

## **Are human rights being violated in Upper Lapland?**

In an article published in the Rovaniemi-based newspaper Lapin Kansa, professor Martin Scheinin recently defined what is and what isn't part of Saami culture. He considered it self-evident that "in a qualitative sense, the jobs of reindeer herdsman are more important than the jobs of Saami forest workers."

Defining Saami culture is not the job of the Sámediggi (the Saami parliament), this is something that should be done by Saami communities because the culture of the Koltta Sami, for example, is every bit as important as that of Saami reindeer herders. The policies of the Eduskunta's Constitutional Law Committee also clearly support this, for example in relation to the Act on Metsähallitus: "According to section 4.2 of the proposal, the management, use and protection of natural resources governed by Metsähallitus shall be adjusted to ensuring the conditions of the Saami people to practice their culture. Section 17.3 of the Constitution also protects the right of the Saami to develop their culture. For this reason the Committee takes the stance that modern forms of application in traditional livelihoods are also part of Saami culture."

The public demands made by Scheinin of elevating the Saami to a special position are in effect the most subversive that have been voiced in Finnish politics since the demise of communism.

The grazing ground crisis and weak profitability afflicting reindeer husbandry are part of the common set of problems facing the professionals in that sector and they should be solved using a comprehensive approach that does not place practitioners of a livelihood in a disparate situation based on their birth or mother tongue. Scheinin's interpretations of the constitutional rights of the Saami have been tested at all levels of the Finnish courts system for over a decade.

The defeat in Geneva – which appears to have been the actual target venue the whole time – seems to have stung Scheinin, who acted as advocate for the reindeer herders. Where to lodge an appeal next?

I feel no envy for those reindeer herders who have submitted to act as "guinea pigs" in the rumba of court actions played in the name of Saami herdsman!

The efforts of Saami reindeer herders to raise their standard of living have been more fateful to the traditional Saami way of life than felling. For example, the Reindeer Farm Act brought the comforts of modern housing within the reach of Saami herdsman, but also managed to end once and for all a way of life that was founded on a natural economy.

The Inari Saami have been felling well before large-scale reindeer husbandry of the kind practice today encroached into the area. Over 2 million pine trees were felled in 1740–1880 to make bark bread in Inari.

Prior to 1852, the fisher Sami, who are the original inhabitants of Inari, did not own many reindeer. Saami livelihoods have changed as society has developed. Therefore it is nonsense to talk about Saami who make a living solely by reindeer husbandry, fishing or hunting; instead, it would be more proper to speak of diversified entrepreneurs whose income comes from multiple sources, such as reindeer farms, farms created in the great land reform and for returning servicemen, ecological farms and stumpage fees from jointly owned forests.

Since Metsähallitus cleaned up its methods in Upper Lapland, the most heavy-handed forestry is at present practiced in private and jointly owned forests, owned by Saami people as well. The collective forest (almost 10,000 hectares) owned by the Saami reindeer farms in Utsjoki which, on top of it all, is situated within Inari, is one example.

The Saami herdsmen began their forest-related court actions in the beginning of the 1990s and the felling dispute in Nellim is the latest chapter in this saga. At no stage has the Saami side to the dispute founded their call for a felling ban on sustainable development; the claim formulated by Martin Scheinin, a force behind the scenes in many Sami-related policies, has been used instead: “Felling conducted by Metsähallitus is preventing Saami herdsmen from practicing reindeer husbandry, which is an integral part of their culture.”

The two-faced nature of Scheinin’s forest strategy is revealed by the situation in Nellim, where felling gaps belonging to Metsähallitus and a Saami herdsman happen to lie side by side. Here felling site A is preventing the herdsman from practicing a livelihood he is culturally entitled to, while felling site B, which has been subject to the very same forestry methods, is protecting the maintenance and development of said livelihood.

It is impossible for me to comprehend how the obstacles placed on reindeer nourishment supply by forestry activity can depend on the ethnic background of the owner of the felling site. Does this not amount to racism, something the UN should address immediately?

Statistics on the profitability of different reindeer owners’ associations, grazing ground studies or other verifiable information offer no support to any of the fundamental claims of human rights violations made by Scheinin in Lapin Kansa on 26.11.

Scheinin has in public also urged the creation of a Nordic Saami Convention and ratification of the ILO treaty. In this he should follow the lead of former communist countries, where the state has been forced to return lands taken from private owners.

The UN has not defined the contents of Saami cultural autonomy, nor can it do so. The main principle is that an ethnic group has a right of self-determination with regard to its own culture. Members of a minority make their own legal decisions, and a committee cannot prohibit them from making choices. If decisions are arrived at freely, people are not the victims of human rights violations.

I cannot but wonder at how and with what grounds Martin Scheinin assumes the right to define an order of priority for livelihoods practiced by the Sami, especially when it is known that only 4-5% of the Saami population make a living out of reindeer husbandry. Does this not, professor Scheinin, also amount to racism?

In closing, I would like to point out that professor Scheinin always presents himself as a researcher from Åbo Akademi, an objective researcher. But it is not the objectiveness one expects from a scientist that can be identified from all of his comments; the role of a politician is more readily discernible. Which merits the question: is Scheinin advocating policies which favour one small Saami faction on his own initiative or is he doing someone's bidding?

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