

Civil disobedience and artistic protests

The Áltá and Deatnu disputes and the development of Sámi resistance

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This chapter discusses two disputes concerning nature exploitation that have provoked open resistance among the Indigenous Sámi people in Nordic countries. The first one is the Áltá Controversy that took place at the end of 1970s and in the early 1980s, and the second is the Deatnu fishing dispute, which revolved around the question of fishing regulations in and around the River Deatnu in the late 2010s. The chapter describes the course of the two disputes and the forms of resistance used by the Sámi protesters involved in them, with civil disobedience in particular focus. According to the chapter, those engaging in acts of resistance first sought to defend everyday life as they lived it. However, both processes of resistance soon took a constructive turn. The protesters sought to build structures that would help in imminent resistance but would also strengthen the political position of the Sámi for the future. Moreover, the chapter discusses the nature of civil disobedience in Áltá and Deatnu. It shows that the participants emphasised the importance of law, even if they broke it when engaging in civil disobedience. Finally, the chapter illuminates the central role of art and artists in the events.

In this chapter, we examine two disputes concerning nature exploitation that have provoked open resistance among the Indigenous Sámi people.¹ The first one is the Áltá Controversy, a series of protests in response to a project to dam the Áltá-Guovdageaidnu River towards the end of the 1970s and into the early 1980s. The second one is the still ongoing Deatnu fishing dispute, which revolved around the question of fishing regulations in and around the River Deatnu in the late 2010s. Both rivers flow to the Arctic Ocean in Sápmi, the historic dwelling area of Sámi. In terms of states, the Áltá-Guovdageaidnu River is located in Finnmark, Norway, and the Deatnu River is the border river of Finland and Norway.

Our chapter describes the course of the two disputes and the forms of resistance used by the Sámi protesters involved in them. Our particular focus is on using civil disobedience as a form of resistance. Unlike some other chapters in this book, our chapter does not address the moral justification of the action. Instead, we examine the motives and

inspirations of chosen strategies and see if the strategies were effective from the perspective of the goals of the resistance. In other words, we trace the motions of political ideas and see what kinds of impacts their local applications had.

Our use of the concept of civil disobedience is based on theoretical discussions. In other words, it is not decisive whether the protesters themselves regarded their actions as civil disobedience or not. However, we do pay attention also to the notions that protesters themselves held. Especially in our material on the Deatnu fishing dispute, there are interesting and illuminating reflections on how the concept of civil disobedience was understood.

In our analysis, we apply the classic – but relatively loose – definition of civil disobedience. By *civil disobedience*, we refer to resistance on conscientious grounds that intentionally breaks the law (or takes the risk of breaking the law; see Vinthagen, 2015, p. 72) but is characteristically nonviolent and public. As the word *civil* implies, civil disobedience may also be a “civilised” form of resistance, meaning that activists may, on one hand, use art or other “poetic” means to draw attention and bolster the message (see Gupto, in this volume) or, on the other hand, follow a decorum that follows “conventional social scripts that spell out displays of dignity and ways of showing respect in their society” (Delmas & Brownlee, 2021). Furthermore, the objectives of the action are relatively moderate in that they are targeted towards bringing about change in legislation and provisions and not, for example, inciting a revolution (Koikkalainen et al., in this volume). Despite this, unlike, for example, demonstrations, civil disobedience has features that are, by definition, illegal or take a risk of being illegal.

Alongside civil disobedience, we examine other forms of resistance applied to the context of the Áltá and Deatnu disputes. Some of these come close to civil disobedience and/or the forms of nonviolent resistance typically adopted alongside civil disobedience (see Vinthagen, 2015). For example, the hunger strike organised by the Sámi activists in conjunction with the Áltá dispute in Oslo is – historically at least – linked to the idea of civil disobedience. One of the best-known hunger strikers of the 20th century was

Mahatma Gandhi whose thought has influenced the development of the theory of civil disobedience heavily. Also, fishing without permission in one of the tributaries of the Deatnu River closely resembles civil disobedience action: the fishers intentionally acted against the provisions on fishing and then voluntarily self-disclosed their misconduct to the police. Their purpose was to test whether the agreements and provisions on fishing in the Deatnu River were constitutional. This kind of process is often called *judicial review* and not considered an instance of civil disobedience proper (although the line between the two may be fluid; see Arendt, 1972). However, also the fishers intentionally took the risk of committing a nonviolent crime and did so on moral grounds, and in this respect, their actions strongly resembled civil disobedience. Both examples addressed here indicate that in real-life contexts, various forms of (nonviolent) resistance are generally interlinked and overlapping. Resistance is, thus, dynamic and processual: it is seeking socially and politically acceptable – but effective – forms. Practitioners of impactful resistance have good situational awareness, which is also illustrated by the example cases discussed in this chapter.

