

Sámi-EU relations

Sámi participation in the EU as an example of Indigenous peoples' participation in transnational policy-making

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Summary

In an increasingly globalised and transnational world, a people's self-determination is not primarily affected by policy-making in the national context but largely also by policy-making taking place beyond the nation-state at the transnational level. With self-determination as a human right being interlinked with questions of participation, actors and organisations at the transnational level are confronted with ensuring the inclusion of different people(s) and their perspectives. Participation gaps are indicated by those who are affected but do not feel represented in transnational policy-making processes, which influences their self-determination. Including 'new' and 'other' actors beyond the nation-state and providing access for new actor and governance constellations becomes relevant for bringing in new perspectives, for building legitimacy and ultimately for democratising policy-making at the transnational level.

Within this group of 'new' and 'other' actors in International Relations (IR), who call for inclusion and access to transnational policy-making, Indigenous Peoples' Organisations (IPOs) stand out with regard to questions of self-determination due to the enduring effects of colonialism, so-called postcolonialities. IPOs are representing the around 476 million people who identify as Indigenous peoples globally. Indigenous peoples are challenging the traditional divide between state and non-state actors as in-between actors because their governance structures and international relations are predating not only today's nation-states but also the international system those have built. Thereby, IPOs as their representatives are not 'new' actors in a historical sense, which also influences their understanding of participation in transnational policy-making. They do not fit in the category of non-state actors, because IPOs do not represent interested-based constituencies but people(s) with an inherent right to self-determination presenting them as so-called rights-holders. Hence, they cannot be categorised as stakeholders, which is the often-applied category for all actors other than states in IR.

Due to colonialism and assimilation, Indigenous peoples have lost their status as subjects in international law and politics. In order to gain back such status as subjects and ensure self-determination, a relational understanding of self-determination calls for relations between peoples that need to be non-dominant for self-determination acting as an instrument to end these colonial relations. Relations can be considered non-dominant if they are regulated by institutions that are enabling ongoing negotiations among peoples including all actors affected. At the transnational level, such relations can create then spaces for leveraging Indigenous peoples' rights or for mediating and circumventing as relations between Indigenous peoples and nation-states are often facing gridlock.

When looking at the transnational level: Are the relations between Indigenous peoples and other peoples non-dominant? Can self-determination act as such an instrument for ending colonial relations? To address these questions for the transnational level, this thesis analyses the types of access Indigenous peoples and their representatives have to transnational policy-making. Based on a qualitative case study design, this thesis focuses on the only Indigenous people within the European Union (EU) and its relations with the EU by exploring the research questions '*To what extent and how do Sámi-EU relations enable Sámi participation in EU policy-making?*' By concentrating on one specific case within the broader population of cases of Indigenous peoples' participation in transnational policy-making, I analyse Sámi-EU relations as creating transnational policy-making spaces for Sámi issues. I shed light on

different forms of access and how they lead to diverse forms of participation, degrees of formalisation and processes. In five within-case observations following a developed model of Indigenous peoples' participation in transnational policy-making, I analyse how Sámi-EU relations enable Sámi participation in EU policy-making.

The EU as well as Norway, Sweden and Finland where the majority of the Sámi people hold citizenship today stand for high standards of democracy and human rights, including Indigenous peoples' rights. In addition, Sweden and Finland as well as Norway have agreed on common rules and institutions in the context of the EU, the European Economic Area (EEA) and the Schengen Area, which indicates a political will to find solutions beyond national borders in different institutionalised formats at the transnational level. More generally, the EU features cross border identities, which describes Sámi-EU relations as a promising case to further inform debates of the population of cases of Indigenous peoples' participation in transnational policy-making. One would expect good conditions for both, Indigenous peoples' participation on the national and the transnational level. My analysis, however, indicates that not only on the respective national level Sámi organisations face challenges concerning their right to self-determination, but also on the EU level participatory mechanisms for Sámi organisations in EU policy-making remain limited, although EU policies are impacting particularly land use in Sámi homeland (Sápmi) and thereby, Sámi self-determination. Applying a relational approach to self-determination, Sámi-EU relations need to provide a non-dominant institutional transnational policy-making space for Sámi self-determination to thrive. Hence, my analysis on Sámi-EU relations reveals participation gaps: both criteria for arguing for participation beyond the national level, the criterion of affectedness (EU policies affecting Sápmi) and the criterion of the right to self-determination (EU and Member States having signed international standards on Indigenous peoples' rights), are fulfilled but participatory mechanisms remain limited.

My findings further show that Sámi-EU relations act as enablers and limiters informing a two-sided picture for Sámi participation in EU policy-making through creating spaces for circumventing, leveraging and mediating but also dominating ones in transnational policy-making. Through linking the case study's findings with conceptual debates of the broader population of cases, this thesis discusses that the insights of the analysis of Sámi-EU relations are not case specific. Parallels to other forms of Indigenous peoples' participation in transnational policy-making point to interesting future research avenues while illustrating that there is no blueprint for how Indigenous peoples can be included in policy-making processes beyond the national level that speak to the right to self-determination in the sense of non-domination.

Keywords: Indigenous peoples' participation, transnational policy-making, self-determination, Sámi organisations, EU institutions, postcolonialism

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Sámi-EU relations: Sámi participation in the EU as an example of Indigenous peoples' participation in transnational policy-making

List of content

Summary.....	I
Acknowledgements	III
List of figures.....	VI
List of tables	VII
List of abbreviations	VIII
1 Introduction	1
2 Conceptual framework	10
2.1 International standards on the rights of Indigenous peoples.....	12
2.2 Participation and affectedness, Indigenous peoples and self-determination	15
2.3 Model of Indigenous peoples' participation in transnational policy-making	21
3 Methodological approach	32
3.1 Case selection and period of investigation	33
3.2 Presenting the case of Sámi-EU relations.....	35
3.3 Considerations on reflexivity, positionality and data collection methods	48
3.4 Analytical approach.....	55
3.5 Operationalisation.....	59
4 Case study: Sámi-EU relations	64
4.1 Framework conditions for Sámi participation in EU policy-making: Postcolonialities and Indigenous Internationalism	72
4.2 Enabling participation.....	91
4.2.1 Accesses to EU policy-making through the lenses of Sámi as (EU) citizens, a minority, a transnational people and an Indigenous people.....	95
4.2.2 Sámi participation: Forms of participation, their degree of formalisation and their processes.....	99
4.2.2.1 The EU Arctic Forum & the Indigenous Peoples Dialogue	104
4.2.2.2 The EU-Sámi Week.....	117
4.2.2.3 The Peoples' Climate Case.....	124
4.2.2.4 The Stakeholder Consultations under the European Green Deal	125
4.3 Findings and recourse to the model.....	128
5 Discussion and contextualisation of findings: <i>Sámi-EU relations as an example of Indigenous peoples' participation in transnational policy-making</i>	144
6 Conclusion.....	156
References	161
Appendix	175

List of figures

Figure 1: Indigenous peoples' participation in transnational policy-making model with four conceptual lenses.....	31
Figure 2: Actor mapping of Sámi-EU relations	38
Figure 3: Sámi-EU relations unfolding	44
Figure 4: Analytical approach	56
Figure 5: Operationalising Sámi-EU relations: From a conceptual level to policy and institutional frameworks.....	61
Figure 6: Sámi-EU relations: Forms of participation and formalisation, politics and policies, and within-case observations.....	92
Figure 7: Forms of participation and their formalisation in Sámi-EU relations	100

List of tables

Table 1: Data Collection	52
Table 2: Codebook	58
Table 3: Within-case observations on Sámi-EU relations and their key figures	103
Table 4: Summary of findings along the analytical categories and the within-case observations	130

List of abbreviations

Civil Society Organisations.....	<i>CSOs</i>
Conference of the Parties	<i>COP</i>
Convention on Biodiversity.....	<i>CBD</i>
Court of Justice of the European Union	<i>CJEU</i>
Directorate-General for Maritime Affairs and Fisheries	<i>DG MARE</i>
Directorate-General for Regional and Urban Policy	<i>DG REGIO</i>
Directorate-General for the Environment.....	<i>DG ENVI</i>
European Economic Area.....	<i>EEA</i>
European External Action Service	<i>EEAS</i>
European Green Deal	<i>EGD</i>
European Instrument on Democracy and Human Rights	<i>EIDHR</i>
European Union.....	<i>EU</i>
Free, Prior and Informed Consent	<i>FPIC</i>
Indigenous Peoples' Organisations	<i>IPOs</i>
Intergovernmental Panel on Climate Change.....	<i>IPCC</i>
Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services	<i>IPBES</i>
International Covenant on Civil and Political Rights.....	<i>ICCPR</i>
International Covenant on Economic, Social and Cultural Rights.....	<i>ICESCR</i>
International Labor Organization	<i>ILO</i>
International Organisation.....	<i>IO</i>
International Relations	<i>IR</i>
International Working Group on Indigenous Affairs	<i>IWGIA</i>
Local Communities and Indigenous Peoples	<i>LCIP</i>
Members of the European Parliament	<i>MEPs</i>
Neighbourhood, Development and International Cooperation Instrument – Global Europe	<i>NDICI - Global Europe</i>
Non-Governmental Organisations.....	<i>NGOs</i>
Organisation for Economic Co-operation and Development	<i>OECD</i>
Organisation on Security and Co-operation in Europe.....	<i>OSCE</i>
Overseas Countries and Territories	<i>OCTs</i>
Permanent Participants	<i>PPs</i>
Truth and Reconciliation Commissions	<i>TRCs</i>
United Nations.....	<i>UN</i>
United Nations Declaration on the Rights of Indigenous Peoples	<i>UNDRIP</i>
United Nations Economic and Social Council	<i>UN ECOSOC</i>
United Nations Framework Convention on Climate Change.....	<i>UNFCCC</i>
United Nations Permanent Forum on Indigenous Issues.....	<i>UNPFII</i>
United Nations Working Group on Indigenous Populations.....	<i>WGIP</i>
World Council of Indigenous Peoples.....	<i>WCIP</i>

1 Introduction

In an increasingly globalised and transnational world, a people's self-determination is not primarily affected by policy-making in the national context but largely also by political processes taking place beyond the nation-state at the transnational level. Understanding self-determination as a human right¹ while underlining the interdependencies between self-determination and participation, hence assuring self-determination is not only in the hands of the nation-states. Accordingly, dealing with questions of participation is not only an issue to be solved at the national level (Jones, 2019). Therefore, providing access to policy-making at the transnational level and offering opportunities to participate in processes that affect a people's self-determination is also a challenge in transnational policy-making. Participation gaps are indicated by those who see their right to self-determination affected but do not feel represented in transnational policy-making processes. Including 'new' and 'other' actors beyond the nation-state and creating new actor and governance constellations becomes relevant for bringing in new perspectives, for building legitimacy and ultimately for democratising policy-making at the transnational level (Barnett, Pevehouse, & Raustiala, 2021; Nanz & Steffek, 2004; Scholte, 2010).

Within this group of 'new' or 'other' actors in International Relations (IR) who call for inclusion and access to transnational policy-making, Indigenous Peoples' Organisations (IPOs) stand out with regard to questions of self-determination due to the enduring socio-economic and political effects of colonialism, so-called postcolonialities. IPOs are representing the around 476 million people who identify as Indigenous peoples globally. Indigenous peoples live in over 90 countries while representing more than 500 cultures (UNDP, 2021). Access to lands, waters and resources is essential for pursuing their traditional livelihoods. Concerning their participation in transnational policy-making, IPOs challenge the divide between state and non-state actors by not falling in either category, because Indigenous peoples' governance traditions predate not only the international system built by nation-states but also the nation-states themselves (Beier, 2009b; Sarkki, Heikkinen, & Löf, 2021). Hence, IPOs are not 'new' actors in a historical sense, which also influences their understanding of participation in transnational policy-making. As in-between actors, they constitute a category of their own (Bauder & Mueller, 2023; Bruyneel, 2007; Fakhri, 2018). Furthermore, they do not fit into the political

¹ See the UN Charta, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

category of stakeholders, because IPOs do not represent interested-based constituencies but peoples with an inherent right to self-determination (Cambou & Koivurova, 2021), so-called rights-holders (Sarkki et al., 2021). The (re)building of (transnational) institutions itself is an expression of Indigenous self-determination and needs to be understood against the backdrop of Indigenous internationalism (Broderstad, 2011; Wilson, 2020).

Indigenous peoples stand in postcolonial relations with the nation-states and the international system built by states, which influence Indigenous peoples' participation in transnational policy-making (cf. Hansen & Jonsson, 2015). The first encounters between Indigenous peoples and colonisers took place on a quasi state-to-state level, before Indigenous self-governance was eroded by colonisation and assimilation policies (Heinämäki, 2015; Weigård, 2008). Nation-states established themselves as the only norm creators in international law, which made Indigenous peoples to objects in international politics and Indigenous peoples' issues became part of domestic nation-state policies. In order to gain back the status of subjects in international law and politics, a relational understanding of self-determination calls for relations between peoples that need to be non-dominant for self-determination to act as an instrument to end these (post)colonial relations. Relations can be considered non-dominant if they are regulated by institutions that are enabling ongoing negotiations among peoples including all actors affected (Kingsbury, 2005; Young, 2007). At the transnational level, in the sense of non-domination such relations can create then spaces for leveraging, mediating or circumventing for self-determination to thrive. Indigenous peoples and their representations can also contest participation towards less non-domination.

For accessing transnational policy-making through the lens of participation, Indigenous peoples can use various channels of influence through the different statuses they hold: if not stateless people, they hold citizens' rights and if they are a transnational people due to the borders of today's nation-states crossing their traditional homelands, they also hold a status that goes beyond one single national context. Furthermore, in many nation-states today, Indigenous peoples are (permanent) minorities, which stands for a specific status. In some constitutional contexts, this status equips them not only with negative, but also with certain affirmative rights. Their status as an Indigenous people is linked to different international standards protecting their right to self-determination. Despite these international standards, Indigenous peoples' rights are linked to rights codified in national constitutions or to the endorsement of different international codices by the nation-states they live in. Linking these different perspectives on participation through applying the polity dimension to the politics dimension, I develop four

lenses on Indigenous peoples' participation in transnational policy-making: participation and political systems, participation and minorities, participation and transnationality, participation and Indigeneity.

Building on literature from the field of Indigenous peoples' participation in transnational policy-making (e.g. Beier, 2009b; Cambou & Koivurova, 2021; Jones, 2019), this thesis analyses the relations between the Sámi people and the European Union (EU) with view to possibilities for the Sámi people to participate in policy-making that impacts their right to self-determination. Based on a qualitative case study design (Goertz & Mahoney, 2012) with five within-case observations, I analyse the relations between the only Indigenous people within the EU and the EU to better understand different forms of Indigenous peoples' participation, degrees of formalisation and their processes. By following the research questions of '*To what extent and how do Sámi-EU relations enable Sámi participation in EU policy-making?*', I look at Sámi participation at the EU level through a transnational perspective, with Sámi-EU relations creating a transnational space for Sámi issues to be discussed. Thereby, I have chosen a different angle than many other studies focusing on processes at the EU level by applying a transnational perspective and not a regional. In doing so, Sámi participation at the EU level can be linked to other forms of Indigenous peoples' participation in transnational policy-making.

So far, only a few authors have conducted research specifically on Sámi-EU relations and Sámi participation in EU policy-making (Bodlund, 2019; Broderstad, 2000; Laframboise, 2022; Nystø Keskitalo & Götze, 2023b; Toivanen, 2001) pointing to a certain empirical research gap. However, analysing Sámi-EU relations links to other more broadly researched strands and could contribute to research debates, for instance, on Sámi-state relations in the Nordic states (Allard, 2015; Cambou, Sandström, Skarin, & Borg, 2022; Joonas, 2020; Nysten-Haarala, Joonas, & Hovila, 2021), Indigenous peoples' participation in international organisations (IOs) (Cambou & Koivurova, 2021), EU engagement in the Arctic (Airoldi, 2008, 2010; Chuffart, Raspotnik, & Stępień, 2021; Raspotnik & Østhagen, 2021; Terzi, 2021) and EU's policy towards (Arctic) Indigenous peoples (Koivurova et al., 2021; Scarpa, 2014).

To analyse Indigenous peoples' participation in transnational policy-making, the exemplary case of Sámi participation in EU policy-making is chosen, because the Sámi are an Indigenous people and a transnational people facing not only different national contexts but within the EU also a transnational policy space. Sámi organisations represent Sámi interests at different governance levels – at the local, national, regional, international and to a growing extent also at the EU level (Laframboise, 2023). The EU has different relations with the respective nation-

states where the Sámi people live in today, which also influence the relations Sámi organisations and EU institutions have: Sweden and Finland are EU Member States, Norway belongs to the European Economic Area (EEA) and the Schengen Area and with Russia, the EU had different bilateral partnership agreements before Russia has started the war against Ukraine. The EU level is situated within a multi-level context, displaying its own postcolonialities with new dynamics against the backdrop of the European Green Deal (EGD) and impacts particularly on the Norwegian, Swedish and Finnish side of Sápmi (Sámi homeland). As postcolonial relations, Sámi-EU relations are not only shaped by power asymmetries, but they themselves also express them. This is leading to different capacities and influences with a dynamic of one actor offering and the other actor demanding access to policy-making through different forms of participation.

While framing Sámi-EU relations as creating a transnational policy-making space for Sámi issues, this thesis is interested in how the polity dimension (*institutional frameworks*) is influencing the politics dimension (*Sámi participation in EU policy-making*). Considering the logic of the policy cycle, the analysis focuses on examples of policy transfer and policy-making when focusing on Sámi participation at the EU level. The empirical analysis investigates different forms of participation, *participation through representation*, *participation through funding of projects* and *participation through dialogue* as well as varying degrees of formalisation and diverse processes of participation. Following the different status of Indigenous peoples with view to participation, the case of Sámi participation in EU policy-making can speak particularly to the developed lens of participation and political systems, participation and transnationality as well as participation and Indigeneity, however, less to participation and minorities, because land use and access to traditional lands, waters and resources is not part of a minority framing at the EU level.

With regard to the population of cases, Sámi organisations contest the idea of a dichotomy of the state and non-state sphere as well by partly belonging to the respective national governments (e.g. in the case of the Sámi Parliament in Sweden) or by being registered non-governmental organisations (in case of the Saami Council). In contrast to other Indigenous peoples living in different world regions, the Sámi people have a similar high socio-economic standard in the Nordics than people belonging to the respective majority societies. The Nordic states stand for high standards of democracy, social welfare and human rights, which could be implying a high sensitivity towards and awareness of Indigenous peoples' rights linked to questions of participation, further informed by ongoing Truth and Reconciliation Commissions (TRCs).

Furthermore, also the EU presents itself as a global guarantor for human rights, a protector of Indigenous peoples' rights and a pioneer in climate and environmental protection (Scarpa, 2014; Terzi, 2020). Regarding the transnational level, Sweden, Finland and Norway (as a member of the EEA) are part of a transnational political space that increasingly makes borders less important and features a more transnational identity. All three elements, the high standards of democracy and human rights as well as of environmental protection and the changed relevance of borders, could inform a promising case for contributing to debates of Indigenous peoples' participation beyond the nation-state at the transnational level (Broderstad, 2000). Promising, because one would expect good conditions for both, Indigenous peoples' participation on the national and transnational level. Terzi (2020, p. 12), for instance, therefore calls the EU a "favourable actor in its relations with the Sami communities".

However, Sámi representatives, the UN Special Rapporteurs and lately also supreme courts in the Nordic states lamented that the Sámi right to self-determination is not sufficiently protected on the national level (Allard & Brannström, 2021; Anaya, 2011; Ravna, 2022; Tauli-Corpuz, 2016). And also at the transnational level, my analysis shows that Sámi-EU relations indicate participation gaps regarding Sámi participation in EU policy-making: 1) EU policies are impacting particularly the Norwegian, Swedish and Finnish side of *Sápmi* (criterion of affectedness arguing for participation); 2) The EU and the Nordic states (Sweden and Finland as EU Member States, Norway as an EEA Member) have signed several international standards on Indigenous peoples' rights² (criterion of the right to self-determination arguing for participation). Following the conceptual framework on Indigenous peoples' participation in transnational policy-making, both criteria, of affectedness and the right to self-determination, could be used to argue for Sámi participation at the EU level. My analysis shows that participatory mechanisms for the Sámi people in EU policy-making remain only limited yet, revealing that Sámi-EU relations can create dominant institutional contexts influencing Sámi self-determination. Hence, policy outcomes are perceived as unjust and urging the Sámi people, for example, to go to court while arguing that certain policies and decisions are violating human rights. Although often in a national framing (except for the Peoples' Climate Case at the Court of Justice of the European Union, CJEU), these court cases also have an influence on the EU

² For instance, the ICPPR with its Article 1 and 27, the International Labor Organization's (ILO) Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). For more information on the international standards on Indigenous peoples' rights and their influence on participation in transnational policy-making, please consider *Chapter 2.1* of this thesis.

and due to the relevance of mining and renewables for EU's green transition, they ultimately influence EU's capacities to fulfil its climate goals (Nystø Keskitalo & Götze, 2023a).

Accordingly, my findings indicate a two-sided picture: on the one hand, Sámi-EU relations can enable Sámi participation through creating circumventing, leveraging and mediating transnational spaces for Sámi organisations at the EU level in the sense of non-domination. On the other hand, the relations limit Sámi participation through creating a dominant institutional context that adds to state's influences leading to participation gaps impacting Sámi self-determination. Reasons for this two-sidedness are the different policy approaches of the EU towards (Arctic) resources and lands that shape to what extent and how, Sámi participation can take place. Although Sámi organisations contest their participation in EU policy-making, the in-between status of Sámi organisations is not sufficiently addressed. Rather, my data show that the narrative of balancing between Sámi livelihoods and economic interests is often used by EU officials as well as Sámi organisations being dealt with under the framing of stakeholders, which cannot inform the right to self-determination sufficiently.

Furthermore, my findings demonstrate that the relations between Sámi organisations and EU institutions have evolved since the first interactions in the context of the accession of Sweden and Finland to the EU and Norway to the EEA. Sámi people are represented to a rising extent in EU policy-making. However, this representation can be mostly analysed in less-formalised forms of participation, which in turn influences the Sámi organisations' access to EU policy-making and thus, Sámi self-determination. Only in one within-case observation, the dynamic between one actor offering and one actor demanding participation is challenged, which shows a variety of ways how Sámi organisations use different types of access to participation. Following the conceptual framework, the least formalised forms of participation are derived from the status of Sámi as an Indigenous people, participation through dialogue, a finding that can be linked to EU's Indigenous peoples' policy that has an external focus, lacking in addressing, for instance, the case of the Sámi people as an Indigenous people within the EU.

Beyond the case, through contextualising the case study's findings within conceptual debates related to the broader population of cases, this thesis discusses that the insights of the analysis of Sámi-EU relations are not case specific. Parallels to other forms of Indigenous peoples' participation in transnational policy-making (e.g. from the UN and the Arctic Council) point to interesting future research avenues while illustrating that there is no blueprint for how Indigenous peoples can be included in policy-making processes beyond the national level that speak to the right to self-determination in the sense of non-domination.

Annotated outline of the thesis

Firstly, I derive the conceptual framework on Indigenous peoples' participation in transnational policy-making (*Chapter 2*). In this chapter, I relate to the international standards on the rights of Indigenous peoples (*Chapter 2.1*) as they build – in theory – the basis for including Indigenous peoples in policy-making at different governance levels. Furthermore, I define the most relevant concepts of the research strand; participation and affectedness as well as Indigenous peoples and self-determination in the conceptual framework (*Chapter 2.2*). Against the backdrop of the interdependencies between self-determination and participation, I analyse participation in transnational policy-making taking place in a relational setting. Hence, the conceptual framework introduces a relational approach to self-determination. Through a relational perspective, people(s) can only be considered self-determining if they stand in non-dominating relations to each other (Kingsbury, 2005; Young, 2007). In the last sub-chapter, I develop a model of Indigenous peoples' participation in transnational policy-making derived from the conceptual framework (*Chapter 2.3, Figure 1*). Through linking the different status to participation, hence applying the polity dimension to the politics dimension, four lenses on Indigenous peoples' participation in transnational policy-making are derived: participation and political systems, participation and minorities, participation and transnationality, participation and Indigeneity. This model of Indigenous peoples' participation in transnational policy-making serves as an analytical tool and will be further developed and applied throughout the thesis in the operationalisation and the case study.

In the methodological approach chapter (*Chapter 3*), I explain the case selection and the period of investigation (*Chapter 3.1*) as well as present the case (*Chapter 3.2, Figure 2 & 3*). In the third sub-chapter of the methodology (*Chapter 3.3*), I reflect on considerations on reflexivity, positionality and how these two elements affected my data collection methods³ (*Table 1*). This sub-chapter is followed by the analytical approach of this thesis (*Chapter 3.4, Figure 4*), in which I explain the critical qualitative content analysis for my case, present the codebook (*Table 2*) that is used for all analysed text data and argue for the selection of different data collection methods. Lastly, the operationalisation chapter of the methodology (*Chapter 3.5*) applies the model firstly introduced in the conceptual framework of Indigenous peoples' participation in transnational policy-making to the case of Sámi-EU relations (Sámi as (EU) citizens (*participation and political systems*), Sámi as transnational people (*participation and*

³ The data entail policy documents issued by Sámi organisations and EU institutions, participant observations from cooperation formats, research diaries and place observations from stays in Sápmi, transcripts from interviews with Sámi and EU representatives as well as researchers from related fields.

transnationality), Sámi as a minority (*participation and minorities*) and Sámi as an (Arctic) Indigenous people (*participation and Indigeneity*)) and addressing the policy and institutional frameworks relevant for the analysis of Sámi participation at the EU level as well as the geographical scope of the relations (*Figure 5*).

The following case study (*Chapter 4*) elaborates firstly postcolonialities and Indigenous Internationalism as framework conditions for Sámi participation in EU policy-making (*Chapter 4.1*). The sub-chapter 'Enabling participation' (*Chapter 4.2*) then analyses the accesses to EU policy-making by applying the model of Sámi participation in EU policy-making through the lenses Sámi as (EU) citizens, a minority, a transnational people and an Indigenous people (*Chapter 4.2.1, Figure 6*). The application of the model is further complemented by an analysis of the forms of participation unfolding through Sámi-EU relations: participation through representation, participation through funding for projects and participation through dialogue with the varying degrees of formalisation. Moreover, the model shows the within-case observations that focus on the questions of access and processes of participation. The different within-case observations stand for the diverse lenses on Indigenous peoples' participation in transnational policy-making derived in the model: The EU Arctic Forum and the Indigenous Peoples Dialogue, as the first and second within-case observation, stand for participation through dialogue and an EU 'in close relations'/external policy focus as well as for processes at the margins between formalised and non-formalised forms of participation derived from the status 'Sámi as an Indigenous people'. In the third within-case observation, I analyse the EU-Sámi Week that stands for participation through the funding of projects as well as an EU 'in close relations' policy focus and non-formalised process, which is derived from the status 'Sámi as a transnational people'. The fourth and fifth within-case observations, respectively, are presented as shorter excursus. In the fourth within-case observations, I focus on the stakeholder processes under the EGD as examples for participation through representation, an EU internal and formalised process derived from the status 'Sámi as citizens'. As a fifth within-case observation, I analyse the Peoples' Climate Case as an example for participation through representation, as an EU internal and formalised process derived from the status 'Sámi as citizens'. Ensuing from this, I examine different forms, formalisation and processes of Sámi participation at the EU level (*Chapter 4.2.2, Figure 7*) through conducting the within-case study with the within-case observations on the EU Arctic Forum, Arctic Indigenous Peoples Dialogue, EU-Sámi Week, the Peoples' Climate Case and the Stakeholder Consultations under the European Green Deal (*Chapters 4.2.2.1 – 4.2.2.4, Table 3*). The last sub-chapter of the case

study summarises the findings while recurring to the conceptual framework (*Chapter 4.3 & Table 4*).

In the discussion and contextualisation chapter (*Chapter 5*), I discuss the relevance of my findings against the backdrop of the broader research lines. Ensuing from the results that can only provide insights into complex, multi-layered relations, I further relate my findings to the population of cases of Indigenous participation in transnational policy-making for drawing broader conceptual conclusions. Against the backdrop of current debates on democratising global governance and the emergence of a transnational public sphere about new actor and governance systems and their inclusion potential to address global challenges and act as legitimatising factors, I contextualise my findings on Sámi-EU relations with other forms of Indigenous peoples' participation in transnational policy-making to contribute to the question of how Indigenous peoples' participation is taking place in transnational policy-making, what kind of participation is perceivable and how the analysed relations enable or limit participation. Parallels to other forms of Indigenous peoples' participation in transnational policy-making point to promising future research avenues while illustrating that there is no blueprint for ways of how Indigenous peoples can be included in policy-making processes beyond the national level that speak to the right to self-determination in the sense of non-domination. The transnational space is still very much shaped by states, although the non-state sphere becomes more relevant. I discuss whether the rights-holder perspective can enrich debates in the field of democratisation attempts of global governance and the emergence of a transnational sphere on new forms of actor and governance constellations to better address the *in-betweenness* of Indigenous peoples and their representatives, for both ensuring the right to self-determination and enabling its legitimising potential for transnational policy-making.

The concluding chapter (*Chapter 6*) summarises the thesis' contributions to the field and sketches out future research avenues. In this conclusion chapter, I bundle my findings and draw broader conclusion in regard to overarching questions from the research strand. Referring to the other examples pointed to in the discussion and generalisation chapter, I summarise that transnational policy-making needs to address the in-between status of Indigenous peoples and their representatives for achieving less dominant institutional spaces that can better inform the right to self-determination. I frame participation as key for a strengthened people's self-determination in transnational policy-making as it contributes to minimising or even preventing domination among peoples.

2 Conceptual framework

In the conceptual framework chapter, I firstly relate to the international standards on Indigenous peoples' rights as key elements for conceptualising Indigenous peoples' participation in transnational policy-making (*Chapter 2.1*). Secondly and building on the previous elaborations, I explain the most relevant concepts informing Indigenous peoples' participation in transnational policy-making by defining participation and affectedness as well as Indigenous peoples and self-determination (*Chapter 2.2*). These concepts relate back to the previously introduced international standards on Indigenous peoples' rights. In the last sub-chapter (*Chapter 2.3*), I will present my model (*Figure 1*) derived from the conceptual framework of Indigenous peoples' participation in transnational policy-making, which is guiding the thesis and which will be further developed and applied throughout its different chapters.

To approach the questions of *to what extent* and *how* relations among peoples enable the participation of Indigenous peoples in transnational policy-making, for which Sámi-EU relations for Sámi participation at the EU level serve as an exemplary case, I relate in conceptual framework chapter to the broader research field of Indigenous peoples' participation in transnational policy-making for theorising the *criteria of affectedness* and *right to self-determination* from a relational perspective. To address the question of why Indigenous peoples' participation in transnational policy-making is relevant for IR, the two criteria can serve as reasoning elements for participation beyond the national level (Jones, 2019). Indigenous peoples are affected not only by decisions made at the national level but by those of higher governance levels as well (*criterion of affectedness*). Moreover, they have an inherent right to self-determination codified in international Indigenous rights' standards (*criterion of the right of self-determination*).

Applying a postcolonial perspective while looking at the criteria of affectedness and the right to self-determination, Indigenous peoples are still predominantly treated as internal and domestic issues of the nation-states despite Indigenous peoples' governance traditions predating the nation-state as well as their external relations amongst each other (Heinämäki, 2015). Through colonisation and assimilation processes, Indigenous Peoples became *in-between* actors, not being part of the state's sphere, but also not being part of the non-state one. They constitute a category of their own, also referring to Indigenous sovereignties (Bauder & Mueller, 2023). Therefore, it is relevant to understand how a system built by states deals with these in-between actors. What are Indigenous peoples' types of access to policy-making beyond

and across states and non-state actors, in the transnational sphere? To address these questions, against the background of globalisation and democratisation attempts in and of global governance (Barnett, 2021; Barnett et al., 2021) as well as the emergence of a transnational sphere (Amelung & Baumgarten, 2017; Nanz & Steffek, 2004) towards building legitimacies for policy-making beyond the nation-state, I introduce the conceptual basis of Indigenous peoples' participation beyond the national level. In doing so, I aim at contributing to "opening a space by challenging the field's silence on and exclusion of Indigenous peoples from narratives of global politics" (Beier, 2009b, p. 3).

Following a three dimensional model of the political space, I analyse Indigenous peoples' participation in transnational policy-making as an example how the polity dimension (*institutional dimension*) influences the politics dimension (*processes of participation*). Thus, the thesis sheds light on how different international and national standards or laws regulating Indigenous peoples' participation influence transnational politics. I introduce four different conceptual lenses to approach Indigenous peoples' participation in transnational policy-making deriving from their status as citizens in the respective nation-states (*if not stateless people*), from their status as transnational people (*if their traditional land stretches across different nation-states*), from their status as a (permanent) minority and from their status as an Indigenous people (*Figure 1*). Ultimately, these conceptual lenses have different implications for participation and self-determination. Regarding participation and political systems with view to Indigenous peoples, the differences between democratic and non-democratic political systems, in which Indigenous peoples across the world were often forcefully included in, need to be highlighted. The different political systems also determine possibilities for Indigenous peoples to participate in a national context. Due to the relevance of the nation-state in securing rights and granting citizenship, the political system and the status of decolonisation impacts also Indigenous peoples' access to transnational policy-making.

In a subsequent step, I present the most relevant international standards on the rights of Indigenous peoples as the basis for conceptualising Indigenous peoples' participation in transnational policy-making. The standards entail relevant terms and definitions that are needed to better understand Indigenous peoples' participation, its links to self-determination and questions of governance.

2.1 International standards on the rights of Indigenous peoples

Elaborating the international standards on the rights of Indigenous peoples is relevant for conceptualising Indigenous peoples' participation in policy-making beyond the nation-state level because these standards build the basis – in theory – for how Indigenous peoples are included in policy processes at different governance levels. These standards consider in parts definitions also used in research and they are referred to by different (political) actors at varying governance levels. Hence, I focus on international standards, including agreements, declaration and conventions with relevance for Indigenous peoples' rights that are ultimately influencing the possibilities for to what extent and how Indigenous peoples can participate in different fora globally.

At the global level, different international agreements and declarations have been issued on the rights of Indigenous peoples such as the ICCPR (1966) (legally binding), the ILO Convention No. 169 on Indigenous and Tribal Peoples (1989) (legally binding) and the UNDRIP (2007) (non-legally binding).^{4,5,6} With view to the ICCPR, Article 1 and Article 27 can be applied to the case of Indigenous peoples. Although Article 27 of the ICCPR on minorities does not explicitly mention Indigenous peoples, it still represents the case of Indigenous peoples since most of Indigenous peoples are (permanent) minorities in today's nation-states (Sellheim, 2010, p. 80).⁷ The UN Human Rights Committee also specified that Indigenous peoples' cultures are protected under Article 27 while stressing the “collective dimension of indigenous cultures” (ibid., pp. 80-81). Furthermore, Article 1 of the ICCPR states all peoples' fundamental right to self-determination, which stands for a more collective rights' approach towards human rights that is very much in line with the collective logic of Indigenous peoples' rights overall (Stavenhagen, 2009, p. 9).

⁴ Although there are achievements in global and national legal frameworks on the rights of Indigenous peoples, there is still “a major gap between legislation and practice” (Stavenhagen, 2009, p. 2) with the law's “implementation pos[ing] a problem” (Szapak, 2019, p. 1).

⁵ Despite its non-legally binding character, Szpak (2019, p. 1) still underlines UNDRIP's relevance as being “a consolidation of indigenous peoples' rights that already have been recognized in previous instruments of human rights and in the jurisprudence of international treaty bodies on human rights”.

⁶ Against the backdrop of international standards on Indigenous peoples' rights, also the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities from 1992 stating “[in] those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language” needs to mentioned as well as approaches of the Organisation on Security and Co-operation in Europe (OSCE) and the Council of Europe that endorsed different conventions on and developed instruments for the protection on minority rights, such as the Council of Europe's Framework Convention for the Protection of National Minorities from 1994 (Weigård, 2008, p. 177; Young, 2007, p. 41).

⁷ One exception, however, are the Indigenous people of Greenland who form the majority of the inhabitants.

The ILO Convention No. 169 is defining *the* human rights standard for Indigenous peoples (Sellheim, 2010) with the ILO⁸ being one “of the most active global organizations promoting indigenous rights” (Corntassel, 2003, p. 75) holding a “pioneering spirit” (Niezen, 2003, p. 36). The ILO Convention No. 169 frames Indigenous peoples “as the proprietors of their traditional lands with all associated rights” (Sellheim, 2010, p. 82), highlighting the link between rights to land and political autonomy. The Convention further seeks “to ensure unhindered conduct of their culture, effective participation in governance and self-determination, as well as to provide effective protection against discrimination” (ibid.). Although legally-binding, the Convention cannot call itself universal with only a small number of states have ratified the Convention to date. Moreover, IPOs criticised the Convention because “it does not raise the issue of political autonomy for indigenous populations and the acknowledgement of their status as colonised peoples” (Weigård, 2008, p. 178).

The UNDRIP as the latest-issued document with great relevance for Indigenous peoples “grants indigenous peoples the right to conclude treaties which in international law is a privilege for nation states” (Sellheim, 2010, p. 81) and contests the divide between state and non-state actors in IR. The UNDRIP acknowledges Indigenous peoples as owners of their traditional land and differs from other international standards on Indigenous peoples because it stands for Indigenous empowerment with the relevant role fulfilled by Indigenous representatives who have drafted the text alongside other actors under the auspices of the United Nations (UN) (Kuokkanen, 2012; Stavenhagen, 2009).⁹ The UNDRIP prominently stresses the right to self-determination, following the concept of FPIC (Free, Prior and Informed Consent) as well as a relational approach to self-determination focusing on the “relations between state and community” (Kingsbury, 2005, p. 26). The FPIC describes a relevant principle, for how to design participation processes for projects that affect Indigenous peoples (Cambou, 2019). Further, the FPIC has brought the notion of Indigenous sovereignty into the international political debate (Bauder & Mueller, 2023, p. 156). At the same time, however,

“the Declaration conceives Indigenous self-determination as fundamentally different from Westphalian sovereignty. [...] thereby upholding the UN’s principle of territorial integrity of its member states. In this way, an uneven and hierarchical relationship between the sovereign Westphalian state and the self-determining Indigenous nation has been enshrined into the Declaration” (Bauder & Mueller, 2023, p. 164).

⁸ For more information on the ILO and Indigenous peoples, see (Niezen, 2003, pp. 36-40).

⁹ José R. Martínez Cobo, UN Special Rapporteur of the Subcommission on the Prevention of Discrimination and Protection of Minorities, has raised attention in their report on the “systematic discrimination against Indigenous peoples” (Bauder & Mueller, 2023, p. 163), which initiated broader discussion at the UN on the rights of Indigenous peoples. Together with Indigenous advocacy, this process led to the drafting of UNDRIP.

Thus, although Article 3 of UNDRIP states that “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”, Article 4 then limits the exercise of this right to self-determination to “the right to autonomy or self-government in matters relating to their internal and local affairs” (cf. Bauder & Mueller, 2023, pp. 163-164) while explicitly excluding external or international affairs. This explicit exclusion of Indigenous peoples from the ‘international’ consequently influences Indigenous peoples’ participation beyond the nation-state at the transnational level.

Notwithstanding their limitations, both the ILO No. 169 and the UNDRIP mark milestones for Indigenous peoples’ rights because they recognise Indigenous peoples’ collective rights “that are indispensable for their existence, well-being and integral development as peoples” (Stavenhagen, 2009, p. 9) and that these collective rights are the basis for the enjoyment of individual human rights (ibid.). By that, both documents differ from the individual approach of most human rights standards, e.g. of the Universal Declaration of Human Rights (1948) and describe Indigenous peoples as “collective human rights-holders” (ibid.) while challenging the “liberal principle of equal treatment of all citizens” (Weigård, 2008, p. 177). Furthermore, ILO No. 169 and UNDRIP both describe “indigenous peoples’ exposed and vulnerable situation [..., as] an important argument for the widely accepted necessity of providing them with more comprehensive rights” (ibid., p. 184). This ‘exposed and vulnerable situation’ of Indigenous peoples links directly to the criterion of affectedness that in turn argues for participation. In many contexts due to the long lasting effects of colonialism as well as postcolonial legacies that are disadvantageous for Indigenous peoples, they are considered more exposed and vulnerable in contrast to peoples belonging to majority societies. Besides their legal dimension, these circumstances have a political dimension leading to less influence and overall underrepresentation of Indigenous perspectives in policy-making at all governance levels.

After having introduced the key international documents on Indigenous peoples’ rights that already pointed to the key concepts used in this thesis, in the next sub-chapter of the conceptual framework I will define in-depth ‘participation’ and ‘affectedness’ as well as ‘Indigenous peoples’ and ‘self-determination’ for further approaching Indigenous peoples’ participation in transnational policy-making. All four concepts can be related to the ideas developed by the international standards on Indigenous peoples’ rights.

2.2 Participation and affectedness, Indigenous peoples and self-determination

The four concepts, participation, affectedness, Indigenous peoples and self-determination are key for conceptualising Indigenous peoples' participation in transnational policy-making. They are all interlinked with each other, whereby participation and affectedness, on the one hand, and Indigenous peoples and self-determination, on the other hand, show most synergies. Furthermore, all four concepts display constructive links with the international standards on Indigenous peoples' rights. This sub-chapter starts with developing definitions for participation and affectedness. In a second step, the sub-chapter then defines Indigenous peoples and self-determination.

Participation and affectedness

Defining *participation* entails elaborating the *criterion of affectedness* that argues for participation in policy-making. *Participation* is considered as “a process where public or stakeholder individuals, groups, and/or organizations are involved in making decisions that affect them” (Reed et al., 2018, p. 8). Thus, participation and affectedness evolve interdependently around the idea of an individual, a group or an organisation being affected by policy-making that argues for why they need to be included in a process. Participation aims at minimising outcomes that do harm to the affected groups and individuals and ultimately, at achieving better informed policy-making than without including affected groups. Although often “idealized as imagined spaces for collaboration among equals” (Larson, Sarmiento Barletti, & Heise Vigil, 2022, p. 1), these participatory processes are shaped by and themselves express power relations between and among the actors involved. Particularly for disadvantaged and marginalised groups, including in many contexts Indigenous peoples, participatory processes entail challenges due to asymmetric relations between the represented actors (E. M. Fjellheim, 2023; Nysten-Haarala et al., 2021; Rodriguez-Garavito, 2011). Hence, I apply a wider definition of participation to address the specific actorness of Indigenous peoples and their representations by including different forms of ‘participation’ in the sense of different types of access to inform, influence, and shape policy-making. In a representational democracy, this includes active and passive voting rights, the right to sue, applying for public funding, and being invited to participate in (stakeholder) dialogues.

In the broader research field on political participation, various models seek to describe different types of participation. One of the most frequently referred to but also criticised models is

Arnstein's (1969, 2019) 'ladder typology' of participation and non-participation with different, ascending gradations of citizen participation, from manipulation (*at the bottom, as the lowest form of participation*) and therapy to informing and consultation to placation and partnership to ultimately delegated power and citizen control (*at the top, as the highest/strongest form of participation*). The ladder typology implies that the lower forms of participation are less desirable and that the higher forms are the most favourable ones. Hence, the model lacks context sensitivity, which is also a criticism picked up by Reed et al. (2018) and addressed in their further developed participation model. With their 'wheel of participation', Reed et al. (ibid.) derive a typology to describe stakeholder and public engagement specifically focusing on participation in environmental management. To address the shortcoming of the ladder typology on context sensitivity, the wheel model consists of an inner and outer dial showing different combinations of agency (*who initiated and who is leading the process, top down or bottom up*) and the mode of engagement (*one way communication or coproduction*) leading to a consultation or rather a deliberation character (ibid., p. 9). Following the logic of the wheel model, Reed et al. (ibid.) come up with four types of stakeholder and public engagement: 1) top-down, one-way communication and/or consultation, 2) top-down deliberation and/or coproduction, 3) bottom-up, one-way communication and/or consultation and 4) bottom-up deliberation and/or co-production (pp. 9-10). Further elaborating on the question of agency, there appear two groups of actors, those with formal power "derived from the roles, functions, and responsibilities" and those with informal power "derived from the knowledge, needs, and moral rights of stakeholder and publics" (ibid., p. 10) also linking to issues of legitimacy. Thus, both actor group depend on each other. These understandings of citizen participation and participatory approaches are mostly focusing on processes at the local or national level, in some cases also on processes at the EU level (e.g. Broderick et al., 2018). Bringing Indigenous peoples' participation into the logic of transnational policy-making becomes relevant against the backdrop of democratisation attempts in global governance (Barnett, 2021; Barnett et al., 2021) and the emergence of a transnational public sphere (Amelung & Baumgarten, 2017; Nanz & Steffek, 2004). Particularly, the concept of formal and informal power seems promising for the case of Indigenous peoples' participation in transnational policy-making as it can inform the different roles the actors fulfil in new types of governance arrangements by introducing 'new' actor and governance constellations with view to questions of legitimacy. Building such legitimacies for policy-making beyond the nation-states is strongly linked to establishing more

democratic structures at the transnational level (Broek, Olczak, & Dellmuth, 2023; Scholte, 2021).

Indigenous peoples and self-determination

When focusing on Indigenous peoples and self-determination, the essentiality of the access to traditional lands, waters and resources for pursuing traditional Indigenous livelihoods needs to be highlighted. The connection to lands, waters and resources is vital to Indigenous peoples' livelihoods and well-being and also stresses the difference between Indigenous peoples and minorities (Joona, 2020, p. 243). Hence, Indigenous peoples do not belong to the sphere of minorities or are a "mere 'population' or 'citizens'" but "'distinct peoples' or 'nations'" (Seurujärvi-Kari, 2010, p. 20). Against this background, Stavenhagen (2009, p. 2) describes the multitudes of the status and identities of Indigenous peoples as 'challenges of multicultural citizenship' for the nation-states, which also influences the transnational level. Indigenous peoples' relationships with lands, waters and resources accordingly play a relevant role in approaching an understanding of Indigeneity. Regardless whether talking about Indigenous governance or Indigenous well-being, the relationships with lands, waters and resources are part of it. Consequently, by separating the different spheres of governance, of well-being and of lands, waters and resources from each other, states' discourses on rights often risk undermining Indigenous peoples' self-determination (R. Nilsson, 2020, p. 4).

There are scholarly debates on both, the shortcomings and benefits, of having a standard definition on Indigenous peoples, on the one hand, and the right to Indigenous self-identification and its emancipatory power, on the other hand (Corntassel, 2003; Jones, 2019). Despite the lack of an universal definition of who is Indigenous, there are certain characteristics that Indigenous peoples share as "disadvantaged descendants of those peoples who inhabited a territory prior to colonisation or the formation of the present State" (Joona, 2020, p. 251). Further, as previously explained, Indigenous peoples have a deep and historically formed relationship with their lands, waters and resources. They are "generally descendants of the original inhabitants of those lands" (ibid.). An often quoted definition of Indigenous peoples is José-Martinez Cobo's formulation from 1986 who was then Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

"Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that have developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve,

develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems” (quoted after Joona, 2020, pp. 251-252).

