
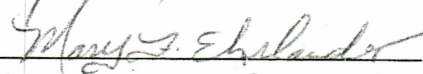



SAAMI ACTIVISM IN THE UNITED NATIONS: AN ANALYSIS OF  
EFFECTIVENESS INTERNATIONALLY AND AT HOME


by

Christian Jakob Burmeister Hicks

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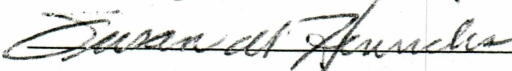
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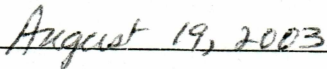
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SAAMI ACTIVISM IN THE UNITED NATIONS: AN ANALYSIS OF  
EFFECTIVENESS INTERNATIONALLY AND AT HOME

A

THESIS

Presented to the faculty  
of University of Alaska, Fairbanks

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By

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## ABSTRACT

The Saami of Norway, Sweden, and Finland have been politically active internationally since the 1960s and 1970s.<sup>1</sup> In the last fifteen years their presence has been a major force in indigenous politics and human rights. They have interacted with other indigenous groups, and in numerous national and international political arenas. The motivation for this study is based on the desire to understand the role of Nordic Saami actors in the rapidly changing world of international indigenous politics and how international indigenous politics influences national politics. This study is important to understanding not only Saami politics but also indigenous politics in the larger global perspective.

The research shows that the Nordic Saami have been tremendously influential within the United Nations. In turn, Nordic Saami international influence has directly changed Nordic indigenous policy domestically. These international and in turn, national changes led to a significant and wide-reaching improvement in human rights conditions for the Scandinavian Saami people and ultimately for indigenous people world-wide. This thesis evaluates the influence of the Saami on the United Nations and in turn the United Nation's influence on Nordic indigenous policies.

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<sup>1</sup> As will be noted later in this piece, there are numerous spellings and pronunciations of this word, Saami is the spelling used most commonly among the Saami (upon whom this study is based), and is therefore the form that shall be used by the author.

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I am indebted to my friends throughout the world who are equally important to this development. I would like to thank a few individuals in particular. Dr. Willy Østreng in Oslo is a great friend and mentor with his Norwegian humor and priceless advice and accommodation. Andrea Nightengale is indispensable for her emotional support and reference consultations. I want to thank Jennifer Nelson and Sue Sauer for their emotional support and exceptional willingness to accommodate countless edits and revisions despite the banal nature of the text. Ann Digatono and Peter Beardsley continue to be wonderful friends and helpful providing reliable transportation (sorry guys). There are more who deserve my thanks, but cerebral recall and text space do not allow for their explicit mention.

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Office in Geneva; International Labor Organization; University of Alaska, Fairbanks; University of Tromsø; and University of Minnesota, Twin Cities; were indispensable. The Norwegian Saami Parliament was an exceptional resource for my research. The archivists and librarians were patient and resourceful in fulfilling my countless materials requests. Gjelsvik Eldbørg at the Norwegian Saami Parliamentary library was an invaluable resource in these requests.

Finally, this acknowledgement would be complete without noting the three most important people in my life now and always, my parents and brother. Audrey Kay Burmeister-Hicks brought me into the world and made sure I stayed that way. She provides me with my center in every sense of the word. Ronald Doyle Hicks also brought me into the world and in his own quiet way provided me with all of my strength and is a balancing force. Hans August Burmeister Hicks did not know all that he gave me as an amazing brother but he is the reason for my continuous striving for a better life and a better world.

## CHAPTER 1: INTRODUCTION

*Our ancestors long ago  
Trouble makers did defeat.  
Let us, brothers, also resist  
Staunchly our Oppressors.  
Oh, tough kin of the sun's sons,  
Never shall you be subdued  
If you heed your golden Saami tongue,  
Remember the ancestors' word.  
Saamiland for Saami!<sup>1</sup>*

The nations of Fenno-Scandinavia are committed to the United Nations and to their human rights reputations. They have been proactive in the promotion of universal and minority human rights at the UN. This stance in turn, has motivated open dialogue and positive change within the Nordic countries towards Saami self-determination.

The intent of this paper is to explore the Nordic Saami's role internationally in the movement for indigenous self-determination. It will be shown that through their dynamic involvement in the last few decades, Saami have become influential on many levels of the UN. This paper will further show that this influence by Nordic Saami individuals and organizations on the United Nations has caused positive change within the Nordic political systems for the Nordic Saami.

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<sup>1</sup> Saami Council, *Saami Anthem*, translated by Ragnar Müller-Wille and Rauna Kuokkanen, <http://www.saamicouncil.org/english/song.html>.

Although there are legal, political, and cultural challenges unique to each country in which Saami people live, their positions are similar enough within the Nordic countries, to allow for a combined analysis of the situation. This work focuses on key events, figures, and organizations as they relate to the Saami's struggle for self-determination and indigenous rights. One reason to focus on the Saami is that they have taken some of the greatest steps and have seen some of the greatest gains in self-determination among indigenous peoples.

The Saami of Sweden and Finland are in a far more favorable situation than most other indigenous groups, but when compared with their Norwegian neighbors, they are at a disadvantage. The Swedish Saami, in particular, are at a disadvantage when compared with their neighbors to the north and west. "Norwegian and Finnish governments have taken uncertain but irrefutable steps in recent years to investigate and codify Sami claim rights..." whereas Sweden has not.<sup>2</sup>

Despite the differences in national policies, there is great cooperation among the indigenous individuals of Norway, Sweden and Finland. In fact, Saami groups have interacted and worked together for centuries. They have a common culture and a common world-view. The one contemporary exception to this cooperation is between the Nordic Saami and the Russian Saami of the Kola Peninsula in Russia. Only quite recently have the Kola Saami been allowed freer movement beyond their home province.

The Norwegian Saami are arguably the most skillful and the most *fortunate* of the Saami in a number of ways. They have access to more resources and funds. They also have

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<sup>2</sup> Dave Lewis, *Indigenous Rights Claims in Welfare Capitalist Society: Recognition and Implementation: The Case of the Sami People in Norway, Sweden and Finland*, (Rovaneimi, Finland: University of Lapland Press, 1998), 33.



the largest number of well-educated Saami leaders. The Norwegian Saami started a mass entrance into the universities and law schools sooner than the other Saami. This has made them better prepared for international political activism than their compatriots in Finland and Sweden. These are the reasons for the Norwegian Saami bias in this work.

This work is a two-part study of Saami influence on UN human rights policies. The first part addresses the Saami leadership's impact on the most important international political venue for the current world indigenous movement, the UN.

The second and more important aspect of Saami/UN interaction pertains to how this interaction has influenced Nordic indigenous politics. There have been significant changes made to UN policies by Saami delegates, but has it really mattered? What does this do for the Saami back home? Is it justified and productive for the Nordic Saami organizations to spend so much time and so many resources interacting with the UN?

The bulk of the information for this thesis was collected during a research trip to the Nordic states. The author gathered archival data from the University of Tromsø library in Norway, the Norwegian Saami Parliamentary library in Karasjok, and the Swedish Saami Parliamentary library in Jokkmokk. United Nations documents and supplemental information were studied during trips to the libraries of the United Nations and International Labor Organization (ILO) in Geneva, Switzerland. In addition, most secondary sources were acquired from Rasmuson library at the University of Alaska, Fairbanks and the Wilson and law libraries at the University of Minnesota, Minneapolis. Interviews and other information were obtained during trips to the Norwegian Ministry of Foreign Affairs in Oslo, the

Norwegian Saami Parliament in Karasjok and the Permanent Forum on Indigenous Issues (PFII) at the United Nations headquarters in New York. Other interviews and personal communications were obtained via telephone, email and in person at the University of Alaska, Fairbanks.

Extensive evidence shows that self-defense and self-promotional reasons compel Norway to abide by the UN indigenous mandates. Saami researcher Anne Semb, notes the impact of norms on state behavior, particularly Norway's, "international reputational pressures was definitely an impetus for international law compliance regarding the Sami."<sup>3</sup> Ms. Semb explains:

It thus seems plausible to suggest that Norwegian politicians did fear that non-adherence to international norms would threaten Norway's credibility in questions concerning the protection of ethnic minorities and groups with status as indigenous peoples, and that it would even threaten Norway's reputation in wider human rights questions.<sup>4</sup>

This thesis will show that the Nordic acceptance of Saami policy changes within the UN is a positive sign for indigenous peoples. Anne Semb notes the susceptibility to international pressure of Nordic States.

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<sup>3</sup> Anne Julie Semb, "How Norms Affect Policy: The Case of Sami Policy in Norway," in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland, Norway, Russia and Sweden*, Guest editor, Andreas Føllesdal, (Dordrecht, The Netherlands: Kluwer Law International 8 no. 2-3, 2001), 215-216.

<sup>4</sup> *Ibid.*, 216.

International development often defines the premises for national development to just as great [an] extent as the other way around...the increasing recognition of indigenous peoples' rights and development of their basic living conditions are no exception. This progress is occurring in the continual interaction between national and international policy processes. The Saami's political and legal position as an indigenous people is also to a great extent the result of this interaction. Much of the positive development that has occurred on the national and Nordic level can in many ways be related to the premises created by international developments.<sup>5</sup>

Carsten Smith, the former Norwegian supreme court judge and author of the official Norwegian Saami report of 1984, was not as hopeful, however.

Det vil si at disse internasjonale rettsregler skal brukes av norske domstoler og norsk forvaltning på linje med norske rettsregler. En slik bestemmelse vil klargjøre- etter min oppfatning på en positiv måte- et problem der løsningen nå er høyst usikker<sup>6</sup>

Given the successful activism by Saami leadership and the Nordic response to that activism, Mr. Smith's language is more pessimistic than might be expected from the principle author of most of the modern Saami policies in Norway. Mr. Smith's words must be heeded

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<sup>5</sup> John Bernard Henriksen, *Saami Parliamentary Co-operation: An Analysis*, (Guovdageaidnu [Kautokeino], Norway: Nordic Sami Institute, IWGIA doc. no. 93, 1999), 50.

<sup>6</sup> Translation by author, ("It can be said that this international rights legislation shall be used by the Norwegian high court and Norwegian administration on a level with Norwegian rights legislation. One must understand the causes to know that such a positive result in this manner is extremely doubtful," Carsten Smith, *Rettstenkning i Samtiden: Rett, Økonomi, Politikk*, (Oslo: Universitetsforlaget, 1992), 123.

however, since there has been continuous strong resistance on the part of states to acknowledge indigenous rights and allow them to be codified into official legislation. States fear that indigenous rights legislation would infringe upon rights of majority citizens and ultimately of the states themselves.<sup>7</sup> States see indigenous rights debates as a zero sum game. This sentiment is echoed repeatedly within the halls of the United Nations and by human rights authors and scholars.<sup>8</sup>

In addition to the struggles for human rights within the international system, Nordic Saami must contend with Scandinavian ideals of equality. As will be noted in chapter two, Scandinavian society promotes equality as one of its over-arching political ideals for justice. Traditionally, all Swedish citizens have the same rights under the law. No individual or group is allowed more or less rights than any other, thereby preventing discrimination. The same can be said for Norwegian and Finnish citizens in their respective states. Minority and indigenous rights defy this principle fundamentally. Providing or acknowledging, groups additional rights under Scandinavian law is especially difficult for Nordic governments to accept.

Even some indigenous leaders fear codification of certain indigenous rights. Bill Means, the founder of the International Indian Treaty Council, warned against using treaties

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<sup>7</sup> David Maybury-Lewis, *Indigenous Peoples, Ethnic Groups and the State*, (Boston: Allyn & Bacon, 2002), 35.

<sup>8</sup> Jack Donnelly, *Universal Human Rights in Theory and Practice*, (Ithaca, (New York: Cornell University Press, 1989), 153.

for indigenous protection. He argued that the use of certain codified laws limited indigenous peoples' rights as well.<sup>9</sup>

Despite these words of caution, the Saami have worked energetically to protect their rights within the respective national and international political systems. Nordic Saami have mastered the features of these political systems and turned them to their own advantage.

The most significant task of this paper will be to show how the most influential work the Nordic Saami have done has been to convince their respective governments of the importance of indigenous rights protection. It will be shown that they did this through the use of the UN conventions as moral benchmarks.

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<sup>9</sup> Bill Means, Public Lecture, (Minneapolis, MN, March 14, 2003).

## CHAPTER 2: KEY MOTIVATORS FOR SAAMI ACTION

What aspects of Saami political history player have allowed them to move so effectively into the international realm? Did the resources available to the Saami have an affect on their entry into the UN? Evidence shows that money, active educated leadership, liberal national politics and strong single-event catalysts contributed to Saami efficacy.

### Nordic Human Rights

Finland, Norway, and Sweden produce an impressive number of human rights, development, and poverty-relief non-governmental organizations (NGOs). These states are well-known for their activism in indigenous issues in international arenas. They have had strong ties to African human rights and indigenous programs for decades.<sup>1</sup> The Norwegian Ministry of Foreign Affairs declared, "Human rights will continue to be an integral part of Norway's domestic, as well as our foreign policy."<sup>2</sup>

These statements are augmented and supported by the fact that Nordic representatives or delegates to the UN have been elected as chairpersons and rapporteurs of the Commission on Human Rights, PFII, and other human rights organizations. For instance, at the August 1983 meeting of the Working Group on Indigenous Populations (WGIP), Asbjørn Eide, a Norwegian attorney, currently a fellow at the Norwegian Institute of Human Rights, was

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<sup>1</sup> Statement by Mary Mikalsen Trollvik, Former Vice President of Norwegian Saami Parliament, to the United Nations General Assembly, (New York, December 10), 1992), A/53/310), 4.

<sup>2</sup> Statement by Thorbjorn Jaglund, Norwegian Ministry of Foreign Affairs, to the United Nations, Commission on Human Rights, *Agenda Item 5: Review of Recent Developments Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous Peoples*, (Geneva, April 3, 2000, E/CN.4/Sub.2/2000/SR.35), 1.

elected as chairperson/rapporteur.<sup>3</sup> This was not just guise to placate indigenous peoples; Mr. Eide was an indigenous expert and had a long history of minority rights promotion.

Despite their international human rights records, the Nordic states have been criticized for their indigenous policies. For instance, Henry Minde, a Norwegian Saami scholar observed, “Internationally Norway was actively engaged in the human rights debate. Some people were made aware that Norway had supported principles concerning the protection of minorities which were not followed within the borders of the country.”<sup>4</sup> Trond Thuen, a scholar of Saami rights, made a similar observation, “Norway is among the most committed champions of such international [indigenous] principles, and is therefore prone to be embarrassed when the discrepancy between its internationally propagated principles of aboriginal policies and its domestic fulfillment of these principles is exposed.”<sup>5</sup>

#### A Brief Saami History

The Roman historian Cornelius Tacitus made the first reference to the Saami in European literature. He drew from written accounts of travelers and oral accounts of

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<sup>3</sup> United Nations, Economic and Social Council, Commission on Human Rights, Sub-Commission on the Protection of Minorities and Promotion of Human Right, *36th Session, Agenda Item 11, Study of the Problem of Discrimination against Indigenous Populations, Report of the Working Group on Indigenous Populations on its 2nd Session*, (Geneva, August 23, 1983, E/CN.4/Sub.2/1983/22), 1.

<sup>4</sup> Henry Minde, “The Saami Movement, the Norwegian Labour Party and Saami Rights” in *Samene: Urbefolkning og Minoritet*, edited by Trond Thuen, (Tromsø, Norway: Tromsø University Press, 1980), 2.

<sup>5</sup> Trond Thuen, “In Search of Space: Challenges in Saami Ethnopolitics in Norway 1979-2000” in *Conflict and Cooperation in the North*, edited by Kristiina Karppi and Johan Eriksson, (Umeå, Sweden: University of Umeå, 2002), 293.

residents of mainland Northern Europe.<sup>6</sup> He mentioned the strange people in the far north in one of his European histories. *Germania* speaks of people, who live almost as animals:

The 'Fenni' are astoundingly savage and disgustingly poor; they have no weapons, no horses, no homes; herbs for food, hides for clothing, the ground for a bed; their only hope is in arrows, which in the absence of iron they tip with bone.<sup>7</sup>

Extensive textual analysis by historians and translators of this work has brought them to the conclusion that the people to whom Tacitus referred were the Saami of Finland and Sweden.

Johannes Schefferus wrote the first full account of the Saami in 1673. This piece was written in Latin and titled *Lapponia*. It was a comprehensive work that told of the strange practices of the Lapps. *Lapponia* was so popular among the literate elite of Europe that it was translated the next year into Dutch, English, French, and German. It was considered essential to understanding why the mighty terror from Sweden, Gustavus Adolphus, was so successful in war. It was rumored that he employed Lappish sorcerers in his army.<sup>8</sup>

Later, Russian accounts included the Saami people in their censuses. The most noteworthy feature of the Russian accounts is that the Saami were portrayed as demons that had no heads or had mouths on their chests.<sup>9</sup> Later accounts became less fantastic though no more reliable.<sup>10</sup>

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<sup>6</sup> Few of these accounts were provided by people who had actually traveled to the homeland of the Saami and fewer still were by individuals who had contact with the Saami themselves.

<sup>7</sup> Cornelius Tacitus, *Germania*, translated by J. B. Rives (Oxford: Clarendon Press, 1999), 96.