The Áltá controversy: chains, art and hunger strikes

The Áltá Controversy is a major event in the political history of the Sámi and a widely discussed topic in the research literature and in other contexts (e.g. Garcia-Antón et al., 2020; Hjørthol, 2006; Vinthagen & Johansen, in this volume; Lehtola, 2015; Somby, 2016). In this chapter, we outline the main events of the dispute without going into greater detail about the complex chain of events related to it. Instead, our focus is on the resistance practised by Sámi activists and the impact of the resistance during the Áltá events and in the long term after them.

One of the main sources used here is the memoir *Gumppe Diimmus* by Niillas A. Somby (2016), an activist who is considered to have led the Oslo hunger strike in 1979, and other written sources on the Alta dispute. Moreover, Veli-Pekka Lehtola, one of the authors of this chapter, participated in Áltá protests himself and later reported on the

events as a journalist and researcher. We utilise the autoethnographic knowledge of Lehtola as our material as well as in the text.

As mentioned earlier, the controversy was sparked in response to the plans of the Norwegian government to dam the Áltá-Guovdageaidnu watercourse for the purpose of constructing a hydroelectric power plant. The local Sámi were against the development project and demanded that the issue regarding their traditional land-use rights to the region be properly addressed. The early stages of the planning encompassed a vast area of land. For example, the Sámi village of Máze would have been entirely submerged by the reservoir planned in the area. The resistance that emerged in 1968 in Máze led to planning more restricted alternatives in the 1970s.

The new plans made by the Storting (Stortinget, the Norwegian Parliament) in 1978 gave rise to a social movement among people opposing the development project. The movement was active from 1979 to 1981 and had two unofficial but recognisable strands. The “environmental strand”, led by Norwegian Alfred Nilsen, had as their priorities especially ecological factors but also reasons related to the livelihoods and historical-cultural factors – all of which were unified under the environmental theme, although not very clearly articulated. The “Sámi strand” of the movement, which was led by two key bodies within the Sámi community – the Sámi Reindeer Herders’ Association of Norway (NBR) and the Norwegian Sámi Association (NSR) – viewed the question of protection of their traditional livelihoods and the environments in which these are embedded as key issues.² They emphasised that damage to the livelihoods and the environments in which they are practised would threaten the very underpinnings of the Sámi way of life. Among the priorities of the Sámi were questions of land use and justice, which placed emphasis on legal arguments.

Among the most significant protest actions at and around the Áltá River was the Detsika Camp established in 1979 and the protests at the Stilla Camp in the autumn of 1979 and during the period 1980 to 1981. The protesters engaged in visible forms of civil disobedience at the Stilla Camp, where they, for example, chained themselves to each other, thus interrupting the progress of the construction work. The activists also

organised protests in the Norwegian capital Oslo, led by a smaller and more radical group of young activists, called the Sámi Action Group. The protests in the capital included, for example, two hunger strikes and a spontaneous demonstration in the prime minister's office by fourteen Sámi women and gathered a great deal of publicity in the Norwegian media.

The Norwegian government paused the construction project several times but finally proceeded with executing the plan. In January 1981, the Stilla Camp was disestablished in a massive police intervention involving about 600 police officers. The new hydropower plant was finally opened in 1987, although to a smaller extent than was originally planned.

To understand the strategies of resistance during Áltá it is useful to look at the developments in previous decades. From the 1960s onwards, the political Sámi movement had been building its own image of the Sámi, articulating a novel sense of community through different networks. It was based both on localities and on the “pan-Sámi” (*buotsámi*) perspective of the Nordic countries, which emphasised the idea of the Sámi as “one people” undivided by state borders. It, thus, seemed natural that Sámi from Finland and Sweden participated in the Detsika and Stilla Camps, and the Oslo hunger strikers also invited Sámi from across the Nordic countries to join them (Somby, 2020, p. 30). Demonstrations were also organised in Finland and Sweden in front of Norwegian embassies and consulates.

Moreover, Nordic and European minority politics had embodied a significant current in the Sámi politics since the 1950s. It was first, in particular, “the friends of the Sámi” (*samevenner*) – themselves non-Sámi – who played an important role in publicly promoting these policies. From the 1960s onwards, the young and educated Sámi people started to become visibly more active in Sámi politics. Many of them were influenced by leftist political currents and global human rights movements such as anti-colonialist efforts in the third world and the civil rights movement in the United States – that is, minority movements that used civil disobedience as part of their political strategies. Towards the mid-1970s, the international Indigenous peoples' movement became a significant background network for the communal activities of the Sámi (see e.g.

