ENDANGERED PEOPLES

of the Arctic

Struggles to Survive and Thrive

Edited by Milton M. R. Freeman

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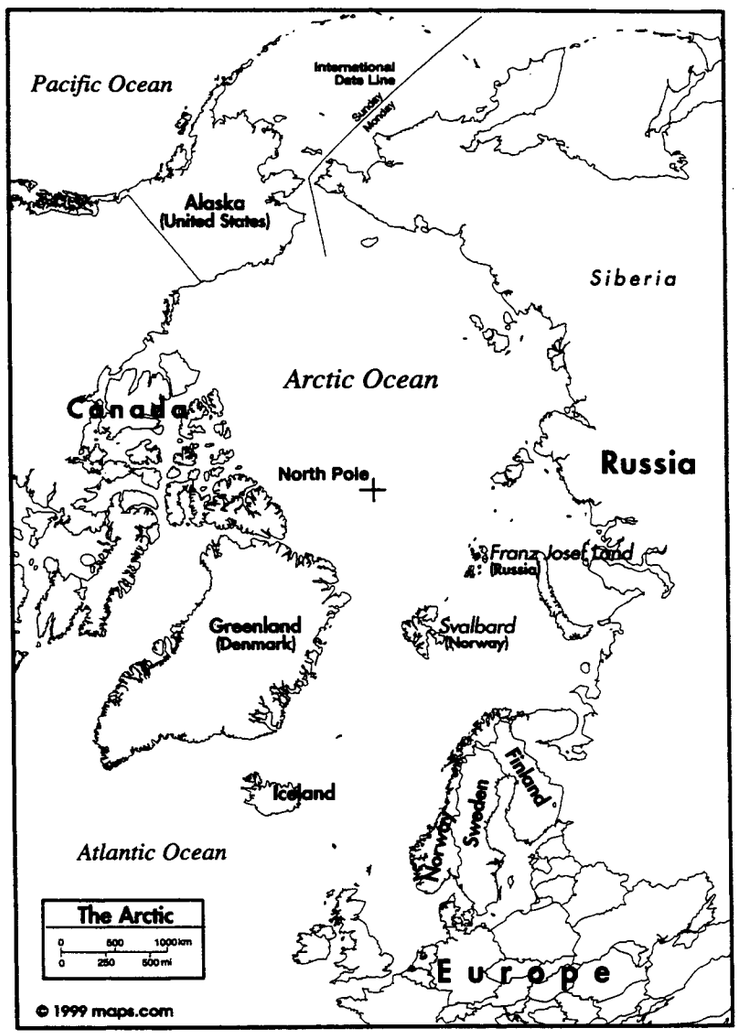

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The Saami

Hugh Beach

CULTURAL OVERVIEW

The People

The Saami, or Lapps as others have called them, are the indigenous people of the Russian Kola Peninsula and northern Norway, Sweden, and Finland. There is no reliable population census for the Saami people, and the matter of defining who is a Saami is problematical; nonetheless, according to current estimates, there are about 40,000 Saami in Norway, 17,000 in Sweden, 6,000 in Finland, and from 1,500 to 2,000 in Russia. The Saami who earlier (and with good cause) sought to avoid public admission of their ethnic roots for fear of stigmatization now take new pride in their ethnic membership. Saami spokesmen have campaigned for the replacement of the term "Lapp" (considered by many to be derogatory) with their own name for themselves.

Although Saamiland was divided by national borders following the colonization of the North, the Saami emphasize that they are "one people in four countries." They have their own language, their traditional styles of dress, their own distinctive handicraft work, and their own unique form of singing—*joiking*—actually, in the words of the Saami author Johan Turi, "a way to remember."

Although the Saami did not possess a written language before contact with Christian missionaries, their oral tradition is extensive, and Saami authors have produced written classics. The Saami language is divided into a number of major dialects with variations so marked that a northern Saami and a southern Saami in Sweden might speak to each other in Swed-

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ish in order to communicate more easily. The early Christian missionaries of the 1600s and 1700s formulated their own Saami alphabets based on the dialect spoken in the region of their mission stations, and it is only relatively recently that a common writing system has been accepted widely, though by no means unanimously, by all Saami dialect groups.

There have been numerous theories regarding the origins of the Saami. It was once thought that they might have wintered over along an ice-free land strip of the North Sea coast during the close of the last ice age. Cultural anthropologists emphasize the characteristics that link the Saami eastward to other northern and reindeer herding peoples in Asia. Linguists have tried to determine the antiquity of the Saami as a distinct ethnic group by studying the amount of divergence in Saami dialects from a so-called proto-Finnish language. Physical anthropologists have examined the genetic traits—such as blood groups—of the Saami. There has been little agreement among experts working in these various fields of research. This has led some researchers to conjecture that the appropriate question to ask is not where the Saami came from, but rather when the various peoples in the north coalesced into Saami with a self-perceived common Saami identity. The conjectures of the past have been set in turmoil by modern DNA analysis which indicates that the Saami are probably the oldest population in Europe. They share a genetic history distinct from other Europeans, and they are without any known close genetic connections with any other peoples.

The Setting

Because Saamiland is situated at a relatively high latitude, it experiences great seasonal variation. The famous midnight sun circles the horizon at the peak of summer but turns bashful in the winter, at times never climbing above the horizon and providing only a few hours of pale daylight. The geographical positioning of Saamiland, crossing many degrees of latitude, adds further climatic and ecological variability. This is compounded by the considerable differences in altitude from the coasts and wide lowland forests to the high mountains extending along the border between Norway and Sweden and curving across the top of the Scandinavian Peninsula into Russia. Along the Norwegian North Sea coast the mountains meet the water abruptly, and long fiords reach into the steep-sided mountain valley. Inland, behind the mountains, in that part of Norway that crosses over the top of Sweden and Finland, lies the so-called Finnmark *vidda*, a relatively flat tundra zone with small scattered scrub birch forests. In Sweden, the mountains to the west slope gradually through a wide taiga (area south of the tundra that supports trees and more varied vegetation) forest belt cut by many powerful rivers down to the Baltic Sea. The forests of Finnish and Russian Saamiland are dotted with numerous lakes and marshes.