<sup>8</sup> Åhlstrom, Introduction to *The History of Lapland*, by Johannes Schefferus, (Stockholm: Rediviva Publishing House, 1971).

<sup>9</sup> Yuri Slezkine, *Arctic Mirrors: Russia and the Small Peoples of the North*, (Ithaca, NY: Cornell University Press, 1994), 33.



The various names for the Saami of Northern Fenno-Scandia and Northwestern Russia (called Lapland, Saamiland, or Sapmi) have equally obscure meanings and origins much like the people themselves. Lapps, Fenn, Fenni, Finn, Finni, Sami, Saami, Samen, Sammi, all describe the same group. One of the names, "Lapp", has had the widest usage throughout history and is still used today. This word is considered by some scholars to come from a ninth century Swedish word for "a piece of cloth."<sup>11</sup> The term refers to the clothing or "rags" that the Saami supposedly wore in contrast to conventional clothing of southern Scandinavians. The term Lapp could also derive from the Estonian word for "remote."<sup>12</sup> Another name that has been used for Saami is Fenn or Finn. This name could mean "people from the North," which some experts believe derives from the Germanic word *fintha* meaning "to find, gather, or wander."<sup>13</sup> Cornelius Tacitus created some of the confusion by calling the non-Saami inhabitants of Finland by this name.<sup>14</sup> Contemporaries of Tacitus often called both the Saami and the Finns by this name. Saami is the name the indigenous people of Fenno-Scandinavia use to describe themselves. It means, as do many self-descriptive names of indigenous peoples, 'the People.'

As noted earlier, the origin of the Saami is still not entirely understood. It is believed that the Saami arrived on the Fenno-Scandinavian peninsula shortly after the last ice age (just

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<sup>10</sup> For another such account, J. A. Friis, *En Sommar i Finnmarken, Ryska Lappland och Nordkarelen: Skildringar af Land och Folk*, (Stockholm: P. A. Huldbergs Bokhandel, 1872).

<sup>11</sup> *Important Years in Saami History*, <http://www.itv.se/boreale/history.htm>.

<sup>12</sup> *The Kola Lapps*, [http://www.eki.ee/books/redbook/kola\\_lapps](http://www.eki.ee/books/redbook/kola_lapps).

<sup>13</sup> Cornelius Tacitus, *Germania*, translated by J. B. Rives, (Oxford: Clarendon Press, 1999), 327.

over 10,000 bpe). They are considered the first residents of this area.<sup>15</sup> The Saami followed the game that moved northward behind the retreating glaciers. Over the centuries, they eventually inhabited all of present-day Norway, Sweden, Finland, and the Kola Peninsula southward almost into present-day Tallinn, Estonia.<sup>16</sup> As the Saami inhabited the various ecosystems, they adapted to the conditions. On the coastal fjords and bays of Norway, they utilized the resources of the sea. In the mountains and forests farther inland, hunting and gathering became the norm. The inland lakes of Finland and Northwestern Russia were exploited for their abundant pike, trout, and other freshwater fish. For some of the Saami away from major fishing areas, reindeer became a major food source.<sup>17</sup>

Through the next few thousand years, more southern Scandinavians pushed northward into this area. The people who make up the dominant ethnic groups of present-day Norway, Sweden, and Finland moved into the homeland of the Saami in response to pressure from competing tribes in the south. These people in turn pushed the Saami ahead of them and eventually moved them into the northernmost regions. There was little initial contact between the Saami and these new arrivals because the Saami chose to retreat rather

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<sup>14</sup> Ibid., 96-7.

<sup>15</sup> According to Helen Mayell's "Bones, Tools Push Back Human Settlement in Arctic Region," in *National Geographic*, the recent discovery of non-Saami skeletons and artifacts in Norway that date prior to the end of this ice age counters this argument, [http://news.nationalgeographic.com/news/2001/10/1001\\_arctichabitation.html](http://news.nationalgeographic.com/news/2001/10/1001_arctichabitation.html).

<sup>16</sup> *Important Years in Saami History*, <http://www.itv.se/boreale/history.htm>.

<sup>17</sup> Lars Anders Baer, "The Saami of Scandinavia and Russia: Great Strides towards Self-Determination since World War II," *Cultural Survival Quarterly*, (Spring 1994), 51.

than risk confrontation. Each group lived in separate communities isolated from each other by mountains and great forests.<sup>18</sup>

The first documented contact between these two groups came in the ninth century, when Ottar of the Norwegian Vikings traveled far to the north and east to the Kola Peninsula. He wrote about a strange group of people who lived in this cold region in the north. This contact also signaled the beginning of what would become a mutually beneficial trading system between the Vikings and the Saami. The Vikings wanted the Saami furs and the Saami desired the Vikings' worked goods.<sup>19</sup>

The situation changed over time with changes in the political economies of the North. The rulers of Fenno-Scandia soon realized that there was a wealth of resources available in the north. The rulers tried to cement their claims in Saamiland in a number of ways. Settlement was promoted on an intense scale.<sup>20</sup> The rulers believed that these areas could produce crops and would reduce population pressure in the south. The King of Norway/Denmark started to levy taxes on the Saami, as did the King of Sweden and the Tsar of Russia. The King of Denmark/Norway told the Saami that he was protecting them from the tyranny of the King of Sweden and Tsar of Russia. In return the Saami were to pay the king a tax of fish and furs. The King of Sweden and the Tsar levied taxes on the Saami,

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<sup>18</sup> *The Kola Lapps*, [http://www.eki.ee/books/redbook/kola\\_lapps](http://www.eki.ee/books/redbook/kola_lapps).

<sup>19</sup> Andrew A. Stomberg, *A History of Sweden*, (New York: The Macmillan Company, 1931), 87.

using the same arguments.<sup>21</sup> Thus, three countries were taxing some of the Saami groups simultaneously.

Eventually the three nations worked out their territorial claims in the mid-eighteenth century.<sup>22</sup> Norway's Finnmark borders became very similar to what they are today. Sweden and Russia divided the land that would later become Finland. Taxation and marginalization of the Saami continued, and settlement intensified after the three nations settled their boundaries in this frontier region of the North.<sup>23</sup>

Until the nineteenth century the Saami and other indigenous residents of the north were both a revenue source and a hindrance to sub-arctic settlement. In the nineteenth century this changed and more attention was paid the Saami. With the spread of nationalism in Europe, Scandinavians like their Russian and German neighbors sought their ancestral roots.<sup>24</sup> Though the Saami were less advanced in their social/evolutionary development than other Scandinavians, they represented a simpler and more pure Scandinavia. As Social Darwinism advanced, state policies developed to lift the Saami from their wretched circumstances and help them progress to modernity. It was the duty of 'civilized' Scandinavians to assist the Saami along this path, lest they should die out due to their primitive evolutionary state.<sup>25</sup>

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<sup>20</sup> Einar Niemi, "Sami History and the Frontier Myth: A Perspective on Northern Sami Spatial and Rights History," in *Sami Culture in a New Era: The Norwegian Sami Experience*, edited by Harald Gaski, (Karasjok, Norway: Davvi Girji OS, 1997), 63.

<sup>21</sup> Yuri Slezkine, *Arctic Mirrors: Russia and the Small Peoples of the North*, (Ithaca, NY: Cornell University Press, 1994), 11.

<sup>22</sup> Jan Åke Dellenbrant and Ulf Wiberg, ed., *Euro-Arctic Curtains*, (Umeå, Sweden: CERUM, 1997), 163.

<sup>23</sup> Andrew A. Stomberg, *A History of Sweden*, (New York: The Macmillan Company, 1931), 112.

<sup>24</sup> Karen Larsen, *History of Norway*, (Princeton: Princeton University Press, 1948), 500.

<sup>25</sup> Ivar Bjørklund, *Sápmi: Becoming a Nation*, (Tromsø, Norway: Tromsø University Museum, 2000), 9.

The Nordic governments sought to educate the Saami children, to help the Saami to catch up with the Nordic ethnic majority in formal education. In Norway the process was called "Norwegianization."<sup>26</sup> Norwegian and Swedish schools taught all skills necessary to make the Saami productive Scandinavians. Saami language and culture were denigrated and Norwegian or Swedish language and culture were promoted. Saami language was completely forbidden from school grounds.<sup>27</sup> The implications of the loss of Saami language were unrecognized or ignored by government policymakers.

Saami educational assimilation policy continued until the mid-twentieth century. As social theory evolved, the Saami presence became more acceptable within Norway, Sweden and Finland and the anti-Saami language rules were softened. However, after two generations of assimilation policies, the widespread use of Saami language had greatly diminished. There were small pockets throughout Fenno-Scandia where Saami was spoken on a limited scale. Yet, most of the children and even some of the adults did not understand their native tongue.

Starting in the 1960s, the Saami began to assert themselves forcefully. Their presence was seen in political and social venues throughout Fenno-Scandia. The Saami language was spoken more often, and was allowed and even taught in schools.

With the changes in Saami self-determination came changes in Saami well-being. Arguably, in the early twenty-first century political and societal standing of Saami individuals

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<sup>26</sup> Norwegianization is the term given to the Norwegian policy of controlling the cultural stimuli that Saami school children are exposed to the Norwegian school system removed all aspects of Saami culture and language from these children's lives. They were immersed in majority Norwegian society. Though highly controversial today and no longer practiced, at the time it was seen as the best way to create equality between Norwegians and Saami. The goal was to make all citizens of Norway *Norwegian*. The same systems can be seen in Sweden and, to a lesser degree, Finland at this time.

is at it's highest ever. There are vital Saami schools, social organizations, businesses, and political parties. In Norway and Finland, the Saami language is on track to be recognized as an official language on all government documents and in departments that pertain to Saami issues. The standard of living for Saami is equal to that of other Scandinavian citizens.

The following sections will trace the course that led to the international activity of the Nordic Saami and how this affected UN policies. The steps will outline how this Saami activity impacted indigenous rights. Saami activism has changed not just documented indigenous rights, but also the process through which nation-states interact within the national and international arenas regarding human rights. Subsequently, the impact of these developments on Nordic indigenous policies will be shown.

#### Early Indigenous Movement Activity

In 1923, Chief Deskaheh, a Cayuga (Iroquois) from the Six Nations Reserve in Ontario, Canada presented himself to the League of Nations with an official passport issued by the Iroquois Confederacy.<sup>28</sup> His aim was to have the Iroquois recognized as a nation among nations and to be treated equally with Great Britain, Turkey, and the other members of this international body. Though he was ultimately turned away, indigenous activists

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<sup>27</sup> Grethe Authen Blom, *Trøndelag* (Trondheim, Norway: Trondheim Kommune, 1974), 385.

recognize this action as the beginning of the international indigenous movement.<sup>29</sup> Chief Deskaheh paved the way for indigenous peoples to enter the international field to promote their interests.

### Saami Leadership

In contrast to the early twentieth-century, the late 1930s and 1940s saw an abrupt end to nearly all indigenous political activity. World War II effectively halted indigenous and human rights activity in most of Europe. Afterwards, with great attention being placed on human and civil rights, anti-colonialism and indigenous rights moved to forefront in the 1950s and 1960s, and the Saami themselves found their voice.<sup>30</sup> The main pan-Saami organization, the Nordic Saami Council, was founded in 1956 and it continues to be active into the early twenty-first century.<sup>31</sup>

The Civil Rights Movement in the United States was a catalyst for indigenous movements in Australia, New Zealand, Canada and even Scandinavia.<sup>32</sup> Saami organizations representing various political perspectives arose throughout Scandinavia.

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<sup>28</sup> Pierre Lepage, "The Long Struggle for International Recognition Indigenous Peoples and the Evolution of International Standards: A Short History," in *Aboriginal Peoples: Toward Self-Government*, edited by Marie L'eger, (Montréal: Black Rose Books Ltd., 1994), 4. This chapter is an excellent overview of indigenous movements generally.

<sup>29</sup> Mililani Trask, Independent Expert, Permanent Forum on Indigenous Issues, Statement to the United Nation Economic and Social Council, Permanent Forum on Indigenous Issues, (New York, May 13, 2002).

<sup>30</sup> The Saami actually had many small local organizations prior to WWII. Starting in 1904, Norway and Sweden both housed Saami organizations. The World Wars interrupted this activity. Henry Minde, "The International Movement of Indigenous Peoples: An Historical Perspective," in *Becoming Visible - Indigenous Politics and Self-Government*, translated by Michael Drake, edited by Terje Brantenberg, Janne Hansen, and Henry Minde, (Tromsø, Norway: University of Tromsø, Sámi dutkamiid guovddáš - Centre for Sámi Studies, 1995, 33).

<sup>31</sup> Ragnhild Lydia Nystad, Vice President, Norwegian Saami Parliament, interview by author, (Karasjok, Norway, June 4, 2002).

<sup>32</sup> Ande Somy, Norwegian Saami attorney, personal communication with author, (University of Alaska, Fairbanks, March 13, 2002).

Many Saami activists pursued higher education solely to advance the Saami movement. They knew the advantages of understanding the Nordic political system and specifically saw the need for greater understanding of Scandinavian law. When this generation graduated, they were an incredible force in Scandinavian politics and law. Not only were they well educated, but they were also young, energetic, and inspired by the civil rights movements of previous years.<sup>33</sup>

These motivations led to the most formative years of the Saami movement, the mid to late 1970s, when many national and transnational Saami organizations were formed or expanded. The National Association of Norwegian Saami was formed in 1968, but its most significant impacts came in the 1970s when it received more Saami support and lobbied for entry into the World Council of Indigenous Peoples (WCIP).<sup>34</sup> The Saami Liberation Front (Norwegian Saami Front), formed in 1979, was at the forefront of the protests against the Alta-Kautokeino Dam.<sup>35</sup>

Among those new organizations, was the ČSV, which was the direct product of the Saami's youthful energy.<sup>36</sup> When growing up amid the activist meetings of the 1960s, Saami children would make up games. One was a word-game in which they would group letters together as acronyms, and then imagine what they would stand for. ČSV was one such grouping, and the most popular way that this acronym was used was to spell out in Saami

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<sup>33</sup> Ande Somby, Norwegian Saami attorney, personal communication with author, (University of Alaska, Fairbanks, March 6, 2002).

<sup>34</sup> Ivar Bjørklund, *Sápmi: Becoming a Nation*, (Tromsø, Norway: Tromsø University Museum, 2000), 28-31.

<sup>35</sup> For a more thorough account of the Alta affair Robert Paine's book *Dam a River, Damn a People? Saami (Lapp), Livelihood and the Alta/ Kautokeino Hydro-Electric Project and the Norwegian Parliament*, (Copenhagen: International Work Group for Indigenous Affairs, 1982).

<sup>36</sup> Ivar Bjørklund, *Sápmi: Becoming a Nation*, (Tromsø, Norway: Tromsø University Museum, 2000), 28.



“Saami Liberation Front”.<sup>37</sup> Obviously, other political movements throughout the world, of which they were aware, through their parents, influenced the children. It became such a popular joke that t-shirts were made up for the Saami Liberation Front and journalists were jokingly told of this new revolutionary Saami force. The Norwegian government did not see the humor. Secret police were sent in to identify the revolutionaries and determine how to stop them.<sup>38</sup> What started as a joke soon became a national security issue. The young Saami discovered their potential power and how working outside the system could be a useful tool in their movement.<sup>39</sup>

As time went by, these young Saami activists matured into seasoned political professionals. They were educated formally in the Nordic educational system and informally as delegates to various organizations, both governmental and non-governmental. Their experience taught them valuable lessons on how to work and speak at the UN. Their education placed them at the forefront of the indigenous movement.<sup>40</sup> They were able to speak to the policymakers in their respective states and in the UN far more effectively than leaders from other indigenous groups.<sup>41</sup>

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<sup>37</sup> Ande Somby, Norwegian Saami attorney, personal communication to author, (University of Alaska, Fairbanks, March 6, 2002).

<sup>38</sup> Ivar Bjørklund, *Sápmi: Becoming a Nation*, (Tromsø, Norway: Tromsø University Museum, 2000), 29.

<sup>39</sup> Ande Somby, Norwegian Saami attorney, personal communication with author, (University of Alaska, Fairbanks, February 20, 2002).

<sup>40</sup> Lassi Heininen, Nordic scholar and professor, personal communication with author, (Northern Research Forum's Second Open Meeting, (Veliky Novgorod, Russia, September 22, 2002).

<sup>41</sup> John Bernhard Henriksen, Advisor, Norwegian Ministry of Foreign Affairs, Human Rights Division, telephone interview by author, (July 30, 2002).