Nykänen, 2019). The Áltá Controversy further strengthened this dimension in Sámi politics. For example, the World Council of Indigenous Peoples (WCIP) and the International Work Group for Indigenous Affairs (IWGIA) appealed to the Norwegian government to draw attention to the rights of the Sámi people (see e.g. *Charta79*, p. 8). The emergence of the Sámi in the international arenas was beginning to influence the attitude of the Norwegian state already prior to the Áltá events. Already back in the 1970s, the state was experiencing pressure to reform its Sámi policy and legislation. The aspirations of the Sámi towards improving their status internationally were first confronted by the conventional mindset of nation-state thinking and the traditional policy of assimilation of minorities. Despite this, the mindset for the change in Sámi politics had already started to develop, especially among Sámi political actors and activists (see e.g. Valkeapää, 1972).

The background for the protests in the capital city of Oslo can be traced in further different sources. First, although the Sámi issues were among of the demands articulated by the environmentalist strand of the movement, and the significance of nature was emphasised among the Sámi strand of the movement, the alliance between environmentalists and Sámi was above all strategic and the interaction between the parties and their objectives were not always aligned. Niillas Aslaksen Somby, a prominent figure of Sámi Action Group, seems to have had even quite strong suspicions over the environmentalists led by Alfred Nilsen. According to Somby, the environmentalists did not “genuinely” want to discuss the concerns of the Sámi unless they “were forced to do so” (Somby, 2020, p. 30). It might be that the reason behind Somby’s irritation reflected some kind of a division of labour among the Sámi strand and the environmentalist strand, but Somby was, nevertheless, motivated to expand the demonstrations to Oslo:

We were beginning to realize that we must step in as leaders and refrain from doing what the Sámi have always done ever since the colonialists gained [a] foothold in Sápmi: submitting to the Norwegians and believing in their wisdom. (Somby, 2016, p. 37; see also 2020, p. 30)

The hunger strikes, a strategy that was new for Sámi political action, had an immediate paragon. At the International Indigenous Festival Davvi Šuvva organised in the summer of 1979, Niillas Somby had become acquainted with Kurds who told about having organised a hunger strike in Stockholm in support of their demands. This gave Somby an idea to utilise the same strategy in Oslo as well.

One should emphasise the role of artists during the controversy. It was perhaps most strongly visible in particular in the Oslo protests, which were an artistic performance as such (Somby, 2020, pp. 32–35). The demonstrators erected a traditional Sámi dwelling *lávvu* right in front of Norway's Storting (Stortinget), the parliament building. The demonstrators wanted to voice their views not only verbally but also symbolically. Somby – who was a photographer – said that he was sure that, due to their extraordinariness, the pictures of the *lávvu* (traditional Sámi dwelling), including the ones taken by himself, would receive wide media coverage (N. A. Somby, personal communication, 10 October 2004). Other conscious symbols associated with the Sámi were traditional Sámi clothing (*gákti*) and Sámi musical expression (*joik*). Loudspeakers spread joiking by well-known Sámi artists in the neighbourhood, and among prominent visitors to the camp was Buffy Sainte-Marie, a world-renowned Cree singer-songwriter, whose performance received a great deal of attention in the context of the hunger strike (Somby, 2016, pp. 40–41; 2020, p. 33). The Sámi Action Group published also two numbers of a magazine called *Charta79*, which introduced the Áltá case and the demands of the Sámi and emphasised repeatedly that the protesters did not accept violence as a political means.³ Editorial team of the magazine consisted of well-known artists and political activists.

What were the effects of civil disobedience and other forms of resistance in Áltá and Oslo? On one hand, the struggle was lost: the dam was built, even if the reservoir became smaller than in original plans, and for example, the village of Máze was not submerged. In particular, the environmental strand of the resistance saw the result as a bitter defeat. On the other hand, despite the protests not yielding any immediate results, the fight against the dam is considered an important turning point, especially in

Norway's Sámi policy. During Áltá, the Sámi demanded a democratically elected political representative body. The Sámi also demanded that the Sámi language be given an official status and that the Sámi be acknowledged as an Indigenous people under the Constitution of Norway. All these demands were fulfilled within about ten years of the Áltá Controversy. The inauguration of Sametinget (the Sámi Parliament of Norway) took place in 1989 and Norway's Sámi Language Act was enacted three years later. Legislative measures affecting Indigenous peoples from the 1990s onwards have considerably improved the status of the Sámi in Norway. In these respects, the Áltá struggle was at least a defensive victory for Sámi.

Many prominent Sámi actors have been somewhat satisfied with the results of the struggle. Ole Henrik Magga, a famous Sámi leader involved in the dispute, later commented on the events, saying that the dispute "changed the Sámi from a postcard motif to a political force". According to Ivar Bjørklund, the Áltá Controversy "started as an environmental issue and evolved into an indigenous one". The artist Synnøve Persen, a participant in the Oslo protests, saw that the events made Norwegians realise that the Sámi are not a tribe or a group of people inhabiting a certain area but a people or a nation. (For the comments, see *Alattionjoen puolustajat* documentary, 2011; also Bjørklund, 2020.)

