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THE INDIGENOUS PEOPLE SAAMI AND THEIR
CROSS-BORDER COOPERATION IN THE NORTH OF
EUROPE

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School of Management

Master's Programme in International Relations CBU

Master's Thesis

May 2014

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Master's Thesis, 75 pages
May 2014

The indigenous people Saami have very special distinctive feature - they live on the territories of four states: Norway, Sweden, Finland and Russia. Nowadays they enjoy all rights, which were given to them after decades of assimilation policy and mistreatment, therefore current Saami policy of Nordic states is a vivid example of good implementation of the multiculturalism. Cross-border cooperation of the Saami in political and other spheres highlights their common culture, history and goals. Such interaction between them across national borders leads not only to developments at the international level, but also influences the Saami policies within the states.

This thesis analyzes current national Saami policies of Nordic states, consequences of the Saami people cooperation across borders of the states and the unifying factors, which form the basis of such cooperation process. Therefore the main object of the research is the ways of cooperation between the Saami from different countries. To examine this object I apply mostly the comparative method, because each Nordic country has its own historical background of relations with the Saami, individual current policy regarding indigenous peoples and therefore the extent of participation of the Saami from every country in a common cooperation depends on these above-mentioned factors.

The basis for this analysis includes first of all the documents (declarations, agreements, draft convention), which were created and ratified by the Saami people of all Nordic states and also documents (constitutions, national acts and political parties' programs), which are referred to the national law regarding the Saami rights on the territory of each state individually. The documents of the UN regarding all indigenous peoples in general and their rights play a very important role as well, because they constitute the foundation for the national legislation and hence influence the Saami policy of each of these states. The data collection consists of all these documents and also other surveys and researches.

Cross-border cooperation of this indigenous people has many significant consequences for the indigenous movement around the world in general and for development of the Saami rights in every Nordic state in particular. Even nowadays when they achieved great results in developing of their rights and joint cooperation in political sphere, it's still important for them to maintain their cooperation in basic for them spheres, like culture and traditional livelihoods, which undoubtedly constitute the foundation for any other kind of cooperation. In a broader context the Saami movement and results of their cooperation can influence other indigenous peoples in the world to struggle for their rights, especially the ones who are separated by the frontiers of different states.

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1. Introduction

The Saami are the indigenous people of the North of Europe, which differ from many other minorities by the fact that they inhabit territories of several states: Norway, Sweden, Finland and Russia. Such unique situation creates certain obstacles for their cooperation with each other and at the same time helps them to strive for their rights more successfully. Despite the borders of the states the Saami are united by their common identity, culture, language and way of life. All alliances between them emphasize first of all not their shared history and other features, but their common goals in achieving more rights and the opportunities for the actual influence on the decision-making process regarding all important for them issues.

The negative consequences of the former assimilation policies of the Nordic states regarding the Saami people are still visible nowadays, but at the same time they made the Saami people to unite in order to save and maintain their culture. The Saami from Russia also take some part in common Saami movement for the rights, but not the equal part to the others. That's why the research is aimed first of all to examine the cooperation between the Saami from the Nordic states. The main **aim** of the thesis is to determine the channels of cross-border cooperation of the Saami people.

For the last few decades thanks to the development of international law regarding universal human and indigenous rights and to the joint cooperation of the Saami representatives, they achieved great results and were granted with all necessary rights for the maintaining their culture and way of life. Nowadays they advance the cooperation on new areas and also at the international level by creating joint representative organizations. Such recent developments constitute the **relevance** of this research.

The main **research question** is the following: what is the role of the Saami cross-border cooperation in their struggle for the rights on the national level? Such question is based on the assumption that in future the Saami would claim for more political rights and perhaps even someday they as one indigenous people from several states would express the desire and willingness to separate from these states and create their own. And if they don't have such political plans, what is the main goal of this

cooperation? I examine in the research internationally approved rights of indigenous peoples in general and international discussion regarding the self-determination and separation problems.

Multiculturalism is taken as a foundation for the whole research, because the main **hypothesis** of my research is that the current Nordic policies regarding the Saami are the direct implementation of this theory. That's why it's not easy to make a clear distinction here between the theory and the actual policies, which are based on this theory. Practical aspects of this research are examined through the prism of multiculturalism and at the same time they include features of some other theories, which are examined as well in the theoretical chapter.

It's necessary to mention that I apply in the research the concept "North of Europe", because I examine here some specific countries, but not the whole region. Other concepts like "Northern Europe" include some other countries, which are unnecessary for this research. Therefore I suppose that the notion "North of Europe" is more geographical one, but not the political and for the present research the definition of the region should be geographical, because politically here it doesn't play a big role.

The **novelty** of this thesis is the approach of the research. The Saami here is considered and examined as one ethnic minority, which is just separated by the territories of several states, meanwhile most of the researches are aiming at evaluation of the Saami people rights individually in every country. This thesis as well to some extent compares them separately, because of some significant differences, but the main concept here is to consider the Saami people and their cross-border cooperation on the basis of the idea that they represent themselves as the one united community. Such approach from my point of view is more relevant, because they perceive and present themselves on international level as one indigenous people without separation on groups.

My chosen points of view are relevant and fruitful to study because for the last decades the Saami succeed to achieve great results within each individual state and what is more important on international level thanks to their joint actions. The process of negotiating and struggling for political rights was never easy for them, but

nevertheless nowadays they possess such rights, which were hard to imagine few decades ago. Therefore it's possible to predict for future the impact that the Saami movement will make on other indigenous peoples' movements in general and for the Saami from all four countries including Russia in particular.

The main contradiction of the thesis is the correlation of basic human rights and special rights for indigenous peoples, because all of them in general and the Saami in particular want to be treated as equal citizens with the same rights as others, but at the same time they claim special rights due to their status. And it's crucial for them to decide the basis for their struggle for the rights.

Topic of my research interlinks with two main international movements: political and economic integration of states (creation of governmental organizations and increased interdependency of countries) and development of civil society movements (for example, human rights and environmental movements, which lead to cooperation of people from different countries). The Saami movement arose in each country independently, but as one national minority they succeeded to gain main political rights and manifest themselves on the international level only thanks to the joint cooperation.

The issues of the indigenous peoples' rights and the Saami people are examined not fully among the researchers, mainly because of the fact that all main changes in this sphere have happened quite recently. At the same time such situation adds additional advantages, because most of the people who research these questions nowadays are actually taking part in the decision-making process in the system of the United Nations and in the Saami Parliaments of the Nordic states.

