

# ENVIRONMENTAL INJUSTICE IN FOSEN, NORWAY

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## **About Crude Accountability**

Crude Accountability is an environmental and human rights non-profit organization that works with communities in the Caspian and Black Sea regions, which struggle against threats to local natural resources and negative health impacts. Crude Accountability works on the local, national, regional, and international levels in partnership with communities and organizations committed to a just and environmentally sustainable world. Based in Northern Virginia, Crude Accountability also collaborates with other environmental organizations in the United States.

## About the Author

### Anne Karam

Anne Karam is interested in questions of environmental justice in the era of mass renewable energy development and deployment, drawing from the discipline of political ecology to investigate processes of capitalisation and the mainstreaming of the green growth model. She earned her MSc in International Development Studies from the University of Amsterdam in 2022 and currently serves as Gender Advisor at the KIT Royal Tropical Institute, where she is working on the intersection of gender with climate change and agri-food systems.

# Summary

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Wind power has become a major player in the energy transition since 2000. The global wind generation capacity has increased from 7.5 GW in 1997 to 733 GW in 2018.<sup>1</sup> In 2020, wind energy was primarily onshore, around 699 GW in 2020, but with an installed offshore capacity of 34.4 GW.<sup>2</sup> Wind energy, combined with solar energy, are considered the key sources for the energy transition to reach net zero by 2050.<sup>3</sup> To reach this goal, the International Energy Agency estimates that the average annual growth rate of wind energy needs to reach 17%, while in 2022 it was around 4.7%.<sup>4</sup>

Norway is the major player in Europe regarding wind energy. New renewable energy (NRE) policies in Norway began gaining traction in the late 1970s, although the government consistently tended to take a cautious approach toward them. In 2002, wind power represented only 0.03% of total power production.<sup>5</sup> Plans towards implementing NRE are slowed down by institutional inertia due to the dominant role of the petroleum and gas industry. In 2020, wind energy represented 6.5% of total electricity generation in Norway,<sup>6</sup> with an annual installed capacity of 1532GW.

The Fosen Vind park in the Trøndelag region of (central) Norway contributed 1057MW to Norway's onshore wind production in 2020. It is the largest wind farm in Europe comprised of 80 turbines. The project, specifically two of the farms, Storheia and Roan, have received backlash from the Saami community, and a vocal local anti-wind population, for the violation of rights protecting the livelihoods of Indigenous Peoples and environmental concerns. In 2021, the Supreme Court of Norway ruled in favour of Saami reindeer herders, officially declaring Fosen Vind's licenses for Storheia and Roan wind farms as invalid: the

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<sup>1</sup> <https://www.irena.org/Energy-Transition/Technology/Wind-energy>

<sup>2</sup> <https://www.irena.org/Energy-Transition/Technology/Wind-energy>

<sup>3</sup> <https://www.iea.org/energy-system/renewables/wind>

<sup>4</sup> <https://www.iea.org/energy-system/renewables/wind>

<sup>5</sup> [https://doi.org/10.1016/S0301-4215\(01\)00088-X](https://doi.org/10.1016/S0301-4215(01)00088-X)

<sup>6</sup> <https://www.iea.org/reports/norway-2022/executive-summary>

court argued that the wind farms violated the reindeer herders' rights and were a threat to the protection of their cultural practice.<sup>7</sup>

As a result, the Fosen Vind wind farm has become a striking example of environmental injustices in renewable energy projects. The OSCE policymakers, national and EU governments, must consider the social and environmental implications of large-scale renewable projects and the risks they pose to free, prior and informed consent amongst other democratic principles.