Saami herder stops the reindeer caravan during the December move of his herd and searches for reindeer carcasses left by predators, near Jokkmokk, Sweden.

An increasingly dominant human presence has, over time, significantly altered the northern flora and fauna. The once common wild reindeer exist today only in small areas of Norway and Finland and not at all in Sweden. The beaver, once trapped to near extinction in Saamiland, has only recently begun to reappear. The European elk (moose), however, seems to have increased in number both to the joy of hunters and to the chagrin of motorists, for whom they are a danger on the roads, and to forest land owners, upon whose newly planted saplings they thrive.

The number of semidomestic reindeer has increased dramatically with the rise of full-scale reindeer herding, especially with its transition from the more traditional subsistence to a modern, market-oriented form of livelihood. This in turn has led to changes in vegetation caused by reindeer grazing and also the elimination of reindeer predators—notably the wolf. Major environmental change has also resulted from the massive damming of waterways for hydroelectric power, by large-scale lumbering, and by heavy and increasingly motorized tourism.

Traditional Subsistence Strategies

Traditional Saami subsistence strategies have been well adapted to the climatic and geographical diversity of Saamiland, but throughout the historical process of colonization and the continuing appropriation and ad-

ministrative control of their lands by the national governments, the Saami have had to readapt these strategies.

Along the northern coast of Norway, many Saami have, by tradition, been engaged in saltwater fishing. In the interior regions, hunting and freshwater fishing have formed a major subsistence livelihood since time immemorial. Dotting the landscape, in strategically located mountain passes, are the remains of laboriously constructed systems of pits for trapping wild reindeer, indicating a scale of collective social activity which later decreased with the development of full-scale reindeer pastoralism.

The large-scale, intensive herding of tame reindeer as a dominant form of livelihood for some—but by no means all—Saami probably did not develop until the 1500s in Saamiland, but it is commonly this activity for which the Saami are best known to the rest of the world.

It should be noted that although different environmental conditions placed varying degrees of emphasis on different subsistence activities, these activities were frequently pursued in a seasonal combination that required considerable movement between settlement areas. Similarly, trading relations were developed with settled non-Saami peoples to the south and along the coasts. The Saami language carries numerous terms imported during pre-Christian times from neighboring people. Saami reindeer milking terminology is predominantly Norse in origin, suggesting that the large-scale reindeer milking and cheese making of the Saami in the intensive herding era was learned by them through contact with other peoples' livestock practices.

The best survival strategy in the Arctic has been to spread risk by utilizing a wide range of locally available resources. Thus, along with hunting and fishing, Saami have also herded and farmed; however, over time, access to resources and the manner by which they may be utilized has become rigorously regulated by the northern national governments. In Sweden, for example, the integration of reindeer herding and agriculture would have been far more prevalent had it not been for laws insisting on their separation. It could happen that Saami families possessing more than five goats were denied the right to continue herding on the grounds that they were no longer true reindeer pastoralists. Even long before this, the development of full-scale reindeer pastoralism itself may be the result of the depletion of wildlife from taxation pressure imposed by the various states declaring sovereignty over sections of Saamiland. Of course, each nation-state has followed its own Saami policies, some of which are similar, and others different, from those of its neighbors.

Reindeer herding is a broad term for a livelihood which has undergone and continues to undergo tremendous development. Long before the rise of full-scale pastoralism, the Saami kept some tame deer to use as decoys when hunting wild reindeer. Saami families also kept a small number of tame deer for transport purposes, for both packing and pulling sleds. There

are even major distinctions within the pastoral framework; for example, one can base one's pastoral economy upon the use of the deer primarily for milk or for meat, and that choice largely determines the kind of herding one pursues.

Today, modern means of transportation link Saami herders to a wide international market where reindeer meat brings a high price. Now that foodstuffs and clothing can be purchased, and the sale of meat can provide the funds for such purchases, milking has disappeared, and the herds are used basically for meat production. This change was accompanied by changes in the size, age, and sex composition of the herds, as well as the methods of herding. Reindeer are also used to satisfy the household's own need for food. When one pays income tax on the sale of meat, it makes good economic sense (and meets cultural maintenance and taste satisfaction needs) to eat one's own reindeer.

Social and Political Organization

Researchers hypothesize that, with the rise of pastoralism, the early so-called *siida* form of social organization, which brought Saami together into winter camps, splintered with the need to disperse into smaller family groups so as to find sufficient grazing for the stock of tame reindeer and also to guard them adequately against predators. The *siida* or *sita* form of social organization—a loose community of related families who used collective resources, shared according to need, and dispersed and regrouped seasonally—is thought to be the basic pan-Saami form of social structure. This form of organization is most closely followed today among the Skolt Saami (a Saami group with their original homeland in the border area of Finland and Russia). It is not agreed how pan-Saami this form of social organization really was, or to what extent the winter villages may have been influenced in their concentration and localization by outside trade relations.

The term "*siida*" also has a modern and somewhat different meaning in the herding context: it signifies a group of herders with their families who tend their reindeer together, work together, and move together. It refers to a small group who care for their reindeer intensively as a separate herd usually in the autumn and winter seasons.

Traditional Saami society was not characterized by hierarchical structures of political or ritual power, and inheritance of property may occur through either or both parents. This is not to say that the Saami lacked respect for their elders or people of exceptional influence, only that these characteristics were earned through individual ability and performance, rather than by birth or public election.