First of all it's necessary to mention all important official documents, which constitute the methodological basis of the research: the section of the UN's documents (the Declaration on the Rights of Indigenous Peoples¹, International Covenant on Civil and Political Rights, UN Millennium Declaration², Declaration of Principles of

¹ United Nations Declaration on the Rights of Indigenous Peoples (2007)

² United Nations Millennium Declaration (2000)

International Cultural Co-operation³), also the reports of the UN experts groups and the individual reports of the Special Rapporteur (Human Development Report on cultural liberty in today's diverse world, reports from the UNESCO meetings, reports by the UN special rapporteur on the situation of human rights and fundamental freedoms of indigenous people James Anaya, study on the indigenous populations by the UN expert Jose Cobo). All these documents help to examine the current position of the indigenous peoples' rights in general in the system of international law. The International Labour Organization's Convention No. 169⁴ must be noted here separately, because it was the first document regarding any indigenous rights and is considered by rights to be the main fundamental document for all the following agreements and declarations regarding the indigenous peoples' rights.

The other section of sources, which represent the methodological basis for the research, is constituted by the national documents (Finnmark Act⁵, reports to the Storting, Saami Acts of all Nordic states, Storting White Papers⁶, the constitutions of the Nordic countries and the Russian Federation). This kind of documents helps to compare national Saami policies of the researched states and the authority of the Saami Parliaments there.

The other special section of sources consists of the agreements, which were adopted and signed by the Saami people within the framework of their cooperation (Declaration from the First Saami Parliamentarian Conference⁷, Joint press release from the Saami Council and the Saami Parliaments of all Nordic states⁸, Honningsvåg Declaration⁹, Nordic Saami Convention¹⁰, the Jokkmokk agreement¹¹). These documents and their contents reflect vividly the results of the joint work of all Saami from different states and help to examine main channels of such interaction and interests, which the Saami pursue.

³ Declaration of Principles of International Cultural Co-operation (1966)

⁴ International Labour Organization's Convention No. 169 (1989)

⁵ Finnmark Act (2005)

⁶ Storting White Paper No. 52 (1992 – 1993)

⁷ Declaration from the First Sami Parliamentarian Conference (2005)

⁸ Joint press release from the Sami Council and Sami Parliament of Finland, Norway and Sweden. Sami Parliaments and Sami Council (2007)

⁹ Honningsvåg Declaration (2004)

¹⁰ Nordic Saami Convention (2005)

¹¹ The Jokkmokk Agreement (2011)

Different researches on the problems of the Saami people and indigenous peoples in general constitute the great basis for the analysis. First of all it's necessary to mention the journal about the indigenous peoples rights "Gáldu Čála", which is totally devoted to the Saami people issues and consists of the important works of different scholars such as John Henriksen, Eva Josefsen, Henry Minde, Mattias Ahren, Hadi Lile. Most of them are connected somehow with the University of Tromsø in Norway, which conducts a great amount of researches on this topic. The works of the professors Henry Minde and Sidsel Saugestad from this university must be noted specially. They examined in their works the historical background of the process of creating the indigenous peoples communities around the world.

The theoretical background to the issues of indigenous peoples' rights is examined in the researches of the follower of the multiculturalism theory Will Kymlicka. He analyses from different points of view the theoretical origin of the indigenous peoples' rights and the processes of successful implementation of them.

The other scholars like Jarle Weigard, Trond Thuen, Jeffrey Sissons, Linda Smith, Asbjorn Eide provide with the important researches on practical issues of self-determination and other indigenous peoples rights. The problem of self-determination for all kinds of ethnic minorities will remain the controversial one in future as well; therefore the scholars and the international community will examine the problem of granted rights for the indigenous peoples and their unlimited cooperation with each other first of all from the point of view of this issue of the right to self-determination.

The researches of all above-mentioned scholars constitute mostly a basis for historical part of the thesis and the key terms and legislation part. It's necessary to mention that due to the fact that the Saami people are still struggling for their rights and it's a relevant and current issue, many of the researchers who examine this topic, are not only theoretical observers of this issue, but they take a direct part in the process of the Saami struggle for the rights. The fact that I use the works of scholars, who are the actual participants of the process, contributes a lot to my research, because if the person takes part directly for example in the process of negotiation of some problem, it means that his/her article will be based not only on theoretical and historical issues,

but on the actual personal experience and the notices that were taken during the negotiations. There is no doubt that if a scholar for example is the representative of the Saami people, his/her research may be not very impartial. But at the same time it's necessary to learn the opinions of "both sides" of the conflict, and the examination of the points of view of all participants is another specific feature of my research.

The structure of the thesis helps to organize and examine the topic in the best way. The introduction generalizes all main points of the research: aim, goals, research question, novelty of the thesis, main researched issues, resource and literature overview. The theoretical and methodological part examines first of all the main theory for the research – multiculturalism. This theory is linked with some other theories like liberalism, essentialism, constructivism and social Darwinism in the question of indigenous peoples and national minorities. Therefore these theories are examined here as well. Methodological part explains the choice of the comparative method for the research. I consider the next third chapter – Key terms and legislation – is very important basis for the thesis, because it consists of legal definitions and clarification of the difference between indigenous peoples and other national minorities. Such difference and definition of the category "indigenous peoples" are very crucial for the whole research, because the Saami movement for the rights and their cross-border cooperation are based on the idea that the indigenous peoples deserve special rights due to their special status. The issue of self-determination of national minorities, which is connected directly with the problem of separation, currently is a sore point for the international community. Therefore I consider that it is necessary to examine here this issue, because many politicians mistakenly suppose that the Saami's struggle for the right of self-determination can lead to the struggle for the right of separation. The following practical chapters illustrate that there's no such goal in the Saami political circles at all. The fourth historical chapter is a kind of interlink which leads directly to the practical issues of the Saami movement and cooperation. This chapter helps to follow all historical roots and the background for the cross-border cooperation of this indigenous people. The fifth chapter illustrates "non-political" basis for the cooperation and the current results of the interaction in these spheres, because people are united first of all by the common identity, language, culture, land, livelihoods. The perception of unity is based on these features and therefore this chapter examines the

basis for such unity. The next sixth chapter is dedicated to political aspects of the Saami cooperation and examines national Saami policies and the cooperation between the Saami on the national and international levels. The last chapter includes main conclusions of the research and the predictions of the impact of the Saami movement on their rights and joint cooperation and the rights of all indigenous peoples around the world in general.