However, not all Sámi were content, and some seem to have had contradictory feelings. For example, in 1986, Synnøve Persen wrote that "the dream of Sápmi" was left behind at Stilla and "sealed within a wall of concrete" (Persen, 2020, pp. 52–55). In this context, Persen sees that the political system wanted the Sámi to live on but *not* as a people. When Veli-Pekka Lehtola travelled to Áltá and Kautokeino in the 1990s to write an article on the impact of the Áltá events, he also encountered disappointed Sámi people. Ture Bongo, one of the prominent figures in the protests, agreed to guide Lehtola and the photographer to the last boom barrier on the road leading to the hydropower plant but not all the way to the power plant, which was a place he had never been to. He said, "In vuolgge geahččat olbmuid jállosiid" (I have no desire to go and look at the folly of man). Bongo never went to look at the power plant.

The loudest critic of the outcome has been Niillas Somby. In his view (2016), the Sámi leaders lost the guiding principle of the demonstrators and the advantages that had been gained through civil disobedience and other forms of resistance. Somby stresses the role of the hunger strikers in particular and states that the subsequent Sámi politicians “failed” them and “left them to the wolves” for decades. Particularly hard for Somby was his stigmatisation by some Norwegians and Sámi as a wrongdoer:

The same people think highly of the heroes of the wartime resistance movement who are known to have killed people. I destroyed property of the state, but I have not killed anyone and I caused damage only to myself.⁴ (Somby, 2016, pp. 140–143)

In his memoir, Somby (2016) cites his friend Nils Magnus Tornensis, who expressed the view that without the hunger strikes, advances such as the inauguration of Sametinget would not have been achieved. The hunger strikers had paid a price for their actions both in the bodily sense (*rumaš lea nohkagoahtán* – “the physical body is coming to an end”) and in the social sense because the Sámi politicians had abandoned them. For Tornensis, Sametinget was like his own offspring, born of his actions – but the child did not accept him, and he did not recognise the child as his own (p. 149). Somby (2020) admits, ironically, that although many have not been satisfied with the operations of Sametinget, “most of us must admit that it has stimulated much more permanent employment than the damming of the Alta river did” (p. 36).

The Ellos Deatnu! movement: civil disobedience or artistic protests?

In this section, we examine resistance targeted towards the 2016 agreement on fishing in the Deatnu River area (see Agreement between Finland and Norway relative to fishing in the Tana river fishing area 2016). Our particular focus is on the Ellos Deatnu!⁵ (in English, Long live Deatnu!) movement which, starting in the summer of 2017, has been protesting against the fishing agreement. The data consist of interviews conducted with eight Sámi persons who as part of the movement actively opposed the agreement. The

interview data is augmented with information from the website of the movement, blog postings of members of the movement, and other information available via social media. The Deatnu River (in Norwegian, Tana; in Finnish, Teno) is a border river between Norway and Finland, which means that fishing agreements need to be negotiated between the two countries. Fishing in the river and its tributaries has been regulated by means of state fishing agreements from the late 19th century onwards. The fishing agreement has been modified in the course of the years, and prior to the latest agreement in 2016, the 1989 Fishing Act was in force. Negotiations for the new agreement were held between 2012 and 2016. Observations of weakened salmon populations in the Deatnu River provided a backdrop for the renegotiations. The agreement explicitly aimed to ensure ecologically, economically and socially sustainable fishing in the river and safeguarding the fish stocks of the river based on the best available knowledge, including traditional knowledge, in order to enable exploitation of salmon stocks and ensure diversity of fish stocks (Valtiosopimukset, 2017).

In practice, the aim meant that fishing was to be regulated in such a manner that allowed a fishing-related decline in salmon populations by one-third (Turunen et al., 2020, p. 9). Proportionally, the agreement affected the traditional Sámi fishing methods – weir and drift net fishing – the most. Fishing permits issued for the purpose of practising these fishing methods were reduced by 80 percent compared to the previous situation. In addition, the fishing rights of the Sámi who are non-permanent residents of the Deatnu River Valley were further restricted. Local inhabitants who reside in the river valley less than seven months per year became not eligible to apply for a fishing permit for residents, but they must purchase a fishing permit for non-residents, known as the tourist fishing permit (Centre for Economic Development, Transport and the Environment, 2020). The change was particularly felt by the local residents who spend part of the year elsewhere, especially due to seasonal work or studies. Issuance of non-resident fishing permits was reduced by 40 percent compared to the previous situation and permit prices were increased. In 2017, in some parts of the watercourse, the prices for tourist fishing permits have nearly doubled compared to the fishing season of 2016 (Finnish Federation for Recreational Fishing, 2020).