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<sup>7</sup> <https://www.domstol.no/en/enkelt-domstol/supremecourt/rulings/2021/supreme-court---civil-cases/hr-2021-1975-s/>

# Background

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## Electricity Sources in Norway

Norway is the 3rd and 15th largest exporter of natural gas and oil, respectively, in the world.<sup>8</sup> In 2020, crude oil and natural gas represented over 40% of Norway's exports of goods, making them the country's most important export commodities. Its production provides 20-25% of the EU gas demand.<sup>9</sup> Furthermore, Norwegians are the 2nd biggest consumers per capita of electricity.<sup>10</sup> Consequently, the Ministry of Petroleum and Energy (OED), established in 1978, plays a key role in Norwegian politics and petroleum policy tends to take priority over broader electricity policy.<sup>11</sup>

In 2022, following the pandemic and the Russian invasion of Ukraine, Norwegian exports broke records.<sup>12</sup> Natural gas exports in March 2022 were four times higher than March 2021, totaling Eur12.97 billion.<sup>13</sup> This follows a tax package granted to oil and gas companies during the pandemic.<sup>14</sup>

Norway is also an important hydropower producer. The hydropower sector generates 96% of the country's electricity.<sup>15</sup> As a result, Norway is a renewable energy leader within Europe. It is, however, a misunderstanding that Norway's energy is close to being fully renewable because of hydropower. The three largest emitters in Norway are industry, oil and gas production and transport, and they rely on fossil energy.

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<sup>8</sup> <https://www.norskipetroleum.no/en/production-and-exports/exports-of-oil-and-gas/>

<sup>9</sup> <https://www.norskipetroleum.no/en/production-and-exports/exports-of-oil-and-gas/>

<sup>10</sup>

[https://www.researchgate.net/publication/281554074\\_New\\_renewable\\_energy\\_and\\_the\\_Norwegian\\_policy\\_triangle](https://www.researchgate.net/publication/281554074_New_renewable_energy_and_the_Norwegian_policy_triangle)

<sup>11</sup> [https://doi.org/10.1016/S0301-4215\(01\)00088-X](https://doi.org/10.1016/S0301-4215(01)00088-X)

<sup>12</sup> <https://www.euronews.com/2022/08/16/norway-exports-record-as-natural-gas-prices-surge>

<sup>13</sup> <https://www.euronews.com/2022/08/16/norway-exports-record-as-natural-gas-prices-surge>

<sup>14</sup> <https://www.reuters.com/article/us-health-coronavirus-norway-oil-idUSKBN23F1NV>

<sup>15</sup> <https://www.hydropower.org/country-profiles/norway>



The hydropower developments, led by the Norwegian Water Resources and Energy Directorate (NVE), came under scrutiny in the 1978 for its project on the Alta river in Northern Norway (Finnmark).<sup>16</sup> It is one of the most important resistance movements in Norwegian history. The Saami organized a series of massive protests for environmental protection and for the defense of Saami civil rights.<sup>17</sup> While the dam was ultimately built in 1987, the conflict allowed the Saami to take back their own Indigenous identity and led to the recognition of the Saami within the Norwegian state structure and to the Saami parliament.<sup>18</sup> Major legislation followed, such as the Saami Act of 1987,<sup>19</sup> meant to “enable the Saami people in Norway to safeguard and develop their language, culture and way of life.” Additionally, the 2005 Finnmark Act recognises the rights to land of the Saami in Finnmark, as “a basis for Saami culture, reindeer husbandry, use of non-cultivated areas, commercial activity and social life.”<sup>20</sup> Despite the 2005 Finnmark Act, the Saami lack actual self-determination in regards to their land and livelihoods, illustrated by the continued disregard enacted by each level of the Norwegian government towards them.