2. Theoretical and methodological framework

2.1.1. Multiculturalism

Many multinational states face the controversial problem of creating a national identity and maintenance of ethnic and cultural diversity. There is no universal solution of this problem and every country uses its own approaches to solve it, but there are some common models of state policy regarding ethnic groups:

- Assimilation is based on the idea of the superiority of the dominant culture, homogeneity of the country by eliminating the diversity
- Segregation is based on the idea of the superiority of the dominant culture, while maintaining certain ethnic groups
- Integration is aiming to bring together different ethnic groups while maintaining the basic identity
- Multiculturalism is based on the recognition of ethnic diversity and equality.

Multiculturalism is a philosophical theory which was created as a result of liberal and communitarian debate in the late 80s. The concept of multiculturalism includes the idea of recognition of cultural and ethnic diversity. It's quite a new theory, but it's gaining more and more empirical support. North European countries successfully apply ideas of multiculturalism in their domestic policy. Liberal multiculturalism represents a distinctly Western conception of the relationship between dominant nation and individual ethnic groups. Countries of other regions have other experience and historical and political background, and hence other ways of dealing with issues of minorities, because "some of the factors that legitimate the claims of minorities in the West do not apply with the same force in other parts of the world".¹²

W. Kymlicka's theory is based on the principles of liberalism, which he considers as foundation for stability and prosperity of the society. Kymlicka pays special attention to the protection of primary goods as political rights for minorities. Usually the main claims of minorities are to maintain their languages and cultural traditions, and then to gain the rights to own and use the land, and then to gain some political rights. If ethnic

¹² Kymlicka 2007, p. 261.

groups which are situated on the territory of different states would like to form their own state, it can lead to serious problems. There are some examples in Middle East and Asia, but not yet in Europe.

Urs Altermatt claims in his book “Ethnonationalism in Europe” that multicultural societies can survive as political communities only if they manage to separate cultural from political identities.¹³ Therefore the successful implementation of multiculturalism means to certain extent only recognition of different cultures, but not the political rights or economic independence. Kymlicka considers federalism as the solution of this problem.¹⁴ He claims that federalism provides ethnic minorities with self-government and the ability to make decisions regarding their own future. But at the same time the most part of modern federal states were created regardless willingness of national minorities to the self-government.

The problem of definition of indigenous peoples is important for the theorists of multiculturalism. Kymlicka supposes that the international community should treat indigenous peoples as stateless nations, because they in general create the same problems. But for example other theorist James Anaya suggests to distinguish these two categories. Anaya states that due to the fact that for a long period of time indigenous peoples around the world had suffered from violation and deprivation, they deserve nowadays the right to self-determination and this fact distinguishes them from other minorities.

As we see at such situation it’s very difficult not only to define and divide indigenous peoples and stateless nations, but also it’s not easy to determine rights, which are belonged to each of national minorities. Kymlicka suggests that there is no need to establish different system of rights for these two categories of minorities, “it would only make sense to establish a permanent distinction between indigenous peoples and stateless nations if they had different inherent rights of self-determination¹⁵”. Such approach leads to the issue of need of concrete determination of the notion ‘indigenous

¹³ Altermatt 2000, p. 125.

¹⁴ Kymlicka 2005, p. 272.

¹⁵ Kymlicka 2001, p. 128.

peoples' and hence of the determination of the special rights for them and difference between their rights and rights of other kinds of minorities.

The founder of the theory of multiculturalism Charles Taylor claims that the society is formed through the process of recognition by others. That's why multiculturalism is a way of self-affirmation, the struggle for the recognizing of the uniqueness and equal rights for all groups. The aim of multiculturalism is to replace "uncivil relations of enmity and exclusion with more equitable relations of liberal-democratic citizenship".¹⁶ In other words, multiculturalism is the recognition that each minority differs from the others by certain set of characteristics, but they all have equal rights and respect each other cultures.

Multiculturalism theory in the context of the current research intersects with some other theories as well. First of all it is necessary to examine the liberal theory, because the main principle of multiculturalism is the equality of all minorities in the state, but it leads in practice to some controversial problems, which are discussed in the liberal theory.

2.1.2. Liberalism

United Nations Millennium Declaration considers the contradiction between fundamental principles of equality and principles of social justice as the main contradiction of modern age. The equality for ones can be injustice for the others, because the equality imposes the ability to fulfill all duties and to accept certain responsibilities, but national minorities who are willing to create new national states are not ready often to deal with that and they claim justice for themselves, which contradicts with principle of equality.¹⁷ Such contradiction is based on the main dilemma of liberalism: equal rights and right to be different. The practical implementation of this dilemma is examined in this chapter.

¹⁶ Kymlicka 2007, p. 261.

¹⁷ Travina 2007, p. 26.

The problem of indigenous peoples and their rights arose not only during last decades with the development of international law regarding human rights. The founder of liberalism John Locke in his book “Two Treatises of Government” (1690) examined the situation with the indigenous Indians and Europeans. He didn’t apply the notion ‘indigenous peoples’, but the category ‘nomadic communities’. ¹⁸ This English philosopher is considered to be a representative of the view that indigenous peoples don’t have rights due to the lack of customs and therefore lack of opportunity to use the rights. He provided also justification why such communities shouldn’t have any special rights. He correlated amount of given rights with the stage of civilization development. Locke claimed that European countries are on the highest level of development and people of Europe live in a civilized political society. The societies on the lowest stage can be characterized by nomadic way of life (hunting and harvesting), they don’t have any customs and they live in the so-called states of nature without any regulations and institutions of society and the constant sense of insecurity. That’s why such indigenous communities don’t meet necessary European requirements and standards to be able to create a political society and sovereign nation. Locke presented his theory in the 17th century, when all indigenous peoples indeed led nomadic and uncivilized way of life, but after few centuries the international community still perceives them as savages, who cannot have all economic and political rights, because they will not be able to manage such responsibility by themselves.

Nomadism implies that people abandon the land for some period of time and always find other places to live and new lands for agriculture, that’s why such indigenous people cannot have proprietary rights to any land. It was the main Locke’s argument why Europeans had all rights to own Indians’ lands. Such concept of terra nullius (vacant places) means that indigenous land has no owner, that’s why it can be claimed by anyone. Nowadays on the contrary the fact that indigenous peoples inhabited certain areas long time ago is an evidence that they have all land rights for these territories, even if they had to abandon these areas in search of new places to live, because in this case it’s very simple to prove who was the first on the certain area. That’s probably the great advantage of indigenous peoples over other national

¹⁸ Oskal 2001, p. 236.

minorities, because sometimes it's difficult to determine for sure who was first on a territory and who has more rights. Indigenous peoples mostly always are considered to be the first who inhabited the lands of the states.