Saami handicrafts were previously a necessary part of household work. Reindeer hides and furs were sewn with reindeer sinew for clothing. Herd-

ing gear, tents, sleds, knives, and a wealth of other utensils were made from the materials at hand and acquired, over the centuries, a distinctive Saami form and decorative style. Access to the wider market economy has freed Saami from the necessity of creating their own wares, it has brought Saami handicraft to world attention and appreciation, and it has transformed many utilitarian objects into objects of art, created with traditional feeling and pride. Men commonly work in antler and wood; women work with leather, pewter thread, roots, and fabrics. With the introduction of modern materials and the transition to a more settled lifestyle, many of the old handicraft skills began to disappear. Basket weaving with roots, for example, has only barely been rescued from oblivion. Saami handicraft work has become of considerable economic importance, not only to those few who have become full-time Saami handicrafts artists, but also to reindeer herders, for whom it can provide seasonal work and much-needed supplementary income.

Today, reindeer herders constitute a minority within the Saami minority. Nonetheless, despite an economic tradition based on non-herding as well as herding, and despite regulations driving many Saami from herding, reindeer management is still enormously important in defining the legal status and the culture of most Saami. In much of Saamiland, reindeer herding rights are all that remain in practice of special Saami rights; in effect, reindeer herding legislation has come to embody the main part of state policy toward its indigenous people.

Religion and World View

Christian missionary activity paralleled and formed a part of the gradual encapsulation of the Saami. The Saami pre-Christian world view was unconcerned with personal salvation. It was animistic and used shamanistic techniques and ecstatic trances to contact and negotiate with the spirit world. The *noaide* (shaman) was similar to that of many other circumpolar peoples. A shaman could beat on his magic drum and, in a condition of trance, release his spirit to travel to other worlds, often in the form of another spirit animal. The shaman could cure the sick or tell of events in far-off places.

The Apostle of the North, Stenfi, in A.D. 1050, was the first to attempt to Christianize the Saami. Further attempts were made and a few churches were built in northern locations during the next few centuries, but there were no resident Christian missionaries in the region. More regular missionary activity, and the settlement of churchmen at northern stations, began along the coasts but had spread inland by the mid-1500s. The Skolt and Kola Saami to the east came under the religious influence of the Russian Orthodox Church. The major transition of the Saami to Christianity, however, occurred in the 1600s, but shamanism persisted in places hun-

dreds of years later. Christianity has still not eradicated all elements of the Saami pre-Christian world view.

The communication of the Saami shaman with helper spirits was considered by early missionaries to be a discourse with the devil. Shamanistic activity was harshly suppressed, and even *joiking* was dubbed sinful. Accounts of the Saami pre-Christian religion have come to us largely by way of these early missionaries, so naturally they must be read very critically. It is significant that the missionaries did not see themselves merely as spreading enlightenment among superstitious people. In their accounts, the missionaries frequently marvel at the supernatural powers of the Saami shamans, and they saw themselves as struggling against a real and powerful devil with whom the shamans consorted.

Much of the colonial administration was facilitated by the Church, which kept records of marriages and births. The early markets, held once a year in fixed places—usually at churches and on religious holidays—were also occasions when the Saami registered themselves and paid taxes to the Crown. The Church also played a prominent role in Saami education. At this time, since the northern borders between kingdoms were unspecified, missionary activity was also a means for a king to establish sovereignty (with tax rights) over a territory. This in turn meant that the Saami policies of the early kings were often quite Saami-friendly, for if the tax burden was too high or their rights infringed upon too greatly, the Saami might simply attend another church, register there, and pay tax to another king.

Much later, in the 1830s, a puritanical movement started by Saami Lars Levi Laestadius gained a strong following in Saamiland, and it did much to overcome the terrible social problems caused by alcohol. It is still a vital force today among Saami and non-Saami alike, and it has also spread to other countries.

The Organization of Saami Herding

The well-defined territorial herding zones existing today in Fennoscandia (the region occupied by Norway, Sweden, and Finland), so-called *districts* in Norway, *samebys* in Sweden, and *paliskuntas* in Finland, define social units, the groups of people whose reindeer are permitted to graze in these zones. The evolution of these herding zones has been heavily influenced by legislation and administrative policy in each of these countries.

Sweden

Although the herding zones were designated in 1886 with many accompanying regulations, they were basically composed of the old Saami *sita* entities. In 1971 the Swedish authorities replaced the original name (*Lappbys*) with the current name (*Samebys*) but did not change their physical or social borders.

While all herding in Sweden is reserved for those of Saami descent (with eligibility granted to others who marry herders), this does not mean that all reindeer owners must be Saami. However, all reindeer in Sweden must have a herder. Any non-Saami owner must employ the services of a Saami herder and gain permission to do so by the appropriate *Sameby*, as every Saami must be a member of a *Sameby*. Only *Sameby* members can exercise the Saami rights to herd, hunt, and fish, which has caused a serious division to occur between herding and non-herding Saami.

Norway

In Norway, the herding districts, which correspond mainly to summer grazing use areas, have also been patterned largely according to Saami traditional use. As in Sweden, the Saami herders in Norway tend to splinter into smaller, *siida* entities during the autumn and winter. A small area in the southern part of Norway's herding zone is open to herding by non-Saami. The number of herders is carefully regulated by permit. By no means could all Saami in Norway (or in Sweden) practice their herding right, even if they so desired.

Finland

Finnish non-Saami can own and herd reindeer as long as they live within the reindeer-herding area. This area, which is divided into fifty-eight herding districts (*paliskuntas*), covers most of Lapland province and the northern part of Oulu province. The Finnish Reindeer Act came into effect in 1932, although it has been revised several times since then. The *paliskunta* is a type of economic cooperative which served in part as a model for the Swedish *sameby* reorganization in 1971. A *paliskunta* has a communal treasury to which members pay according to the number of reindeer they own. Each of these countries has a well-developed governmental herding administration with a number of provincial offices.