By highlighting the “sovereign right and power to decide” (Magni, 2017, p. 438), José-Martínez Cobo embedded the idea of empowerment and emancipation in the definition of who is Indigenous: “[A]n indigenous person is one who belongs to these indigenous populations through self-identification as indigenous (i.e. group consciousness) and is recognized and accepted by these populations as one of its members (i.e. acceptance by the group)” (ibid.). As introduced in the previous chapter, framing Indigenous peoples’ rights as collective rights challenges the individualistic focus of most of human rights standards that have been declared after World War II. Collective rights express a relational understanding of membership that is more in line with Indigenous perspectives on rights, in contrast to individual rights that feature the liberal idea of the individual as the point of reference. Against the background of individual and collective rights, Nilsson (2020, p. 3) critically reflects on “how national legislation has affected the way in which indigenous nations themselves apply their customary membership governance”; thus, how a state’s definition of who is Indigenous can be used to limit Indigenous peoples’ self-determination as well as to restrict their rights (ibid., p. 2). Such a definition of who is Indigenous (and who is not) is linked to questions of self-determination, since the right to define who belongs to the group and who not forms “an essential part of indigenous self-determination” (ibid., p. 3). On the link between the question of who is Indigenous and the right to self-determination, Baer does “not see any distinction between ‘indigenous peoples’ and ‘peoples’ generally, other than the fact that the groups typically identified as ‘indigenous’ have been unable to exercise the right to self-determination” (Baer, 2000; J. B. Henriksen, 2008, p. 29).

In addition, as already pointed to in the previous chapter, international organisations are involved in attempts to define who is Indigenous. Different IOs and institutions such as the World Bank, the ILO, the United Nations Working Group on Indigenous Populations (WGIP), the International Working Group on Indigenous Affairs (IWGIA) and the World Council of Indigenous Peoples (WCIP) are/were seeking to define who is Indigenous. With these international institutions, the definition gains a political and legal dimension as well since funding schemes and legal measures are linked to the status of being Indigenous. Given the great diversity of Indigenous peoples worldwide (Weigård, 2008, p. 184), however, “any definition of indigenous peoples runs the risk of being incomplete historically, culturally,

politically and economically while reifying native peoples in a ‘continued subordination of difference to identity’ (Corntassel, 2003, p. 90). Consequently, I will follow the criteria of self- and group-identification of Indigeneity as well as of self-determination when approaching Indigenous peoples’ participation in transnational policy-making.

Concerning *self-determination* in more detail, I apply a relational concept of self-determination (Kingsbury, 2005; Young, 2007) that stresses the relevance of relations between peoples for a people’s self-determination. Indigenous peoples’ participation takes place within and through relations with other peoples, which is why, a relational approach provides a good angle for the analysis of Indigenous peoples’ participation in transnational policy-making. The relations between Indigenous peoples and nation-states, but also with other actors in the transnational policy-making space, display and express postcolonialities, which influence a people’s self-determination. Therefore, it is relevant to understand the relations between people(s) to assess a people’s self-determination. Participation in transnational policy-making can serve as a tool for ensuring the right to self-determination because it can give affected peoples access to decision-making beyond the national level. Accordingly, relations can create transnational spaces for leveraging Indigenous peoples rights and/or against the backdrop of relations at the national level between Indigenous peoples and the respective nation-state often facing gridlock,¹⁰ relations can create circumventing or mediating spaces at the transnational level. Access to participation brings the affected people into the arenas of policy-making, where decisions are made that affect their livelihoods and their right to self-determination. Hence, ideally, affected people can alter the decisions and policies taken, which positively influence their right to self-determination. At the same time, political decisions risk less being perceived as unjust and can gain legitimacy.

Thus, following a relational approach, the right to self-determination of Indigenous peoples can be “conceptualized primarily as an instrument for ending the colonial relationship” (Kingsbury, 2005, pp. 23-24). Young (2007) develops this concept further by including feminist theories of autonomy, which stress that peoples stand in relations to each other that display interdependencies. Young combines feminist theory with a theory of freedom framed as non-domination in contrast to non-interference: “peoples can be self-determining only if the relations in which they stand to others are nondominating. To ensure nondomination, their

¹⁰ For instance, only in October 2023, Australians voted in a referendum on the establishment of a new political body called the Aboriginal and Torres Strait Islander Voice, which would have needed a change of the constitution. The referendum did not pass (National Indigenous Australians Agency, 2023). Also in Norway, different Sámi organisations together with environmental activists are demonstrating repeatedly against a wind farm that has been ruled illegal by the Supreme Court of Norway already in 2021 (Kassam & Niranjana, 2023).

relations must be regulated both by institutions in which they all participate and by ongoing negotiations among them” (Young, 2007, p. 40). The relational approach to self-determination and the concept of non-domination thereby describe another link between self-determination and participation, which is relevant to approach Indigenous peoples' participation beyond the nation-state level. By applying a relational concept of a people's self-determination to the case of Indigenous peoples, Young argues that their “claims for self-determination [...] are better understood as a quest for an institutional context of nondomination” (ibid., p. 50), which challenges the often quoted idea of Indigenous peoples aiming at independence or succession from the respective nation-state. Accordingly, strengthening self-determination in IR through participation is about minimizing or ideally even preventing domination among peoples (ibid., pp. 51-52). Following a relational approach of self-determination while stressing the interdependent, (post)colonial relations among peoples, Kingsbury (2005) further develops the argument that transforming the relations is both “necessary to the future success of the state as well as the vitality of indigenous peoples” (ibid., pp. 33-34) pointing to issues of legitimacy of state policies within and beyond the nation-state. Adding on to the interdependencies between political actors and linking them to the Indigenous relationships to lands, waters, and resources, it is rather about protecting “the land and the relationships to it” than controlling it “for the purpose of exploiting the land as a resource” (Bauder & Mueller, 2023, pp. 166-167). In this regard, for instance, opposition of Indigenous peoples to extractive development projects can be understood as endeavours of promoting the right to self-determination because such opposition questions “the states' authority over land by placing its sovereignty into historical context” (Picq, 2014, p. 27). Also in the field of participation in transnational policy-making and the right to self-determination, such instruments of contestation of participation can be used by Indigenous peoples and their representations.

Building on these elaborations on a relational concept of self-determination with view to Indigenous peoples' participation in transnational policy-making, relations and dependencies between and among peoples can be framed as key for both, understanding and shaping postcolonial relations. An institutional context of non-domination enables self-determination and also describes the link to participation: people need to participate in the institutions regulating the relations facilitating negotiations among them. Thus, domination can be minimised or even prevented, which builds the basis for self-determining peoples. But how to ensure self-determination through Indigenous peoples' participation in such a transnational setting? The next sub-chapter derives the model developed of Indigenous peoples' participation

in transnational policy-making while building on the presented standards and the introduced definitions of key concepts.

2.3 Model of Indigenous peoples' participation in transnational policy-making

In this chapter, I present the model of Indigenous peoples' participation in transnational policy-making while relating to the developed ideas and thoughts from the previous sub-chapters of the conceptual framework. For this, I firstly conceptualise Indigenous peoples' participation and secondly transnational policy-making. The developed model (*Figure 1*) serves as a red thread and will be further complemented throughout this thesis by applying it to the specific case chosen to test the conceptual framework.

In general, Indigenous peoples' participation takes place at the local, national, regional and international level with different types of participation and degrees of formalisation. Through their citizenship (*except for stateless peoples*), Indigenous peoples hold the right to vote and to representation in political bodies. Through the building of (transnational) Indigenous organisations, they can also be active beyond national borders and engage in the transnational policy-making space (Álvarez & Ovando, 2022; Amelung & Baumgarten, 2017). If applied through their status as Indigenous peoples and their status as minorities, Indigenous peoples can enjoy in some nation-states specific affirmative/positive (*freedom to*) and negative (*freedom from*) rights. For instance, as an expression of self-determination, Indigenous peoples (re)established their own organisations, also contributing to the phenomenon of Indigenous internationalism (Broderstad, 2011, pp. 16-19; Seurujärvi-Kari, 2010; Wilson, 2020). Today, IPOs form part of different international organisations, for instance, in the context of the UN system.¹¹

To approach transnational policy-making as a relevant part of the conceptual framework of this thesis, the term needs to be further deconstructed. The 'transnational' element refers to the concept of transnationalism that can be defined as the "semantic construction' of common representations and identifications" (Kaelble, Kirsch, & Schmidt-Gerning, 2002, p. 10) shared among larger groups of state and non-state actors beyond and across the nation-state. Following

¹¹ Moreover as an UN initiative, since 1995, the World's Indigenous Peoples' Day is celebrated on August 9th.

a relational approach (Kingsbury, 2005; Young, 2007), the interactions between those actors are in the centre of interest. The process behind transnationalism, transnationalisation, includes the development of interactions and the building of relations between state and non-state actors, the social and institutional building of networks going beyond a focus on the economy only (Pries, 2010, p. 16) that span across and beyond state borders and boundaries, and are as such transnational, and display a sort of density and regularity (Risse-Kappen, 1995, p. 3). Additionally, to demark the transnational from the sphere of foreign policy and classic IR, transnational interactions “are not controlled by the central foreign policy organs of governments” (Nye & Keohane, 1971, p. 331). Against the backdrop of the idea of state and non-state actors contributing to transnational policy-making, Indigenous peoples and their representatives come in as *in-between* actors, because they are neither belonging to the state nor the non-state sphere. IPOs are not political ‘others’ but they form part of IR (McConnell, 2017; Shadian, 2014) through operating rather at the “threshold between the categories of state and non-state, official and unofficial diplomacy” (McConnell, 2017, p. 139).

When concentrating on the ‘policy-making’ element of transnational policy-making, the (public) policy cycle can give more context. The policy cycle aims at explaining the processes behind and within public policies by splitting the process into different stages, from the (re)definition of the problem, the agenda setting, the policy formulation, the actual decision-making, the policy implementation and the policy evaluation. This model tries to show the different stages from initiating a policy to its implementation and finalisation as a dynamic and cyclic process. Against the background of the policy cycle, theoretically, Indigenous peoples’ participation can contribute to all steps of the cycle in transnational policy-making: the definition of a problem, the formulation of a programme, its implementation and evaluation. Indigenous peoples’ participation can entail policy transfer and actual policy-making. *Transnational policy-making* is shaped by state and non-state actors. Following my conceptual perspective, I add Indigenous peoples and their representatives as ‘*in-between*’ actors engaged at the local, regional, national and international level. Transnational policy-making is taking place in the context of an IO or other (also less formalised) transnational policy-making settings (Abbott & Faude, 2021, 2022; Barnett et al., 2021). Thus, transnational policy-making as part of the broader field of IR becomes more than the sum of states’ policies and initiatives by non-state actors, displaying its own logics and dynamics.

Within the broader field of IR, different approaches aim at explaining how states and non-state actors interact with each other. With view to Indigenous peoples, most approaches though lack

in addressing them as relevant actors (Álvarez & Ovando, 2022; Shadian, 2014), still privileging “the state as expression of authentic community” while denying “the independent ontological significance – even the validity – of non-Western forms of political community and inter-national diplomacy” (Beier, 2009a, pp. 14, 19). By this means, Beier (*ibid.*, p. 19) sees IR in “an underappreciated complicity with the ideational dimension of colonialism”. In response to this critique, post/decolonial studies in IR have evolved (Álvarez & Ovando, 2022) highlighting ontological-dialogical considerations of non-Western knowledges and practices towards epistemic reconfigurations. Also Picq (2014, p. 27) states that still “Indigeneity is an usual way to think about International Relations”, although it is a “valuable approach to understanding world politics as much as it is a critical concept to move beyond state-centrism in the study of IR”. Since Indigenous peoples’ governance forms predate the nation-state – and also their networks and exchanges, their inter-relations and diplomacies – acknowledging Indigenous peoples as part of the discipline – “encompasses alternative worldviews to think about the international beyond stateness” (*ibid.*, p. 31), thereby speaking to the specific in-between actorness of Indigenous peoples and their representations. At the global level, relations between Indigenous peoples and other actors create spaces for transnational policy-making also on Indigenous peoples’ issues. These spaces can provide circumventing, mediating or leveraging spaces for Indigenous peoples’ issues and rights (Jones, 2019) in the sense of non-domination but can also built dominant and limiting structures for Indigenous peoples’ participation (Young, 2007). These spaces for transnational policy-making benefit from the networks of IPOs and can bring issues to higher governance levels that often face gridlock at the national level.

The status and right to self-determination of Indigenous peoples are linked to rights codified in national constitutions and their implementation in national contexts, despite international standards on the rights of Indigenous peoples in general and to participation more in specific. Therefore, “matters concerning indigenous peoples fall within the domestic issues of the states in which indigenous people live [today]” (Heinämäki, 2015, p. 190) leaving Indigenous peoples as “not recognised as peoples under international law, but as peoples under domestic law” (Tully, 2000, p. 57) and as “participants within the bounds of the nation state” (Bauder & Mueller, 2023, p. 161), which “enveloped indigenous livelihoods into each state’s domestic sphere” (Fakhri, 2018, p. 236). Hence, states cannot only act as protectors of rights but can also be paternalistic and do harm, ceasing the state “to be the guarantor of rights and is revealed instead to be a bearer of opposing rights” (Beier, 2009b, p. 5). Since states shape through national legislations and policies how Indigenous peoples have access to policy-making and

can enjoy their rights, states also very much influence the access of Indigenous peoples to policy-making at the transnational level.

Against the backdrop of the phenomena of globalisation and transnationalisation, Indigenous self-determination is no longer only affected by national but also more and more by policy-making in the transnational sphere (Cambou, 2018; Jones, 2019). Since decision- and policy-making is taking place to an ever-increasing extent at governance levels beyond the nation-state, also Indigenous self-determination becomes an issue that cannot be solved (only) at the national level. In a complex world with challenges intersecting and determining each other, “governments are no longer the only (not the most important) political actor and source of authority” (Blühorn & Deflorian, 2019, p. 2). Thus, in such a globalised and transnational world, “[i]t is apparent that the state-people relationship is not the only relationship that is relevant to a people’s exercise of its rights to self-determination” (Jones, 2019, p. 56), which can describe different dimensions of self-determination (Cambou, 2018). Accordingly, self-determination cannot be assured by the nation-states alone (anymore), which formulates a need for Indigenous peoples’ participation at other governance levels, too. Today, not only nation-states, but also actors at the transnational level, for instance IOs, are therefore confronted with questions of (Indigenous peoples’) participation.

Understanding self-determination as a human right¹², IOs and states as central actors in IOs are obliged to protect human rights at all governance levels (Jones, 2019, pp. 60-62). Since Indigenous self-determination and participation are closely linked (Cambou, 2018), the necessity can be derived to create access opportunities to policy-making at the transnational level that are complementing accesses at the national level. If a people’s self-determination is affected by the decisions made at the transnational level, and if these people are outside the involved member states and/or if representation of the affected people at the national level did not materialise itself, IOs need to include these people in their decision-making to avoid participation gaps that could lead to restraints to a people’s self-determination (Jones, 2019, pp. 63, 67). With such participation gaps, policy outcomes can run the risk of being perceived as unjust or illegitimate and thus, socially less accepted. Including people in policy-making can reduce negative impacts on a people’s self-determination. At the same time, it can raise the legitimacy of policy-making and its outcomes.

¹² See the UN Charta, the International Covenant on Civil and Political Rights, ICCPR and the International Covenant on Economic, Social and Cultural Rights, ICESCR).

These developments need to be understood within broader academic discussions on ‘democratising’ global governance and the emergence of a transnational public sphere that describe the shifts from state-centred approaches in IR to the inclusion of non-state actors and un(der)represented peoples (Broek et al., 2023; McConnell, 2017; Nanz & Steffek, 2004). Under the framework of new types of constellation of actors and new governance forms, questions of their inclusion potential (Barnett et al., 2021) and democratic contributions (Scholte, 2010) are addressed. Within the diverse group of non-state actors or rather other actors than states, civil society organisations (CSOs) Civil Society Organisations (CSOs) as independent and non-profit organisations (Broek et al., 2023), and Indigenous Peoples Organisations (IPO) (Coates & Broderstad, 2020) are only two examples of actors who can act towards democratisation through addressing participation gaps. They can function as “sources of legitimacy for governance institutions, with the ability to provide new perspectives and resources to address certain failings in governance” (Broek et al., 2023, p. 3), which equips them with a sort of informal power. Accordingly, participation at the transnational level “does not necessarily refer to a nation state or to classical political state institutions” (Amelung & Baumgarten, 2017, p. 11) anymore. Other authors, however, take a more nuanced view of the democratising potential of civil society actors by acknowledging their overall contributions to more democratic governance on the transnational level while still flagging that civil society activities “do not automatically further democracy” (Scholte, 2010, pp. 392-393). Scholte (ibid., p. 393) refers to the sometimes difficult democratic credentials of the civil society actors themselves.

Furthermore, the shift from the national to the transnational level in terms of policy-making can also mean adding on states’ influence because states can influence peoples in inter- and transnational policy-making as well (Humrich, 2017, p. 161). States hold a “structuring influence over the transnational organization of indigenous peoples” (ibid.) by creating an external pressure on Indigenous peoples to establish contact partners and representational bodies to fit into the international system they have built. The question of who is representing an Indigenous people and the rigid structure of many IOs often call for a single representation, which is not compliant with Indigenous self-determination and governance traditions. Jones (2019, p. 61) further elaborates that “it should be up to a people to decide who participates on its behalf in a matter affecting it” and that “[s]tates and IOs should not use representativity concerns as a pretext for exclusion; this is an unavoidable risk”.

Through positioning themselves in a sort of “third space of sovereignty” (Bruyneel, 2007), IPOs further challenge the clear divide in IR between state and non-state actors, which is also linked to the inherent right to self-determination of the peoples they represent (Blaser, Feit, & McRae, 2004, p. 15; Cambou & Koivurova, 2021, p. 327; Kuokkanen, 2011). IPOs are “neither fully inside nor fully outside the state” (Beier, 2009b, p. 5). Further, Beier (*ibid.*, pp. 4-5) adds that “indigeneity is characterized by a visceral connection to land that is very much in tension with both the logics of the territorial state (not least in border areas) and the conversion of land into property” and hence, Indigenous peoples differ from other non-state actors, because the latter “do not necessarily find themselves irreconcilable with [the state’s] inherent logics” (*ibid.* p., 5).

Accordingly, the arguments for their participation at different governance levels vary from those of other actor groups. The case of Indigenous peoples “tend to flow from a sense that the indigenous community constitutes a political community *of its own* [highlighting as in the original, JG], and that their aspirations to collectively manage their own affairs and govern themselves are legitimate” (Moore, 2005, pp. 271-272). Some IPOs present elected or appointed decision-making bodies, such as parliaments, assemblies or self-governments, which belong to the political structures of the nation-state or even fulfil functions that normally lie with state’s political institutions, also following processes of devolution (Wilson, Alcantara, & Rodon, 2019). IPOs are representing peoples who hold citizenship in different nation-states, to which they have (often forcefully) been included to through processes of colonisation and assimilation (cf. Broderstad, 2000, p. 237). Their traditional lands were cut by emerging national borders, which makes many Indigenous peoples to transnational peoples and confront them with different national standards on Indigenous peoples’ rights. Moreover, today, Indigenous peoples often form permanent minorities in the respective nation-states due to the assimilation and inclusion into a dominant, majority society (Niezen, 2003).

Predating colonisation, Indigenous peoples had their own governance structures and traditional institutions. Hence, the first contacts with colonisers and settlers took place at a quasi state-to-state level with contracts signed between states and Indigenous peoples, which were by definition *international relations* (Bauder & Mueller, 2023, p. 159; Heinämäki, 2015, p. 190; Jones, 2019, p. 56; Niezen, 2003; Tully, 2000, pp. 52-53). Due to assimilation policies, Indigenous self-government was eroded over time (Junka-Aikio, 2022, p. 4) while the doctrines of ‘terra nullius’ and ‘discovery’ served as justifiers for the occupation and exploitation of Indigenous lands and peoples (Bauder & Mueller, 2023, p. 159; Heinämäki, 2015, p. 189). The

nation-states established themselves as the only subjects and norm-creators of international law and international politics (Heinämäki, 2015). Thus, in many parts of the world, Indigenous peoples have lost this status as subjects in international law and politics with Indigenous matters being treated merely as objects, “reducing Indigenous peoples to an issue area” (Beier, 2009b, p. 6), Indigeneity as ‘non-state’ and accordingly, as state-business (Picq, 2014, p. 31). These developments describe a “structural relation of domination” (Jones, 2019, p. 67) between Indigenous peoples and the nation-states. Therefore, the mere criterion of affectedness that argues for participation at the transnational level can be further complemented by a more inherent right to participate due to Indigenous governance traditions predating the nation-states.

Although often being treated as forming part of the category of Non-Governmental Organisations (NGOs) or CSOs, there is a difference in terms of the participation of Indigenous peoples and other actors in transnational policy-making beyond the nation-states. In this regard, Koivurova and Heinämäki (2006, p. 102) argue that “indigenous peoples’ organisation represent peoples, not interested-based constituencies”, which is taken up by Jones (2019, p. 55) who adds that this led to the “fundamental distinction between self-determining peoples and the membership of NGOs and other civil society groups”. For Jones, however, this different status of Indigenous peoples is not to be misunderstood as implying “a level of participation over and above of NGOs, or that of other groups and individuals” (ibid., p. 56). Rather the reasons for why these peoples need to participate were different, which could also lead to “different forms of participation in different circumstances” (ibid.). Beier (2009b, p. 4) adds the need to talk about ‘Indigenous diplomacies’ instead of grouping Indigenous representation at the transnational level to the ‘global civil society’ because “Indigenous histories are notable for long historical grievances originating in Europe’s conquest of the non-European world”. Participating through civil society actors is consequently described as inadequate due to the different status and thus, could not ensure self-determination sufficiently (Heinämäki, 2015; Jones, 2019, p. 57).

Despite the critique of categorising IPOs as civil society actors in IR, they are often being dealt with under the category of stakeholders and grouped together with CSOs or NGOs. As such, they are involved, for instance, “in the standard repertoire of non-governmental organisations (NGOs), the UN, the Organisation for Economic Co-Operation and Development (OECD) and the World Bank” (Amelung & Baumgarten, 2017, p. 12). The objective of including them as stakeholders is to strengthen interactions with the people(s) who are actually affected by certain decision- and policy-making processes, further informing the criterion of affectedness (ibid.).

Jones (2019, p. 57) calls this type of participation 'reactive participation', describing it as the need to include affected people in decision-making in IOs, as the need to include Indigenous representatives in intergovernmental negotiations on issues affecting Indigenous peoples and as the need to consult with Indigenous representatives in international court decisions on peoples who are not a state. This type of participation is contrasted with 'proactive participation' (ibid., p. 58), which is rather on the opportunity for Indigenous peoples to initiate their own participation. Otherwise, it would be only a case of 'invited participation' leaving questions of participation always linked to an actor offering access to decision-making and an actor demanding such inclusion and participation (cf. ibid.). The difference between invited and more proactive participation is relevant to be considered as it reflects on power dynamics between the actors involved as well as on the different capacities they have.¹³ Invited/proactive participation can take place in all the conceptual lenses I propose of Indigenous peoples' participation in transnational policy-making. Further, it can inform questions of (non-)domination in the relations with relevance for a people's self-determination.

Another typology is presented by Amelung and Baumgarten (2017, pp. 6-12) who analyse a mix of formalised and non-formalised as well as institutionalised and non-institutionalised forms of participation in the transnational sphere that can also inform the analysis of Indigenous peoples' participation in transnational policy-making. Formalisation and institutionalisation are linked to certain rules of procedure as well as policies and are further often backed up by financial means supporting/facilitating participation. Amelung and Baumgarten (2017, p. 12), however, assess that non-formalised and less institutionalised forms are dominating the transnational sphere since "[s]tructured and formal ways of involving citizens on a global scale have remained an exception". These assessments can be linked to other trends in global governance in the field of so-called club governance (Brandi, 2019) and informal, low-cost institutions (Abbott & Faude, 2021).

On that note, Reed et al. (2018, p. 10) add "that there are few examples of genuinely bottom-up, deliberative, and coproductive decision-making processes in the literature". Hence, participation in transnational policy-making is often shaped by non-formalised and less institutionalised settings that do not link to a set of rules or policies, to which participants can refer to, also concerning how their inputs are channelled into actual policy-making processes. Without more formalised and institutionalised forms of participation, participation runs the risk

¹³ See also Larson et al. (2022, pp. 2-3) on "invited spaces" and "conquered spaces".

of leading to or of maintaining rather asymmetric relations between the actors involved with one actor offering and the other demanding the access to transnational policy-making, which can be linked to differences between invited and proactive participation as well as dominating institutional contexts (Young, 2007). These circumstances can further have an influence on the quality of participation and its impact on decision-making. Debates on formalised/institutionalised and non-formalised/non-institutionalised forms of participation mostly evolve around questions of participation in the transnational space as such and not with a specific focus on Indigenous peoples' participation. Through bringing in a perspective on Indigenous peoples' participation in transnational policy-making, debates on different forms and grades of formalisation and institutionalisation in terms of participation can be linked to questions of self-determination and (non-)domination.

These elaborations can also be related to critiques on the two phenomena of 'double representation' of Indigenous peoples and the so-called 'rights-holder' approach. Double representation links to the multifaceted identities of Indigenous peoples as being citizens and being Indigenous. Both statuses can entail representational rights, which can lead to overlapping influences in policy-making and the perception of non-Indigenous citizens that influences of Indigenous peoples were too high in comparison to other groups (Riseth, 2022, p. 41). The latter phenomenon, the rights-holder approach, is a principle that seeks to address shortcomings of the stakeholder approach through stressing the different status of Indigenous peoples due to their traditional land uses and governance systems that predate the nation-states (Sarkki et al., 2021). By addressing the right to self-determination, Indigenous representatives also underline this difference between stake- and rights-holders – the difference between having stakes and having rights by pointing to the different status they have as Indigenous peoples that differ from the status of stakeholders.

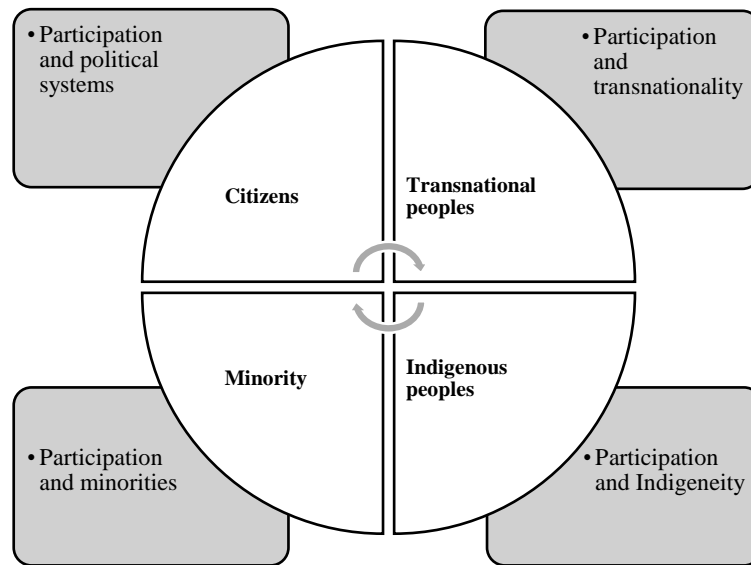
The stakeholder concept is quite dominant in the field of participation in academia and policy-making, but it entails certain characteristics that “risk continued marginalization of indigenous people” (ibid., p. 271) such as its concept of all-inclusivity, the prioritization of economic interests and an ahistorical view on rights (ibid., p. 272). Thus, Sarkki et al. (ibid.) propose instead the use of the concept of rights-holders for Indigenous peoples through applying a social equity perspective. The authors differentiate that in the case of stakeholders those “stakes are typically economic” (ibid.), which differs from the case of Indigenous peoples and other local communities, for whom traditional livelihoods entail more than an economic dimension, but also a socio-cultural and value-driven one “associated with the land and land use” (ibid., p.

273), relating back to the elaborations on defining Indigenous peoples. By applying a stakeholder approach that is prioritising the economic dimension often means though “interests can, without great difficulty, be quantified, compensated and weighed against each other” (ibid.). These processes on the local level leave Indigenous peoples often “marginalised in relation to other land users in many natural resource planning and decision-making processes” (ibid., p. 275). With my conceptual framework, I aim at taking the rights-holder debate to the transnational level and broadening or rather further unravelling perspectives on stakeholder participation at the transnational level by specifically addressing the case of Indigenous peoples as rights-holders. Taking the experiences from lower governance levels with the impacts of the applied stakeholder framing for Indigenous peoples and its shortcoming in terms of ensuring self-determination and non-domination, also transnational policy-making can be analysed concerning questions of (non-)dominating institutional contexts that are shaped by states with IPOs representing Indigenous peoples within and beyond national borders. This specific actorness of Indigenous peoples as being *in-between* challenges the understanding of actors in transnational policy-making as it breaks up the dominant dichotomy between state and non-state actors.

In sum, Indigenous peoples' participation at the transnational level can be traced back to the different status they hold in national and international politics. If not stateless peoples, they hold the right to participate mainly through passive and active voting rights in the respective nation-state. In the case of being transnational peoples due to the borders of today's nation-states, Indigenous peoples also hold a status that goes beyond the national context. In many states, Indigenous peoples further build a minority, which can also equip them with another status and in some contexts, with specific protective and affirmative rights. Ultimately, because of their status of being Indigenous, different international standards apply that aim at protecting their right to self-determination.

With these conceptual considerations in mind, I introduce the model of Indigenous peoples' participation in transnational policy-making (*Figure 1*) that applies the four different status of Indigenous peoples as citizens, transnational peoples, minorities and Indigenous peoples to participation that lead to four conceptual lenses, participation and political systems, participation and transnationality, participation and minorities and participation and Indigeneity.

Figure 1: Indigenous peoples' participation in transnational policy-making model with four conceptual lenses



Source: Author's own compilation.

Building on the ideas developed in the conceptual framework, I introduce in the next chapter the methodological framework. This chapter presents the research paradigms and tools needed to apply the conceptual framework to the chosen case from the broader population.

3 Methodological approach

This chapter introduces the methodological approach that guides the analysis of Sámi-EU relations as an example of Indigenous peoples' participation in transnational policy-making. Firstly, I describe the criteria for my case selection and the period of investigation, followed by an in-depth introduction of the case of Sámi-EU relations with the actors shaping these relations. In a subsequent step, I present my considerations on reflexivity, positionality and the applied methods for the data collection. Against this methodological background, I introduce the critical qualitative content analysis method as my selected analytical approach. In this sub-chapter, the developed codebook and the coding process will be discussed. The chapter closes with the operationalisation of key concepts and categories to prepare the analysis of the case study.

Qualitative research in general can be applied to analyse complex processes, social phenomena and constructions of meaning (Dresing & Pehl, 2015, p. 6). It further allows drawing broader conclusions to inform theoretical concepts (ibid., p. 7). In this thesis, I apply a qualitative case study research design to analyse Sámi-EU relations. The advantages of a qualitative single-case study are, on the one hand, that it can gain in-depth insights into one specific case (Goertz & Mahoney, 2012), which is particularly relevant for the case of Sámi-EU relations given the limited research conducted in this field so far. The main disadvantage is, on the other hand, that the generalisability of a single-case study is more limited than of, for example, comparative case studies or large-N-design quantitative analyses because single-case studies aim for generating in-depth evidence on the selected case and relevant processes. In this study, a longitudinal within-case study design is chosen in order to analyse and trace developments in the relations between Sámi organisations and EU institutions over time. By framing the case of Sámi-EU relations as part of the population of Indigenous peoples' participation in transnational policy-making, I can still contextualise the case's findings and their typicality against the backdrop of the broader population (*Chapter 5*). Sámi-EU relations thus serve as a most-likely case to show different forms of Indigenous peoples' participation in the transnational context. As such, the case fits very well to draw more general conceptual conclusions, which can be utilised for the latter contextualisation.

The relational approach to self-determination introduced in the conceptual framework (*Chapter 2*) also informs the methodology with a constructivist, relational approach to Indigenous peoples' participation and transnational policy-making. Constructivism framed as a “set of

assumptions about how to study politics” (Barkin, 2003, p. 338) allows an analysis of IR “as a social construction” (ibid., p. 325) by underlining, inter alia, the relevance of relations among the actors involved. Therefore, the constructivist, relational approach influences the choice of methods and the overall methodological considerations. Highlighting the role of Indigenous peoples and their representatives in IR not only determines a certain way of how the research questions are framed but also how they are approached methodologically. Hence, the research approach sets the framework for the research design and questions. In a constructivist framing, the answer to the research question needs to be understood as one possible answer and rather as a contribution to solve a bigger research riddle. In my case, I aim to contribute to a better understanding of Sámi-EU relations and to what extent and how they enable Sámi participation against the background of broader discussions in the research field of Indigenous peoples’ participation in transnational policy-making. A critical research approach further seems to offer sound methodological tools to analyse Indigenous peoples’ participation in transnational policy-making given the postcolonial relations between Indigenous peoples and the other actors involved in transnational policy-making. The following sub-chapters elaborate accordingly on how a relational, constructivist and critical research approach unfolds for the case of Sámi-EU relations.

3.1 Case selection and period of investigation

Framing Sámi-EU relations as creating a transnational policy-making space for Sámi issues while analysing Sámi participation in the EU as an example of Indigenous peoples’ participation beyond the national level is relevant because the EU itself stands for an entity where nation-states have agreed on common rules and institutions at higher governance level, which could be an interesting framework also for the case of Indigenous peoples’ participation. Sámi representatives and researchers have been highlighting these potentially favouring characteristics of the EU at different times in the relations (Broderstad, 2000; R. Fjellheim, 2023). In addition, the EU and the Nordic states stand for democratic political systems with high human rights standards and highly developed social welfare systems, which further indicate favourable conditions for Sámi participation at the EU level in the sense of a most-likely case to show different forms of participation in a transnational context. Due to the higher

impact of EU's policies on the Norwegian, Swedish and Finnish part of Sápmi, I will not concentrate on the Russian part of Sápmi.

Based on a qualitative case study design approach, I conduct a within-case study on Sámi-EU relations while focusing on five within-case observations, of which two entail three different events (cf. Goertz & Mahoney, 2012, pp. 88-92). In detail, I analyse the EU Arctic Forum 2019, 2021 and 2023, and the Indigenous Peoples Dialogue 2019, 2021 and 2023, the EU-Sámi Week as well as the Peoples' Climate Case and the Stakeholder Dialogues under the EGD as within-case observations. The case selection for the within-case study on Sámi-EU relations as an example for Indigenous peoples' participation in transnational policy-making also implies certain limitations. Out of the broader, complex picture of Indigenous peoples' participation in transnational policy-making, Sámi participation at the EU level, the forms of access, participation and their processes shall still inform wider issues and questions from the population of cases. Out of Sámi-EU relations, I can only address a certain selection of within-case observations while focusing on the Norwegian, Swedish and Finnish part of Sápmi. Nevertheless, since the within-case observations were chosen based on the conceptual framework standing for different forms of accesses tied to the diverse conceptual lenses on Indigenous peoples' participation in transnational policy-making, I seek to contribute not only to a better understanding of Sámi participation at the EU level as a most-likely case but also to the broader population of cases. Since the conditions for participation at the transnational level are met for the case of Sámi-EU relations, the case should be able to show different forms of participation, formalisation and processes.

The period of investigation starts in 1990s with the Swedish and Finnish accession process to the EU and the Norwegian joining to the EEA because it defines also the start of the (quasi) diplomatic relations between Sámi and EU representatives. The analysis will look at developments until 2023 to include also current changes in the policy, such as through the Arctic policy from 2021 and recent transnational cooperation formats, like the EU Arctic Forum and Arctic Indigenous Peoples' Dialogue 2021 and 2023 as well as the EU-Sámi Week 2022.

In the next chapter, I will further present the case of Sámi-EU relations as an example of Indigenous peoples' participation in transnational policy-making. It explains the two actor groups shaping the relations, Sámi organisations and EU institutions as well as provides an overview of the fora where they meet and where the relations unfold.

3.2 Presenting the case of Sámi-EU relations

Following a qualitative case study design (Goertz & Mahoney, 2012), this sub-chapter will start with presenting the different actors and cooperation formats shaping the relations and the access of Sámi organisations to EU policy-making, through mapping Sámi organisations and EU institutions as the two main actor groups. This thesis frames Sámi-EU relations as a case within the population of Indigenous peoples' participation in transnational policy-making while following the model developed in the conceptual framework (*Figure 1*). Thus, this sub-chapter of the methodology categorises the case of Sámi-EU relations in the broader field of Indigenous peoples' participation beyond the nation-state. In line with debates in global governance research, the relation between the EU and Sámi organisations is analysed under the framework of new types of constellation of actors and as a new governance form – with the open question of its inclusion potential and how Sámi-EU relations enable Sámi participation at the EU level (Barnett et al., 2021).

Before diving deeper into the different Sámi organisations shaping Sámi-EU relations, the role of the Sámi people as the only Indigenous people within the EU needs to be contextualised. Traditionally, Sámi people have lived off the land through practicing reindeer herding, fishing and other traditional activities like trapping and gathering.¹⁴ Colonisation of Sápmi began with the approval by King Carl XI of the Settlement Bill of Lapland in 1673 and 1695, “which allowed non-Lapps to cross the border of Lapland to settle” (Joonas, 2020, p. 241). The Sámi are a Finno-Ugric Arctic people with approximately 80,000 to 100,000 people living in and outside their traditional land, which consists of today's northern parts of Norway (with 65,000 people, around 1.38 per cent of the Norwegian population), northern Sweden (20,000-40,000 people, around 0.2 per cent of the Swedish population), northern Finland (10,000 people, around 0.092 per cent of the Finnish population) and the Kola-Peninsula in Russia (2,000 people). Relevant to consider is that the “present Sami settlement area is significantly smaller than the Sami traditional homeland” (J. B. Henriksen, 2008, p. 27)¹⁵ and that the numbers are

¹⁴ State policies have divided the Sámi following their traditional livelihoods with a strong focus on reindeer herding (Kortekangas, 2022; Kuokkanen, 2011, p. 48). Although other Sámi livelihoods exist, such as those of coastal and sea Sámi or forest Sámi, many Sámi rights to land are linked to the traditional activity of reindeer herding. In the case of Sweden, 50 per cent of Sweden's land surface is subject to reindeer herding (Allard & Brannström, 2021, p. 59), non-reindeer herding Sámi constitute the vast majority, leaving them with “no State-recognised rights to land and water”. Furthermore, in Sweden “reindeer herding is recognised as an industry of national interest, so too is mining” (OECD, 2019, p. 76).

¹⁵ For instance, with view to traditional land use, the percentage of how much of states' land is reindeer herding area needs to be contextualised against the background of how much of this land can actually be used to practice reindeer herding anymore due to conflicting land uses that prevent or restrict reindeer herding (e.g. urban settlements were built on Sápmi that do not allow for reindeer herding anymore).

only approximated, because there are no official surveys. An indication can be given though by the Sámi electorate, “the number of people with the right to vote in the elections of the Sámi Parliament” (Joonas, 2020, p. 242) plus their children. The Sámi Parliaments in Norway, Sweden and Finland build on the criteria of Indigenous self-identification, group acceptance and the use of Sámi language at home (up to the generation of the great-grandparents). Sámi languages belong to the Uralic language group and can be divided into ten groups: South Sami, Ume Sami, Pite Sami, Lule Sami, North Sami, Inari Sami, Skolte Sami, Akkala Sami, Kildin Sami and Ter Sami (J. B. Henriksen, 2008, pp. 27-28), with North Sámi as the biggest variation spoken with approximately 15,000-25,000 speakers (UNPO, 2018). Speaking a Sámi language was oppressed under assimilation policies of the respective nation-states, which describes the lower numbers of speakers in comparison to the number of people identifying as Sámi. Today, around two-thirds of Sámi live outside Sámi homeland (Joonas, 2020, p. 242). In terms of symbols, the Sámi flag was established in 1986 and the Sámi National Day is celebrated since 1993 every year on February 6.

Sámi-EU relations can be traced back to the beginning of the 1990s, with the Sámi Parliaments reaching out to the EU before the official accession negotiation with Finland had started (Broderstad, 2000; Toivanen, 2001, p. 307). Over the years, Sámi organisations have established channels of direct communication with the EU and applied for funding under different regional policies (Airoldi, 2008, p. 83). With policy frameworks such as EU's Arctic policy and the EGD, the relations have changed and intensified (Chuffart et al., 2021; Laframboise, 2022, 2023). With view to the two actor groups, the EU's claimed role as a human rights protector, mediator and as a political space *sui generis* featuring cross-border exchanges and identities is used as a starting point to look for EU institutions that have links to Sámi organisations. Further, EU policy-making will be introduced as an example of a transnational policy-setting and Sámi organisations as actors who are seeking access to EU policy-making.

Sámi organisations are introduced as representatives of the only accepted Indigenous people within the EU.¹⁶ The European focus is interesting due to the increasing relevance of EU legislation and policies for Sápmi (Laframboise, 2022; Nystø Keskitalo & Götze, 2023a, 2023b), EU's colonial past and its postcolonialities (Hansen & Jonsson, 2015; Kinnvall, 2016), as well as against the background of ongoing TRCs in the Nordics (Kuokkanen, 2020; Mamo

¹⁶ 'Within' the EU refers to EU's core land on the European continent. The case of the Inuit of Greenland (Kalaallit Nunaat) challenges the 'only Indigenous peoples' narrative because, although Greenland as an island autonomous territory of Denmark does not belong to the EU, Greenlanders hold Danish citizenship and thus, also EU citizenship. Moreover, in the OCTs belonging to the EU also live Indigenous peoples.

& et al., 2023). To approach their participation at the EU level, the presentation of the case describes Sámi livelihoods and the national contexts, in which Sámi people live in today and from where Sámi organisations have emerged. Sámi organisations are an interesting example because they represent people living in different nation-states today, with whom the EU has different ties that are also shaping the relation in the transnational space between the EU and the Sámi people. Within the broader field of Sámi organisations, I will concentrate on those with ties and links to the EU as well as those who act on the transnational level.

Besides of many differences, the two actor groups also share certain commonalities. They both challenge, although quite differently, a traditional divide between states and non-state actors in IR with respectively a unique actorness by broadening state-centred perspectives. The EU is considered an entity *sui generis* and several concepts aim at describing its specific power in contrast to traditional state's powers, for instance, 'civilian', 'normative', 'transformative' or 'ethical'. These different approaches aiming at describing EU's power are constructivist and have an inherently relational character, which means that the EU needs to be perceived as this specific power. With regard to the Arctic, the EU tries to fulfil this ascribed role by focusing on tackling climate change as well as promoting human rights and protecting Indigenous and minority livelihoods. Out of a traditional power perspective, the EU can be seen as non-dominant actor in the Arctic region, however, it has a sort of "discursive advantage through its promotion of human rights" (Terzi, 2021, p. 10). With view to the Sámi people, the regulatory and market power of the EU is another dimension of the relation between the two actor groups as EU's legislation and policies impact life on Sápmi, e.g. in the context of the Green Deal and the development of renewable energy facilities and mining projects on Sámi homeland.

I frame the relation between Sámi organisations and the EU as transnational because different governance levels as well as different types of actors are involved and finally shape the relations. Today, the traditional land of the Sámi people stretches across several national borders¹⁷ and extends beyond EU borders. As a transnational people, holding citizenship in Norway, Sweden, Finland and Russia, some Sámi are citizens in a country belonging to the EEA (through Norway), others to the EU (through Sweden and Finland) and a third group to a third country to the EU (Russia). However, since Norway belongs to the EEA, parts of EU legislation apply for Norway as well. With Russia, the EU has also concluded various (economic) agreements. Given the different relations the EU has with the nation-states in which

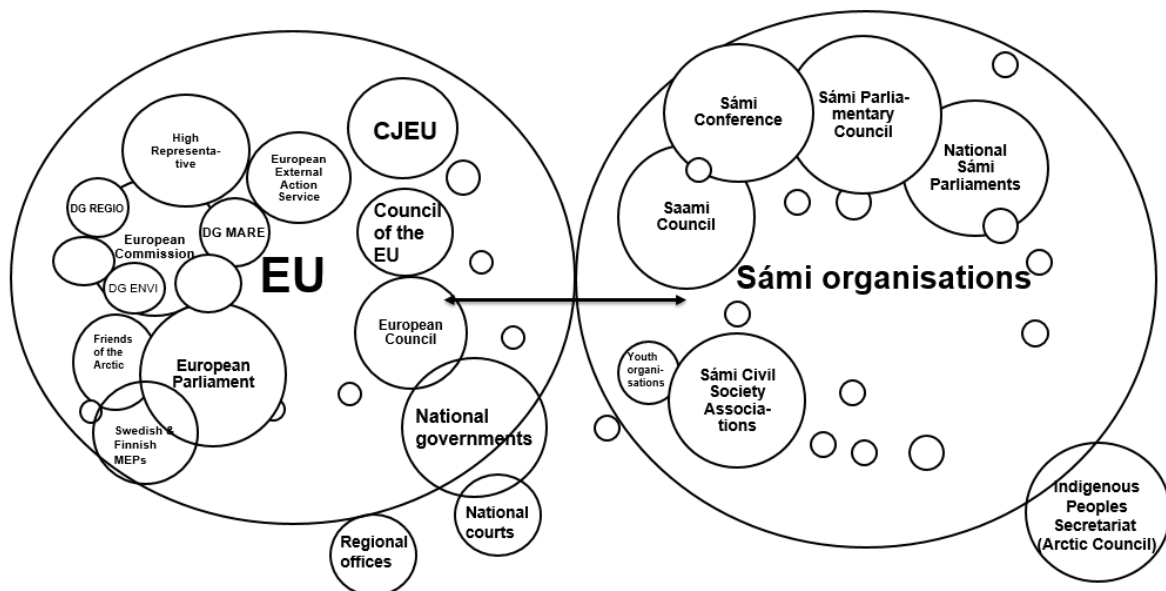
¹⁷ "The concept of borders is modern and evolving. Indigenous peoples have different understandings of territories, ones defined by historical use and occupation, harvesting patterns, and typically flexible arrangements with neighbours" (Coates & Holroyd, 2017, p. 26).

Sámi people live in today, the impacts of EU policies on the Russian side of Sápmi is rather limited in comparison to those on the Nordic sides of Sámi homeland.

IR and international law are oriented towards the concept of citizenship – in the case of the Sámi, members of Sámi communities have different citizenships with different legal frameworks for Indigenous peoples. However, they also hold another dimension of identity beyond being citizens of certain nation-states but also as an Indigenous and transnational people. As an Indigenous people, the nation-states as well as the EU are obliged to follow national and international law on ensuring Sámi rights (special status, affirmative legislation). The level of the EU is somewhat between the national and the international level through influencing the national level and forming part of the international.

With an actor-mapping of Sámi-EU relations, the most relevant actors are identified (*Figure 2*). The mapping cannot claim exhaustiveness – reflected by the empty circles – but it rather seeks to provide an overview of the various, most relevant actor groups, on the side of EU institutions and Sámi organisations, which I have identified. The mapping focuses on the involved actors, their role in and for the relations as well as on the interlinkages between the actors.

Figure 2: Actor mapping of Sámi-EU relations



Source: Author's own compilation.

The actor mapping (*see Figure 2*) illustrates the two main actor groups of Sámi-EU relations, with the different EU institutions and Sámi organisations building and shaping the relations. Further, the mapping shows that the relations are neither only in the field of state to state nor fully in the non-state actor to state field, because some Sámi organisations such as the Sámi Parliaments in Sweden, Norway and Finland do not represent a non-state actor but are part of state institutions, while other Sámi organisations are registered NGOs or CSOs. The different status of the organisations enable different accesses to EU policy-making and can lead to varying forms and grades of participation.