But in the previous centuries all indigenous peoples were deprived of any rights. "From the nineteenth century onwards the processes of dehumanization were often hidden behind justifications for imperialism and colonialism which were clothed within an ideology of humanism and liberalism and the assertion of moral claims which related to a concept of civilized 'man'".¹⁹ Therefore such theoretical approach excused to some extent the acquiring process of the lands of indigenous peoples without their consent and deprivation of their rights.

Locke defended individual property rights, but all indigenous peoples from his point of view didn't match the criteria for such rights' appropriation. The main point here is not only the uncivilized way of life that they led, but first of all the fact they left territories after some time of use and that's why they don't have their own place and hence no exclusive right for lands for the next generations.

2.1.3. Essentialism

There are some other theories that touch upon such issues like national minorities. Two main approaches of them to examine such phenomena as ethnicity, ethnic minorities and nationalism are essentialism (primordialism) and constructivism (instrumentalism).

Essentialists (primordialists) suppose that ethnic minorities have always existed. They have their own features as race and language which were created by history. Therefore it should be essential for the international community to accept that fact that there are different national minorities in some states and that national governments have to deal with them by the policies of acceptance and respect of their rights. If their language and culture were created over centuries, national governments shouldn't make them forget it.

¹⁹ Smith 1999, p. 26.

Main actors to examine in essentialism are grass-roots organizations, collective institutions and communities, because indigenous peoples in this theory are examined as the unity that inhabit the territories of the states, but not as the community of individuals. I suppose that the principles of this theory are very favorable for all indigenous peoples, because here their problems are examined from their point of view, not from the point of view of national governments of states where such national minorities live.

Neo-primordialists suppose that the consciousness of the ethnic identity is becoming apparent only when there is an external threat.²⁰ Such view was expressed by Wallerstein in his book “The Capitalist World-Economy”:

“Ethnic consciousness is eternally latent everywhere. But it is realized only when the groups feel either threatened with a loss of previously acquired privilege or conversely feel that it is an opportune moment politically to overcome long-standing denial of privilege”.²¹

Therefore in many cases such sense of belonging to a separate ethnic minority and possessing the common identity with a special group of people is not the essential feature of each community, it's just the reaction of any minority in such situations when they feel that they can lose it. And if the essentialism supposes that ethnic minorities are natural phenomena, which always exist, neo-primordialism states that ‘active’ ethnic consciousness is not something that should be necessarily natural to them, they express it only in some cases. But from my point of view the sense of belonging to certain group of national minority is becoming apparent not only in the case of external threat, but in the case of comparing themselves with another national minority.

²⁰ Comaroff 1996, p. 165.

²¹ Wallerstein 1979, p. 184.

2.1.4. Constructivism

The representatives of constructivism (instrumentalism) have quite different point of view on the issues of indigenous peoples' identity. Constructivists give the following historical explanation for the ethnic minorities and indigenous peoples origin: their rise is connected with industrial revolution and certain events like colonialism. Constructivists consider elites at all levels (local, national and international) as main actors of their theory. Therefore such approach examines the issue of indigenous peoples not from the point of view of these peoples, but from the point of view of national governments and their international relations, hence this kind of approaches can be less favorable for national minorities, because it considers first of all interests of the national states, but not the indigenous peoples and other ethnic groups, who inhabit the territories of these states.

The constructionism is based on constructivism and includes several approaches for such phenomena as nationalism and ethnicity: realist perspective (claims like instrumentalism that collective identity is based on objective interests), cultural constructionism (explains that the process of separate groups' formation is based on symbols and common practice), political constructionism (claims that the elites of the states create ideologies and patterns and impose them on the population) and radical historicism (supposes that the long-term process of social identity formation is connected with a labor division).²²

Therefore constructivists connect the process of ethnic minorities' creation with some historical events and certain activities of the governments. Hence the common identity and sense of belonging to a special group are also based on these factors, therefore if it's not natural, if it was created by the influences of external factors, then it can be diminished very easily as well by the influence of other external factors. That's why it's not stable from my point of view and here comes the questions like why the national governments should spent their time and efforts on something that can be changed by certain events and actions of the states? Such theories creates the policies

²² Comaroff 1996, p.165.

of assimilation for example, because of course it's always easier diminish the object of the conflict than try to please all parties.

2.1.5. Social Darwinism

There is also another theory, which explains the need of elimination of ethnic minorities. Indigenous culture, language and the way of life are considered to be an obstacle to unite the people of the states in the theory of social Darwinism. The more minorities are in the country, the more heterogeneous and mixed the society becomes. And therefore it creates more problems for the state. Therefore the state should make them all "the same", which will prevent many social conflicts and struggles for the special rights.

The theory of Social Darwinism constitutes the basis for the concept of social evolution, which provides "an explanation for the tragic and fatal impact of Western colonialism around the world".²³ Such theorists as Fanon and Nandy supposed that colonialism brought chaos into indigenous communities, because the actions of colonizers disconnected peoples from their families, culture and history.²⁴ The problem here from my point of view is not only colonialism, but also the assimilation policies of the states, because even in the countries with no colonial past there are certain indigenous peoples who were deprived of their rights and exposed to violence by national governments.

Two global paradigms of assimilation and social evolution are based on the idea that indigenous peoples should assimilate with the majority of the states. Children were the main targets of assimilation policies; therefore nowadays the implementation of such approach "has had profound and lasting effects on generations of indigenous people, psychologically and socially".²⁵ But the development of international law regarding the universal human rights changed the image of the conception of assimilation theory.

²³ Haebich 2005, p.5.

²⁴ Smith 1999, p. 28.

²⁵ Sissons 2005, p.87.

Social Darwinism gave the way to the multiculturalism, which implies successful coexistence of different minorities within one state.

2.1.6. Theoretical basis of the research

The current policies of the Nordic states towards the Saami are the examples of direct implementation of the multiculturalism. Therefore this theory is a foundation for the whole research in its theoretical and practical parts. The distinction between the actual policies and the theory is in the fact that one theory can't foresee and cover all additional factors and events which influence the situation and consequences in every individual case. Therefore in practice there are still many problems and difficulties, despite the fact that the Nordic states stand out against a background of many other multinational countries by its good results in implementation of the multiculturalism theory.

I apply multiculturalism as the main theory for the research. Concepts of liberal multiculturalism are suitable mostly for the Western societies, therefore multinational countries from other regions of the world cannot apply the same policies regarding their indigenous peoples as the countries of the North of Europe apply. Human rights development is the reason of increased attention of the international community to the problems of indigenous peoples. This development of human rights began and has developed in Western society, that's why exactly in this society national governments are trying to implement the theory which is more convenient for indigenous peoples and which recognizes equality and ethnic diversity. In that case there's a necessity to divide the theory of multiculturalism into different branches, depends on the region of implementation.