Russia

Unlike the other three nations where the Saami live, Russia contains many different traditional reindeer-herding peoples. In the Kola Peninsula today, for example, where Russian Saami live, herders can be Saami, Komi, Nentsi, Pomors—or even Russians, Ukranians, or other immigrants from the south for whom reindeer herding is not an ancestral tradition. During the Soviet era, reindeer herding, along with other productive enterprises, was collectivized. A program of forced centralization was imposed whereby many Saami were relocated to larger towns. Private ownership of reindeer was basically abolished, and reindeer-herding kolkhozes, or collective farms, were established where the workers themselves owned and worked collectively on large farms and shared their produce. Later, many reindeer-herding farms in the Soviet Union were reorganized under the sovkhoz

form, in which the state owned the reindeer, and the workers were wage earners paid by the state.

The recent dissolution of the Soviet Union and ensuing turmoil of the Russian economy have had profound effects on the Saami of the Kola Peninsula. The Russian government has terminated the old state-owned reindeer farms (sovkhozes) in which many of Russia's Saami worked as salaried employees. In effect, although new terms for herding cooperatives are employed, herding on the Kola Peninsula has in many respects reverted to the old kolkhoz form where responsibility for production and finding market partners is no longer the responsibility of the national government. Nonetheless, the internal administration of the herding cooperatives remains highly centralized, and the herders themselves work in much the same way and see little real change from their old situation.

The changes that occur today, stem not from business reorganization so much as from the collapse of the Russian economy. As the herders themselves comment, it makes little difference to them which form of organization is unable to pay them anything. With prices soaring, and the Russian ruble subject to runaway inflation, herding enterprises must rely completely on foreign export and currency. On the Kola Peninsula, the struggle has been desperate to build a modern slaughter facility that will qualify for European Union (EU) certification and permit the export of reindeer meat to Europe.

For most herding families, the new political and economic freedoms have proven disappointing. The dissolution of state control, coupled with economic collapse, has meant that foreign investors in pursuit of the exploitation of local nonrenewable resources, can practically dictate their terms for establishing their own operations. Local interests can be readily sold out by corrupt officials. One herding range heartland has, for example, recently been leased by a mining company under a twenty-five-year exploration and exploitation contract, something that has evoked bitter protest from the Lovozero Saami Association.

On the other hand, new freedoms have enabled the Kola Saami to organize themselves politically. Russian Saami have established firm connections with their Saami neighbors to the west (cultural and educational exchange programs, for example) and have even joined the Nordic Saami Council (Sámiráðði), first as observers, but by 1992 as full voting members (causing the term "Nordic" to be removed from the name of the organization).

THREATS TO SURVIVAL

Contested Rights to Saami Lands and Land Use

The vast majority of the people in the countries where Saami live know little about the Saami, and what they think they know is frequently wrong. Ignorance about the Saami is often matched with a sympathetic attitude toward them and the recognition that they have been mistreated by the colonial powers; however, this mistreatment is thought to be something that occurred only long ago. Few people understand that some of the most blatant injustices committed against the Saami are quite recent and are, in fact, ongoing. Matters of injustice and discrimination regarding the Saami have been subject to legal contests in both national and international courts of law.

Do the Saami own the lands they inhabit, or does their traditional presence (that opponents claim is seasonally variable and lacking in intensity) only give them a strong right to *use* the land, but not to *own* it? What evidence does the historical record provide? Did the early kings regard the Saami as taxpayers for lands they owned—or was this tax only a form of rent for the use of Crown lands? If Saami immemorial rights are judged to confer only rights of land utilization (rather than land ownership), is it still within the rights of the state to regulate which Saami can—and which cannot—practice their rights of utilization? Since reindeer herding is a well-recognized element of Saami culture, does international law support state-imposed regulations that exclude a majority of Saami from this particular livelihood?

These and similar questions are still largely unresolved. When considering current threats to Saami cultural survival, the discussion is necessarily based upon the existing legal framework, although this legal framework probably constitutes the greatest threat of all. The wide array of threats facing the Saami include some that have existed for decades; others are more recent. These threats may be grouped as follows: land encroachments, confiscation of Saami small-game hunting rights, the Sveg Case (by which Swedish Saami lost winter grazing utilization rights), and globalization and the question of Saami "eco-morality."

Land Encroachment

Traditional Saami livelihoods depend upon the maintenance of a northern environment in which fish, game, and wildlife thrive. Reduction of the grazing territory results in fewer reindeer and hence pressure to reduce the number of herders. Saami cultural maintenance, through its strong connection to the herding livelihood, would suffer from such a reduction. Infringement on grazing lands cannot be calculated only quantitatively; herders vary the reindeers' use of the grazing resource on a seasonal basis,

conserving the pasture in one time and place to compensate for grazing pressure occurring elsewhere. It is therefore not appropriate to consider the loss of grazing lands merely according to the extent of the area being lost. For in reality, the *location* of the grazing infringement (not just its size) is of vital importance to the herds as they move their herds in a strategic fashion from place to place.

Those industries that compete with reindeer herding for land resources include farming, mining, logging, hydroelectric development, and tourism. Farming in the north has waned, as have mining and the building of hydroelectric power dams, since almost all of Sweden's natural waterways have now been dammed. These different forms of land encroachment, however, are highly integrated; for example, a mining project requires large amounts of electricity which in turn requires a dam, which requires a road to be built for the transport of heavy machinery to the dam site. Later the existence of this road provides the timber industry with an access route to forest regions which would otherwise be too expensive to log. All of these industries together at one time provided long-lasting jobs in the north for a sizable non-Saami population. This non-Saami population almost everywhere—including in the Saami so-called core area—is now far more numerous than the Saami population itself. The many northern city dwellers engage in various recreational activities in what they consider to be an untouched wilderness. In only a few municipalities in the north (and none at all in Sweden) do the Saami maintain a viable political voice.

Confiscation of Hunting Rights

The same legislation that granted the Swedish Saami their much-desired Saami parliament (Sameting) with one hand struck at their vulnerable resource base with the other. Government Proposition 1992/93:32 asserts that the state possesses hunting and fishing rights on Crown (state) lands that are parallel to that of the Saami. This part of the proposition was passed by the Swedish parliament without consultation with either Saami groups or the government's own Ministry of Environment. The Saami were simply given the option to support the establishment of a Saami parliament together with the new hunting regulations, or they would obtain neither. This occurred, despite a prior Swedish supreme court decision that confirmed that, in the areas demarcated by the land survey, Saami hunting and fishing rights were exclusively theirs. Immemorial rights have legal precedence over newer laws and these cannot invalidate immemorial rights without due process or just compensation; nevertheless, this is precisely what has occurred.