The actors in Norway’s energy sector are the three levels of governance (national, county, local), the Ministry of Petroleum and Energy (OED), public energy companies and the Norwegian Water Resources and Energy Directorate (NVE). Public energy companies exist at the national and local, regional levels: Statkraft and Equinor are national public energy companies while TronderEnergi is the public energy company for the region of Sor-Trøndelag in mid-Norway. The NVE, under the OED ministry, is responsible for the “management of energy and water resources in mainland Norway.”<sup>21</sup>

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<sup>16</sup> <https://www.environmentandsociety.org/tools/keywords/alta-dam-controversy>

<sup>17</sup> <https://link-springer-com.proxy.uba.uva.nl:2443/article/10.1007/s10584-016-1653-x>

<sup>18</sup> <https://doi.org/10.1353/hrq.2012.0000>

<sup>19</sup> <https://www.regjeringen.no/en/dokumenter/the-sami-act/id449701/>

<sup>20</sup> <http://environmentalrightsdatabase.org/norways-finnmark-act/>

<sup>21</sup> <https://www.regjeringen.no/en/dep/oed/organisation/Departments/energy-and-water-resources-department-ev/id1561/>

## Wind Power in Norway

### *History, development alongside oil and gas*

With pressures from the climate crisis and international climate agreements to expand its renewable energy sources, Norway has been investing in onshore wind power development. Conversations around wind power began in the 1990s, but the development of the industry truly began around 2010. When Norway first started exploring wind power, the industry was not considered as necessary (due to hydropower) nor economically profitable. This changed when, in 2012, Norway and Sweden launched the green certificate scheme which pushed state subsidies into wind power. Then, in 2015, the government amended its tax policies that made investments into wind energy more lucrative for developers.<sup>22</sup> In the meantime, wind technology became more advanced and efficient. Together, these three factors led to an explosion in Norwegian wind power capacity and production.

Wind energy has been a controversial topic in Norwegian society and politics because of a strong cultural attachment and identity to nature, or *friluftsliv* (“outdoor living”) which assigns leisure purposes to untouched nature.<sup>23</sup> In anticipation of elections in 2020, the OED announced that they will slow down onshore wind projects.<sup>24</sup> This decision was made after the failure of the OED and NVE’s National Framework in 2019, which received significant backlash from environmental organisers, municipalities and Saami herders.<sup>25</sup> In a white paper, the government recognised potential environmental concerns and the need to update its licensing and consultation process regarding onshore wind projects. In the meantime, Norway has begun work on the world’s largest offshore wind farm – Hywind Tampen – which will provide around 88 MW of capacity.<sup>26</sup>

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<sup>22</sup> [https://winwind-project.eu/fileadmin/user\\_upload/Resources/Deliverables/Del2.1\\_final.pdf](https://winwind-project.eu/fileadmin/user_upload/Resources/Deliverables/Del2.1_final.pdf)

<sup>23</sup> <https://www.tandfonline-com.proxy.uba.uva.nl:2443/doi/full/10.1080/00291951.2023.2225068>

<sup>24</sup> <https://www.bloomberg.com/news/articles/2020-12-09/wind-farm-backlash-grows-in-oil-rich-norway-ahead-of-election>

<sup>25</sup> <https://www.reuters.com/article/us-norway-windpower-idUSKBN23Q28H>

<sup>26</sup> <https://www.iea.org/reports/norway-2022/executive-summary>

## *European Grid*

Norway is connected to the tightly integrated European power grid that establishes an easy exchange, through cables, of energy between countries.<sup>27</sup> It allows for a complementarity between energy sources: if hydro production is running low, then the country will get alternative energy from the grid (i.e. German wind or coal) and power is always transported in the direction where it's most needed. If there is an excess of hydro production, Norway will sell the surplus through the market. Prices are decided on the basis of where energy is needed and the efficient way to arrange it.

However, the connection has proven to be problematic for certain regions in Norway, specifically Southern Norway (i.e. Bergen, Oslo). The better connected one is to the grid, the more electricity prices will fluctuate, as they are more dependent on prices within Europe and import-export opportunities. Thus, if it is a better deal to sell the electricity to another country connected to the grid, the producers can prefer to export it than use it domestically.