Federalism is one of the forms of implementation of multiculturalism. From my point of view, federalism is a compromise for both of the sides: national governments and minorities. However in some cases such solution can be considered as the attempt to control and keep ethnic minority from secession. In the case of the Saami people

federalism is not an option yet, because the Saami people don't have enough economic and political power, although they have their own parliament. They still are not responsible for the main and most important for them issues, but that's exactly what they are struggling for.

When ethnic minorities struggle for their rights, it's necessary first of all for them to determine the basis for their strategy. In other words, to determine for what exactly they are fighting for: equal rights or some special for them rights and privileges, based on their status. During my research by examining international laws regarding indigenous peoples and the communication of the Saami from each country with the national governments, I'm trying to understand what exactly the Saami people are struggling for: equal or special rights. The main theory of the research is multiculturalism, because it's the main theory that Nordic countries imply in their policies. But what kind of theory and approach indigenous peoples imply? The novelty of this research is in the fact that they are examined not only from the point of view of national governments, but first of all from the point of view of indigenous peoples.

2.2. Methodological aspects of the research

The main goal of this thesis is to analyze the channels of the Saami cooperation across the borders of existing states, where they live, and the ways how they can maintain their common identity. Due to the fact that they live on the territories of four states, which have their own national policies, historical backgrounds and attitudes to the national minorities and indigenous peoples, the whole research is based on the comparative method. "It is certainly true that all forms of case comparison are much stronger sources of inference when a variable is a necessary or sufficient condition for a particular outcome"²⁶ and in my research such method allows examining the evaluation of Saami rights through history in every country, which helps to make conclusions about the Saami movement and the results of their cooperation in general.

²⁶ Sprinz and Wollinsky 2004, p.41

Empirical part of the research allows to conduct the evaluation of the extent of the development of the Saami cross-border cooperation and to examine all possible consequences. There are several main tasks which need to be achieved in the empirical part:

- to analyze the theories corresponding to the issues of indigenous peoples and ethnic minorities in general,
- to define the notion ‘indigenous peoples’, their distinctive features from the other minorities and their rights
- to examine the historical background of the cross-border cooperation of the Saami people and the unifying features, which create the basis for the common Saami identity and the areas for the cooperation
- to compare national Saami policies of the Nordic states and the authority of the Saami Parliaments there
- to examine inter-parliamentary cooperation of the Saami people and the main joint agreements, including the Nordic Saami Convention
- to evaluate all possible consequences of the Saami movement on the basis of the researched information.

This thesis examines the joint cooperation of the Saami as one indigenous people, therefore here the method of comparison is used to estimate the national Saami policies of each state and also helps to distinguish the positions of the Saami from other indigenous peoples at the national and international levels. The analysis of the historical background of the cooperation and current channels of interaction based on the official documentation and researches together with the above-mentioned comparative method allows to clearly recognize the main tendencies of cooperation, areas of its influence on the Saami movement and the movement of the indigenous peoples for their rights in general and also to examine the future consequences of it.

3. Key terms and legislation

3.1. The problem of definition

The term ‘indigenous peoples’ belongs to an international law and is used in all documents of the United Nations and other international organizations. It came from the word ‘indigene’, which means aborigine, that is people, who were the first settlers. In the Russian language for example the word ‘indigenous’ literally means the people who have roots on this land. But every nation or national minority for the long history of the world has such roots and even different groups of people can claim that some certain territory belongs to them according to their historical motherland. Therefore determination of indigenesness causes problems with frontiers and that’s why there is a need to develop international standards for resolution of such disputes, but not only for indigenous peoples, but also for the other side of the conflict.²⁷

There are some different definitions of indigenous peoples and therefore different groups of peoples can be rated as indigenous. In 1982 the UN established special Working Group on Indigenous Populations (WGIP) to deal with such type of national minorities. This group gives some criteria, which help to determine certain national minority as indigenous and also gives a definition of indigenous peoples:

“Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system”.²⁸

²⁷ Eide 2006, p. 202.

²⁸ PFII/2004/WS.1/3, United Nations.

This definition was presented by the Special Rapporteur of the UN Commission for Human Rights Jose Martinez Cobo, who also emphasized several features for identification of indigenous peoples: occupation of their historical lands, common origin, culture and language and residence in certain regions of the state.²⁹ But it's difficult to divide national minorities only by these criteria and by definition given by WGIP, because not all of the indigenous peoples will fall under it. And also such features can be interpreted in different ways and can be applicable not only for indigenous peoples. This definition is closely interwoven with definitions of ethnic groups and nations.

The main feature of determination is visible for sure. Compared with the main population of any country, indigenous peoples have historical priority to inhabit certain territory.³⁰ But such approach leads to a problem of identification the historical 'owner' of the land. There can be tensions between different peoples who claim the special indigenous land rights if it's difficult to determine who were first and who came later.³¹

Even the UN Declaration on the Rights of Indigenous Peoples contains no clear definition of indigenous peoples, because there was no universal agreement on this point. The representatives of many indigenous peoples took part in the draft process. And because of the fact that there are only main established principles which can identify certain peoples as indigenous and there is no concrete definition, the following problem appears: WGIP's "criteria are inevitably open to interpretation, strategic use and opportunism, not only by people claiming indigenous status but also by lawyers and academics".³²

The notion 'indigenous' is a relational in general, because a group of people can be indigenous only in relation to another one, in this case to the dominant population of the state.³³ But sometimes minorities can view themselves as indigenous compared with the one certain group of people, but not with another. For example, peoples in

²⁹ Cobo 1986, paragraph 380.

³⁰ Kenrick, Lewis 2004, p. 4.

³¹ Eide 2006, p. 202.

³² Kenrick, Lewis 2004, p. 5.

³³ Saugestad 2001, p. 306.

Africa consider themselves indigenous in relation to colonial states³⁴, but not to each other.

Indigenusness in general can be associated with colonialism. In most of the cases it's directly connected with it, because the native people lost their lands and rights after the period when they were captured by colonial powers. It means that the territory of indigenous peoples was occupied and they were deprived of their rights. But is it necessary that all indigenous peoples were discriminated somehow in the past?

The so-called 'Salt Water Thesis' implies that "peoples who are subject to colonization from overseas have the right to independence, but national minorities within a (territorially contiguous) state do not have a right to independence."³⁵ But actually the phenomenon of 'indigenusness' is derived not only from colonialism. For example, not everywhere in Asia colonial occupancy can be suitable for the determination of national minorities as indigenous. That's why it's not right to define indigenous peoples only by their colonial past. Those, who were subjects to colonization from overseas, can be separated for special subcategory of indigenous peoples then, if it's necessary to categorize them.