Not only with view to Arctic matters in general and Sámi issues in specific, the EU consists of a “multiplicity of actors” with “diverging interests” and a “variety of norms” (Terzi, 2021, p. 2). On the EU side with view to ties with Sámi organisations, the most relevant actors are the European Commission, here first and foremost, the High Representative of the Union for Foreign Affairs and Security Policy, the Directorate-General for Maritime Affairs and Fisheries (DG MARE) as well as other DGs (for Regional Development, Research and others), the European External Action Service (EEAS) and the European Parliament. The European Council, the European Courts and the EU Polar Net, an EU research network and funding programme for research on the Arctic, are important actors or platforms, too. With closer look at the European Parliament, Swedish and Finnish Members of the European Parliament (MEPs) were identified as decisive actors for shaping Sámi-EU relations. However, not only MEPs from the respective Member States but also other MEPs can influence Sámi-EU relations, such as MEP Francisco Assis, Member of the Portuguese Socialist Party, who was responsible for the report on the rights of Indigenous peoples in 2018 (European Parliament, 2018). Due to Assis’ responsibility for the report, the MEP was, for instance, identified by the Sámi Parliament in Norway as a relevant contact person for Sámi issues within the EU (Sámediggi, 2019). Moreover, the voluntary parliamentary group, “The Friends of the Arctic” led by Estonian MEP Urmas Paet needs to be mentioned as well because it brings together different MEPs and their staff to exchange on Arctic specific topics, within which Indigenous peoples’ issues are relevant. The European Council is also an important actor, through which the Member States are represented. Moreover, the Presidencies of the European Council are relevant, particularly if hold by Sweden or Finland, because they give a certain framework for specific policies, which can touch upon Sámi issues as well (Sámediggi, 2019, p. 4), stressing the overall relevance of the Member States of Sweden and Finland for Sámi issues at the EU level. Hence, these actors are represented twice in the figure, firstly through being members of the Council and secondly, through the role of the governments and national courts as intermediates in Sámi-

EU relations. In addition, the Permanent Representations of Sweden and Finland at the EU in Brussels as well as the regional offices of the northernmost regions of both Member States and the North Norway Office as well as the Mission of Norway to the EU are important intermediary actors in Sámi-EU relations.

With view to the relations with the EU, on the Sámi side, the Saami Council, the Sámi Conference, the Sámi Parliamentary Council and the different Sámi Parliaments in Sweden, Norway and Finland as well as different Sámi civil society associations and Sámi youth organisations, such as the Sáminourra (Sámi youth organisation from the Swedish side of Sápmi) and Noereh (Sámi youth organisation from the Finnish side of Sápmi), are key actors for shaping the relations. “Estimates show that the Sámi have almost one hundred different cultural, professional and political organisation” (Seurujärvi-Kari, 2010, p. 8).

The Saami Council/Sámiráđđi is an NGO representing Sámi member organisations in all Sápmi since 1956 and around 50,000 to 80,000 Sámi in all the four nation-states. Its primary aim is to promote Sámi rights and interests. At the same time, the Council wants to attain recognition for the Sámi as a (transnational) people. The work of the Saami Council is guided by the decisions and strategies developed by the Sámi Conference, which is the highest body of the Saami Council and is arranged every four years. The Saami Council “can be regarded as a role model for the establishment of other indigenous organisations all over the world” (ibid., p. 7). Since 2019, the Saami Council has built up an EU Unit in its organisation to address Sámi-EU issues more systematically and to serve as a contact unit for EU officials (interview 29/04/22). As of April 2022, the Saami Council has put the cooperation with member organisations of the Russian side of Sápmi on hold (Sámiráđđi, 2022a).¹⁸

With view to the Sámi Parliamentary Council that is the co-operational body for the Sámi Parliaments in Finland, Norway and Sweden with Russian Sámi organisations as Permanent Participants (PPs), and the respective Sámi Parliaments in the Nordics, they form the officially elected representation of the Sámi people. The Sámi Parliamentary Council was founded in 2000, with the Sámi Parliament of Sweden joining in 2002. The council has a rotating chairship, with each of the parliaments leading the council for 16 months and the secretariat being located at the parliament that is in charge. Sámi living on the Russian side of Sápmi send two permanent representatives to the Council, who are appointed by the Saami Council for four years. The first

¹⁸ “Again, the action of a state is affecting and threatening the cooperation and unity of the Saami people. The situation is difficult on multiple levels, and the access to information is different in different parts of Sápmi” (Sámiráđđi, 2022a).

conference of Sámi Parliamentarians took place in 2005 in Jåhkåmåhkke/Dálvvadis¹⁹/Jokkmokk, Swedish side of Sápmi.

The Sámi Parliaments act as consultative bodies in the national context but are also active on the inter- and transnational level through representing the Sámi people in different fora. They are elected assemblies; Sámi need to be on the Sámi electorate to have passive and active voting rights. With view to the transnational character of Sápmi, the Sami Parliaments on the Norwegian side of Sápmi was established in 1989 and is located in Kárásjohka²⁰/Karasjok, on the Swedish side of Sápmi in 1993, located in Giron²¹/Kiruna²² and on the Finnish side of Sápmi since 1995 in Aanar²³/Inari. In the eastern part of the Inari municipality in the Finnish side of Sápmi, there is also the Skolt Sámi Village Council/the Skolt Assembly as a representing body of the Skolt Sámi. With view to the EU, Sámi Parliaments' representatives and officials have decided on a division of work along the line of membership of the respective nation-states. Thus, the Sámi Parliaments in Sweden and Finland are supposed to be more engaged in affairs with and at the EU than the Sámi Parliament on the Norwegian side of Sápmi (Sámediggi, 2019). The different Sámi Parliaments have designated staff for international affairs who often also deal with EU affairs.

Due to the complexity and variety of actors within the field of Sámi-EU relations, I only focus on actors that I have identified as most relevant for shaping the relations: the European Commission with DG MARE, the EEAS and the European Parliament, the CJEU and for the Sámi organisations on national and regional organisations. The actor selection also influences the selection of cooperation formats and stakeholder processes. This selection is chosen on the basis of a literature review and the exploratory phase of my fieldwork, where these EU institutions and Sámi organisations were identified as relevant for shaping the overall relations between the two actor groups. Thereby, I do not want to exclude the local level, which is particularly relevant for the Sámi side. I rather see the Sámi organisations operating at the transnational level as actors who are bundling and representing local views and perspectives to channel them more effectively to higher governance levels. Further, I can triangulate this data with insights from interviews with informants who are engaged on the local level and with field notes from my research trips in Giron (Swedish side of Sápmi, August 2021) (Mattsson &

¹⁹ Place name in Lule Sami. After being introduced in the local Sámi and national majority language of each country, I will only use the place names in the local Sami language.

²⁰ Place name in North Sami.

²¹ Place name North Sami.

²² There are plans ongoing to build a parliament house in Staare/Östersund, South Sápmi, Swedish side.

²³ Place name in Inari Sami.

Götze, 2022), Romsa²⁴/Tromsø (Norwegian side of Sápmi, April and May 2023) and Álaheadju²⁵/Alta, Kárášjohka (both Norwegian side of Sápmi, May 2023) and Aanar (Finnish side of Sápmi, May 2023) to also reflect on local conditions and insights from Sápmi.

By further deconstructing the relations between Sámi organisations and EU institutions, there appear different ties between the various actors identified. The Sámi and the EU cooperate in different policy fields and at varying governance levels. For instance, the Sámi Parliamentary Council assesses the European Commission, the Presidency of the Council of the EU and the European Parliament as key actors for intensifying cooperation with the EU (interview 02/05/23). Also internally, Sámi organisations follow a division of labour between Sámi Parliaments and Saami Council (Sámediggi, 2019, p. 5) when it comes to EU policy-making. The EU Commission identifies Sámi Parliaments and Saami Council as relevant but also focuses increasingly on Sámi youth organisations (interview 16/08/22).

Through addressing the relational perspective on how Sámi organisations have access to EU policy-making, the picture becomes quite complex. At the circumpolar level, for instance, Sámi organisations are well-established actors. In the Arctic Council,²⁶ which is considered the most relevant pan-Arctic intergovernmental forum for regional cooperation towards sustainable development and environmental protection, the Saami Council is one out of six IPOs that are recognised as PPs to the forum. Against this backdrop, the Indigenous Peoples Secretariat at the Arctic Council needs to be mentioned regarding the relations between the EU and the Sámi as well (interview 21/04/23). The Secretariat with its office in Romsa, Norwegian side of Sápmi, supports the six PPs of the Arctic Council, the Inuit Circumpolar Council, the Aleut International Association, the Arctic Athabaskan Council, the Gwich'in Council International, the Russian Association of Indigenous Peoples of the North and the Saami Council.

The EU was seeking for a permanent observer status at the Arctic Council for quite some years and aims at a more defined Arctic profile by particularly focusing on climate change, sustainable development and international cooperation. Its application to the Arctic Council was not successful, yet due to disgruntlements first with Canada because of the Seal Ban,²⁷

²⁴ Place name in North Sami.

²⁵ Place name in North Sami.

²⁶ Since February 22nd, official political cooperation in the Arctic Council with Russia has paused.

²⁷ The EU issued a ban on seal and polar bear products in 2007/2009, which led to total a crash of the respective and heavily affected the livelihoods of the Inuit (Scarpa, 2014). The ban had devastating impacts on the Inuit people of whom many are involved in traditional hunting of seals, the selling of their meat and the manufacturing of seal products for instance made out of sealskin or fat. Arctic communities and IPOs criticised the ban and its effects on Indigenous peoples and also prevented that the EU received formal observer status at the Arctic Council through Canada's rejection (Scarpa, 2014, pp. 429-431; Stepień & Koivurova, 2017, p. 18). Against this backdrop, "[t]here appears to be a widespread worry among Arctic indigenous peoples that EU public opinion will attack on the other fronts their traditional ways of exploiting natural resources, possibly leading to

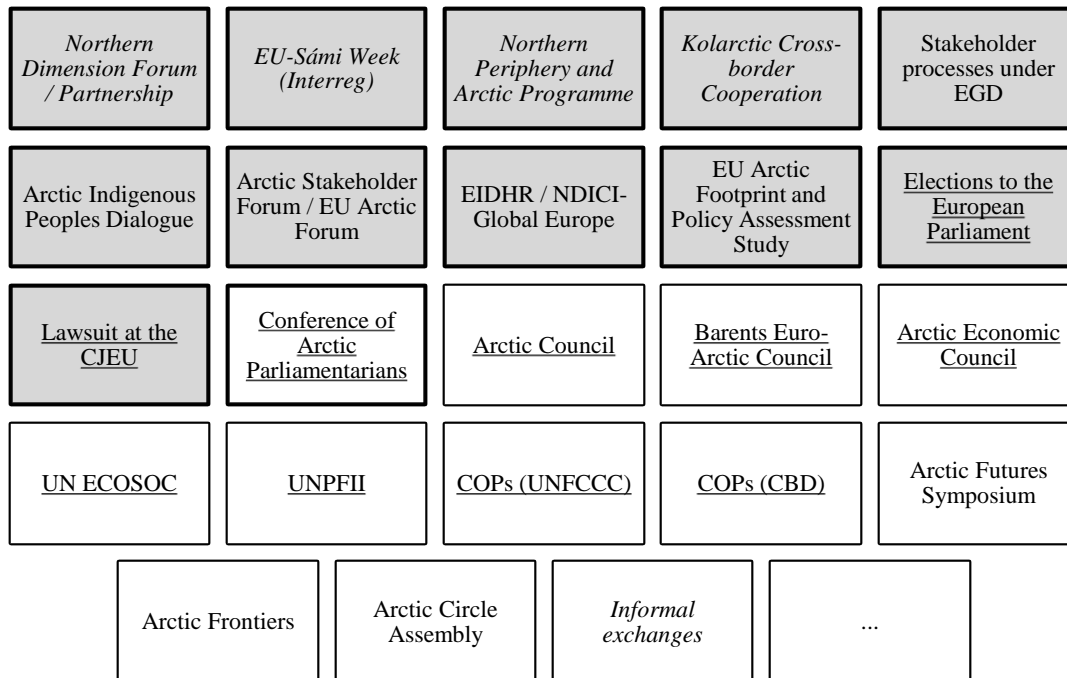
then, with Russia because of EU's sanction policy against the Federation. More recently, also Norway was more reluctant because of the mentioned ban on oil and gas from the Arctic in the current EU Arctic policy (participant observation 10/11/21). The former president of the Saami Council, then member of the Sámi Parliament on the Norwegian side of Sápmi, Christina Henriksen (2016, p. 21), explained that the Seal Ban demonstrated the "lack of knowledge among European decision makers regarding the Arctic and its inhabitants by the absence of Indigenous peoples' voices in Brussels". However, not only on the circumpolar level, the EU comes together with Sámi organisations, but Sámi organisations also cooperate with EU institutions at the European, regional and local level.

My focus is, however, on Sámi-EU relations unfolding at the EU level to analyse how they enable Sámi participation in EU policy-making. Thus, I concentrate on fora organised or facilitated by EU institutions that invite Sámi organisations or to which Sámi organisation obtained access to. At the European level, Sámi organisations participate in stakeholder processes, dialogues and other formats. Not all are linked to their status of being an Indigenous people but to being (EU) citizens or a transnational people as well. Hence, also the political and institutional frameworks differ, to which the different processes and formats belong to that enable access to EU policy-making.

With closer view to Sámi-EU relations, they display an internal, external and 'in close relations' dimension, similarly defined as for the EU Arctic policy itself (European Commission, 2016) – or to frame it geographically, a circumpolar, European Arctic and EU-internal focus. More in detail, the internal perspective focuses on the northern parts of the Member States Sweden and Finland, an EEA perspective on, inter alia, the cooperation with Norway and Iceland as well as a global perspective that frames the region circumpolarly. Throughout the years, the cooperation between EU institutions and Indigenous peoples gained rising importance (Koivurova et al., 2021, pp. 10, 44-45), which also influences Sámi participation in the EU. However, already analysed in the 2000s, where the EU developed a more focused approach towards the Arctic (Airoldi, 2008, pp. 83-84), the EU lacks policies addressing the Sámi people as the only Indigenous peoples within the EU. This analysis is shared and repeated by more current work (Laframboise, 2023; Nystø Keskitalo & Götze, 2023a, 2023b; Sámiráđđi, 2022b).

other EU initiatives detrimental to their economic interests and cultural traditions" (Airoldi, 2010, p. 38). As a reaction, the format of the Indigenous Peoples Dialogues was introduced. The Council of the European Union further suggests that the EU should "explore appropriate ways of ensuring that the representatives of Arctic indigenous peoples are informed and consulted on EU policies that might affect them" (Council of the European Union, 2014, p. 2). It is often cited as a relevant incident that let the EU change its approach towards Arctic Indigenous peoples (Scarpa, 2014).

Figure 3: Sámi-EU relations unfolding



The different emphasises (*italic, grey background, underlined*) cluster the different fora, frameworks and events. They are further explained in the main text. Source: Author's own compilation.

Figure 3 shows the diversity of fora, frameworks and events, in which EU institutions and Sámi organisations come together and through which Sámi organisations can get access to EU policy-making. To provide an overview of the different types of formats, I shortly address each 'access' while clustering them along the lines of EU policy-making or processes outside the EU level that can only indirectly influence EU policy-making. Beginning with the regional cooperation formats and funding lines initiated by the EU, the first group of fora consists of the Northern Dimension Forum / Partnership, the EU-Sámi Week (under Interreg), the Northern Periphery and Arctic Programme as well as the Kolarctic Cross-border Cooperation (*Figure 3, in italic, grey background*). The Northern Dimension Forum / Partnership was established in 2006 between the EU, Russia, Norway and Iceland and ended in 2022 due to Russia's war against Ukraine. It provided a platform for cooperation on the topics of environment, transport and logistics, culture, and public health and social well-being. As part of the Interreg Nord project "Filling the EU-Sápmi knowledge gaps", the EU-Sámi Week was organised as a pilot in Brussels in June 2022 bringing together Sámi organisations and EU official on Sámi issues within the EU. The Northern Periphery and Arctic Programme forms part of the European

Territorial Cooperation Objective under the Cohesion Policy, financially supported by the European Regional Development Fund. It includes nine partner countries, Finland, Iceland, Sweden, United Kingdom, Faroe Islands, Iceland, Greenland and Norway (Łuszczuk, Götze, Radzik-Maruszak, Riedel, & Wehrmann, 2022, p. 35) and thus, with Finland, Sweden and Norway also parts of Sámi homeland. The Kolarctic Cross-border Cooperation aims at strengthening cooperation between the northern regions of Finland, Sweden and Norway and different Arctic regions of Russia; the latter are excluded since March 2022 because of Russia's war against Ukraine. With its core regions, Lapland (Finland), Norrbotten (Sweden), Finnmark and Troms, and Norland (Norway), this cooperation programme is also quite relevant for Sámi organisations as it covers great parts of Sámi homeland.

The second group of fora where Sámi-EU relations unfold are dialogues, stakeholder processes, initiatives and studies commissioned by EU institutions that also invite or include Sámi organisations. In detail, these are the stakeholder processes under the EGD, the Arctic Indigenous Peoples Dialogue, the Arctic Stakeholder Forum / EU Arctic Forum and the framework of the European Instrument on Democracy and Human Rights (EIDHR), since 2021 known as the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI – Global Europe) as well as the EU Arctic Footprint and Policy Assessment Study (*Figure 3, normal letters, grey background*). In the stakeholder processes under the EGD, for instance, different DGs invited Sámi organisations to draft EU's Forest Strategy, Biodiversity Strategy, Farm to Folk Strategy, Climate Pact and the Just Transition Fund. Further, Sámi who are EU citizens can participate actively and passively in the elections to the EU Parliament that take place every five years. Another access Sámi individuals or organisations have to EU policy-making is through issuing a lawsuit at the CJEU. Furthermore, as representatives of an Indigenous people with homeland partly in the Arctic, Sámi organisations are invited to participate in the Arctic Indigenous Peoples Dialogue that is organised every two years. In reaction to the EU's Seal Ban from 2007/2009, the forum started as an 'Arctic dialogue' workshop in 2010 "rather as a brain-storming exercise than as a consultation on concrete proposals" (Airoldi, 2010, p. 37). The first dialogue was organised in 2010 by the EU Commission and invited Arctic IPOs and representatives of Arctic governments.²⁸ Similarly, Sámi organisations participate in the former Arctic Stakeholder Forum, today's EU Arctic Forum alongside not only other Indigenous peoples' representatives but also stakeholders from businesses, NGOs and other interests' groups. Moreover, for Sámi

²⁸ In the same year, a delegation of the EU Commission further participated in the Arctic Indigenous Leaders' Summit and the General Assembly of the ICC (*ibid.*).

organisations as representing an Indigenous people, the EIDHR / NDICI – Global Europe with its focus on Indigenous peoples' rights is a relevant policy framework as well where Sámi-EU relations can unfold. In another issue line, the EU Arctic Footprint and Policy Assessment Study is worth mentioning, which presents research on the footprint of the EU in the Arctic in terms of environmental, climatic, economic and social-political terms (Cavalieri et al., 2010). Sámi organisations were invited to contribute to the study and overall, the report raised awareness on how EU policies are impacting the Arctic and thus, also Sápmi.

The third group of fora consists of the elections to the European Parliament as well as the lawsuits at the CJEU (*Figure 3, underlined letters, grey background*). This group stands for different forms of access to EU policy-making that differ from the other groups since these forms of access can be initiated by Sámi individuals/organisations. The elections to the European Parliament take place every five years. The CJEU is responsible for “[e]nsuring EU law is interpreted and applied the same in every EU country; ensuring countries and EU institutions abide by EU law” (European Union, 2023). It can be used by the Member States but also by individuals, companies and organisations “to take action against an EU institution, if they feel it has somehow infringed their rights” (ibid.). The latter group has two options to approach the CJEU; through the respective national courts that then might refer the case to the CJEU or directly before the General Court if a direct and individual affectedness of a decision by an EU institution can be assessed.

Since the actors do not only meet at the EU level but also in other (transnational) policy-settings, the figure also includes formats outside EU policy-making (*Figure 3, underlined letters, white background*). To this fourth group of fora of Sámi-EU relations belong the Conference of Arctic Parliamentarians, the Arctic Council, the Barents Euro-Arctic Council, the Arctic Economic Council, the United Nations Economic and Social Council (UN ECOSOC), the United Nations Permanent Forum on Indigenous Issues (UNPFII) and the Conference of the Parties (COP), the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biodiversity (CBD). Although these formats are not part of analysis, they are still relevant for understanding Sámi-EU relations. The interactions do not follow the one actor offering / one actor demanding participation, because it is neither with the one nor with the other actor group to shape the for a but rather they both form part of bigger actor constellations. For instance, the Conference of Parliamentarians of the Arctic Region takes place biennially and brings together parliamentarians from the eight Arctic countries, from the European Parliament and Indigenous peoples' representatives as PPs, also including the Sámi Parliaments. In the context of

circumpolar Arctic cooperation, the Arctic Council, the Barents Euro-Arctic Council and the Arctic Economic Council need to be named as well. The Arctic Council as the most relevant intergovernmental forum in Arctic governance includes IPOs as PPs alongside states. The Barents Euro-Arctic Council is also a forum for intergovernmental cooperation, including the northernmost parts of Norway, Sweden, Finland and North-West Russia with the Sámi, Nenets and Vepsians homeland. The Arctic Economic Council is the youngest format of the three and an independent organisation facilitating Arctic business-to-business activities, including Indigenous peoples' representatives as PPs. Additionally, Sámi-EU relations also unfold at the global level in processes under the auspices of the UN, like in UN ECOSOC, UNPFII and the COPs under UNFCCC and the CBD.

Further, apart from political events, Sámi-EU relations also unfold at scientific conferences or conferences at the science-policy interface, such as Arctic Frontiers, the Arctic Circle Assembly and the Arctic Futures Symposium. The fifth group of fora (*Figure 3, normal letters, white background*) shows these conferences with participation of Sámi organisations and EU delegates. At these conferences, both actor groups come together and the organisation of these events is neither in the hand of EU institutions nor of Sámi organisations. Relevant topics discussed at these conferences with regard to Sámi self-determination are, for instance, the role of Indigenous knowledges for Arctic research and policy-making as well as Indigenous peoples' participation overall in Arctic governance.

Besides these official, often formalised forms of cooperation and exchange, also more informal exchanges (*Figure 3, in italics, white background*) between EU institutions and Sámi organisations complement the picture of Sámi-EU relations. Similar to the figure on the actors of Sámi-EU relations, also the figure on the cooperation formats cannot claim to be comprehensive, reflected in the empty box with the three dots.

After sketching out the different actors building Sámi-EU relations as well as governance levels and cooperation formats where Sámi-EU relations unfold, the next sub-chapter will reflect on reflexivity and positionality. Following these considerations on reflexivity and positionality, I present the data collection methods chosen for this thesis.

3.3 Considerations on reflexivity, positionality and data collection methods

In this chapter, I reflect on my positionality and how it affects the way I conduct research. Overall, relations between the so-called Global South and Global North are shaped by relations of power (Foucault, 1977; Ziai, 2016). Concerning the (European) Arctic region where most parts of Sámi homeland are located, however, this divide between the Global South and Global North is different. Although the region is located in the Global North, similar patterns to processes of (internal) colonisation and assimilation induced by the North to the South become visible. Since the capitals and political/economic centres of the Arctic states are located in the South of the respective nation-states, the region displays the reverse logic of domination (Shadian, 2018, p. 276). It is essential to reflect on the history of colonialism, colonial legacies and postcolonial dynamics to better understand today's relations between the different actors involved in (European) Arctic governance. Thus, conceptual debates in development research can also inform research on the Arctic and vice versa (Wehrmann, 2020b), particular when it comes to postcolonial issues. Sámi-EU relations display postcolonialities with Sámi organisations challenging and contesting the otherness ascribed to their people and their representatives (Seurujärvi-Kari, 2010, p. 6).

But why am I interested in this topic as a female, European, first-generation academic researcher? As an EU citizen and researcher working in a research project funded by the German Research Foundation, I want to conduct socially relevant research through addressing existing research gaps also in the area of so-called fundamental research in the social sciences. As a European, I feel that it is a joined responsibility to reduce postcolonial legacies in knowledge production even though I am a non-Sámi researcher. I do not wish to perpetuate any colonial inequalities but acknowledge the different type of access, affectedness and knowledge different people have regarding my research topic.

Accordingly, the following chapter seeks to address questions of reflexivity, positionality and the impacts on the data collection methods applied. It explores where I stand as a researcher in relation to my field of research, my informants and how the informant's perception of this relationship might be (Hellowell, 2006). These reflections are relevant because beyond the (European) Arctic, including Sápmi, research practices and colonialism were and still are intertwined and interconnected. Sciences have benefited from "colonial access to land" and people and scientific insights were "used to justify social and environmental control" over colonised peoples and colonised lands (Trisos, Auerbach, & Katti, 2021, p. 1205). With this

concept of (scientific) discovery shaped during the post-enlightenment in Europe, other existing knowledge systems were discounted (ibid.). Therefore, with broader view to the Arctic, Degai et al. (2022, p. 2) state that „[t]he Indigenous Peoples are the original Arctic researchers“. Still, current research practices are influenced by long-lasting inequalities and discriminations (Drugge, 2016, p. 263). The knowledge produced and distributed builds societies, which is why it is key to include as many perspectives as possible to research endeavours (Omma, 2021). These considerations not only affect the conceptual framework but also my methods applied for approaching the research questions on to what extent and how Sámi-EU relations enable Sámi participation in EU policy-making.

Approaching firstly positionality in more detail, most reflections can be found in ethnographic and anthropologic research. These research traditions differentiate between emic research, when the researcher is part of the community, and etic research, when the researcher is an outsider to the community (Naaeke, Kurylo, Grabowski, Linton, & Radford, 2011). Both positions influence the research process, its findings and interpretations. Insider researchers normally bring with them a certain contextual understanding of the group they are conducting research with. In a postcolonial setting, insider perspectives are one essential element to challenge colonial pathways and reduce structural inequalities (Innes, 2009, p. 441). In contrast, as an insider, the research findings could lack a critical point of view, which is addressed by the phenomenon of over-rapport described as a researcher being too close to the studied group (Innes, 2009). However, the dichotomy between insider's and outsider's research can barely reflect complex, fluid and multidimensional positions nor intersectional identities (Innes, 2009; Toy-Cronin, 2018, p. 456). Since interpretations and observations are always constructed, there is often no single insider's or outsider's view (Innes, 2009, p. 446). Moreover, Trisos et al. (2021, pp. 1205-1206) reflect on a so-called passport positionality that includes different visa restrictions depending on different citizenships and the associated strength of the currency valid in the home countries, which becomes particularly important during research stays and fieldwork. It can lead to a different access and related options researchers actually have to do their research. Another aspect of the concept of positionality is to reflect on the target group of your writing, framed by Trisos et al. (ibid., p. 1208) as “identify the gaze (who we imagine we write for)”.

Positionality impacts the research process and its findings, which in turn can have differing implications and lead to limitations. Against this backdrop, research always comes with a certain responsibility because the “perspective the researcher takes impacts the knowledge

produced about that cultural group” (Naaeke et al., 2010, p. 152). Thus, while conducting research on Sámi-EU relations, the colonial legacy and context needs to be (re)addressed continuously. Discriminatory research processes illustrate mechanism of colonialism because they were used to oppress and exert imperial influence on Indigenous peoples (Assembly of First Nations, 2009, p. 5; Drugge, 2016, p. 263; Tuhiwai Smith, 2012). Therefore, for contextualising my research, considering research ethics published by Indigenous peoples in general and Sámi people in particular is key (Assembly of First Nations, 2009; Omma, Scheepstra, Saxinger, & Dale, 2020). As “sovereignty, self-determination and research practices are linked” (Assembly of First Nations, 2009, p. 5), it is crucial to follow ethical standards and guidelines. Another aspect in this regard is the necessity that research needs to go beyond an overall research interest of the researcher(s) by additionally being of benefit for the respective community (ibid., p. 23). Moreover, engaging with Indigenous peoples in research, co-producing knowledge, implementing reciprocity and respecting their rights contributes to further decolonise research methodologies (Eriksen, Rautio, Johnson, Koepke, & Rink, 2021). This idea of co-production of knowledge is also closely linked to participatory and transdisciplinary approaches, which are seen essential to find solutions for the complex and socially relevant challenges of the 21st century (Norström et al., 2020; Trisos et al., 2021), to which the Arctic context is a prominent case of. Accordingly, decolonising research approaches and lobbying for it, remains a relevant task for all actors involved in research and research funding (Omma et al., 2020). As a researcher working on my PhD thesis as a monograph, I have limited opportunities to apply a transdisciplinary, co-creative and reciprocal approach. Together with a colleague from a Sámi organisation, I hence worked on joined articles that are not part of my thesis but they complement and further develop parts of the ideas of my thesis (Nystø Keskitalo & Götze, 2023a, 2023b).

Since the research interest of this thesis focuses on Sámi participation at the EU level and Sámi-EU relations as postcolonial, it is also critical to embed this research further into the knowledge/power nexus (Bilgen, Nasir, & Schöneberg, 2021). The tool of reflexivity can support critical research through “dismantl[ing] embedded power hierarchies” (ibid., p. 2) within and during the research process. By acknowledging positionalities, the question of how my characteristics (age, class, ethnicity, gender, etc.) impact my research, helps to address power relations and how they influence methods, interpretations and knowledge production (ibid., p. 5). Reflexivity as a tool makes visible the multiplicity of the dimensions of power and privilege (Trisos et al., 2021, p. 1205). As a researcher, a PhD candidate, a white European and

a woman, I am part of established discourses and power relations – and so is my research, which challenges positivistic claims of objectivity in research (Bilgen et al., 2021, p. 5).

Applying these thoughts to my own research, I aim to address the responsibility (Degai et al., 2022) that goes along researching Sámi-EU relations throughout my research process from the knowledge production to the dissemination of my findings. The former entails, for example, addressing diversity as a criterion for the authors I relate to and sharing a declaration of consent with my interviewees to address research ethics, while the latter includes open access publications in different formats. Against this background, I will follow a relational perspective, addressing my role as a first-generation academic, European, female researcher and the relevance of Indigenous perspectives. My potential target group are other Indigenous and non-Indigenous academics in the field of Indigenous peoples' participation in transnational policy-making, EU's relations with Indigenous peoples as well as practitioners, policy-makers and representatives from both actor groups that are part of my analysis. Thus, I analyse to what extent and how Sámi-EU relations enable Sámi participation at the EU level as an example of Indigenous peoples' participation in transnational policy-making. The relational perspective aims to understand the reproduction of patterns and their contestation, because structures emerge (and solidify) through “repeated relational practices” (White, 2020, p. 487).

Therefore, for my form of inquiry, I combine in my thesis multiple data gathering methods from different disciplines, as well as primary, secondary data and grey literature. Methods from social and political sciences are mixed with those from (institutional) ethnography to triangulate different types of data. In more detail, I apply a critical qualitative content analysis (*see Chapter 3.3*) to analyse different policy documents, such as policy briefs, strategic planning documents, communication papers and others as well as EU legislations and directives issued by both EU institutions and Sámi organisations with relevance to Sámi-EU relations following a codebook (*see Chapter 3.3*). Further, I review literature in the different research lines presented in this chapter. In addition, I complement the data with insights from exploratory interviews, which I conducted during an early stage of my research, and semi-structured interviews with representatives from the respective organisations as well as with researchers and other experts working in related fields that I organised later during my data collection phase (17 interviews/18 interviewees, *see Table 1*). For the interviews as well, I follow an interview protocol based on the same codebook (*see Chapter 3.4, Table 2*) as for the other types of text data. The interview situation left space for further exchange aside the questionnaire. The third method applied in my thesis are participant observations (7 participant observations in total, *see Table 1*) from

cooperation formats, where I either participated myself on-site (EU Arctic Forum 2021, Indigenous Peoples' Dialogue 2021, EU-Sámi Week 2022), online (EU Arctic Forum 2023, Indigenous Peoples' Dialogue 2023) or from which I was able to watch the recording (EU Arctic Forum 2019, Indigenous Peoples' Dialogue 2019). Moreover, to reflect on the local context in the European Arctic and complementing the data from the transnational level, I also include field notes from different research trips to the sample (Giron 2021, Swedish side of Sápmi; Romsa 2023, Norwegian side of Sápmi; Álaheadju, Kárásjohka and Aanar 2023, Norwegian and Finnish side of Sápmi). For their analysis, I also used the developed codebook. Thus, the codebook supports my analysis of all sorts of data and contributes to a better comparability of the different types of gathered data (primary documents, audio/video recordings, transcripts, field notes, observations and memory protocol) and the gained insights. Since recordings are not available online from all different cooperation formats and only a few events took place during my field research period for me to participate in person, this also includes certain limitations concerning the comprehensiveness of the collected and analysed material.

Table 1: Data Collection

Form of data collection: Interviews		
Date	Interviewee	Further information/comments
09/09/21	<i>Researcher</i>	Online
21/09/21	<i>Researcher</i>	Online
22/09/21	<i>Researcher</i>	Online
11/11/21	<i>EU official</i>	In-person
19/11/21	<i>Representative of a Sámi organisation</i>	Online (after we met in person)
13/01/22	<i>Researcher, Sámi</i>	Online
17/01/21	<i>Researcher, former Sámi politician</i>	Online
26/01/22	<i>Representative of a Sámi organisation</i>	Online
25/02/22	<i>Researcher</i>	Online
27/04/22	<i>Researcher</i>	Online
29/04/22	<i>Representative of a Sámi organisation</i>	Online
06/07/22	<i>EU officials</i>	Online, interview with two interviewees
16/08/22	<i>EU official</i>	Online
01/12/22	<i>Representative of a Nordic regional office in Brussels</i>	Online (after we met in person)

21/04/23	<i>Representative of a regional Indigenous Peoples' Organisation</i>	In-person, interview with two interviewees
02/05/23	<i>Representative of a Sámi organisation</i>	In-person
12/06/23	<i>Representative of a Sámi organisation</i>	Online (follow-up interview)
Form of data collection: Participant observations		
Date	Forum	Further information/comments
03/10/19	<i>EU Arctic Forum 2019</i>	Online, recording
04/10/19	<i>Indigenous Peoples' Dialogue 2019</i>	Online, recording
10/11/21	<i>EU Arctic Forum 2021</i>	In-person
11/11/21	<i>Indigenous Peoples' Dialogue 2021</i>	In-person
20-22/06/22	<i>EU Sámi-Week 2022</i>	In-person
08/02/23	<i>EU Arctic Forum 2023</i>	Online, livestream
09/02/23	<i>EU Arctic Forum 2023</i>	Online, livestream
Form of data collection: Research trips		
Date	Place	Further information/comments
16-20/08/21	<i>Giron</i>	Summer school, field trips
14/04-26/05/23	<i>Romsa</i>	Research stay at the Centre for Sámi Studies at the Arctic University of Norway
14-18/05/23	<i>Álaheadju, Kárášjohka, Aanar</i>	Visit of the Alta Museum, the Sámi Parliament in Norway, and in Finland

Source: Author's own compilation.

I have chosen a sequential approach for mixing the different types of methods. I started with an analysis of the policy documents issued by both actor groups and conducted a literature review to get a better overview of the field, actors and material available. Then, I complemented this data with the exploratory interviews, field notes during my research stays and the observations during cooperation formats. To verify, expand and ultimately, triangulate insights from the document analysis, I conducted semi-structured qualitative interviews with (Sámi) researchers, Sámi representatives and EU representatives. I prepared a list of potential interviewees who are either representing Sámi organisations or EU institutions, who are involved in cooperation formats between the Sámi people and the EU and who are researchers working in related research fields. During my on-site fieldwork, I was also able to get to know certain representatives in person, with whom I could schedule interviews after the event. To avoid a potential bias, I also tried to follow diversity and trans- and interdisciplinary criteria, involving

people from different parts of Sápmi/countries, who identify as Sámi, researchers from different scientific disciplines and people representing different age groups and gender. After compiling the list, I approached all potential interviewees by email, presenting my research, my affiliation and myself. Moreover, I already shared at that point in time the declaration of consent to be as transparent as possible about my research agenda and questions of data security (Dresing & Pehl, 2015, p. 12). For the interviews, I developed a questionnaire (*see Appendix*), which I shared with the interviewees after they have responded to my request and before the interview. With the questionnaire, I intended to inform the interviewees beforehand about my questions in more detail for them to be able to prepare themselves to avoid that they feel overwhelmed by or uncomfortable with some of the questions. However, I communicated quite openly that I am interested in their stories and that deviations from the questions are welcomed at any time. Some of the interviews I was able to conduct in person, others needed to take place virtually via Zoom or MS Teams due to travel restrictions and social distancing during the corona pandemic. This difference between the virtual and on-site setting created also different atmospheres and might have influenced the way informants shared their stories (Lobe, Morgan, & Hoffman, 2020). Another difference and potential bias in interview data underlies the fact that some informants were advised by colleagues of mine and other informants I only contacted for the first time, which might also influenced the level of trust and accordingly, also the insights shared during the interview. Whenever it was possible and the interviewees confirmed it, I audio or video recorded the interviews. In all other cases, I wrote a memory protocol of the interview. Most of the recordings were transcribed automatically by MS Teams and later edited by me. For the first audio recordings, I used the software f4x and amberscript that also perform automatic transcription. All text data were coded following the codebook with support of the software MAXQDA. The data was stored following data security standards on European servers.

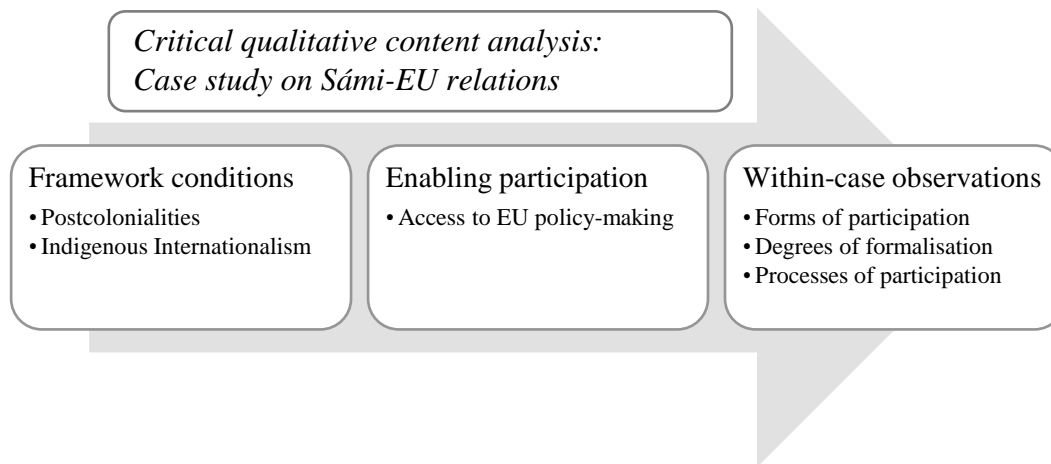
Through applying these different methods, I cannot close the gap of the insider/outsider research, however, I can include different perspectives while critically reflecting on my role as a non-Sámi European researcher analysing Sámi-EU relations. Decolonising research needs to be framed as a constant process (Gordon, 2021). Being aware of and discussing the context within the relations between EU institutions and Sámi organisations unfold, supports a more respectful interaction with all people involved in this research (Healey & Tagak, 2014, p. 5). In the specific case of Sámi-EU relations, this thesis seeks to contribute to a better understanding of the relations and how they enable or limit Sámi participation with view to self-determination

from a relational understanding of non-domination. Against this background of reflexivity and positionality and their impact on the applied methods for data collection, the next chapter I explain the analytical approach that is driven by a critical qualitative content analysis.

3.4 Analytical approach

For the analytical approach, I apply a critical qualitative content analysis for examining Sámi-EU relations. The analysis begins with elaborating on the framework conditions for Sámi participation at the EU level with EU's and the nation-states' postcolonialities as well as the phenomenon of Indigenous Internationalism. In a next step, the analysis looks for different types of accesses to EU policy-making that enable Sámi participation. Lastly, I focus on different within-case observations of Sámi-EU relations to analyse different forms of participation, their formalisation as well as their processes (see *Figure 4*).

Figure 4: Analytical approach



Source: Author's own compilation.

In the case study, I will apply a qualitative content analysis, a social science method to analyse different types of text data (Mayring, 2000). This form of analysis involves processes of coding to identify themes and patterns in text data (Beach et al., 2009, p. 129; Hsieh & Shannon, 2005). It represents a tool for interpreting the content of and for making inferences from text data (Beach et al., 2009, p. 129). Qualitative content analysis has its roots in quantitative research, which is also expressed in the analogy of categories to variables (Mayring, 2000). Described as a unique feature of qualitative content analysis is its “flexibility”: Categories are either developed inductively or deductively or in a mix of both techniques (Young Cho & Lee, 2014, p. 4). The research criteria for the text analyses are developed from a certain theoretical position and perspective (Beach et al., 2009, p. 130). The analysis looks for latent meanings and aims at an intersubjective consensual understanding of text data and further fulfils the requirements of validity and reliability (Schreier, 2014). The field of qualitative content analysis is quite broad and serves as an overall concept for different types of analyses (ibid.). Thus, it is key to explain transparently how and why the analysis was applied in each specific case.

To align my conceptual framework with the applied methods, I will add a critical perspective to the qualitative content analysis by following a *critical* qualitative content analysis introduced by Beach et al. (2009). This approach can be used to analyse power in social practices and relationships expressed in text data, which resonates well with the focus on the participation of Sámi in EU policy-making and questions of self-determination. In the case of Sámi-EU relations, social practices and relationships are expressed in and can be conceived through

cooperation formats framed as institutionalised (power) structures. The ‘critical’ element is not (only) defined by the methodology but by the overall framework leading the way of thinking “within, through and beyond the text” (ibid., p. 130). In the case of Sámi-EU relations, the postcolonial setting, in which their cooperation takes place, is key to understand their relations today. Since postcolonialism “has issues of power struggles at its core” (ibid., p. 131), Beach et al. understand the critical qualitative content analysis as a “post-colonial tool” that allows for a focus on “representational issues, power relations” (ibid., p. 130). Due to the relational approach of my thesis, I consider this form of analysis as suitable for addressing the research questions of the case of Sámi-EU relations regarding issues of participation and self-determination.

Furthermore, in the context of this thesis, the content-structuring feature of the qualitative content analysis supports comparing different types of text data, for instance, of policy documents, interview transcripts and notes from participant observations as well as notes from field trips, to support analysing them under the same research questions and setting an overarching analytical framework. I deduced the overall categories (see the codebook in *Table 2*) from the research questions and the questionnaire that I designed for the first exploratory phase of the qualitative interviews. The research questions and questionnaire in turn are based on an extensive literature review and are driven by the conceptual framework (*Chapter 2, Figure 1*). From there, I identified units for coding and developed their definitions. In the next step, the developed a system of categories was applied to the first acquired data (document analysis, exploratory interviews, field trips and participant observations). The first three categories are analytical categories whereas the last two are rather descriptive ones. I adjusted the codebook several times, using the flexibility of the method by combining inductive (from the material) and deductive (from theory and prior knowledge) processes (Schreier, 2014, p. 9; Steigleder, 2008). In a next round of coding, I was then interested in finding patterns and turning codes and categories into an overarching narrative. The codebook sets the framework for the analysis of the different types of text data to analyse how Sámi-EU relations can enable Sámi participation in EU policy-making.

Table 2: Codebook

Codes	Category	Exemplarily questions (from the interview questionnaire, questions for participant observations, guidelines for research diaries and place observations)
<ul style="list-style-type: none"> - Affectedness - Self-determination - Participation gaps 	<p><i>Transnational policy-making and Indigenous peoples' participation</i></p>	<p>How would you assess the impact of these exchanges on policy-making on Arctic issues in general and on Sámi people more in specific in the EU?</p> <p>How would you describe the cooperation between different governance levels (local, national, regional, EU) when it comes to Sámi rights and issues? Where are potential opportunities or challenges?</p> <p>Who is invited to speak about which topic?</p> <p>What kind of local changes can be perceived or are discussed that were induced by policy-making at higher governance levels?</p> <p><i>CHAPTER: 4 & 5</i></p>
<ul style="list-style-type: none"> - Actor offering / demanding participation - Human rights - Sámi agency / ownership - Non-domination (mediation, lever, circumventing) - Domination (additional burden) - Contestation of participation 	<p><i>Postcolonial relations</i></p>	<p>In the context of the so-called green transition, more and more resources are extracted and renewable power plants are built on <i>Sápmi</i>. How would you assess the role of the different governance levels (including the EU) when it comes to addressing local impacts?</p> <p>How would you describe the relations between the different political institutions (national or international, EU) and Sámi organisations? Are there any differences between them, and if so, what might they depend on? Which role do the nation-states and EU membership play?</p> <p>Do you perceive a shift in how institutions at different governance levels address Saami organisations and vice versa?</p> <p>How are the different topics discussed? How does the EU present itself? How is the EU perceived by the Sámi organisations?</p> <p>How do the central actors shaping Sámi-EU relations present themselves?</p> <p><i>CHAPTER: 4 & 5</i></p>
<ul style="list-style-type: none"> - Cooperation formats - Form of participation (through representation, through funding, 	<p><i>Access to policy-making and processes</i></p>	<p>What kind of issue areas are discussed in the cooperation formats? How is the agenda set? Do you see a development over time of what kind of issue areas are discussed respectively of how the discussions are set up?</p>

through dialogue) - Degree of formalisation		Which existing formats between Sámi organisations and EU institutions do you know? How would you assess them (for instance, the Arctic Indigenous Peoples Dialogue, Arctic Stakeholder Dialogue and EU Arctic Forum)? In how far do you consider them successful for pushing Sámi initiatives and interests? What is the topic of the sessions? How are the discussions on the panels? How is the overall setting of the event, the sessions? <i>CHAPTER: 4</i>
Descriptive codes & categories		
- Policy fields - Institutional framework	<i>Institutional and policy frameworks</i>	Not addressed in the questionnaire, derived from desk research <i>CHAPTER: 3 & 4</i>
- Characteristics - Sámi organisations - EU institutions - EU Member States - Norway - National courts - Levels o Local o Regional o National o Global o Transnational	<i>Actors and governance levels</i>	Which are the key actors on the Sámi and the EU side for you when you look at Sámi-EU relations? Which organisations are represented? Which DGs are present, with whom from which hierarchy level? How many participants are present? Do you see any differences between the actors inside of the EU system in how they address Sámi rights? How do the actors within the EU play together when it comes to Sámi issues? <i>CHAPTER: 3 & 4</i>

Source: Author's own compilation.

3.5 Operationalisation

In this chapter, I operationalise the criteria for the analysis of Sámi-EU relations. To structure the chapter, I begin with outlining the transnational and postcolonial character of the relations, which builds the basis for operationalising Sámi-EU relations. Secondly, I apply the different conceptual lenses derived from the conceptual framework (*Figure 1*) of this thesis to the case of Sámi-EU relations with a particular view to the different types of access to policy-making and the respective polities (*Figure 5*). In a third and final step, building on the previous elaborations, I operationalise Sámi-EU relations as potential enablers for Sámi participation at the EU level.