## *European Emissions Trading*

Since 2008, Norway has been connected to the EU ETS, that is based on a cap-and-trade approach. The EU sets a cap "on the total amount of certain greenhouse gases that can be emitted by the installations covered by the system". Companies "buy or receive emissions allowances" that can be traded within the market.<sup>28</sup> Many see the ETS as a necessary condition to build an energy system without emissions in Europe. The European power grid connection, coupled with the ETS, are meant to give incentives to build renewable energy. Questions remain over whether the ETS is conducive to sustainable development, as given the nature of a carbon market, higher renewable electricity production in Norway, with a lowered footprint and minimized use of its emissions allowance, for example through hydro or wind, allows for other countries to continue emitting high levels of greenhouse gases.

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<sup>27</sup> <https://www.regjeringen.no/en/topics/energy/the-electricity-grid/the-power-market-and-prices/id2076000/>

<sup>28</sup> [https://ec.europa.eu/clima/eu-action/eu-emissions-trading-system-eu-ets\\_en](https://ec.europa.eu/clima/eu-action/eu-emissions-trading-system-eu-ets_en)

## Fosen

The largest project in Norway, Fosen Vind, comprises six wind farms with a combined capacity of 1,057 MW.<sup>29</sup> The farms are all located in Trøndelag, a county in Mid-Norway. Fosen Vind includes the Storheia wind farm, which is the biggest wind farm in all of Norway and Europe, consisting of 80 turbines and producing 1,000GWh of energy.<sup>30</sup> The Fosen development alone contributes to 1057MW of installed onshore power capacity in 2020 in Norway.

Conversations for wind power in Åfjord started in the late 1990s. Ten years later, the Trøndelag County Municipality said that Åfjord, Roan, Snillfjord, Hitra og Frøya, should be the place for this kind of industry in the middle of Norway. Initial hearings concerning the Fosen development were held in 2008-2009. The citizens largely expressed support or indifference to the project but delays (due to high prices that would not lower until the 2012 green certificate and the 2015 tax scheme) meant that the technology improved and the construction plans changed. Construction ultimately began in 2016. The municipality was not re-consulted despite the delays in the project, and the relationship with the NVE became more distant.<sup>31</sup>

The Storheia and Roan projects, connected to the Åfjord municipality, are situated in an important area for the Southern Saami reindeer herding community.<sup>32</sup> In 2018, the UN Committee on the Elimination of Racial Discrimination asked Norway to suspend the Storheia project while they verified the impacts that would be experienced by the Saami. Nonetheless, the OED pushed through with the development. In 2021, the Norwegian Supreme Court ruled in favour of Saami reindeer herders, officially declaring Fosen Vind's licenses for Storheia and Roan wind farms as invalid: the court argued that the wind farms violated the reindeer herders' rights and were a threat to the protection of their cultural practice.<sup>33</sup>

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<sup>29</sup> <https://www.statkraft.com/about-statkraft/where-we-operate/norway/fosen-vind/>

<sup>30</sup> <https://www.statkraft.com/about-statkraft/where-we-operate/norway/storheia-wind-farm/>

<sup>31</sup> <https://www.tandfonline-com.proxy.uba.uva.nl:2443/doi/full/10.1080/00291951.2023.2225068>

<sup>32</sup> <https://www.business-humanrights.org/en/latest-news/norway-to-build-wind-farm-despite-un-calls-to-suspend-project-over-concerns-of-impact-on-indigenous-herders-livelihoods/>

<sup>33</sup> <https://www.domstol.no/en/enkelt-domstol/supremecourt/rulings/2021/supreme-court---civil-cases/hr-2021-1975-s/>

Since 2021, activity on the farm has not slowed down and the calls to remove the turbines have been ignored. In the meantime, activists, including non-Saami and non-Norwegian, have continued to criticize the Norwegian energy ministry on the Fosen case.<sup>34</sup> As a response, the government has apologized, but without offering any steps forward.<sup>35</sup>

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<sup>34</sup> <https://www.reuters.com/business/environment/thunberg-other-protesters-block-norway-energy-ministry-over-wind-farms-2023-02-27/>

<sup>35</sup> <https://www.reuters.com/world/europe/norway-wind-farms-heart-sami-protest-violate-human-rights-minister-says-2023-03-02/>