## Morality

The governments of Finland, Sweden, and Norway feel compelled to abide by international law for a multitude of self-interest reasons. One of the most significant of these reasons is a strong moral obligation to make all of their national legislation correspond with international law. Their Protestant social-democratic cultures have made human rights a top priority. Since at least the early 20th century, Nordic leaders and interest groups have exhibited a strong commitment to human rights and humanitarian efforts.<sup>42</sup>

Morality and ethics in government are essential for these states. The Scandinavian researcher, Anne Julie Semb asserts that the Nordic states are particularly susceptible to this type of pressure, “[Nordic] decision-makers can take the fact that something has become a part of international law to be a good indicator of morality....”<sup>43</sup> Thuen observes, “It is a well-known strategy of Fourth World Peoples to appeal to internationally accepted principles of aboriginal rights, such as the UN Convention on Civil and Political Rights and the ILO [International Labor Organization] Convention 169, in order to persuade their governments of the legitimacy of their claims.”<sup>44</sup>

The Norwegian and Finnish governments feel the need to match and then outmatch the other progressive nation-states’ indigenous policies. John Bernard Henriksen, advisor to

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<sup>42</sup> Byron Nordstrom, *Scandinavia Since 1500*, (Minneapolis: University of Minnesota Press, 2000), 292. All Nordic states joined the League of Nations and actively supported the League's activities, in addition to supporting such institutions as the World Court, the International Red Cross, and the International Federation of Trade Unions. Four Scandinavians won the Nobel Peace Prize between 1921 and 1930 for their humanitarian and pacifistic efforts (Nordstrom, 292-293)

<sup>43</sup> Anne Julie Semb, “How Norms Affect Policy: The Case of Sami Policy in Norway,” in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland, Norway, Russia and Sweden*, Guest editor, Andreas Føllesdal, (Dordrecht, The Netherlands: Kluwer Law International 8 no. 2-3, 2001), 180.

<sup>44</sup> *Ibid.*, 293. More on the ILO in chapter three.

the Norwegian Ministry of Foreign Affairs has noted that, when Denmark or Canada or New Zealand propose a strong protection of indigenous self-determination at the UN, Finland, Norway, or Sweden match it and try to outdo it to maintain their human rights records.<sup>45</sup> They continue to revisit their indigenous policies to make sure they comply with UN mandates:

The national debate on Saami land-rights in the Nordic countries, in particular in Norway, is very much based on international legal and moral/political norms. International legal norms in favour of Saami rights are often used in national legal/courts cases by Saami parties. Many cases/complaints on Saami rights have been submitted to UN treaty bodies, by the Saami.<sup>46</sup>

The Saami leadership purposefully exploits the Fenno-Scandinavian commitment to human and indigenous rights. Saami Parliaments and other organizations use the UN mandates to convince the Nordic governments to abide by their indigenous rights commitments. The Nordic governments do so to protect their interests internationally and regionally.

#### Self-Interests: Strategic and Economic

Finland and Norway, in particular, have a vested interest in the full-enforcement of international law. Finland has seen itself as the last bastion of civilization and Western ideals

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<sup>45</sup> John Bernard Henriksen, Advisor, Norwegian Ministry of Foreign Affairs, Human Rights Division, telephone interview by author, (July 30, 2002).

against the Soviet menace in the east. Though it has held its own remarkably well in conflicts with Russia and the Soviet Union, such as the Winter War of 1939, it has been so vulnerable, that it has needed the backing of inter-governmental organizations to maintain sovereignty.

Norway has similar motives in acceding to UN imperatives. It also borders Russia, and has a plentitude of competing strategic and economic interests with Russia. These two countries have been battling (both literally and figuratively), over fishing rights in the North and Barents Seas, and Russia and Norway continually spar over resource rich Svalbard.<sup>47</sup>

Nordic countries cannot afford to lose their international reputations. A positive human rights record holds significant clout in the UN, which was founded on principles of equality and civil liberties.<sup>48</sup> Based on their limited strategic strengths, Nordic human rights reputations are often Finland's, Sweden's, and Norway's primary bargaining tools. As the human rights author David Forsythe notes, "human rights norms establish a source of legitimacy for states. States which implement human rights standards have an impeachable claim to being legitimate from the international point of view."<sup>49</sup> The Nordic States' respect for UN policies has worked to the advantage of the Saami repeatedly in the last twenty years.

For instance, in the early 1980s, when the Norwegian *Samerettsutvalg* (Saami Rights Committee or SRC) studied Norwegian indigenous law to determine the state of Saami

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<sup>46</sup> Ibid.

<sup>47</sup> Willy Østreng, *National Security and International Environmental Cooperation in the Arctic: The Case of the Northern Sea Route*, (Dordrecht, The Netherlands: Kluwer Academic Publishers, 1999), provides an excellent comparison of the issues surrounding this region.

<sup>48</sup> Willy Østreng, Director of Fridtjof Nansen Institute, personal communication to author, (University of Alaska, Fairbanks, October 10), 2001).

<sup>49</sup> David Forsythe, *Human Rights and World Politics*, 2<sup>nd</sup> ed. (Lincoln, Nebraska: University of Nebraska Press, 1989), 25.

rights, it focused specifically on international law for its guidelines.<sup>50</sup> The SRC fully understood the importance of Nordic compliance to international policies.

### Socio-Political Impacts on the Nordic Saami Movement

Though Finland, Norway, and Sweden are not among the great powers, they are wealthy social democracies. The citizens of these countries enjoy the highest standards of living on earth. For instance, the per capita income in Norway is \$30,800. In the United States, the per capita income is \$36,300. However, Norwegians enjoy many state-provided benefits, such as health-care, social security, and free post-secondary education. The Saami share these economic advantages, due in part to the Nordic sense of equity.

The Nordic countries are traditionally and strongly egalitarian. Scandinavians generally believe that equality for all citizens forms a better state. In the nineteenth and early twentieth centuries, this value was translated into Social Darwinism and assimilation. In the mid to late twentieth century, it meant equal access to health-care, education, and other government services.

Norway and Finland in the 1960s, (and slightly later, Sweden), began examining the effects of their indigenous policies<sup>51</sup> by studying international indigenous policies. Two

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<sup>50</sup> Else Grete Broderstad, "Political Autonomy and Integration of Authority: The Understanding of Sami Self-Determination," in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland, Norway, Russia and Sweden*, Guest editor, Andreas Føllesdal, (Dordrecht, The Netherlands: Kluwer Law International 8 no. 2-3, 2001), 161. From this point notated as SRC. The SRC is one result of the Alta-Kautokeino dam case and will be discussed in greater length in chapter two.

international documents, which were used for indigenous rights policy, were ILO Conventions No. 107 and No. 169.

The ILO promotes and protects the rights of the employee. It is a tripartite system of governments, employers, and employees. Though the ILO officially recognizes only members of organizations that represent governments, employers, or employees, Saami leaders have been active in the ILO for some time. They have participated largely as representatives of government delegations to ILO meetings.

The ILO has been a long-time ally to indigenous peoples despite its obvious structural limitations to indigenous organizational participation. ILO Convention No. 107, on the Rights of Indigenous and Tribal Populations, was the first multi-national document devoted exclusively to indigenous peoples. It passed in 1957 and was a major symbolic step towards acknowledging the rights of indigenous peoples. The problem with Convention No. 107 is that it is considered to be assimilationist. It reflects the modernist and paternalist paradigm of the 1950s. Indigenous people were to be protected and preserved through the use of education. They were to be improved by removing the traditional, indigenous cultures and languages and learning the majority language and culture of their respective countries. Though the intent was perhaps well meaning, the result turned out to be devastating for indigenous cultural survival. During this time, indigenous language-use and traditional

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<sup>51</sup> Henry Minde, "Mot Rasediskriminering, for Urfolksretter--To Sider av Samme Sak?: Et Historisk Perspektiv på Samiske Rettsspørsmål," in *Samer og Nordmenn: Temaer i Jus, Historie, og Sosialantropologi*, edited by Harald Eidheim, (Oslo: Cappelen Akademisk Forlag, 1999), 72.

cultural practices diminished at an alarming rate. Many countries did not ratify ILO Convention No. 107 for just this reason, while others did not ratify it for the opposite reason, it was considered too progressive. Finland, Norway, and Sweden were among those countries that did not sign this Convention.

Norway did not ratify ILO Convention No. 107, however, in response to this activity within the UN, numerous studies were commissioned by the Norwegian government to ascertain the conditions of its indigenous people, as part of this process Norway created its own updated version of ILO Convention No. 107 in 1983. Those who conducted the study of ILO Convention No. 107 found it was not appropriate for the times.<sup>52</sup> While Convention No. 107 was groundbreaking, it was still assimilationist in its approach. It followed the human rights theory of the 1950s, that indigenous people were primitive societies that needed to “progress” in order to improve their situations.<sup>53</sup> The Norwegian government decided to create its more enlightened version of this convention to conform to the Scandinavian perspective. This document helped form the changes requested by Norway for revision of ILO Convention No. 107 in 1989.

Norway, Finland, and Sweden all sent teams of Saami delegates to Geneva, Switzerland for the revision of ILO Convention No. 107. This may have been done for purely pragmatic reasons; the Saami were some of the best experts in international

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<sup>52</sup> Robert Paine, “The Claim of Aboriginality: Saami in Norway,” in *The Ecology of Choice and Symbol: Essays in Honour of Fredrick Barth*, edited by Reidar Gronhaug, Gunnar Haaland, Georg Henriksen, (Bergen, Norway: Alma Mater Forlag AS, 1991), 389.

<sup>53</sup> James Anaya, *Indigenous Peoples in International Law*, (New York: Oxford University Press, 1996), 44.

indigenous law. More likely, however, it was done for more symbolic purposes. In either case, the participation of the Saami served two functions. The presence of these delegates illustrated Fenno-Scandinavia's commitment to indigenous self-determination. It also fulfilled these countries' indigenous rights obligations to keep Saami involved in the political process whenever Saami issues were addressed. From 1986 through 1989, Saami experts attended meetings on Convention No. 107 alongside, or in lieu of, the appointed ambassadors to the UN throughout the modification process.

#### The Alta Affair

The Alta-Kautokeino Dam affair was the single most important catalyst for the Saami movement. It came at a time when national and international interests in indigenous and environmental rights were competing with energy issues in many countries around the globe.

One reason why it [Alta] had such impact was that the conflict coincided in time with the quickly growing awareness at the international level of the discrimination to which indigenous peoples had been subjected world-wide and the broadly felt need to remedy that injustice.<sup>54</sup>

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<sup>54</sup> Asbjørn Eide, "Legal and Normative Bases for Saami Claims to Land in the Nordic," in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland, Norway, Russia and Sweden*, Guest editor, Andreas Føllesdal, (Dordrecht, The Netherlands: Kluwer Law International 8 no. 2-3, 2001), 134.



During the planning stages of the Alta-Kautokeino Hydroelectric project in the early 1970s, southern energy needs were placed far above Saami territory needs.<sup>55</sup> Though the Saami brought their concerns to the Parliament in Oslo, there was little or no dialogue with them regarding the issue.

Eventually, after a prolonged hunger strike by seven young Saami and demonstrations by Saami and environmentalists from around the world, the Norwegian government agreed to discuss Saami demands. Among those demands were the incorporation of Saami rights into the Norwegian Constitution, a representative political body for the Saami, more public attention to Saami issues, and the ending of the dam's construction. The first three demands were met.

The events surrounding the Alta-Kautokeino Hydroelectric Project displayed to the Saami what they could do locally, regionally, and with time, internationally. They discovered the impact of international media attention on their struggle for self-determination. The Saami had not given up on local and national action. In fact, although the 1980s were not as volatile as the 1970s had been, the Saami made headway towards gaining additional rights during the 1980s. However, the Alta case quickly motivated Saami activists to move into the international arena. With the help of well-educated young professionals, such as Leif Dunfjeld and Ragnhild Nystad, the Saami movement made its presence known at international fora as never before.

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<sup>55</sup> The Alta-Kautokeino Dam affair refers to the damming of the Alta-Kautokeino river in northern Norway in the early 1980s. For a more thorough account of the Alta affair Robert Paine's book *Dam a River, Damn a People? Saami (Lapp), Livelihood and the*

A direct result of the Alta movement and Scandinavia's overall reevaluation of their indigenous policies was the establishment of the SRC (Saami Rights Committee) in Norway in 1980. This committee was to write a report evaluating the effects of Norwegian policies on the Saami. The SRC focused particular attention on whether Norwegian legislation was in line with current international indigenous policies.

It was in Norway that the most politically intense confrontations took place over the Alta demonstrations which were to have far-reaching political consequences. Many Norwegian politicians and opinion-makers [sic] saw the Alta confrontation as some kin [sic] of a crisis of legitimacy for the Norwegian political system. Alta has served as a catalyst for the work of the royal commission [SRC] that was created in 1980 and for the reforms that followed the recommendations contained in its 1984 report.<sup>56</sup>

This report was titled *Om Samenes Rettsstilling NOU 1984:18*. Not all of the recommendations of *NOU 1984:18* were heeded. It has, however, served as the benchmark for all Norwegian Saami laws since 1984.

Among the recommendations set out in this report was the creation of a Norwegian Saami Parliament. This Parliament was established to serve as an advisory council of Norwegian Saami to the Norwegian government. It would analyze and address all issues

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*Alta/ Kautokeino Hydro-Electric Project and the Norwegian Parliament*, (Copenhagen: International Work Group for Indigenous Affairs, 1982).

<sup>56</sup> Lennard Sillanpää, *Political and Administrative Responses to Sami Self-Determination: A Comparative Study of Public Administrations in Fenno-Scandia on the Issue of Sami Land Title as an Aboriginal Right*, (Helsinki: Finnish Society of Science and Letters, 1994),

related to the Norwegian government pertaining to the Saami, including the policies allowing international activity and cooperation of the Saami.

Though the Norwegian Saami Parliament was not able to revise or veto parliamentary legislation, it was able to allocate part of its budget and resources towards international activity. Norwegian Saami eventually attended many conferences and meetings on the environment, culture, and other indigenous issues through the financial support of the Saami Parliament. Some of the meetings included the WCIP, the Arctic Council, and the Conference on Environment and Development in Rio de Janeiro.

For the Swedish Saami, there was a case that mirrored the Norwegian Alta-Kautokeino Dam project. That case was the 'Taxed Mountain' case in Northern Sweden. This court case had similar consequences for the Swedish Saami as the Alta case had for the Norwegian Saami. This case, which was decided by the Swedish Supreme Court in 1981, concerned land ownership and land-use rights in Sweden. The Saami contested the Swedish Crown's ownership of land in northern Sweden. The Saami asserted their reindeer grazing rights in the Jämtland area of Northern Sweden and tried to stop land encroachment. After nearly fifteen years of litigation, the Saami eventually lost. Yet, they soon looked upon this case as a victory in their struggle for self-determination.<sup>57</sup> The Court acknowledged the Saami's usufruct (traditional usage) but not ownership rights. This acknowledgement created greater awareness within Sweden of Saami issues. The Swedish courts had shown

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22. The 1984 report referred to here is *Om Samenes Rettsstilling* [On the Saami Condition] NOU 1984:18, by the Norske Offentlige Utregninger [Norwegian Official Commission], (Oslo: Universitetsforlaget, 1984).

unprecedented respect for the Saami. The Swedish Supreme Court gave them legitimacy unlike any Saami had seen in 230 years.<sup>58</sup>

This increased legitimacy allowed the Saami to raise the volume of their demands and the number of venues in which they advocated for their positions. The Nordic Saami Council had always served as a mouthpiece for all Saami, but now it was speaking internationally, including within the UN. Individual Nordic Saami were also funded to speak at various international venues by the three Saami Parliaments.<sup>59</sup> They could attend the UN as part of a national delegation or members of NGOs.

Henry Minde of the Centre for Sámi Studies, Tromsø, Norway, argues that Saami international participation was not a certain course of action.

It was, at the outset, by no means axiomatic that the ethno-political movement within these groups [Canadian First Nations and Saami] should take an international turn since, as is the case with most indigenous peoples, they are concerned with local issues that can be dealt with inside the boundaries of the nation state.<sup>60</sup>

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<sup>57</sup> Roger Kvist, "The Racist Legacy in Modern Swedish Saami Policy" in *Canadian Journal of Native Studies* 14:2, 1994, 213.

<sup>58</sup> Prior the nineteenth century, Swedish courts accepted Saami ownership just as they did non-Saami ownership. They actually ruled against non-Saami in favor of Saami agricultural and livestock land-use rights. This is a reference to the 'Lapp Codicil' of 1751. The Lapp Codicil acknowledged certain ownership rights under the crown to the Saami that were not seen again until the 1980s.

<sup>59</sup> The Finnish Saami Parliament was created in 1973 and the Swedish Saami Parliament was created in 1993. For further information regarding their formation see the websites for the respective Saami Parliaments; for the Swedish Saami Parliament, see [www.sametinget.se](http://www.sametinget.se) and for the Finnish Saami Parliament, see [www.samediggi.fi](http://www.samediggi.fi).

The Nordic Saami chose their political action based on immediate threats to and conditions of their self-determination. Each subsequent step engendered another reaction, which propelled the Nordic Saami into the international arena. These threats and conditions were not predetermined, but did move the Saami rights movement into the UN.

Higher standards of living for Nordic Saami, liberal social democratic political cultures, highly educated leaders, the Alta-Kautokeino project and the Taxed Mountain case contributed to the atmosphere, which propelled the Nordic Saami into the international arena. While Minde's point is well taken, it was not predetermined that success at the national level would lead the Saami to enter the international arena. However, the conditions within the Nordic states made it easier for Saami leaders to step into the global world of politics.

The only other indigenous group that had a similar history of relative national affluence, liberal governments, and well-educated leaders, were the Canadian Inuit and First Nations and they, too, were leaders in the international indigenous movement. Their experience and political power has made for a remarkable force in international minority politics, as well.

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<sup>60</sup> Henry Minde, "The International Movement of Indigenous Peoples: An Historical Perspective," in *Becoming Visible - Indigenous Politics and Self-Government*, edited by Terje Brantenberg, Janne Hansen, and Henry Minde, (Tromsø, Norway: University of Tromsø, Sámi dutkamiid guovddáš - Centre for Sámi Studies, 1995), 34.

