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GLOBALISATION FROM BELOW - The global diffusion of Indigenous peoples rights as a background for understanding the revitalization of a Coastal Saami Community in northern Norway

Abstract:
The present century has seen a remarkable proliferation in international organizations and the promotion of locality. A pertinent example is the current global attempt to organize and promote the rights and identities of indigenous peoples. This paper discusses the Saami revitalization of Kåfjord, a small municipality, in the northern part of Norway. The local struggle for legal user rights to territories and resources has in this locality taken place within a global discourse, namely indigenous peoples rights to their own territories. In this global discourse, the International Labour Organization (ILO) Convention 169 and Article 27 of the United Nations’s convention on civil and political rights have played a significant role.

Introduction

John Urry, a central scholar in the new global approach in cultural geography claims that there is no globalisation “out there”, which is detached from local processes (Urry 2003). Anthony Giddens defines globalisation “as the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa” (Giddens 1990:64). The local-global link is also an important aspect of indigenous peoples movements, where rights are canalised through international organizations like the United Nations. In the last decades, indigenous peoples have made themselves visible on the global scene, promoting their collective interests on national and international agendas, and constituting themselves into a significant cultural and political force (Brantenberg et. al 1995). It is thus possible to speak of a global diffusion of indigenous claims and rights discourses and trans-national legal practices (Minde 2003).

In this paper, we will discuss how global diffusion of indigenous peoples claims are being incorporated into a local context that until recently was identified as a Norwegian, not a Saami community. We will look more specifically into the coastal Saami movement in a small municipality, Kåfjord, in northern Norway. At this local level, it is possible to analyse the actors and their organizations, and how they are linked to a global context. The questions we will like to elaborate further are: Why and how did the coastal Saami community, which Kåfjord is a part, make use of internationally developed agreements, such as the ILO convention in the local context? How did the local community become “more global” through these influences and what was the outcome of these processes?

The paper is based on data from two different research projects. First, the data have been produced from a study of the Saami revitalization of Kåfjord (Pedersen & Høgmo 2004). Second, the paper is based on a study of innovations in the Northern periphery in a project called “Institutions and Innovations” (Aarsæther 2004); part of this particular study took place in Kåfjord, focusing on innovations in an ethnic landscape (Nyseth and Aarsæther 2004).

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Globalisation - from above, from below or from within?

Simply, globalisation may be defined as increasing interconnectedness across national borders (Nash 2000). Much of the talk about globalisation has tended to assume that it is a process which overrides locality. In much of the literature, globalisation is defined as the opposite of localization. Yet, at least, there are two quite different positions on globalisation, namely the “transnationalists” and the “localists”. Although we do not intend to elaborate these positions here, as a point of departure, we take Robert Robertson’s concept of “glocalisation” which sees the local as an aspect of globalisation rather than a counterpoint (Robertson 1995:30). In this perspective, globalisation reinforces or relates to localism, as in “Think globally, act locally”. Examples of this are when minorities or indigenous peoples find support for local demands from transnational networks or appeal to transnational human rights standards, which are beyond local authorities. Ethnic identity politics can also be viewed in the light of globalisation. We cannot neglect, Robertson says, that the extent to which what is called local, to a large degree, is constructed on a trans- or super-local basis. The contemporary construction of ethnicity is made within the global perception of identity and particularity (Handler 1994).

We also find the perspective globalisation from below (Falk 1995, Appadurai 2001), or from within (Bech 2000) fruitful. Globalisation from below, in the words of Richard Falk, is “the transnational initiatives of citizens associations “(Falk 1995:106); it is a definition that in many ways fits well with the indigenous peoples movement. It is a belief in the global civil society as a force towards human governance. It is a perspective that draws heavily on the development and application of international law and the activities of the various organs of the United Nations as democratizing forces, or where the agencies of global civil society balance states and market forces in policy formulation. Also, Appadurai sees globalisation from below as a grass-root initiative, where NGOs mobilize highly specific local groups on matters of equity, justice and redistribution. Such local organizations have complex relations with the state, international civil society initiatives and local communities. Some local NGOs, says Appadurai, are self-consciously global in their concerns and their strategies; they represent new social forms, which can be partly defined as movements, networks and organizations.