# Problems at, with, around Fosen

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## **Inadequate consultation of relevant stakeholders including municipal residents, Indigenous Saami reindeer herders**

Regarding land use change, the PBA is the central piece of legislation in Norway. It was written in 1985, amended in 2005 and revised in 2008. Section 1-1 defines the purpose of the Act as “a basis for administrative decisions regarding the use and conservation of resources.”<sup>36</sup> The corresponding act when it comes to land use change for energy purposes is the 1990 Energy Act, that addresses “the generation, conversion, transmission, trading, distribution and use of energy (...) in a way that efficiently promotes the interests of society, which includes taking into consideration any public and private interests that will be affected.”<sup>37</sup>

The 2008 revision diminished their formal veto power of the municipality in land-use projects for energy specifically, but it maintained a certain level of informal power. The NVE will rarely give a concession or a license where the municipality is a clear no to wind power during that hearing process. However, if a plan is approved, any changes that are made do not need to be brought forward to the municipality.

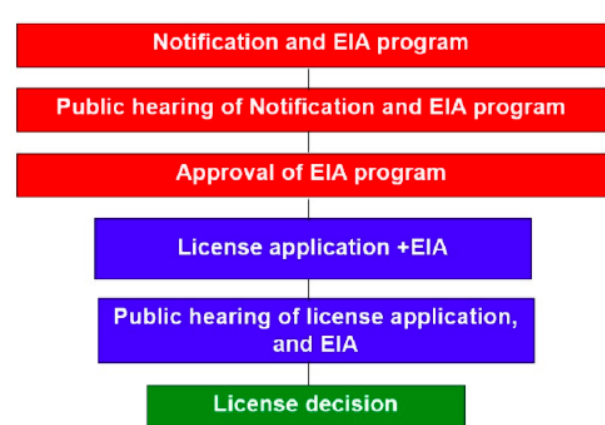
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<sup>36</sup>

[https://www.regjeringen.no/globalassets/upload/kmd/komm/veiledninger\\_og\\_brosjyrer/local\\_government\\_in\\_norway\\_h-2313e.pdf](https://www.regjeringen.no/globalassets/upload/kmd/komm/veiledninger_og_brosjyrer/local_government_in_norway_h-2313e.pdf)

<sup>37</sup> [https://www.regjeringen.no/globalassets/upload/oed/vedlegg/lover-og-reglement/act\\_no\\_50\\_of\\_29\\_june\\_1990.pdf](https://www.regjeringen.no/globalassets/upload/oed/vedlegg/lover-og-reglement/act_no_50_of_29_june_1990.pdf)

## Inadequate environmental assessments and the consequences for reindeers and herders



Process	Date	Actors
Notification and EIA program <sup>38</sup>	30 June 2006	Statkraft to NVE
Public hearing of notification and EIA program		Discussions between county, municipality, Saami, NVE
Approval of EIA program		
License application EIA	26 March 2008 March 2008	Statkraft to NVE Statkraft, consultants
Public hearing of license application, and EIA	2008-2009	County, municipality, Saami, NVE
License decision	7 June 2010	NVE to Statkraft
Appeals to OED	2011	
Appeal decision	2013	OED

The EIA is commissioned to private consultancy firms. The developer has full authority on selecting the consultant, without being offered any guidelines from the NVE on how to perform these EIAs. Without competence on Saami culture and livelihoods, the assessments fail (and have failed) to adequately measure the impact on their livelihoods. A report by Motvind<sup>39</sup> (an anti-wind environmental group) explains that the wind power plants result in larger consequences than anticipated, especially due to the fact that these were some of the first projects of such magnitude being built on reindeer land. While the NVE insisted that the projects will have positive benefits for the developers and the local populations, the voices and concerns of the Saami were not reflected in the EIAs.