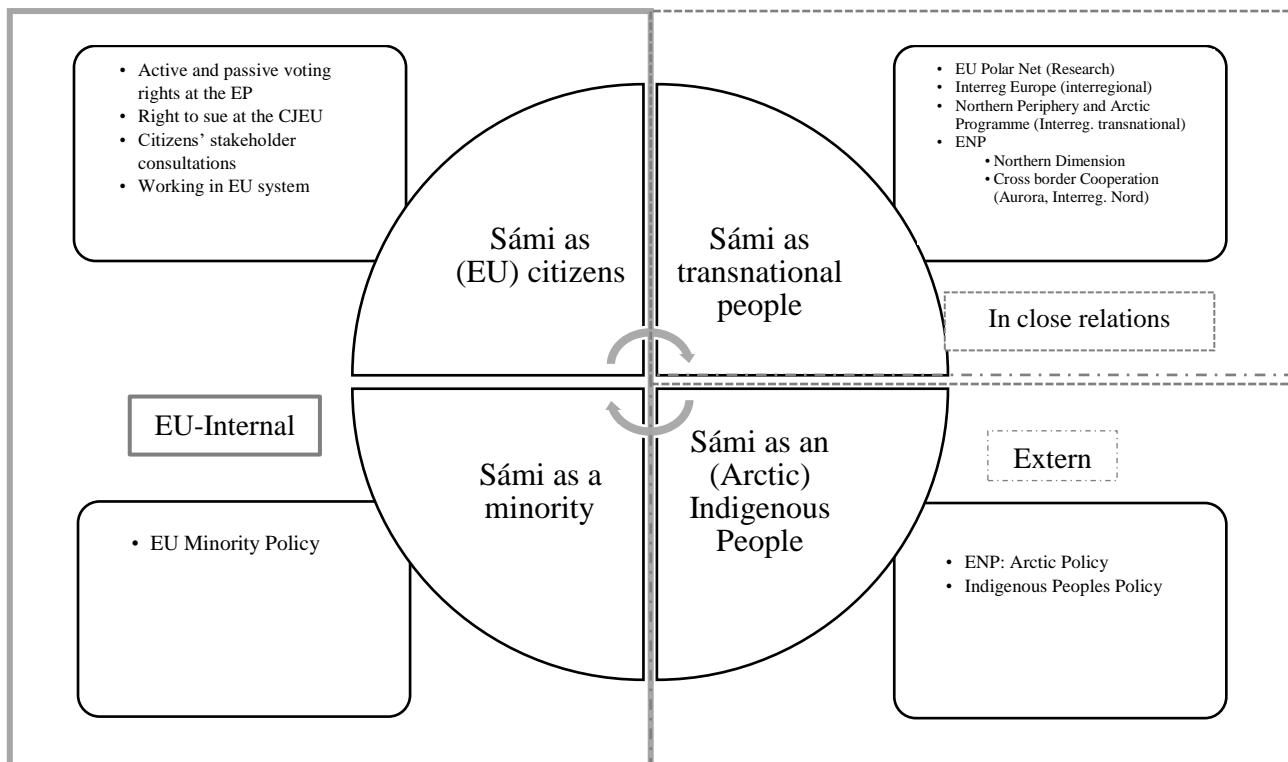
Analysing the relations between the two actor groups out of a postcolonial perspective²⁹ by treating both actor groups as equal partners shaping the relations, without overshadowing differences and power asymmetries, links to attempts in the field of postcolonialism of (re)changing the status of Indigenous peoples from objects to subjects in international law and politics (Beier, 2009b; Heinämäki, 2015). By building direct, quasi-bilateral relations with the EU, Sámi organisations can circumvent the nation-state to a certain extent and try to reclaim their rights and status of legal subjectivity that was lost due to (internal) colonisation³⁰ and assimilation processes induced by the respective nation-states (Heinämäki, 2015).

Sámi-EU relations can be characterised as both, transnational and postcolonial, with interlinkages between the two. They are transnational not only because they combine different actors and governance levels but also because they link the local context and global policies (Wehrmann, 2020a, p. 427) – which becomes particularly relevant concerning the topic of land use in Sápmi. In many respects, the relations with the respective Nordic nation-states, Finland, Sweden and Norway, are legally more advanced than with the EU. On a national level, however, they face certain challenges and sometimes even deadlocks, particularly in the field of land use conflicts. Further, Sámi organisations stand for a special actorness out of an IR perspective as they cannot be categorised applying the dichotomy of state and non-actors. To address both, the postcolonial and transnational character of Sámi-EU relations, I treat them as state-to-state relations.

²⁹ Throughout the thesis, I use the term ‘postcolonial’ unhyphenated to highlight an “understanding of the post-independence period as being continuously constituted and affected by structures and institutions imposed during the colonial era” (Tsang, 2021).

³⁰ Tully’s concept of internal colonisation (2000, p. 39) differs from external colonisation “because the colonising society is built on the territories of the formerly free, now colonised, peoples”. The concept “has both a property and a political aspect, with indigenous peoples at the same time being deprived of the land used for their livelihoods and of their status as free peoples” (Weigård, 2008, p. 188). It refers to Indigenous peoples’ “close connection to and dependency on their lands” (ibid., p. 189). Further, it describes the difference between Indigenous peoples and the majority society in terms of cultural and societal characteristics (ibid.).

Figure 5: Operationalising Sámi-EU relations: From a conceptual level to policy and institutional frameworks



Source: Author's own compilation.

Figure 5 shows how the conceptual framework can be applied to the case of Sámi-EU relations and presents the different conceptual lenses as well as the access they built to EU policy-making, presented as policy and institutional frameworks (polity). Further, the figure illustrates how the internal and external policy and polity dimensions intersect, with the dimension of 'in close relations' being situated somewhere in-between the internal and external dimensions. While the conceptual lenses of Sámi as (EU) citizens and Sámi as a minority belong to an EU-internal dimension, Sámi as a transnational people can be associated with 'in close relations' and Sámi as an (Arctic) Indigenous People with an external dimension respectively.

By addressing each applied conceptual lens one after another, the lens Sámi as (EU) citizens includes the active and passive voting rights at the European Parliament, the right to sue at the CJEU, the access to citizens' stakeholder consultation and the possibility to work in the EU system. Sámi hold citizenship in four nation-states, of which three can be grouped under the term 'Nordics', Norway, Sweden and Finland, due to similar political and social systems. Of these three, Sweden and Finland are EU Member States whereas Norway belongs to the EEA.

These differences in EU citizenship (or not) also determine the access Sámi individuals or organisations have under this conceptual lens to EU policy-making.

Due to emerging nation-states and borders, today, Sámi homeland is a transnational region and the Sámi people are a transnational people. Through a transnational perspective, hence EU's regional, cross border programmes and funds become quite relevant (OECD, 2019, pp. 73-74) allowing the Sámi community to use them as “new political tools for developing industries” (Broderstad, 2000, p. 247). Therefore, following this conceptual lens, access to different EU policies and politics can be identified, for instance, to the EU Polar Net, the Interreg Europe Programme, the Northern Periphery and Arctic Programme and the European Neighbourhood Policy, with the Northern Dimension, Cross border cooperation under Aurora and Interreg. Nord Programmes and the Arctic Policy.

The third conceptual lens addressed the Sámi people as a minority against the backdrop of having been included in majority societies that apply a consensus-oriented democracy in the Nordics. This situation describes the Sámi as a permanent national minority, thus, also as a minority within the EU. The political framework within the EU is described by the EU's Minority Policy, which is not one policy per se but rather an umbrella term for several policies, for instance, in the field of minority languages and cultures. However, since Sámi people are not ‘only’ a national minority, which is particularly stressed by the question of land uses as well as the relevance of access to lands, waters and resources for the Sámi right to self-determination (Joonas, 2020), this conceptual lens will be not further developed for the case of Sámi-EU relations. There are less activities with relevance for land use questions from the perspective of minority policy that rather concentrates on language and cultural issues. Although these are interlinked with questions of land (Kuokkanen, 2009, p. 104) because lands, waters and resources are building the “material foundation for the Sami culture” (J. B. Henriksen, 2008, p. 28), they are often politically treated in different policy and under varying polity frameworks.

Despite Indigenous peoples and minorities sharing certain similarities, the question of land “is what the case of the Sámi separates it from other minorities in the EU” (personal communication May 2023); thus, in the case of Sámi people, the right to self-determination is linked to land rights, which need to ensure access to land, waters and resources because those are essential for pursuing livelihoods and cultures. Hence, Sámi as an Indigenous people serves as a fourth conceptual lens and covers the Arctic policy under the European Neighbourhood Policy and EU's Indigenous peoples policy. This lens of being an (Arctic) Indigenous people adds on an additional layer and also changes the conceptual lens of citizens (and minority)

applied to the case of the Sámi. It shows the interlinkage between the conceptual lenses and can further inform the distinction between stakeholders and rights-holders given that the lens of Sámi as (EU) citizens could rather feature a stakeholder framing while the lens of Sámi as an Indigenous people could inform a rights-holder framing. This distinction also influences the form of participation. Accordingly, the latter within-case observations follow different conceptual lenses to address a variety of policy and institutional frameworks within EU policy-making and trace how politics influence politics.

For approaching the research questions on to what extent and how Sámi-EU relations are enabling Sámi participation at the EU level, firstly, the relations can develop access for participation and, secondly, they can build spaces at the transnational level in which policy-making is taking place and is being further shaped. These spaces can be described as circumventing, in case of deadlock of negotiations on Sámi issues at other governance levels, for instance, at the national. In addition, the relations can build mediating spaces through bringing Sámi and national representatives together at a non-national governance level. These circumventing and mediating spaces can promote self-determination in the relational sense following a rights-holder framing because through participation, domination among peoples can be minimised (*non-domination*) (Young, 2007, pp. 40; 50-52). In contrast, Sámi-EU relations can also build an additional burden with EU's influence adding on the national influence that can lead to dominant institutional spaces, limiting participation and negatively impacting self-determination, often following a balancing of interests' narrative or a stakeholder framing (*domination*). Through deriving the two potential impacts of Sámi-EU relations on Sámi participation and self-determination, with domination and non-domination, also the instrument of contestation of participation by Sámi organisation becomes relevant for the operationalisation. As introduced in the conceptual framework, participation can be contested by Indigenous peoples and their representations in transnational policy-making to argue for access or a different type of access with reference to self-determination.

After having elaborated on the methodological framework, the ensuing case study on Sámi-EU relations builds on the conceptual and methodological considerations and dives into the specific case to address the research questions.

4 Case study: Sámi-EU relations

To approach the research question, to what extent and how Sámi-EU relations do enable Sámi participation in EU policy-making, the following case study aims at contributing to a better understanding of the relations and Sámi participation in EU policy-making as an example of Indigenous peoples' participation in transnational policy-making. I analyse *Sámi-EU relations* by focusing on *Sámi participation in the EU as an example of Indigenous peoples' participation in transnational policy-making*. To approach the relations in the case study, I firstly set the scene for Sámi-EU relations in these introductory paragraphs of the case study by presenting quotes by the main actors for shaping the relations on the side of Sámi organisations (first, second, fifth and sixth quote) and on the side of EU institutions (third and fourth quote). The exemplary quotes indicate developments of the relations over time as well as display certain broader lines of themes. After introducing the quotes and contextualising them with view to Sámi-EU relations, I relate my thesis' focus to existing lines of research. Here, I name the few examples of research on Sámi-EU relations as such as well as other research areas where I see productive and synergetic links to Sámi-EU relations. With the quotes informed by empirics on Sámi-EU relations and the research lines informed by academic discussions on Sámi-EU relations, the introductory paragraphs aim at situating the case study in empirical as well as academic terms.

After setting the scene of Sámi-EU relations, the first sub-chapter then applies a multi-level governance perspective to demonstrate the links between Sámi-EU relations to other governance levels and global processes. I analyse the framework conditions for Sámi participation in EU policy-making by reflecting upon the postcolonialities at different governance levels and the phenomenon of Indigenous Internationalism. Against this backdrop, in the second sub-chapter 'Enabling participation', I elaborate on the different types of access to EU policy-making by following the lenses of Sámi as (EU) citizens, as a minority, as a transnational and as an Indigenous people taking up the model presented in the conceptual framework and methodology. Through these lenses, I analyse concrete examples within Sámi-EU relations, its forms, formalisation and processes to better understand how these relations can enable Sámi participation at the EU level. I have chosen five examples for the within-case observations, whereof two stand for the type of participation through dialogue, the EU Arctic Forum (2019, 2021, 2023) and the Indigenous Peoples Dialogue (2019, 2021, 2023), one for participation through funding, the EU-Sámi Week (2022), and two for the type of participation

through representation, the Peoples' Climate Case and the stakeholder consultations under the EGD. These within-case observations refer to different spaces where the actors meet and Sámi-EU relations unfold. Lastly, in the third sub-chapter, I summarise my findings in recourse to the conceptual framework on Indigenous peoples' participation in transnational policy-making.

A brief look into the practice of and research on Sámi-EU relations

With a specific focus on the actors shaping Sámi-EU relations and how they approach the relations in terms of wording and framing of participation and self-determination, the following six quotes and their contextualisation set the context of the case study on Sámi-EU relations:

“The Saami peoples as indigenous peoples within the European Union require the member states to adopt a common policy on Saami issues, based on recognized national and international legal and political principles on the rights of indigenous peoples” (Kiruna Declaration, 17th Saami Conference, 2000).

“Sápmi and the EU shall sign a partnership agreement until 2028 [which is an] important milestone for the recognition of the bilateral relationship between the two parties. [...] The EU shall recognize the Sámi people as an Indigenous People within the EU and, when referring to the Sámi people, shall use the following terminology: ‘The Sámi people, an Indigenous People recognized by the EU’” (*Sápmi-EU Strategy 2022*) (Sámiráđđi, 2022b, p. 7).

In the first two quotes, the first from 2000 and the second from 2022, Sámi organisations call for something similar and, at the same time, they are addressing different dimensions of one governance challenge: The Sámi people are an Indigenous people within the EU, but the EU and its Member States have not developed a coherent policy that addresses Sámi issues on a transnational level. Instead, Sámi organisations can only seek to influence EU policy-making through the different channels they have access to. Thus, from the perspective of Sámi organisations, Sámi issues are not considered coherently in policies that concern, inter alia, the European Arctic. This situation led to a political patchwork (Raspotnik & Østhagen, 2021): Some Member States have adopted certain international legal principles on Indigenous rights, the EU itself as well; others have not. Against the background of the green transition envisioned by the EGD, the current growth and decarbonisation strategy of the EU, the European Arctic, therefore also the traditional land of the Sámi, Sápmi gains a new relevance (Nilsen & Teräs, 2022). The lands, waters and resources in the Nordic states are framed as important to achieve certain goals particularly through the promotion of renewable energy facilities and domestic mining for critical minerals for reducing external energy dependency.

“The Arctic is also where we can see most clearly the climate change: the region is warming three times faster than the rest of the planet. Sámi people are already experiencing these changes, as their livelihoods and culture are deeply connected to nature, use of land and waters – when nature suffers, their communities are badly affected. For that reason, it is of vital importance for the Sámi to have their voices heard within the European Union, one of the biggest players in the Arctic” (Press release, DG MARE on EU-Sámi Week 2022).

“Many decisions that have the potential to affect the lives of Sámi people start right here, at the European institutions [...] The European Parliament is committed to supporting the interests of the Sámi people, ensuring their voices are heard and respected in decisions affecting their lives” (Roberta Metsola, President of the European Parliament at the Sámi Summit 2023, Brussels) (Metsola, 2023).

In the third quote, which was published in a press release by DG MARE, the EU argues that the Sámi people need to be heard at the EU level while referring to their vulnerability to climate change impacts and the ecological and economic footprint of the EU in the region. The quote reflects on the impacts of EU policy-making on life in Sápmi through arguing for more exchanges at the EU level with Sámi participation. Although the EU does not issue licenses for local development projects, it does set, however, the overall policy framework for defining national goals, for instance, in the area of CO₂ reduction and the share of renewables in the energy mix of its Member States. Thus, the EU comes in through two angles for the Sámi people: Firstly, EU policies impact land use in Sápmi; secondly, Sámi-states relations on land use often face gridlock (Finland, Sweden; Norway). The EU level is framed as a lever of Sámi rights or as a circumventing option for Sámi organisations around the nation-state (Broderstad, 2000; Toivanen, 2001) or in other contexts further as a mediator (cf. Bergmann, 2020) but also as a burden for Sámi livelihoods adding on nation-states' influences (Laframboise, 2022; Toivanen, 2001). Sámi-EU relations can fulfil a relevant role for the EU in terms of legitimising its Arctic approach due to the negative experience for Arctic Indigenous peoples with EU's Seal Ban (cf. Scarpa, 2014). In addition, the relations can be important for the EU and its claimed role as a frontrunner in human rights and climate policy (Chuffart et al., 2021). Sámi-EU relations are, however, not well-developed yet. Therefore, for example, the Sámi Parliamentary Council aims at “institutionalised agreements for Sámi influence in the EU” (Sámediggi, 2015).

The specific actorness of IPOs and how it influences Indigenous participation in transnational policy-making is also applicable to Sámi organisations and their participation in EU policy-making. As IPOs, Sámi organisations representing the Sámi people do not fit into the traditional divide of non-state and state actors in global governance because some organisations form part of governmental structures of the respective nation-states and are publicly elected bodies while others are registered NGOs. Further, as IPOs, Sámi organisations do not represent interested-

based constituencies but a people with an inherent right to self-determination (Cambou & Koivurova, 2021; Jones, 2019; Koivurova & Heinämäki, 2006). As a sort of “sub-State and trans-State groups [Sámi organisation] can challenge government action and State sovereignty” (Broderstad, 2013, p. 174). These circumstances further describe very specific ties to the EU, because although Sámi are a transnational people, their citizenship(s), Sámi-state relations and the legal status in the individual nation-state determine the options Sámi have to contribute to EU policy-making. Nevertheless, many Sámi organisations as well as researchers stress the transnational character of the Sámi people and therefore, also the need to establish relations with EU institutions independently from the respective nation-states, from which they hold citizenship, since “the Saami challenge [is] not a matter that can be confined to or discusses merely as a matter between an individual state and ‘its’ Saami minority” (Broderstad, 2000, p. 231).³¹

In the fourth quote, the President of the European Parliament, Roberta Metsola, highlights the impact of EU policy-making on Sápmi, referring to the affectedness of the Sámi people that calls for Sámi participation at the EU level. Metsola further reflects on the multi-level governance setting of EU policy-making by stating that “decisions [...] start right here”. In addition, the event, where Metsola held their³² speech is important to explain as well with view to Sámi-EU relations. In March 2023, the ‘Summit of Barents-Euro Arctic Indigenous Sámi People’ took place in Brussels and was organised by the Sámi Parliament in Finland, the European Parliament as well as the Finnish Presidency of the Barents Euro-Arctic Council. The Summit “expressed the importance of establishing a robust parliament-to-parliament relationship between the Sámi parliaments and the European Parliament” (R. Fjellheim, 2023, p. 5). The Summit gathered Sámi representatives and experts together with representatives from EU institutions.

“The EU has legal commitments, policy developments and economic funding which directly and indirectly are influencing Sámi rights and interest without any systematically contact with the Sámi Parliaments” (Sámediggi/Sametinget, 2019).

“Ensure that indigenous rights to self-determination are fully understood and fulfilled on all levels of decision-making including local municipalities, provinces, national legislations, and the *European Union*” (R. Fjellheim, 2023, p. 6, quoting Håkan Jonsson, President of the Sámi Parliament in Sweden and President of the Sámi Parliamentary Council) [highlighting added, JG].

³¹ For instance, the President of the Sámi Parliament in Norway and the Vice President of the Saami Council highlighted at EU Arctic Forum 2023 and Indigenous Peoples Dialogue 2023 that Sámi issues have a transnational character and need to be discussed in an EU setting going beyond the national level.

³² As a gender-neutral formulation, I am using they/their also for the third person singular throughout this thesis.

In fifth quote of the Sámi Parliament in Norway, the representatives, on the one hand, pick up the affectedness of Sápmi by EU policies and, on the other hand, the missing 'contact' between EU institutions and the Sámi Parliaments. In the same vein in the sixth quote the President of the Sámi Parliament in Sweden and current President of the Sámi Parliamentary Council, Håkan Jonsson, points to the different governance levels and the need for including Sámi representatives to ensure self-determination.

These are exemplary quotes for positions introduced to describe different dimensions, from different years and issued by different organisations to shed light on the context of, perspectives on and arguments brought forward by different actors for Sámi-EU relations. Particularly those of the EU institutions reflect on the criteria of affectedness while those of Sámi organisations rather argue for recognition of their Indigenous status and relate more to the criteria of the right to self-determination. Participation is framed as a means that is needed to strengthen self-determination as it could serve as an instrument to lessen harmful impacts of policy-making. With EU policies affecting land use in Sápmi, accordingly, the access to lands and waters needed for livelihoods, these EU policies also influence the Sámi right to self-determination. These influences affect also Sámi people beyond the EU, for example, in Norway, illustrating again the transnational character of the Sámi people (Sámediggi, 2015).

Building on these exemplary voices about the character of or arguments for Sámi-EU relations setting the broader scene, I briefly link my study to the existing research and literature on Sámi-EU relations. The political and social science research on Sámi-EU relations is still rather limited with only a few scholarly works focusing on the relations (Bodlund, 2019; Broderstad, 2000; Laframboise, 2022, 2023; Toivanen, 2001). While looking at the research on Sámi-EU relations that I have reviewed, I identify two groups: Two authors who analysed the relations around 20 years ago when the relations were established (Broderstad, 2000; Toivanen, 2001) and two other authors who published their work only recently (Bodlund, 2019; Laframboise, 2022, 2023). Accordingly, the work of Broderstad (2000) and Toivanen (2001) concentrate on the early phases of the relations with the accession of Sweden and Finland to the EU and of Norway becoming part of the EEA. Whereas Bodlund (2019) and Laframboise (2022, 2023) have a more recent focus through analysing accesses of Sámi organisations to the EU level (Bodlund, 2019), current challenges for Sámi self-determination due to EU's Green Deal and a "rights gap" that Sámi people are confronted with because of the external focus of EU's Indigenous peoples policy (Laframboise, 2022, 2023).

In more detail, Broderstad (2000) describes “the prospects of the EU as a post-national unit with more inclusive conceptions of indigenous and minority identities” (ibid., p. 249). Therefore, Broderstad (ibid., p. 231) sees the EU setting as supporting a “more transnational perspective” that could “improve our understanding of the Saami as an indigenous people, and as a people whose traditional settlement area were divided up by states”. By (re)transnationalising the case of the Sámi people through an EU setting, the “orthodox liberal and communitarian notion of equality” (ibid., p. 249) could be overcome allowing for “[a]warding collective rights to indigenous peoples or minority groups” (ibid.). The EU and the Sámi “share similar views” (ibid., p. 240) regarding “more complex conceptions of citizenship and notions of community and identity” (ibid., p. 230). Broderstad describes the EU as “a type of norm context that might induce or compel the Member States to deal with Saami issues, in accordance with Saami claims” (ibid., p. 248) leading to the Sámi case “becoming a policy area within the EU” (ibid.). Further, Broderstad explores the opportunities of regionalisation within the EU for the case of the Sámi people, for instance, EU’s regional funds, which “must [...] be understood in the light of absence of state efforts [...] compensate for the lack of state efforts towards the Saami” (ibid.).

Also Toivanen (2001) analyses the relations at the beginning of the 2000s and traces them back until the early 1990s to illustrate the key role of the Sámi Parliaments in the process. The Sámi Parliaments have reached out to the EU even before the official accession negotiations with the Nordic states have had started. Broderstad and Toivanen frame Sámi-EU relations for the first time and analyse how Sámi organisations assessed the role of the EU also in contrast to the one of the nation-states. Toivanen elaborates on the worries that many Sámi organisations had about EU regulations potentially hampering Sámi interests and that those might challenge their specific status as an Indigenous people (ibid., p. 307). However, Toivanen also bundles that Sámi organisations identified a chance in the EU accession of the respective nation-states they live in, since the EU level could be “utilized as means of pressure against [the] own state” (ibid., p. 306) to advocate for their interests and rights at higher governance levels.

With an online accessible internship report published almost 20 years after Broderstad’s and Toivanen’s articles, Bodlund (2019) who did an internship at the Mid Sweden European Office in Brussels, analyses the relation between the Sámi people and the EU. Bodlund (ibid.)

emphasises the relevant role of the Saami Council as a quasi-lobbying actor³³ for shaping Sámi-EU relations. On the side of the EU, Bodlund (ibid.) describes both supranational and intergovernmental bodies as important actors, to whom Sámi representatives reach out to, such as the Commission (mostly through different DGs), the Parliament (through MEPs) and the Council (through the permanent national representations in Brussels). Furthermore, Bodlund (ibid., p. 23) highlights the relevance of the Northern Offices from Norway, Sweden and Finland for the Sámi to channel their interests into EU structures, particularly those of Northern Norway and Northern Sweden. In general, Bodlund considers Sámi participation in the EU as “rather unexplored” (ibid., p. 12).

Laframboise (2022) points to the risk of so-called green colonialism pushed by the EU’s Green Deal because “[t]he increased interest in the north does not bode well for the traditional Sámi way of life, as without proper consultation and care, further development would be nothing less than a continuation of a centuries-old system of marginalization for development’s sake”. With this analysis, Laframboise puts Sámi-EU relations into one specific policy context and assesses that the EU is not very well equipped to address Sámi rights within their policy-making processes. In Laframboise’s article published one year later (Laframboise, 2023), the author points to the divergence between EU’s Indigenous peoples policy and the “rights gap” with view to the case of Sámi people as an Indigenous people within the EU.

Most of the current research on Sámi matters in the political space evolve around Sámi-state relations (Allard, 2015; Kuokkanen, 2020; Mörkenstam, Josefsen, & Nilsson, 2016; R. Nilsson, 2020) as well as on local impacts of development agendas and a lack of participation of the Sámi, for instance in the field of development projects for renewable energy or mining (Cambou & Poelzer, 2021; Fohringer, Rosqvist, Inga, & Singh, 2021; Lassila, 2018; Lawrence & Larsen, 2017; Nygaard, 2016; Österlin & Raitio, 2020). All of the presented research lines display important links to the EU level and the topic of Sámi participation due to the relevance of the region in terms of lands, waters and resources needed for the green transition as well as the role of the respective nation-state for Sámi participation beyond the national level.

In addition, research on the nexus of the EU and the Arctic as well on EU’s relations with Arctic Indigenous peoples more generally are relevant for understanding the broader context of Sámi-EU relations (Scarpa, 2014; Terzi, 2021). Scarpa, for instance, while taking on a pan-Arctic

³³ As already elaborated in the conceptual framework and applied in the case study on Sámi-EU relations, I do not share the assessment of the Saami Council as a lobbying organisation, because as an IPO the Saami Council does not represent an interest-based constituency but an Indigenous people with an inherent right to self-determination (Koivurova & Heinämäki, 2006).

perspective that cannot address the specific case of the Sámi people as the only Indigenous people in the EU, suggests “an agency explicitly inspired by the work of the UN Permanent Forum on Indigenous Peoples Issues and devoted to provide expert advice and recommendations on Arctic indigenous peoples issues within the framework of an EU Arctic policy” (Scarpa, 2014, p. 432). Many authors deal with the EU’s rising influence on Sápmi not only but particularly through the EGD ascribing the European Arctic a great relevance for (renewable) energy and domestic resource supply that is needed to fulfil the objectives towards a decarbonised economy (Chuffart et al., 2021; Laframboise, 2022, 2023; A. E. Nilsson, 2022; Nystø Keskitalo & Götze, 2023a, 2023b). At the same time, the EU shows more engagement in Arctic affairs in general and only issued an update of its Arctic Policy in 2021 in which the relations with Arctic Indigenous peoples is identified as key for the EU approach (Gricius & Raspotnik, 2023; Raspotnik, 2021; Raspotnik & Østhagen, 2021; Stępień & Raspotnik, 2021).

Further, my case study adds to research on the links between Indigenous self-determination and Indigenous peoples’ participation in international fora (Broderstad, 2011; Cambou, 2018; Cambou & Koivurova, 2021). In this field of research, strengthening self-determination is described as no longer an issue to be solved only at the national level, but in a transnational setting, since also other actors besides the nation-states are confronted with challenges of (Indigenous peoples’) participation (Cambou, 2018; Jones, 2019).

My analysis of the relations between EU institution and Sámi organisations aims at bringing these different strands of research together and is of great relevance for understanding, on the one hand, the political and ecological impact of EU policies on Sápmi and, on the other hand, how Sámi organisations can contribute to and inform EU policy-making. It allows categorising Sámi matters in a broader context of EU’s Arctic engagement and relations with Arctic Indigenous peoples while addressing the specific status that Sámi hold as the only Indigenous people within the EU that goes beyond the (European) Arctic context.

After having introduced the structure of the case study of Sámi-EU relations as well as taking a look into practice of and research on Sámi-EU relations by presenting exemplary quotes and the lines of research to which this thesis wants to contribute, the next chapter derives the framework conditions for Sámi participation in EU policy-making in order to further contextualise and analyse Sámi-EU relations as creating a space for transnational policy-making on Sámi issues.

4.1 Framework conditions for Sámi participation in EU policy-making: Postcolonialities and Indigenous Internationalism

To better comprehend how Sámi-EU relations enable Sámi participation in EU policy-making, I firstly present the broader context of Sámi-EU relations through a multi-level governance perspective to identify conditional circumstances that influence how Sámi organisations and EU institutions interact. I relate to the model (*Figure 1*) developed in the conceptual framework of Indigenous peoples' participation in transnational policy-making introduced in *Chapter 2* and then applied to the case of Sámi-EU relations (*Figure 5*). Thereby, I identify the role of the nation-states and their postcolonialities as well as the achievements of Indigenous self-determination at the international level through IPOs as relevant conditions for Sámi participation at the EU level (*political system and status of decolonisation*). On the one hand, to reflect on the national, regional and local level, I address the postcolonialities of Finland and Sweden as EU Member States and of Norway as member of the EEA and the Schengen Area as well as of the EU itself. On the other hand, to elaborate on processes at the global level, I analyse the phenomenon of Indigenous Internationalism. The EU level, where Sámi-EU relations unfold, situates in between the different levels and interlinks with postcolonialities and Indigenous Internationalism.

To deconstruct postcolonialities as the first framework condition shaping Sámi-EU relations, I relate back to the *International legal standards and declarations on Indigenous peoples' rights* and apply them to the case of the Sámi people in the respective nation-states and in the EU. Secondly, I present the link between *Self-determination and land use in Sápmi* and its relevance for Sámi-EU relations. Thirdly as part of the section on postcolonialities, I focus on *The EU and the Sámi people* to ultimately approach *A Sámi region within the EU?* For approaching Indigenous Internationalism as the second framework condition, I briefly explain the actor development of IPOs globally and their engagement in international fora.

The multi-level governance perspective allows for including different polity contexts standing for legal and constitutional pluralisms because they ultimately influence the politics of Sámi-EU relations. Postcolonialities shape the polity dimension by setting the general conditions for the Sámi to contribute to policy-making in the different Nordic nation-states, who are partly EU Member States, belong to the EEA and/or the Schengen Area. Accordingly, the postcolonial context also influences the EU level and how Sámi organisations can act within EU structures (cf. Terzi, 2020, pp. 12-13). To analyse the relations between Sámi organisations and EU

institutions, the national level plays a relevant role as well. When it comes to ensuring Sámi rights in the national context, participation in policy processes that concern their interests (access to land and resources, self-determination, political representation/institutions) is key.

The phenomenon of Indigenous Internationalism is another relevant framework condition for Sámi-EU relations as it describes the international profile acquired by IPOs through their engagement at the global level. Since the EU level forms part of the broader global governance setting, these conditions influence the relations with the Sámi and also how Sámi can actually inform EU policy-making. Both interlinked phenomena set the context of Sámi-EU relations and impact their shape and character as well as define the possible political space to cooperate and therefore, how Sámi can participate in EU policy-making.

When analysing Sámi-EU relations while focusing on how Sámi people participate in EU policy-making, the colonial past and present of the respective EU Member States as well as of Norway is relevant to consider. These postcolonialities do not only shape EU's relations with former colonies and its postcolonial societies but also have an influence on internal relationships in the EU, for instance, on the capacity and possibilities of Sámi actors to get involved in EU policy-making today (cf. Hansen & Jonsson, 2015; Kinnvall, 2016).^{34,35} Although EU institutions and Sámi organisations maintain direct quasi diplomatic relations, the level of the nation-state is still quite relevant when it comes to promoting Sámi rights at the EU level. By looking at the legal and political context at the nation-state level in Norway, Sweden and Finland, similarities but also differences become visible: “In many instances legislation related to the Sami is characterized by its complexity and by absence of clear statutory provisions and incompatible or silent legal sources” (Allard, 2015, p. 49). All three states and their respective societies have colonial roots and show a history of assimilation, discrimination and marginalisation of Sámi people that are shaping the relations between the states, the majority society and Sámi people until today (Anaya, 2011; Kuokkanen, 2009; Mörkenstam, 2019). Sámi-state relations, with the “historical relationships of its [EU] members with their Sámi populations limit[ing] policy options of the EU” (Terzi, 2020, p. 12), hence also how Sámi organisations can participate in EU policy-making. For instance, since Sweden is against including the Sámi Parliament in the Council of Regions, there is no Sámi representation in this EU institution (Allard, 2015, p. 49).

³⁴ “For centuries occupying conquering and robbing neighbouring territories, states and people seemed to be a *normal* European activity” (Hilz, 2020, p. 6) [highlighting in the original, JG].

³⁵ “The Lappish Nation has since ancient times been a free people, that is until their Neighbours, the Norwegian, Swedish and Novgorod Russians have forced them to become Taxable” (Boundary Commissioner Schnitler in the 1740s quoted by (Broderstad, 2013, p. 156)).

Sámi people hold citizenship in four nation-states, with which the EU has different relations. Finland and Sweden are EU Member States, Norway is a member of the EEA and with Russia, the EU has signed several (bilateral) agreements. These differences on a quasi-bilateral level also influence the transnational level of Sámi-EU relations and can challenge the transnational status of the Sámi as one people. The respective different Sámi-state relations impact Sámi-EU relations illustrating the key role of the nation-state and the relevance of citizenship for Sámi participation also beyond the national level. Applying a multi-level perspective, the legal and political status of the Sámi differs between the respective nation-states because of different status of decolonisation (Riseth, 2022, p. 41)^{36,37}, diverse national constitutionally enshrined rights³⁸ and the (non-) endorsement of international Indigenous peoples' rights standards. I begin with the international standards on Indigenous peoples' rights already introduced in *Chapter 2.1* and apply them to the case of Sámi-EU relations. The international standards are shaping Sámi-state relations and describe postcolonialities also in regard to the EU level. This is because not only through its Member States but also as an actor itself, the EU has signed international standards on Indigenous peoples' rights that are relevant for the Sámi people.

International legal standards and declarations on Indigenous peoples' rights: The case of the Sámi people

With view to international legal standards and declarations on Indigenous peoples' rights, the picture for Sámi-EU relations is quite diverse due to different state's policies, on the one hand, and an EU's approach, on the other hand. Introduced in the conceptual framework (*Chapter 2.1*), the ICCPR, the ILO No. 169 and the UNDRIP belong to the most relevant internationally negotiated documents with relevance for Indigenous peoples. As members of the United Nations, all EU Member States as well as Norway have signed and ratified the ICCPR. Only in 2021, the Norwegian Supreme Court referred to Article 27 of ICCPR in its ruling against the wind farms on the Fovsen Peninsula in the Norwegian side of Sápmi. Relating to ILO and Sámi-EU relations, only five EU Member States have ratified ILO No. 169, with Denmark in 1996, the Netherlands in 1998, Spain in 2007, Luxembourg in 2018 and Germany in 2021 as well as

³⁶ Junka-Aikio (2022) and Kuokkanen (2020) use the concept of 'settler colonialism' to describe the Nordic states and societies. It would bring "attention to the colonial present and to the contemporaneity of the structures" (Junka-Aikio, 2022, p. 1). The case of the Sámi people in the Nordics would show similar consequences than for other Indigenous peoples in settler states, for instance, "the fragmentation of Indigenous land, eradication of Indigenous traditional systems of governance and gradual (and in some parts complete) assimilation to the majority society" (ibid., p. 4).

³⁷ Colonisation and assimilation in the Nordic countries "almost completely destroyed the Saami system of rule and beliefs and their traditional way of life" (Szpak, 2019, p. 3).

³⁸ For more information on the Acts on the Sámi Parliaments and Reindeer Herding Acts see (Nysten-Haarala et al., 2021).

Norway in 1990.³⁹ In the case of Sweden and Finland, governments have not been able to take steps towards signing and ratifying the ILO Convention. Particularly, the Convention's legal implications on land use are critical, which is strengthening the relevance of land rights in the case of the Sámi people in the Nordics (Joonas, 2020, p. 250; Swedish Government, 1999). Concerning the UNDRIP as the third relevant international standard on Indigenous peoples' rights and its relevance for Sámi-EU relations, UNDRIP was signed by all EU Member States, by Norway as well as by the EU itself.⁴⁰ The interpretation of what, for instance, the FPIC principle developed within UNDRIP means also differs though between the nation-states and many Sámi organisations and individuals. For the case of Sweden, for example, the government frames FPIC "as a means to achieve consultative process" and "does not entail a collective right to a veto" (OECD, 2019, p. 76). More generally speaking, "[t]his international recognition of individual rights together with the evolving notion of the collective rights of indigenous peoples also influences discussions and arguments within Sámi society" (R. Nilsson, 2020, p. 10). The individual and collective dimensions of the rights for the Sámi people as an Indigenous people as well as both affirmative and negative rights regulating the freedom to do something and the freedom from government domination impact Sámi society, politics and the relation to states and higher governance levels.

Therefore, these international standards influence representation and participation practices in the Nordics for the Sámi people. Concerning representation, in the Norwegian, Swedish and Finnish part of Sápmi,⁴¹ Sámi Parliaments were established that represent the Sámi and can serve as a channel of influence into national policy-making.⁴² The respective national Sámi

³⁹ "Later this ratification became important in a large land reform that was an outcome of SRC's work (the Finnmark Act), which in 2005 transferred alleged state land in Finnmark County to a new body, the Finnmark Estate, as the inhabitants' collective property" (Riseth, 2022, p. 45). "It is a rare example of transferring land tenure and resource management from the state to its residents, initiated by land claims made by the Sámi people" (Broderstad, Hausner, Josefsen, & Sjøreng, 2020).

⁴⁰ The EU has further endorsed the Outcome Document of the World Conference of Indigenous Peoples in 2014 (United Nations, 2014).

⁴¹ In their qualitative study, Kuokkanen (2011) interviewed Sámi women who were or are active in Sámi politics. One interviewee reflected critically on having now three Sámi Parliaments in the Nordics weakening the "basic premise that we are one people" leading to each parliament seeking "self-determination internally" (p. 51).

⁴² Further, in Kuokkanen's study, their interviewees criticised that "Sámi political bodies are direct copies of mainstream institutions and do not reflect at all Sámi values or modes of organization" (2011, p. 56).

Acts^{43,44} ensure Sámi representation through the Sámi Parliaments as elected assemblies.^{45,46} In Sweden, the Sámi Parliament has a “dual role” (OECD, 2019, p. 76) as “a blend of a popularly elected parliament and a state administrative agency with limited and legally regulated tasks” (Sametinget, 2022). Thus, the Sámi Parliament in Sweden has “weaker competencies” (Szpak, 2019, p. 3) in comparison to its counterparts on the Norwegian and Finnish side of Sápmi. Although the Sámi Parliament in Sweden has “a mandate to advocate for Sami affairs, including as a voice of critique against the Swedish government” (OECD, 2019, p. 76), it is very dependent on government’s funding, which challenges its options to act as such ‘voice of critique’. All Sámi Parliaments have close ties with the respective national governments, which is why, experts question whether Sámi Parliaments can actually act as a self-determining bodies (Anaya, 2011, p. 12; Harrington, 2021; Kuokkanen, 2009, p. 101). Therefore, the Sámi Parliaments cannot be compared, for instance, with territorial autonomy for Indigenous peoples in traditional Indigenous lands in Canada (Selle & Wilson, 2022). Regarding the constitutional status, the Sámi are recognised as Indigenous people by the Swedish constitution since 2011 (Allard, 2015). In Finland^{47,48} and Norway⁴⁹, the respective national constitutions recognised the Sámi as an Indigenous people already before the Swedish constitution was amended (Szpak, 2019, pp. 2-3).

The difference between the Sámi Parliaments in terms of capacity and political access also expresses in their budgets and resources, which is also relevant for their engagement at different governance levels, including at the EU. In the Swedish secretariat of the Sámi Parliament work around 50 full-time staff members and in the Sámi Parliament in Norway around 150 employees

⁴³ The Act on the Sámi Parliament in Finland states that the Sámi Parliament can “make initiatives and proposals to the authorities” (Act, p. 2) [...] and represent the Sámi in national and international affairs” (Harrington, 2021).

⁴⁴ There are ongoing conflicts about the Sámi Act in Finland. The Sámi Parliament in Finland and other Sámi organisations as well as the UN Special Rapporteur on Indigenous peoples rights criticise the Act because it is defining membership and participation of the Sámi people; thus, the Act cannot protect the internal dimension of the right to self-determination (Joona, 2020; Norwegian Sámi Association, 2022). Furthermore, the Sámi Act and the ratification of the ILO Convention No. 169 are “politically tied together” (Joona, 2020, p. 242) in Finland.

⁴⁵ “Actually only the Finnish Constitution explicitly recognizes indigenous peoples of the Saami; the other two Nordic Constitutions do that more implicitly by way of recognizing Saami rights and linguistic-cultural autonomy” (Szpak, 2019, p. 3).

⁴⁶ With view to the status of Sámi rights in the Nordics, Burnikowski (2014) analyses that the three nation-states are rather aiming at holding the status quo than seeking to strengthen rights. Nysten-Haarala et al. (2021, p. 9) add that the three states are seeking to rather balance between “the needs of energy industry as well as the maintenance of traditional livelihoods and the human rights obligation attached to them”.

⁴⁷ The Finnish Act on the Sámi Parliament from 1995 states that “Finnish authorities must enable the Saami parliament to have a voice and represent the views of the Saami” (Szpak, 2019, p. 3). This also includes projects planned in the homeland area such as mining, wind power and others (Nysten-Haarala et al., 2021, p. 4).

⁴⁸ Moreover, only in 2023 under the new Climate Act, the Finnish Government established the Sámi Climate Council, which should “bring the knowledge base and perspectives of the Sámi people into the climate policy processes” (Finnish Ministry of the Environment, 2023). Some experts already see a potential in the model of the council for other national contexts as well as how the council could be developed to a transnational forum (Jauhianinen, 2023, quoting Anja Márjá Nystø Keskitalo).

⁴⁹ The strongest competencies has the Sámi Parliament in Norway, but they are “still far from political autonomy” (Szpak, 2019, p. 3).

(Josefsen, Mörkenstam, & Saglie, 2015, p. 39). While the Sámi Parliament in Norway had the most funds available with around 40 Mio. Euro, the budgets of the Sámi Parliament in Sweden and the Sámi Parliament in Finland were lower with around 19 Mio. Euro and 2 Mio. Euro respectively (numbers from 2018). Although these budgets also need to be understood against the backdrop of the number of people these institutions represent with the Sámi Parliament in Norway representing the majority of the Sámi, the numbers show great differences between the organisations. Given the different financial options, the Sámi Parliament in Norway has also financially supported, for instance, the Sámi Parliament in Finland and Sweden, when Sámi Parliaments of Sweden and Finland needed to decline chairship of the Sámi Parliamentary Council due to lack of funding (Sámediggi, 2023). Particularly, the difficult financial situation of the Sámi Parliament in Finland stands out as “extremely low compared with annual budgets of the Sami parliaments in Norway and Sweden” (J. B. Henriksen, 2008, p. 32) and by that, it restricts political activities (Anaya, 2011, p. 12; J. B. Henriksen, 2008, p. 32), especially in international affairs impacting Sámi capacity to participate in EU policy-making (interview, 26/01/22 & 02/05/23). Due to the limited funding of the Sámi Parliament in Finland, Kuokkanen (2011, pp. 51-52) indicates shortcomings in implementing Sámi self-determination through and in the organisation. However, also in the case of the Sámi Parliament in Sweden although equipped with more financial resources, most of the budget is reserved for specific purposes and leaves “nothing in the budget for the role of the parliament as a representative body” (Josefsen et al., 2015, p. 39). With the funding shaping the capacities of the parliaments and hence, also their capacities and opportunities to get involved in policy-making beyond the national level, the nation-states have a structuring influence (Humrich, 2017, p. 161) on the Sámi Parliaments, which adds to the legal framework set by the nation-states impacting Sámi organisations.

Furthermore, for Sámi representation, various possible channels of and types of access to political influence at different governance levels are perceivable. On the level of the nation-state, Sámi representation is weak displaying “power asymmetries between the Sámi and the national institutions and actors” (Josefsen & Skogerbø, 2021, p. 199). For instance, in the Swedish Riksdag, there is no Sámi representation (Sametinget, 2022), in the Norwegian Stortinget members of parliament identify themselves as Sámi but form part of Norwegian parties and can represent the Sámi as a people only to a limited extent. In Finland, “Finnish Saami participate in national parties to a greater extent than in Sweden” (Josefsen, 2010, p. 11). Sámi are not only an Indigenous people, but by that, they also form a relatively small minority in the respective nation-states, which makes it difficult in majority democracies to get into

national parliaments, let alone to higher governance levels like the European Parliament. Different than in other nation-states with Indigenous peoples, the idea of “indigenous peoples having direct representation in national elected parliaments” (ibid.) with reserved/separated seats, is not a topic in the Nordics; neither Sámi organisations nor the governments have considered or prioritised such a solution. Hence, for the case of the Sámi in the Nordics, Josefsen (ibid.) describes three channels of influence: a direct channel through the elections to the national parliaments, an indirect through the elections to the Sámi Parliaments as well as a third channel through local and regional elections or agreements. Broderstad (2011, p. 894) also indicates difference channels of influence, differentiating between “the public Sami parliamentary one, and the Sami organizational one, the NGO channel”, reflecting on the diverse roles of the Sámi Parliaments and Sámi civil society or non-governmental organisations like the Saami Council.

With closer view to the overall citizen participation in the national context of the respective Nordic states with Sámi population, participation is, for instance, organised alongside plans for local development projects and urban spatial planning (Lidmo, Bogason, & Turunen, 2020). Concerning projects on land that is traditionally used for (Sámi) reindeer herding, citizen participation, by law, needs to be accompanied by participatory processes that include reindeer herders/Sámi representatives (Sarkki et al., 2021, p. 275).^{50,51} These regulations are described by the different land use acts and land entitlement in each nation-state.^{52,53,54} How participation needs to be organised in detail, however, is not specified by the local government acts and thus, leaves a lot flexibility to the responsible municipality (Nysten-Haarala et al., 2021, p. 6; Radzik-Maruszak, Wehrmann, Götze, Łuszczuk, & Riedel, forthcoming). Sámi representatives criticise this flexibility in participatory processes. They do not feel that their perspectives are being valued to the same extent as those of companies and state officials (E. M. Fjellheim, 2023;

⁵⁰ On the Norwegian side of Sápmi, the Reindeer Husbandry Act from 2007 and the Planning and Building Act from 2008 are of relevance. The latter mentions the Sámi explicitly in its purpose clauses “to ensure the natural basis for Sámi culture, businesses and community life” (Riseth, 2022, p. 45). It regulates that the “Sámi Parliament has the right to object to plans related to issues of significant importance to Sámi culture or conduct of commercial activities” (Broderstad, 2022, p. 21). Also local Sámi communities and other Sámi entities directly affected have the right to be consulted (ibid.).

⁵¹ In Finland, different from Sweden and Norway, reindeer herding can be practiced by ethnic Finns.

⁵² In Finland, the frame is set by the Land Use and Building Act with the Environmental Protection Act, the Nature Conservation and Finnish Biodiversity Action Plan being complementary documents. In Norway, the frame is the Planning and Building Act with the Nature Diversity Act, Outdoor Recreation Act, Cultural Heritage Act and Public Health Act also being influential on spatial planning. In Sweden, the frame is set by the Planning and Building Act and the Environmental Code (Lidmo et al., 2020).

⁵³ The Environmental Impact Assessments can serve as an additional tool for Sámi participation (Nysten-Haarala et al., 2021, p. 9).

⁵⁴ “The Finnish governments, at all levels, are obliged to negotiate with the Saami Parliament on matters concerning interferences and exploitation of resources, such as mining and forestry on so-called state-owned land in Saami areas. A major concern is whether this obligation to negotiate implies that the Saami Parliament will become part of the discussions at an early stage in the process and will obtain influence beyond that of mere consultation” (Broderstad, 2000, p. 245).