### CHAPTER 3: SAAMI PARTICIPATION AT THE UNITED NATIONS

Nordic Saami moved their efforts for self-determination into the international sphere, and especially to the United Nations, because they believe that national and international politics are not separate, but actually interconnected realms of influence. National and international policies provide theoretical and practical bases for each other.<sup>1</sup>

Have the Saami effectively promoted and protected their national rights by working through the UN? The answer to this question is yes *and* no. Saami leaders have gained influence within the UN in an impressive way. They have utilized the features and mechanisms of the UN to augment their national activism to create a unified and potent force to change policy. The “no” to the question, relates to *how* the Saami achieved their status. There are few cases where any indigenous person or people had such an effect on UN policy that became the primary impetus for change in national policies. Most often, these changes in the UN system complement and reinforce the changes made by indigenous actors at the national level. There are some isolated cases of indirect impact, but these have seldom been substantive changes. All of this is not to say that the work of the Saami in the UN was wasted effort. Saami delegates have instituted change in more subtle and nuanced ways than changes made by member-states. Nordic Saami modifications of the UN system and conventions are no less significant. Without the input of the Nordic Saami delegates to the UN, the Saami people would be in a far worse condition than is now the case.

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<sup>1</sup> John Bernhard Henriksen, *Saami Parliamentary Co-operation: An Analysis*, (Guovdageaidnu [Kautokeino], Norway: Nordic Sami Institute, IWGIA, doc. no. 93, 1999), 28.

### The Importance of Article 27

Through their participation in international indigenous organizations and in their early work at the UN's Economic and Social Council (ECOSOC), Saami leaders learned the importance of international law with regard to Nordic politics. The UN General Assembly's International Covenant on Civil and Political Rights of 1966, has primary significance for Nordic human rights policy. All human rights law for Fenno-Scandinavia was evaluated against this covenant. Article 27 of this covenant has been applied directly to Saami policy.<sup>2</sup> It stated, "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."<sup>3</sup> Carsten Smith, the Norwegian Supreme Court judge and chairperson of the SRC noted that the Nordic governments took this declaration very seriously. The SRC used Article 27 (along with ILO Convention No. 107) as the starting point for its analysis of Norway's Saami rights.<sup>4</sup>

The Nordic Saami Parliaments used the Nordic governmental reliance on ILO No. 107 and Article 27 in 1983, when they spoke (through the Nordic Saami Council) at the UN WGIP. They emphasized that, "...regulating the river [Alta River] courses would mean a highly deleterious interference for reindeer herding, and that such regulation would thus

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<sup>2</sup> Carsten Smith, "The Development of Sami Rights since 1980" in *Becoming Visible - Indigenous Politics and Self-Government*, edited by Terje Brantenberg, Janne Hansen, and Henry Minde, (Tromsø, Norway: University of Tromsø, Sámi dutkamiid guovddáš - Centre for Sámi Studies, 1995), 56.

<sup>3</sup> United Nations, General Assembly, *International Covenant on Civil and Political Rights*, (New York, December 16, 1966, Entry into force 23 March 1976, in accordance with Article 49), (CCPR/SP/7), 9.

contravene the provisions of Article 27.”<sup>5</sup> The Norwegian government tried to dismiss the connection between the Saami’s Alta case and Article 27, questioning the Saami interpretation of ‘culture.’ The Norwegian politicians argued that Article 27 did not pertain to the Alta Dam case. These policy-makers were successful for a short time, but eventually the Saami forced the Nordic governments to reevaluate their domestic indigenous policies. In 1986-‘87 the Norwegian government used the word ‘culture’ and the Saami understanding of that word in official policy protecting Saami rights.<sup>6</sup> Though Finland also adopted the same interpretation of the word ‘culture’ as Norway, it took longer. Sweden was even more reluctant to use this interpretation of Article 27. The Swedish government took more time to explore the implications of such a word, but eventually followed the precedent set by their Norwegian neighbor.

Throughout the late 1980s and early 1990s, Saami Parliaments presented the Nordic governments with evidence of human rights abuses against their own indigenous groups. More than that, they did so on the international scene, where it is far more difficult to hide human rights issues and where Norway, Sweden, and Finland were most vulnerable, given their human rights reputations. Land-rights were the most contentious issues between the Nordic Saami and their respective national governments. Only through the repeated

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<sup>4</sup> Carlsen Smith, “The Development of Sami Rights since 1980” in *Becoming Visible - Indigenous Politics and Self-Government*, edited by Terje Brantenberg, Janne Hansen, and Henry Minde, (Tromsø, Norway: University of Tromsø, Sámi dutkamiid guovddáš - Centre for Sámi Studies, 1995), 56.

<sup>5</sup> Anne Julie Semb, “How Norms Affect Policy: The Case of Sami Policy in Norway,” in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland, Norway, Russia and Sweden*, Guest editor, Andreas Føllesdal, (Dordrecht, The Netherlands: Kluwer Law International 8 no. 2-3, 2001), 195.

<sup>6</sup> *Ibid.*, 195.



discussion of the land-rights issue in the UN did the Nordic countries agree to visit the land-rights issue. At the start of the twenty-first century, there isn't complete resolution on the land-rights issues but there is continuous open dialogue between Saami and Nordic leaders.

### Tangible Results

There are two cases where Saami activists have made direct changes within the UN structure, the creation of ILO Convention No. 169 and the PFII (Permanent Forum on Indigenous Issues). Saami representatives worked on most aspects of these two structures of the UN. From planning to creation to revision, ILO Convention No. 169 and PFII both were shaped by Saami forces and individuals. These changes are significant because they protect the rights of all indigenous peoples and show how influential the Saami leadership is internationally. They represent a major shift in agency from indigenous victims to indigenous actors. It should be noted that it is through the support and consideration of nation-states that this change was possible. The structure and hierarchy of the UN system does not allow for direct participation by non-member states. Indigenous peoples have even less power within the context of the international legal system than non-member states. The Saami Council has the highest 'rank' within the UN that any indigenous group can have with their *consultative status* with ECOSOC, but this position is just that, consultative, not that of a voting member.

The Saami have been active in the UN for twenty-three years. In the late 1970s the WCIP gained consultative status with ECOSOC in the UN. The Saami have been active in the WCIP throughout its lifespan and have exploited the WCIP's access to the UN during that time. Independently, the Saami have been active in the UN as delegates since the early 1980s, when the Nordic countries began sending Saami delegates to ECOSOC's Commission on Human Rights meetings. Thus, the Nordic Saami Council had gained direct consultative status and another point of access to the UN.<sup>7</sup>

### Saami Work and the ILO

ILO Conventions No. 107 and 169 are the most important documents for indigenous peoples in the UN system and in any international organization, because they frame the most progressive contemporary policy for all indigenous groups.<sup>8</sup> ILO Conventions 107 and 169 are progressive in that they outline both the minimum and expanded standards of rights for indigenous peoples. The expanded rights outlined therein have proven too problematic for most nations to tolerate, as is highlighted by the limited ratification by UN members.

In 1986-1989 when ILO Convention concerning Indigenous and Semi-Tribal Peoples in Independent Countries Number 107 was being revised, Norway and Finland were leaders in the modification and promotion process. These two countries, for the most part, pushed for increasingly strong wording in the Convention, owing to Saami involvement in

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<sup>7</sup> Nordic Saami Council, *Sámiráđái: The Sami and Other Indigenous Peoples*, (Helsinki: Ohcejohka, 1983), 12.

<sup>8</sup> Lennard Sillanpää, *Political and Administrative Responses to Sami Self-Determination: A Comparative Study of Public Administrations in Fennoscandia on the Issue of Sami Land Title as an Aboriginal Right*, (Helsinki: Finnish Society of Sciences and Letters, 1994), 191.

the process. The revision process during this period was unique for another reason. The ILO allowed limited participation by indigenous groups for this Convention only. Never before had indigenous peoples been allowed a voice in the ILO, except as members of employee organizations.<sup>9</sup> The Finnish, Norwegian, and Swedish delegations to the revision of ILO Convention No. 107 each had a Saami contingent.

The alteration of ILO Convention No. 107 came at a particularly advantageous time for Saami indigenous rights. The Saami Parliaments (apart from Finland whose formed in 1973) were just being organized and the Nordic dedication to universal human rights was increasing every time the issue arose in international fora. Exhibiting their commitment to human rights, Norway pushed for the adoption of ILO Convention No. 169 and was the first nation to ratify it.

The ratification of ILO Convention No. 169 was particularly significant considering that Norway was the *only* European nation to sign this document until 1993. Since then, Denmark, Switzerland, and The Netherlands have ratified ILO Convention No. 169.<sup>10</sup> Aside from Fiji, all of the other ratifiers were countries in Latin America. Latin American countries conceivably ratified this ILO document based on the strong relationship between labor movements and Latin American governments. The high-proportion of

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<sup>9</sup> James S. Anaya, *Indigenous Peoples in International Law*, (New York: Oxford University Press, 1996), 47.

<sup>10</sup> International Labor Organization, [www.ilo.org](http://www.ilo.org).

indigenous peoples Central and South American countries helps explain the ratification by countries such as Mexico, Guatemala, and Honduras.<sup>11</sup>

The fact that only seventeen countries have ratified this Convention highlights the difficulty that indigenous groups have had in promoting indigenous rights. The idea of a minority group having inherent rights based on their being the longest continuous inhabitants of a nation's land has an unsettling affect on governments throughout the world.<sup>12</sup>

The Finnish Saami Parliament wanted Finland to ratify this document for its own indigenous population's rights. Finnish Saami Parliamentary President and delegate to the WGIP, Pekka Aikio, declared at the 11<sup>th</sup> Session of the Working Group:

In May 1993 the Ministry of Interior [of Norway] has adopted a new attitude on this issue and decided that the Sami Parliament may continue the preparation of the Sami Act as they had originally proposed. In this context also the questions concerning the ratification of the ILO Convention No. 169 will be clarified.<sup>13</sup>

This statement illustrates how the Saami effectively use the venues and meetings of the UN to further their national goals. The Finnish government had not officially adopted

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<sup>11</sup> International Labor Organization, *Lists of Ratifications by Convention and by Country*, (as of 31 December 2000), Report III (part 2), Third item on the Agenda: Information and Reports on the Application of Conventions and Recommendations, (Geneva: ILO, 2001), 197.

<sup>12</sup> See Pierre Lepage's brief summary of this struggle in Marie L'eger, *Aboriginal Peoples: Toward Self-Government*, (Montreal: Black Rose Books Ltd., 1994).

<sup>13</sup> Statement by Pekka Aikio, Observer Delegation of the Government of Finland, to the United Nations Economic and Social Council, Working Group on Indigenous Populations, *11<sup>th</sup> Session*, (Geneva, July 19-30, 1993, E/CN.4/Sub.2/AC.4/1993), 3.

the stipulations of ILO Convention Number 169 ratification. However, Aikio's status as a member of the Finnish Saami Parliament led WGIP members to infer that the Finnish government endorsed what he said. This implication pressured the Finnish government into following through on this request, lest Finland's reputation as a strong supporter of human rights be called into question.

Contrary to the drafting process of No. 107, the revision process saw participation from indigenous organizations throughout its formulation.<sup>14</sup> The most significant participation came from the Nordic Saami Council, through its representative. Currently a Senior Advisor for the Norwegian Ministry of Municipal Affairs, Leif Dunfjeld was working in Geneva in November 1986 as a liaison for the Nordic Saami Council to the WGIP when the ILO Convention 107 was up for review. Other indigenous groups refrained from taking part, apparently not recognizing the significance of participating in the process. Their miscalculation was made abundantly clear when, in 1988, the ILO adopted the Saami Council's proposal.<sup>15</sup> Leif Dunfjeld had been tremendously influential, particularly in removing the assimilationist policies of the previous document.<sup>16</sup> According to John Henriksen, currently an Advisor for the Norwegian Foreign Ministry, the Saami weren't just

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<sup>14</sup> Lennard Sillanpää, *Political and Administrative Responses to Sami Self-Determination: A Comparative Study of Public Administrations in Fenno-Scandia on the Issue of Sami Land Title as an Aboriginal Right*, (Helsinki: Finnish Society of Science and Letters, 1994), 61.

<sup>15</sup> Leif Dunfjeld, Senior advisor, Norwegian Ministry of Municipality Affairs, Office of Immigrants and Saami, interview by author, (Oslo, Norway, June 14, 2002).

<sup>16</sup> Many indigenous leaders are still unsatisfied with Convention no. 169. These leaders are disturbed by the lack of ratification by nation-states and particularly Western nation-states. Moreover, the wording of ILO Convention no. 169 saw extensive

given this role in formulating ILO Convention No. 107, they demanded it of both the Norwegian government and the ILO.<sup>17</sup>

Now the Saami Parliament does the reporting for ILO Convention No. 169 compliance.<sup>18</sup> Saami leaders devised this arrangement because under traditional ILO agreements, only governments, employers, and workers' organizations could report to the ILO; indigenous groups could not. By agreeing to this change in the system, the ILO gave greater power to the Saami. The Saami are now able to report regularly on the conditions within the Nordic countries to an international body that the Nordic countries respect. Norway has an even greater obligation to comply with ILO Convention No. 169, since they have ratified the document.

#### Permanent Forum on Indigenous Issues

The PFII is the culmination of a long struggle on the part of indigenous peoples for a venue in which to voice their needs. The Permanent Forum is positioned within the UN hierarchy to make indigenous peoples more easily heard.

No other group has had nearly the influence on the creation of PFII and its structure than have the Nordic Saami. Without Saami activism, the Permanent Forum may never have

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debate, and many indigenous people believe any strength that it may have had in early forms has effectively been removed in the final draft.

<sup>17</sup> John Bernard Henriksen, Advisor, Norwegian Ministry of Foreign Affairs, Human Rights Division, telephone interview by author, (July 30, 2002) and Jo-Anne Velin, "Half Light in the Norwegian Arctic Making the ILO Convention on Indigenous People Work: Saami People Seek their Due" in ILO's *World of Work*, no. 21, September/October 1997, (February 20, 2003).

<sup>18</sup> Else Grete Broderstad, "Political Autonomy and Integration of Authority: The Understanding of Sami Self-Determination," in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland, Norway, Russia and Sweden*, Guest editor: Andreas Føllesdal, (Dordrecht, The Netherlands: Kluwer Law International 8 no. 2-3, 2001), 161.

existed. The PFII is the latest and most innovative edition of indigenous politics confronting nation-state politics. The goals of the Permanent Forum are threefold:

[to provide] expert advice and recommendations on indigenous issues to the [Economic and Social] Council, as well as to programmes, funds and agencies of the UN through the Council; raise awareness and promote the integration and coordination of activities relating to indigenous issues within the UN system; and prepare and disseminate information in indigenous issues.<sup>19</sup>

Nordic Saami Council member Lars Anders Baer introduced the idea of a permanent advisory body to ECOSOC in February 1993. In an address to ECOSOC, Baer stated:

The institutional framework of the UN must also be strengthened in view of the increasing importance of issues affecting indigenous peoples; that could be done by creating a permanent advisory body within the UN consisting of representatives of indigenous peoples themselves.<sup>20</sup>

The Council envisioned the PFII as a General Assembly of indigenous peoples with the same rank as the General Assembly in the UN. When that was struck down, Mr. Baer proposed that it would be placed under the auspices of the current General Assembly. Again,

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<sup>19</sup> United Nations, Economic and Social Council, *Background: First Meeting of the Permanent Forum High Point of UN Decade*, (New York: Department of Public Information, May 12, 2002), 1.

<sup>20</sup> Lars Anders Baer, Nordic Saami Council, Statement to the United Nations, Economic and Social Council, *49th Session Commission on Human Rights Summary Record of the 24th Meeting*, (Geneva, February 17, 1993, E/CN.4/1993/SR.24), 12.

that was not accepted. Finally, its current location in the hierarchy within the UN under the auspices of ECOSOC was settled.

John Bernhard Henriksen initiated the structure of the Permanent Forum, while working at the UN High Commission on Human Rights.<sup>21</sup> The Nordic Saami Council wanted a venue where indigenous people and governments could come together to have an open dialogue on indigenous issues. No longer would governments have a paternal relationship, but rather a fraternal, or cooperative, association with indigenous people.

#### Accountability

By participating in the UN system, Saami representatives have kept Finland, Norway, and Sweden accountable for human rights practices, especially indigenous rights practices. In 1993, Finland had not yet ratified (and still has not) ILO Convention No. 169. Jens Brøsted, the representative for the Nordic Council of Ministers to the United Nations, spoke of the work that Finland was doing to become compliant with the articles of No. 169.

Finland has not yet ratified the ILO Convention No. 169 concerning indigenous peoples, because the Finnish legislation on the land-rights of the Sami is not in harmony with the provisions of the convention. Following the opinion of the Social Commission of the Finnish Parliament the objective of the Finnish Government will, however, remove the obstacles for the

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<sup>21</sup> interview of Ragnhild Lydia Nystad, Vice President, Saami Parliament by author, (Karasjok, Norway, June 4, 2002).



ratification of the convention. In May 1993 the Ministry of Interior...asked the Sami Parliament to clear this question [of ILO Convention No. 169 ratification].<sup>22</sup>

Clearly, the Finnish government responded to pressure from the Saami and from the international community, through ILO Convention No. 169, to bring its domestic policy in line with the Convention. Saami leaders, through contact with other peoples and nations, who put pressure on their national governments, are thus keeping their own nations responsible. If Fenno-Scandinavian governments fail to respond to Saami perspectives, their indigenous policies lose legitimacy, thereby weakening their international credibility.