The opening of small-game hunting to everyone may threaten sustainable use of small-game resources, yet for the Saami this is far from the only issue at stake. When the *Samebys* were in control of hunting activities, these could be managed so that they did not conflict in time or place with herding

activities taking place in the same area. Now, however, hunters with dogs traverse regions where herders are trying to gather their herds. Moreover, the new regulations have caused a division between herding and non-herding Saami. Non-herding Saami, with clear immemorial rights to the land they inhabit, have continually petitioned the government for the recognition of their hunting and fishing rights on *Sameby* territory. However, some of them have ceased their efforts to attain justice and have not joined the herders in their efforts to overturn the regulations because they are now able to enjoy small-game hunting on these lands with a license from the state, not based on their rights as Saami, but just like any other citizens of the nation.

The current position of the government is that, although it regrets that the new regulations were ushered in as they were, it would cause far more upheaval and social tension between Saami and non-Saami groups if the regulations were to be removed. Instead, the environmental effects of the new hunting regulations and the disturbance they might cause to herding have been subjected to a major investigation. The state is willing to concede that some adjustments in the regulations might be called for when the needs and desires of all parties are considered. Of course, for the Saami, once an issue has been removed from a context of their basic legal rights and reframed into a context of social good for the greatest number, the battle is lost. The remaining leverage the Saami have comes from Swedish ratification of international declarations and covenants for the protection of minority people and the preservation of minority cultures.

The Sveg Case

In a highly controversial verdict, the lower court of Sveg in Jämtland province ruled in 1996 that the five southernmost *Samebys* in Sweden did not hold any grazing rights based on sustained and immemorial use of the lands for winter grazing. In effect, the court ruled that the traditional use of these lands by the Saami was of shallow historical depth, highly variable, and sparse, and their use did not occur in the area prior to utilization and habitation by non-Saami people. The case had been brought against the *Samebys* by private land owners in the region who were disgruntled over the consideration they were required to show herding interests, especially in recent times when reindeer numbers were high. The private land owners demanded legal clarification of existing land rights in the area, and the burden of proof to demonstrate sufficient use since time immemorial was placed upon the Saami.

This case focused on archaeological evidence; however, the archaeologists differed in their opinions as to whether the material remains were Saami, so the court would not concede that the evidence supported the Saami position. Historical evidence of the Saami presence, of course, fared no better in the court because the historical evidence was based on written

records made by the Swedish settlers who were not in the least interested in documenting prior Saami habitation.

This is not to say that the Saami are automatically the first inhabitants wherever they put their feet, or that the private land owners could not conceivably have a case. It is only to observe that, given the terms under which the case was tried and the burden of proof being demanded, there was little chance of a Saami victory. Aided by hindsight, some commentators have reflected that the Saami would probably have fared better had they set up their courtroom strategy around their early tax payments to the Crown for use (or ownership?) of their *Sameby* territories for herding purposes, a herding that presupposed that their reindeer were grazing *somewhere* in the winter and this use should therefore have indicated that they also had the right to do so at that time.

Over the centuries, it is apparent that the state has shifted in its policies toward the Saami, at one time respecting their rights, but at another time defining these rights as mere privileges, secondary to the rights of farming settlers. Both sides—settled land owners as well as Saami herdsmen—can point to historical documents that indicate government support for their claims. Sorting legal priorities down through the various layers of legislation and regulation becomes an exceedingly time-consuming and expensive undertaking. In the final analysis, resource conflicts and social tensions will hardly be improved by a total legal victory of one side over the other. Many Saami and non-Saami alike feel it is incumbent on the state to sort through the legal uncertainties and forge a viable settlement out of court, with compensation paid to any party given false assurances of rights which must now be annulled with the recognition of the prior rights of the other party.

To date, however, the matter remains in the courts. The Saami side owes more than US $1 million in debt from its defeat in the lower court but continues with an appeal to higher courts. All national legal processes must be exhausted before the Saami are able to submit their case to international courts. Meanwhile, buoyed by the private land owners' victory in the lower court of Sveg, other land owners have now filed similar suits against the *Samebys* of their own regions.

Globalization

The limited self-determination in herding matters which the Saami have been able to maintain is now under threat, not as before—from the competition of farmers and settlers—or by the rationalization programs of the welfare state, but rather from the consequences of globalization, especially as these involve urban-based environmental values.

Arguments waged in favor of preserving a viable wolf population in the reindeer-herding area are based largely on Swedish participation in global programs aimed at preserving biodiversity. The issue of reindeer overgraz-

ing is now a concern for all environmentally conscious Swedes. Moreover, large tracts of reindeer range are being incorporated into a so-called world heritage area. As mentioned earlier, small-game hunting has been opened not only to local non-Saami hunters with their own subsistence needs, but also to wealthy trophy hunters from other countries. The entry of Sweden into the EU is also a matter of utmost significance for the Saami, as it has imposed yet another layer of regulation designed by decision makers far removed from the local context.

At the same time, international conventions and EU membership mean new forms of protection and new sources of subsidy and regional aid for the Saami. Such elements of globalization are not always detrimental to Saami interests, nor are they perceived this way by the Saami. However, the terms of debate and the strategies involved by the various Saami and non-Saami lobby groups are now significantly altered. Saami have recently been portrayed as ecological criminals, and new state regulations have been prescribed for sustainable development and protection of biodiversity in Saamiland with little attention given to whether these programs are compatible with rational herd management.

