

UPHOLDERS OF CULTURE PAST AND PRESENT

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WORLD HERITAGE AND INDIGENOUS PEOPLES:

THE EXAMPLE OF LAPONIA

PROFESSOR HUGH BEACH

From the perspective of indigenous people, the problem of upholding a culture differs significantly from the cases presented by previous speakers at this symposium - for example, the wonderfully creative excesses of "Swedishness" exhibited by Swedish-Americans, and the heroic rescue operations to preserve unique cultural treasures for the future.

With regard to the cultures of indigenous peoples, the preservation of which so often depends on the utilization of limited natural resources and on associated traditions, it is not a question of win-win situations. Whenever limited resources are at stake, someone's gain is someone else's loss. This differs markedly from the preservation of art forms, musical styles or folk dancing.

The manner in which resources are utilized by indigenous people is characterized not only by tradition, but also by creative adaptation. However, such minorities must tailor the creative development of their livelihoods to the regulations imposed by the dominant society. The paradigms which justify the control of indigenous peoples' access to and use of limited resources vary greatly throughout the world.

Many of these controls do not primarily have the interests of indigenous people at heart. Also, some of the most harmful constraints on indigenous peoples' survival and cultural sustainability have, ironically, been designed by majority populations for the purpose of ensuring the cultural survival of indigenous minorities. I shall illustrate my main points with examples drawn from the case of the Saami people of Sweden.

SAAMI BASICS

The Saami are indigenous to the four countries that have colonized their territory: Norway, Sweden, Finland and Russia. In Sweden they number approximately 17,000-20,000, although an accurate census has never been taken. Of these, only some 10-15 percent are engaged in the livelihood of reindeer-herding. This corresponds to about 2,500 individuals, distributed among 900 family herding operations.

Thus, the vast majority of Saami do not herd reindeer today, and this was also the case historically. Reindeer-herding, while a central element of Saami culture, has never pro

vided a livelihood for the majority of the population. Still, the cultural link is very strong. For example, while non-Saami in Sweden may own reindeer, only individuals of Saami descent are permitted to herd them; in addition, each and every reindeer must be the responsibility of a specific Saami herder.

The terms under which the Saami in Sweden enjoy their reindeer-herding monopoly are confused and contested. Is the monopoly a right grounded prior to the establishment of the Swedish state? Or is it a privilege bestowed by a benevolent state concerned about the Saami and their needs?

As early as 1751, Norway and Sweden entered into a bilateral international agreement regarding their policies toward the Saami. When the Norwegian-Swedish border in the northern regions was finalized in 1751, a codicil to the treaty specified that the Saami would be permitted to continue migrating unhindered across the land now divided by the border. This codicil from 1751 has been called the "Saami Magna Carta". The terms of the basic agreement have been renegotiated numerous times since then, with the result that Saami and reindeer traffic across the border is not completely free; but the codicil is still in effect.

When Norway attempted to bar a group of Swedish Saami from utilizing their ancient grazing rights in Norway, the Saami took the issue to court and won an unprecedented victory in 1966 with the so-called *Altevatn* ruling of the Norwegian Supreme Court. In effect, the ancient right of Swedish Saami was judicially confirmed in Norway. In Sweden, however, it was still barely recognized.

The legal victory in Norway inspired the Swedish Saami to initiate another test of Saami land rights, this time in Sweden. The ensuing "Taxed Mountain Case" dragged on for 15 years, from the District Court to the Court of Appeals, and finally in 1981 to the Supreme Court. While the Swedish government does not recognize any general Saami ownership of land, and did not regard Saami utilization of the Taxed Mountain 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. The court also ruled that the ancient ancestral land use of Saami nomads could provide a basis for true land ownership of specific tracts of land, if they were: clearly demarcated; had been in use since time immemorial; had been exposed to "sufficiently" intense use; and were not subject to other claims based on historical use.

However, ancestral rights - which apply irrespective of membership in a Saami village¹ and which are based on continuity of usage by descent - are hardly recognized in the

¹ There are approximately fifty well-defined Saami "villages" (*sameby* in Swedish), but they are not villages in the usual sense of that term. Rather, they are large areas, each of which is a social and legal entity comprised of the individuals who herd the reindeer permitted to graze there.

various Reindeer Acts enacted by the Swedish parliament since 1886. The government insists that all Saami ancestral rights are completely regulated by the current Reindeer Act from 1971, including revisions from 1993. The Reindeer Act supposedly upholds the reindeer-herding rights of all Saami. But in reality, only those Saami who are members of an authorized Saami village are entitled to exercise herding rights.