There is a general lack of research on the reindeer response to wind energy projects. Initial research on the topic in Sweden explains that while the reindeer

<sup>38</sup> <https://www.nve.no/licensing/>

<sup>39</sup> <https://motvind.org/wp-content/uploads/2020/07/vindrein-eng-alt.pdf>

are disturbed during the construction of the parks, they are even more bothered by the running of the turbines.<sup>40</sup> The placement of wind farms on these lands impedes ancestral reindeer herding practices by the Saami as the lands have been significantly modified to house the turbines, altering not only the path reindeer would like to follow, but also their feeding options. Part of the practice of reindeer herding is for the herders to be guided by the reindeers; the animals “dictat[e] the pace and direction of [their] movement.”<sup>41</sup> The Court of Appeal suggested artificial feeding as an alternative, failing to acknowledge that this is not the same as having free pastures for the reindeer.<sup>42</sup> Thus resulting in a violation of the ancestral practice since the constructions force the herders to move the reindeers, rather than leaving the reindeer to roam naturally.

Another example is in Vesfn, Norway, where the Öyfjellet wind farm began construction before the final agreement with the Saami was in place<sup>43</sup> (a blatant disregard of UNDRIP). In 2020, throughout the migration route, herders and reindeers came into contact with the construction site of the turbines. This heavily disrupted the pace of the migration, threatened the health and wellbeing of the reindeer, and forced them to modify their ancestral practices.

As a response to these repeating issues, the Saami will occasionally conduct complementary IAs focused only on the effects of the project on reindeer husbandry, through their own organisations such as Protect Sápmi.<sup>44</sup>

There are few updates on the Fosen case. The last major move by the Norwegian government was an official apology in March 2023 – 500 days after the verdict was announced by the Supreme Court.<sup>45</sup> Activists, environmental and human rights organisations (e.g. Motvind, Norwegian National Human Rights Institution...) and Saami representatives continue to lobby for the expedition of measures by the government. The Fosen case is a human rights issue. As laid out by the NHRI,<sup>46</sup> the Sami people are a recognized minority under the UN International Covenant on

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<sup>40</sup> <https://doi.org/10.1002/ece3.4476>

<sup>41</sup> <https://novaramedia.com/2020/11/30/arctic-turbulence-why-indigenous-communities-are-fighting-wind-farms/>

<sup>42</sup> <https://www.iwgia.org/en/news/4956-green-colonialism,-wind-energy-and-climate-justice-in-s%C3%A1pmi.html>

<sup>43</sup> <https://novaramedia.com/2020/11/30/arctic-turbulence-why-indigenous-communities-are-fighting-wind-farms/>

<sup>44</sup> <https://protectsapmi.com/engelsk/about-protect-sapmi/>

<sup>45</sup> <https://www.nhri.no/en/2023/about-the-wind-farms-on-fosen-and-the-supreme-court-judgment/>

<sup>46</sup> Norwegian National Human Rights Institution



Civil and Political Rights (ICCPR), reindeer husbandry is a protected cultural practice, remedial measures are lacking, ultimately resulting in an “ongoing violation of the reindeer herders’ human rights.”<sup>47</sup>

The EIAs in Norway have been considered mostly inadequate, not only regarding the reindeer, but for broader environmental questions. With regards to the 2019 National Framework,<sup>48</sup> the NVE and the OED failed in conducting the EIAs. Specifically, the NVE’s commissioned EIAs were criticized for not having the required competence for evaluating the impacts on birds, for example by performing the tests at the wrong time of, which then lead to false conclusions.<sup>49</sup>

The concern for birds amongst the wind turbines is reflective of a larger issue, one that is preoccupied with the idea that nature and biodiversity are not being sufficiently considered nor protected under the pressure of producing renewable energy. For example, changing the size and height of the turbine does not only affect the view, but also requires wider roads to be built, bringing about changes to the land that were not previously considered.

## **Overproduction and overconsumption of electricity, green or not**

Norway produces and uses too much energy. Green energy through wind farms helps, in theory, for electricity users to use cleaner energy, but it does not address the necessity of a reduction in energy consumption for a low-carbon future. Norway’s per capita energy use and electricity consumption are almost eight times and five times higher, respectively, than the European average.