The agreement was experienced as culturally, economically, as well as constitutionally unjust by the local Sámi community and opposed widely (Holmberg, 2020; Kuokkanen, 2020; Turunen et al., 2020, p. 9). However, this does not imply that locals were not interested in protecting nature and the salmon themselves. Instead, they emphasised that even if the fishing is to be temporarily reduced, Sámi constitutional rights as Indigenous people, their traditional knowledge and their culture are to be considered (Holmberg, 2020, pp. 144–145; see also Hiedanpää et al., 2020; Joks & Law, 2017). As activist Aslak Holmberg (2020) put it, the effort to protect the salmon without the acceptance from the Indigenous Sámi community was seen as “encroachment made under the veil of conservation; theft in the name of sustainability; colonialism under the mask of science” (p. 140; see also Holmberg, 2017; 2018).

In addition to the outcome of the agreement, the negotiation process itself was experienced as unjust and disrespectful of the rights of the locals – the Sámi and non-Sámi Finns alike. One of our interviewees, a Sámi fisher and a board member of a water cooperative, described that they were literally driven out of the negotiation rooms:

The states, well, they acted so that when the time came to actually make decisions, the local negotiators were told to leave. So, the locals had no real position at the negotiation table. It was disrespectful of the rights of the locals, it was disrespectful of Sámi cultural autonomy, and in Norway, it was disrespectful of the Tana Fiskeförvaltning [Deatnu River Fish Management], and everything. (Interview 4)

In the spring and summer of 2017, resisting the agreement took an extraordinary turn when the Sámi activist group Ellos Deatnu! declared a moratorium on the Čearretsuolu island of the Deatnu River. The group announced that the moratorium suspending the implementation of the new fishing regulations would be in effect until the fishing regulations “are to be negotiated in a proper and fair way, and all discussions are to be led by local Saami people”. During the moratorium in this region, “our traditional concepts of justice and fishing methods will be applied”(The Ellos Deatnu! Homepage,

n.d.). Around the time of declaring the moratorium, the movement organised a large-scale – from the perspective of the small municipality of Ohcejohka – benefit concert to raise awareness of the controversial issue at both the local and national levels (Mäki, 2021). The young Sámi activists stayed on the Čearretsuolu island throughout the summer of 2017 in lávvus. They drafted press releases and letters for decision-makers, launched campaigns on social media, gave interviews to the traditional media, and produced art that delivered their message further (e.g. Holmberg & Gaup, 2017). Declaring a moratorium and living on an island were modes of action that took shape gradually and in the course of time. As one of the interviewees states, the idea of the operational model was one that someone “once came upon and thought that it may become useful someday”. A moratorium was considered suitable regarding the group’s objectives because as a form of resistance, it was new and surprising and transferable to other locations or contexts within Sápmi.

The choice of the site for the moratorium was an important part of protesting and, for its part, determined the means and goals of protesting. First, the movement wanted to select a state-owned island. Second, the members of the movement saw it as important to negotiate with representatives of the Sámi family that was considered the main users of the island. Moreover, before declaring the moratorium, the Ellos Deatnu! activists had visited the island and “entered into dialogue with it”, asking permission for the visit. The descriptions of the process show the particular kind of picture the members of the group wanted to convey of the Sámi community and the Sámi nature relationship. The community plays a central role, and within it, there are significant, well-known families whose traditional areas are respected. The Sámi nature relationship as it was articulated by activists is characterised by the idea that humans are not superior to nature but should be thought of as either visitors to nature, as an integral part of nature, or as beings living with nature in a relationship of equality.

Moratorium as a form of resistance clearly falls within classic civil disobedience. The actions involved in it are peaceful and nonviolent, but they openly challenge laws or provisions and deny their legitimacy. However, according to the moratorium rules published on the website of the Ellos Deatnu! the objective of the movement was

perhaps more radical compared to an action that aims primarily to change, say, a single law. Ultimately, the movement sought not only to change fishing provisions but also to expand the Sámi right to self-determination clearly beyond its current scope:

Our purpose on the Čearretsuolu island is to cherish and restore the legacy of our ancestors and nature. Our objective is to restore the rights of nature and those of ourselves to their former strength, and to lay a foundation for the right to self-determination in Sápmi by nonviolent means. It is our goal, our duty and our responsibility. (Ellos Deatnu! Homepage (n.d.). The Rules of the Čearretsuolu island moratorium area)

Nevertheless, despite of seemingly radical goals, the moratorium was in practice a rather “mild” instance of disobedience in that it did not interfere with people’s everyday life or provoke strong legal or social counterreactions. In the public eye, the moratorium was largely received as an artistic protest – although an exceptional one with a strong message. The moratorium may, thus, also be interpreted as an instance of symbolic resistance aimed at producing representations of the local Sámi culture and the nature of the Sámi right to self-determination – quite similar to the Sámi symbols in Oslo 40 years earlier. The impression of symbolic resistance was enhanced by the fact that the participants included artists who contributed to the moratorium by delivering musical performances, for example. In addition, the moratorium participants launched an online “Moratorium Office” – an endeavour the participants themselves referred to as “a community artistic self-determination project” (Alajärvi, 2018).