Thus, Saami leaders have developed a stable and mutually beneficial relationship with their respective governments through the use of UN mechanisms. "Indigenous peoples have been persistent in seeking international remedy for their grievances in relations with the governments of nation-states."<sup>23</sup> Fenno-Scandinavia's allowing delegations consisting entirely of Saami to represent their governments at the UN Indigenous Working Groups reveals genuine trust in and respect for the Saami's UN work.

### Working from Within

There is one final major area where the Saami people have had influence on the UN. Saami have been elected to positions of influence within the UN. The most notable and

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<sup>22</sup> Jens Brøsted, Nordic Council of Ministers, Statement to the United Nations, Economic and Social Council, Working Group on Indigenous Populations, *11th Session*, (July 19, 1993, E/CN.4/Sub.2/AC.4/1993/Add.1), 4.

<sup>23</sup> Franke Wilmer, *The Indigenous Voice in World Politics since Time Immemorial*, (Newbury Park, CA: SAGE Publications, 1993), 24.

most visible is the recent appointment of Ole Henrik Magga, a Norwegian Saami, as the first chairperson for the PFII.

This appointment has great significance for the Saami, given that in the first few years of creation, young organizations face their greatest obstacles. Strong, diplomatic, and charismatic leadership was needed for the Permanent Forum's survival, and Mr. Magga was chosen by his peers for having these qualities. His experience with many political systems and levels of government within Norway and within the international arena has been invaluable, as well.

Magga was the first president of the Norwegian Saami Parliament, and he was a delegate to the UN Conference on Environment and Development in Rio de Janeiro in 1992. From 1992-1996, he was a member of the Commission on Culture and Development in the UN.<sup>24</sup> His political actions, as well as his demeanor, reveal a quiet, yet strong character. Among the Saami, there is optimism that having Mr. Magga in this position will bring more positive change, not only for the Saami but also for indigenous people at large.<sup>25</sup>

Even before Ole Henrik Magga was elected to the PFII, other Saami delegates served on the Permanent Forum. "Mr. Pet(t)er Wille of Norway was elected as the Chairman-Rapporteur of the second session of the ad hoc Working Group [on the establishment of the

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<sup>24</sup> Ole Henrik Magga, Chairperson of Permanent Forum on Indigenous Issues, email communication to author, (June 25, 2002).

Permanent Forum].<sup>25</sup> His post was exceptionally important, since it would help define the shape and strength of the Permanent Forum.

John Bernhard Henriksen is another Saami whose work within the UN system is notable. Henriksen worked for the Nordic Saami Council and the Norwegian Saami Parliament at various times, as legal advisor and as representative to the UN. The UN High Commission on Human Rights, the governing office of the WGIP, hired Henriksen in 1996. He learned the important networks and strategies within the UN, which allowed him to aid the Saami organizations tremendously.<sup>27</sup> As an attorney and a Saami, he had a unique perspective on indigenous issues. Henriksen understood the protocol and rules for doing business within the UN, some of which function not only in the formal meeting rooms, but also in the hallways of the UN buildings in Geneva and New York.<sup>28</sup>

Since 1976, Saami leaders have sought to gain a foothold for the WCIP and the Nordic Saami Council within the UN. They did so through the relevant conventions of the ILO and the Commission on Human Rights. They wisely chose the established International Covenant on Civil and Political Rights that the Nordic countries already used as a human rights policy guideline. Starting in 1983, Saami representative leaders were heard in the General Assembly, ECOSOC, and the WGIP. In the early twenty-first century, the Saami

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<sup>25</sup> Russell Barsh, Adjunct Professor at (New York University of Law, personal communication with author, (Permanent Forum on Indigenous Issues, (New York, February 20, 2002).

<sup>26</sup> International Work Group on Indigenous Affairs, *The Indigenous World: 1999/2000*, (Copenhagen: IWGIA, 2000), 405.

<sup>27</sup> John Bernard Henriksen, Advisor, Norwegian Ministry of Foreign Affairs, Human Rights Division, telephone interview by author, (July 30, 2002).

<sup>28</sup> Rigoberta Menchu Tum, Nobel Peace Prize Laureate, Statement to the United Nations, Economic and Social Council, Permanent Forum on Indigenous Issues, (New York, May 13, 2002).

entered a new medium, PFII. Thus far, the groups involved have high hopes for this forum, as it offers hope of more expedient reform.

#### CHAPTER 4: NORDIC RESPONSE TO SAAMI ACTIVISM

To date, there have been a few instances where the Saami's UN influence has had a clear, direct impact on Nordic legislation. Yet, Trond Thuen argues that there is a wide disconnect between symbolic achievements and tangible ones.<sup>1</sup> Indigenous rights author Franke Wilmer agrees, "Whatever rights states have recognized in relation to indigenous peoples—aboriginal, treaty, civil, and otherwise—have been inferior to the exercise of state power... in the name of national interest."<sup>2</sup> The alleged dichotomy between Nordic human rights ideals and their own domestic indigenous rights records leads to perhaps the definitive question toward understanding the Saami-United Nations-Nordic dynamic; have the Nordic countries heeded the UN's mandates and conventions for the benefit of Saami rights?

Tangible progress *has* been achieved. Many scholars point to the influence of international law on Nordic indigenous policies. We have seen that Saami played a significant role in drafting and promoting ILO 169. This convention has in turn been reflected in Norwegian and Finnish legislation. As Hocking and Hocking argue, "This [international indigenous policy] has been translated extensively into Scandinavian laws, drawing upon the UN Covenant on Civil and Political Rights, ILO Convention No. 169..."<sup>3</sup> The Nordic Saami leadership has kept the Nordic countries accountable internationally for their actions and inactions. Nordic countries continue to revisit and alter their indigenous policies based

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<sup>1</sup> Trond Thuen, "In Search of Space: Challenges in Saami Ethnopolitics in Norway 1979-2000," in *Conflict and Cooperation in the North*, edited by Kristiina Karppi and Johan Eriksson, (Umeå, Sweden: University of Umeå, 2002), 294.

<sup>2</sup> Franke Wilmer, *The Indigenous Voice in World Politics since Time Immemorial*, (Newbury Park, CA: SAGE Publications, 1993), 24.

on Saami-UN interaction. Land-rights gains have seen small, but significant improvements. Furthermore, other indigenous groups have benefited from Saami interventions.

While Saami influence on Nordic legislation has been less dramatic and more difficult to achieve than many had hoped, the Saami leadership has not been ineffectual, nor have the avenues chosen been inappropriate. What the record *does* suggest is that the relationship between international and national law is nuanced and subtle. Even in small countries like Finland, Norway, and Sweden, which are so heavily influenced by international mandates and events, impacts are not clear. Johan Eriksson concedes, "It is difficult to discern any tangible Saami influence in these [global] fora, but it is nevertheless clear that cooptation, cooperation and coalition-building has had some success."<sup>4</sup> Saami activism has been most successful when they have used subtle persuasion within the UN. They obey the constraints of the international system and use them to their advantage. Franke Wilmer explains:

In their efforts to influence powerful national and international actors, indigenous groups have little else other than the power of persuasion in directly appealing to international decision-making institutions and indirectly attempting to influence world public opinion. This raises the possibility that the [actions of] indigenous activists represents a more significant development in international

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<sup>3</sup> Barbara Ann Hocking and Barbara Joyce Hocking, "Colonialism, Constitutionalism, Costs and Compensation: A Contemporary Comparison of the Legal Rights and Obligations of and towards the Scandinavian Sami and Indigenous Australians," in *Nordic Journal of International Law*, 68, (Dordrecht, The Netherlands: Kluwer Law International, 1999), 45.

politics and one not really accounted for by prevailing interpretive paradigms of world politics.<sup>5</sup>

The Saami, along with other active indigenous groups, have changed the international and in turn the national systems in ways not previously understood or thought possible. Though they held no representative positions in their respective national governments, indigenous leaders were able to exert influence beyond their own perceived capabilities. Lennard Sillanpää, the noted Saami scholar summarizes it well; "To a great extent, the Nordic Sami have been able to accomplish this [influence] with...their participation in the drafting of human rights conventions at the international level and establishing contacts with aboriginal groups in other parts of the world."<sup>6</sup>

Saami leaders strengthened some UN mandates, conventions, and proclamations to the betterment of indigenous peoples, and the Norwegian and Finnish governments, in turn, recognized the need to update their indigenous legislation (with the help of the Saami and the SRC). Saami organizations' international work has changed the Nordic countries' indigenous policies based on ILO No. 169 and International Covenant on Civil and Political Rights. They adopted the general feeling or tone of the UN human rights changes and in some cases even made them stronger and more progressive.

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<sup>4</sup> Johan Eriksson, *Partition and redemption: A Machiavellian Analysis of Sami and Basque Patriotism*, (Umeå, Sweden: Umea University, 1997), 148.

<sup>5</sup> Franke Wilmer, *The Indigenous Voice in World Politics since Time Immemorial*, (Newbury Park, CA: SAGE Publications, 1993), 25.

<sup>6</sup> Lennard Sillanpää, *Political and Administrative Responses to Sami Self-Determination: A Comparative Study of Public Administrations in Fenno-Scandia on the Issue of Sami Land Title as an Aboriginal Right*, (Helsinki: Finnish Society of Science and Letters, 1994), 228.

The Permanent Forum is seen as the most progressive forum within the United Nations system. Indigenous organizations and experts envision that the PFII, which is under ECOSOC, will be the venue for direct interaction by indigenous peoples within the UN. ECOSOC's privileged position at the top of the UN hierarchy provides more indigenous opportunity to gain attention within the UN system and ultimately within the Nordic countries.

The PFII is the flagship of indigenous politics at the UN, and the Saami leaders are at the helm. One of the most important goals of the UN has been to bring leaders together to build bridges of trust and understanding among peoples of the world. With the formation of the PFII the original objective of the UN would be more obtainable. "The new permanent body [PFII], which could report to the Commission on Human Rights or ECOSOC, should be authorized to monitor respect for the rights of indigenous peoples. It could also promote dialogue between indigenous peoples and Governments."<sup>7</sup>

In the early twenty-first century, Nordic governments acknowledge Saami rights to varying degrees. This situation improves, if sometimes slowly, within nearly every parliamentary session. If future parliaments in Fenno-Scandinavia respond the way they have for the last decade, the political climate for Saami rights can only improve, especially with continued Saami and Nordic involvement in the UN. The Norwegian Foreign Minister in April 2000 reinforced just such involvement by his country's commitment in the protection of human rights. Thorbjorn Jaglund spoke to ECOSOC's Commission on Human Rights,



stating, "The new Norwegian government will carry on Norway's strong commitment to human rights."<sup>8</sup> His government went beyond rhetoric and committed considerable financial resources to human rights and development efforts of the UN.<sup>9</sup> In this same speech Mr. Jaglund answered the question of priorities for the Nordic countries. He affirmed that Norway's commitment to human rights would begin at home.

An act on the incorporation of core human rights conventions into Norwegian law was adopted in May last year [1999]. We have also adopted a National Plan of Action for Human Rights. Fully half of the recommendations in the plan deal with domestic human rights issues. We will start at home, looking closely at our own performance.<sup>10</sup>

Thus, the indigenous policies of Norway, Finland, and Sweden have changed measurably since the 1960s in favor of the Saami. This is due in no small part to the work of numerous dedicated Saami delegates to the UN.

The Nordic Saami have placed themselves at the forefront of indigenous politics both within the UN and without. Saami leaders have mastered the internal politics of the UN. They have learned to use the UN to make their case protecting their rights and what

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<sup>7</sup> Ms. Koy, Nordic Saami Council, Statement to the United Nations, Economic and Social Council, Commission, *Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities 45th Session Summary Record of the First Part (Public), of the 33rd Meeting*, (Geneva, August 25, 1993, E/CN.4/SUB.2/1993/SR.33), 11.

<sup>8</sup> Thorbjorn Jaglund, Norwegian Foreign Minister, Statement to the United Nations, Commission on Human Rights, *Agenda Item 5: Review of Recent Developments Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous Peoples*, (Geneva, April 3, 2000, E/CN.4/Sub.2/2000/SR.35), 1.

<sup>9</sup> *Ibid.*, 6.

they hold most dear, their land. Saami effectiveness is based on powerful persuasion internationally, and they are able to use international law to develop their influence domestically. Some Saami feel that the change has not been sufficient and has not occurred quickly enough. This view is overly critical. The conditions and mechanisms created by the Saami leadership over the last thirty years continue to make Saami influence a certainty. The Nordic countries have a genuine desire to promote and protect indigenous rights to the fullest extent possible. Norway, and to a certain degree Finland for example, are trying to amend their allegedly racist policies.<sup>11</sup>

The Saami have been as effective as the geopolitical system has allowed at changing Nordic governmental policy through the UN system. With the continued Nordic support of international human rights, indigenous rights will undoubtedly gain increased recognition. As the Nordic expert Lennard Sillanpää concludes, "International law has become an increasingly significant means by which the Sami and other aboriginal minorities are able to expand their legal position within their own countries. One can expect that this trend in the

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<sup>10</sup> Thorbjorn Jaglund, Norwegian Foreign Minister, Statement to the United Nations, Commission on Human Rights, *Agenda Item 5: Review of Recent Developments Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous Peoples*, (Geneva, April 3, 2000, E/CN.4/Sub.2/2000/SR.35), 1-2.

development of minority rights will increase.”<sup>12</sup> In the case of the Nordic Saami, the international indigenous rights system works.

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<sup>11</sup> ‘racist’ is the term used by some Saami scholars such as Roger Kvist, in reference to certain Nordic legislation, not one originally employed by the author of this thesis. For example, see Roger Kvist’s “The Racist Legacy in Modern Swedish Saami Policy” in *Canadian Journal of Native Studies*, 14:2, (1994)

<sup>12</sup> Lennard Sillanpää, *Political and Administrative Responses to Sami Self-Determination: A Comparative Study of Public Administrations in Fenno-Scandia on the Issue of Sami Land Title as an Aboriginal Right*, (Helsinki: Finnish Society of Science and Letters, 1994), 233.

## CHAPTER 5: SAAMI AID FOR OTHER INDIGENOUS GROUPS

Saami leaders recognize that their participation in the UN is as important for *other* indigenous groups as it is for themselves. As Henriksen explains:

The Saami participation at the international level is also based on a strong conviction that international and universal legal norms on the rights of indigenous peoples is crucial for all indigenous peoples, in particular for indigenous peoples in developing countries. I feel there is a strong sense of solidarity, that one wishes to make common cause with other indigenous peoples.<sup>1</sup>

The Saami leadership has exhibited solidarity with other groups in their common rights quest. The political clout that Saami leaders and delegates wield is an effective tool for indigenous people in UN meetings. Norway's being the first state to ratify ILO Convention No. 169 affirmed its commitment to indigenous rights. Norway's ratification also increased the legitimacy of Saami activism on indigenous issues in the UN.<sup>2</sup> Unrepresented and underrepresented peoples are especially indebted to the Saami for leading the way for indigenous rights. Prior to the fall of communism in Russia, the Kola Peninsula Saami had their only link to international institutions through the Nordic Saami.

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<sup>1</sup> John Bernhard Henriksen, Advisor, Norwegian Ministry of Foreign Affairs, Human Rights Division, email communication to author, (January 22, 2003).

<sup>2</sup> Henry Minde, "Sami Land-rights in Norway: A Test Case for Ind. Peoples," in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland, Norway, Russia and Sweden*, Guest editor, Andreas Føllesdal, (Dordrecht, The Netherlands: Kluwer Law International 8 no. 2-3, 2001), 124.

### Indigenous Cooperation

The Saami's sense of solidarity with other indigenous peoples has led them to collaboration in multiple venues. In 1976, the Saami joined the WCIP (World Council of Indigenous Peoples), an indigenous organization formed by George Manuel, a Canadian Shushwap Indian.<sup>3</sup> With the cooperation of the Saami, Maori, and various Canadian indigenous groups, Mr. Manuel founded the WCIP to bring together indigenous peoples and, in turn, to bring indigenous issues to the international stage. Eventually, the WCIP gained consultative status at the UN ECOSOC.<sup>4</sup> Other indigenous groups from throughout the world joined the WCIP, to protect their own rights and gain support from the strength of the WCIP.

Indigenous peoples have formed alliances in order to enhance their ability to assert influence on both national and international arenas. Alliances are important vehicles through which issues of international concern are raised within the community of nation-states.<sup>5</sup>

Canada, Australia, New Zealand, and the Nordic states all have politically powerful indigenous groups who share information and support one another, as well as less powerful groups. In so doing they assert all indigenous peoples' rights to self-determination.

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<sup>3</sup> In 1994, the WCIP disbanded due to internal conflict between indigenous groups.

<sup>4</sup> Consultative status gives an NGO certain rights beyond other organizations. This includes rights to be recognized at UN meetings and speak on their constituents' behalf. Without consultative status, the NGO would not gain these rights. The WCIP was the first indigenous organization to gain consultative status at the UN. As a side note, the Nordic Saami Council gained consultative status shortly after the WCIP (in the late 1970s), and was *one* of the first to do so.

