwegian law. Far from the open-ended definitions of SNS proposed at the international level, the identification of SNS on the ground in Sápmi shows that Indigenous peoples – like people everywhere – disagree about how to find equitable solutions to the balancing acts between energy development, cultural heritage, and biological diversity involved in the governance of their lands. While international processes that promote the virtue of creating protections for SNS pay little attention to the foundational ambivalence implied in the designation of areas as 'sacred', this ambivalence lies at the very heart of discussions about SNS in Sápmi.

Conclusion

In recent decades the idea that the protection of the sacred natural sites of Indigenous peoples can assist in their struggle for self-determination and sovereignty while protecting their cultural heritage, conserving biological diversity, and preventing nature degradation has gained considerable international traction. Despite the success of norm entrepreneurs and intermediaries in international NGOs working for protections of SNS internationally, such protections quickly run into difficulties when they are applied on the ground: the recent discussions among Sámi actors about whether areas in Sápmi constitute SNS that should gain protection suggest that the 'vernacularization' of this norm has a long way to go in Sápmi, and that the 'jurisgenerative moment' in Indigenous human rights jurisprudence that Carpenter and Riley identify has yet to arrive in Norway. Because the

local conditions so crucial for the implementation of norms developed at the international level have yet to be acknowledged and formally brought into the decision-making processes of Norwegian government agencies, the formal recognition granted to SNS in the UNDRIP currently appears to be unavailable to Sámi claimants.

Crucially, the promotion of the idea that SNS should merit special protection has occurred largely without concern for the fundamental ambivalence engendered by its deployment in local settings. Protective measures for SNS have been developed without paying due attention to the singularly most definitive characteristic of the sacred, as documented by centuries of research on the religious and spiritual traditions that sustain them: that the nature, meaning, and understanding of the sacred is a topic of running conversation, theological discussion, and sociocultural change, not one of settled definitions. Hence, efforts to create protections of SNS cannot start from the assumption that such protections can be created unilaterally and without becoming entangled in this running conversation, which inevitably leads to the kinds of disagreements documented above.

The requirements for local discursive configurations of sacred areas in Sápmi to become recognizable under Norwegian Sámi law can thus resemble the constrictions of what Laurajane Smith has characterized the 'authoritative heritage discourse', which defines the legitimate spokespersons for the past, charts the authority of expertise, and promotes a specific and narrow conception of what may be good or important about the past (Smith 2006, 29). Hence, although both international and domestic efforts to recognize and preserve SNS seek rehabilitation, justice, and reconciliation for past injustices, the means available for these processes remain limited to terms set by the very past they seek to overcome.

However, these barriers are not permanent but are subject to continuous negotiation and adjudication, both within the Sámi parliament and in the licensing processes overseen by the NVE and MPE, as neither of the energy developments examined above is settled at the time of writing. Following the decision by the Norwegian government in 2023 to electrify oil and gas installations on the Norwegian seabed, which was heavily criticized by the president of the Sámi parliament, the need for energy developments in Sápmi will continue to grow, leading to new land use disputes between developers, government agencies, and civil society, including but not limited to Sámi groups.

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