Discussions with the members of the movement show that although the moratorium may be considered an instance of civil disobedience, the activists themselves did *not* perceive their activity as such. Above all, this conception seemed to be related to the idea that the members of the group did not ascribe sovereign authority over the land and waters to the state, and thus, the concept of civil disobedience did not seem suitable for describing their acts of resistance. This, at least partially, seemed to be associated with the Finnish translation of the term *civil disobedience*. Finnish word

kansalaistottelemattomuus translates literally to “disobedience of citizens”, and the members of Ellos Deatnu! were critical on what sense they are “citizens” of the states:

[I]f the Sámi see that the lands belong to the Sámi and we use those lands the way we see fit, and we have the permission of the people whom we acknowledge as having authority over these lands, then who exactly are we being disobedient against?

(Interview 1)

As in Áltá, also the activists at Deatnu were networked with other political activists and inspired by their struggles. For Ellos Deatnu! members, clearly the most meaningful examples for the action were drawn from the struggles of Indigenous peoples around the world. One of the major paragons was the struggle of the North Dakota Standing Rock Sioux tribe against an oil pipeline planned to run across their lands. It was mentioned in the interviews clearly more often than, for example, the Áltá dispute, although the significance of the latter was also acknowledged.

Any Sámi activist has looked up to the 1970s and 1980s for inspiration, but I would say that what influenced us the most was the Standing Rock case, because there were several people in Ellos Deatnu who had visited Standing Rock as a group and it was there that they had experienced an awakening of sorts, to pursue direct action. We all were activists to start with, but in Standing Rock, people had learned how to maintain such micro-communities, what tools and equipment are needed when staying somewhere to exercise resistance and so on. So, what we learned from them was in particular related to the mindset and practical preparation. (Interview 1)

Likewise, several well-known Indigenous activists followed and showed their solidarity to the struggles of Ellos Deatnu in social media. Among them were Clayton Thomas-Müller of the Cree Nation, who also visited the Čearretsuolu island, and Nina Gualinga

from the Ecuadorian Amazon.

Fishing without a licence and judicial review

In addition to the Ellos Deatnu! activists in moratorium, another group exercising open resistance was active in the Deatnu River area. A group of five Sámi fishers publicly announced having fished without a licence with a rod and line in their home river Veahcejohka to have themselves sued, and another fisher announced having cast a net to catch salmon in the upper course of the river Ohcejohka after the official fishing season had ended (Lakkala, 2017). The fishers declared that they fished without a licence in order to go to the court, and through the court proceedings, they sought to change the Fishing Act that they considered unjust, by appealing to the right of the Sámi to use the Deatnu River watercourse “from time immemorial” (Rasmus, 2017). The case of the fishers proceeded to the consideration of charges in September 2017, and court proceedings took place during the winter of 2019. The charges against the Sámi fishers were dropped in March 2019 because the court ruled that they had practised fishing in accordance with their family traditions and thus did not commit a fishing offence. The district court ruled that the agreement restricting fishing violated the Constitution of Finland, which accords the Sámi the right to maintain and develop their own language and culture. In addition, according to the district court, the agreement violated the human rights conventions safeguarding the rights of the Sámi as an Indigenous people (Leisti, 2019).

The prosecutor appealed the decision of the district court directly to the Supreme Court in order to create a precedent to address the interpretational problem inherent in the fishing agreement. The Supreme Court dropped all the charges in April 2022, appealing to the constitutional rights of the Sámi people (KKO:2022:25; KKO:2022;26). According to the Court, the restrictions were not “proportionate” to the benefits, considering the cultural rights of the Sámi. The court reasoned:

The Supreme Court noted that the constitutionally protected fishing rights of the

Sámi people was not absolute, but that also these rights could be restricted in order to protect migratory fish stock. The sustainable and ecologically sound use of natural resources and the protection of fish stock serve also the interests of the Sámi people. In other words, the pursuit of traditional cultural fishing rights required in the first place that the fish stock of the Tenojoki river was at a sustainable level. Hence, the fishing rights could be restricted as a matter of principle, but it remained to be assessed whether the restrictions were proportionate to the benefits sought. (KKO:2022:25)

The Supreme Court's decision was a precedent, and one can estimate that it will have a strong effect to the legislation and administrative decisions relating to the cultural rights of Sámi people in the future. However, by time of writing this chapter it is unclear what the precise effects will be. According to the decision, the fishing rights of Sámi can be restricted in a "proportionate" way, if the protection of the fish stock requires this. It remains to be seen how this is understood in the future. Nevertheless, the decision was a clear victory to the fishers and it showed that the cultural rights of the Sámi are not void of meaning in a legal respect.