<sup>5</sup> Franke Wilmer, *The Indigenous Voice in World Politics since Time Immemorial*, (Newbury Park, CA: SAGE Publications, 1993), 137.

### Financial Commitments

The high standard of living enjoyed by the Saami, as well as the support the Saami Parliaments receive from their respective state governments, allows them to display their solidarity with other indigenous groups through financial assistance. Indigenous peoples tend to be more economically disadvantaged than dominant cultures. For example, the UN reported that in 1997, of the indigenous populations in Bolivia, 64.3 percent were below the poverty level compared to 48.1 percent for the non-indigenous populations. Of the indigenous populations in Mexico, 80.6 percent were below the poverty level, as opposed to only 17.9 percent of the non-indigenous populations.<sup>6</sup> In the United States, 31.2 percent of the indigenous populations were below the poverty level, as opposed to 13 percent of the non-indigenous population.<sup>7</sup> It should be noted that the poverty levels for the non-indigenous populations in these countries was far below what is considered poverty in Western countries.

The Saami, on the other hand, have the advantage of living in prosperous nations and have enjoyed a far higher standard of living than most other indigenous groups. In general, the Saami have per capita incomes similar to other Nordic citizens. This relative wealth allows Saami organizations to have greater budgets and to support philanthropy to a greater degree than most indigenous groups. Saami notions of community and reciprocity extend to the international arena, which explains their contributions to and efforts on behalf

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<sup>6</sup> United Nations, *Indigenous People: Challenges Facing the International Community*, (New York: Department of Public Information, 1998), 2. Central Intelligence Agency, *Worldbook 2003*, <http://www.cia.gov/cia/publications/factbook/geos/us.html#econ>.

<sup>7</sup> U.S. Bureau of the Census, *1990 Census of Population: "Characteristics of American Indians by Tribe and Language,"* (CP-3-7, 1990).

of indigenous peoples throughout the world. The Saami have been allocating a portion of their resources towards the needs of other indigenous groups, especially in Latin America. The WCIP was one of the organizations through which the Saami funneled financial aid to Latin American indigenous groups.<sup>8</sup>

Within the UN, as well, some of the Nordic countries have contributed funds to the support of indigenous peoples. The UN Voluntary Fund for Indigenous Populations was created to support indigenous peoples' attendance at the WGIP. Funneled through the respective Saami Parliaments, the UN Voluntary Fund received \$122,097 from January 1997 to June 1998 from Finland, and \$41,131 in December 1997 from Norway. Even the small, poor country of Tunisia gave \$1,500 in 1997.<sup>9</sup> In contrast, the United States and Sweden gave nothing. This money was disbursed throughout the world where the needs were greatest. None went to the Nordic countries, but ironically, indigenous groups in the United States received support from the Voluntary Fund.<sup>10</sup> The values of Saami transnational activists in many ways reflect those of international Nordic activists'. The Saami share common values of altruism, philanthropy, and most of all human rights support with their Nordic brethren.

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<sup>8</sup> John Bernard Henriksen, Advisor, Norwegian Ministry of Foreign Affairs, Human Rights Division, telephone interview by author, (July 30, 2002).

<sup>9</sup> United Nations, General Assembly, *53rd Session Item 110 of the Provisional Agenda Programme of Activities of the International Decade of the World's Indigenous People: Status of the United Nations' Voluntary Fund for Indigenous Populations, Report of the Secretary General*, (New York, August 20, 1998, A/53/282), 5.

<sup>10</sup> *Ibid.*, 14.

## Indigenous Training

In addition to financial support, Saami influence is felt through the workshops they have created and funded to teach other indigenous groups how to navigate within the UN system.<sup>11</sup> This effort is called "Indigenous to Indigenous Concept on Human Rights Training." The training manual notes:

...only by gaining an insight into the formal and informal structures can indigenous peoples make informed choice [sic] of how and where to target their attention and involvement as a way of best utilizing the human and financial resources they have access to. Only through meaningful engagement of indigenous peoples will there be an opportunity for them to exert influence over policy processes affecting them at the local, regional, national and international levels, all of which are inter-linked in today's world of rapid development.<sup>12</sup>

The Saami Parliaments have trained indigenous groups from Latin America, Asia, Africa, and Russia.<sup>13</sup> These training sessions often take place on-site at the UN WGIP in Geneva or with the UN in other parts of the world, such as the Stockholm trainings in 1998.<sup>14</sup> They are sometimes held within the home areas of indigenous peoples.

Ragnhild Nystad of the Norwegian Saami Parliament, reflected common sentiments among the Saami when she expressed her feeling that it was important to help other

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<sup>11</sup> Lennard Sillanpää, *Political and Administrative Responses to Sami Self-Determination: A Comparative Study of Public Administrations in Fenno-Scandia on the Issue of Sami Land Title as an Aboriginal Right*, (Helsinki: Finnish Society of Science and Letters, 1994), 61.

<sup>12</sup> Borneo Resources Institute Malaysia, *Indigenous-to-Indigenous Concept on Human Rights Training*, <http://brimas.www1.50megs.com/IP-HR-Training.htm>.

<sup>13</sup> L'auravel'an, *Bulletin # 40: "Anniversary"* <http://www.indigenous.ru/english/english.htm>.



indigenous peoples.<sup>15</sup> Ande Somby, Norwegian Saami attorney echoed this sentiment, observing that everyone has times of need and times of plenty. Currently the Nordic Saami are in a time of plenty, therefore they feel they ought to help others.<sup>16</sup>

### Indigenous Representation

The Saami have brought attention to the human rights needs of under- and non-represented indigenous groups such as Bangladesh's Chittagong Hill Tribes. The Chittagong Hill Tribes are among the most impoverished people on earth. The per capita income for Bangladesh in 2002 was \$122.<sup>17</sup> The Hill Tribes suffer disproportionately, with 70 percent below the poverty line and 40 percent unemployed.<sup>18</sup> To make matters worse, in the 1980s and 1990s, the Hill Tribes saw conflict with non-indigenous Bengalis due to starvation resulting from population pressure and resource depletion, as people migrated from more drought-stricken areas of the country.<sup>19</sup> The Chittagong Hill Tribes also were the victims of state-sanctioned and state orchestrated violence. To bring attention to their plight and show solidarity among indigenous peoples, the Nordic Saami Council made a plea for help to the UN:

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<sup>14</sup> United Nations, General Assembly, *53rd Session Item 110 of the Provisional Agenda Programme of Activities of the International Decade of the World's Indigenous People Implementation of the Programme of Activities for the Decade Report of the Secretary General*, (New York, August 26, 1998, A/53/310), 10.

<sup>15</sup> Ragnhild Lydia Nystad, Vice President, Saami Parliament, interview by author, (Karasjok, Norway, June 4, 2002).

<sup>16</sup> Ande Somby, Norwegian Saami attorney, personal communication with author, (University of Alaska, Fairbanks, February 11, 2002).

<sup>17</sup> Rakesh Wadhwa, *Difference in Rates of Growth: Significance for Nepal*, (The Centre, August 2002). [http://www.ccsindia.org/people\\_rw\\_differences.htm](http://www.ccsindia.org/people_rw_differences.htm).

<sup>18</sup> United Nations Development Program, *Feature for the Month of August 2002: Bangladesh*, 2002, <http://www.un-bd.org/undp/feature/2002/0802>.

We are confident that the new Government of Bangladesh is able and willing to change radically its policy towards the Chittagong Hill Tribes and to improve the human rights situation in the region....We strongly urge that the UN appoint a Special Rapporteur or provide a person under its advisory services to work with the Government of Bangladesh, the ILO and competent NGOs to assist and monitor the changes in policy recommended by the International Commission.<sup>20</sup>

Thus, Saami brought to light the plight of this under-represented group.

Another example of Saami solidarity with other indigenous groups is their interesting relationship with African indigenous peoples. The Saami Council has shared information and resources with people from Sub-Saharan Africa for some time. "The Saami Council has a tradition of displaying solidarity with less fortunate groups worldwide, and would this time like to draw attention particularly to the concerns of the San people (Bushmen) of southern Africa."<sup>21</sup> Yet, this relationship between Nordic Saami organizations and other indigenous peoples is beneficial to the Nordic Saami as well. When the Nordic Council was having a difficult time with African delegations within the UN, they turned to South African indigenous people for help and advice.<sup>22</sup>

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<sup>19</sup> Ibid.

<sup>20</sup> Nordic Saami Council, ICC, International Work Group for Indigenous Affairs and Anti-Slavery International, *Written Statement Submitted by the NGOs in Consultative Status to the United Nations Economic and Social Council*, (Geneva, July 29, 1991, E/CN.4/Sub.2/1991/NGO/3), 3.

<sup>21</sup> Saami Council, Statement to the United Nations Economic and Social Council, *Commission on Human Rights 51st Session Item 16 of the Provisional Agenda Implementation of the Programme of Action for the 3rd Decade to Combat Racism and Racial Discrimination*, (Geneva, July 13, 1994, E/CN.4/1995/77), 14.

<sup>22</sup> Leif Dunfeld, Senior advisor, Norwegian Ministry of Municipality Affairs, Office of Immigrants and Saami, interview by author, (Oslo, Norway, June 14, 2002).

Saami leaders have long recognized the value of alliances within the UN. In the early years, alliances were formed within the WCIP. Now, when the Saami are more politically powerful, they can be the unifying group in the alliance. In 1995, the Saami Council, together with the Asian Indigenous and Tribal Peoples Network, the International Working Group on Indigenous Affairs, and the United States, undertook a study of the human rights situation of indigenous peoples in Asia. They did so to find a common starting point for political work to aid less advantaged indigenous peoples in Asia, in anticipation of the creation of the PFII.<sup>23</sup> Thus, the Saami Council had expanded its collaborative efforts to Asian indigenous organizations and national governments.

In a very important way, by fostering the relationships with other indigenous groups, Saami have spoken to their respective Finnish, Norwegian, and Swedish legislatures and publics. The Nordic states are highly philanthropic and prioritize human rights and economic development. The Saami have shown how the rights of other indigenous peoples relate to their own rights situation. The activism of the Saami Parliaments and the Saami Council has brought awareness, support, and finally action on the part of nation-states worldwide. In addition, the Saami's international activism has engendered public and parliamentary sympathy within the Nordic states. The Saami thus have turned their international networking success into a domestic success. As Lennard Sillanpää notes in *Political and Administrative Responses to Sami Self-Determination*:

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<sup>23</sup> International Work Group on Indigenous Affairs, *The Indigenous World: 1999/2000*, (Copenhagen: IWGIA, 2000), 405.

These international contacts [with other aboriginal peoples] have also shaped public discussions on Sami-related issues within Sweden, Norway and Finland by establishing new perspectives on minority rights and increased acceptance by national authorities of the Sami as an aboriginal people.<sup>24</sup>

The long-term effects of these alliances on Nordic Saami politics are uncertain. It is conceivable that Saami alliances with weaker indigenous groups could cause a rift between the Saami and their respective states. At present, however, this does not seem likely. On the contrary, having global alliances has helped the Saami in their fight for land-rights, whereas other more isolated minorities have not been as successful. The Nordic Saami are betting that this trend will continue.<sup>25</sup> As Pekka Aikio, of the Finnish Saami Parliament observes, "One feature that differentiates the Nordic Sami from other ethnic groups in Europe has been their deliberate efforts to ally themselves with other aboriginal peoples around the world in order to be able to emphasize their rights to lands to which they claim title."<sup>26</sup>

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<sup>24</sup> Lennard Sillanpää, *Political and Administrative Responses to Sami Self-Determination: A Comparative Study of Public Administrations in Fenno-Scandia on the Issue of Sami Land Title as an Aboriginal Right*, (Helsinki: Finnish Society of Science and Letters, 1994), 231.

<sup>25</sup> John Bernard Henriksen, Advisor, Norwegian Ministry of Foreign Affairs, Human Rights Division, telephone interview by author, (July 30, 2002).

<sup>26</sup> Statement by Pekka Aikio, Observer delegation of the government of Finland to the United Nations Economic and Social Council, Working Group on Indigenous Populations, *11<sup>th</sup> Session*, (Geneva, July 19-30, 1993, E/CN.4/Sub.2/AC.4/1993), 136.

## CHAPTER 6: SAAMI ASSESSMENT OF THEIR OWN PROGRESS

Many, but not all, Saami leaders are satisfied with the gains they have made for Saami rights within the UN.<sup>1</sup> They have managed to protect and promote their education, language, and self-determination rights. John Bernhard Henriksen remarked:

...the Saami feel that international norms and continued international progress provide crucial political and legal arguments in favour of Saami rights. International obligations also give the Saami a certain security, because international obligations make them less exposed [sic] to any possible future “negative” changes in political regimes in the countries concerned.<sup>2</sup>

In Norway, there are Saami schools through the university level. In Finland and Norway the Saami have the right to use their language in doing nearly all government business that pertains to Saami rights. Strides are being made to have Saami spoken by all emergency personnel in Saami-inhabited areas.<sup>3</sup> All of these policies indicate that Saami people have more substantial rights than ever before.<sup>4</sup>

Yet, despite the optimism on the part of Saami leaders and the significant achievement made by Saami in protecting their language, culture, livelihood, and political rights, some in the Saami leadership feel that essential rights go unacknowledged. As late as

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<sup>1</sup> John Bernard Henriksen, Advisor, Norwegian Ministry of Foreign Affairs, Human Rights Division, email communication to author, (January 22, 2003).

<sup>2</sup> Ibid.

<sup>3</sup> Ande Somby, Norwegian Saami attorney, personal communication with author, (University of Alaska, Fairbanks, February 20, 2002).

April 2000, Saami leaders were still using the UN platform to call for recognition of their rights. Lars Anders Baer declared before the WGIP:

The Norwegian authorities, by failing to recognise and protect our fundamental rights on our traditional territory, have violated Articles 1 and 27 of the Covenant [International Covenant on Civil and Political Right.]<sup>5</sup>

Furthermore, many indigenous leaders are still unsatisfied with ILO Convention No. 169. This Convention saw extensive debate over wording, and many indigenous peoples believe that any strength it may have had in early forms was effectively removed in the final draft. For instance, Norway and Finland deliberated extensively over the Saami leadership's proposal to use the word "peoples" versus "populations."<sup>6</sup> These two governments were concerned that the word "peoples" would be taken to imply the right of self-government as it did in other international policies. They feared that, if a government recognized a group as a "people" instead of a "population", additional rights could be demanded according to international law.<sup>7</sup> Saami delegates proposed that the Convention use "peoples" as a matter

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<sup>4</sup> Excluding Swedish Saami, whose situation is discussed in greater detail in chapter one and in Dave Lewis' *Indigenous Rights Claims in Welfare Capitalist Society: Recognition and Implementation: The Case of the Sami People in Norway, Sweden and Finland*, (Rovaneimi, Finland: University of Lapland Press, 1998).

<sup>5</sup> Lars Anders Baer, Saami Council, Statement to the United Nations, Economic and Social Council, Sub-Commission on the Prevent of Discrimination and Protection of Minorities, Working Group on Indigenous Population, *11th Session, Review of Developments*, (Geneva, April 3, 2000, E/CN.4/Sub.2/2000/3), 2.

<sup>6</sup> International Labor Organization, *76th Session 1988 Report IV (2A), Partial Revision of the Indigenous and Tribal Populations Convention, 1957 (#107)*, (Geneva, 1988), 9.

<sup>7</sup> *Ibid.*, 8.

of respect.<sup>8</sup> “Peoples” was finally chosen over “populations” when it was agreed that there were no additional rights implied by this word usage.<sup>9</sup> Despite this qualification, to the resentment of Saami leaders, many western nation states have refused to ratify Convention No. 169.

### Land-rights

The most urgent concern of Saami relates to land ownership and land-use rights.<sup>10</sup> Land and land-use are the most fundamental of rights being discussed in international indigenous venues in the early twenty-first century.<sup>11</sup> Indigenous leaders in general are less satisfied with progress regarding land and land-use rights. Land is such a contentious issue because, land has great significance economically, strategically, and spiritually for indigenous and non-indigenous people. For non-indigenous peoples land tends to have economic or strategic value, whereas indigenous people have argued that if one does not have rights to

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<sup>8</sup> Lars Anders Baer, Saami Council, Statement to the United Nations Economic and Social Council, Commission on Human Rights, Sub-Commission on Prevention and Discrimination and Protection of Minorities, *48th Session Summary Record of the 29th Meeting*, (Geneva, August 26, 1996, E/CN.4/Sub.2/1996/SR.29), 8.

<sup>9</sup> United Nations Economic and Social Council, Commission on Human Rights, Sub-Commission on Prevention and Discrimination and Protection of Minorities, *48th Session Summary Record of the 29th Meeting*, (Geneva, August 30, 1996, E/CN.4/Sub.2/1996), 1.

<sup>10</sup> Saami Council, Statement to the United Nations, Economic and Social Council, Commission on Human Rights, Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Working Group on Indigenous Populations, *15th Session, Item 5, Review of Development Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous People: Environment, Land and Sustainable Development*, (Geneva, June 16, 1993, E/CN.4/Sub.2/AC.4/1997/3/Add.1).