The 'indigenous peoples' in general is classified to the category of the Fourth World, which includes sub-populations, which lead not an industrial way of life, but a nomadic one. Such definition cannot be applied for all representatives of indigenous peoples around the world. Many of them nowadays lead industrial way of life like the main population of the countries where they live.

Each state and indigenous people on its territory have their own special history, which influence current relations between them and conditions of indigenous peoples' life. The one universal definition will only exclude some minorities and even can cause such situations when governments will not recognize certain people as indigenous only because they don't have one necessary feature, and the strict definition will be the perfect excuse for it.³⁶ Therefore the lack of one concrete definition is not an indicator that the law system regarding indigenous peoples and their rights are bad, it's just an

³⁴ Kenrick, Lewis 2004, p. 6.

³⁵ Kymlicka 2001, p. 123.

³⁶ Saugestad 2001, p. 305.

indicator that each case is special and it's difficult to apply one policy and one point of view for every situation, therefore each indigenous peoples' case should be examined separately.

3.1.1. National, ethnic minorities and indigenous peoples

As long as there is no clear and universally agreed definition of indigenous peoples, features of them cross the ones of other national minorities. Such status doesn't allow to define specifically if some certain group of people is an indigenous group, the stateless nation or the national minority. In general the category of indigenous peoples (like the Unnuit in Canada or Sami in Nordic countries) is a part of national minorities along with stateless nations and ethnic groups (like the Quebecois in Canada, Catalans in Spain, Scots in Britain).³⁷ Therefore the national minority is a broader notion, which includes all other categories.

The main criterion to distinguish indigenous peoples from stateless nations is the willingness of the latter to create their own state. Nowadays international law provides different rights and instruments of their implementation for both these categories of minorities.³⁸ But what if someday certain indigenous people, which nowadays are officially recognized on national and international levels as 'indigenous' will have a desire to form such independent state? Does it mean that such people will lose all their special indigenous rights?

The development of international law regarding indigenous peoples is a part of broader movement regarding all national minorities.³⁹ Meanwhile the European norms are targeted mostly at national minorities, but the UN norms are targeted at indigenous peoples.⁴⁰ This is an important difference, with profound implications for the global diffusion of liberal multiculturalism. From the perspective of the theory and practice of liberal multiculturalism in the West, indigenous peoples and national minorities belong together as self-governing homeland minorities. Nevertheless all indigenous peoples

³⁷ Kymlicka 2001, p. 122.

³⁸ Ibid. p. 124.

³⁹ Ibid. p. 121.

⁴⁰ Kymlicka 2007, p. 265.

demand for themselves special rights, which are based on the idea of their aboriginality and will distinguish them from other national minorities by special status.

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Different minorities choose their own strategy of cooperation or struggle with the state, “some actively contend with the state; others cooperate with it”.⁴² But it rarely depends on how they identify themselves, as indigenous or not. Such strategy is connected with the national policy towards them. Despite all differences in law, in practice all categories of minorities are somehow deprived of their certain rights and dependent on states politically and economically.

3.2. Indigenous peoples’ rights

Basically indigenous peoples have the same rights as other people, but they were (in some cases still are) deprived of them and discriminated. Nowadays they don’t suffer from severe violence or ethnic cleanings, but many indigenous peoples don’t have in reality such rights as to own and use their land, to have all necessary conditions to maintain indigenous culture and language and to possess equal political rights as other people.

Indigenous peoples’ rights are tightly connected with universal human rights. That’s why the development of the first began approximately at the same time as the development of the last. It took almost 2 decades for the United Nation to determine the universal human rights, which are suitable and convenient for all states. Such universal rights are established on main principles and common human values, which can be and should be accepted by all people regardless of their culture, language, religion, etc. It’s much more difficult to find such common rules that can answer claims for indigenous rights in every country, which has to deal with this problem. That’s why states where there are indigenous peoples react differently on special international conventions concerning such peoples and on the process of implementation of these internationally agreed rules, although the whole UN system

⁴¹ Weigard 2008, p. 177.

⁴² Alfred 1999, p.73.

on human rights was created with the idea that it should be implemented all over the world.

The claims of indigenous peoples are the right to use and own the land, the right to the self-determination, to maintain their own culture and language, and all other collective rights which are based on the principle that indigenous peoples have a special status. But essentially indigenous rights include all normal human rights. They want to be treated equally as the rest of the population of the state. There is a practical example of liberal dilemma: to find a compromise between the claims for the equal rights and the claims for special rights due to their certain status. Implementation of both these kinds of rights is complicated by the initial aim of indigenous peoples: do they want to be equal to other people (but such approach implies certain responsibilities) or do they want to have a special status? There are more questions regarding this dilemma: should the national government influence the decision what kind of aim to choose as the main for indigenous people on the territory of its state and how strong should this influence be?

The necessity to find such compromise between these two concepts and at the same time to secure national minorities with all kind of rights they need is a challenge for all multinational democratic states.⁴³ Not everywhere states are managed to do it well. But during last decades there were a lot of changes and developments in this sphere. Nevertheless the majority of national parliaments don't support the idea of establishing any representative organizations for indigenous peoples, because they consider them as a threat of possible clashes of interests and views in society.⁴⁴

⁴³ Saugestad 2001, p. 301.

⁴⁴ Saugestad 2001, p. 316.

3.2.1. Self-determination

The principle of self-determination is based on the assumption that “peoples themselves are the holders of given rights.”⁴⁵ Therefore self-determination is connected directly with the concept of ‘peoples’ in general. It’s difficult to give a clear definition for this notion, but anyway the UN uses the following definition of ‘peoples’ given by Michael Kirby:

“A group of individual human beings who enjoy some or all of the following common features: common historical tradition, racial or ethnic identity, cultural homogeneity, linguistic unity, religious or ideological affinity, territorial connection and common economic life”.⁴⁶

He proposed some other more detailed features and it’s necessary to emphasize among them the main one, which is important for indigenous peoples and their self-determination: a group should have all means and institutions to express the common features and desire to have an identity.⁴⁷ As such groups of people, national minorities have many similarities with nations. The main difference here between all national minorities (including indigenous peoples) and nations is that the first conduct their policy (if they are allowed to do it by national government) only on their traditional certain territory and don’t exert any influence on the rest of the country’s territory. But they can theoretically take advantage of their right of self-determination, which implies among other things the possibility to create their own state, where they will be the main nation. But it doesn’t necessarily mean that each self-proclaimed peoples should become a state.