Yet, globalization can mean greater recognition of Saami rights on an ethnic basis, when backed by international conventions and integrated fourth-world unity. The threats to herding encourage Saami to seek solidarity and strength in other forums, although this is not without accompanying fears from the herding Saami, who feel their limited resources cannot be stretched to support the demands of all ethnically defined Saami.

Indigenous politicians, invoking a so-called eco-morality argument against the governments of industrialized nation-states, assert that industrialized nation-states have ravaged the global environment to the extent of exterminating many species and threatening the survival of humankind. They further assert that indigenous peoples have lived in harmony with nature and therefore should be entrusted with the care of their ancestral lands at the very least. Those opposed to indigenous peoples' empowerment generally counter this argument by saying that if indigenous peoples had adhered to a way of life less damaging to the environment than that of industrial man, it is not due to any moral superiority on their part, but rather to their primitive traditional technology. Now that they are in possession of modern technology, the argument goes, they are as liable to be "eco-criminals" as the next person.

For the Saami who are a minority, and for the herding Saami—a minority within a minority—moral arguments are essential. It is one thing to have a legal right, but another to keep it. If the Saami are unable to maintain support for their special resource rights with the majority population, it is very likely that (as in the case of small-game hunting) these special rights will be further limited.

Conflicting Urban-based Views of Nature

Herders today are attacked on many fronts: they are blamed for the decimation of scarce species (reindeer predators such as wolves) and their use of high-technology equipment (such as motorbikes) which is said to destroy the tundra. Not only do modern herders destroy the tundra with motorized vehicles, it is claimed, they now keep too many reindeer which overgraze and trample the sensitive ground cover. Government administrators have long been involved with the problem of high reindeer numbers, but previously the concern was to avoid overgrazing and to promote the long-term sustainability of the herding industry. Today, however, attention is directed more toward protecting the mountains as a part of both the national and world environmental heritage and keeping them natural for the benefit of tourists. From the Saami perspective, the wilderness, which Swedish environmental policy wishes to preserve, is their own back yard: it is not untouched Nature, but a cultural landscape created through centuries of Saami stewardship.

The Saami are caught in a dilemma. On the one hand, it is essential for their livelihood, now integrated with the market economy, to be as profitable or rational as possible to sustain at least a minimal number of Saami with a decent living standard. This, however, means modernization and the use of high-technology equipment, elements which detract from the willingness of non-Saami to permit special Saami resource rights (seen as special privileges) in order to preserve the unique Saami cultural heritage. Naturally, majority support of the special Saami resource rights is further eroded by overly simplistic assertions by some members of the environmental lobby that the Saami are in fact destroying Arctic ecosystems.

Of course, environmental lobby groups may be justified in regard to some of their concerns, and some parts of their criticism of Saami herding are not completely erroneous. Moreover, the Saami and the environmentalists share many common goals in opposing the actions of certain land-encroaching industries. New, globally popular environmental protectionism, while burdening the Saami with yet another layer of regulations, might in the long run shield Saami traditional livelihoods more effectively than Swedish national policies.

Yet there is the fear of what many Saami regard as the most recent form of colonialism—"eco-colonialism," in which simplistic ecological arguments for increased regulation of Saami livelihoods are proposed for questionable purposes. In some cases, even with the best of environmental intentions, an imperfect understanding of ecology—one that fails to appreciate the complex and enduring relationship between the natural environment and social needs—comes to dominate policy. This is the perspective that first permits massive exploitation of northern natural resources, forcing herding into ever diminishing confines, and then blames small-scale Saami

livelihoods, first for threatening what is left of the natural environment and second for no longer being ecologically sustainable.

Competition with Other Herding Peoples

The Saami of the Russian Kola Peninsula are not the only traditional reindeer herding people now living in that area. While the Saami can make the historical and prehistorical claims to be the indigenous people of Kola, the Russian government has declared that this is a claim they must share with others. At the beginning of the twentieth century, large numbers of reindeer herding Komi spread westward into the Kola Peninsula, and a small number of Nentsi herders in their employ accompanied them. As the original Komi grazing lands had become insufficient for their purposes, the government sought to confer special resource privileges upon these uprooted people, and as their indigenous status entailed certain special hunting and fishing rights, the government decided to extend indigenous status to the Komi and the Nentsi people. Today, there is considerable resource competition and tension between the Komi and the Saami of the Kola Peninsula. In Kola, therefore, Saami goals are not likely to be attained simply by contesting indigenous versus nonindigenous resource rights.

RESPONSE: STRUGGLES TO SURVIVE CULTURALLY

The Saami are attempting to employ every means available to secure their resource base and ensure that the Saami people pursuing Saami livelihoods maintain and develop their culture and attain at least a modicum of internal self-determination. Of course, political realities in the different countries in which they live provide the Saami with different means and different constraints; additionally, their past successes and failures influence their choice of current strategies.

Political and Legal Strategies

In Finland (as in Russian Saamiland), reindeer herding is not an exclusively Saami livelihood, and even Saami herders may combine a herding economy with farming or logging to an extent hardly permitted in Sweden. Under such circumstances, political alignments and strategies take a different course to those more commonly found in Norway and Sweden. However, Saami responses to threat in Finland, Norway, and Sweden also share elements that have evolved from common histories and similar modern developments.

Finland had been integrated into the Swedish kingdom by the early 1600s and was lost to Russia only in 1809. Sweden and Norway were unified from 1814 until 1905. Consequently, these countries have many legal and

political similarities, and they have ratified many of the same international declarations and covenants. Moreover, they have well-established relations with each other—for example, through the Nordic Council—and, very important, they have made a concerted effort over the past fifteen years to harmonize their Saami policies. In fact, as early as 1751, Norway and Sweden had entered into a bilateral international agreement with respect to their Saami policies. Thus, when the Norwegian-Swedish border in the northern districts was finalized in 1751, a codicil to the border treaty was made specifying that the Saami would be able to continue to migrate without hindrance across the land now divided by a border. This codicil of 1751 has been termed the Saami Magna Carta. The terms of this agreement have been renegotiated numerous times since then, so that Saami and reindeer movement across the border is not completely free, but the codicil is still in effect. However, when Norway attempted to bar a group of Swedish Saami from utilizing their immemorial grazing right in Norway, the Swedish Saami took the issue to court and won an unprecedented victory with the so-called Altevatn verdict of the Norwegian Supreme Court in 1966. In effect, the immemorial right of Swedish Saami had won confirmation in Norway when at the same time it was hardly recognized in Sweden.