<sup>11</sup> Lars Anders Baer, Saami Council, Statement to the United Nations, Economic and Social Council, Commission on Human Rights, *53rd Session Summary Record of the 33rd Meeting*, (Geneva, April 2, 1997, E/CN.4/1997/SR.33), 15 and Saami Council, Statement to the United Nations, Economic and Social Council, Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Working Group on Indigenous Populations, *Item 5 of the provisional agenda, Review of Developments Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of*

land, one has no rights.<sup>12</sup> Indigenous activists argue that for aboriginal peoples, land is especially important because it is bound up with their identities, as well as their livelihoods. “Indigenous people maintain that their relationship to their lands is the core of the cultural differences that exist between them and non-indigenous societies.”<sup>13</sup> They feel that:

...the issue of land-rights is central to the question of the survival of indigenous peoples and their cultures. To indigenous peoples, their lands possess spiritual, social, cultural, economic, and political significance and are considered necessary for their survival and vitality as societies. Since their relationship to their land is deeply spiritual, the destruction of that link is often destructive to their identity.<sup>14</sup>

Non-indigenous and indigenous Scandinavians compete for hunting and fishing rights. Nordic Saami view hunting and fishing as their exclusive right and a part of their subsistence in some areas of Scandinavia. In addition, mining operations are expanding to Northern Fenno-Scandinavia. The Nordic Saami view this economic expansion as a direct threat to their land rights. Rauna Kuokkanen of the Nordic Saami Council, speaking on behalf of the Saami people of Finland, Sweden, Norway, and Russia, underlines the importance of land-rights:

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*Indigenous People: Environment, Land and Sustainable Development*, (Geneva, June 16, 1997, E/CN.4/Sub.2/AC.4/1997/3/Add.1), 2.

<sup>12</sup> Lars Anders Baer, Saami Council, Statement to the United Nations, Economic and Social Council Commission on Human Rights, *53rd Session Summary Record of the 33rd Meeting*, (Geneva, April 2, 1997, E/CN.4/1997/SR.33), 14.

<sup>13</sup> United Nations, Department of Public Information, *The Significance of Land to Indigenous Peoples*, (New York, 1999, DPI/2068), 1.



...land and natural resources were absolutely fundamental to the Saami. Little progress had been made to date in addressing the issue of land and resource rights. Traditional land and water uses, such as reindeer herding, fishing, hunting and gathering, enjoyed only limited legal protection against external claims and users.<sup>15</sup>

For the Saami, land-rights issues are especially sensitive, given the lack of concessions by these states to these claims. In contrast with the gains they have made with regard to other rights, land-rights have not changed in centuries. The Lapp Codicil of 1751 gives all Swedish and Norwegian citizens rights to the land they occupy. It is the strongest legislative precedent for Saami land-rights and is the most progressive.<sup>16</sup> But the eighteenth century acknowledgement has failed to prevent continuous encroachment Saami land rights. Nevertheless, Saami attorneys continue to revisit the Lapp Codicil for cases involving land-use issues even today.<sup>17</sup>

To exacerbate the situation, many indigenous groups, including the Saami, live in border regions of countries. These areas are strategically sensitive, and land is seen as crucial to national sovereignty for national governments. Any act or word from indigenous groups to reclaim access to this land by indigenous peoples is watched with great unease:

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<sup>14</sup> United Nation, Department of Public Information, *The Significance of Land to Indigenous Peoples*, (New York, 1999, DPI/2068), 1.

<sup>15</sup> Rauna Kuokkanen, Saami Council, Statement to the United Nations, Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, *49th Session Summary Record of the 16th Meeting*, (Geneva, August 15, 1997, E/CN.4/SUB.2/1997/SR.16), 11.

<sup>16</sup> For more information on the Lapp Codicil of 1751, see footnote 68, on page 35.

Much of the tension between States and indigenous groups on the issue of land claims has been caused by the belief of many States that full recognition of the human rights of indigenous people would require the return of all the land and resources taken from them... (however) such a conclusion is not called for or expected.<sup>18</sup>

This uncertainty of what recognition of land rights would entail lies at the heart of the impasse between states and indigenous peoples as they debate indigenous rights claims.

The reindeer herding right in the "Taxed Mountain" case is one example of the ongoing struggle for Saami land-use rights. The Swedish Saami contested the government's ownership of the land in northern Sweden because of the land's importance to Saami livelihood.<sup>19</sup> Another example is the recent Swedish legislation that rescinded the Saami's exclusive small-game hunting rights. In the Taxed Mountain case, Saami organizations challenged the state's right to allow non-indigenous sport hunting in Sweden. The Nordic Saami argued unsuccessfully that hunting in Northern Sweden was the exclusive right of the Saami as a part of Nordic Saami subsistence.<sup>20</sup> This setback was especially disheartening to Saami because without the right to land, the Saami feel their traditional means of livelihood is threatened.

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<sup>17</sup> Tomas Cramér, "The Sami People in the Sight of Swedish Law," in *Nordisk Tidsskrift for International Ret: Acta Scandinaviaca Juris Gentium* 51, 1982, 22, and Karl Nickul, *The Lappish Nation: Citizens of Four Countries*, (Bloomington, IN: Indiana University Publications, 1977), 53.

<sup>18</sup> Ms Daes is Irene Daes of Greece, who is a champion of indigenous rights at the United Nations and chairperson/rapporteur of the WGIP. Quote from United Nation, Department of Public Information, *The Significance of Land to Indigenous Peoples*, (New York, 1999, DPI/2068), 1.

<sup>19</sup> The "Taxed Mountain" case is discussed in greater detail in chapter two.

The Saami, through their Nordic Saami Council, *were* effective in fighting for land-rights recognition through the use of UN mechanisms. Norway had to update its land-rights policies before it ratified Convention No. 169. Saami representatives (from the Nordic Saami Council) fought desperately to strengthen the land-rights wording in Convention No. 169, and they succeeded.<sup>21</sup>

Conceivably, the support of nations such as Canada and Norway gave credence to the changes to ILO Convention No. 169 proposed by Saami representatives; however, the original impetus came from the Saami delegation. At first the language proposed for the 1989 Convention gave strong explicit and implicit land-rights, and the Saami were able to negotiate more. Multiple articles were visited and revisited in order to stress the significance of land-rights. Saami leaders proposed that Article 14, paragraph 1 read "Special measures should be taken to safeguard the control of the peoples concerned over the renewable resources pertaining to the lands which they occupy, including flora and fauna, inland and coastal waters, and sea ice."<sup>22</sup> They wanted Article 7 paragraph 4 to read, "Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit including the biosphere, air, inland and coastal waters and sea ice."<sup>23</sup> This phrasing was not adopted, but the wording that was adopted displays the value given to the issue of land-use rights for Nordic Saami. The Saami believe

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<sup>20</sup> Henry Minde, "The International Movement of Indigenous Peoples: An Historical Perspective," in *Becoming Visible - Indigenous Politics and Self-Government*, translated by Michael Drake, edited by Terje Brantenberg, Janne Hansen, and Henry Minde, (Tromsø, Norway: University of Tromsø, Sámi dutkamiid guovddáš - Centre for Sámi Studies, 1995), 15.

<sup>21</sup> International Labor Organization, *76th Session 1988 Report IV (2A), Partial Revision of the Indigenous and Tribal Populations Convention, 1957 (#107)*, (Geneva, 1988), 32-33 and 35.

<sup>22</sup> *Ibid.*, 39.

<sup>23</sup> *Ibid.*, 22.

there are minimum standards for land-rights and land-use rights for all people. The final ILO Convention *did* include the Saami changes to Article 14 almost in their entirety, a significant victory for the Saami in their fight to protect indigenous land rights.<sup>24</sup>

Thus, the Nordic Saami delegates were successful at changing actual UN policy. They achieved the precise wording they thought to protect land-use rights in ILO Convention No. 169. The Saami delegates who introduced this wording had already learned that specifics were necessary in UN policies in order to more thoroughly protect rights.<sup>25</sup>

Regardless of the fact that only some of the ILO Convention revisions submitted by Nordic Saami activists were adopted into the final document, the changes made are important. They create a form of protection in Norway at least, for Saami. They also outline the effectiveness of Nordic Saami lobbying at the UN.

#### Alternative Avenues for Change

Saami politicians are pursuing other avenues in asserting their rights with the idea that they may have achieved as much as they can within the UN. Some members of the Saami Parliaments are frustrated with the rate of change within the UN. Vice President of the Norwegian Saami Parliament, Ragnhild Nystad, put it succinctly, "Declaration work is

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<sup>24</sup> International Labor Organization, *Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO no. 169)*, 72 ILO Official Bulletin, 59), entered into force September 5, 1991.

too slow. I expected that we would have gotten more recognition.”<sup>26</sup> In 1995, the Saami Council reiterated to the Commission on Human Rights the need to speed up the UN process.<sup>27</sup>

Based on her frustration with the slow pace of reform within the UN, Ms. Nystad decided to pursue intensively, greater inclusion of the Nordic Saami into the Barents Council, a regional international organization that addresses the importance of the Barents Euro-Arctic Region (BEAR).<sup>28</sup> The Barents Council is seen as vital to protecting cultural, environmental, economic, and indigenous interests in this region of the Arctic.

Ms. Nystad has also been redirecting Saami energy and resources into Arctic Council participation. The Arctic Council is a circumpolar international organization designed to protect the non-military interests in the area.<sup>29</sup> The Saami Council and Inuit Circumpolar Conference were the first indigenous participants of the Arctic Council, and the Saami want to become more involved in the future.<sup>30</sup> The Arctic Council is exceptional for Saami interests, because it allows for increased action and cooperation between the Saami Council

<sup>25</sup> John Bernard Henriksen, Advisor, Norwegian Ministry of Foreign Affairs, Human Rights Division, telephone interview by author, (July 30, 2002).

<sup>26</sup> Ragnhild Lydia Nystad, Vice President of Norwegian Saami Parliament, interview by author, (Karasjok, Norway, June 4, 2002). This quote is in reference to the yet unratified Universal Declaration on Indigenous Rights of ECOSOC.

<sup>27</sup> Saami Council, Statement to the United Nations Economic and Social Council, Commission on Human Rights, *Fifty-second Session Item 4 of the provisional agenda Open-ended Inter-Sessional Working Group on a draft UN declaration on the rights of Indigenous Peoples*, (Geneva, , May 27, 1995, E/CN.4/1995/WG.15/4), 5.

<sup>28</sup> BEAR is a geo-political region comprising the Barents Sea, north of the Nordic countries and Russia and the terrestrial masses surrounding the Sea. It is and has been of supreme political, strategic, and economic importance to Russia and Norway (among others), for centuries. For more information about the Barents Euro-Arctic Region, Kai Granholm, *The Barents Euro-Arctic Council*, (Virtual Finland, 2001).

<sup>29</sup> Its members include the eight circumpolar nations and the indigenous groups in the region. It is instrumental in government-indigenous relations. Arctic indigenous groups are considered (nearly), full members of the organizations.

<sup>30</sup> The Inuit Circumpolar Conference is the NGO which represents the Inuit of Greenland, Canada, Alaska, and Russia.

and the member states. The Arctic Council offers the Nordic Saami another arena for pursuing their rights requirements in Fenno-Scandinavia.

### European Union

While Saami have benefited from their states' membership in the UN, and they foresee benefits from the Arctic Council participation, they have strongly opposed inclusion of their states in the European Union (EU). Saami reindeer-herders viewed agricultural and animal husbandry legislation in the European Union as too restrictive, and therefore harmful, to Saami interests. The legislation that was already in place within the EU was tailored to large-scale market-oriented operations, and in the view of Saami herders, not suitable for the smaller reindeer-based economies in Northern Europe. Saami activists therefore lobbied intensively at the national and international level against entering the EU. In response to Saami concerns, Norway's, Sweden's, and Finland's governments prepared reports outlining the foreseeable impacts of such a move on the Saami.<sup>31</sup> Saami's lobbying of their governments and the EU, caused reindeer-husbandry and market controls to be separated from traditional livestock regulations. Though Norway never entered the EU, Sweden and Finland did so with the condition that this reindeer herding stipulation be included. This was a major victory for the Saami in protecting their rights in a venue other than the UN.

In conclusion, the Saami leadership feels they have succeeded in creating a level of legitimacy and trust for themselves within the UN. The changes they have made have laid the

groundwork for Nordic governmental accountability. They have fought for and achieved educational, linguistic, and cultural rights. Through ILO's Convention No. 169 and Article 27, the Saami have achieved many of the gains they sought. The land-rights are still a matter of contention, but other international venues may prove worthwhile toward this end.

For Nordic Saami leadership there has been satisfaction and dissatisfaction when it comes to their struggle for freedoms and rights. John Henriksen confidently notes, "the Saami Council, together with the other indigenous peoples' organizations with advisory status, constitute a form of guarantee for the world's indigenous peoples..."<sup>32</sup> These groups make up a form of guarantee because they call attention to the conditions of indigenous peoples. In the case of Saami freedoms and rights, many feel pleased that their work has been rewarded, but they are not yet completely satisfied. Counter to John Henriksen's sentiment, Vice President Nystad is one of the leaders who have found a need for increased international action in other organizations. Local and national participation had primary significance in the 1960s and 1970s. In the 1980s, 1990s, and into the twenty-first century, the UN and regional cooperation became a new source of hope. These changes of venue

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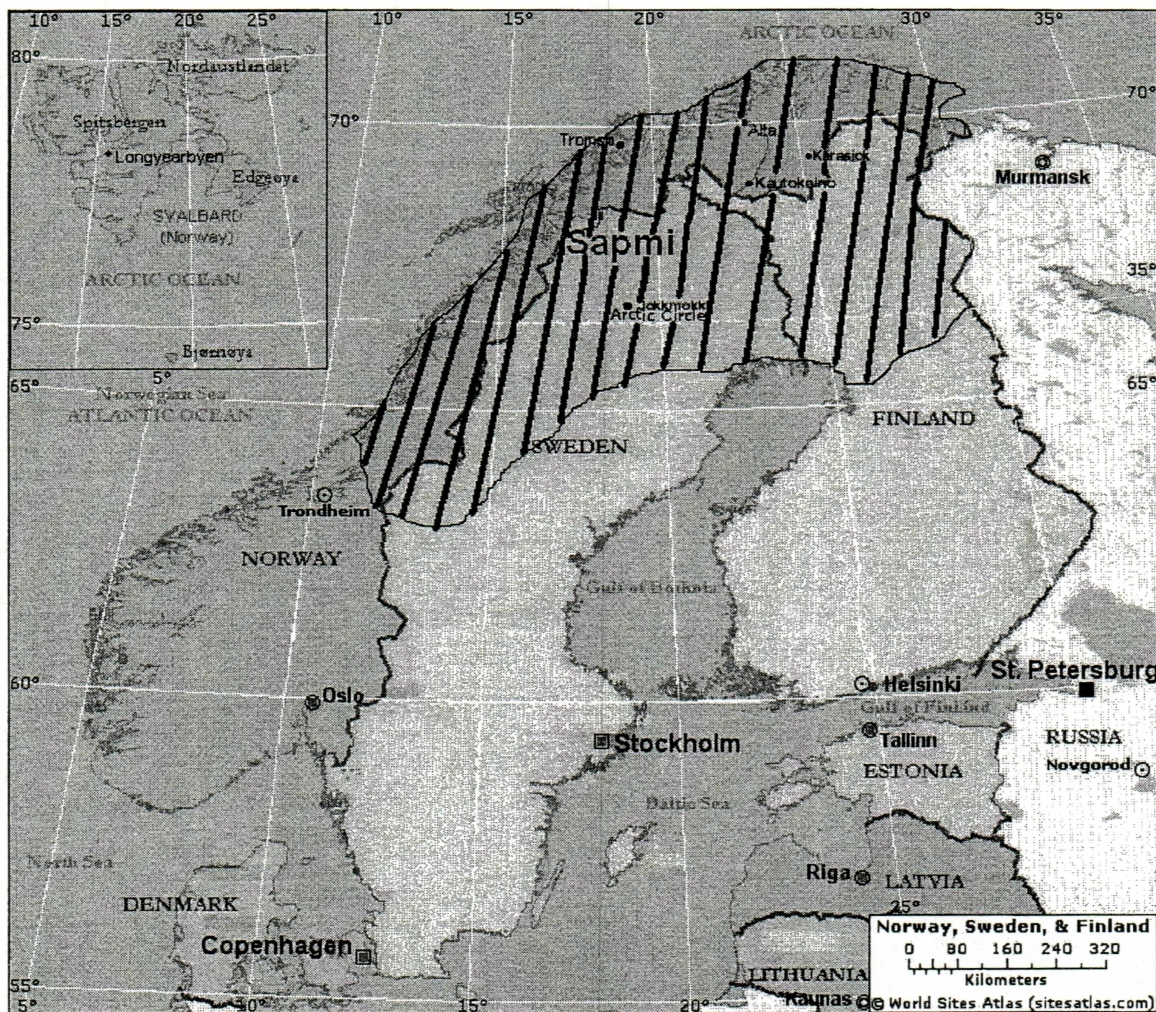
<sup>31</sup> Leif Dunfjeld, Senior advisor, Norwegian Ministry of Municipality Affairs, Office of Immigrants and Saami, interview by author, (Oslo, Norway, June 14, 2002).