Given the fact that, historically, most Saami have never earned their livelihoods from herding, this might not appear to be very controversial. But the current situation has been affected by two important changes: First, of all ancient Saami rights, the right to herd reindeer is the only one that remains in effect in Sweden today. (Saami hunting and fishing rights have been appended to herding rights, but these apply only to members of Saami villages.)

Second, while reindeer-herding has never been able to sustain the entire Saami population, any Saami could until 1928 freely establish himself as a herder and as a member of a Saami village. Since 1928, the Saami villages have been "closed shops" in which the current members vote to accept or reject applicants. Since the grazing area of each village is limited, with a corresponding maximal allowable number of reindeer for the entire membership (so-called "rational herd size"), it is understandable that new applications for village membership are rarely approved.

Another basic condition of the Saami in Sweden today is that not one of Sweden's 289 municipalities has a Saami majority. Thus, even in their core population areas, the Saami constitute a political minority.

PHASE-OUT MECHANISM

It is the position of the Swedish state that it has granted certain special privileges to the Saami with regard to natural resources, in order to help them preserve their unique culture. In this context, "Saami culture" is narrowly defined by the government to mean reindeer-herding, only. To the extent that a Saami departs from that livelihood, he or she is required to surrender the special privileges.

Paragraph 9 of the Reindeer Act of 1971 stipulates that an authorized Saami village may not engage in any economic activity other than herding. Another paragraph in the same act provides that, if a herder's income from non-herding sources should exceed that from herding, this may be grounds for exclusion from membership in the Saami village. In this way, Saami self-determination has been sharply restricted.

With increasing pressure from extractive industries, the available grazing land - and, by extension, the rational herd sizes of the Saami villages - are constantly decreasing. At the same time, the minimum number of reindeer required per family for subsistence continues to increase. Thus, the herders get hit from two different directions at once.

The economic pressures on the herder - rationalization, extractive industries and the increasing minimum herd size - must be seen in relation to divisions within the Saami population and the restricted membership of Saami villages. The result of all these factors is a highly efficient phase-out mechanism. Once an active herder loses herding income relative to other income sources - turning 65 and receiving a pension may suffice - he or she can lose Saami-village membership.

Chances of ever regaining village membership are small. As noted, membership is not open; the current village members decide on new applicants. Due to the unemployment crisis in northern Sweden, it may well be necessary to leave the Saami region and move south. Stockholm now has the second-highest concentration of Saami in Sweden. As one would expect, population statistics for the Swedish Saami indicate that, while their total numbers are rising, the number of herders has been falling.

Of course, one cannot blame national policies for the limited capacity of natural resources to fully sustain an expanding population. Reindeer-herding has never been able to support all Saami, and it is only natural that those who control access to a resource should seek to exclude others if they find it difficult to meet their own needs.

This raises a vital question, however: Should internal regulatory mechanisms be implemented by the state or by the Saami? It is my contention that Saami socio-cultural sustainability depends not solely on tradition nor solely on creative adaptation - but rather on both factors, in combination with the continuity provided by self-determination. The Saami must be permitted to regulate their own reindeer-herding livelihood. If anything, it is that very process which will enable them to sustain their culture and to make the difficult choices that the hard-pressed reindeer resource demands.

NEGOTIATING OVER NATURE

The Saami are caught in a dilemma: On the one hand, their livelihoods are now integrated with the market economy, which means that it is essential to be as profitable (or "rationalized") as possible, in order to provide at least a minimal number of Saami with a decent standard of living. However, this often requires modernization and the use of high-tech equipment, features which tend to reduce the willingness of non-Saami to support special rights to natural resources in order to preserve the Saami's unique cultural heritage. Majority support for those rights is further eroded by overly simplistic assertions that the Saami are destroying ecosystems.

Toward the end of the 1800s, the broad expansion of agriculture in northern Sweden dissolved any hope that Saami herders and Swedish farmers would be able to coexist without conflict. The first of what would become a series of Reindeer Acts was intended to minimize those conflicts. The early Reindeer Acts included detailed regulations concerning herd control and herder responsibilities for the protection of crops. But after World War II, the "rationalization" of agriculture in northern Sweden was imple

merited and the extent of Swedish farming declined, so that the practical need for herding regulations diminished.