The idea of territorial self-determination has following forms of realization: separation from one state with the aim to be a part of another state, separation from one state and creation the new one, reunion of separate state and creation of autonomy with partial self-government within a multinational state. All these forms of self-determination contradict with the principle of territorial integrity, despite the fact that formerly

⁴⁵ Archibugi 2003, p. 489

⁴⁶ UNESCO International Meeting of Experts on Further Study of the Concept of the Rights of Peoples, 1989.

⁴⁷ Henriksen 2006, p. 27.

indigenous peoples were incorporated into states without any common agreement and sometimes by force.⁴⁸

The international community supports such struggle of national minorities for the right of self-determination first of all when they have historical rights for the certain land, but usually both sides of the conflict (dominant nation and minority) have certain historical evidence that each of them has right to own the land.

Article 1 of the International Covenant on Civil and Political Rights states that “all people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.⁴⁹ Such concept of self-determination relates to all people in general whether they are national minorities or a nation, but when it comes precisely to indigenous peoples some states are trying to resist accepting this right in practice. Although current international legal system empowers only states under its national law to determine who is indigenous, the main basic right of a people as a group is still the right to determine their identity.⁵⁰

The concept of self-determination has not only territorial dimension, it's applied more frequently for economic, resource, linguistic and cultural sphere, especially when it relates to indigenous peoples. Their claims for rights mainly don't include secession or any territorial autonomy within the states; they just want to have good conditions which are sufficient enough to maintain their culture and way of life and to have an opportunity to make decisions regarding their future and all important questions for them by themselves.

3.3. International Legal recognition

Recognition of indigenous peoples and their rights can be conducted on two levels: international level (protection all minorities in general and protection of indigenous

⁴⁸ Josefsen 2007a, p. 9.

⁴⁹ ICCPR, article 1.

⁵⁰ Alfred 1999, p.71.

peoples in particular) and on the internal level through domestic law (protection of indigenous peoples which is secured by constitutions).

The international law system regarding indigenous rights is developed still rather weakly. Some of the international documents consider rights for all ethnic minorities in general, but not the indigenous peoples. For example, the UN's International Covenant on Civil and Political Rights from 1966 claims that ethnic minorities should have the same rights as other members of society and the Article 1 of the Declaration of Principles of International Cultural Co-operation (1966) states that "each culture has a dignity and value which must be respected and preserved"⁵¹. The main documents about precisely indigenous peoples' rights are the International Labour Organizations's Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples. Declarations differ from conventions, because states can choose to commit themselves to implement them or not. Conventions are obligatory, but only for those states, which adopted and signed it. If a state ratifies a certain convention, it means that it must to implement all positions of the convention on its territory. States also have the right to ratify convention and adopt only certain position of it, not the whole text.

For quite a long period of time there was a strong belief that if to assimilate indigenous peoples with a main nation, to show them how 'normal' people live, they will definitely choose the same way of life and become an equal part of society where they live, and the problem would be solved by itself. Such wrong attitude to indigenous peoples was established officially in the first ILO Convention No. 107 concerning Indigenous peoples, which was adopted in 1957. A fundamental change was made some decades later, when new ILO Convention No. 169 concerning Indigenous peoples was adopted. The attitude was completely different in this new convention. Indigenous peoples are no longer considered as weakly developed population, but as separate ethnic groups with their own culture within territory of some state.

The ILO Convention No. 169 concerning Indigenous and Tribal peoples of Independent Countries (1989) was ratified by not all countries, which have to deal

⁵¹ Declaration of Principles of International Co-operation.

with problem of indigenous peoples on their territories. For example, it wasn't ratified by any African state, by Sweden and Finland. But Norway was the first country, who ratified it. Also many Latin American and Caribbean countries ratified it. At the same time many legal reforms and constitutional changes were made in some states, which have indigenous peoples, also on the American continent.

In 2000 the UN within the framework of the Economic and Social Council established the Permanent Forum on Indigenous Issues, which is considered to be a “peak of the International Indigenous Movement”⁵², but the most important contribution to this movement from the UN was the adoption of the Declaration on the Rights of Indigenous Peoples. It is the main international document concerning indigenous peoples nowadays. After its adoption on 2007 by the majority, the General Assembly of the UN “put an end to the longest standard-setting activity in the history of the UN”⁵³, because the drafting process of this declaration took more than 20 years. This Declaration was ratified by 143 states and 4 states (United States, Canada, New Zealand and Australia) voted against it.⁵⁴

It's necessary to mention that from the first session of Working Group of Draft Declaration for Indigenous peoples there was an agreement that an adoption of the declaration would require not only the agreement of states, but also of indigenous peoples. It was one of the reasons why it took so long for the General Assembly to agree on the final version of declaration: states and indigenous peoples had different opinions on many issues.⁵⁵ It was never formulated what exactly the agreement of indigenous peoples meant. Nonetheless this fact made the Declaration the first human rights instrument in the UN history, which implies the direct and equal involvement of the beneficiaries of the instrument.

The final article 46 of the declaration is devoted to a controversial question of self-determination. It formulates clear that self-determination for indigenous peoples should be exercised within the framework of the unity and territorial integrity of the states. Such provision doesn't lead to any kind of wrong interpretation.

⁵² Saugestad 2008, p. 164.

⁵³ Ahren 2007, p. 119.

⁵⁴ Lile 2008, p. 58.

⁵⁵ Ahren 2007, p. 120.

This declaration makes provisions also for cross-border cooperation of indigenous peoples. Article 36 states that “indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes”.⁵⁶ Meanwhile the practice shows that there are not so many examples of concrete arrangements in these spheres towards the indigenous people across national borders of several states.⁵⁷

There are no countries, where the process of implementation and recognition of indigenous rights was very easy and smooth. But still this process in all countries has different consequences. Nordic countries with their national policies towards the indigenous people Saami are the ones of few states, which can nowadays show good results of such implementation.

⁵⁶ Declaration for the Indigenous Peoples, article 36.

⁵⁷ Anaya 2011, p.10.