The 1966 legal victory in Norway inspired the Swedish Saami, with Saami ombudsman Tomas Cramér as legal counsel, to open another legal confrontation to test Saami land rights, this time in Sweden with the so-called Taxed Mountain Case. This case lasted fully fifteen years from the district court, to the court of appeal, and finally through the supreme court in 1981. While the Swedish government does not recognize any general Saami ownership of land, and did not regard Saami utilization of the specific Taxed Mountain area as sufficient to establish *ownership*, the Swedish supreme court did confirm that Saami reindeer-herding rights constitute a special form of property right based upon ancestral use since time immemorial. Moreover, even the immemorial ancestral land use of Saami nomads could lay a foundation for true ownership over specific tracks, if, the court ruled, such usage—besides being from time immemorial—was intense enough, applied to well-demarcated areas, and was not encumbered by the contesting claims of others.

Yet Saami ancestral right, which supersedes any requirement of *Sameby* membership and which is based on continuity of usage through the descent of individuals, is hardly recognized in the series of Reindeer Acts legislated by the Swedish government since 1886. The government insists that all Saami ancestral rights are completely regulated in the current Reindeer Act. This act supposedly upholds the reindeer-herding right of all Saami. However, in reality, only certain Saami—those who are *Sameby* members—have the right to practice their herding right.

Recent research on the legal rights of the Saami in Finland during the period of Swedish rule has had a major effect on Finnish Saami policy and

will probably also impact policies in Sweden and Norway. This research, on tax records, shows that the Swedish/Finnish government recognized that Saami people *owned* their lands. This recent research demonstrates that Saami land use in certain areas probably fulfills the criteria for land ownership itemized by the Swedish supreme court. However, the high cost of litigation, the demand that national legal proceedings be exhausted before cases can be heard in international courts, and the fact that the Saami in Sweden have no political power and are weakened politically by factionalism (herding Saami as opposed to non-herding Saami) and now suffer serious threats from the environmentalist lobby have caused progressive Saami policies in Sweden to slow and, in many ways, even to regress.

In Finland, the Finnish Saami Rights Commission was established in 1978 by the Advisory Board on Saami Affairs to evaluate which natural resources rights currently administered by the state should be transferred to the Saami. A few years later, a Norwegian Saami Rights Commission was established, and shortly after that, a Swedish Saami Rights Commission was established, but it was dismantled in 1991. The Finnish commission proposed the reinstitution of Saami collective ownership to the so-called state forests formerly owned by them, and although the proposition was greeted favorably by many, the government has not yet acted. In Finland, a so-called Finnish Saami parliament has been operating since 1973.

The Saami Rights Commission in Norway was created in the wake of the massive resistance of the Saami and conservationists to the construction of the Alta hydroelectric dam in Norway. The Norwegian commission was mandated to analyze Saami resource rights in Norway, a task necessitating a thorough historical study.

The Swedish commission, however, confined its legal perspective on Saami rights mainly to the minimal requirements of international law. In the spirit of Nordic harmonization, the work of both of these commissions led to the establishment of Saami parliaments in their respective countries. While many Saami had hoped for more from these commissions—for example, a veto on land encroachments injurious to Saami land use practices—great hopes are pinned upon the fledgling Saami parliaments. Despite their differences, the various national Saami factions can now speak with one voice and cannot easily be ignored by the government. In fact, these parliaments are created as government departments (a construction with both positive and negative points). Representatives from the three Saami parliaments have already taken initial steps toward the founding of a unified Nordic Saami parliament.

The Potential of International Action

Besides ongoing negotiation with respect to national Saami policies and confrontation in national courts, the Saami when possible have taken their concerns into the international arena. The nations encompassing Saami populations do not recognize the Saami as "a people" according to the accepted terms of international law set down in various United Nations conventions. Legal avenues open to the Saami internationally lead to either the United Nations Human Rights Committee or the European Court. However, not only must national court processes be exhausted before a case can be appealed to an international court, but the case is subject to a complex legal process of admissibility. Because of the technicalities of admissibility, Sweden, for example, has narrowly escaped international investigation of its regulation barring Saami who are not *Sameby* members from exercising their herding and hunting rights (basic to their culture) and for its confiscation of exclusive Saami small-game hunting and fishing rights.

The Saami of Norway, Sweden, and Finland have become members of the World Council of Indigenous Peoples (WCIP). They maintain close contact with the United Nations Working Group for Indigenous Populations in Geneva, the United Nations Conference on Environment and Development, and other international bodies. The Saami Council has nongovernmental organization status within the United Nations, and Saami representatives frequently serve as experts on the national delegations from Norway, Sweden, and Finland to the United Nations. The Saami, together with the Inuit and Russian indigenous groups, enjoy permanent membership on the eight-nation Arctic Council. At this time, the Saami have not yet been granted membership in the Nordic Council.

Appealing to the Public

When Saami causes are not adequately served by policy negotiation and fail to win respect in national courts, or cannot even be heard in international courts, the only recourse for the Saami is to appeal to public opinion. During the height of the protest over the damming of the Alta River, Saami activists appealed to the public by emphasizing the inequalities of power—but also their common interest with the dominant population—by erecting a Saami tent as a base for operations outside the Norwegian parliament building in Oslo. In their attempts to bring their case to worldwide attention, the Saami have become adept at lobbying, both from platforms reflecting their own ethnic identity and also from the platform of indigenous peoples in general.