The ideology of the expanding general welfare state supplied justification for the next system of herding regulations. Medical studies performed in the 1950s demonstrated that the vital statistics of the Swedish Saami - for example, infant mortality - were comparable to those of underdeveloped nations. Sweden sought to solve this problem with the Reindeer Act of 1971, which provided for a comprehensive program of rationalization for both the structure and production of reindeer management. Regulations were oriented toward increasing the living standard of Saami herders. This was a praiseworthy goal; but, to a great extent, it was pursued at the expense of reducing the herder population (i.e. it meant fewer herders sharing the same limited number of reindeer).

We are now entering a new era of herding regulation justified by environmental concerns. Agenda 21, a product of the 1992 U.N. Conference on Environment and Development, urged all nations to produce strategies for sustainable development. The Agenda also emphasized the importance of involving indigenous people in the formulation of such national strategies. In 1995, the Swedish Environmental Protection Agency was directed by the government to develop measures for attaining sustainability in the country's mountainous regions. Further, the Reindeer Act of 1971 was supplemented with so-called ecological objectives.

Additional amendments to the Reindeer Act were intended to control herd numbers and limit the threat of overgrazing. Statements by environmentalists and Swedish politicians make it clear that they regard proper ecological theory and practice as the domain of western science. To the extent that they recognize the Saami as practising ecologists, their knowledge is regarded as inadequate.

It is popular to assume that ecology is a non-partisan scientific discipline. But deeper reflection compels us to realize that when linked to any form of advocacy - including that linked to notions of what is ecologically desirable - it is not and can never be isolated from political considerations.

For example, among the most controversial issues for the Saami today are the following:

- the right of predator populations to be present at the expense of reindeer herding
- the claim that Saami reindeer are so numerous that they are transforming Sweden's mountain landscape into a rocky desert
- the battle over small-game hunting and abrogation of the Saami's exclusive hunting rights

- the contested traditional right of the Saami to graze reindeer east of the Agriculture Line
- the increasing use of high-tech equipment (snowmobiles, helicopters and, now, motorbikes) in connection with reindeer-herding
- the growing pressure to broaden membership in the herding collectives to include non-herding Saami.

Clearly, each of these issues has a direct bearing on Saami livelihoods and, consequently, on Saami culture. Sweden's entry into the European Union is also a matter of utmost significance for the Saami, as it imposes yet another level of superior regulation, far removed from the local context. The limited self-determination which the Saami have been able to maintain at the regional level, with regard to a livelihood legally protected as their sole right, is now under threat - not, as in former times, from the competition of farmers and settlers or by the rationalization programs of the general welfare state, but rather from their incorporation into a global context.

The examples noted above clearly indicate that conflicts over natural resources comprise a central issue. Yet, parallel to the material aspects of resources are their ethno-cultural aspects. Do reindeer graze on Saami or on Swedish land? Do the mountain regions constitute a Swedish or a Saami landscape? Most important: Is the Saami region, with its natural base for traditional livelihoods, to be subjected to Swedish ecological management, including elements derived from international agreements? Or is there room for Saami self-sufficiency and self-development based on ecological goals that are dedicated to the sustainable development of the reindeer-herding population and Saami society, in general? Will the international conventions and institutions devised to protect the environment - frequently equipped with lowest-common-denominator admonitions, but lacking enforcement powers - provide better protection than that of traditional local users or individual nation-states?

The formulation of such questions is conditioned by the unavoidable political dimension of ecology in practice. Goals of "sustainable development" beg the questions of what is to be sustained, and for whom. In any given region, there are many different kinds of ecosystems that can be sustained over the long term. This, of course, is a political issue.

Many Saami have come to regard the dominant society's ecological concerns as the most recent form of colonialism - a sort of "eco-colonialism" that presents simplistic ecological arguments to justify the increased regulation of Saami livelihoods, for questionable purposes. From the Saami's point of view, the dominant society condones massive exploitation of the northern region's natural resources, constantly reducing the areas available for herding - and then castigates traditional Saami livelihoods for no longer being ecologically sustainable, thus threatening the environment.

LAPONIA WORLD HERITAGE

In 1996, UNESCO designated much of the Saami region in Sweden as the Laponia World Heritage Site. It consists of 9,400 square kilometres, including Padjelanta, Sarek, Stora Sjöfallet and Muddus national parks, and the Sjanuja and Stubba nature reserves. In connection with this designation, Sweden has sought to implement Agenda 21, with its stated goals of sustainable development and preservation of biological diversity.