From Saami mobilization to indigenous rights movements

Globalisation is not an entirely new phenomenon on a world basis and, certainly, not in Northern Norway. In this paper, we will focus on a new form of globalisation, namely the one that links Saami people in the coastal districts of northern Norway to the global indigenous peoples movement. The processes of globalisation that go on in some of these districts are, to a certain extent, characterized by the following elements:

1. They are highly politicised at both the local and the global levels;
2. They involve claims for territorial control and ownership to land and water; and
3. Identity formation is linked to the indigenous peoples movement, which is promoted through more organized forms of global networks

Since 1987, a whole range of institutions, regulations and organizations has been put in place to promote Saami policies. At the national level, the Saami Parliament and the Saami Act of language are the most important ones. Being the first country in the world to ratify the ILO Convention 169 in 1990, Norway has established itself as a leading advocate for indigenous interests internationally (Brantenberg 1995). The international discourse concerning
indigenous peoples legal position has played an important role in the Norwegian policy shift on issues relating to the Saami (Minde 2003).

A consequence of globalisation is that identity formation has become highly politicized and more public, not only in the Saami core areas, but also in the coastal Saami districts. As part of the new form of Saami identity construction, local Saami culture is being revitalized. Local Saami heritage, language, names, art forms, music, film and theatre are all flourishing. Importantly, the global dimensions relate to change of concepts. The change from Saami to indigenous people implies a change from a local and a specific ethnic group identification to the general concept of indigenousness, where the Saami becomes a part of the international movement of indigenous peoples.

Before 1980, the idea of the Saami as an indigenous peoples in terms of human rights was neither present in the Saami politics of Scandinavian governments nor among the majority of the Saami people themselves. The reason was that the Saami people were well integrated in the countries where they were living. The Alta-struggle, however, changed this position as it quickly moved issues relating to Saami rights on top of the national political agenda. Although this struggle started as an environmental issue concerning the preservation of a waterfall, it was soon linked to international agreements on minorities (Skoghøy 1999, Minde 2003). Arguments based on the concept of indigenousness made the claims for rights more legitimate. The Saami people’s rights to territorial possession and ownership, and the right to use land and water became the central issues (Minde 2003:79). In the wake of the Alta-struggle, Saami demands for self-government and territorial rights were highlighted. In the aftermath of the Alta conflict, too, the coastal Saami mobilization and struggle for rights to fish resources started (Nilsen 2003). In the subsequent reports, the argument was that the Saami were on the edge of disappearing as a people in their own right. Thus, public policies in the fields of culture, language and economics had to be implemented in the Saami districts if this was to be avoided.

We are also witnessing the development of global networks that is rooted in civil society. Saami leaders have for many years played a leading role in indigenous politics at the international level, especially within the UN system for human and indigenous rights (Minde 1995). A tightly knit global network exists between organized groups of indigenous people, which could be described as an evolving superstructure over their local organization (Minde and Nilsen 2003:297). These networks have been able to change perceptions of indigenous peoples as backward to groups that must be assimilated into the larger society in order to enhance growth and development. Some international meeting places have been more important than others in this regard. For example, the UN’s Permanent Forum on Indigenous Issues is now headed by the former president of the Norwegian Saami Parliament, professor Ole Henrik Magga.

THE “SAAMIFICATION” OF KÅFJORD

Characteristically, the coastal districts of Northern Norway are ethnically mixed (Niemi and og Aarseth 1985, Bjorklund 1985). The people in these areas are the “Creols” of the North Callot, as they constitute an ethnic mixture of Saami, Kven’s and Norwegians. This hybrid of different populations is a consequence of immigration from mostly Finland and with trade across the North Callot over time. This region is the centre of what has been described as the scene for the “The tree tribes” meeting. The Saami have, however, constituted a minority in
these districts. Being of Saami origin in the coastal areas did not come with any special privileges concerning access to resources compared to the Saami majority in the inland. They were not included in the national ethnic policies until recently. Consequently, the assimilation policies that were imposed on them by Scandinavian governments nearly led to their disappearance around 1980 (Høgmo 1986).

In Kåfjord, the Saami origin is somewhat stronger than in neighbouring municipalities, which might explain why Kåfjord was the only coastal municipality in the region that decided to join the Saami Act of Language in 1990. The revitalization of Saami culture, in general, has played a role in the mobilization of the coastal Saami in Kåfjord. The coastal Saami movement has contributed to an increased Saami consciousness, with a growing number of young people learning the language.