Although the case of the fishers was, strictly speaking, not an instance of civil disobedience but, rather, can be regarded as an instance of testing laws against the Constitution ("judicial review"), the events are nevertheless closely linked to the tradition of civil disobedience. The fishers intentionally violated the provision on fishing, taking the risk of legal consequences, and made the case public. Their objective was to act towards changing the provision they saw as unjust, and, by extension, improve the legal status of the Sámi in a more general sense. The resistance was nonviolent and could be described as "courteous" or "civilised": The individuals were simply fishing and documented the event in pictures that can be seen as beautiful. A sign with the text "Valtion vesialue" (Government Owned Water Area) appears in the pictures, but the pictures also show the verdure of the river valley and smiling people (Rasmus, 2017).

What makes the case interesting is the way the Sámi fishers conceived of themselves as

part of the nation state. The fishers identified themselves as subject to state power and often described themselves as law-abiding people. They also sought a solution to the problem precisely through the state legal system – by appealing to the Constitution of Finland and international conventions. On the other hand, a fisher we interviewed found the Finnish concept of civil disobedience (“disobedience of citizens”) alien, and especially the idea of having acted in the situation primarily in the role of a *citizen* of Finland was alien to them. Rather, the interviewee identified as a Sámi person whose rights were not entirely linked to the state but also to membership of an Indigenous people. They also stated that “the thing is that we haven’t done anything we haven’t been doing before or anything to which, in our view, we have no right”. A kind of double identification is reflected in the setting: on the one hand, the fishers feel connected to the state and view its legal system at least to some extent legitimate, but on the other hand, they clearly identify with Indigenous people and the local traditional rights (see also Nykänen & Valkeapää, 2019).

What was the wider impact of the protests of the Ellos Deatnu! movement and the case of the Sámi fishers? The precedent of the Supreme Court is clearly single most important step forward. The case is expected to have a considerable impact from the perspective of the cultural rights of the Sámi. The Ellos Deatnu! movement, for its part, generated public debate regarding the significance of the traditional livelihoods of the Sámi to the culture and its continuity. In addition to the nationwide impact of the movement, the activists involved in the movement believed that their activities have a considerable impact at the local level and within the community. One activist we interviewed sees that the activities of the movement bear the imprint of the tradition that started in Áltá and are now further imbued with new meanings from the Deatnu events.

Maybe time will tell if there has been a wider impact. And those I mentioned, [the people] who were [active] in the 1970s, they will see the impact of their struggles when they see us now. It brings a sense of kind of relief that the work has not been in vain, even though 30 years and 50 years have passed, and it feels like nothing has been gained. Personally, I think that it may well be

that I don't get to see the successes this year, next year or even in ten years. But somehow I am convinced that something useful will come out of it. (Interview 8)

Civil disobedience and artistic protesting

What is noteworthy about both the Áltá and Deatnu disputes is that, in both cases, those engaging in acts of resistance primarily sought to defend everyday life as they lived it: their homes, livelihoods, the very foundations of their way of life. States, for their part, sought to interfere with people's everyday lives by extracting resources and by taking over areas of land to harness them for their own purposes or by denying people their way of life as they have led it thus far. In such situations, simple things such as continuing an activity – say, fishing – becomes civil disobedience or some other kind of activism.

On the other hand, the resistance soon assumed a constructive character (Vinthangen & Johansen, in this volume). Its purpose was not only to put an end to certain developments but to also build novel institutional and discursive structures that would enable the dispute at hand to continue and, at the same time, build a strong foundation and prepare for future disputes. In the case of Áltá, the constructiveness was of very practical nature. The Áltá events led to, or at least accelerated, the inauguration of Sametinget (the Sámi parliament of Norway) as well as several legislative measures affecting the status of the Sámi. The Deatnu activists also engaged in acts of construction: They consciously promoted the idea of the Sámi culture being intertwined with the surrounding nature – in a way clearly different from Western mainstream culture.