While most World Heritage Sites have been established in accordance with certain criteria regarding nature, the Laponia site was also selected on the basis of cultural criteria. Regarding the natural criteria, Laponia was chosen on the grounds that it offers a prominent example of the earth's geographical development, including ongoing ecological and biological changes. In addition, there are unique natural features of exceptional beauty, as well as important natural habitats for the preservation of biological diversity.

As regards the cultural criteria, Laponia has been populated by the Saami since prehistoric times, and is considered to be one of the best-preserved examples of nomadic rangeland in northern Scandinavia. It includes both settlements and grazing areas for large reindeer herds, and supports a traditional livelihood which, according to advocates of Laponia's World Heritage designation, stems from an early stage in the economic and social evolution of humankind (as noted in a press release of Sweden's Board of National Antiquities, dated 12 June 1996). The area includes seven Saami villages: the six mountain villages of Luokta-Mavas, Tuorpon, Jákkåkaska, Sirkas, Sörkaitum and Mellan byn, and the forest village of Gällivare (not to be confused with the northern city of the same name). The total membership of these Saami villages consists of some 300 herders with a total of 50,000 reindeer (Mulk, 1997:46).

There are a number of economic advantages associated with designation as a World Heritage Site. Countries interested in protecting suitable areas stand to gain international financial aid for that purpose (Björnstad, 1995:14). Moreover, an area so designated attracts tourists, and the local population can benefit from the service jobs they generate and the purchases they make (Hoberg, 1995:30; Nash, 1996; Franke, 1995:22; and Grundsten, 1996:46). However, the Laponia area is included in the Swedish Environmental Protection Agency's national monitoring program, which focuses special attention on allegedly extensive trampling and overgrazing of the land by reindeer, the use of motor vehicles (largely by Saami herders), and the impact of tourism (UNESCO, 1996:4).

"Previously, reindeer herding was an activity which was close to nature and a self-sustaining business with little environmental impact," notes Grundsten. "Today it is an economic venture ran in a rational way which has some impact on the environment. Therefore, society demands that reindeer herding be carried out with regard to nature." (Grundsten, 1996:27)

The Saami of the Laponia area confront several dilemmas in asserting their own cultural traditions and resource rights, while at the same time catering to an international conception of their heritage. That somewhat distorted conception has to be marketed in order to obtain the economic resources needed to sustain their genuine heritage.

In his work on the Amazon region, Moran makes the interesting suggestion that the majority populations of modern urban societies may be pursuing an ecological myth projected onto the past: "While it is attractive to think of the Amazon Basin as pristine or virgin forest, such a view says more about our need to have pristine landscapes to establish a link with a long-lost ecological past than it describes the Amazon." (Moran 1996:538)

Nowhere is this problem more apparent than in the debate over the right of the wolf to populate reindeer-herding regions, especially Laponia. When I first came to Saamiland in the early 1970s, only one wild wolf was reported to remain in all of Sweden. Under careful supervision, the wolf is now making a comeback; but most of the approximately 45 wolves in Sweden today are descendants of a single pair. Prospects for the continued reproduction of this population are extremely poor, due partly to the effects of inbreeding.

To counteract this problem, it would be necessary to import numerous wolves from other countries, Russia for example. A suggested alternative would be to import only the sperm from Russian wolves, in order to achieve genetic variability without drastically increasing the size of the wolf population. But in either case, it would seem that this kind of wolf management would be subject to the same kind of criticism that has been directed at modern reindeer management, i.e. that the result is an artificial "natural" product which is subsidized by taxpayers' money.

Exactly what is the nature of the nature that certain "wilderness managers" want to sustain? Or, to put it differently: Whose model of nature is to prevail? The tourist industry promotes Saamiland as Europe's last remaining wilderness. But can a wilderness be managed by humans and still be regarded as a genuine wilderness? If the goal of managed wilderness is to be attained by relegating humans to mere observer status, the Saami risk being either driven from the "Garden" entirely or, at best, being kept on as quaint, "environmentally low-impact" tourist attractions consigned to skis and tents.

For the Saami, the most important cultural element to sustain is not the outward shell of Saami tradition, but the freedom to adapt to changing conditions and to make a living as they choose, rather than as others want - or want them to want.

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