Now, Kåfjord is more outspoken of its Saami origins than the other coastal municipalities in the region (Pedersen and Høgmo 2004). There are coastal Saami people more or less all over the region, but only Kåfjord has so far obtained the formal status as a Saami municipality.

**POLITICAL, CULTURAL AND TERRITORIAL GLOBALISATION IN KÅFJORD: THREE CASES**

To understand the impact of processes of globalisation at the local level, we have to reconstruct some major underlying events including the actors behind them and their social organizations. The most interesting events in this respect, to our knowledge, are the following three:

**The Black Forest case**

In the upper part of the Manndalen Valley in Kåfjord is Svartskogen (The Black Forest); a fruitful land used for collective grazing, fishing, hunting and collecting firewood by the residents of Manndalen. A conflict over rights to this land had been going on for decades between the local population and the state. At last, in 1998, when it was brought to court through the Wilderness Commission, the State was proclaimed the owner of the area. This verdict was then appealed to the Supreme Court, where the local population won against the state in 2001.

**The struggle for a Saami coastal fishery zone**

In 1992, the Norwegian Saami Association (NSR) arranged its national meeting in Kåfjord, with ILO Convention 169 and Article 27 central in the discussions. The meeting concluded by demanding a Saami recognition in the Saami areas, including the coastal areas. The Saami organizations also demanded the creation of a coastal Saami fishery zone in Northern Norway with the Saami Parliament as the regulating authority. Both the Municipal council in Kåfjord and the Saami Parliament made a similar decision few months later.

**The Riddu Riddu festival**

Annually, in the middle of July, the small village of Manndalen in Kåfjord is transformed into a global indigenous people’s arena through a week long festivity. The festival, Riddu Riddu, was created in 1995 as an annual international meeting ground for indigenous people’s cultural expressions.
We will not go into the details of these cases. Instead, we will discuss what these cases have in common with respect to the processes of globalisation. What are their characteristics, and how do they reflect globalisation?

**THE POLITICIZATION OF RIGHTS TO FISH RESOURCES: THE STRUGGLE FOR A SAAMI FISHERY ZONE**

The collapse of the Norwegian cod fishery and the fishery policy regime are important as a background for the struggle for a new fishery policy in the coastal areas. During the 1980s, fish resources declined. The cod almost disappeared. One reason was that the resources had been heavily exploited due to more efficient fishing with bigger boats and new technology. Local fishermen had agitated that the fjords ought to be protected against these new technologies with reference to common law, but no one listened to them. Eventually, in April 1989, all cod fishing came to a complete stop before it even started in the fjords. The small-boat fishermen in the northern fjords were particularly affected by this crisis.

In 1990, the open access principle for coastal and fjord fisheries, which had been an important factor in the original Norwegian settlement and development of Northern Norway, was abolished. Within the Norwegian fishery policies, the cod fishery was subjected to individual quota management. This led to new regulations on all types of fishing, including the smaller and more traditional fisheries in the fjords. Later, regulations on participation and vessel quota were introduced. These restrictions were not accepted, as they were perceived as an encroachment on and robbery of common rights by the fjord fishermen. The main reason, however, was that fjord fishers could not fulfill the strict requirements to obtain a vessel quota (Storslett 1995, Davies and Jentoft 2003).

While the regulatory scheme generated a tense conflict, it was far from a conflict over different kinds of technology. Ethnicity became an important issue as well. Local organizations and some actors in Kåfjord have been particularly visible in this conflict. Many of the fjord fishermen, who had a Saami background, were looking for a new reason to protect what they perceived as their common right to exploit local resources. This ethnic background had never been of any significance in the access to fishery resources before. To understand this, we have to turn to the international character of the mobilization of indigenous people. The global discourse of indigenous peoples rights to local resources made it possible to construct the right to a local fishing zone in the coastline. The global discourse contributed to the legitimisation of these types of claims. To illustrate the local arguments, we cite from an open letter from local fishermen in Kåfjord to the fishery authorities, which was published in a local newspaper in March 1990:

“First of all, you (the Directorate of Fisheries) have no legal authority to make decisions regarding how the citizens in the coastal districts should manage their resources. Both in Norwegian and International law, the Saami rights to land and water are established as a principle of law. International law and principle of law regarding the rights of the minorities and indigenous people are quite clear. The authorities have neither documented capacity, will or competence in the management of the fishery resources in the north. Injustice has been done towards us. I will not depart the right to fish. There is no fairness to me and others in the coastal Saami fjords suffering because of the capital and modern technology that has led to plundering of the resources in the Barents Sea and in the rich fishery fields along the coast. By permitting trawl and closing net in the fjords, the Norwegian Authorities has to a high degree destroyed our basis of existence” (Fremtid I Nord, March, 12th 1990).