It is worth noting that although the activists in Áltá and Deatnu opposed the aims and means of the states, they did not view state laws as *meaningless*. Even the radical hunger strikers of Oslo demanded that the issue regarding the rights of the Sámi be addressed in court (*Charta79*, p. 2). The activists on the Čearretsuolu island and those

fishing without an official licence wanted to test laws against the constitution because they felt that the agreement restricting fishing violated the constitution. It is not entirely clear why seeking solutions through the legal system was important to them – after all, especially activists in Deatnu seemed to be not sure in what regard they held themselves even as citizens of the state. It might be that, as members of a relatively small minority, they considered challenging the entire legal system strategically ineffective. Then again, one possible interpretation is that the actors yet had a positive mindset towards the legal system or were at least hopeful about it.

It is striking but not surprising how important a role art and established and educated artists had in both Áltá and Deatnu. The prominent role of educated individuals in the resistance is natural in that civil disobedience and the related nonviolent resistance are often “civilized” (*civil*) forms of resistance. Their power rests on convincing arguments, impressive performances and appealing impressions – exactly what artists and also researchers and political activists have been educated to produce. In this respect, Áltá and Deatnu may be quite typical events in the context of nonviolent resistance in general (see e.g. Gupto, in this volume; Pokharel et al., in this volume). Moreover, one should note that Sámi people have used art as a form of political resistance also before Áltá and Deatnu (see Autti & Lehtola, 2019; Gaski, 1987, 2004). It has offered a relatively safe but visible way to resist the stronger opponent. Hence, political art has its own traditions in Sámi history, and using it in Áltá and Deatnu is not surprising in this regard either.

One observation that can be made about the events is that civil disobedience at one location gives rise to civil disobedience action elsewhere. The Ellos Deatnu movement was born because, before that, people stood up for themselves in Standing Rock, at the Áltá River, in Oslo, and elsewhere. This is one of the indisputable effects of civil disobedience. Even losing a battle may leave a strong cultural imprint through the actions of those who resisted – sometimes with dramatic, or even tragic, results. It will not necessarily lead to a repetition of the same event, but it will create a cultural, political and social possibility for such an event.

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¹ The Sámi people are the Indigenous people of the northern part of the Scandinavian Peninsula and Finland and large parts of the Kola Peninsula. In terms of states, they live in Sweden, Norway, Finland, and Russia. In the Northern Sámi language, the region is called Sámegiella. Sámi number in total between 50,000 and 100,000. See, for example, Sámediggi: Sámi in Finland (n.d.); IWGIA: Indigenous Peoples in Sápmi (n.d.).

² The third visible organisation in the Sámi field was SLF (Samenes Landsforbund – Sámi Country Alliance), which was founded to support the measures taken by the Norwegian state. Although the members of the SLF were dismissed as “traitors” among the protesters and the organisation also had local non-Sámi members, the very fact that such an organisation was established in the first place and attracted membership is reflective of contradictory attitudes among the Sámi.

³ The protests in Oslo were not supported by all Sámi. According to Somby, although the hunger strike received also support, “most people called us [the demonstrators] the greatest shame to the matters concerning Sápmi (*stuorámuš boalgan Sámái*)”. Somby (2016) recalls that a word was sent to the demonstrators from the meeting of the Saami Council – the representative body of the Sámi of the Nordic countries – telling them to stop staining the name of the Sámi, go home and be ashamed of what they had done. Somby was disappointed to find out that “all” Sámi people did not agree with the demonstrators’ objectives, but rather, many

Sámi people in the Homeland frowned on such visible forms of engagement. As Somby put it, “the Sámi were accustomed to submitting to others and tended to adjust” (p. 42).

⁴ In 1982, Somby tried to detonate a small bomb under a bridge on the road leading to the Alta power plant construction site near Fállijohka. The idea was to create a “performance” depicting the severity of the situation. Previously he and his acquaintances had even planned to sink the ship *Janina*, which served as the base of the police officers during the Stilla events. The group intended to follow through the plan while the police officers were at Stilla and to avoid damage to humans. At Tverrelvdalen, the activists noticed that the timer of the bomb was not working. When Somby was changing the timer battery, the bomb exploded in his face, and Somby lost his left arm and an eye. Somby was arrested and kept in custody suspected of terrorism offences and, after his release, escaped to Canada to stay with the local Indians. John Reier Martinsen, the other activist who had been arrested at the same time, was years later sentenced to prison for six months. The terrorism charges had been dropped. As the Canadian authorities found out in 1986 that Somby was residing in the country without a permit, he returned to Norway and was sentenced to prison for five months – a sentence he had already served. People’s attitudes had still not calmed down. Somby tells about having faced hostility from Norwegians and having been called “a damn bridge exploder”. Martinsen died after having been run over by car, and Somby and Synnøve Persen, among others, thought the act might have been intentional. For the process, see Persen (2020); Somby (2016, pp. 126–127).

⁵ The name Ellos Deatnu! is a wordplay: it reminds the catchphrase Ellos eatnu (Let the river live), used by protesters of Áltá (see Garcia-Antón et al., 2020).