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<sup>47</sup> <https://www.nhri.no/2021/menneskerettslig-reparasjonsplikt/>

<sup>48</sup> The national framework was intended to be a management tool that would streamline the high number of applications by mapping out the areas with the least negative impacts for the construction of wind energy projects in Norway. The NVE received a lot of backlash for it because of a lack of stakeholder consultation, ignoring cumulative regional environmental effects and sidelining the help of environmental agencies.

<sup>49</sup> J. Doe, personal communication, October 21, 2021.

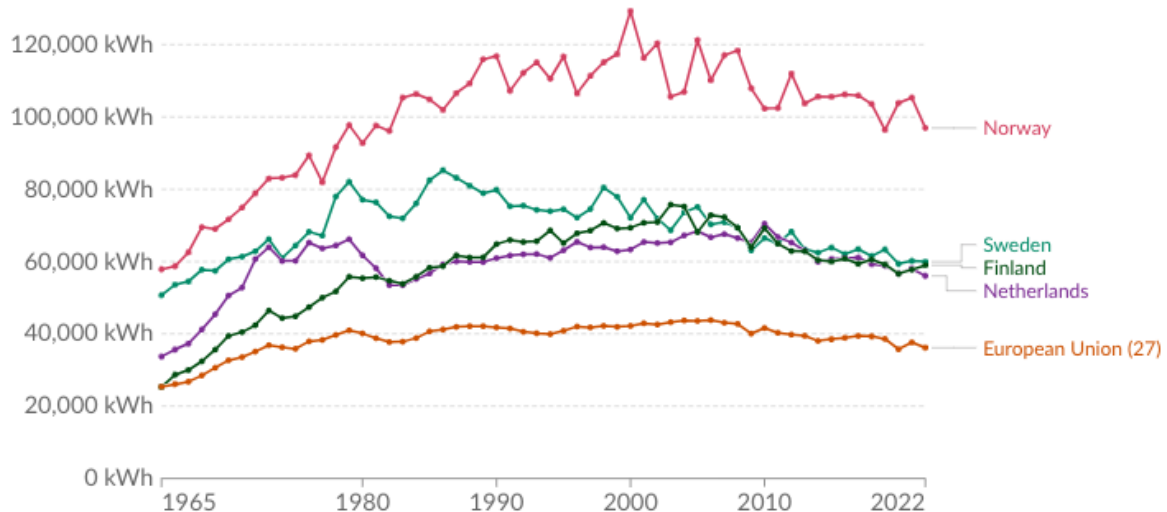
## Energy use per person

Energy use not only includes electricity, but also other areas of consumption including transport, heating and cooking.

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Source: U.S. Energy Information Administration (EIA); Energy Institute Statistical Review of World Energy (2023)

Note: Energy refers to primary energy – the energy input before the transformation to forms of energy for end-use (such as electricity or petrol for transport).

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There is also a misunderstanding that because of the hydropower sector, Norway's energy sector is fully renewable. More than half the above energy use comes from fossil fuels.

The proliferation of onshore wind power is therefore under scrutiny, as it adds to Norway's energy production, and consumption, and remarkably, exports. The European grid means that Norway can move the wind energy out and create low electricity prices regionally. However, it also means that if a European exporter will pay more for that energy, it will be exported rather than used domestically, reinforcing the overproduction of energy. This is related to and bolstered by the ETS system which helps Norway justify expanded electricity production under the premise of helping Europe with its emissions levels.