The case turned into a politicisation of the conflict, thereby making it an issue for the newly established Saami Parliament. The Saami Parliament claimed that the quota system neglected
Saami interests and was also in conflict with international law on minorities and indigenous peoples rights. The Parliament proposed the creation of a coastal fishery zone in Saami settlement areas in order to restore and maintain long-established rights in fisheries for the coastal Saami population. This argument found support in the ILO Convention 169. Hence, the Minister of the Fisheries solicited a report from professor Carsten Smith - an expert on Saami rights. His conclusion was much the same as the Saami Parliament’s: the traditional coastal fishery in the fjords was part of the coastal Saami culture, and therefore had to be protected. The UN convention on civil and political rights, Article 27, he noted, opened up for distinct Saami fishery regulations (Smith 1990). While the Fisheries Ministry did not completely reject the idea of a separate regulation in the Saami areas at this time, it saw the definition of the Saami districts problematic. There was no consensus between the Saami Parliament and the Fisheries Ministry as they appointed their respective committees to examine this issue further. The Saami Parliamentary Committee was headed by the mayor of Kåfjord, Einar Storslett. His report was completed in 1995, and came up with quite radical conclusions (Storslett 1995). The basic conclusion was the creation of a coastal fishery zone in the coastal Saami districts for the Saami fishermen, but open to all the active fishermen in the Saami districts. Based on this report, the Saami Parliament launched the concept of a “Fisheries Policy Zone for Saami Areas”. The Lyngenfjord, which includes Kåfjord, was one of the fjords proposed for local fisheries management experimentation.

This experiment was, however, not implemented (Holm et al 1997). While presenting the report in 1997, most members of the Norwegian government’s committee concluded that they, at this point in time, could not support a separate fishery zone for the Saami areas. The case now assumed a political dimension and also linked to the future management of land and water in the Finnmark county. Since 1998, despite the Saami Parliament’s annual demand for the creation of a Saami fishery zone and the restoration of fishery rights taken from the coastal Saami because of the quota system in 1990, nothing has happened. There has not been any real change in Norwegian fishing policy in respect of the Saami demands. Some people believe that it is only a matter of time before the government reneges on hitherto ratified international conventions. In the succeeding Svartskogen case, however, the outcome is quite different.

**Legal rights to territory: The Black Forest case**

On 6th February 2004, there was a celebration in Manndalen, Kåfjord, of the Saami National Day and the Supreme Court’s ruling in recognition of Saami rights to a 116 square kilometre territory in the inner part of the valley called Svartskogen. By this court decision, the Saami communal rights were endorsed while the state was denied formal ownership of the land in question. In this Supreme Court case, reference to customary user rights was decisive in the successful outcome. The recognition of the user rights applied to the local population at large, regardless of ethnic origin. From the local point of view, exclusive user rights to the Saami had never been the goal.

The case, which went on from 1993 to 2001, dealt with the issue of user rights to forestry and pasture based on customary and immemorial prescriptions or “alders tids bruk”; as assumed and exercised by a number of sedentary Saami in the region against state ownership rights.

The case has a long history, which is characterised by conflicts between the Saami and state representatives, even with occasional violent clashes. People in the valley have always defined Svartskogen as a common pool resource for all the citizens in the valley. This practice
is very old in Manndalen, possibly dating back to around 1850 or earlier when all the people in the valley were identified as Saami. The rules of management are more or less the same today as they were hundred years ago.