Sarkki et al., 2021, pp. 277-279).⁵⁵ Additionally, these participatory processes are also criticised in scholarly debates for applying a stakeholder approach, which would not fit to the case of Indigenous peoples as rights-holders (and not stakeholders) (Darling, Harvey, & Hickey, 2023; Sarkki et al., 2021). In the specific case of land use in Sápmi and Sámi participation, Sámi representatives often feel “powerless in decision-making confronted with majority economical, social and even environmental considerations” (Riseth, 2022, p. 41). In official processes, particularly Sámi who are involved in reindeer herding find it challenging to express their perspectives, also because they often cannot back their arguments on research that deals with, for instance, impacts of renewable energy facilities on their reindeer (Nysten-Haarala et al., 2021, p. 8). Moreover, Sámi representatives share the impression that it is rather about ticking boxes on the side of the local government and the businesses⁵⁶ than about meaningful participation while the “concept of a ‘dialogue’ serves to conceal the vast asymmetry in power and resources between industrial developers and local Sámi herders” (Kårtveit, 2022, p. 166) and even “perpetuated colonial state and corporate *domination* [highlighting in the original, JG]” (E. M. Fjellheim, 2023, p. 28).⁵⁷ Furthermore, the obligation to include Sámi representatives in projects planned on land that is used for traditional activities is understood differently by the actors involved leading to different expectation of how participation should be organised and what the participatory process should ultimately entail, which can ultimately lead to a (perceived) gap between legislative protection and policy implementation (Nysten-Haarala et al., 2021, p. 4). The respective legislations and policies in the Nordics on accesses to participation in decision-making for the Sámi people determine political decisions on traditional forms of land use in Sápmi (Broderstad, 2022, p. 22). Although often regarded as the role model in comparison to Sweden and Finland (Allard, 2015, p. 51) with well-developed processes for ensuring Sámi rights to self-determination, there are also two lines of development in Norway with view to Sámi rights: One positive one on culture, language and education and the other less progressive one on land rights.⁵⁸ However, “Sámi culture and land rights cannot be separated from one another” (Kuokkanen, 2009, p. 104) because “lands and resources represent an important part of the material foundation for the Sami culture” (J. B. Henriksen, 2008, p. 28).

⁵⁵ Shared by different interviewees (17/01/22, 27/04/22 & 21/09/21).

⁵⁶ Szpak (2019, pp. 6-7) criticises that “the obligation to consult is a responsibility of the State which cannot be delegated to a private company, in particular to the very company that is interested in exploiting the resources”.

⁵⁷ Garbis et al. (2023, p. 1) add that their research indicates a “dominant coalition uniting government and industry”.

⁵⁸ Shared in a personal communication with a Sámi researcher (03/05/23).

Self-determination and land use in Sápmi

Since in the context of Indigenous rights self-determination is closely linked to economic development, land use conflicts over Indigenous land – today and historically – illustrate the relevance of self-determination with regard to economic development, also in the case of Sápmi. For instance, land use conflicts have often marked a starting point for changes in Indigenous agency and have led to institution building (Picq, 2014; Selle & Wilson, 2022). In the case of the Sámi, the Álaheadju – Guovdageaidnu⁵⁹/Kautokeino case in the Norwegian part of Sápmi fulfils such function (Broderstad, 2000, p. 237; 2022, p. 16). Due to plans for building a hydropower facility on the Alta river in Sápmi in the late 1970s and early 1980s, the biggest case of civil disobedience in modern Norwegian history took place and has changed Sámi-Nordic relations greatly (Kårtveit, 2022; Kuokkanen, 2011, p. 42). The case “forced Norway to reconsider its Sami policies” (Kuokkanen, 2009, p. 106) and led to “deep seated change” (Selle & Wilson, 2022, p. 7) in their relations. It further had an effect beyond the Norwegian side of Sápmi as the case “put political pressure on Sweden” (Josefsen et al., 2015, p. 34) as well.⁶⁰ The Norwegian Constitution was amended for the protection of Sámi cultures and livelihoods. In addition, the Sámi Parliament of Norway was established in 1989, the second Parliament to be established in the Nordic states after the one in Finland in 1973 and before the one in Sweden in 1993 (Kuokkanen, 2009, p. 100).

Different land uses, understandings of space and notions of sustainability as well as interpretations of what consultation entails are competing or even in conflict with each other (Garbis et al., 2023; OECD, 2019; Riseth, 2022) leading to land encroachments and often so-called court/judge-made law or only applying law situations (Allard, 2015, pp. 52-55)^{61,62} when Sámi communities go to court and try to claim their rights to lands and water. The role of the courts is very relevant in all three states, as there is “[u]ncertainty in the interpretation and application of the law” (ibid.), which is why Allard speaks of ‘judge-made law and only applying law’ in the Nordic states for the case of land use in Sámi homeland (ibid., p. 52-55). Latest examples from Sápmi are the Girjas case ruling on the Swedish side of Sápmi that affirmed the Girjas Reindeer Herding Community exclusive hunting and fishing rights as well

⁵⁹ Place name in North Sámi.

⁶⁰ Since “[t]he Alta River conflict triggered growing pressure to address the question of Sami rights in Sweden as well” (Kuokkanen, 2009, p. 101).

⁶¹ “[T]he role of courts expands where there is a lot of room for interpretation. This is the case for Sami legal matters which are not only complex but also involve unclear legal sources” (Allard, 2015, p. 52).

⁶² Particularly in Sweden, courts act as “important political actors for resolving Sámi rights issues [due to] the restricted power and voice of the Sámi Parliament in Sweden” (Josefsen & Skogerbø, 2021, p. 203, quoting Mörkenstam (2019)).

as its right to lease them (Allard & Brannström, 2021). Hence, Joona assesses that in Sweden “the courts have [...] shown a more favourable attitude to the issue of Sámi rights than the legislature has” (2020, p. 250). On the Norwegian side of Sápmi, the ruling against the Storheia and Roan wind farms became famous beyond Norway (Hætta, 2021).^{63,64} These case-to-case decisions lead to uncertainties “in the interpretation and application of the law” (Allard, 2015, p. 49) for all actors involved, the Sámi people, the state, the companies and with view to a successful implementation of the EGD also for the EU (Nystø Keskitalo & Götze, 2023a, 2023b). Against this background, the Sámi enjoy different rights in the three nation-states, which adds to the different capabilities and opportunities they have to go to court to claim their rights.⁶⁵ These different national circumstances further influence the EU given that the implementation of the green transition takes place at the national level and a downshifting of achieving national objectives can ultimately compromise EU’s goals overall.

The EU and the Sámi people

In comparison to the national level, the context with view to the Sámi people and their participation looks quite different at the EU level. Reflecting on the postcolonialities shaping Sámi-EU relations, ‘Protocol No. 3 on the Sami People’ (European Communities, 29/08/1994) is relevant when reflecting on Sámi-EU relations. It acted as an amendment to the accession contracts of Sweden, Finland and Austria in the 1990s. Going back to an inquiry of the Sámi Parliament in Norway “about the possibility of establishing a Sámi region within the EU” (Cambou, 2016, p. 406), Protocol 3 regulates the specific status of the Sámi people as an Indigenous people in the EU as well as their particular rights for reindeer herding (ibid., pp. 406-407). Thus, the Protocol stands for the first “ethnically based rights [...] incorporated into EU legislation” (Broderstad, 2000, p. 243). Further, the Protocol states “that Sweden and Finland are committed to preserving and developing the means of livelihood, language, culture and way of life of the Sámi people” (Cambou, 2016, p. 407). However, neither their status as an Indigenous people nor as a minority “entitled them to exercise political competences at the EU level” (ibid., pp. 407-408). It further does not translate to any specific political rights, a

⁶³ In 2023, a group of Sámi youths allied with different environmental organisations (e.g. Norwegian NGO Natur og Ungdom, Friends of the Earth) to protest 500 days after the ruling in front of the Norwegian Ministry for Resources and Petrol for several days to remind the ministry of their obligation to take action on the wind park. Also Swedish climate activist Greta Thunberg joined and supported the protests.

⁶⁴ “In Finland no Sami has ever taken a legal action against the Finnish State to make land claims” (Joona, 2020, p. 250).

⁶⁵ On the Swedish side of Sápmi, for instance, “there is no law that directly addresses Sámi land rights in infrastructure planning” (OECD, 2019, p. 76).

representation in the EU or formal participation at the EU level.⁶⁶ To protect reindeer herding in Sápmi, Article 1 of the Protocol excludes reindeer herding in Sámi homeland from the four freedoms of the EU, the Free Movement of Goods, Free Movement of People, Freedom of Services and Freedom of Movement of Capital. Article 2 of the Protocol is relevant to mention as well because it opens the opportunity to extend the Protocol (Airoldi, 2008, p. 84) “to take account of any further development of exclusive Sámi rights linked to their traditional means of livelihoods” (European Communities, 29/08/1994, p. 353). In addition, Article 2 determines that these extensions of Protocol 3 do not need to amend a Treaty but the “Council may, acting unanimously on a proposal from the Commission, and after consulting the European Parliament and the Committee of the Regions, adopt the necessary amendments to the Protocol” (ibid.). Therefore, for instance, the Sámi Parliament in Norway describes the Protocol as “an important legal basis for securing and codifying future improvements to the living and working conditions of the Sámi people” and even as a “legal basis for the introduction of a Sámi consultation right” at the EU level (Sámediggi, 2019, p. 3).

The protocol was adopted when Sweden and Finland joined the EU in the 1990s (Kuokkanen, 2009, p. 102). However, it is not applicable to the Sámi people living in Norway. Protocol 3 did not become part of the EEA agreement that Norway has signed with the EU (Sámediggi, 2015, p. 16). Although the Sámi Parliament in Norway played a pivotal role in the process of the Norwegian application for EU membership and worked on Protocol 3 raising “the possibility of establishing a Saami region within the EU” (Broderstad, 2000, p. 246), such ‘Sámi region within the EU’ has not become reality yet given that Norway is still not an EU Member State. Norway being outside the EU, and Sweden and Finland joining the EU rather “has had the effect of increasing the lived realities of borders dividing the Sami people” (Kuokkanen, 2009, p. 102), contrary to the expectations during accessions talks with all three Nordic states and the EU. The EEA that is governing the relations between the EU and Norway does not refer to the Sámi people specifically. The agreement regulates an Internal Market uniting EU Member States and EEA EFTA States, Iceland, Liechtenstein and Norway shaped by the four freedoms, free movement of goods, services, capital and persons. In addition to the EEA agreement, the Schengen agreement is important to be mentioned as well, particularly against the backdrop of the role of borders and the Sámi transnationality.

⁶⁶ The Sámi Parliamentary Council repeatedly expressed its wish for a permanent representation in Brussels (shared by several interviewees, e.g. 02/05/23) (Sámediggi, 2015).

Another policy with relevance to the case of Sámi-EU relations is the EU's Indigenous peoples policy under its development policy portfolio (DG International Partnerships). This policy framework on Indigenous peoples' rights has a rather external view to Indigenous peoples and is mostly directed towards Indigenous peoples in third countries living outside the EU, which does not cover the whole case of the Sámi people, of whom most live in EU Member States or in the EEA (Broderstad, 2000, pp. 243-244; Scarpa, 2014). Moreover, the character of EU's Indigenous peoples policy is developmental, which does not fit to the socio-economic situation of the Sámi in the Nordic states either, because the case of the Sámi is rather on rights to lands, waters and resources as well as on self-determination (Szpak, 2019, p. 2). In its EIDHR, since 2021, NDICI – Global Europe, the European Commission supports civil society organisations working on Indigenous issues, e.g. through funding for participating at the level of the UN. The EEAS is also organising so-called Human Rights Dialogues on a bilateral level with third countries in which Indigenous peoples' rights are thematised.

Sámi representatives call the fact that the EU has an Indigenous peoples policy, which does not apply to the Sámi, “policy incoherence” (Sámiráđđi, 2022b). However, also with view to the national context and the Sámi right to self-determination, the Nordic states display an “organised hypocrisy” by “decoupling values” of international law and national policies Mörkenstam (2019), with the case of the Sámi people challenging perceptions of the Nordics as strong welfare states providing best practices and setting human rights standards (E. M. Fjellheim, 2023). For instance, in the Finnish EU Presidency programme, Arctic Indigenous peoples are mentioned but only under the EU's external action (Finnish Government, 2019, pp. 12-13) while the Swedish Presidency programme did not mention Indigenous peoples at all (Swedish Government, 2023). The UN Rapporteurs on the Rights of Indigenous Peoples have repeatedly pointed to the situation that Sámi rights on the national level in Sweden, Finland and Norway, although the three countries are frontrunners in democracy and rule of law indices, do not reflect international Indigenous rights standards properly by particularly urging Sweden and Finland to ratify the ILO Convention No. 169 (Anaya, 2011; Tauli-Corpuz, 2016).

When analysing Sámi participation at the EU level out of a multi-level governance perspective, the overall EU's Arctic approach needs to be mentioned as well. Colonialism, a shared history, geography and economy as well as science activities are all describing interdependencies and illustrating ‘inextricable’ links between the Arctic region and the EU that inform Sámi-EU relations (Coninx, 2016; European Commission, 2008). From the year 2007, the EU and its institutions have developed an Arctic approach and since then, the Union has constantly refined

it through policy statements and programmes (Chuffart et al., 2021; Stępień & Raspotnik, 2021). Although the Arctic might seem of “marginal importance in day-to-day EU-ropcan political life” (Raspotnik, 2020, p. 143) and the EU’s policy is framed as ‘soft policy’ due to the lack of reference in EU’s governing treaties and specific budget line (Mann, 2021), the EU and its institutions are very much engaged in Arctic politics.

With the European Parliament’s resolution in 2008 on Arctic governance, the Members of Parliament formulated the need to develop an integrated EU Arctic policy. The European Parliament is an important actor with view to the EU’s approach towards the Arctic given that the Parliament “has often pushed the EU’s Arctic policy to move forward, and [...] continuously called for the development of a comprehensive Arctic ‘strategy’” (Raspotnik, 2020, p. 148). The Parliament’s resolution states that it “is deeply concerned at the effect of climate change on sustainability of the lives of the indigenous peoples in the region [...] and underlines that any international decision relating to these issues must fully involve and take account of all peoples and nations of the Arctic” (European Parliament, 2008, Article 1). It further urges that the Commission needs to address “policy options that respect the indigenous populations and their livelihoods” (European Parliament, 2008, Article 7(b)).

In a more recent resolution from 2021, the European Parliament (2021) prominently stresses the relevance of “full and effective implementation of Article 19 of the UNDRIP, especially as regard the need to obtain indigenous peoples’ free, prior and informed consent before adopting and implementing legislative or administrative measures or launching development projects that may affect them” (ibid., p. 44.). Furthermore, the resolution states that EU delegations in Arctic states need to engage in dialogue with Indigenous peoples (ibid., p. 46.). Ultimately, the parliamentarians call “for enhanced coherence between the EU’s internal and external Arctic policies in this area [Indigenous peoples policy]” (ibid.), which is particularly relevant for the case of the Sámi people in the Nordics as partly EU or EEA citizens, who do not fall into EU’s external affairs (Nystø Keskitalo & Götze, 2023a). Terzi (2020, p. 13) calls the role the European Parliament upholds regarding Indigenous peoples’ concerns as the “true normative standing” in the EU, also because the European Parliament can act more freely without “the burden of intra-EU tensions across member states (ibid.).

In addition to the Parliament’s engagement, the European Commission issued a Communication on the Arctic to the European Parliament and the Council in 2008 formulating for the first time ideas on an EU Arctic approach (European Commission, 2008), which has constantly been further developed with the Commission’s Communication on the Arctic 2012,

2016 and 2021 (European Commission, 2012, 2016, 2021). In the Communication from 2016, section 3 repeats the call for greater coherence between internal and external Arctic policy with respect to Indigenous peoples (European Commission, 2016, p. 15), which again could strengthen the case of the Sámi people in the Nordics. Thus, both institutions, the Commission and the Parliament, stress the links between Arctic and Indigenous peoples policy while identifying the need to align them more consistently. In its current EU Arctic Policy, the EU is, for example, directly referring to UNDRIP, the ILO No. 169 and the FPIC principle (European Commission, 2021, p. 14), which are all relevant for the case of the Sámi through linking Indigenous peoples policy and Arctic Policy. The EU Arctic Policy states that UNDRIP “is integral to the EU’s human rights policy” and that the FPIC principle must be applied “before adopting and implementing measures that may affect them [Indigenous peoples] directly” (ibid.). By that, the EU stresses the relevance of Indigenous self-determination in its Arctic policy, which also applies to the Sámi people. The current policy from 2021 is the first one that explicitly mentions the FPIC principle and therefore, it links EU policies directly to international standards on Indigenous peoples rights – and by that to Sámi rights.⁶⁷

Another relevant EU policy against the backdrop of influences on Sámi-EU relations is the EGD (European Commission, 2019), which is linked to the Arctic policy as it forms part of the EGD under its external actions. Through aiming at achieving climate neutrality by 2050 and becoming the first climate neutral continent, the EU formulates a green transition narrative with its decarbonisation and growth strategy (cf. Ringel, Bruch, & Knodt, 2021). With the EGD, the EU sets a policy framework that obliges the EU Member States to fulfil climate, biodiversity and sustainability goals. Accordingly, it is not only with the singular Member States to achieve certain goals, but also with the EU as a Union. Beyond the nation-states’ context, sparsely populated and resource rich areas, like Sápmi, play a relevant role for the achievement of the overall goal setting of the EGD, for instance, for the development of renewables and ‘domestic’ mining for critical minerals for batteries (Nystø Keskitalo & Götze, 2023a). Here, not only the Swedish and Finnish side of Sápmi are important, but also the Norwegian side of Sápmi, which is illustrated by the Green Alliance between the EU and Norway (European Commission, 2023). The Alliance even provoked that the Sámi Parliament in Norway wrote a letter to both the Norwegian Government and the European Commission to stress the need that Sámi representatives need to part of future discussions that affect land use in Sápmi.⁶⁸ So far, these

⁶⁷ Only in March 2023, the Sámi Parliament in Norway referred to the FPIC principle and the role of the EU against the background of the green transition in a letter to the European Commission. The President of the Parliament expressed their concerns on the Green Alliance between the EU and Norway due to a lack of consultation with the Sámi people.

⁶⁸ Interview 02/05/23.

links between the EGD, the Arctic Policy and the Indigenous peoples policy are not well addressed at the EU level (Laframboise, 2022). Partly, because the EGD has a rather external view to the Arctic region similar to the external approach of the Indigenous peoples policy that does not address the European Arctic and Sápmi.

In this regard, the EU describes its role as providing the general framework as the Union is not involved in local licensing processes for renewable energy facilities or mines (Chuffart et al., 2021; Gregory Poelzer & Yu, 2021), which is why some EU officials do not feel directly responsible for land use conflicts in Sápmi. They point to the role of the nation-states in ensuring Sámi rights following the principle of subsidiarity.⁶⁹ Sweden and Finland refer to the principle of subsidiarity 'sensitively' (Terzi, 2021) as well to stress their competences in the case of the Sámi people. The logic behind the principle can function the other way around, too, arguing that higher governance levels, like in the case of EU institutions, can take over certain governance tasks if it is necessary. In the case of the Sámi people, EU's principle of subsidiarity could also argue for power shifts to lower governance levels than the national level through giving local and regional Sámi organisations a mandate or authority over certain issues following the rule of 'bringing decision-making as close to the people affected as possible'.⁷⁰ Yet, the EU has only a certain, limited political space for cooperating with the Sámi people in the multi-level governance logic of the EU, which can lead to participation gaps in EU policy-making.

With view to Sámi participation at the EU level in comparison to participation in the national context, there are, for instance, no formal structures channelling perspectives from the Sámi Parliaments into the European Parliament. Overall, the composition of the European Parliament shows underrepresentation of minorities (European Network Against Racism, ENAR's Election Analysis: Ethnic Minorities in the European Parliament 2019-2025).⁷¹ Thus, the lack of Sámi participation must be also understood against the backdrop of more structural representational challenges of minorities in EU institutions (Islam & Woodford, 2022). However, there are other forms of participation through Sámi organisations with an NGO status trying to use other types of access to EU policy-making beyond formalised forms of representation. Another rather informal option is for Sámi parliamentarians to reach out to Finnish or Swedish MEPs to

⁶⁹ Shared by different EU officials (in interviews, e.g. 11/11/21, 16/08/22 and at events such as the Arctic Indigenous Peoples Dialogue 2021).

⁷⁰ Personal communication (27/04/23).

⁷¹ The topic of underrepresentation of minorities in EU's institutions is discussed on social media under the hashtag #brusselssowhite.

channel their view into the European Parliament.⁷² The Sámi Parliament in Norway further developed for example the idea to invite a delegation of the European Parliament to the Sámi Parliament in Norway, which could potentially lead to the establishment of an informal ‘Friends of the Sámi’ group within the European Parliament (Sámediggi, 2019, p. 4), similar to the ‘Friends of the Arctic’ parliamentary group.

A Sámi region within the EU?

Already since the accession talks in the 1990s, there were various ideas developed by different actors within Sámi-EU relations on how to include Sámi representatives in EU policy-making. For instance, scholars from the University of Lapland, Rovaniemi, Finland developed in a report the idea that the President of the Sámi Parliamentary Council needs to be consulted in the Council of the European Union “when Saami issues are at stake” (Broderstad, 2000, p. 245). Such a consultation would stress the transnational character of Sámi representatives by including the President of the Sámi Parliamentary Council in the procedures of one of the two legislative bodies of the EU. Different to the inclusion into processes of the European Parliament, the Council of the EU has an intergovernmental character through bringing together Member States’ executive representatives. This idea for consultation has not taken up so far.

Further elaborating on the idea of the report from the 1990s, more recently, the Sámi Parliaments argue for a “formal platform for participation and consultations in matters that influence Sámi” (Sámediggi, 2019, p. 2). Giving the Sámi Parliaments a formal role within the EU is framed as a means to implement the right to self-determination and to contribute “to a legitimate EU policy towards indigenous peoples elsewhere” (ibid.), which also reflects on the postcolonialities of the EU. Such a formal consultation mechanism for the Sámi Parliaments could be facilitated through an amendment of Protocol 3 similar to the consultation rights reserved for the national parliaments of the EU Member States assured through Protocol 1 of the Treaty of the EU (ibid., p. 3). Such an amendment could address the role of the Sámi Parliaments as elected representatives of the Sámi people in the respective Member States. Within the EEA agreement regulating the relations between Norway, the EU and EU Member States, a similar consultation mechanisms could be established with references to Norway as a signatory of ILO Convention No. 169 (ibid., p. 4). As EU-citizens, the Sámi Parliament in

⁷² During the EU-Sámi Week in 2022, Swedish and Finnish MEPs were hosting most of the sessions in buildings of different EU institutions. It showed a close and in some cases long-term relation between different Sámi organisations and Swedish and Finnish MEPs.

Finland and Sweden are mainly trying to work towards a consultation model, which could be established between the EU and the Sámi Parliamentary Council, highlighting the Sámi as a transnational people.

Another idea is about the establishment of a permanent Sámi representation in Brussels. For example, the Sámi Parliament in Norway have discussed a representation at the North Norway Office in Brussels (Sámediggi, 2015, p. 17). Moreover, the Sámi Parliamentary Council aimed at a permanent presence of the Sámi Parliamentary Council in Brussels (Sámediggi, 2019, p. 5). Also the Sámi Parliament in Finland has talked with the EU Parliament about an office/representation with the European Parliament similar to the solution for the Norwegian Parliament at the EP (interview 02/05/23). In addition, Sámi experts who developed the EU-Sápmi strategy also argue for a Sámi representation at the EU level to “address the vacuum for Sámi issues within the EU framework” (Sámiráđđi, 2022b, p. 7). Having some sort of permanent representation in Brussels, Strasbourg or Luxembourg might be particularly interesting also for the Norwegian government as a non-EU Member State and with the majority of Sámi people today holding Norwegian citizenship.

The Sámi Parliaments further propose the representation of the Sámi people in the Committee of the Regions (CoR) and the European Economic and Social Committee (EESC) (Sámediggi, 2015, 2019), an idea that was already presented in the 1990s and which is blocked by Sweden (Allard, 2015; Broderstad, 2000, p. 248). In addition to these two EU institutions as providing potential accesses for Sámi organisations to the EU level, the Sámi Parliamentary Council assesses the EU Presidency as a relevant entry point for Sámi interests. For instance, in 2019 the Sámi Parliamentary Council tried to use the Finnish Presidency “as a vehicle for putting the rights of the Sámi people on the Brussels political agenda” (Sámediggi, 2019, p. 4).

Many of these ideas argue for Sámi access to the EU level particularly with the specific status Sámi hold as the only Indigenous people within the EU, which needs further contextualising, particularly with view to the so-called outermost regions within the EU and Overseas Countries and Territories (OCTs) of the EU with Indigenous populations. In the so-called outermost regions within the EU, France’s Guadeloupe, French Guiana, La Réunion, La Martinique, La Mayotte, Saint-Martin, Portugal’s Azores and Madeira as well as Spain’s Canary Island, Ceuta and Melilla, Indigenous peoples live for example in French Guiana and in La Mayotte. In the OCTs of the EU, Indigenous peoples live also in French Polynesia, New Caledonia and Greenland.

OCTs, often remote places and/or islands, have been playing a relevant role for the EU and its Member States in terms of economic development, military activities and serve(d) as naval bases or for space operations⁷³ and lately also for the control of migration to the EU (Hansen & Jonsson, 2015, pp. 3-4). Despite the colonial past of nation-states and its legacies, also the EU as such displays postcolonialities. Geographically and politically speaking, these postcolonialities have an internal and external dimension as well as they are showing links between these two. The process of EU's integration is interwoven with colonial processes, as the European economic development was dependent on natural resources from and workforce of peoples in (former) colonies (ibid., p. 5). These dependencies continue also in times of the green transition for the promotion of renewables and critical minerals that are needed for batteries and the electrification of production, transportation and other processes of the world economy raising questions of environmental and climate justice (Levenda, Behrsin, & Disano, 2021).^{74,75} For the case of the Sámi and their homeland, particularly wind farms (Cambou et al., 2022; Normann, 2021; Nysten-Haarala et al., 2021),⁷⁶ hydropower stations (Össbo & Lantto, 2011), mines (Nygaard, 2016) and their respective infrastructure are built to accommodate the energy and resource needs of the EU that fulfil objectives of climate change mitigation at an international level (E. M. Fjellheim, 2023; Össbo, 2023) and at a local level shall push tax revenues and employment (Kårtveit, 2022, p. 157).

Indigenous Internationalism

In addition to EU's as well as nation-states' postcolonialities and their influence on Sámi participation at the EU level, Indigenous Internationalism needs to be addressed as a second relevant framework condition for Sámi-EU relations. Against the backdrop of a multi-level perspective on the postcolonial context of Sámi-EU relations, the actor development of Sámi organisations in transnational policy-making forms part of a broader picture of processes in the area of Indigenous internationalism in the Arctic and beyond (Wilson, 2020). Over the last decades, particularly the Arctic Indigenous population has been going through a period of legal

⁷³ Just recently in January 2023, in Giron, part of the Sámi reindeer herding area in the Swedish side of Sápmi, Europe's first continental spaceport was launched (Iolov, 2023).

⁷⁴ Nysten-Haarala et al. (2021, p. 2) enumerate, for instance, different drawbacks of wind power with the materials for the turbines that can lead to increasing mining activities, the turbine wings being non-recyclable, the noise and impact on radar systems. For traditional land use, such as reindeer herding, wind power causes noise that disturb the reindeer, injuries due to falling ice from the turbines, cutting off or fragmenting pasture lands and migratory routes (ibid., p. 8).

⁷⁵ Sámi representatives and scholars also talk about these processes under the term of 'green colonialism' (E. M. Fjellheim, 2023; Kårtveit, 2022; Laframboise, 2022; Normann, 2021).

⁷⁶ Wind power is adding to other competing land uses such as "forestry, along with fragmentation through infrastructure such as roads, power lines, mines, industrial construction sites, and population centers" (Nysten-Haarala et al., 2021, p. 2).

re-empowerment, which has shaped the governance structures in the region as well as re-strengthened Indigenous self-determination and agency (G. Poelzer et al., 2014, pp. 185-188; Wilson, 2020, p. 27).⁷⁷ Indigenous communities have been part of processes of institutional devolution and re-empowerment that have led to the (re)emergence of Indigenous organisations and power shifts to lower governance levels (Coates & Broderstad, 2020). After the world wars, Arctic Indigenous peoples took an active part in global transformations of political and societal order, decolonisation and independences (Plaut, 2012; Seurujärvi-Kari, 2010, p. 10; Wilson, 2020, pp. 32-33). The global Indigenous rights movement contributed to the civil rights movements through addressing inequalities and structural racism, where Indigenous peoples worldwide stressed in particular the existing contradiction between nation-states proclaiming human rights and ignoring their validity for Indigenous peoples (Wilson, 2020, pp. 32-33).⁷⁸ Factors that supported these movements were changes in Indigenous self-determination, different national and international political developments, non-Indigenous support for Indigenous aspirations as well as new legal, political and treaty arrangements and international law (ibid., p. 21). An “Indigenous internationalism” (Coates & Holroyd, 2014; Wilson, 2020) emerged, a phenomenon that describes the international profile acquired by Indigenous organisations and their building of networks worldwide and particularly in the Arctic. Arctic Indigenous peoples built alliances amongst themselves “finding strength and political authority in numbers” (Coates & Holroyd, 2017, p. 30). Indigenous organisations in the Arctic got engaged in transnational advocacy and transnational Indigenous collaborations, which strengthened a circumpolar identity while respecting the different Indigenous cultures of the region (Coates & Holroyd, 2017, p. 31; Plaut, 2012, p. 194). Through developing often transnational institutional structures, Arctic Indigenous peoples (re)established themselves as key political actors at different policy levels, with the Sámi people fulfilling a relevant function (Broderstad, 2011, p. 894; Seurujärvi-Kari, 2010, p. 11). The Saami Council, for instance, was a founding member of the World Council of Indigenous peoples in 1976 (Szpak, 2019, p. 3) as well as has been “involved in the work of the United Nations’ Working Group on Indigenous Populations since its establishment in 1982” (Kuokkanen, 2009, p. 99).

⁷⁷ The stress lies here on the prefix ‘re’ because “[l]ong predating the arrival of Europeans in the Americas and elsewhere, networks of exchange and interaction existed, wars were fought, and conflicts were resolved in the routine course of relations between Indigenous peoples” (Beier, 2009a, p. 13).

⁷⁸ Already with the establishment of the League of Nations, the Chief of the Younger Bear Clan of the Cayuga Nation and spokesperson of the Six Nations of the Grand River Land in Ontario, Canada tried to get access to the forum to get a hearing at the institution on the dispute of their people with Canada on self-government (Niezen, 2003, p. 31). Although the access was denied, the effort is framed as “historically significant” (ibid.) for Indigenous participation beyond the state level.

Thus, Sámi-EU relations form part of a bigger picture of Indigenous diplomacy in the Arctic region and beyond. Sámi organisations have close ties to the UN level, for instance, within the UNFCCC and the CBD; the Saami Council is a member of the UNPFII and holds observer status at UN ECOSOC (Kuokkanen, 2009, p. 99; Plaut, 2012, p. 198). Furthermore, the Saami Council is an accredited organisation under UNFCCC and the CBD Convention. On a regional level, the Saami Council is one out of six PPs of the most relevant intergovernmental forum, the Arctic Council.⁷⁹ Furthermore, the Saami Council alongside other IPOs forms part of the Barents-Euro Arctic Council, another important regional institution. Therefore, the EU level is only one out of many political levels, to which Sámi organisations contribute to and where Sámi-EU relations can unfold.

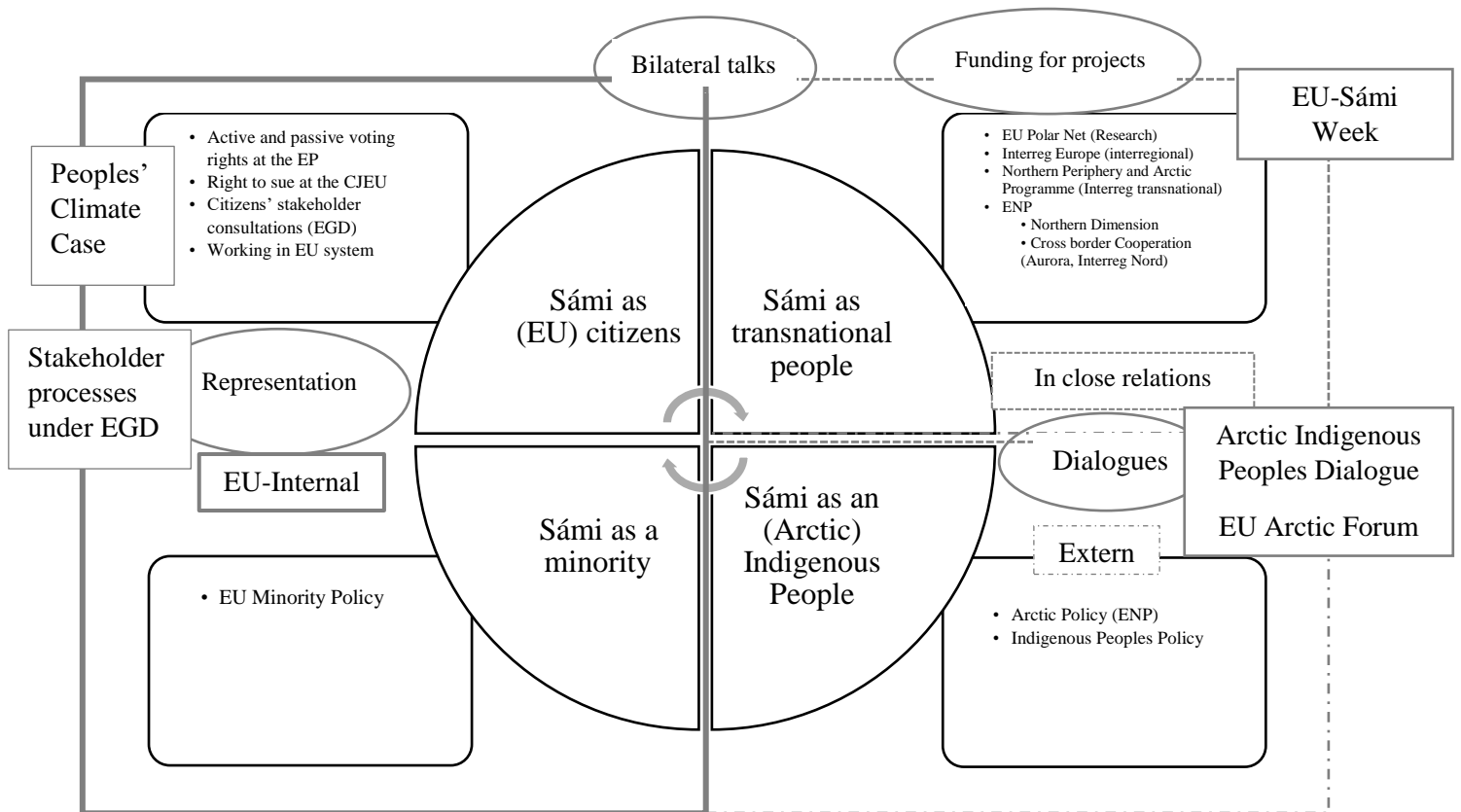
In the next chapter, I present the logics and forms of Sámi-EU relations through further applying the model of Indigenous participation in transnational policy-making with the different forms of participation. Further, from the conceptual level, Sámi as EU citizens, as a transnational people, a minority within the EU and an (Arctic) Indigenous people, the respective policy and institutional frameworks and the geographical scope, I analyse in the case study on Sámi-EU relations different types of access to EU policy-making, their formalisation and processes through focusing on concrete examples.

4.2 Enabling participation

Against the backdrop of the contextualisation of Sámi-EU relations with its different framework conditions, this chapter elaborates on the logics and forms of Sámi-EU relations to analyse to what extent and how these relations enable Sámi participation in EU policy-making. For this, I further apply the model that I have introduced in the conceptual framework of Indigenous peoples' participation in transnational policy-making and that I applied to the case of Sámi-EU relation in the operationalisation within the methodology chapter. *Figure 6* adds to the model the forms of participation and formalisation (*polity dimension*) within Sámi-EU relations while indicating examples of processes and their processes (*politics dimension*).

⁷⁹ After Russia has invaded Ukraine, activities in the format have paused. There is limited operation within the working groups.

Figure 6: Sámi-EU relations: Forms of participation and formalisation, politics and policies, and within-case observations



Source: Author's own compilation.

In this way, *Figure 6* complements the model developed in the operationalisation of this thesis (3.4) by adding the different accesses to EU policy-making and processes of Sámi-EU relations (*linking polity and politics dimensions, influences from polity on politics*). The access entails the forms of participation and formalisation, namely participation through representation, funding for projects, dialogues and bilateral talks. By that, it addresses the *to what extent*-part of the research question *'To what extent and how do Sámi-EU relations enable Sámi participation in EU policy-making?'* The in-depth within-case observations aim at contributing to the *how*-part of the research question by opening up the black-box of how processes of Sámi participation in EU policy-making work. Through presenting different within-case observations on stakeholder processes under the EGD, the Peoples' Climate Case, the EU Sámi Week (2022) as well as the EU Arctic Forum (2019, 2021, 2013) and Indigenous Peoples Dialogue (2019, 2021, 2013), I analyse different forms of access, formalisation and show varying processes within Sámi-EU relations. Under the form "participation through representation" within the conceptual lens "Sámi as (EU) citizens", I categorised the Peoples' Climate Case and the

Stakeholder processes under the EGD. Both stand for a formalised process deduced from the right to sue at the CJEU and EU's citizens' stakeholder consultations that facilitated Sámi participation. The form "participation through funding of projects" through the lens of "Sámi as transnational people" with the EU-Sámi Week is derived from the funding line of Interreg. Nord. The third and last analysed form of participation, "participation through dialogues" through the lens of the "Sámi people as an (Arctic) Indigenous people", consists of within-case observations on the formats of the EU Arctic Forum and the Arctic Indigenous Peoples Dialogue deduced from the EU Arctic Policy and Indigenous Peoples Policy. These two within-case observations are further relevant for the overall analysis of Sámi-EU relations particularly concerning developments over time. They both stand for a specific institutional tradition without being institutionalised fora.

Thus, in *Figure 6* I illustrate the logics and forms of Sámi-EU relations from a *conceptual level* displayed in the pie chart that is derived from the different lenses on Sámi in the EU context (4.2.1). The conceptual level builds on the theoretical background of this thesis on Indigenous participation in transnational policy-making (*Chapter 2, Figure 1*) applied to the case of Sámi-EU relations. These different conceptual lenses on Sámi-EU relations as an example of participation in transnational policy-making display a different geographical scope, which is reflected in the square boxes by referring to an EU internal, in close relations and external policy dimension. Against the background of the four conceptual lenses on Sámi-EU relations, the rounded boxes in *Figure 6* show the respective policy and institutional frameworks through which Sámi can participate in EU policy-making.

Depending on the conceptual level and the frameworks, different actors are/get involved – on the side of the EU and on the side of Sámi organisations. Building on the actor mapping of Sámi-EU relations presented in the methodological chapter of this thesis (3.1), this chapter links the logics and forms of Sámi-EU relations with the respective actor groups who are decisive in each conceptual lens and corresponding framework. They altogether shape Sámi-EU relations but the more detailed analysis allows for identifying their different dynamics and developments.

Followed by the political and institutional frameworks, the ellipses then name the different *forms of participation and formalisation (to what extent)*, namely participation through representation, funding for projects and dialogues (4.3.2). Lastly, the boxes at the margins of *Figure 6* entail four different concrete *processes of participation and their processes (addressing the how question)* (4.3.2). The four examples stand for the different conceptual lenses, the different policy and institutional frameworks as well as for different forms of

participation and formalisation. Furthermore, they represent the scopes of the EU internal, in close relations and external policy dimension of Sámi-EU relations.

These rather formal settings are complemented with informal exchanges, which are also shown in the figure, namely the bilateral talks. Formal exchanges during dialogues and within cooperation formats can lead to other more informal talks – or informal talks only prepare/facilitate other forms of participation.⁸⁰ The former Special Envoy to the Arctic for instance shared that at the EEAS they practice an open door policy for Indigenous representatives. There are almost monthly exchanges between different representatives from the Commission or the EEAS and the Saami Council, with the Sámi Parliaments and different youth organisations.⁸¹ These more informal exchanges are analytically difficult to capture because there are no official documents nor statements that one could analyse; I could only learn about them through interviews with involved actors. Accordingly, the informal, bilateral talks are acknowledged in the model but cannot be analysed further in more detail.

Additional dimensions of Sámi-EU relations that have been excluded from the figure entail formats that are not organised by the EU and thus, cannot be treated formally as EU policy-making. I still want to reflect that Sámi-EU relations are also being shaped outside EU structures such as in the context of parliamentary cooperation (e.g. at the Conference of Arctic Parliamentarians), at the regional level at the Arctic Council (through EU's contributions in the working groups) and the Barents Euro-Arctic Council. Further, at the global level, the EU and Sámi organisations work together in the framework of the United Nations, for instance, in UN ECOSOC and UNPFII. A third dimension entails research cooperation with EU and Sámi participation, e.g. at conferences such as Arctic Frontiers, Arctic Circle and Arctic Future Symposium.⁸²

In the next sub-chapter, I link the conceptual lenses on Sámi-EU relations, Sámi as EU citizens, a minority, a transnational people and an (Arctic) Indigenous people, to the sort of access to EU policy-making they provide for Sámi participation.

⁸⁰ One interviewee representing a Sámi organisation called the dialogues “door-openers” for more in-depth exchanges between Sámi representatives and EU officials (interview on 29/04/22).

⁸¹ Shared by an interviewee representing the European Commission (16/08/22).

⁸² One interviewee from an EU institution stressed the relevance of conferences in times of reduced activities at formal institutions such as the Arctic Council or Barents Euro-Arctic Council. Conferences provide political space for stakeholders in Arctic governance to meet and exchange (16/08/22).

4.2.1 Accesses to EU policy-making through the lenses of Sámi as (EU) citizens, a minority, a transnational people and an Indigenous people

Building on the theoretical and methodological framework of my thesis, this sub-chapter analyses the accesses to EU policy-making through different political and institutional frameworks that address Sámi matters. In this sub-chapter, I analyse which types of access Sámi representatives use to participate in political processes through applying the conceptual lenses on Indigenous peoples' participation in transnational policy-making to the case of Sámi-EU relations. To approach the relations between the EU and the Sámi people, there are various perspectives to consider derived from the specific lenses on Sámi as (EU) citizens (Finnish and Swedish Sámi as EU citizens, Norwegian Sámi as citizens of the EEA), as a transnational people, a minority in the EU and as (Arctic) Indigenous peoples (see *Figure 6*). The conceptual lens 'Sámi as (EU) citizens', applies to Sámi who hold Finnish and Swedish citizenship and thus, also EU citizenship. The Norwegian case of course differs from the Swedish and Finnish case because Norway is not part of the EU, however, of the EEA and the Schengen Area. The corresponding EU policy and institutional frameworks are for EU citizens (1) the active and passive voting rights for the European Parliament, (2) the right to sue at the CJEU, (3) participation in citizens' stakeholder consultations as well as (4) the possibility to work within the EU system. The relevant actors within this lens on the side of the EU are correspondingly the European Parliament and the European fractions/parties, national political parties, the nation-states, Finnish and Swedish MEPs, the voluntary parliamentary group of the Friends of the Arctic (1), the CJEU (2), European Commission (different DGs dealing with the implementation of the EGD) (3) and the European Personnel Selection Office (European Commission, DG BUDG) (4). 'Sámi as a minority', the second conceptual lens within Sámi-EU relations, entails the policy framework of EU's Minority Policy with specifically referring to Article 2 of the Treaty of the EU (latest consolidated version of 2012),⁸³ which is not a policy per se but rather a broader framework.⁸⁴ The shaping EU actors are the European Commission as the guardian of the treaties, the European Parliament and the Council of the EU (Airoldi, 2008).

⁸³ "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail" (European Union, 2012, Article 2).

⁸⁴ Indigenous and minority rights differ because Indigenous rights are collective group rights while minority rights follow an individualistic approach (Grote, 2007). Although Sámi are an Indigenous people, they are also representing minorities in the respective nation-states and thus, also in the EU.

The third conceptual lens, 'Sámi as a transnational people', includes the field of EU research funding (through EU Polar Net Horizon 2020 and Horizon Europe funding), the ENP (European Commission, EEAS) with the Arctic Policy (DG MARE), the Northern Dimension (with EU (European Commission), Russia, Norway, Iceland) and Cross Border Cooperation particularly the Aurora and Interreg⁸⁵ Nord project lines (European Commission). Moreover, the Interreg Europe and the Northern Periphery and Arctic Programme belong to this angle (Commission, European Regional Development Fund). Within this group of policy and institutional frameworks, the ENP is quite relevant as it expresses EU's "conception of good neighbourliness" (Hilz, 2020, p. 6) through providing "the EU's neighbouring countries with the prospect of cooperation in various economic and political areas, including preferential access to the EU internal market" (ibid., p. 10). EU's internal conception of neighbourhood that stands for a treaty-based cooperation is also influencing EU's external affairs with neighbours including "all institutions and representatives of the EU, but as well all member states with their individual foreign policies and external actions" (ibid., p. 8).

Fourthly and lastly, the lens 'Sámi as an (Arctic) Indigenous people' lays the ground for looking at global approaches towards Indigenous Peoples in the EU Arctic Policy and in the EIDHR, with the EEAS as the shaping actor. The relations with the Sámi belong to the relations of the EU with Indigenous peoples with one important distinction: a majority of the Sámi are either EU citizens and/or citizens of the EEA. Accordingly, the policy frameworks under the EIDHR do not apply to the case of all Sámi people. At this point, the different lenses also show intersections with 'Sámi as (EU) citizens' and 'Sámi as an (Arctic) Indigenous people' covering different forms of access but also shared ones.

With view to the corresponding actor groups on the side of Sámi organisations, the Saami Council, with its different units and since 2019 with its specific EU Unit as well as the Sámi Parliaments are identified as relevant for shaping Sámi-EU relations. Adding on to this, youth organisations play an important role because the EU frames youth engagement as a relevant element of the EU Arctic Policy, which is, for instance, reflected in a rising youth representation at the EU Arctic Forum and Indigenous Peoples Dialogue over the course of the last three back-to-back events in 2019, 2021 and 2023. Moreover, in 2022 the EU Commission launched a new project implemented by the Saami Council on facilitating Sámi youth engagement in EU policy-

⁸⁵ On the relevance of Interreg programmes for Sápmi, see Broderstad (2000, p. 247) and (OECD, 2019).

making, the “EU-Sámi Youth Idea Lab” (Saami Council, 2023) that aims to bundle Sámi youth perspectives on the EU and channel them into EU institutions.

By following the lens of Sámi as (EU) citizens and looking at different ways of how to include the views from the Sámi people in EU policy-making, other levels are decisive as well, apart from the European, which has been elaborated already against the backdrop of postcolonialities through of a multi-governance perspective in this case study. Since most Sámi have Norwegian citizenship and are not EU citizens, they have lesser/limited forms of access to EU policy-making in comparison to Sámi with Finnish and Swedish citizenship. Through being a member of the EEA, Norway needs to adopt EU regulations and procedures of the Single Market and the Customs Union. However, Norway does not have voting rights in EU’s institutions to shape laws and directives due to not being a Member State (Neubacher, Silva, & Thil, 2018). If Norway were part of the EU, the majority of the Sámi people would be EU-citizens and the idea of a Sámi region within the EU from the second period of accessions talks between Norway and the EU could be picked up again (see Broderstad, 2000, p. 246; Cambou, 2016, p. 406). Nevertheless, the situation of Norway being outside the EU could be beneficial for the case of the Sámi people within the EU, too. It could strengthen the transnationality of Sápmi as well as the argument for direct relations between the EU and the Sámi people because the representation through Norway cannot be ensured since Norway does not form part of EU institutions or decision-making but EU policies still impact the Norwegian side of Sápmi (cf. Jones, 2019, p. 63).