<sup>32</sup> John Bernard Henriksen, *Saami Parliamentary Co-operation: An Analysis*, Guovdageaidnu [Kautokeino], Norway: Nordic Sami Institute, IWGIA doc. no. 93, 1999), 28.

illustrate the resourcefulness and flexibility of the Saami, which have contributed to their efficacy in pursuing indigenous rights.



APPENDIX



Norway, Sweden, & Finland  
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Kilometers  
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## LITERATURE CITED

- Aikio, Pekka. Statement to the United Nations, Economic and Social Council, Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Working Group on Indigenous Populations on behalf of the Observer Delegation of the Government of Finland. *11th Session, Review of Developments*. Geneva, July 30, 1993. E/CN.4/Sub.2/AC.4/1993.
- Anaya, James S. *Indigenous Peoples in International Law*. New York: Oxford University Press, 1996.
- Ählström. Introduction. *The History of Lapland*. by Johannes Schefferus. Stockholm: Rediviva Publishing House, 1971.
- Baer, Lars Anders. "The Saami of Scandinavia and Russia: Great Strides towards Self-Determination since World War II." *Cultural Survival Quarterly*. Spring 1994.
- \_\_\_\_\_. Statement to the United Nations, Economic and Social Council on behalf of the Nordic Saami Council. *49th Session Commission on Human Rights, Summary Record of the 24th Meeting*. Geneva, February 17, 1993. E/CN.4/1993/SR.24.
- \_\_\_\_\_. Statement to the United Nations, Economic and Social Council, Commission on Human Rights on behalf of the Saami Council. *53rd Session Summary Record of the 33rd Meeting*. Geneva, April 2, 1997. E/CN.4/1997/SR.33.
- \_\_\_\_\_. Statement to the United Nations, Economic and Social Council, Commission on Human Rights, Sub-Commission on Prevention and Discrimination and Protection of Minorities on behalf of the Saami Council. *48th Session Summary Record of the 29th Meeting*. Geneva, August 26, 1996. E/CN.4/Sub.2/1996/SR.29.

- \_\_\_\_\_. Statement to the United Nations, Economic and Social Council, Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Working Group on Indigenous Populations on behalf of the Saami Council. *11th Session, Review of Developments*. Geneva, April 3, 2000. E/CN.4/Sub.2/2000/3.
- Barsh, Russell. Adjunct Professor at New York University of Law. Personal communication with author. Permanent Forum on Indigenous Issues, New York, February 20, 2002.
- Bjørklund, Ivar. *Sápmi: Becoming a Nation*. Tromsø, Norway: Tromsø University Museum, 2000.
- Blom, Grethe Authen. *Trøndelag*. Trondheim, Norway: Trondheim Kommune, 1974.
- Borneo Resources Institute Malaysia. *Indigenous-to-Indigenous Concept on Human Rights Training*. <http://brimas.www1.50megs.com/IP-HR-Training.htm>.
- Broderstad, Else Grete. "Political Autonomy and Integration of Authority: The Understanding of Sami Self-Determination." in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland, Norway, Russia and Sweden*. Guest editor, Andreas Føllesdal. Dordrecht, The Netherlands: Kluwer Law International 8, no. 2-3, 2001.
- Brøsted, Jens. Statement to the United Nations Economic and Social Council Working Group on Indigenous Populations. *11th Session*. July 19, 1993. E/CN.4/Sub.2/AC.4/1993/Add.1.
- Burger, Julian. *Report from the Frontier: The State of the World's Indigenous Peoples*. London: Zed Books Ltd., 1987.
- Cramér, Tomas. "The Sami People in the Sight of Swedish Law." in *Nordisk Tidskrift for International Ret: Acta Scandinaviaca Juris Gentium* 51, 1982.

Dellenbrant, Jan Åke and Ulf Wiberg, ed. *Euro-Arctic Curtains*. Umeå, Sweden: CERUM, 1997.

Donnelly, Jack. *Universal Human Rights in Theory and Practice*. Ithaca, New York: Cornell University Press, 1989.

Dunfeld, Leif. Senior advisor, Norwegian Ministry of Municipality Affairs, Office of Immigrants & Saami. Interview by author. Oslo, Norway, June 14, 2002.

Eide, Asbjørn. "Legal and Normative Bases for Saami Claims to Land in the Nordic." in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland, Norway, Russia and Sweden*. Guest editor, Andreas Føllesdal. Dordrecht, The Netherlands: Kluwer Law International 8 no. 2-3, 2001.

Fitz Gibbon, Constantine. *A Concise History of Germany*. New York: Viking Press, 1973.

Forsythe, David. *Human Rights and World Politics*. 2<sup>nd</sup> ed. Lincoln, Nebraska: University of Nebraska Press, 1989.

Friis, J. A. *En Sommar i Finnmarken, Ryska Lappland och Nordkarelen: Skildringar af Land och Folk*. Stockholm: P. A. Huldbergs Bokhandel, 1872.

Granholm, Kai. *The Barents Euro-Arctic Council*. Virtual Finland, 2001.

Heininen, Lassi. Nordic scholar and professor. Personal communication to author. Northern Research Forum's Second Open Meeting. Veliky Novgorod, Russia, September 22, 2002.

\_\_\_\_\_. "The Sami as a Pan-National Actor." in *Conflict and Cooperation in the North*. Kristiina Karppi and Johan Eriksson, ed. Umeå, Sweden: University of Umeå, 2002.

Henriksen, John Bernard. Advisor, Norwegian Ministry of Foreign Affairs, Human Rights Division. Telephone interview by author. July 30, 2002.

\_\_\_\_\_. Email communication to author. January 22, 2003.

\_\_\_\_\_. *Saami Parliamentary Co-operation: An Analysis*. Guovdageaidnu (Kautokeino), Norway: Nordic Sami Institute, IWGIA Doc. No. 93, 1999.

Hocking, Barbara Ann and Barbara Joyce Hocking. "Colonialism, Constitutionalism, Costs and Compensation: A Contemporary Comparison of the Legal Rights and Obligations of and towards the Scandinavian Sami and Indigenous Australians." in *Nordic Journal of International Law*. 68. Dordrecht, The Netherlands: Kluwer Law International, 1999.

*Important Years in Saami History*. <http://www.itv.se/boreale/history.htm>.

International Labor Organization. [www.ilo.org](http://www.ilo.org).

International Labor Organization. *76th Session 1988 Report IV (2A) Partial Revision of the Indigenous & Tribal Populations Convention, 1957 (#107)*. Geneva, 1988.

International Labor Organization, *Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169)*, 72. ILO Official Bulletin. 59, entered into force Sept. 5, 1991.

International Work Group on Indigenous Affairs. *The Indigenous World: 1999/2000*. Copenhagen: IWGIA, 2000.

Jagland, Thorbjorn. Statement to the United Nations' Economic and Social Council's Commission on Human Rights on behalf of the Norwegian Ministry of Foreign

Affairs. *Agenda Item 5: Review of Recent Developments Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous Peoples*. Geneva, April 3, 2000. E/CN.4/Sub.2/2000/SR.35.

*The Kola Lapps*. [http://www.eki.ee/books/redbook/kola\\_lapps](http://www.eki.ee/books/redbook/kola_lapps).

Koy. Statement to the United Nations Economic and Social Council's Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities on behalf of the Nordic Saami Council. *45th Session Summary Record of the First Part (Public) of the 33rd Meeting*. Geneva, August 25, 1993. E/CN.4/SUB.2/1993/SR.33.

Kuokkanen, Rauna. Statement to the United Nations Economic and Social Council's Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities on behalf of the Saami Council. *49th Session Summary Record of the 16th Meeting*. Geneva, August 15, 1997. E/CN.4/SUB.2/1997/SR.16.

Kvist, Roger. "The Racist Legacy in Modern Swedish Saami Policy" in *Canadian Journal of Native Studies*. 14:2, 1994.

Larsen, Karen. *History of Norway*. Princeton: Princeton University Press, 1948.

L'auravet'an. *Bulletin # 40: "Anniversary"* <http://www.indigenous.ru/english/english.htm>.

Lepage, Pierre. "The Long Struggle for International Recognition Indigenous Peoples and the Evolution of International Standards: A Short History." in *Aboriginal Peoples: Toward Self-Government*. edited by Marie L'eger. Montréal: Black Rose Books Ltd., 1994.

- Lewis, Dave. *Indigenous Rights Claims in Welfare Capitalist Society: Recognition and Implementation: The Case of the Sami People in Norway, Sweden and Finland*. Rovaneimi, Finland: University of Lapland Press, 1998.
- Magga, Ole Henrik. Chairperson of the Permanent Forum on Indigenous Issues. Email communication to author. June 25, 2002.
- Maybury-Lewis, David. *Indigenous Peoples, Ethnic Groups and the State*. Boston: Allyn & Bacon, 2002.
- Mayell, Helen. "Bones, Tools Push Back Human Settlement in Arctic Region." in *National Geographic*  
[http://news.nationalgeographic.com/news/2001/10/1001\\_arctichabitation.html](http://news.nationalgeographic.com/news/2001/10/1001_arctichabitation.html).
- Means, Bill. Public Lecture. Minneapolis, MN, March 14, 2003.
- Minde, Henry. "The International Movement of Indigenous Peoples: An Historical Perspective." in *Becoming Visible - Indigenous Politics and Self-Government*. translated by Michael Drake. edited by Terje Brantenberg, Janne Hansen, and Henry Minde. Tromsø, Norway: University of Tromsø, Sámi dutkamiid guovddáš - Centre for Sámi Studies, 1995.
- \_\_\_\_\_. "The Saami Movement, the Norwegian Labour Party and Saami Rights" in *Samene: Urbefolkning og Minoritet*. edited by Trond Thuen. Tromsø, Norway: Tromsø University Press, 1980.
- \_\_\_\_\_. "Den Samepolitiske Mobiliseringens Vekst og Fall ca. 1900-1940" in *Nasjonal Identitet - et Kunstprodukt?* edited by Øystein Sørensen. Oslo: Norges Forskningsråd, 1994.

- \_\_\_\_\_. "Sami Land-rights in Norway: A Test Case for Ind. Peoples." in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland, Norway, Russia and Sweden*. Guest editor, Andreas Føllesdal. Kluwer Law International 8 no. 2-3, 2001.
- Nickul, Karl. *The Lappish Nation: Citizens of Four Countries*. Bloomington, IN: Indiana University Publications, 1977.
- Niemi, Einar. "Sami History and the Frontier Myth: A Perspective on Northern Sami Spatial and Rights History." in *Sami Culture in a New Era: The Norwegian Sami Experience*. edited by Harald Gaski. Karasjok, Norway: Davvi Girji OS, 1997
- Nordic Saami Council. *Sámiráđđi: The Sami and Other Indigenous Peoples*. Helsinki?: Ohcejohka, 1983.
- \_\_\_\_\_. Statement to United Nations, Economic and Social Council, Commission on Human Rights. *51st Session, Item 16 of the Provisional Agenda Implementation of the Programme of Action for the 3rd Decade to Combat Racism and Racial Discrimination*. Geneva, July 13, 1994. E/CN.4/1995/77.
- Nordic Saami Council, ICC, International Work Group For Indigenous Affairs and Anti-Slavery International. Written Statement Submitted by the, NGOs in Consultative Status to the United Nations Economic and Social Council. Geneva, July 29, 1991. E/CN.4/Sub.2/1991/NGO/3.
- Nordstrom, Byron. *Scandinavia Since 1500*. Minneapolis: University of Minnesota Press, 2000.
- Norske Offentlige Utregninger. *Om Samenes Rettsstilling*, NOU 1984:18. Oslo: Universitetsforslaget, 1984.



Nystad, Ragnhild Lydia. Vice President, Norwegian Saami Parliament. Interview by author. Karasjok, Norway, June 4, 2002.

Paine, Robert. *Dam a River, Damn a People? Saami (Lapp) Livelihood and the Alta/ Kautokeino Hydro-Electric Project and the Norwegian Parliament*. Copenhagen: International Work Group for Indigenous Affairs, 1982.

Saami Council. *Saami Anthem*. Translated by Ragnar Müller-Wille and Rauna Kuokkanen. <http://www.saamicouncil.org/english/song.html>.

\_\_\_\_\_. Statement to the United Nations, Economic and Social Council, Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Working Group on Indigenous Populations. *15th Session, Item 5, Review of Development Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous People: Environment, Land and Sustainable Development*. June 16, 1993. E/CN.4/Sub.2/AC.4/1997/3/Add.1.

\_\_\_\_\_. Statement to United Nations Economic and Social Council's Commission on Human Rights. *51st Session, Item 16 of the Provisional Agenda Implementation of the Programme of Action for the 3rd Decade to Combat Racism and Racial Discrimination*. Geneva, July 13, 1994. E/CN.4/1995/77.

\_\_\_\_\_. Statement to the United Nations, Economic and Social Council, Commission on Human Rights. *Fifty-second Session Item 4 of the provisional agenda Open-ended Inter-Sessional Working Group on a draft UN declaration on the rights of Indigenous Peoples*. May 27, 1995. E/CN.4/1995/WG.15/4.

Semb, Anne Julie. "How Norms Affect Policy: The Case of Sami Policy in Norway." in *International Journal on Minority and Group Rights: Special Issue on Sami Rights in Finland*,

- Norway, Russia and Sweden. Guest editor, Andreas Føllesdal. Dordrecht, The Netherlands: Kluwer Law International 8 no. 2-3, 2001.
- Sillanpää, Lennard. *Political and Administrative Responses to Sami Self-Determination: A Comparative Study of Public Administrations in Fenno-Scandia on the Issue of Sami Land Title as an Aboriginal Right*. Helsinki: Finnish Society of Science & Letters, 1994.
- Slezkine, Yuri. *Arctic Mirrors: Russia and the Small Peoples of the North*. Ithaca, NY: Cornell University Press, 1994.
- Smith, Carsten. "The Development of Sami Rights since 1980" in *Becoming Visible - Indigenous Politics and Self-Government*. edited by Terje Brantenberg, Janne Hansen, and Henry Minde. Tromsø, Norway: University of Tromsø, Sámi dutkamiid guovddáš - Centre for Sámi Studies, 1995.
- \_\_\_\_\_. *Rettstenkning i Samtiden: Rett, Økonomi, Politikk*. Oslo: Universitetsforlaget, 1992.
- Somby, Ande. Norwegian Saami attorney. Personal communication with author. University of Alaska, Fairbanks, February 11, 2002.
- \_\_\_\_\_. Personal communication with author. University of Alaska, Fairbanks, February 20, 2002.
- \_\_\_\_\_. Personal communication with author. University of Alaska, Fairbanks, March 6, 2002.
- Stomberg, Andrew A. *A History of Sweden*. New York: The Macmillan Company, 1931.
- Tacitus, Cornelius. *Germania*. translated by J. B. Rives. Oxford: Clarendon Press, 1999.

Trask, Mililani. Independent Expert, Permanent Forum on Indigenous Issues. Statement to the United Nation, Permanent Forum on Indigenous Issues, New York, May 13, 2002.

Trollvik, Mary Mikalsen. Former Vice President of Norwegian Saami Parliament. Statement on behalf of the Nordic Countries to the United Nations General Assembly. New York, December 10, 1992. A/53/310.

Tum, Rigoberta Menchu. Nobel Peace Prize Laureate. Statement to the United Nations Economic and Social Council's Permanent Forum on Indigenous Issues. New York, May 13, 2002.

United Nations Development Program. *Feature for the Month of August 2002: Bangladesh*. 2002. <http://www.un-bd.org/undp/feature/2002/0802>.

United Nations, Economic and Social Council, Commission on Human Rights, Sub-Commission on the Protection of Minorities and Promotion of Human Rights. *36th Session, Agenda Item 11, Study of the Problem of Discrimination against Indigenous Populations, Report of the Working Group on Indigenous Populations on its 2nd Session*. Geneva, August 23, 1983. E/CN.4/Sub.2/1983/22.

United Nations, Economic and Social Council. *Economic, Social and Cultural Rights Committee Examines Report on Norway*. Press Release: HR/4243, Geneva, 1995.

United Nations, General Assembly. *53rd Session Item 110 of the Provisional Agenda Programme of Activities of the International Decade of the World's Indigenous People: Status of the United Nations' Voluntary Fund for Indigenous Populations, Report of the Secretary General*. New York, August 20, 1998. A/53/282.

- U.S. Bureau of the Census. *1990 Census of Population: "Characteristics of American Indians by Tribe and Language,"* CP-3-7, 1990.
- Velin, Jo-Anne. "Half Light in the Norwegian Arctic Making the ILO Convention on Indigenous People Work: Saami People Seek their Due" from the ILO's *World of Work*. No. 21, September/October 1997.
- Wadhwa, Rakesh. *Difference in Rates of Growth: Significance for Nepal*. The Centre. August 2002.  
[http://www.ccsindia.org/people\\_rw\\_differences.htm](http://www.ccsindia.org/people_rw_differences.htm).
- Wilmer, Franke. *The Indigenous Voice in World Politics since Time Immemorial*. Newbury Park, CA: SAGE Publications, 1993.
- Østreg, Willy, ed. *National Security and International Environmental Cooperation in the Arctic: The Case of the Northern Sea Route*. Dordrecht, The Netherlands: Kluwer Academic Publishers, 1999.
- \_\_\_\_\_. Personal communication to author. University of Alaska, Fairbanks, October 10, 2001.