The customary user rights have, however, been questioned by the authorities several times, specifically in the 1920s and 1940s. Because of police reports about repeated denunciations and the memory of the local people, this practice was well documented and probably provided the best proof of settled Saami peoples’ use of the outlying fields. Besides, it shows a case where collective rights neither are dependent on land ownership nor given to a single group of people. In this context, “collective” refers to all the local farmers in the valley of Manndalen since the settler groups in the area, mostly Kvens and Norwegians, were not excluded from the practice. Bjerkli and Thuen argue that claims to user rights to Svartskogen solely on the basis of indigenous grounds would have politicised the issue and caused tensions between the local residents (Bjerkli and Thuen 1999: 285). Also, it would have undermined the strategy over an issue that had been firmly established as the symbol of consolidation against the outside “enemy” (the state).

The period, from 1950 to 1980, was somewhat characterised by a tacit agreement as there were no open conflicts. The local population’s use of the area seemed to have been tolerated by the state, but not on a formal level. From 1980, when the National Forest Authority (NFA) took over the management of the area, the relationship changed. The NFA, unlike the state in the previous period, assumed a more active role and proclaimed state ownership in the area. The Department of Agriculture, on behalf of the State, then, took the case to court, where a verdict was delivered in favour of the state. The farmers in the valley, however, appealed this decision to the Supreme Court. This case is the subject of our discussion here.

In the Supreme Court deliberations, the state questioned the collective user rights and their legitimating principle of “old time use” by the farmers in the valley. The State argued that the territory was a land of “terra nullius”; that it was not occupied by anyone in particular and thus was subject to government control and management (Svensson 2003). On the contrary, the local farmers claimed that they had always used the land, assuming that it was theirs. The main argument used by the local farmers was “old times use” (alders tids bruk) or customary law; a practice, which the state, in its efforts to regulate local access to the land, had never contested before (Bjerkli and Thuen 1999). The argument was simply that “the practice in Svartskoken reflects a dominating local understanding that all tenant farmers in the valley are entitled”. So, with reference to domestic as well as international law, the Supreme Court supported the local position (Bjerkli, 2004, Jentoft 2003). The court also argued that its decision was in agreement with the ILO convention 169, Article 14. The court referred to the Saami culture as a dominant part of the freeholders, who had made use of the valley for a long period of time (Bull 2003, Smith 2004).

The victory was of historical significance. The case, together with some other recent cases, stands as one of the landmarks in favour of Saami peoples rights in Norway and, to some degree, to indigenous peoples rights in other countries.
Cultural manifestation and Identity formation

In 1990, during Christmas, “Kåfjord Saami Association”, together with the more recent “Kåfjord Saami Youth association, held a meeting to outline future activities to promote their interest and that of the Saami community in the municipality. It was also decided to organize a cultural festival in the summer of 1991. The scope of this arrangement was rather limited. However, the search for a new coastal Saami identity and a growing Saami consciousness as indigenous people led to a more ambitious role for the festival. The festival soon became an international meeting ground for indigenous peoples of the North under the name Riddu Riddu, which is the Saami expression for a “Small Storm”.

The Riddu Riddu festival is the result of several factors. One important factor was the municipal council’s decision to implement the Saami Act of Language in 1990. A cultural struggle had been going on in the municipality for some time, where those who defined themselves as Saami felt the need for new arguments, which they found in the Saami institutions and the international understanding of indigenous people. The Saami local uprising hence assumed an international dimension. Another factor, perhaps of a different kind, was the effect of the special state policy towards these regions. In 1990, the Northern parts of Troms and Finnmark counties were defined as specific economic regions. Tax exemptions and extended welfare services were granted to firms and residents in the regions to make it easier to establish new businesses and attract competent personnel. This policy became an economic advantage for out-migrated young people, who moved back to their places of birth. The people behind Riddu Riddu are a case in point. The festival is run by a group of enthusiastic, well-educated and ethnically self-confident young people. They represent a new generation, which seems to take the Saami issue as their main frame of reference. They have become front soldiers in the struggle for the Coastal Saami culture.

While a total of 3000 people attended the festival in 2003, it was 3500 people in 2004. These participants came from Russia (Kamatsjatka and Sibiria), USA (Hawaii), Canada (Nunavik), Greenland (Kallaitt Nuant), Latvia, Tuva and inner Mongolia. Also, as many as 80 journalists from press houses all over the world covered the festival in 2004. In a global perspective, it is also worth noting that Riddu Riddu manifests an experience in cross-cultural mobilization which NORAD (Norwegian Agency for Development Cooperation) intends to draw upon in a proposed South African project.