Against this background of Sámi being EU citizens and citizens of the EEA, a more diverse picture emerges also with view to Sámi participation at the EU level that can strengthen the transnational dimension. Although I cannot describe in depth the Norwegian discourse around (non) membership in the EU nor can I explain the counterfactual of Norway being an EU Member State, I can still reflect on the dynamic that emerges due to the fact that the majority of the Sámi people as Norwegian citizens are not EU citizens but citizens within the EEA. Parts of EU law and regulations are also valid for Norway as a third country to the EU but, at the same time, Norway as a non-EU Member State has less influence on EU policy- and decision-making than EU Member States. With view to Sámi self-determination, these circumstances describe a situation where Sámi with Norwegian citizenship have even less influence on EU policy-making than those with Swedish and Finnish citizenship. The latter group has, for instance, active and passive voting rights to the European Parliament as well as through its voting rights on the national level a certain influence on the composition of the other EU

institutions, such as the Council and the Commission. Nevertheless, the different status of Norway informs a strong argument for the transnational dimension since it describes the necessity to see the case of Sámi participation firstly as a transnational one that goes beyond a national framing. In this regard, the conceptual lenses of access through being an Indigenous and a transnational people becomes more relevant for the Sámi in Norway in comparison to the citizens lens.

Within the angle of the status of the Sámi as an Indigenous people, an analysis of the framework of EU Indigenous Peoples Policy could be quite promising as well. Yet, this policy is focusing on Indigenous peoples living outside of the EU and forms part of EU's EIDHR. Therefore, the different EU institutions mostly deal politically with the Sámi people within other policy fields than through the Indigenous peoples policy, such as in the context of the frameworks of the EU Arctic policy, the EU Neighbourhood policy, EU regional development policy and cross border cooperation, the EGD and others. Illustrating such a mix of institutional and policy frameworks, the EU approach towards the Sámi is quite diverse. Thus, it often depends on the policy field, the institution, the personnel (Raspotnik & Østhagen, 2021) and context if, how and to what extent Sámi representatives are invited to dialogues or get involved in stakeholder processes to contribute to EU policy-making.

Against this background, the relations between the Sámi and the EU display an internal, external and 'in close relations' dimension according to the logic of the EU Arctic policy itself (European Commission, 2016) – or to frame it geographically, a circumpolar, European (neighbourhood) and EU-internal focus. More in detail, the EU-internal perspective focuses on the northern parts of the Member States Sweden and Finland, an 'in close relations'-perspective on the cooperation with Norway as well as a circumpolar/global perspective. These different geographical dimensions are also reflected in the conceptual lenses applied in this thesis (see *Figure 1, 5 & 6*) and have their own distinctive features, but, at the same time, they show interlinkages (Scarpa, 2014).

Hence, Sámi-EU relations can be approached from different angles depending on the chosen lens of the Sámi people as (EU) citizens, a transnational people, a minority in the EU and as an (Arctic) Indigenous people. Therefore, Sámi-EU relations touch upon a variety of policies, EU institutions and programmes. This specific character allows for analysing the relations out of a governance and participation perspective. The relation expresses a certain governance gap (Barnett et al., 2021) as well as participation gaps because of limited formal structures established between Sámi organisations and the EU or specific policies that could act as a

framework. After having contextualised Sámi-EU relations and having elaborated on the different policy and institutional frameworks as well as involved actors, in the next sub-chapter, I analyse the different forms of access to EU policy-making to address diverse forms of participation and formalisation (*to what extent*) as well as processes of participation (*how*). It further seeks to capture the relations along the research question of how Sámi-EU relations enable Sámi participation in EU policy-making.

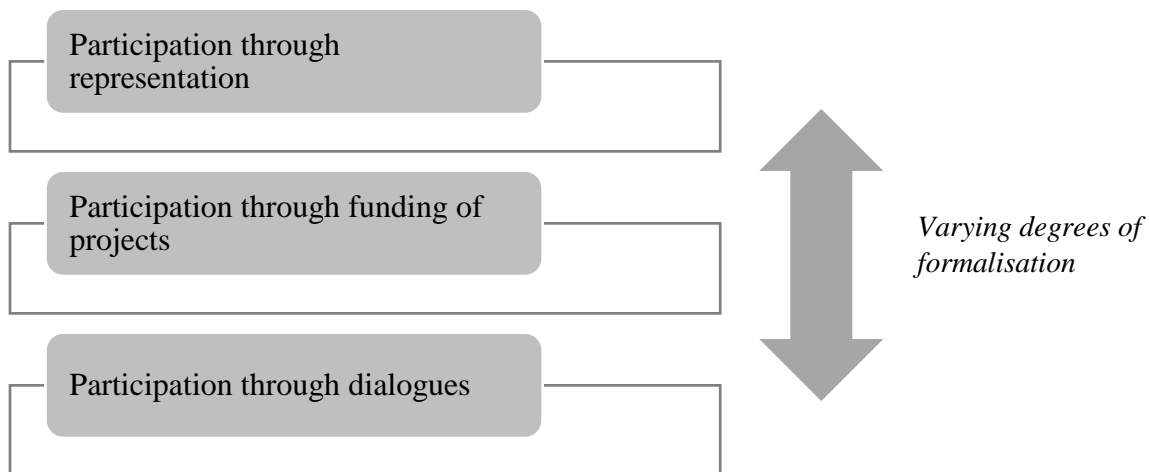
4.2.2 Sámi participation: Forms of participation, their degree of formalisation and their processes

In this sub-chapter, building on the analysis of the conceptual level, I further analyse Sámi-EU relations by focusing on five within-case observations of Sámi participation in EU policy-making, which shed light on the processes of participation in more detail. By analysing these within-case observations of Sámi-EU relations, I address the forms of participation and formalisation as well as approach their processes. According to the questions of access of *what kind of participation is taking place* and *which type of formalisation of the relations can be captured*, the following clustering seeks to outline the different forms of participation (*participation through representation, funding of projects, dialogues*), the degree of formalisation (*from non-formalised to formalised*) as well as the geographical scope (*internal, in close relations, external*) for the case of the five selected within-case observations of Sámi-EU relations.

Secondly, the analysis focuses on the processes of the different clustered examples. Following the conceptual lenses of Sámi-EU relations and how participation in policy-making is taking place, five examples are analysed in-depth. By choosing examples that represent different conceptual lenses, forms of participation, degrees of formalisation (see *Figure 4*) as well as differing geographical scopes, the in-depth analyses seek to better understand how the different types of access and the processes of participation play together, hence how the polity dimension influences the politics dimension. Firstly, I analyse the EU Arctic Forum and the Indigenous Peoples Dialogue. The main participant observations I conducted in 2021 during both formats. To complement this data, I will contrast the 2021s dialogues with the ones from 2019 and 2023 to also reflect on developments of the formats over time. Due to the relevance of the two fora for the overall relations, the analysis also allows for assessing developments of the relations

over time. Secondly, I present the EU-Sámi Week from 2022. Ensuing from these formats, of which I collected primary data either on-site or online, I analyse the Peoples' Climate Case as an example of Sámi participation in the EU through legal means (political justiciability of rights). Lastly, I concentrate on selected stakeholder consultations with Sámi participation under the EGD. The last two within-case observations rather act as excursus to reflect on other types of participation and formalisation within Sámi-EU relations.

Figure 7: Forms of participation and their formalisation in Sámi-EU relations



Source: Author's own compilation.

The EU Arctic Forum and Indigenous Peoples Dialogue stand both for the form of *participation through dialogue*, are at the margins of *formalised/non-formalised participation* and represent the scope of '*in close relations and external*'. They are both linked to the EU Arctic Policy (*policy and institutional framework*) and are framed as an integral part of the policy (European Commission, 2021, p. 13). These two within-case observations stand for quite established fora that evolved over time into events that became more publicly accessible. From being more intimate and closed-doors formats, they are today public and more transparent events. These changes of the format also impact Sámi participation.

The EU-Sámi Week represents the form of *participation through funding of projects*, is rather *non-formalised* and is part of the scope of '*in close relations*' through being part of an Interreg Nord project (*policy and institutional framework*). In comparison to the EU Arctic Forum and Indigenous Peoples Dialogue, the EU-Sámi Week is less established since it was organised in

2022 for the first time. Another difference is further that this forum was organised by Sámi organisations with support of different EU institutions, primarily by MEPs with funding of an Interreg Nord project. With this project, the EU finances the building of competences as well as capacities within Sámi organisations, namely the Saami Council and different Sámi youth organisations. Moreover, the event itself took place over three days and a big group of Sámi representatives were actually present in Brussels. The forum needs to be understood as an outcome of other forms of participation, namely through the dialogues and the funding of projects, reflecting on productive links between the forms of participation.

The fourth example, the Peoples' Climate Case at the CJEU, stands for the form of *participation through representation*. It is a *formalised* process and forms part of an EU *internal dimension* of Sámi-EU relations. This example differs quite a lot from the other within-case observations that I analyse in terms of participation as it includes with the CJEU an EU institution that is part of the judicative. Therefore, the observation stands in contrast to the other observations where mainly actors from the legislative and executive were active. Furthermore, it is an observation where Sámi representatives built alliances with other EU and non-EU citizens to push the EU to adapt its climate policy for protecting their livelihoods.

The stakeholder consultations under the EGD are an example of the form of *participation through representation* as well. Stakeholder consultations under the EGD are rather *formalised* processes while being part of an EU *internal dimension*. The consultations belong to the implementation strategy of the EGD (European Commission, 2019) representing the *policy and institutional framework*. Again, Sámi participation in some of these consultations needs to be reflected against the background of other forms of participation, primarily of the dialogues that raise the awareness of certain EU officials for Sámi issues. Closer exchanges and more established contacts then facilitate that Sámi representatives were invited to participate in these stakeholder consultations.

Moreover, the five within-case observations represent different governance levels that involve varying actors from both entities, Sámi organisations and EU institutions. The observations further deal with different topics and implement a diverse set of policies, such as in the field of research, culture, language, sustainable development, regional economic development and climate change. Within these examples, there are two observations that represent the form of “*participation through dialogue*”, the EU Arctic Forum and the Indigenous Peoples Dialogue. However, the two dialogues also display certain differences. In the EU Arctic Forum, Sámi organisations and other IPOs are only one actor group alongside other stakeholders from the

field of business, civil society organisations, representatives from nation-states and different governance levels. At the Indigenous Peoples Dialogue, there is a stronger focus on IPOs with Sámi organisations being key actors as well as on the role of the EU concerning Indigenous peoples' issues. Furthermore, the fora and dialogues of 2019, 2021 and 2023 were organised back-to-back and are, although still two different formats, closely linked to each other with view to the participants as well as to organisational, content-related and institutional characteristics.

In addition to the two within-case observations of the field of participation through dialogue, the sample also entails two within-case observations that can be categorised as “*participation through representation*”, the Peoples' Climate Case and the stakeholder processes. Although they share these certain similarities when it comes to the clustering, they also show differences, which can reason that both within-case observations are part of the sample for the in-depth studies to better understand different forms of access and processes in more detail. The Peoples' Climate Case addresses the CJEU as an actor within the EU system while the stakeholder processes are organised by different DGs within the European Commission. Also on the side of the Sámi organisations involved in these two within-case observations, there is a variety captured that can further support to better comprehend Sámi-EU relations and Sámi participation in EU policy-making.

After the clustering of the five within-case observations following the different conceptual lenses on Sámi-EU relations, the next sub-chapter dives into the five specific within-case observations to analyse concrete forms of Sámi participation in EU processes to further address the research questions.

Table 3: Within-case observations on Sámi-EU relations and their key figures

Within-case observations	Year(s)	Location	Approximate number of participants	Participating organisations / institutions	<i>Institutional and policy framework</i>	Categorisation following model (<i>access</i>)
EU Arctic Forum	2019, 2021 , ⁸⁶ 2023	Umeå/ Ubmeje, Brussels, Nuuk	No numbers for 2019 2021: 150 (plus 300 online) 2023: 80 (plus 50 online participants)	DG MARE, Saami Council, Sámi Parliaments (not in 2021)	EU Arctic Policy	Participation through dialogue, formalised/non-formalised, external/in close relations, Sámi as an Indigenous people
Arctic Indigenous Peoples Dialogue	2019, 2021 , 2023	Umeå/ Ubmeje, Brussels, Nuuk	No numbers for 2019 2021: 80 (plus 300 online participants) 2023: 60 (plus 20 online participants)	DG MARE, Saami Council, Sámi Parliaments (not in 2021)	EU Arctic Policy	Participation through dialogue, formalised/non-formalised, external/in close relations, Sámi as an Indigenous people
EU-Sámi Week	2022	Brussels	60 participants	Saami Council; Sámi Nuorat; MEPs	ENP	Participation through funding of project, rather non-formalised, in close relations, Sámi as a transnational people
Peoples' Climate Case	2022	Luxemburg	Not-applicable	CJEU; Sáminourra	Right to sue at the CJEU	Participation through representation, formalised, internal, Sámi as (EU) citizens
Stakeholder consultations under EGD	On-going process	Brussels	Not-applicable	Saami Council; different DGs depending on topic	Citizens' stakeholder consultations	Participation through representation, formalised, internal, Sámi as (EU) citizens

Source: Author's own compilation.

⁸⁶ The years in bold print indicate the years, in which I was able to participate on-site.

4.2.2.1 The EU Arctic Forum & the Indigenous Peoples Dialogue

The EU Arctic Forum (formerly, Arctic Stakeholder Forum and Conference) took place for the fourth time in 2021 in Brussels, after the events in 2019 (in Ubmeje⁸⁷/Umeå, Swedish side of Sápmi), in 2018 (in Brussels) and 2017 (in Brussels). The forum was organised back-to-back with the Indigenous Peoples Dialogue that took place for the seventh time in 2021, after the dialogues in 2019, 2018 (with only one dedicated session within EU Arctic Forum), 2014, 2013, 2011 and 2010. All of these dialogues took place in Brussels, except for the ones in 2011 (Romsa, Norwegian side of Sápmi) and in 2019 (Ubmeje). Both types of locations send different political signals. On the one hand, organising the dialogues in Brussels where most EU institutions are located and many stakeholders have a representation allows for Sámi representatives and other IPOs to network with different actors. On the other hand, organising the dialogues in the European (Sub)Arctic attracts more local organisations to participate and brings EU-Arctic formats actually to the Arctic. The latter can reduce the perception of many Arctic people(s) that decision about the Arctic are often not made in the region but in the south where the capitals and political/economic centres are located (cf. Shadian, 2018).

With the events in Ubmeje 2019, the character of the EU Arctic Forum and Indigenous Peoples Dialogue has very much changed to becoming more publically accessible and organised as bigger events than the previous ones. The 2019s dialogues were professionally moderated and were also the first ones that were streamed online, which gave me the opportunity to compare the impressions from 2019 with those from the 2021s and 2023s dialogues. In the 2019s dialogues, the division between the two events, the EU Arctic Forum and the Indigenous Peoples Dialogue, was quite strong. The EU Arctic Forum included Indigenous representatives for the welcome and keynote addresses but did not invite Indigenous experts to the panels, which was also voiced by one of the panellist, a representative from the World Wildlife Fund (WWF) who deprecated that finding solutions for the Arctic should include the people(s) actually living in the region, including Indigenous peoples. Moreover, at the Indigenous Peoples Dialogue 2019, two non-Indigenous experts were holding presentations on Indigenous knowledge and Indigenous communities, which was also irritating to some of the Indigenous participants since many knowledge-holders were actually present but were not invited to the stage to share their perspectives.

⁸⁷ Place name in Ume Sami.

To elaborate on the type of access to policy-making and the processes of participation to analyse how the polity dimension influences the politics dimension of Sámi-EU relations, I will relate to my participant observations from October 2021, when I participated in person in the EU Arctic Forum and the Indigenous Peoples' Dialogue. As described for the dialogues in 2019, also in 2021 there was still a clear division of both events perceivable, although the Indigenous Peoples Dialogue was framed as an integral part of the EU Arctic Forum. The programme was organised over two days and took place in the Charlemagne Building in Brussels. Around 150 people were present on-site plus around 350 people who joined virtually – a number that needs to be reflected against the backdrop that bigger public events in 2021 were still very much impacted by the COVID-19 pandemic and hygiene concerns. The event was opened by an address of the High Representative of the Union for Foreign Policy and Security Policy, the Vice-President of the European Commission, Josep Borrell. Borrell's speech was followed by a keynote by the EU Commissioner for Environment, Oceans and Fisheries, Virginijus Sinkevičius, who summarised the most important elements of the then just published EU Arctic Policy (European Commission, 2021). For instance, Sinkevičius stressed the need to keep Arctic oil and gas in the ground while comparing the relevance of the region's climate for the global climate with the Amazonas. At the same time, the Commissioner highlighted the relevance of the critical minerals in the Arctic as well as the region's potential for renewables for the green transition envisioned by the EGD. At this point, Sinkevičius differentiated between different types of Arctic resources and their importance for the EU's plans to decarbonise its economy. By that, the Commissioner also contrasted the different EU approaches towards keeping certain Arctic resources in the ground while exploiting others. Both approaches were argued with referring to the objectives of the EGD and the responsibility of the EU to the Arctic's environment due to its ecological and economic footprint. Furthermore, both approaches have different impacts on land use, in the Arctic in general and in Sápmi in specific – with varying influences on Sámi livelihoods and self-determination.

The EU Arctic Forum in total featured four panels focusing on different topics around Arctic cooperation and brought together panellists representing various affiliations. The first panel on international cooperation included high representatives from Finland, Sweden and Denmark as well as the Chairman of the Arctic Circle, the Vice-President of the Saami Council and a Youth Ambassador. The role of the EU was stressed for strengthening cooperation in the region. The panellists shared different perspectives that also expressed varying interests, for instance, through picking up the narrative of Commissioner Sinkevičius from their key note on resources and land use in the Arctic. In the discussion, many panellists stressed the need to balance

economic development with environmental protection and Indigenous peoples' rights. The Vice President of the Saami Council criticised this idea of 'balancing' though given that measures of the green shift were still directed towards economic growth. To the President of the Saami Council, the promotion of renewables and electronic mobility would only treat the symptoms but not the problem as such of what brought the world into the situation of high energy and resource dependence in the first place. They pointed to the strong impact of the EGD on the everyday life in Sápmi and the need for the EU to apply a rights-based approach respecting Indigenous peoples' rights in its policies. Further, they criticised that although the policy affects Sámi livelihoods, there was no platform established through the new EU Arctic strategy where Sámi voices could be included in a more structured and formalised way. In this panel with the Vice President of the Saami Council, one Sámi representative was present and tried to bring in a Sámi perspective on land use and resource policy while seeking to sensitise for Sámi rights to land and resources. The Vice President of the Saami Council could not only highlight the needs of the Sámi on access to land and resources to the audience but also to the other panellists, of whom some represented the national governments of the Nordics. Hence, one opportunity offered by this panel of the dialogue was not only that a Sámi representative was heard at the EU level, but also that there was an exchange between a Sámi representative standing for a transnational organisation and government officials from Sweden and Finland. Therefore, through the dialogue at the level of the EU, an exchange was facilitated about Sámi matters that could go beyond the level of the nation-state, which might have not taken place otherwise.

The second panel dealt with addressing climate change and environmental challenges in the Arctic regions. It included different researchers from the Alfred-Wegener Institute (a German research institute on polar and ocean issues), the WWF Arctic Programme, a member of the Conservation of Arctic Flora and Fauna working group from the Arctic Council, a Member of the European Parliament, the French Ambassador for the Poles and a representative from the Directorate-General for the Environment (DG ENVI) from the European Commission. There was no Indigenous representative present on the panel, which was criticised by some panellists while referring to the relevant knowledges they hold on the Arctic environment and climate. Different research insights on the changing Arctic were shared and discussed. This panel was composed quite differently to the first and due to its orientation towards research, it mainly included researchers, one state official and two representatives from EU institutions. A representative from the Saami Council, however, still contributed to the discussion through an intervention from the audience in which they criticised that the solutions promoted to tackle

climate change would lead to new environmental problems, not only but particularly in Sápmi. By that, they were also critically questioning discussions from the keynotes and the first panel on why the EU follows a two-sided approach when it comes to Arctic resources and how these approaches impact Sámi homeland.

On this rather critical note, the third panel dealt with the topic of enhancing sustainable and inclusive economic development and consisted of representatives from DG MARE, from the scientific conference Arctic Frontiers, from the International Arctic Science Committee, the Arctic Economic Council and two researchers. The panellists highlighted that Indigenous peoples need to be part of the solution; but no Indigenous representative actually was part of the panel. A representative from the Saami Council again intervened from the audience by criticising EU policies. To them, EU policies would not promote transformative change since the discussions were only about how the world consumed and not how much. They stated clearly “we did not save the land for you to waste and destroy it”. Another representative from the Saami Council challenged in their intervention the narrative of sparsely populated areas as vast lands that could be used for space-intense economic developments, for instance, for the promotion of renewables and mining for critical raw materials. In this regard, they mentioned the court case on the wind parks on Fovsen⁸⁸/Fosen peninsula on the Norwegian side of Sápmi that were ruled illegal in 2021 by the Norwegian Supreme Court. Again, Sámi representatives intervened in the discussion by adding their perspectives and critical thoughts on certain EU policies due to their impact on their livelihoods. Although they or other Indigenous representatives were not invited to the panel, they took the opportunity during the Q&A session and were able to sensitise for their situation through contributing to the discussion. The critical remarks were picked up by the panellists and with view to the next forum in 2023, the organisers made sure to include more Indigenous perspectives throughout the event (see *further elaborations in this chapter on the dialogues in 2023*).

Following up on the exchanges before, the fourth panel on a safe, secure and resilient Arctic invited panellists from Directorate-General for Defence Industry and Space, the Sámi Youth Association in Sweden, the Directorate-General for Mobility and Transport, the Emergency, Preparedness, Prevention and Response Working Group of the Arctic Council and the Greenland Research Council. The Sámi representative stressed that green energy did not always mean green for the local level pointing to environmental degradation through the promotion of renewables or mining for critical minerals at the local level. Further, they added that there were

⁸⁸ Place name in North Sami.

different understandings and assessments of what sustainable policies should entail. With this contribution to the panel, the Sámi representative raised awareness that people did not mean the same when they talking about apparently the same issues using the same concepts or terms, which was a challenge in cooperative formats and also for this dialogue. It could hinder that participants understood each other and could formulate shared solutions if challenges and issues transported different notions and connotations.

In their conclusions, the Director-General of DG MARE, Charlina Vitcheva again highlighted the importance of the forum for the implementation of the EU Arctic policy. They presented the dialogue as an integral part of the implementation of the policy. What remained unclear is, however, how or if the perspectives shared and topics discussed during the dialogue will be channelled into policy processes and EU-internal discussions. If and how they are further discussed and developed internally to actually inform policy-making cannot be assessed, which also links to the variety of actors within the EU who are involved in policy-making affecting the Sámi people. Although the critical interventions and perspectives shared by Sámi representatives were picked up during the events also by other panellists and participants, it stays unclear how the actual content influences EU policy-making. With view to the development of the events over time and how they include Indigenous peoples' representatives, my observations indicate that the organisers tried to address the issue of inclusion more thoroughly with a rising number of Indigenous panellists over the years. The dialogue could create visibility of and attention to different perspectives on Arctic cooperation and sustainable development, including Indigenous peoples' voices. From the side of the Sámi representation, it was further shared that these dialogues give them the opportunity to present themselves as a credible and reliable partner to the EU in EU-Arctic cooperation.⁸⁹

Against the background of the EU-Arctic Forum, the *Indigenous Peoples Dialogue 2021* took place the day after the forum. Around 80 people were present in Brussels and around 300 people followed the discussion online, which is less in comparison to the number of people who were participating the day before. Overall, the decrease in participation from the EU Arctic Forum to the Indigenous Peoples Dialogue was also visible during the events in 2019 and 2023 (also highlighted by interviewees, for instance, interview 19/11/21 & 29/04/22).

On behalf of the Commissioner, the Director-General of DG MARE, the Vice-President of the Saami Council and the head of the Greenlandic Representation to the EU held the three

⁸⁹ Interview with a Sámi representative (29/04/22).

welcome addresses. The Director-General stressed the difference between the Inuit people of Greenland and the Sámi people with view to the relations they have with the EU. They are both Indigenous Peoples but the people of Greenland are not part of the EU, which was also mirrored in the different approaches of the EU towards both peoples. The Director-General also underlined that on the local level, the green transition had two sides, for some it meant new job opportunities and for others it could be harmful. Referring to this keynote, the Vice President of the Saami Council stressed again the need for a rights-based approach for implementing the EGD. For the Saami Council, the green transition also entailed societal changes. By that, the Vice-President built their argument on the interventions that were shared the day before during the EU Arctic Forum. Furthermore, they added that the Saami Council very much valued the relations it had with the Commission. However, the Saami Council also wished for a real partnership that needed to go beyond mere dialogues. They called the EU to lead by example due to its environmental impacts in the region and its normative commitments on involving minorities and Indigenous peoples perspectives and knowledges in its policies.

A video showed after the keynotes featured different actors of European Arctic governance. In addition, the Vice President of the Saami Council was interviewed in the video and shared that the “EU can help us to have a voice within the European system”. Together with the intervention on building a real partnership with the EU, the Saami Council directly addressed the EU level and expressed their perspective on the important role of the EU for the possibilities for Sámi to participate in EU policy-making. By repeatedly formulating this wish for a different type of relations with the EU, the representative of the Saami Council sought to argue for more participation of the Sámi people in EU policy-making to minimise negative impacts of EU policies on Sámi livelihoods, relating to the links between participation and self-determination.

The ensuing first panel discussed opportunities for fostering an inclusive policy. Invited speakers were from the Saami Council, the Icelandic Arctic Cooperation Network, the Directorate-General for Research and Innovation and from The Arctic Institute, a research institute based in the US. The representative from the Saami Council pointed to the centre/periphery framing promoted by the green transition. They referred to the fact that most of the energy in Sápmi was already renewable and that more promotion of renewables in Sámi homeland was only directed towards accommodating energy demands from regions outside Sámi homeland. Furthermore, they underlined the relevance of acknowledging Indigenous knowledges in sciences to achieve more inclusive policies. The researcher from The Arctic Institute strengthened the points raised by the Saami Council and stated that to avoid ‘green

colonialism' in and through the implementation of the EGD, the UNDRIP and the ILO Convention No. 169 needed to be brought to the EU level. This speaker pointed to the standard-setting power of the EU and the possibilities but also responsibilities that came along with that shaping power arguing for a rights-based approach to be included in EU legislatives. With view to the relevance of Indigenous knowledges, they stressed the analogy of avoiding the extraction of knowledges, on the one hand, and of resources and lands, on the other hand.

The second and already last panel of the dialogue dealt with the topic of a young Arctic and engaged Indigenous youth representatives from Greenland and the Finish side of Sápmi, from the Directorate-General for Education, Youth, Sport and Culture and the Directorate-General for Regional and Urban Policy (DG REGIO) as well as a youth representative from the Troms and Finnmark County Council, Norway. The representatives of the two DGs announced the creation of an Indigenous Youth Ambassador for the Arctic, which would promote the visibility of young Indigenous peoples within the EU system. It could lead also to more accessibility for Indigenous youth in general and for Sámi youth in specific to EU institutions in charge of Arctic matters. The Sámi youth representative referred to earlier discussions while pointing to the risk of a newly emerging green colonialism due to policies that pushed economic development on land used by Indigenous peoples for traditional activities. Furthermore, the Sámi youth representative highlighted that there was a need for providing more information about the EU to Sámi youth and that the EU also needed to learn more about the Sámi people. The latter information should be provided by Sámi to avoid that racist or discriminatory information was further shared, which the representative described already as a problem at the local, regional and national level. By this, the panellist underlined the relevance of learning more about each other: for the Sámi people to learn about the EU and for the EU about the Sámi people. It was about trust building that is needed for another type of partnership between the actor groups. One of my interviewees shared that the dialogues can be a starting point and if continued, could serve as platform for regular exchanges leading to a different kind of relation (interview 29/04/22).

Being a shorter event than the EU Arctic Forum, the dialogue was already closed after two panels by the then Special Envoy to the Arctic, Michael Mann. The ambassador stressed the necessity for an inclusive dialogue and that Indigenous knowledges needed to be included in EU decision-making. In order to achieve this, Mann identified awareness-rising inside the EU for Indigenous issues as an important lever to which the dialogue could contribute to as well.

Although the EU representatives present stressed how relevant the events were and that the dialogue together with the EU Arctic Forum were an integral part of the EU Arctic Policy, in general, the events still appeared as split events in terms of participants and agendas – similar to the years before. While similar discussions took place in the two events, it was difficult to relate to topics or exchanges from the respective other forum because different participants from the side of the EU were present and engaged in the discussion. Further, specific representatives were missing on some panels, which hindered framing Indigenous issues as cross-cutting for EU policies. Less people were present during the Indigenous Peoples Dialogue than during the EU Arctic Forum, which indicates that some representatives consider the forum to be more relevant and prioritise their participation there. Concerning the overall organisation and agenda-setting, particularly with view to Indigenous representation more in general and to Sámi participation in specific, I noticed a raised awareness and sensitivity in comparison to the events in 2019 on the composition of the panels and who was invited to speak about which topic and considered an expert.

To complement the in-depth analysis of the 2021 EU Arctic Forum and 2021 Indigenous Peoples Dialogue with additional insights, I will also briefly reflect on the events that took place in 2023 to illustrate developments since 2019 and to show that some of trends from 2019 to 2021 still endure, such as the deepened inclusion of Indigenous peoples' representatives. In 2023, for the first time, the EU Arctic Forum and Indigenous Peoples Dialogue took place in Nuuk, the capital of Greenland.⁹⁰ The two-day event was organised again by DG MARE, with EU Commissioner Sinkevičius having a prominent role. The 2023s dialogues were again streamed online, which allowed me to follow the discussion online to contrast the observations with those from 2019 and 2021.

The *EU Arctic Forum* featured five panel discussions on the topics of “International Cooperation in the Arctic: Moving Forward”, “The EU in the Arctic, and the Arctic in the EU”, “Sustainable and inclusive economic development to the benefit of the Arctic”, “Facing Challenges” and “Delivering results under the EU Arctic policy”. The topics of the panels very much mirror the discussion in the previous years. However, the last panel also focused on the output/outcome dimension of the policies rather than only providing space for status quo analyses and challenges. All panels included at least one Indigenous representative, which was prominently stressed by the organisers, and for the case of the Sámi, they were represented in

⁹⁰ The initial idea of the Commission was to organise the events in Nuuk to also celebrate the opening of the EU representation in Greenland. The process around the representation was not finalised when the event took place. Traveling in wintertime to Nuuk comes with certain challenges in terms of accessibility and prices, limiting the participation.

all panels except for one. This raised sensitivity on the composition of the panels continued and reserved Indigenous representatives a seat at the table.

With view to the difference to the previous events, the 2021s dialogue did not have any representative of the Sámi Parliaments present, only Saami Council representatives, which was criticised by my interviewees and prompted the Sámi Parliamentary Council to write a letter to the European Commission explaining the difference between the Parliaments and other Sámi organisations in terms of representativity and legitimacy.⁹¹ This was picked up by the organising DG MARE in the 2023s event. The President of the Sámi Parliament of Norway was present and participated visibly in several panels. The organisers also tried to include (Indigenous) youth perspectives by inviting and including them in several discussions. Although Nuuk is a remote place and particularly in the winter more difficult to reach, around 80 people were present in Nuuk (and around 50 online), representing different IPOs but also EU institutions. The number of participants who flew in indicates that even if the forum takes place in a more remote place, which is also linked to higher traveling costs, it is considered a relevant forum to attend.

The participants of the panels raised current issues in the field of Indigenous peoples' rights, inter alia, against the background of the green transition – a topic which was prominently discussed in the dialogues in the year before. Sámi representatives stressed, for instance, increasing land encroachment leading to land use conflicts in Sápmi and human rights issues by pointing to ongoing human rights violations on the Norwegian side of Sápmi on the Fovsen Peninsula and worries on the impacts of potentially increasing mining activities in Giron, Swedish side of Sápmi on reindeer herding and other traditional activities due to the discovery of critical raw materials and continued mining for iron ore. Some shared that they wished to see more EU engagement because they do not see that ongoing human rights violations in EU Member States were followed by any official reactions from the side of the EU. The EU was further called to recognise the Sámi people in their policies, e.g. through a mapping of areas where mining or the promotion of renewables could not take place due to traditional land use. It was repeatedly said that Sámi needed to be recognised as rights-holders in the EU as they were the only Indigenous peoples within the EU; a call also stated in 2021. By being recognised as rights-holders, Indigenous peoples could become part of initial discussions and contribute in a more meaningful way to policy-making. Uncertainties in the development of projects could

⁹¹ On the relevant role of the Sámi Parliaments for self-determination, see (Szpak, 2019, p. 7).

be minimised for all actors involved, in contrast to the current situation, when land use conflicts were only solved in the last step in the courts. Currently, there were no legal securities in the EU when it comes to land use, which was framed as a great challenge for a successful implementation for the EGD. In contrast, EU officials presented the EGD as bringing positive change to the Arctic with the EU being a predictable partner in the Arctic. At this point, it seemed difficult for the participants representing the actor groups of Sámi organisations and EU institutions as well as of other stakeholder groups of Arctic governance to get into in-depth discussions as the different perspectives were presented often in a rather dichotomous manner.

Furthermore, there was a strong call for more permanent relations as Sámi representatives did not have the capacities to participate in every dialogue they were invited to, a challenge that was also shared by representatives at earlier dialogues. Sámi representatives proposed a more structured, long-term collaboration model that should include a participatory mechanism for the Sámi in the EU and that would establish a focal point for Sámi issues in the Commission. The latter, following the Sámi representatives, would allow for a more channelled Sámi participation into policy processes and at the same time, it would enable the EU to bundle information, for instance, on land use in Sápmi. In addition, the capacity building measures financed by the EU should be intensified to further support Sámi capacity building on EU structures.

By assessing Sámi-EU relations on a more global level, Sámi representatives stressed the discrepancy between an EU internal and external dimension of an Indigenous peoples policy. They stated that currently the external policy dimension entailed a better protection for Indigenous peoples' rights than the internal dimension. Sámi representatives directly referred to the responsibility of the EU by highlighting the UNDRIP. The UN level was further mentioned as it would ensure Indigenous peoples' rights as human rights. UN's Rapporteur on the Rights of Indigenous peoples, Francisco Cali Tzay was present as well and reminded that the UNDRIP needs to be followed by EU policy-makers and applied more thoroughly in EU policy-making. Already in 2021, different Sámi representatives stressed this call.

To further complement the data and insights gathered from the 2021 *Indigenous Peoples Dialogue* in terms of key figures and rationale with view to the research question, I will also reflect on my online participation in the 2023s event. Concerning the number of participants, with around 60 people, there were less participants present than during the EU Arctic Forum the day before and also online participation dropped substantially (around 20 people followed the livestream). Building on the discussions from the day before, Sámi representatives highlighted that the Sámi are “the only people without permanent representation in Brussels”

in the EU in contrast to Greenland with a representation in Brussels. The recognition of the EU was framed as a necessary condition for the Sámi to get better access to EU structures. Sámi representatives pointed to the challenge that it was not enough to relate to Sámi-EU relations through the nation-states' channels only but that there were structures needed that facilitate direct exchanges between the EU and the Sámi people on a more bilateral level. Following EU's principle on subsidiarity, Sámi representatives stated that finding local solutions and promoting local governance were relevant but that in some cases, problems could not be solved there due to the cross border character of Sámi-EU relations. To establish these structures should complement Sámi-state relations.

Although the funding of projects in and for Sápmi was seen as something positive as it helped to further develop capacities on the side of Sámi representation towards the EU and to raise awareness on Sámi issues on the side of EU institutions, this type of relations was not considered to be sufficient. Sámi representatives further called on the EU to use its power beyond EU structures, in international fora to protect Indigenous peoples' rights globally.

Reflecting on the developments of the formats over time, the Director-General of DG MARE said that in their opinion "every next time it is better". The EU official restressed the intention of the organisers to not separate between the EU Arctic Forum and the Indigenous Peoples Dialogue. Moreover, the Director-General expressed that the EU wished for more exchange with Indigenous peoples on a regular basis. They referred to the next Barents-Euro Arctic Council Meeting taking place in March 2023 in Brussels at the EU Parliament with the active participation of Sámi representatives and parliamentarians.⁹² Concerning how the dialogues have started, a lot had changed already and closer relations between the EU and Indigenous peoples' representatives in general and Sámi representatives in specific were established.

By referring these reflections from the observations of the EU Arctic Forum and the Indigenous Peoples Dialogue to the model of the logics and forms of Sámi-EU relations (*Figure 3*), certain conclusions can be drawn on the access to EU policy-making due to the different status of the Sámi people and the processes of participation. The type of access *Participation through dialogue* deriving from the status of transnationality and Indigeneity can give Sámi representatives visibility in the EU and can raise the general awareness for Sámi issues. The

⁹² Under the Finnish Chairmanship of the Barents-Euro Arctic Council, Sámi parliamentarians were invited to the European Parliament in March 2023 to the Sámi Summit.

dialogues⁹³ cannot directly influence policy-making but through the contacts established through the dialogues more in-depth exchanges can be facilitated, which can lead to other types of access for Sámi representatives to participate in EU policy-making.

EU officials frame both events as integral to the implementation of the EU Arctic Policy, which implies certain influences of these dialogues on policy-making. Since the organisation of the dialogue lies with the EU institutions, it is with the EU institutions though to decide whom they invite for which panel and also how they set up the agenda. Concerning the criterion of *formalisation*, the two events are at the margins of formalised and non-formalised forms of participation. The two events can look back already to a certain history and tradition but are not formalised in the real sense. Coffee breaks and exchanges on the sidelines of the events allow for settings that are more informal. *Formalised structures* are also complemented with *less formalised* elements that can lead to other more informal exchanges that can again lead to other more formalised settings. The public character leads to more publicity and accessibility. However, the more open character can also hinder more in-depth exchanges with speeches that are rather superficial than facilitating meaningful participation.

With view to the *processes*, Sámi could participate (if invited to do so) through either holding a speech or a keynote, as panellists or through asking questions in the Q&A part of the sessions. Due to the rather regular setting, Sámi organisations can prepare their participation in these events beforehand. The EU also tries to provide travel funds for the participants to come to Brussels or to the other locations where the events take place. As some Sámi representatives live in quite remote places in Sápmi, these travel funds really matter to ensure that they can actually participate on-site. Online participation further allows Sámi representatives to follow the discussions online, although the interactions were rather limited. For instance, during the last livestream of the dialogues in 2023, the chat function was deactivated and it was not possible to ask questions or share comments as an online participant. On-site, particularly during the more informal coffee breaks, Sámi representatives could reach out easier to EU officials and arrange meetings alongside the events. Thus, the publicity of the events made them more accessible for Sámi representatives and the broader public, which also raised their transparency. Moreover, the publicity of the events could be used by Sámi representatives through applying so-called naming and shaming strategies directed towards the EU or national governments (cf. Wilson Rowe, 2018). However, the right addressees were often not part of the

⁹³ Yet, one Sámi representative who participated on-site in the 2023's EU Arctic Forum and Indigenous Peoples' Dialogue shared that the events did not present dialogues in the real sense and that there was a need to reform them (personal communication March 2023).

events with only a few EU officials who stayed for the whole events and with often only Arctic ambassadors representing the national level, which challenged direct confrontation. The dialogues showed the actor complexity on the side of the EU with which Sámi organisations need to cope with. The amount of different DGs present at both events that send different personnel and that stand for varying agendas, makes it often quite challenging for Sámi organisations with limited human capacity to find the right contact person(s) for specific issues and to maintain all relations over time (interview 26/01/22 & 29/04/22).

Furthermore, the dialogues can contribute to network-building between different IPOs but also with other Arctic stakeholders. Going beyond the events, however, there are no formalities to feedback or channel Sámi voices into EU policy-making after the dialogues. The present EU officials, except for the Directors-General, the EU Commissioners and the Special Envoy, are further often only representing the operating level of certain EU institutions. Hence, they have limited competences and decision-making power to feedback their insights gathered during the event and incorporate them into policy-making. The higher level of EU officials emphasise though that they consider the exchanges during the formats as very valuable and helpful. However, it stays unclear how the process after the formats really gets informed by the information, criticism and recommendations shared by Sámi representatives during the events. It is with the EU institutions if and how they further deal with the inputs as well as if and how they translate them to policy-making.

With the characteristic *in close relations/external* of the EU Arctic Policy to which the two events build an integral part of, Sámi are only one actor group alongside others promoting networking with other IPOs and stakeholders (e.g. environmental NGOs, WWF). Together with other IPOs and NGOs, Sámi organisations can join forces in pushing different policies that include better environmental protection and the promotion of Indigenous rights. However, “[t]he Sámi have a natural relationship with the EU” (Sarah Olsvig, Inuit Circumpolar Council, ICC at the Indigenous Peoples Dialogue 2023, Nuuk, Greenland). With the ‘natural relationship’ of the Sámi people with the EU, Olsvig relates to the different status Sámi people have as an Indigenous people within the EU. From this specific status, Olsvig derives a different kind of relationship of Sámi representatives with EU officials that they describe as ‘natural’ in contrast to other Indigenous peoples in the Arctic, for instance to their people the Inuit, and beyond. The Arctic framing of both events only captures Sámi issues partly since also other EU policies impact Sámi livelihoods and not all Sápmi belongs to the Arctic regions. However, through the EGD, Arctic issues, hence, also Arctic Indigenous peoples’ issues, are framed

closer to other EU policy-frameworks, which allows for linking Arctic issues with other policy fields that have an impact on Sámi livelihoods.

In sum, analysing the forum and the dialogue as examples of participation through dialogue and being one of the forms of participation with the longest history also allowed for more general assessments of Sámi-EU relations and of how the polity dimension influences the politics dimension. The analysis further indicates that grades of formalisation can be floating with more and less formalised elements featuring each other. Overall, the two formats became established regular events with a raising awareness for Indigenous matters in general and for Sámi issues in specific. Still missing is, however, more transparency about how insights and results are translated to policies that could allow for assessing how Sámi participation can actually inform policy-making. Having said this, such a lack of transparency is not specific for Sámi-EU relations but rather a more general challenge of including stakeholders' and rights-holder' perspectives into policy-making.

Against the backdrop of the EU Arctic Forum and the Indigenous Peoples Dialogue, the next in-depth within-case observation on the EU-Sámi Week displays another form of participation and degree of formalisation as well as refers to a different political and institutional framework. Nevertheless, similar dynamics are identified to assess how far Sámi participation is enabled through Sámi-EU relations.

4.2.2.2 *The EU-Sámi Week*

As a third example illustrating processes of Sámi participation in EU policy-making I have selected the EU-Sámi Week given its relevance for the case as it reflects a certain development of the relations. The week took place for the first time in June 2022 in Brussels. It was organised by Suoma Sámi Nuorat (a Sámi youth organisation from the Finnish side of Sápmi) and the Saami Council with funding from the Interreg Nord project "Filling the EU-Sápmi knowledge gaps" under the European Regional Development Fund. Regional cooperation partners were the Regional Council of Lapland (Lapin Liito) in Finland, the Troms Region and Finnmark in Norway, the Sámi Parliament of Norway, the Region Västerbotten and Norrbotten in Sweden. It was a three-day workshop with different types of formats on diverse topics with two overall aims: on the one hand, to raise awareness on Sámi rights and issues at the EU level and, on the

other hand, to inform Sámi representatives on the EU system. In comparison to the EU Arctic Forum and Indigenous Peoples Dialogue, the EU-Sámi Week had a specific focus on Sámi-EU relations. At the EU Arctic Forum and Indigenous Peoples Dialogue, Sámi representatives are only one actor group alongside other Indigenous peoples' representatives as well as stakeholder groups from businesses, municipalities, regions and others. Hence, the EU-Sámi Week might allow for a deeper insight into Sámi-EU relations than the before mentioned dialogues because it provides space for discussing Sámi-EU issues in specific.

Most of the sessions took place in a building of the Committee of the Regions but the group also visited the European Parliament and the Press Club in Brussels for certain parts of the programme. Different representatives of the Sámi shared their knowledge on Sápmi in presentations but also through storytelling, art, film, music and dance, and food, participants could learn about the traditions, culture and livelihoods. Different topics such as an envisioned closer EU-Sápmi partnership, climate justice and Sámi culture were discussed with representatives from EU institutions like the European Parliament – represented through the Vice President, through different Members of the European Parliament (MEP) from the Greens/EFA, Progressive Alliance of Socialists and Democrats, Left group and Renew Europe from Sweden and Finland – and the European Commission – through different Directorate-Generals, e.g. DG ENVI, DG REGIO, DG MARE, the Vice President and the Commissioner for Environment, Oceans and Fisheries (DG MARE) – as well as the European External Action Service (EEAS).

On the side of Sámi organisations, the Saami Council, Members of the Sámi Parliaments, youth organisations, reindeer herders, educators and artists were present. Sámi representatives presented themselves as knowledge- and rights-holders in the European Arctic with a say at the EU level that does not go through the national level. Many wore their traditional clothes, the Gákti. Although Sámi representatives stressed that “we are more than our clothes”, other participants stated that it was a quite powerful picture to see so many Sámi people in the EU borough in Brussels. Sámi representatives framed Sápmi as part of the EU while also underlining the distinct status of their people that needed to be acknowledged. The EU was described as both, on the one hand, a lever of Indigenous rights (e.g. support of the UNDRIP, the ILO Convention No.169) and an mediator in the relationship with the nation-states. On the other hand, however, the EU was also seen as an additional burden for realising Indigenous rights and as part of colonial power asymmetries. For instance, Sámi representatives referred to the case of the Inuit and the Seal Ban many times while linking it to the missing Sámi

perspective in the EGD. They assessed these policies with the same dynamic. Such policies were pushed by the EU, for following a greater objective and leading to unconsidered local impacts: In the case of the Seal Ban, decisions were argued with animal rights (Airoldi, 2010, p. 35) and in times of the climate crisis with the green transition, which is needed for global mitigation purposes. However, both initiatives were framed as example for the footprint of the EU that is leading to negative local impacts, not only, but particularly for Indigenous peoples.

Furthermore, the Sámi representatives present described the differentiation and incoherence between internal and external policies for Indigenous peoples as not productive since it excluded the Sámi people from certain EU policies addressing Indigenous issues. Through pointing to the more elaborated external Indigenous Peoples Policy, they stated that most of the elements were not applicable to the case of the Sámi, since the majority of Sámi people today either hold EU citizenship or belong to the EEA through Norway.

Sámi representatives also shared their concerns about a policy shift to a stronger security focus in Arctic governance due to the Russian war against Ukraine leading to a strong focus on states and less attention to the climate crisis and its impacts on Indigenous peoples. However, both, the climate crisis and impacts on Indigenous peoples were part of a security framing, expressed in a statement of a Sámi representative: “we do not have any more lands for military, wind power or mines”. Land use conflicts and the role of the EU in this respect were discussed, many EU representatives used the wording of balancing between Indigenous rights (to land) and development projects or framing it as the need for finding compromises. However, this would not be in compliance with international law on the protection of Indigenous rights (e.g. following the ILO Convention No. 169 or the ICCPR), which was stressed by different Sámi representatives by also reflecting on current court cases in the Nordic countries where Sámi representatives went to court, e.g. in the Fovsen case on Norwegian side of Sápmi or the Girjas case on the Swedish side of Sápmi.⁹⁴

The Russian war against Ukraine would also assert more pressure on Sápmi due to more energy projects that are aimed at reducing the energy dependencies of the EU and its Member States. Many Sámi representatives shared their worries about these new dynamics and that security issues were often only framed as ‘state’ issues while leaving little space for other actors than the state. Regarding potentials for cooperation between the EU and the Sámi people, Sámi representatives reflected on the interdependencies between EU and Sápmi as well as on uniting

⁹⁴ Following international human rights standards, “economic development and environmental protection cannot serve as justification for violating the rights of indigenous peoples” (Szpak, 2019, p. 2).

characteristics such as the cross border identity promoted by the EU that very much features Sámi as a transnational people. However, Sámi representatives also addressed existing power asymmetries with the EU that would hinder a closer cooperation.