FOOD FOR THOUGHT

How the individual identifies as Saami has dramatically changed over the past ten years. This has been the result of new state regulations as well as changing individual motivations and actions. Problems of discrimination, neglect of legal rights, pressures for assimilation, and straightforward conflicts with the majority population over natural resources still exist for many Saami. However, these are not the only issues that determine the current interaction between Saami and non-Saami, the formulation of Saami personhood, or the negotiation of Saami landscapes. Moreover, as recognition of "Saamihood" shifts gradually in emphasis (especially for the majority populations) from reindeer herding to larger ethnic criteria as well, a major adjustment is also occurring in the relations between herding Saami and non-herding Saami. Identities are reshaped, and landscapes are imbued or reimbued with new Saami values.

Specific land encroachments, court verdicts, and parliamentary laws detrimental to Saami interests are generally quite easily identified. Yet the most pressing threats to the maintenance of Saami culture and livelihoods lie often hidden in larger mechanisms where government policies, the economy, and public opinion interact. The attempt by herders to supplement their meager incomes by developing hunting and fishing businesses under Saami control has resulted in indignation over the purportedly high prices charged, public outcry, and eventually the confiscation of exclusive Saami small-game hunting rights in Sweden. Efforts to forge a strong reindeer-herding economy, based upon government-supported rationalization programs that encourage the use of modern technology, have led to conflict with environmentalists, public disapproval, and further legal constraints on herding. The more that herding comes to ressemble Swedish animal farming, the more it loses majority support for its moral claim to special indigenous rights.

Recent developments, including the creation of Saami parliaments in both Norway and Sweden, have brought about the resurgence of Saami identity and rights based on ethnicity, rather than simply on the practice of the herding livelihood. The ethnic dimension of Saamihood is also increasingly visible in state policies and subsidy programs for Saami language, theater, and handicrafts. In Sweden, for example, there is much discussion about expanding the economic potential of the *Samebys* by permitting various non-herding activities, and there is talk of opening the *Samebys* to non-herding Saami membership. While such developments are to be applauded, they contain the seeds of serious threats to herding and, through it, to all Saami culture.

This can lead to a dangerous situation in which cultural elements such as language and art are greatly supported, but the cultural elements that

involve access to and utilization of natural resources (e.g., herding) that conflict with non-Saami land-use schemes are neglected. Although it can appear that the state is strongly supporting the Saami, in fact this support is extended only to those elements that do not conflict with non-Saami interests. Herding is caught in a bind: if given financial support (even if only to the same degree as provided to other branches of Swedish agriculture) and its Saami monopoly as an indigenous livelihood maintained, loud complaints are heard that herding is little more than a "nursing home for the handicapped," or a hobby play school for Saami cultural "imposters." On the other hand, if the Saami legal monopoly on herding (as in Norway and Sweden) is removed, and herding is evaluated merely in terms of how much money it earns and how many people it employs, it could hardly maintain a strong position with respect to land utilization when its large land needs and small generated profits are compared with those of heavy extractive exploitation.

Given these mechanisms, it would seem that the Saami herding livelihood and culture are in danger of becoming artificially preserved to serve the tourist market. This dismal development can be avoided if the dominant majority comes to learn that Saami interests and environmental interests are far more similar than divergent, that Saami culture cannot be maintained as a static entity, that this ever-changing cultural continuity demands Saami self-determination rather than fickle government patronage, and that the fate of the Saami and indigenous peoples as a whole is a precursor to the fate of humankind.

On a more mundane level, and lest "the reindeer starve while its grazing rights are negotiated," the Saami are engaged on many fronts: to stop Saami language decline, to promote Saami handicrafts, to counteract the spiral of increasingly high-technology reindeer herding and the increasingly high costs of management, to reaffirm Saami livelihoods as ecologically responsible and viable, and to gain a meaningful voice in the development of northern industries so that they may grow with consideration for Saami livelihoods.

Questions

1. How does Saami immemorial right to land compare and contrast with the right of land ownership?
2. Why do so many Saami in Sweden believe that the state has deprived them of their reindeer-herding livelihood and cultural traditions when, according to the Swedish Reindeer Herding Act, all those of Saami ancestry have the right to herd reindeer?
3. How does the government justify the legislation that prohibits the Swedish *Samebys* from engaging in any economic activity other than herding?

4. In what ways can increasingly global environmental consciousness and legislation be a threat to Saami rights when the Saami themselves are so dependent upon maintaining natural systems free from heavy exploitation?

5. What are the essential differences between, on the one hand, the Saami parliaments—most recently established in Norway and Sweden—and, on the other hand, the political organizations of the Saami that previously existed and that are still active?

RESOURCE GUIDE

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Films

An Invisible Enemy, 1987. 52 minutes. Disappearing World Series, Stock no. 51247. Pennsylvania State University, 118 Wagner Rd., University Park, PA 16802–1003. (Documents the threat to the economic and cultural survival of the Saami after the Chernobyl nuclear accident and the challenges to young Saami contemplating their futures)

The Sami: Four Lands, One People, 1978. 24 minutes. National Film Board of Canada, Catalogue no. 113C-0178–506. (Shows how Saami in the four

countries are trying to find a way between the old traditions and new developments)

Sami Herders, 1978. 28 minutes. National Film Board of Canada. (Award-winning film follows the Mikkel Haette family on their annual migration in northern Norway)

Internet and WWW Sites

Nordic Sami Institute (provides links to English Web sites)
www.montana.edu/sass/sami

Swedish Sami Parliament
www.samefolket.se

Organizations

Nordic Sami Institute
N-9520 Kautokeino
Norway

The Norwegian Sami Parliament
N-9730 Karasjok
Norway

Sami College
Hannoluohkka 45
N-9520 Kautokeino
Norway

The Sami Council
FI-99980 Utsjoki
Finland

The Sami Parliament in Finland
PL 39
FI-99870 Inari
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The Swedish Reindeer Herders Association
Brogatan 5
S 903 25 Ume°a
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The Swedish Sami Parliament
Geologgatan 4
S 981 31 Kiruna
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