To understand the success of Riddu Riddu, both the locational and the global dimensions seem to be important. Overlapping local ties and strong extra-local connections have been combined to organise the festival. No outsider would have thought of Manndalen as a place for national and international cultural activities, considering its peripheral location and population of less than 1000 people. The Riddu Riddu festival, then, has had a great impact locally; it has given Manndalen and its coastal Saami culture recognition beyond local and national borders. To understand the success of the Riddu Riddu, both locational and the global aspects seems to be important. As a symbol of coastal Saami Culture, the Festival has had a major influence (Pedersen and Høgmo 2004).

Conclusion

How do these three cases address processes of globalisation? First of all, it was through processes of globalization that actors behind these projects were linked to networks and initiatives in other parts of the world, which legitimated their claims on local resources as in the Black Forest and the Saami fishery zone cases. Both cases connect the community of
manndalen and the rest of the saami community to the saami core areas and, then, to global indigenous networks, particularly the un. the common thread in these cases was the use of international conventions in a local conflict. the global dimension of these cases is, first of all, the use of ilo convention 169 and the un convention on civil and political rights (article 27), as a basis for claiming specific rights. in this respect, the local saami fishermen in kåfjord were fighting the same battle as the maoris in new zealand and the first nations in canada. in both cases, there seems to exist a certain “law optimism” in the saami struggle for better living conditions. by law optimism we mean a strong confidence in using the law system to solve social problems, in this case, the rights of indigenous people. this “law optimism” is to a large degree founded in international conventions. aboriginal rights are usually conceived as part of international law. property rights and rights to self-determination are super ordinate political goals, which indigenous people are striving for at present. however, this "law optimism" is also deeply embedded in local traditions or on customary law. customary law refers to the collective rather than individuals, as it was well illustrated in the svartskogen case. customary law is related to a context: first, in the sense that it is perceived as cultural specific; second, it should be viewed in relation to internal cultural variation and the concrete situations within which it is being practised (helander 2001).

however, it is through international law or conventions that local customary law derives its cultural distinctiveness (svensson 2003:115), thereby leading to the evolution of a new legal order.

the third case, however, is best understood as a powerful construction of a global community with a certain indigenous purpose. the riddu riddu festival is anchored in the cultural field; it is linked to local identity formation as it connects the coastal saami of kåfjord to other minorities and indigenous peoples on a more global scale. we are witnessing a local construction of identity. the indigenous peoples movement on a global scale gives cultural meaning to the local processes in kåfjord. riddu riddu has become a medium of global discourse, where communication with other indigenous peoples is the central focus. it could also be looked upon as a late modern phenomenon in which the saami itself has been politicized (hovland 1996).

the very existence of the world of indigenous movement is a product of globalisation. this is also true the other way round: it is through the rich saami history and culture that kåfjord has become more visible on the national and global scene. instead of being defined from outside, the locality now defines itself with reference to what and who they are. the saami cultural revitalization has made kåfjord more visible to the world. kåfjord, as a whole, both the saami and the norwegian parts of the community, is benefiting from the saami profile. the branding and the marketing of the municipality is based on its saami origins. what the municipality is selling is an ethnic-based cultural property or their coastal saami identity.

what is taking place in kåfjord could then be understood as an “universalisation of particularism” (robertson 1992), where identity patterns become more complex as people assert local loyalties but still want to share in global values and lifestyles.

as we have been arguing in this paper, globalisation is not a force that is coming from outside and wiping out all that is local in its way. on the contrary, in this context, we have shown that local identity and local characteristics are strengthened and made more, not less visible as a consequence. through globalisation, time and space are compressed; indigenous groups, who are located in different parts of the world are being linked together in more powerful networks than before. the increasing interconnectedness between local organizations and organizations on a global level does not lead to homogenization of cultures as claimed by george ritzer
(1993) and others. It is the opposite that seems to be the case, at least, in Kåfjord; the local becomes more distinct, more rooted as a consequence of globalisation. We are witnessing a specific version of globalisation from below. Despite importing aspects of globalisation theories, looking at local units and actors as victims of powerful global agents, our research shows a more modified picture. The local and its capacity to influence its own circumstances is strengthened rather than weakened as a result of indigenous peoples global mobilization.

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