Against this backdrop, the newly published EU-Sápmi strategy was presented by Sámi experts (Sámiráđđi, 2022b)⁹⁵. The strategy deals with the question of how the relations between the Sámi people and the EU could be further developed while stressing the relevance of publishing such a strategy as an empowering factor. For these relations, Sámi representatives envisioned to address three different levels with the EU: The policy level (1), access to funding (2) and the regulatory level (3). In more detail, the policy level (1) entails, for instance, the EGD and the policies aligned to it like 'Repower Europe' that aims at affordable, secure and sustainable energy for Europe in response to Russia's war against Ukraine. In this regard, Sámi representatives shared their concerns about permitting processes, which, following the policy, would need to be faster. Member States were encouraged to look for low environmental risks when issuing new permits, e.g. for renewable energy facilities or mining projects. However, Sámi representatives were worried that this would happen to the disadvantage of Sámi rights. Sámi representatives shared that the final responsibility lied with the nation-state but that the EU also held a certain responsibility due to its framework-setting competence. Better access to funding (2) would be necessary to address the lack of human capacity on the side of the Sámi, which was seen as a great hindrance for a successful cooperation with the EU and more Sámi participation in EU structures. As a minority, Sámi representatives pointed to the limits of increasing human capacity and the need to find allies. Thus, it was difficult for Sámi organisations to participate in every process that concerns their interest and might impact their self-determination. One representative called it even an emergency status as Sámi organisations had to handle many requests and needed to say no to certain processes, although their participation was relevant in all processes as the linked projects influenced their self-determination. Therefore, many representatives called for more formalised processes allowing Sámi organisations to better and easier address these requests. This observation indicates that it is not only about participation per se but also about more formalised processes providing Sámi organisations actual accesses to policy-making. Due to limited human capacity and often

⁹⁵ During the opening of the Summit of the Barents Euro-Arctic Indigenous Sámi People in March 2023, the President of the European Parliament, Roberta Metsola picked up the strategy while stating that "[t]he European Parliament supports programmes that help empower Sámi people to make their voice heard at the earliest stage of the legislative process, such as at the Interreg Nord programme that paved the way for an ambitious EU-Sámi Strategy" (Metsola, 2023).

unclear procedures within the EU, even if offered, Sámi participation cannot develop its full potential.

Relating thereto, the idea of having a Sámi representation in Brussels was very often mentioned during the sessions of the week. Currently there was no permanent staff of Sámi organisations in Brussels. Hence, establishing more institutionalised channels to the EU would be even more difficult. Sámi organisations framed not having a representation as an obstacle for influencing policies and, ultimately, they depicted this situation as another hindrance for their participation within the EU. In terms of representation, the idea of an EU office in Sápmi operated by the Human Rights Division of the EEAS was discussed as well, which could establish a focal point and direct contact to the EU for Sámi communities. The representative from the Human Rights Division of the EEAS also held a presentation on EU's Indigenous Peoples' Policy. In the presentation, the representative was mainly focusing on human rights dialogues, which are not taking place with or about the Sámi people living in the Nordic states due to the inherent external character of the policy that set the framework for the dialogues. The presentation illustrated the difference and discrepancy between the external policy dimension on Indigenous peoples and an internal one that still needed to be developed. Adding on these representational questions, the participation further discussed the lack of Sámi representation in the European Parliament and other key EU institutions, which also hinders the inclusion of Indigenous knowledges in EU policies. On a regulatory level, Sámi representatives stressed the necessity to issue certain legal exceptions for the protection of Sámi livelihoods in the form of positive rights.

The Sámi representatives present at EU-Sámi Week described the climate crisis and the impacts of political solutions to minimise its effects as the biggest threats to Sámi livelihoods. Particularly, Sámi representatives engaged in reindeer herding stated that the building of new renewable power plants was just another item on a long list of development projects on their land that were threatening their livelihoods. They referred to the concept of climate justice and the double burden of Indigenous peoples while highlighting that they were not against the so-called green transition but that they “cannot carry the burden alone”.⁹⁶ Without access to the land as an integral part of Sámi livelihoods, the representatives assessed the future of traditional activities and Sámi culture as threatened. To them, the EGD needed to be understood primarily

⁹⁶ “Paradoxically, the threat to the Saami livelihood, human security and development is threatened not only by climate change but also by actions undertaken to mitigate or prevent it” (Szpak, 2019, p. 5).

as a growth strategy and not as a strategy that envisions social, economic and ecological transformation.

The Vice President of the European Parliament stated that all Member States should sign and implement the ILO Convention No. 169, which goes in line with the standpoint expressed in the Sápmi-EU strategy (Sámiráđđi, 2022b) that the EU should make sure that the Member States were respecting EU treaties and international arrangements on human rights and Indigenous rights. Sámi organisations directly addressed the EU to act as a mediator in their relations to the Member States and as a potential lever for Sámi rights while referring to EU's normative claims as a global human rights promoter. Further, with view to Sámi youth engagement, the role of the EU as a lever and mediator was highlighted repeatedly by different actors present.

Against this background, the Sámi representatives also discussed the discrepancy in the Nordic states in terms of democracy and rule of law, an external perception, the normative claim and the reality. Although the Nordic states were global leaders in these statistics and indices, Indigenous rights were not protected properly at the national level given that there were no legal certainties on Sámi rights to land and resources leading to the phenomenon of 'only applying law' (cf. Allard, 2015, pp. 52-55). Globally, Sweden, Finland and Norway stood for a very positive image, which Sámi representatives saw challenged by local and regional realities for their people. A Sámi pathfinder who also worked at the Sámi Pavilion at the 2022 Venice Biennale, for instance, shared how many visitors were surprised by the pieces shown during the art exhibition that thematised the Nordic states as colonial states.

The EU personnel that was present had some knowledge and general sensitivity towards Sámi issues but, for instance, during the crash course on Sápmi at the first day of the week, only a few EU representatives were present. Moreover, the MEPs present talked about the little knowledge in the parliament overall on Sámi issues as EU internal issues. In general, one could notice that representatives from the two actor groups often used the same words while referring to different idea(l)s, which indicates a different understanding of certain terms and concept, challenging a shared understanding of issues and finding potential solutions.

Representatives from both actor groups framed the dialogues during the week as important for raising awareness and potentially influencing policy-making. However, particularly Sámi representatives stressed that the dialogues needed to be more concrete to lead to policy outcomes that could feature Sámi perspectives more ("we need more than dialogue"). Since the

week represents a rather non-formalised dimension of Sámi-EU relations, good relations between certain individuals are key, for instance, between the MEPs and representatives from the Saami Council as well as with EU officials from different DGs and the EEAS.

In comparison to the other participant observations at the EU Arctic Forum and Arctic Indigenous Peoples Dialogue, this event was organised by Sámi organisations in cooperation with MEPs. Since it took place for the first time and is linked to the funding of a project, it is hence less formalised and institutionalised than the other previously analysed dialogues. The organisers planned for many breaks for networking, reflections and discussions as well as organised diverse panels in terms of panellists, topics and formats. The official hosts were the MEPs, however, the organisation was with the Sámi organisations. Yoiks (traditional Sámi singing) at the beginning and end of each day together with many participants wearing Gáktis made the Sámi people in Brussels quite visible.

In summary, with view to Sámi participation in EU policy-making, the Sámi-led organisation of the week had an empowering dimension, which was shared by several participants as well as by the organising Sámi organisations. The project funding of the EU facilitated the organisation but Sámi could still set the agenda, which also has an impact on the dynamic between the actor offering participation and the other actors demanding participation. Concerning participation, it was rather about attracting EU officials to participate, who could then feature Sámi participation in later policy-making processes. The organisers of the EU-Sámi Week wanted to provide a space for exchange between the two actor groups, EU institutions and Sámi organisations, to support a better understanding of each other's interests and needs. Sámi representatives as well as EU representatives repeatedly stated that they wanted the EU-Sámi Week to become a regular meeting space, which could lead to more formalisation in the future.

After having focused on two examples of *Participation through dialogue* and one of *Participation through the funding of projects* within Sámi-EU relations for analysing accesses and processes of Sámi participation in EU policy-making, the next two observations stand for a different form of participation, degrees of formalisation and actors involved. The fourth and fifth in-depth studies further differ from the previous three ones that I have analysed before because they do not build on participant observations. Instead the studies relate to data gathered through desk research and complementing interviews. Due to less information available, these analyses fulfil rather the function of an excursus within the broader case of Sámi-EU relations.

4.2.2.3 *The Peoples' Climate Case*

The Peoples' Climate Case is an example for *Participation through representation* through the right to sue at the CJEU. With that, the within-case observation is different than the before analysed observation as it is informing the legal sphere instead of the political. The Court “constitutes the judicial authority [of the EU] and, in cooperation with the courts and tribunals of the Member States, it ensures the uniform application and interpretation of EU law” (Court of Justice of the European Union, 2023). Hence, the Peoples' Climate Case brought forward at the CJEU is a formalised type of participation. Together with families from France, Germany, Romania, Portugal, Italy, Kenya and Fiji, the Sámi youth organisation Sáminourra from the Swedish side of Sápmi participated in a litigation process against the EU, the so-called Peoples' Climate Case (2018-2021). The actors involved all see their livelihoods threatened by the climate crisis and do not assess the EU's current climate policy and legislation as sufficient enough to protect citizens against the impacts of the ongoing climate crisis. The families and Sáminourra wanted to urge the EU to stick to the 1.5-degree goal agreed upon in the Paris Climate Agreement. By that, Sáminourra together with the families have tried to link this call with the overall objectives envisioned by the EGD. In 2021, the CJEU has refused the claim because it could not determine legally an individual affectedness of the claimants, which would have been necessary for the court to take up the case.

Although the lawsuit was ultimately not successful for the group, it is still an interesting case to consider for better comprehending Sámi-EU relations and the different types of access Sámi have to EU policy-making as well as of the processes of their participation at the EU level. It is an example of how Sámi representatives use different channels of influence and also find allies beyond their people to urge the EU to apply a stricter climate policy. The climate crisis is framed as a direct threat to their (traditional) livelihoods and more environmental protection and stricter climate laws overall are seen as also benefitting for the Sámi right to self-determination. This case shows that Sámi organisations can be more successful when their interests match with the overall objectives of environmental protection. They can link their own interests in securing access to a healthy environment with those of other people and relate to a general call for more climate protection.

The next and last in-depth study analyses another example of participation through representation of Sámi-EU relations from the political sphere. Under the framework of the EGD, the European Commission organises different so-called stakeholder consultations to

bring together different actors to comment on and share their opinion about different EU policies. They can be organised with the objective to receive feedback on a current issuing process of a policy or also after a policy has been implemented to assess or evaluate on first insights.

4.2.2.4 *The Stakeholder Consultations under the European Green Deal*

The stakeholder processes all form part of policies under the implementation of the EGD, around the Forest Strategy, the Climate Pact, the Just Transition Fund, the Biodiversity Strategy, the From Farm to Fork Strategy⁹⁷ and the Critical Raw Materials Act. Their relevance was emphasised also by several interviewees as well as – except of the lastly named – highlighted in a press release by DG MARE on the concluded project “Filling the EU-Sápmi knowledge gaps” within Interreg. This specific cooperation format led to the participation of Sámi representatives in stakeholder processes as well as to the first EU-Sámi Week that took place in Brussels 2022, which highlights the links between cooperation formats and stakeholder processes as well as between the involved actors. Moreover, it supports the EU-Sámi Youth Idea Lab, a format initiated by the Saami Council to collect ideas on how to increase Sámi youth participation in EU decision-making.

Following the model of the logics and forms of Sámi-EU relations, the consultations present the access “*participation through presentation*” (Figure 6). The stakeholder processes can demonstrate in more detail how Sámi representatives can contribute to specific policies. To better show the processes of this type of participation and following a most-different case design, I will contrast two examples of the sample of stakeholder consultations under the EGD, the Forest Strategy and the Critical Raw Materials Act. Forestry is an important economic sector in both Sweden and Finland, which is why, representatives from the national level and from businesses were reluctant to the strong focus on protection in the new strategy because they see it as potentially worsening forestry as an economy.⁹⁸ In this specific case, the interests of the

⁹⁷ The Vice President of the Saami Council Åsa Larsson-Blind said about the From Farm to Fork Strategy during the Indigenous Peoples Dialogue 2023 that „the strategy supposes that the rest of the EU should do what we are already doing“, it would be about local food production, organic food production and a circular thinking for less waste. Due to the specific challenges to food security in Sápmi, Åsa Larsson-Blind wants to see an EU strategy on food with a focus on Sápmi.

⁹⁸ Just in its programme for the Swedish Presidency of the Council of the European Union, the Swedish Government mentions the implementation of EU’s Forest Strategy which needs to “ensure that the balance between the three dimension of sustainability is observed” (Swedish Government, 2023, p. 29).

EU and the Sámi were very much in line with each other; hence, the interests of the Sámi were covered by the overall EU negotiations.

The example of the stakeholder process around the new EU Forest Strategy (European Commission, 2021) indicates that if the EU agenda coincides with Sámi interest, the EU is pushing its interest also against those of individual Member States, in this specific case against Sweden and Finland. The EU has identified the protection of forests and the measure of reforestation as key elements to tackle the climate crisis and framed it as a relevant part of the implementation of the goals defined in the EGD. Against this background, the EU organised the overhaul of its Forest Strategy and an accompanying stakeholder process, to which also Sámi representatives through the Saami Council were invited to – alongside representatives from the Member States and businesses involved in forestry. Even though the term ‘Sámi’ or ‘Indigenous’ is not mentioned once in the strategy, Sámi representatives were content with the results as they saw their interests as well covered in the new strategy.⁹⁹ For many Sámi, forests fulfil an important role for the practice of traditional livelihoods. Forests are providers of traditional food, of materials for handicrafts and are inherently linked to Sámi culture. In the case of the consultations around the Forest Strategy, Sámi representatives could bring in another voice for environmental protection, which was also supported by the negotiation position of the European Commission.¹⁰⁰ Hence, the positions of the Sámi representatives and those of the EU Commission strengthened each other and overruled those of the other actors present, first and foremost, of the Member States.

Another example are the stakeholder processes around the Critical Raw Materials Act/Initiative (2008, updates from 2011, 2014 & 2017), which is also part of the political framework of the EGD. It displays a different dynamic in the relation between the EU and the Sámi people. Critical raw materials play a significant role for the objectives under the EGD as they are needed, for instance, for the development of batteries, windmills, grids and other elements relevant for the green transition. In the current geopolitical context, when it comes to critical raw materials, the EU wants to become more independent from imports from China and other (authoritarian) countries where, on the one hand, social and ecological standards cannot be assured and, on the other hand, value chains are not always reliable. Therefore, the European Commission, the Member States Sweden and Finland as well as representatives from the regional and municipal level frame the European Arctic as an important region for fulfilling

⁹⁹ Impression shared by an interviewee who participated in the stakeholder process (29/04/22).

¹⁰⁰ Ibid.

demands of the green transition because of the natural occurrence of certain minerals in the region and the higher social and environmental standards.¹⁰¹ Accordingly, the EU aims for sustainable mining and domestic production that can also take place in Sápmi since it covers a large part of the region. The EU holds a different stand when it comes to mining in comparison to forestry. In the case of mining, the agenda of the EU does not match with the predominant Sámi perspectives on keeping the minerals in the ground and a focus on environmental protection. Rather the standpoint of the Member States, Sweden and Finland and of the EU strengthen each other. In the stakeholder processes around mining for critical raw materials, the interests of the EU and the two Member States overruled the position of the Sámi.

For the representatives of the Sámi, particularly those who represent communities practicing reindeer herding and other traditional land uses, it is difficult to bring in their perspectives leading to only limited meaningful contributions to the process of policy-making. Although the EU mentions the FPIC principle in its Arctic Policy, it is not applied in the Critical Raw Materials Act, for instance. The objectives of the Act have a great impact on land use also in Sápmi, which is why Sámi representatives would have liked to see more Sámi participation to inform policy-making. In general, the framing of stakeholders as applied in these processes around the EGD and its implementation cannot cover the case of Indigenous peoples' participation, which is also a challenge to the role of Sámi representatives in contrast to other 'stakeholders' present, reflecting on the all-inclusivity concept of stakeholder engagement.

Overall, examples of the stakeholder processes indicate that if the EU agenda matches with Sámi interests, Sámi representatives can use the EU level for bringing in their perspectives and contributing to EU policy-making. These EU policies then can also influence local policies and in the case of the Forest Strategy, can ameliorate the status of the Sámi locally. The Sámi can use the EU level for circumventing the national level to push for stricter environmental laws for forests. In contrast to this stakeholder process and its policy result, the policy-making on critical raw materials and their domestic promotion shows that if the predominant Sámi perspective and the EU political agenda do not overlap, the EU level does not act as a lever for Sámi rights or mediator with the nation-states but rather as an additional burden to the national level. EU and national interests are overpowering local, Sámi interests, which makes it difficult for Sámi representatives to advocate for their interests in resolving land use conflicts in Sápmi. The two-

¹⁰¹ Only on January 12th, the Swedish state-owned company, Luossavaara-Kiirunavaara Aktiebolag (LKAB) announced that it has discovered Europe's largest known deposit of rare earth elements in Giron (Zimmermann, 12.01.2023). In Giron, LKAB operates the biggest underground mine in Europe for iron ore. Giron, Sweden's most-northern municipality and largest northern city is built on Sámi homeland.

sided approach that was already perceivable during the analysed dialogues expressed itself again in the stakeholder processes in policy implementation. Hence, Sámi-EU relations can act as enablers for Sámi participation in certain cases while in others, participation gaps appear with a negative influence on Sámi self-determination.

In the next sub-chapter of the case study, I summarise the findings while referring to the thesis' model to answer the research question(s). By that, I prepare the findings to relate them to other cases of the population in subsequent chapter of the discussion and contextualisation chapter.

4.3 Findings and recourse to the model

In this last sub-chapter of the case study, I summarise my findings and relate them to the model that I developed throughout this thesis by applying it to the case of Sámi-EU relations, from the conceptual framework 'Four conceptual lenses on Indigenous peoples' participation in transnational policy-making' (*Figure 1*) to its operationalisation 'Sámi-EU relations: From a conceptual level to policy and institutional frameworks' (*Figure 5*) and application to the case 'Sámi-EU relations: forms of participation and formalisation, politics and policies, and within-case observations' (*Figure 6*). Building on these considerations, I draw general conclusions on the development of the relations and their actors. Hence, I firstly address the different analytical categories along my findings of the within-case observations, which are displayed in *Table 4*, with columns on categories and codes, on the within-case observations and on the insights from the within-case observations in recourse to the research questions. Finally, building on my overall findings, I reflect on Sámi-EU relations and their shaping actors more in general.

Sámi-EU relations' characteristic as creating a transnational policy-making space and EU's relations with the Sámi as the only Indigenous people within the EU formed the basis of the case selection. Both the EU as the transnational and the respective Nordic states as the national level stand for democratic, social welfare states (states' union) that implement high human rights standards. Thus, for the research questions, to what extent and how Sámi organisation can participate in EU policy-making, the case seemed promising because it implied – given the circumstances of the EU as creating a transnational policy-making space where nation-states have agreed on common rules and institutionalised formats and the Nordics as democratic,

social welfare states – a high sensitivity and awareness towards Indigenous peoples’ rights as well as a potential openness to include Indigenous peoples in EU policy-making.

Since the respective national parliaments as well as the European Parliament lack direct Sámi representation and the Sámi Parliaments are not involved systematically in EU structures, Sámi perspectives cannot officially be channelled into EU policy-making. Furthermore, in contrast to the case of Indigenous peoples living outside the EU, a missing EU internal Indigenous peoples policy hinders including Sámi representatives into EU policy-making in a more formalised manner. Therefore, in my analysis that was building on the conceptual framework on Indigenous peoples’ participation in transnational policy-making, I focused on five within-case observations of Sámi-EU relations that stand for different types of participation, degrees of formalisation and could inform processes of Sámi participation in EU policy-making to gain new insights into the case.

My analysis shows that Sámi-EU relations do enable Sámi participation at the EU level – to a differing extent – through the accesses provided by EU institutions or achieved by Sámi organisations that were identified following the different conceptual lenses on Sámi participation in EU policy-making. However, my analysis also depicts participation gaps that set limits to the participation of the Sámi in EU policy-making with influences on Sámi self-determination. Relating back to the conceptual framework on Indigenous peoples’ participation in transnational policy-making, the different lenses allow identifying varying forms of participation and degrees of formalisation. Derived from my analysis, I can develop two possible explanations for approaching these participation gaps regarding Sámi participation in EU policy-making, a) *institutional factors*: Design of policies that limits or enables participation as well as the policies’ degree of formalisation (first and foremost, that there is no EU internal Indigenous peoples policy), b) *interest-based policies*: EU’s dependency on resources and lands to pursue the green transition. The two explanations for approaching these gaps, *institutional factors* and *interest-based policies*, further intersect. The following table summarises the case study’s finding along a) the analytical categories derived in the codebook, with the categories 1) *Transnational policy-making and participation*, 2) *Postcolonial relations* as well as 3) *Access to policy-making and processes of participation* and along b) the different within-case observations that I have analysed.

Table 4: Summary of findings along the analytical categories and the within-case observations

Categories & codes	Within-case observations	Insights from the within-case observations regarding the RQs: <i>To what extent and how do Sámi-EU relations enable Sámi participation in EU policy-making?</i>
<p>Category: Transnational policy-making and Indigenous peoples' participation</p> <p>Codes: Affectedness, self-determination, participation gaps</p>	<i>EU Arctic Forum & Indigenous peoples dialogue</i>	<p>Criteria of affectedness and right to self-determination are fulfilled, but participatory mechanisms for Sámi organisations at the EU level remain limited.</p> <p>Self-determination: EU's two-sided approach towards Arctic resources and lands shapes Sámi-EU relations and therefore, to what extent and how they enable Sámi participation further indicating participation gaps.</p> <p>Sámi participation as a strategic instrument.</p>
	<i>EU-Sámi Week</i>	<p>Specific focus on Sámi as an Indigenous people within the EU.</p> <p>Event informs Sámi representatives about the EU and raises awareness on Sámi people in the EU.</p> <p>Relations reveal tensions between internal and external Indigenous peoples policy with influences on Sámi participation and self-determination.</p>
	<i>Peoples' Climate Case</i>	<p>Building alliances with other EU and non-EU citizens who see themselves affected by EU climate policy.</p> <p>Self-determination: Linking Sámi rights with environmental protection.</p>
	<i>Stakeholder processes under EGD</i>	<p>Two-sided EU approach that influences relations and to what extent and how they can act as enablers of participation.</p>
<p>Category: Postcolonial relations</p> <p>Codes: Actor offering / demanding participation, human rights, Sámi agency / ownership, non-domination</p>	<i>EU Arctic Forum & Indigenous Peoples Dialogue</i>	<p>Relations act as mediators with the respective nation-states and levers of Sámi rights through bringing 'national' topics to a transnational setting facilitated by the EU, linking local, national and transnational level; Sámi organisations call the EU to act on human rights violations by Member States and Norway (non-domination).</p> <p>Relations further enable participation through creating circumventing spaces for Sámi issues: more awareness raising within the EU on Sámi people's issues; dialogues act as facilitators and multipliers for contacts between actor groups and can lead to other; more formalised forms of participation (non-domination).</p>

<p>(mediation, lever, circumventing), domination (additional burden), contestation of participation</p>		<p>Relations can create a dominating institutional context that adds on state's influences and thus, do not provide access to policy-making leading to participation gaps with influence on Sámi self-determination (domination).</p> <p>Sámi want a different kind of relations with the EU, more than one actor offering and one demanding participation.</p> <p>Sámi agency: Sámi organisations wish for the relations to not go through the level of the nation-state only nor necessarily.</p> <p>Sámi organisations use tools of contestation of participation.</p> <p>Cross-border character of EU and Sápmi clashing with nation-state framing.</p> <p>Trust building through regular exchanges.</p> <p>Rights-based approach / balancing narrative and stakeholder framing (non-domination / domination)</p>
	<p><i>EU-Sámi Week</i></p>	<p>Sámi-led organisation of the event challenges the one actor demanding and one actor offering participation logic of Sámi-EU relations at the EU level.</p> <p>Against the backdrop of the Russian war against Ukraine, security issues are often excluding Indigenous peoples, expressing a state centric view.</p> <p>Cross-border character of EU and Sápmi clashing with nation-state framing.</p> <p>Rights-based approach / balancing narrative and stakeholder framing (non-domination / domination)</p>
	<p><i>Peoples' Climate Case</i></p>	<p>Sámi youth organisation allied with other families affected by EU's climate policy, urging the EU to develop a stricter climate policy.</p>
	<p><i>Stakeholder processes under EGD</i></p>	<p>Stakeholder framing.</p>
<p>Category: Access to policy-making and processes of participation</p> <p>Codes: Cooperation formats, form of participation (through</p>	<p><i>EU Arctic Forum & Indigenous Peoples Dialogue</i></p>	<p>Diverse forms of Sámi participation, participation through dialogue: Holding a speech or a keynote, being a panellist, through interventions or questions and interventions in the Q&A.</p> <p>Regularity and accessibility of dialogues: Preparation, travel funds, online participation, transparency, less in-depth exchanges, dichotomous presentation of perspectives</p> <p>Scope: Sámi organisations as only one actor alongside others, both Indigenous and non-Indigenous representations</p>

representation, through funding, through dialogue), degree of formalisation	<i>EU-Sámi Week</i>	<p>Different forms of Sámi participation than in the dialogues, participation through funding of projects: Sámi participation through sharing of knowledge, through inputs, storytelling, art, film, music, dance, food.</p> <p>Less formalised form but potential to become a regular meeting.</p> <p>Scope: Sámi as the only Indigenous people within the EU.</p>
	<i>Peoples' Climate Case</i>	<p>Participation through representation</p> <p>Access denied because legally, no individual affectedness could have been assessed.</p>
	<i>Stakeholder processes under EGD</i>	<p>Dynamics and links between the different forms of participation: Participation through dialogues and through funding leading to participation through representation, formalised participation.</p> <p>Participating in stakeholder process, participation through representation: Through writing position statements, integrate Sámi perspectives in implementation of ongoing policy.</p> <p>Scope: Sámi organisations as only one actor alongside others.</p>

Source: Author's own compilation.

Concerning the first analytical category, *transnational policy-making and Indigenous peoples' participation*, with the codes affectedness, self-determination, and participation gaps, the within-case observations on the EU Arctic Forum and the Indigenous Peoples Dialogue indicate that both criteria for Sámi participation in EU policy-making, self-determination and affectedness, are fulfilled. However, participatory mechanisms remain limited, which can be explained with the EU's two-sided approach towards Arctic resources and lands (*interest-based policies*) and its influence on Sámi participation. If the overall policy agenda of the EU matches with the overall position of Sámi organisations, participation is facilitated by EU institutions and Sámi perspective are channelled into EU policies. Here, Sámi participation can act as a strategic instrument used by EU institutions to also improve their position in negotiations with Member States.

Furthermore, the insights from the analysis of the within-case observation on the EU-Sámi Week speak to the first analytical category and its codes. The EU-Sámi Week stands for a

different level in Sámi-EU relations because it is an event specifically on Sámi as an Indigenous people within the EU. The event creates space for interactions between representatives from Sámi organisations and EU institutions and very much contributes to awareness raising on Sámi issues within EU institutions. However, particularly the focus on Sámi as an Indigenous people within the EU reveals also tensions between an external EU Indigenous peoples policy and the lack of an EU internal one (*institutional factors*). Indigenous peoples' issues are treated as an external policy and less understood as an internal one, which impacts Sámi participation at the EU level and their self-determination. Without a policy standing for more formalised and institutionalised settings for Sámi-EU relations to unfold, there is no link to direct rules, policies or funding schemes to which Sámi representatives could refer to. There are also no procedures on how their inputs are channelled into actual EU policy-making.

Additionally, the two shorter excursus on the Peoples' Climate Case and the Stakeholder Processes under the EGD can also be related back to the first analytical category. Following the criteria on self-determination and affectedness, in the case of the Peoples' Climate Case, a Sámi organisation builds an alliance with other EU and non-EU citizens. Sámi rights are linked to topics of environmental protection under the heading of securing livelihoods within and outside the EU. The analysis of the stakeholder processes under the EGD with regard to Sámi participation re-illustrates the two-sided approach of the EU towards the different sorts of Arctic resources and lands. Thereby, it informs the explanation of *interest-based policies* that limit or enable participation. The most illustrative comparison with view to participation is the process around the Critical Minerals Act and the Forestry Strategy. In the first case, the overall Sámi position does not match with the EU's position while in the second, they match and can reinforce each other.

Going through the within-case observations and the insights they provide into the first analytical category on transnational policy-making and Indigenous peoples' participation, all five within-case observation addressed different shapes of Sámi-EU relations concerning Sámi participation with examples for both explanations for approaching the participation gaps, *institutional factors* and *interest-based policies*.

Regarding the second analytical category, *postcolonial relations*, the selected within-case observations also provide insights into the two possible explanations of the participation gaps, *institutional factors* and *interest-based policies* that help to better understand Sámi-EU relations and limits of Sámi participation in EU policy-making. To begin with the dialogues, the EU Arctic Forum and the Indigenous Peoples Dialogue, they create spaces for mediation between

the Sámi and the nation-states, for leveraging of Sámi rights at the EU level and for circumventing the national level, on the one hand, and they create dominating spaces that add to nation-states' influences on Sámi livelihoods and self-determination, on the other hand. Concerning Sámi agency, Sámi organisations contest that the relations with the EU have to go through the level of the nation-state by arguing for the cross-border and transnational character of Sápmi and the EU that are supposed to have more in common than with the nation-states. In both formats, different narratives are present from the balancing narrative, the stakeholder and the rights-holder framing, with Sámi organisations trying to argue for the latter. The difference between the sorts of space Sámi-EU relations create, including strategies of contestation and the question of narrative can also be approached by the possible explanations, *institutional factors*, on the one hand, and *interest-based policies*, on the other hand. Institutional factors determine if and how participation can be enabled by and through Sámi-EU relations. Interest-based policies impact first, if Sámi participation can take place and second, how Sámi perspectives are addressed.

The within-case observation on the EU-Sámi Week can also be linked to the category of postcolonial relations. The Sámi-led organisation stands out in comparison to the other within-case observations, particularly with view to postcolonialities. It is not an EU institutions who sets the agenda for the forum but Sámi organisations. Hence, the EU-Sámi Week stands for a setting where the dynamic between the actor offering the participation and the other actor demanding the participation is different from the other analysed within-case observations. Although the EU is still financing the project that facilitated the week, the organising of the events lies with the involved Sámi organisations. The majority of the panellists and participants identified as Sámi and participated as Sámi representatives from different organisations at varying governance levels. Nevertheless, the objective of the project and the week was to build capacities on the side of the Sámi organisations to engage with the EU and its policies as well as to build awareness within EU institutions on the Sámi people. Although power asymmetries between the actor groups were not totally absent during the week, the symbolic value of having such an event taking place in Brussels and bringing together so many Sámi experts and representatives should not be underrated for (future) Sámi participation at the EU level. The greater visibility in Brussels and the awareness raising that was promoted by the event as well as the contacts built during the event between the two actor groups can have positive effects on self-determination through Sámi ownership of the event and the related project. The project further aimed at building capacities in the Saami Council and Sámi youth organisations as well

as through their acting as multipliers also in local and regional organisations who were attending the event.

Furthermore, the EU-Sámi Week stands for two contradictory results regarding postcolonial relations. On the one hand, Sámi representatives highlight the cross-border identities while underlining the similarities with the EU also in contrast to the nation-states. On the other hand, however, the discussions on the Russian war against Ukraine and its impacts on (European) Arctic governance express quite state centric views and often exclude Indigenous perspectives. Additionally, the different narratives used to refer to Sámi-EU relations in the within-case observation from the balancing narrative and stakeholder framing and the rights-holder framing, describe that the EU-Sámi Week although contesting the postcolonial relations still expresses and reproduces postcolonialities influencing the relations between the Sámi people and the EU.

The two excursus to the Peoples' Climate Case and the Stakeholder Processes further inform the category of postcolonial relations. In the Climate Case, Sámi agency expresses through the allying with other EU and non-EU citizens to urge the EU to implement a stricter climate policy aiming at securing their livelihoods. In the Stakeholder Processes, Sámi representatives act alongside 'other' stakeholders and not as rights-holders, which influences the way they can participate and their self-determination.

Therefore, against the backdrop of Sámi-EU relations as postcolonial relations, Sámi participation in EU policy-making is often taking place under a stakeholder framing following a balancing narrative of different interests. The selected within-case observations of Sámi-EU relations indicate that the in-between status of Sámi organisations is not addressed at the EU level. Sámi organisations aim at achieving a different type of status within the EU though, becoming more or rather something else than a part of the nation-state and thereby, they are challenging divisions between states and non-state actors. In doing so, Sámi organisations also use tools of contestation of participation. Over the years, Sámi organisations developed different ideas of how to include the Sámi people more formally in EU policy-making that could address the Sámi status as the only Indigenous people within the EU and therefore, Sámi organisation aim at changing the Indigenous peoples' agency from objectivity and as a state's issue to subjectivity in the transnational space. So far, these ideas have not been realised and the EU remains vague, often utilising the greater flexibility of working with IPOs under the umbrella of non-state actors. With view to the EU, Sámi organisations highlight the shared cross-border identity of Sápmi and the EU, which can leave the nation-states rather as misfits than Sápmi.

Particularly concerning land use issues and how Sámi-EU relations can act as enablers for Sámi participation at the EU level, the findings relate back to the two-sided picture already indicated in the first analytical category. On the one hand, Sámi-EU relations can enable Sámi participation through creating circumventing, leveraging and mediating spaces for Sámi organisations in a transnational setting. On the other hand, the relations can limit Sámi participation through creating dominant institutional contexts that add on states' influences leading to participation gaps impacting Sámi self-determination. Reasons for this two-sidedness are the different approaches of the EU towards Arctic resources and lands (*interest-based policies*) that shape the extent and the ways in which Sámi participation can take place.

These different approaches are also expressed through the different institutional and policy frameworks, within which Sámi-EU relations are unfolding. In this third analytical category, *access to EU policy-making and processes of participation* through and in Sámi-EU relations regarding the within-case observations, Sámi are invited as stakeholders or experts to consultation processes alongside other stakeholders from, inter alia, NGOs, CSOs, businesses and governments. Furthermore, they form part as participants in public dialogues alongside other Indigenous representatives or act as project organisers and implementers. The case study further demonstrates that the relations between Sámi organisations and EU institutions have evolved since the first interactions in the context of the accession of Sweden and Finland to the EU and Norway to the EEA. Sámi people are increasingly represented in EU policy-making but so far mostly in less-formalised forms of participation, which influences the access Sámi organisation have to EU policy-making and thus, Sámi self-determination.

With a closer look at the specific form of participation through dialogue in the analysis of the EU Arctic Forum and the Indigenous Peoples Dialogue, the within-case observations demonstrate that participation can look quite different underlining the explanation of *institutional factors* determining Sámi participation. Sámi representatives can hold a speech, even a keynote; they are invited to be a panellist but they can also obtain access through interventions or asking (critical) questions in the Q&A sessions. Due to the regularity and accessibility of the dialogues, the EU Arctic Forum and the Indigenous Peoples Dialogue, Sámi representatives can prepare their travel to the event venues, apply for travel funds from the EU or can participate online. Due to the increasingly public character of the events, their transparency increased as well. However, the publicity also changed the level of discussion, with less in-depth exchanges and an often quite dichotomous manner of how perspectives are presented and discussed. With regard to Sámi agency, Sámi representatives are only one actor

along many in the EU Arctic Forum and are only representing one Indigenous people within a bigger group of IPOs in the Indigenous Peoples Dialogue. This mix of participants, however, also allows for networking with ‘other’ stakeholders and IPOs.

The EU-Sámi Week further reveals different forms of participation, like the sharing of knowledge through storytelling, art, film, music, dance and food. In general, it stands for a less formalised form of participation but might potentially become a more regular event. In this event, the focus was specifically on the Sámi as the only Indigenous peoples within the EU and stands for a specific type of access to EU policy-making. These different institutional factors impact the way Sámi organisation participate. EU’s different policy agendas (*interest-based policies*) are, however, not absent during the event but influence the discussion and exchanges between the actors. On certain topics, such as oil and gas, and the protection of forests, on the one hand, the overall positions are closer to each other than in comparison to renewables and mining for critical minerals, on the other hand, with more divergent positions. These differences influence how Sámi participation can take place and how their perspectives are further taken up in EU policy-making.

The two within-case observations presented as shorter excursus, the Peoples’ Climate Case and the Stakeholder Processes, provide certain insights into the category on access to policy-making and processes of participation as well. The Peoples’ Climate Case, representing the form of participation through representation, is rather an attempt to get access to policy-making at the EU level. This attempt was not successful and the process was not further followed by the court. The stakeholder process illustrates the links between the different forms of participation and how less formalised forms of participation (*participation through dialogue and funding*) lead to more formalised ones (*participation through representation*). In this within-case observation, participation takes place through writing position statements and participating in hearings to integrate Sámi perspectives into EU policies. Sámi organisations appear alongside ‘other’ stakeholders. Both explanations for approaching the participation gaps identified by the analysis of Sámi-EU relations, *institutional factors* and *interest-based policies*, are indicated by the within-case observations and they further intersect.

When comparing the different lenses and their linked forms of participation as well as degrees of formalisation, the most formalised processes can be found in the dimension of Sámi people as transnational people and (EU) citizens. The different lenses on Sámi in the EU and the associated rights lead to different forms of participation, however, most of them do not stand for formal representation. Rather, they are about using and/or widening the accesses and

channels that Sámi have as citizens, a minority, a transnational people and to a lesser but intersecting degree as an Indigenous people. In my sample, the status of Indigenous peoples only leads to the form of 'participation through dialogue', which describes two public events that raise awareness within the EU for the case of Indigenous peoples in general and for the case of the Sámi people in specific but represents non-formalised forms of participation that often do not lead to concrete outputs. Nevertheless, the forms of participation also intersect with each other, for instance, the dialogues lead to more awareness and knowledge in the EU about Indigenous peoples and on the EU within IPOs (e.g. in the field of funding for Sámi organisations) and established ties between people representing both actor groups. These can form the basis for other forms of participation. The European Commission, for instance, invited Sámi representatives to participate in its stakeholder consultation mechanisms for policies under the EGD. Overall, it can be stated that the lens of Indigenous peoples has not yet led to more formal forms of participation at the EU level.

Against this background, while analysing Sámi-EU relations and accesses of the Sámi people to EU policy-making, the EU displays a two-sided, ambivalent and in many ways, contradictory approach towards resources and land in the European Arctic, which also determines Sámi participation in these EU policy-making processes by creating certain accesses while keeping other accesses closed. The EU's approach towards forestry and the promotion of oil and gas differs strongly from its strategies on critical minerals and raw materials as well as renewables. This has different impacts on Sámi participation, livelihoods and ultimately, self-determination. On that note, EU's formal power and role of offering accesses is not only demonstrated in the form of participation but also in the objective of the participatory processes and the willingness of EU institutions to create meaningful exchanges.

Often, the EU approach seems to be rather about designing policies towards the 'protection of the environment' or the 'protection of the climate' than on ensuring Indigenous peoples' rights, which is strongly illustrated by EU's two-sided approach on resources and its impact on land use in Sápmi. If Sámi interests go in line with EU's environmental policy, Sámi participation in these processes can lead to less uncertainty for policy implementation and can potentially lessen negative impacts for Sámi self-determination. However, if interests do not match, the EU level appears to act as an additional burden for the Sámi right to self-determination adding to states' influences. This argument can be further strengthened by the example of EU's use of the balancing or co-existence narrative deriving from a stakeholder approach in cases of mining

and the promotion of renewables, which cannot ensure Sámi rights to self-determination and is not in line with international legal standards on Indigenous peoples' rights.

Although the relations are shaped by forms of invited participation, with one actor demanding and one actor offering participation, this dynamic is more and more challenged and contested by Sámi organisations and individuals (*contestation of participation*). This is best illustrated by the Peoples' Climate Case and a more active participation through interventions at the dialogues that have led to settings that are more inclusive today or to new types of access to policy-making in the first place. On a more general note, my data further indicates very different understandings of certain terms shared by representatives of both groups which hinder more meaningful exchanges that could go beyond rather superficial and dichotomous discussions. Further, expectations about the objective and role of the participation in the policy process seem to differ and consequently led to differing assessments of the processes. EU officials often presented the dialogues as successful while Sámi organisations expressed their wish for deeper discussions and more influence on the policy processes, which implies that the expectations of the involved actors were not shared transparently or managed before and throughout the process.

Drawing broader conclusions on Sámi-EU relations and their shaping actors, the relations are still in the process of being further shaped by the two actor groups. I could trace several developments in the relations in the last decades since Finland and Sweden became Member States and Norway part of the EEA and Schengen that influenced Sámi participation at the EU level. Particularly the within-case observations of participation through dialogue, the back-to-back organised events of the EU Arctic Forum and the Indigenous Peoples Dialogue from 2019, 2021 and 2023 allowed to also draw conclusions on developments over time. The in-depth studies indicate an increased awareness of EU institutions on how to include Indigenous peoples' representatives in the set-up of the events, which provided more access for Sámi organisations to participate in these events. Even if they were not invited as panellists, they used the Q&A discussions for their interventions to share their perspectives on different topics, which indicates an increased agency and ongoing re-empowerment process from objects to subjects in international relations. Moreover, Sámi representatives are increasingly invited to speak, not only on panels on Indigenous peoples, but a diversity of panels in which they contribute their expertise on various topics that streamline Indigenous perspectives throughout the events. The other forms of participation illustrated by the within-case observations on the EU-Sámi Week, the Peoples' Climate Case and the Stakeholder Processes can be understood

as a result of ongoing awareness raising within the EU but also of an increased Sámi agency at the EU level.

In the 1990s and early 2000s, Sámi organisations wished for the Member States of the EU to issue a common policy on the Sámi people while Sámi representatives shared mixed feelings about the potential influence of the EU on life in Sápmi. Some Sámi organisations were worried that EU policies could act as additional burdens adding on the state's influence on Sámi livelihoods. At the same time, due to EU's contribution to create a more transnational policy space in Europe making borders less relevant, other Sámi representatives hoped for the EU to act as a potential lever of Sámi rights addressing the "greatest obstacle [...] that the Sámi are divided between four different countries [...] as a result of colonialist policy" (Seurujärvi-Kari, 2010, p. 9). Regarding Sámi-state relations and their gridlock on finding political solutions for conflicting land uses in Sápmi on the one hand, and EU's experience as a mediator (cf. Bergmann, 2020), mediating between the nation-states and Sámi organisation was considered for the EU as another potential role to play. Around 20 to 30 years later, Sámi experts who issued the EU-Sápmi strategy argue for establishing bilateral relations between Sápmi and the EU that does not go through the level of the Member States only and anymore. The experts add that such bilateral relations should emancipate themselves from a nation-state focused narrative, which also relates to the role of Sámi in Indigenous Internationalism and postcolonial perspectives on Indigenous peoples regaining legal and political subjectivity in and through their representation at the transnational governance level.

Concerning the EGD as a relevant policy shaping Sámi-EU relations, it is not the first (nor only) policy that is impacting land use in Sápmi and therefore, Sámi livelihoods (see, for instance, Broderstad, 2000, p. 245; Össbo & Lantto, 2011). The relevance of natural resources and land in the European Arctic has rather increased and so has the affectedness of the Sámi people by EU policies, which also impacts their right to self-determination due to land use conflicts describing a new dynamic through the EGD. The policy illustrates how participation gaps at the EU level can lead to policy outcomes that are perceived as unjust, which in turn can lead affected communities to go to court. These circumstances mean uncertainties for all actors involved when only at the end of a policy cycle a certain policy is assessed as (il)legal. Accordingly, participation gaps at the EU level can negatively influence the goals set by the EGD. Issues have not been discussed and voices have not been included already before and during the policy-making process, which urges the affected communities as a last resort to go to court. They do not feel represented in the policy-making processes that are affecting their

livelihoods and self-determination. In light of the increasing relevance of the lands and resources of the European Arctic, including Sápmi, for EU's goals for domestic production of energy and critical minerals/raw materials, Sámi participation at the EU level, where the agenda setting is taking place, gains a new relevance.

By further deconstructing the two actor groups shaping Sámi-EU relations, Sámi organisations and EU institutions, my analysis shows differences between representatives of these groups in terms of who cooperates with whom under which framing. For instance, the European Commission followed a focus on intensified cooperation with the Saami Council, which is reasoned with the NGO-like status of the organisation. The framing of the Saami Council as an NGO makes cooperation easier, more flexible and often less conflictive with Sweden, Finland and Norway than with representatives of the respective Sámi Parliaments due to their role in and ties with the national governance systems. The Sámi Parliament in Sweden as part of the Swedish government due to its status as a government agency leads to different circumstances for the EU to approach this actor in comparison to a more independent actor from the national level like the Saami Council, which influences the form of participation at the EU level and its formalisation. The example of the different status of the Sámi Parliaments and the Saami Council respectively and how it is used by European institutions illustrates that the EU has also a “structuring influence over the transnational organization of indigenous peoples” (Humrich, 2017, p. 161) similar to the influence of nation-states (Kuokkanen, 2021, p. 262).¹⁰² EU processes can add on the influence of the respective nation-states on Sámi livelihoods since EU Member states are also shaping the EU and thus, not only influence the Sámi right to self-determination at the national, but also through certain EU institutions at the transnational level. Hence, similar to the nation-state, the EU can act in Sámi-EU relations as both, a guarantor of rights and “bearer of opposing rights” (Beier, 2009b, p. 5).

These diversities between and within the actor groups also relate to the difference between a stakeholder and rights-holder approach in participatory processes. My data indicates that the EU often applies a stakeholder approach in the participation formats that I have analysed, which cannot ensure the right to self-determination of the Sámi people sufficiently because it follows an all-inclusivity approach and does not reflect on Sámi governance structures predating the nation-states and the EU system (Sarkki et al., 2021). In the within-case observations investigated, following the different lenses on Sámi participation in EU policy-making, namely

¹⁰² Kuokkanen reflects on how Indigenous “[s]elf-government arrangements may seem empowering and creating greater autonomy but can, in reality, have a reverse, negative effect of increased state control and influence, entrenching and incorporating Indigenous peoples more extensively and intricately into the state structures” (Kuokkanen, 2021, p. 262).

(EU) citizens, minority, transnational people and Indigenous people, I show that the respective EU institutions often apply a stakeholder approach for organising and implementing participatory processes that aim at informing EU policy-making; accordingly, treating Sámi organisations rather as non-state and/or civil society actors than as Indigenous peoples' representatives and rights-holders. As analysed before, this framing does not fit for IPOs due to their different status as representing a people with an inherent right to self-determination and not interested-based constituencies. On that note, my analysis further indicates that the EU often does not address its postcolonialities, which is illustrated by the current Indigenous peoples' policy that does not apply for the case of the Sámi in Norway, Sweden and Finland since it follows an external view on Indigenous peoples living outside the EU/EEA. A reflection of the internal colonial legacy of the EU and its Member States, understanding the Nordics as colonial states as well, only takes place to a limited extent and does not form part of an EU discourse, which also hinders a change of the current relations and prospectively, formalised relations between the EU and the Sámi. Thus, Sámi organisations call for EU's international obligation and power to ensure the Sámi right to self-determination as the only Indigenous people within the EU.