<sup>50</sup> <https://ourworldindata.org/energy/country/norway>

# Recommendations

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The NHRI has written to the NVE that, in light of ongoing human rights violations, they must cease these infringements as quickly as possible, and in the future they must ensure that “similar violations do not occur.”<sup>51</sup> Saami and environmental activists call for the immediate dismantling of the wind turbines in the invalid parks. The land, including the areas damaged for the construction of roads in between turbines and parks must also be treated to return the land “as far as possible to its natural state.”<sup>52</sup>

In line with these demands, this paper presents the following recommendations:

## **To the OSCE, participating states & civil society, general recommendations around the energy transition & climate change**

Go beyond quantifiable environmental approaches:

- The climate crisis and its subsequent remedies are not an emissions problem. Climate change is a socio-ecological crisis and every solution taken has implications and consequences for populations.
- The voices and livelihoods of Indigenous peoples have been historically marginalized. Colonization is taking a new form in the era of climate change and renewable energies.

A fundamental understanding of environmental justice is crucial:

- The **distribution** of consequences (geographically and socio-economically) must be studied before any project is accepted.

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<sup>51</sup> <https://www.nhri.no/2021/menneskerettslig-reparasjonsplikt/>

<sup>52</sup> <http://www.nordiclabourjournal.org/i-fokus/in-focus-2022/theme-the-green-shift/article.2022-03-18.6489804485>

- The **recognition** of all voices, specifically those of marginalized communities, need to be actively sought out and taken into consideration.
- The **procedure** for proposing and accepting projects need to be rigorously democratic, free from the influence of the private sector.

As such, hold states such as Norway accountable for their failures to:

- Respect the voices of Indigenous peoples.
- Conduct proper scientifically-backed environmental assessments and assess the potential damages of wind energy projects not only on animals, but on communities.
- Prioritize the input of municipal residents and councils over the interests of private companies and investors.

### **With regards to Fosen and beyond, the Norwegian state must**

Enforce free, prior and informed consent (FPIC):

- The principle of FPIC under UNDRIP is not adequately applied in Norway for its wind energy projects. Indigenous communities are consulted, but their voices hold a low veto power.
- Consultation is not consent.
- The problems in Fosen could have been avoided had the Norwegian government listened to the Saami who were against the project.

Abide by international bodies, laws and standards such as, but not limited to:

- The UN Committee on the Elimination of Racial Discrimination.
- Article 27 of the UN ICCPR on the rights of minority peoples.
- The UN Declaration on the Rights of Indigenous Peoples.

Abide by national Supreme Court rulings:

- E.g. The Storheia and Roan wind licenses were ruled invalid in October 2021.

Abide by national legislation:

- E.g. The 2005 Finnmark Act recognises the rights to land of the Saami in Finnmark, as “a basis for Saami culture, reindeer husbandry, use of non-cultivated areas, commercial activity and social life.”

Re-activate the veto power of the municipality:

- Reinforce bottom-up autonomy and ownership for the municipalities.
  - The 2008 Planning and Building Act shifted land use decisions for energy projects away from the municipality and towards the NVE, the national government, and the private investors leading these projects. For Storheia and Roan, Afjord was not consulted when project details were changed and the community is now split on how they feel about it.

Integrate scientific partners and Indigenous specialists into EIA processes:

- In Northern Norway, Saami in the Protect Sapmi organisation have begun conducting complementary impact assessments focused on the effects of the project on reindeer husbandry

Produce clear guidelines for the consulting firms leading the EIA

## **For Norwegian and international civil society**

- Stand with the Saami reindeer herders who are calling for more than an apology, and fighting for the demolition of the wind parks.
- Advocate for the rights of the Saami and Indigenous peoples worldwide to be not only recognized, but listened to, and valued.

- Use one's institutional privilege as non-Indigenous to fight for the rights of Indigenous peoples.
- Avoid reductive understandings of Indigenous causes and livelihoods.
- Remember that climate change goes beyond emissions, and that every climate change project needs to consider the effects on people, communities, societies and cultures.

When the opportunity for a renewable energy project emerges, civil society, governments, developers must listen to Indigenous voices. The Saami raised concerns against these projects before they were built, and the UN Committee on the Elimination of Racial Discrimination, all the way back in 2018, told developers to stop the construction of these farms. Regardless, the developers and the government pushed through. Today, developers, and the Norwegian state are actively violating human rights.



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