By framing the EU level as decisive for Sámi self-determination, Sámi organisations seek to build up and strengthen relations with the EU that are complementing those of the Sámi with the respective nation-states to also use the relations with the EU in cases when relations at the national level face deadlock. Sámi organisations further express their wish to have a permanent representation at the EU level to be more visible in Brussels and have easier on-site access to policy-making processes. Sámi organisations need the EU due to the impact of EU's policies on Sápmi but particularly after the negative example of EU's Seal Ban, the EU also needs the Sámi people: The relations with Indigenous peoples can act as a legitimising factor for EU's overall engagement in the Arctic (cf. Airoldi, 2010; Broek et al., 2023; Scarpa, 2014) as well as for EU's engagement with other Indigenous peoples outside the EU (Sámediggi, 2019). These interdependencies link to the categories developed by Reed et al. (2018) of formal and informal power in a participatory process with the EU institutions holding formal and the Sámi organisations having informal power. Out of a traditional IR perspective, the EU could be considered the 'more powerful' actor because of its market and regulatory power. However, with its strong normative claim for its internal and external policies stated in its contracts, the EU's actions orientate at the universal values of "human rights and fundamental freedoms,

respect for human dignity, equality and solidarity” (Scarpa, 2014, p. 433). Furthermore, the EU pledged itself to the principles of the UN Charter.

In many ways, the EU as a transnational space displays very unique circumstances, not only by following EU’s *sui generis* narrative, but also by considering EU’s understandings of internal and external neighbourhoods, which is “still a relatively new concept in the wide range of international relations of states and powers” (Hilz, 2020, p. 8). EU’s understanding of internal and external affairs also impacts Indigenous peoples policy, because “normative self-obligations, value-based commitments of all EU members fixed in the treaties are outstanding and without peer internationally – no organization, no international actor of such importance has comparable self-binding normative aims for its external actions” (ibid., p. 12).

Still, insights from the case study link to debates on democratisation attempts in global governance more generally, which I will focus on in the next chapter to draw conclusions from the specific case of Sámi participation at the EU level to the broader population of Indigenous peoples’ participation in transnational policy-making. In the discussion of the findings of the analysis, I classify the case of Sámi-EU relations as an example of participation in transnational policy-making (*population of cases*) by relating it to forms of participation of Indigenous Peoples’ Organisations (IPOs) in other transnational policy-making processes. Thereby, the analysis contributes to current global governance debates on new actor and governance forms and structures and their inclusion potential against the backdrop of discussions on the democratisation of global governance and participation in transnational policy-making (Barnett et al., 2021; Broek et al., 2023; McConnell, 2017; Nanz & Steffek, 2004). With the specific focus on Indigenous peoples’ participation beyond the nation-state context, I seek to enrich the debates with an example that scrutinises the state/non-state divide. While the case study’s findings still identified existing limitations in terms of access of Sámi organisations to EU policy-making that are leading to participation gaps with an influence on Sámi self-determination, the next chapter discusses these findings against the background of the broader population of cases, Indigenous peoples’ participation in transnational policy-making.

5 Discussion and contextualisation of findings: *Sámi-EU relations as an example of Indigenous peoples' participation in transnational policy-making*

This chapter examines against the background of other cases the typicality of the results of my analysis. It shows how the case of Sámi-EU relations speaks to the broader topic of Indigenous peoples' participation in transnational policy-making. This chapter addresses the research gaps identified at the beginning of this thesis and points to conceptual debates that can be informed by these thesis' findings. With the elaborations in this chapter informed by the case study's findings, I draw broader conclusions on the conceptual framework and limits of participation of Indigenous peoples in transnational policy-making. As I show in the following, transnational policy-making is shaped by states and does not consider the in-between status and right to self-determination of Indigenous peoples sufficiently, which is limiting Indigenous peoples' participation. Further, transnational policy-making is taking place in spaces built by states. For the case of Indigenous peoples and their representations, there is no blueprint when it comes to participation beyond the nation-state level since they do not fit in the categories of actors defined in IR (Jones, 2019). My analysis of Sámi-EU relations illustrates how a non-state actor framing for Sámi organisations could not lead to forms of participation that ensure self-determination in the sense of non-domination. Non-dominant institutional spaces for Indigenous peoples and their representations beyond the nation-state would need to entail institutions regulating their relations with other actors in the transnational space in which all actors are participating what enables ongoing negotiations among them (Young, 2007), which have not developed through Sámi-EU relations, yet. Since the non-state actor framing does not cover the case of IPOs, how can we frame what an ideal participation would look like – also because many criteria from the research on participation and participatory approaches focus on stakeholders? Applying a postcolonial perspective to transnational policy-making shifts the focus from peoples' issues (Indigenous peoples' issues as objects) towards their agency (Indigenous peoples as subjects). However, the norm of participation beyond the national level is defined by how states interact with each other, with Indigenous peoples building a sort of third space of sovereignty (Bauder & Mueller, 2023; Heinämäki, 2015).

Against the background of the case study's findings, I structure this chapter, firstly, by assessing the identified conceptual and empirical research gaps and, secondly, by discussing other forms of Indigenous peoples' participation in transnational policy-making. The case study analysed different forms of Sámi participation enabled through Sámi-EU relations and with view to the

criteria of affectedness and the right to self-determination, it reveals limitations and gaps of Indigenous peoples' participation in transnational policy-making. By discussing in this chapter how my conceptual framework and my case selection worked together, I aim to contribute to a better understanding of the informing dynamics driving the gaps regarding the criteria of affectedness and the right to self-determination vs. the limitations of Indigenous peoples' participation.

The motivation for this thesis has emanated from research gaps identified in the conceptual perspectives on Indigenous peoples' participation in transnational policy-making and in the empirics of the specific case on Sámi-EU relations. My findings add to research from the early 2000s, which reflected on how Sámi-EU relations can compensate for the lack of state efforts to protect the Sámi's right to self-determination (Broderstad, 2000, p. 248) and how the relations can exert certain pressure against the own state (Toivanen, 2001, p. 306). The within-case observations identified spaces for circumventing the national level, for leveraging Sámi rights at a higher governance level and for mediating between the nation-state and the Sámi people. However, my analysis shows that these 'enabling' options for Sámi participation at the EU level still have limits, leading to participation gaps with impact on Sámi self-determination, given the impact of EU policy-making on land use in Sápmi.

The case study's findings can also be connected to more recently published work on Sámi-EU relations through identifying the EGD and its links to the Arctic Policy as a new dimension in the dynamics of the relations that influences Sámi participation and thus, self-determination (Laframboise, 2022; Nystø Keskitalo & Götze, 2023a, 2023b). The lack of participation at the local, regional and national level transcends to the EU level and underlines the role of the nation-state for Indigenous peoples' participation at governance levels beyond the national level. Hence, the case study findings can also be associated to research on Sámi-state relations and how they impact Sámi participation at different governance levels (e.g. Cambou & Poelzer, 2021; Lawrence & Larsen, 2017; Terzi, 2020). The relevance of the EU level is not only argued by the impact of EU policy-making on land use in Sápmi, but approaching the EU level is also motivated by Sámi-state relations facing deadlock. EU policy-making is seen as an opportunity to circumvent or mediate with the nation-state and to lever Sámi rights at higher governance levels for exerting pressure on the respective nation-state, complementing engagement at other governance levels.

Going beyond the specific case of Sámi-EU relations by framing the relations as creating a space for transnational policy-making on Sámi issues (Broderstad, 2000, p. 240) allows for

linking this case study's findings on Sámi participation at the EU level to the broader conceptual context of democratisation attempts in global governance (Barnett, 2021; Barnett et al., 2021) and the emergence of a transnational public sphere (Amelung & Baumgarten, 2017; Nanz & Steffek, 2004) – with a particular view on Indigenous peoples' participation as 'new' forms of actor and governance constellations, their potential gaps and influences on self-determination. Sámi-EU relations display similar patterns as illustrated by previous research on participation indicating that “[s]tructured and formal ways of involving citizens on a global scale have remained an exception” (Amelung & Baumgarten, 2017, p. 12) and that only a “few examples of genuinely bottom-up, deliberative, and co-productive decision-making processes [can be found] in the literature” (Reed et al., 2018, p. 10). Non-formalised and less institutionalised settings stand for flexibility but also for rather loose sets of rules or policies. For actors without formal power, as in the case of IPOs in general and in the case of Sámi organisations in specific, these settings often lack a clear point of reference and transparency of what is happening with their inputs shared in participatory processes (Abbott & Faude, 2021). Here, only the transnational framing allowed analysing Sámi-EU relations due to their characteristics of linking different governance levels and actor groups vertically and horizontally. The transnational framing further supported in pointing to other forms of Indigenous peoples' participation in transnational policy-making with view to the inclusion potential of new forms of actor and governance constellations beyond the case of Sámi-EU relations.

The specific role of Sámi organisations in EU policy-making, which links back to the status they hold, as (EU) citizens, a minority, a transnational people and an Indigenous people (derived from the conceptual lenses and applied to the case of Sámi-EU relations), leads to varying forms of participation and formalisation. Further, their actorness as in-between actors challenges the divide between state and non-state actors also in the EU context. This picture is very similar to the role of other IPOs and other forms of Indigenous peoples' participation in transnational policy-making (Álvarez & Ovando, 2022; Beier, 2009a, 2009b; McConnell, 2017; Picq, 2014). My analysis indicates that EU institutions utilise these rather fluid transitions between state and non-state actors and on this basis, choose the actors for whom they provide access to EU policy-making and therefore, also determine how Sámi-EU relations can enable Sámi participation. For instance, the NGO status of the Saami Council as well as of Sámi youth organisations leads to a different type of relation with EU institutions in contrast to those with the Sámi Parliaments and the Sámi Parliamentary Council (see *Chapter 4*). As elected representatives and part of national government structures, the Sámi Parliaments and the Sámi Parliamentary Council

present a different actor than, for instance, Sámi organisations with an NGO status, which can also argue for a different role at the EU level. This specific status links to the rights-holder debates and the different status Indigenous peoples hold in contrast to stakeholders (Sarkki et al., 2021). My case study demonstrates that this discussion is not sufficiently taking place at the EU level, yet, although Indigenous peoples' representatives are trying to bring the rights-holder perspective into their exchanges with different EU institutions as well to raise awareness on the differences of their status and linked rights in contrast to those of so-called stakeholders.

In addition to similar patterns between the specific case and the wider population of cases of Indigenous peoples' participation in transnational policy-making, there are also differences. The Sámi people differ from the Indigenous peoples in other world regions not only regarding their overall socio-economic situation but also with view to the political systems, which include Indigenous peoples and influence how Indigenous peoples can participate in national and transnational policy-making (Broderstad, 2000, p. 250). As derived from the conceptual framework, Indigenous peoples living in non-democratic states/regimes with less independent jurisprudences have a limited ability to go to court, to organise themselves, to get access to (state) funding and to become part of transnational policy-making. Several states have not signed international agreements or declarations on Indigenous peoples' rights or have not nationally implemented policies aiming at securing Indigenous peoples' rights (Cobo, 1986; Stavenhagen, 2009). The case of the Sámi people in the Nordic states looks quite different with citizens' freedoms secured by a democratic, social welfare state and the overall trust in an independent jurisprudence. Sámi individuals and organisations had already great successes, for instance, at national courts on land use conflicts, through which they could assert pressure on the executive and legislative of their respective nation-states (Allard, 2015; Allard & Brannström, 2021). Regarding the participation beyond the national level, the Peoples' Climate Case, for example, stands for the attempt of a Sámi youth organisation to approach the EU legislative in a similar manner to influence EU policy-making through legal means. Although the framework within which Sámi-EU relations unfold provides more accesses for Sámi participation in comparison to Indigenous peoples' participation in other less-promoting political systems, the case of Sámi participation and self-determination displays gaps and limitations (cf. Anaya, 2011). Hence, the Sámi case can inform the overall population through illustrating that even in democratic, social welfare states with high human rights standards, Indigenous peoples' participation at the national level and beyond displays gaps that negatively influence Indigenous peoples' self-determination.

Further situating the case within the wider population of Indigenous peoples' participation, at a global scale, there are different “[n]ational responses to demands for indigenous self-determination” (Josefsen et al., 2015, p. 32) depending on national policies and geographies that also influence how Indigenous peoples and their representations can get involved at the transnational level. Globally, three of such ‘responses’ can be differentiated, firstly, states who do not respond at all; secondly, states who develop a form of territorial self-governance for Indigenous peoples or thirdly, states which grant non-territorial autonomy to Indigenous peoples. The difference between the second and third ‘response’ lies in spatiality; “a geographically concentrated area in which self-governance within a well-defined territory may be a feasible option, for example, in terms of institutions for a regional or local government within an existing state structure, i.e. intra-state autonomy” (ibid.). Examples are Indigenous self-government arrangements in Nunavut (Canada) or Greenland (autonomous territory of Denmark) (Kuokkanen, 2021, p. 261). However, today most Indigenous peoples form minorities “on their traditional land, living interspersed among other people” (Josefsen et al., 2015, p. 32), which calls rather for non-territorial forms of autonomy. In such cases, Indigenous peoples' participation can work through political representation with “reserved seats in the national parliament or the establishment of separate institutions” (ibid.). The ‘reserved seats’ approach is, for instance, followed by Aotearoa/New Zealand (Joseph, 2008).¹⁰³ The latter approach of separate institutions is implemented in the Nordic states through the establishment of the Sámi Parliaments on the Norwegian, Swedish and Finnish side of Sápmi (Josefsen et al., 2015, p. 33). On the special feature of the parliamentary organisation of the Sámi people in the Nordic states, Special Rapporteur Anaya (2011, p. 11), for instance, pointed to the Sámi Parliaments as “an important model for indigenous self-governance and participation in decision-making that could inspire the development of similar institutions elsewhere in the world”.

These differences in Indigenous peoples' participation in the respective states in which Indigenous peoples have been included and that are expressed through the state-Indigenous peoples' relations also influence Indigenous peoples' participation beyond the national level. For example, Sámi representatives form part of national delegations at the COPs under the UNFCCC as well as representatives from the Sámi Parliaments in Finland and Sweden can be part of the EU delegation to the COPs. This ‘cooperation’ can lead to irritation on the side of

¹⁰³ For an example with a transnational character on the inclusion and participation of Maori representatives and knowledges from New Zealand/Aotearoa see (van Uitregt, Sullivan, Watene, & Wehi, 2022).

IPOs from other world regions who would not become part of their states' delegation because they do not trust their governments and thus, would not feel comfortable in jointly appearing on the transnational level (interview 12/06/23). Since Sámi representatives can be part of national or EU delegations, this position offers them an access to negotiations and talks, which other Indigenous peoples do not have. Sámi representatives can then share documents and information with other IPOs who cannot be part of those circles as the latter have the same status as NGOs and other 'stakeholders' in the climate negotiation, excluding them from certain processes (ibid.). Therefore, the status at the negotiations really matters – being part of national delegations allows for different forms of participation while the stakeholder framing disadvantages IPOs as it excludes them from certain negotiations and decision-making processes.

After having addressed the extent to which my findings contribute to the identified research gaps on an empirical and conceptual level, I now go beyond the legislative and representational dimension of Indigenous peoples' participation and look for other cases of Indigenous peoples' participation in the broader policy field to identify similar patterns and differences. Often mentioned as positive examples for the inclusion of Indigenous peoples in transnational policy-making and addressing participation gaps are, for example, arrangements from Arctic governance and UN processes. Hence, going beyond the case of Sámi participation at the EU level, Indigenous peoples' representatives are involved in various transnational policy-making processes, which allows contextualising my findings and their typicality against the background of other cases that are referred to in the literature as examples of high levels of participation.

An often-quoted positive and progressive example for the inclusion of Indigenous peoples also outside the Arctic community is the system of PPs in Arctic governance (Niezen, 2003, p. 49).¹⁰⁴ For instance, in the Arctic Council, the Saami Council participates as a PP alongside states. Although the status of being a PP does not give IPOs voting rights in the Arctic Council, decision-making in the intergovernmental forum is based on consensus, which is also informed by Indigenous peoples' perspectives (Gamble & Shadian, 2017, p. 146). However, a "state-centric order remains [...] and allows participation for IPOs only through their status as observers or through their limited invitation by state delegations of Indigenous peoples' representatives" (Cambou & Koivurova, 2021, p. 331). Furthermore, with the Saami Council, an IPO with NGO status is invited to participate in the transnational policy-making setting of

¹⁰⁴ Also in the Barents Euro-Arctic cooperation, Indigenous peoples are represented in the Board as well as in the Committee of Indigenous Peoples (through the Sámi Parliaments) (Broderstad, 2000, p. 247).

the Arctic Council and not the Sámi Parliaments as elected representatives, indicating a similar picture like at the EU level where the EU Commission as well utilises the flexibility of cooperating with an NGO in contrast to the elected officials. Moreover, after Russia has put up its flag at the North Pole in 2007, Canada, Denmark, Norway, Russia and the United States held so called 'Arctic Five' Summits, not only without inviting Sweden, Finland and Iceland as non-littoral Arctic states, but also without inviting the PPs (Bauder & Mueller, 2023; Fakhri, 2018; Shadian, 2018). The five states met in Ilulissat, Greenland in 2008, in Chelsea, Canada in 2010 and in Oslo, Norway in 2015. Although the form of participation that is ensured in the Arctic Council for Indigenous representation is often framed as quite progressive in comparison to other international fora and organisations, the example of the Arctic Five illustrates that the type of participation as PPs cannot ensure the right to self-determination in a relational sense of non-dominating institutional structures. The Arctic Five as a reaction to potential claims on Arctic waters and preventing militarised responses corresponds to Álvarez' and Ovando's analysis on Indigenous peoples in Latin America and how they challenge state sovereignty, legitimacy and exclusive representation in the international system but that "traditional state and nationalistic visions and practices continue to persist" (Álvarez & Ovando, 2022, p. 2). In general, the status of being PPs indeed provided Indigenous peoples' representatives access to Arctic governance but only "within the existing limitations allowed by a system that remains overtly state centred" (Cambou & Koivurova, 2021, p. 331). These 'existing limitations' were also visible in the case study on Sámi-EU relations that showed gaps in terms of Sámi participation at the EU level. Although the logic of the EU is going beyond a state's focus and Member States have agreed on common rules and institutionalised formats, participation is tied to citizenships and states, which disadvantages Indigenous peoples and their representatives.

Another illustrative case of addressing participation gaps of Indigenous peoples at the transnational level is the UN. How is participation of Indigenous peoples envisioned in the UN system? On the one hand, the UN stands for the various declarations and legal standards on Indigenous peoples' rights shaping the relations between Indigenous peoples and states, which were introduced in *Chapter 2.1*. On the other hand, the UN itself is also an interesting case to be analysed in terms of how Indigenous peoples' participation is actually implemented in policy-making processes beyond the national level. Since its establishment, the question of Indigenous peoples' participation in the different organisations and structures of the UN has been discussed (Niezen, 2003). Against this background, in 2000, the UNPFII was established, which serves as a high-level advisory body to the ECOSOC. The Forum deals with Indigenous

peoples' issues in the area of economic, social, cultural, environmental, educational, health and human rights related questions. By providing advice and sharing recommendations on Indigenous peoples to the ECOSOC and other UN bodies, the forum also follows up on the effectiveness of the application and implementation of the UNDRIP. The UNPFII is one of three UN bodies designated to deal with Indigenous peoples' issues. The other two are the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous peoples. The first, established in 2007, provides expertise and advice to the Human Rights Council on Indigenous Peoples as well as advices Member States on the implementation of the UNDRIP. The latter, operating since 2001, is reporting on the rights of Indigenous peoples (Anaya, 2011; Tauli-Corpuz, 2016) and shares good practices on new laws and governmental programs for Indigenous peoples globally.

Furthermore, the Outcome Document of the World Conference on Indigenous Peoples from 2014 mentions two different lines of Indigenous peoples' participation at the UN, one on participation in the sense of "contributing with Indigenous knowledge and innovations to global challenges" (United Nations, 2014, p. 33) and the other one on the need for enabling participation of IPOs at the UN "on issues affecting them" (*ibid.*, p. 40). Hence, the document expresses two lines of Indigenous participation, on including Indigenous knowledges into policies and on providing access to policy-making on issues that are affecting Indigenous peoples. These two lines of participation have different impacts on Indigenous self-determination because the latter argues for participation through applying the criterion of affectedness while the first follows more the logic of the question how Indigenous peoples can contribute to finding global solutions than about ensuring the right to self-determination as such (Beier, 2009a).

Lately and prominently, the UN and its institutions have tried to address the issue of a lack of participation of Indigenous peoples, particularly in the area of climate and biodiversity governance. Therefore, these governance regimes display quite recent developments in Indigenous participation, for example, on the side of climate governance, the UNFCCC, with the Climate COPs and the Intergovernmental Panel on Climate Change (IPCC), and on the side of biodiversity governance, the CBD, the Biodiversity COPs and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). These processes under the UN or its auspices use the criterion of affectedness to argue for the inclusion of Indigenous peoples, but – as I show in the following example – it is rather the knowledge needed that is hold by the peoples being represented by IPOs, not the right to self-determination per se.

I take a closer look at the example of climate governance and Indigenous peoples' participation since a new platform for Local Communities and Indigenous Peoples (LCIP) has been established just recently. This platform provides interesting insights into Indigenous peoples' participation in transnational policy-making and links them with broader conclusions from the case of Sámi-EU relations.¹⁰⁵ The idea to install a platform for bundling Sámi perspectives on the EU level was further argued for by different Sámi organisations, e.g. by the Sámi Parliament in Norway in 2019 in its strategy for participation at the EU level (Sámediggi, 2019). There are also similarities to the recently established Sámi Climate Council in Finland that has been set up as an independent expert body on the national level (Finnish Ministry of the Environment, 2023; Jauhianinen, 2023). The Sámi Climate Council in Finland aims at facilitating co-creation of knowledge(s) and at making use of traditional knowledge for finding solutions for the climate crisis.

The LCIP Platform is an interesting case to point to while referring to the insights from the analysis of Sámi-EU relations because the UNFCCC setting is also mostly shaped by states and non-state actors, under the name of so-called stakeholders and Indigenous peoples being situated somewhere *in between*. How are IPOs included in the logics and rules established under the UNFCCC and how can they potentially inform Sámi-EU relations and vice-versa? I look for similar dynamics contributing to the bigger picture of Indigenous peoples' participation in transnational policy-making to better understand how far these processes can be seen as part of greater democratising attempts within global governance towards inclusion of and equality among different actors (Amelung & Baumgarten, 2017; Barnett et al., 2021; Broek et al., 2023; McConnell, 2017; Nanz & Steffek, 2004; Scholte, 2010). In doing so, I want to further point out informing elements indicated by the case study findings on Sámi-EU relations on affectedness and self-determination on the one hand, and participation gaps, on the other.

Although LCIPs were mentioned in the Rio Declaration from 1992 due to their specific role as knowledge-holders for environmental management, the LCIP Platform was only established with the adoption of the Paris Climate Agreement in 2015 (Riedel & Bodle, 2018, p. 11). The UNFCCC differentiates between parties and observer organisations but “does not have rules in place on the involvement of any specific group of observer organizations, including LCIPs” (ibid., p. 12). The COP to the UNFCCC stresses the need for strengthening “knowledge, technologies, practices and efforts of local communities and indigenous peoples related to

¹⁰⁵ There are plans to establish a similar platform under the CBD, using the LCIPs' Platform as a blueprint (interview 12/06/23). Accordingly, pointing to the example of the LCIPs' Platform under UNFCCC can also inform planned processes under CBD.

addressing and responding to climate change” (Local Communities and Indigenous Peoples Platform, 2020). Using this framing of knowledge-holders, Indigenous peoples’ contribution to global climate policy-making becomes a means for finding solutions to the climate crisis and is less designed as a means to strengthen Indigenous self-determination. Although these two means do not necessarily exclude each other, they differ in their arguments for Indigenous peoples’ participation and accordingly, their impacts on self-determination. When the main focus lies on Indigenous peoples’ contribution to finding global solutions through sharing their knowledges and practices, their role becomes similar to other experts and scientists, which cannot adequately address Indigenous peoples’ rights to self-determination because it treats them less as rights-holders than as stakeholders (Sarkki et al., 2021) and cannot create non-dominating institutional contexts (Young, 2007). The mandate of the LCIPs platform, for instance, states that it provides a space for exchanging “experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner” (Local Communities and Indigenous Peoples Platform, 2020). This rather inwards-looking wording of creating exchange opportunities amongst Indigenous peoples is very important in terms of building networks among each other and exchanging knowledges. However, there needs to be a more outwards-directed approach complementing the inwards approach that features Indigenous peoples’ access to policy-making within the UNFCCC process. Furthermore, the wording follows the framing of Indigenous peoples as knowledge-holders risking them being “reduced to repositories of knowledge” (Beier, 2009a), which cannot inform the right to self-determination as it does not acknowledge them as rights-holders.

The platform brings together representatives of Indigenous peoples and local communities. The question remains how the recommendations and the policy advice are channelled into the later negotiations under UNFCCC. If these insights communicated by the platform are similarly treated like other perspectives of ‘experts’ in the sense of scientific advice, it would mean that the process does not follow a rights-holder but rather a stakeholder/knowledge-holder framing with a limited ability to ensure the right to self-determination in the sense of non-dominant institutional settings. If it primarily concerns the integration of Indigenous knowledges into climate policy, questions of self-determination can only be addressed indirectly. Climate policy, adaptation and mitigation measures – similar as in the case of Sámi-EU relations and the EGD – have a great influence on questions of (traditional) land use, at which point the case of Indigenous peoples differs from other groups. Thus, when grouped under NGOs or CSOs, the difference between representing interest-based constituencies or people with an inherent right

to self-determination, cannot translate to actual access to policy-making (cf. Cambou & Koivurova, 2021).

The Paris Agreement and Paris Decision (United Nations, 2015), however, both call in their Preambles for the need to “respect, promote and consider [the parties’] respective obligations on human rights [...], the rights of Indigenous peoples, local communities”. By reflecting on the states’ obligation for ensuring the respect of Indigenous peoples’ rights in global climate policy-making, the framing differs from the former on Indigenous peoples as knowledge-holders. Instead, the wording focuses on strengthening capacities and rights but often remains vague on where in the multi-level governance setting in transnational climate policy these processes need to take place (Riedel & Bodle, 2018, p. 13) while ignoring the relevant role of the state. With view to Sámi-EU relations, it illustrates a similar dynamic with the national level still fulfilling a relevant, often limiting role for Sámi/Indigenous participation in transnational policy-making. Hence, it is not only about establishing procedures on the transnational level, but already at the national level certain policy frameworks are set that influence Indigenous peoples’ opportunities to get involved in higher governance levels. For instance, if IPOs are dependent on national funding for organising their affairs, nationally and transnationally, small funds can limit Indigenous peoples’ participation at all governance levels. The transnational level can though compensate for limiting national policies to a certain extent, similar as in the case of EU funding for Sámi cross-border projects that also aim at capacity building.

In conclusion, although the ‘non-state’ in distinction to the ‘state’ becomes more relevant and more accesses to transnational policy-making are provided for or obtained by Indigenous representatives, the *in-between* status of Indigenous peoples in IR has not led, yet, to a form of participation that can address self-determination in the sense of non-dominant institutional spaces, deriving from a relational understanding of self-determination (Kingsbury, 2005; Young, 2007). The *in-between* status of Indigenous peoples is not sufficiently addressed in the examples of transnational policy-making presented in this thesis. The systems are built by and for nation-states that acknowledge the ‘non-state’ only in contrast to the state; thus, non-state actors are only described through what they are not, states (cf. on the UN, Bauder & Mueller, 2023, p. 164). Even the often-quoted more progressive examples of the UN and Arctic governance show that transnational policy-making follows a state-centred logic which influences and often limits Indigenous peoples’ participation beyond the national level. With regard to self-determination, transnational policy-making is not taking place in non-dominant institutional spaces, following a relational understanding of self-determination and going

beyond a framing of non-inference that could ensure self-determination (Young, 2007). Such non-domination needs institutions regulating the relations in which all actors are participating what enables ongoing negotiations among them (ibid.). These criteria for non-dominant institutional spaces are not fulfilled concerning Indigenous peoples' participation beyond the national level.

I began this chapter with the question of how far Sámi-EU relations serve as an example of Indigenous peoples' participation in transnational policy-making and how typical my results are with view to the population of cases. The assessment of the extent to which the case study findings address the research gaps explored in this thesis and by pointing to other forms of Indigenous peoples' participation in Arctic governance and the UN, allowed for identifying similar dynamics and differences between Sámi-EU relations and other examples from the broader population of cases. Similar dynamics become visible in the role of the nation-state for Indigenous peoples' participation in transnational policy-making and how the transnational level can compensate for limiting national policies to a certain degree. Differences are perceivable concerning the relations between the Sámi and the Nordic states (and the EU) and how they gain access to international fora in contrast to those relations of other Indigenous peoples and their respective governments that are shaped by mistrust, limiting the access these IPOs have to international fora.

In contextualising my findings against other cases of the population, the case study's findings can inform not only Indigenous peoples' self-determination and participation but also broader debates on 'new' actor and governance constellations drawing from the case study as serving as an example of Indigenous peoples' participation in transnational policy-making. The added value of the case study lies here in showing that even in a governance setting that is coined by high standards of democracy and human rights, on the one hand, and transnationality through the case of the Sámi people and the EU governance context, on the other hand, Indigenous peoples' participation displays gaps. Research on participation in policy processes beyond the national level can benefit from considering the case of Indigenous peoples because in doing so, it can address cases that challenge our understanding of state and non-state actors aiming at further developing concepts of actorness in IR. Although participation gaps are identified, also positive developments concerning Sámi participation in EU policy-making are visible that can serve as good practices of inclusion.

After discussing and contextualising the case study's findings, the conclusion chapter bundles the thesis' contribution of the case and beyond by illustrating what my findings entail for

addressing overarching questions from the research fields. In this way, I derive future research avenues adding to academic debates but also policy recommendations.

6 Conclusion

In the conclusion chapter, I summarise the thesis' contributions to a better understanding of Indigenous peoples' participation in transnational policy-making in general and to Sámi participation in EU policy-making in specific. This concluding chapter points to future research avenues that were opened by this work and it further develops policy recommendations.

My thesis has started off from the empirically and theoretically informed assumption that a people's self-determination is affected by policy-making beyond the national level but that access to policy-making through participation at the transnational level remains limited. Given the interlinked relation between self-determination and participation, questions of including different perspectives in transnational policy-making become relevant. These developments need to be understood against the background of democratisation attempts within global governance and the emergence of a transnational public sphere addressing participation gaps in transnational policy-making. The inclusion of actors other than states raising the legitimacy of policy-making beyond the nation-state also introduces Indigenous peoples and their representations as relevant actors in the transnational political space. Indigenous peoples are affected by transnational policy-making and have a right to self-determination. Indigenous peoples and their representations, IPOs, appear as in-between actors, not being 'new' actors in the historical sense and challenging a traditional divide in IR through their postcolonial relations with the nation-states and the system the latter have built. IPOs differ from the other non-state actors through representing rights- and not stakeholders. But how does the in-between status materialise in transnational policy-making for Indigenous peoples and their representations?

I analysed Sámi participation at the EU level through a single-case study that provides in-depth insights into different forms of Indigenous peoples' participation in transnational policy-making with regard to the Sámi people as the only Indigenous people within the EU. Particularly, policy-making that affects Sámi self-determination through questions of land use was of interest in the case study. By choosing a case within Indigenous peoples' participation in a governance setting with high standards in democratic, social-welfare and high trust in

governments, I looked for pathways to strengthen the Sámi right to self-determination at and through the EU level. Successful accesses to policy-making and processes of Indigenous peoples' participation beyond the national level strengthening self-determination could inspire other transnational policy spaces and how they include Indigenous peoples.

To what extent and how do Sámi-EU relations enable Sámi participation at the EU level? Through the forms of access identified by following the different conceptual lenses on Sámi participation at the EU level, a two-sided picture becomes visible. Following a relational understanding of self-determination, Sámi-EU relations can act as both; enablers and limiters of Sámi participation. On the one hand, they create circumventing, leveraging and mediating spaces for transnational policy-making on Sámi issues in the sense of non-domination. On the other hand, Sámi-EU relations build limiting and dominant institutional contexts leading to participation gaps with influence on Sámi self-determination. My analysis identified different examples of Sámi organisations contesting their participation at the EU level towards less domination. With the relations having evolved over the years since the 1990s with more access and a variety of forms of participation, Sámi organisations wish for a different type of relations that would be bilateral, comparable to those between states, more formalised and backed up by a political and institutional framework. Although Sámi-EU relations build spaces for transnational policy-making including Indigenous peoples in EU policy-making, Sámi people's representations are treated rather as part of the non-state category with influence on what kind of participation is taking place, on its formalisation and on its processes. The in-between status of Sámi people and their representatives is not addressed in EU policy-making; hence, non-dominant institutional spaces cannot be assessed, yet. In contrast to the assumption that the case of the EU could inform Indigenous peoples' participation at the EU level as an example for transnational policy-making, the nation-state and citizenship are still very much decisive for participation and less the status of being a transnational and/or an Indigenous people within the EU.

Sámi-EU relations unfold in a transnational and postcolonial context. Overall, the added value of my research also lies in highlighting the ability of Sámi-EU relations to create spaces for transnational policy-making that allowed applying a transnational perspective to capture processes within Sámi-EU relations that would have been outside the scope of analysis through a more traditional intergovernmental or supranational perspective on processes at the EU level only. Through the interlinkages between the Member States, Norway and the EU, the postcolonial dimension of Sámi-EU relations as well as the transnational character of many

Sámi organisations and the transnational identity of many individuals they represent, the framing of the EU governance space as transnational was able to consider a variety of actors, policies, politics and formats where the relations unfold and are being shaped. Sámi-EU relations create transnational policy-making spaces through providing accesses for Sámi organisations to EU policy-making but, at the same time, by bringing Sámi organisations together with 'their' national governments in another governance setting that is not the national.

Further, due to the transnational perspective, the case study's insights inform EU's relations with diverse actors in the area of 'other than states', including other Indigenous peoples. Since in regard to the OCTs with Indigenous peoples, potential EU candidate countries with Indigenous peoples, e.g. Ukraine, the dimension of an internal Indigenous peoples policy might become even more relevant in the future with an increasing number of EU citizens who are Indigenous. The case of Indigenous peoples with EU citizenship but also those in countries with close ties in EU's direct neighbourhood, e.g. Norway in the case of the Sámi people, requires a policy that addresses their rights also EU internally, complementing EU's external Indigenous peoples policy. However, my analysis showed that the least formalised form of participation is perceivable in the lens of 'Indigenous peoples' with Sámi organisations rather utilising the accesses they have through the other lenses and adding an Indigenous dimension to them. Since access to EU policy-making remains limited for the Sámi as the only Indigenous people within the EU given the external focus of the EU's policy towards Indigenous peoples, political mechanisms are needed to channel Sámi and other Indigenous peoples' perspectives into EU policy-making, particularly in terms of land use, land rights and access to resources.

Accordingly, participation gaps should be already addressed at the EU level to ensure Sámi self-determination and prevent policy outcomes that are perceived as unjust by affected communities. My results suggest to develop participatory processes at the EU level to better address Sámi self-determination and frame Indigenous peoples' rights as an EU-internal issue as well to reflect also on EU's postcolonialities. Finding solutions at the EU level on how to include Indigenous people internally could further inform other transnational policy-making settings and their actors to address participation gaps of Indigenous peoples and their representatives. The idea of platforms like in the case of the COP under UNFCCC, although associated with challenges for Indigenous peoples' self-determination, might be an interesting avenue for the EU to further explore how to include Indigenous peoples in EU policy-making. In the case of the Sámi people, I argue that due to their transnational character as one Indigenous people as well as the transnational character of the challenges of the region, an EU policy

directed towards Indigenous peoples inside the EU could support addressing Sámi issues on a more transnational level and link it to other existing EU policies, which could have strengthening effects for Sámi self-determination.

Through the transnational perspective, Sámi-EU relations can be analysed along the framework of Indigenous peoples' participation in transnational policy-making and therefore, the study's findings also inform broader theoretical debates. The findings contribute to a better understanding of the informing dynamics driving the gaps regarding affectedness and self-determination vs. limitations of Indigenous peoples' participation by shedding light on how the polity dimension influences the politics dimension and by that, how institutional frameworks shape participation in policy-making. The four conceptual lenses developed in the model of Indigenous peoples' participation in transnational policy-making helped in deconstructing the relations and in looking for different types of access, forms of participation and their formalisation as well as their processes. The lenses further allowed linking the case to the broader population of cases and its debates. With further view to the population, by going beyond the *sui generis* narrative of the EU and analysing EU policy-making through a transnational perspective, allowed to link the case study's findings to broader conceptual debates on new actor and governance constellations and their inclusion potential in global governance.

The specific actorhood not only of Sámi people in an EU framing, but of Indigenous peoples in transnational policy-making more generally, challenges and contests divides between the categories of state and non-state actors. Therefore, future research on democratisation attempts in the transnational space in the field of global governance aiming at raising the legitimacy of policy-making beyond the national level needs to address more strongly the group of Indigenous peoples because the often applied stakeholder approach cannot lead to a form of participation that addresses Indigenous peoples' right to self-determination like in other cases of including the 'non-state' in formerly state-dominated spaces. Building such legitimacies at the transnational level is necessary to raise trust in policy-making beyond the national level. Ensuring the inclusion and participation of Indigenous peoples in policy-making that affect their right to self-determination works towards democratising policy processes and can build or justify legitimacies. A lack of legitimacies and democratic deficits are closely linked (Tallberg & Zürn, 2019). Hence, shared norms and cooperation fulfil a relevant role for legitimation, which again highlights the relevance of including different actors in the transnational policy-making space. Ultimately, in regard to Indigenous peoples' participation beyond the national

level, building legitimacies through developing such shared norms in and through cooperation, also addresses the issue of decolonising inter- and transnational policy-making. With participation gaps influencing self-determination, limited knowledge exchanges and transfers between actors, including Indigenous peoples and governance levels, both democratisation and decolonisation are contested. Future research could address this more thoroughly, including conducting comparative studies on different transnational Indigenous peoples and their participation in policy-making beyond the national level to look for different forms of participation and their influence on self-determination. Hence, future research needs to further deconstruct the 'non-state' category to go beyond categories that only emerge and are being defined in contrast to the dominant category of states. With Indigenous peoples and their representatives, transnational policy-making and its actors are confronted with peoples whose governance traditions and systems as well as their relations among each other are older than today's international system. Thus, also the form and degree of participation needs to differ in contrast to those of others within the 'non-state' to re-strengthen self-determination (Jones, 2019).

The within-case observations on Sámi-EU relations as well as the examples from the population of Indigenous peoples' participation in transnational policy-making as positive cases for addressing participation gaps showed that in the transnational space accesses for Indigenous peoples are provided or rather have been obtained by their representatives. However, these forms of participation identified and analysed have not led to non-dominant institutional settings following a relational understanding of self-determination (Kingsbury, 2005; Young, 2007). Participation at the transnational level is tied to citizenships and the state actors who grant them. Transnational policy-making being shaped by states does not consider the in-between status and the Indigenous peoples' right to self-determination sufficiently leading to dominant institutional contexts. Hence, the case study and the context of Indigenous peoples' participation in transnational policy-making stand certainly for new actor and governance systems, but their inclusion potential remains limited (Barnett et al., 2021). A stakeholder framing and balancing narrative between different interests continue to be dominant. Different forms of participation and degrees of formalisation have been identified, from varying types of access and displaying diverse processes. For including Indigenous peoples in the transnational space, there seems to be no blueprint, yet. Dominant institutional frameworks continue to exist and limit Indigenous peoples' participation, influence their self-determination and also the legitimising potential of including Indigenous peoples for transnational policy-making.

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Sámi-EU relations:

Sámi participation in the EU as an example of Indigenous peoples' participation in transnational policy-making

Appendix

- 1) Interview questionnaire
- 2) Questions for participant observations
- 3) Guidelines for research diaries and place observations
- 4) Informed consent form

1) Interview questionnaire



Guiding interview questions: Sámi-EU relations

- 1 Which are the key **actors** on the Sámi and the EU side for you when you look at Sámi-EU relations?
- 2 How would you describe the **cooperation between different governance levels** (local, national, regional, EU) when it comes to Sámi rights and issues? Where are potential opportunities or challenges?
- 3 Do you perceive a **shift in how political institutions at different governance levels address Sámi organisations and vice versa**?
- 4 Do you see any **differences between the actors inside of the EU system** in how they address Sámi rights? Are there any **dynamics** perceivable between different actors?
- 5 How would you **describe the relations between the different political institutions** (national or international, EU) and **Sámi organisations**? Are there any differences between them, and if so, what might they depend on? Which role do the nation-states and EU membership play?
- 6 In the context of the so-called green transition, more and more resources are extracted and renewable power plants are built on *Sápmi*. How would you assess the role of the different governance levels (including the EU) when it comes to **addressing negative local impacts**?
- 7 Which existing **formats** between Sámi organisations and EU institutions do you know? How would you assess them (for instance, the Arctic Indigenous Peoples Dialogue, Arctic Stakeholder Dialogue and EU Arctic Forum)? In how far do you consider them successful for pushing Sámi initiatives and interests?
- 8 What kind of **issue areas** are discussed in the cooperation formats? How is the **agenda** set? Do you see a **development** over time of what kind of issue areas are discussed respectively of how the discussions are set up?
- 9 How would you assess the **impact** of these exchanges on policy-making on Arctic issues in general and on Sámi people more in specific in the EU?
- 10 How do you perceive the **integration and role of Indigenous knowledge** in policy-making of EU institutions, e.g. in the area of EU climate policy?
- 11 From your perspective, are there **any relevant questions** that I have not raised yet, you would like to discuss?

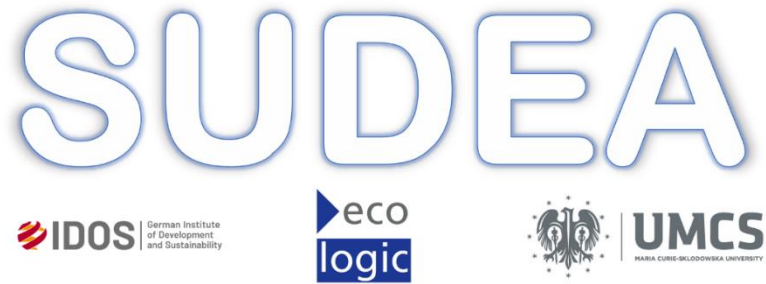
2) Questions for participant observations

- How is the overall setting of the event, of each session?
- How many participants are present? Which organisations do they represent?
- How do the central actors shaping Sámi-EU relations present themselves?
- How are the Member States represented?
- How do the Members of the European Parliament present themselves?
- Which DGs are present, with whom, from which hierarchy level?
- Are other Indigenous peoples' representatives than Sámi present?
- What is the topic of the sessions? How are the discussions on the panels? Who is invited to speak about which topic?
- How are the different topics discussed? How does the EU present itself (mediator, lever)? How is the EU perceived by the Sámi organisations?

3) Guidelines for research diaries and place observations

- What kind of expectations did I have before the visit?
- What is different than expected, what is surprising?
- What kind of local changes can be perceived that were induced by policy-making at higher governance levels?

4) Informed Consent Form



Informed Consent Form

We cordially invite you to take part in the research study “**Sustainable Urban Development in the European Arctic**” (SUDEA) funded by the German Research Foundation (DFG) and the National Science Center Poland (NCN),¹⁰⁶ conducted at the German Institute of Development and Sustainability (IDOS) and the Maria-Curie-Skłodowska-University (UMCS) by Dr. hab. Michał Łuszczuk and Dr. Dorothea Wehrmann (principal investigators) in cooperation with Jacqueline Götze, M.A. (IDOS), Dr. hab. Katarzyna Radzik-Maruszak (UMCS), and Arne Riedel, LL.M. (Ecologic Institute). The project investigates how sustainable urban development and transnational cooperation between urban centers in remote regions can be improved. As part of the project, Jacqueline Götze investigates in her PhD the relations between Sámi organisations and the European Union (EU).

1. Aims

The aim of this document is to inform you about the research as well as the measures taken to safeguard your privacy rights so that you can make a well-informed decision regarding your participation. All statements and information in this form are compliant with the “General Data Protection Regulation (GDPR)” of the European Union and the German “Federal Data Protection Act (BDSG)”. We are strictly bound to these laws, which were designed to protect you against any misuse of the information you give us.

You are being asked to take part in this research study because you represent one stakeholder group who we are approaching to learn about their perspectives on Sámi-EU relations.

¹⁰⁶ DFG project no. 426674468 and Agreement UMO — 2018/31/G/HS5/02448 (NCN).

The purpose of this research is to obtain information on your view and experiences that concern the development of Sámi-EU relations, the respective policy processes and engagement in cooperative settings.

We would like to ask several questions with respect to the actors involved, different policy processes and cooperation formats of Sámi-EU relations. There are no right or wrong answers; we just want to learn more about your perspective. If you agree to take part in this study, we will share our questionnaire at least five days ahead of our explorative interview. Your involvement will last approximately 45 minutes. There are no known risks for you associated with our research.

2. Your participation

Please note that your participation is voluntary. If you choose to take part, you can choose not to answer any question or all of the questions. You have the right to reject your participation or to stop participating in this study at any time that you want. Please also note that we are not able to compensate your participation with payments. You will also not have direct benefits from taking part in this research study. We conduct this interview to learn from you and we hope that the results of our research may guide the future improvement of policy-making on sustainable urban development in remote regions.

All information that you share with us will be kept strictly confidential and will only be shared among the other members of the research team. We will not identify you by name in any publications using information obtained from this interview, and your confidentiality as a participant in this study will remain secure. Subsequent uses of records and data will be subject to standard data use policies, which protect the anonymity of individuals and institutions.

Your research records that are reviewed, stored, and analyzed at Ecologic Institute, IDOS and UMCS will be encrypted and kept in a secured area on local servers.

You have the right to ask any questions you may have about this research. If you have questions, complaints, or concerns related to this research, please contact one of the principal investigators of the research project:

<p>Dr. hab. Michał Łuszczuk Maria-Curie-Skłodowska-University michal.luszczuk@mail.umcs.pl, +48 81 537-68-99</p>	<p>Dr. Dorothea Wehrmann German Institute of Development and Sustainability dorothea.wehrmann@idos-research.de, +49 (0)228-94 927-273</p>
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3. Agreement

Before making the decision regarding taking part in this research, you should have:

- Been able to discuss this study with an investigator
- Reviewed the information in this form
- Had the opportunity to ask any questions you may have

Your signature below means that you have received this information, have asked the questions you currently have about the research, and have received answers to those questions. You will receive a copy of the signed and dated form to keep for future reference.

Would you like to participate?

I, xxx, after being informed about all aspects of this project described in this form, and having all my questions and concerns about this project answered, voluntarily accept to participate in this project. I commit myself to support the procedures described above. I have had the opportunity to ask any questions related to the project. I understand the procedures of the project and how the information will be treated in a confidential manner, without revealing the identity of any person participating in the project in any result reported or published. I give my authorization to give access to this information to all members of the research team, knowing that this information will be used confidentially. I understand that my consent does not take away any legal rights in the case of negligence or other legal fault of anyone who is involved in this study. I further understand that nothing in this consent form is intended to replace any applicable laws.

Participant: By signing this consent form, you indicate that you are voluntarily choosing to take part in this research.

Signature of Participant

Printed Name

Date

We would like to ask for your permission to audio and/or video record you during the interview. There is no pressure to be recorded, the choice is completely up to you. If you opt to not be recorded, we will simply take notes on paper or on laptop. If you agree to be recorded, the recording, like any of your other data during your participation, will be stored safely in accordance with the EU's General Data Protection Regulation (GDPR) and the German "Federal Data Protection Act (BDSG). No one outside from the research team will have access to the recording.

I agree to be recorded,

Yes No