4. Historical roots of the Saami interaction

4.1. Period of nations building

The Saami people had inhabited the lands in the North of Europe long before the nation states and current borders between them were established. That's why the first contacts with each other were based not on the 'cross-border cooperation', but there were interactions between the Siidas (Lapp villages). The Saami differs much from other indigenous peoples in the world by the fact that they began to expand trade relations with other countries quite early. There are archeological evidences that they participated in European trade since the Roman era, for example, "the first written mention of the 'fenni' is in the descriptions of Roman historian, Cornelius Tacitus' Germania in the year 98".⁵⁸ Such trade relations with other countries and any connections with each other were based on traditional Saami livelihood – reindeer husbandry. Nordic climate conditions influenced the quality of natural and land resources, but the Saami succeeded to manage and use them rationally. Reindeer furs and other animals' hides were the main trade goods. Such trade relations allowed the Saami people not to be a part of some state delegation, but to represent themselves in different countries, for example when they cooperated directly with Russian tsars. This is confirmed by the fact that "in old sources, Lapland is considered its own, sometimes independent, land".⁵⁹

Nordic countries began to strengthen their national policies towards the Saami in the 1600s. It's obvious that even during the period of state formation and nation building all Nordic countries were interested in the lands of the Saami and they had to deal somehow with the problems regarding this ethnic minority. But that time Nordic countries were more concerned about the lands and taxation policy than linguistic and cultural problems. The Saami were considered as the people without any resources and opportunities to protect themselves. Therefore they had to pay taxes to state governments to ensure their defense.

⁵⁸ Lehtola 2000, p. 184.

⁵⁹ Ibid. p.187.

The first international document regarding all Nordic Saami and even their communication with each other was the Lapp Codicil. This document regulated all Saami communications across borders of the countries and their rights within the states, that's why it's considered to be a Saami Magna Carta. The Jokkmokk Declaration from the first Sami Parliamentarian Conference (2005) also acknowledges the importance of this document: "The Nordic states, through the Lapp Codicil of 1751, have recognized the Saami as a people entitled to their own future, without regard to the national boundaries that were then drawn".⁶⁰ Lapp Codicil is very important in the context of the Saami rights, because it claims their territorial rights and also the right to cross the state borders when they need it for reindeer herding during the seasonal migration. Also this document provided the right for protection by state in case of war.⁶¹

Later all Nordic states began to pay more attention also to linguistic and cultural problems connected with the settling ethnic minorities on their territories. Even if they officially had recognized their existence and their claims for certain rights and special status, from the mid-19th century these states began to conduct an assimilation policy towards the Saami.

4.2. Assimilation policy of Nordic states

Nordic states considered themselves as homogeneous nations and therefore national policies towards the Saami till the second half of the 20th century were undoubtedly assimilationist. Such official policy of the states implied that indigenous peoples should forget their own culture, traditions and language and replace it with the culture of the main population. It was implemented in all spheres of life such as, for example, education and legislation. But the content of these national policies varies in each country.

Assimilation policy of Norwegian government, which is called *fornorsking* ('norwegianization'), was conducted on two levels: the settlement and livelihood

⁶⁰ Declaration from the First Sami Parliamentarian Conference.

⁶¹ Lehtola 2000, p. 190.

policy and the language and education policy, which implied the prohibition to use the Saami language everywhere.⁶² Such policy is viewed often by theorists as practical implementation of Social Darwinism. Finland conducted the same policy as Norway, but the process of assimilation wasn't so apparent, nevertheless they didn't provide any division among the Saami people. Sweden conducted meanwhile the segregation policy towards the Saami who were engaged in reindeer husbandry and assimilation policy towards the rest of them.⁶³

For the long period of time the Saami people from all these Nordic states were neglected by the governments and it was easier to pretend that they are not a separate ethnic group, but just a group of people with other language and way of life. And it was easier to try to change them, make 'them' similar to 'us', then to cohabit all together. But it was not fault of national governments. All international law that time considered indigenous peoples not like individual ethnic groups, but just like small tribes with no culture.

The main consequences of assimilation policies of Nordic states are reflected in modern Saami policy strategies and goals: this indigenous people aims to maintain first of all its language and traditional culture. Although at the beginning of 20th century even most of the Saami didn't consider any alternative to the assimilation policy towards them, because they "enjoyed uncurtailed rights as Norwegian citizens".⁶⁴ Only Saami leaders were trying to stand up for some changes and their actions also led to strengthening of cooperation between representatives of this indigenous people living across more than one state. For example, in 1917 they organized the first Saami Congress in Trondheim. And the Finnish Saami organization, which was established in 1931, was very influential in Nordic countries for quite a long period of time.

In the first half of the 20th century there were in general several political Saami movements: in Northern Norway, on the South of Norway and in Sweden, but they didn't influence much the assimilation policy of these states. Only after the Second World War the Saami joint actions and changes in international law regarding

⁶² Ibid. p. 200.

⁶³ Josefsen 2007b, p. 9.

⁶⁴ Eidheim 1997, p. 33.

indigenous rights allowed to establish national Saami organizations and parliaments. Since then the Saami positions in societies of all Nordic countries have been improved significantly.

4.3. Post-war period

Assimilation policy of the Nordic states has sharply changed since the late 1970s and such changes were influenced partly by the international developments in the sphere of universal human rights, namely the adoption of aforementioned declarations and conventions regarding human rights in general and indigenous peoples specifically. And also certain actions of the Saami people made national governments to reconsider their policies.

Norwegian Saami were the most active in the movement against unfair national policy towards them. The period of 1970s and 80s is famous in the history of Saami people by demonstrations, civil disobedience and hunger strike. The Alta conflict (1979 - 1981) began after the resolution of Norwegian parliament to block Alta-Kautokeino watercourse which is situated on Saami traditional lands and build there a power station. The struggle for the preservation of this watercourse had led to the struggle for indigenous peoples' rights in general. The main slogan of the Alta conflict reflected vividly the position of the Saami people and their claims: "This land is our land"⁶⁵. It was a political crisis for the country, but it improved a lot the relations between the Saami and national government and the position of the indigenous people in Norwegian society and also in other states. This conflict "became a symbol of the Sami fight against cultural discrimination and for collective respect, for political autonomy and for material rights"⁶⁶.

After the establishment of the Saami Rights Commission and signing of the Saami Act, Norwegian government made a constitutional amendment in 1988 by including a new important Article 110.⁶⁷ Article 110c of the constitution binds authorities of

⁶⁵ Thuen 1995, p. 214.

⁶⁶ Minde 2005, p. 122.

⁶⁷ Eide 2006, p. 208.

Norway to respect all Conventions regarding human rights and also to secure that they will be implemented in the country. Moreover, Article 110a binds bodies of state power to create such conditions, which should help Saami people to maintain and develop their language, culture and way of life.⁶⁸ The Alta conflict and increasing attention of the international community to the problems of minorities and indigenous peoples influenced not only Norwegian government to reconsider its Saami policy, but also affected the Swedish government's policy.

There were some fundamental changes in national policies of Sweden and Finland also. They have recognized the Saami as individual indigenous people, who lives on their territories. There were therefore some changes in the attitude to the Saami language, culture and educational system. They were no longer pushed to forget it and assimilate with the main nation, but since then they have rights to maintain it and develop. And also the Saami gained their rights to use lands and natural resources.

There were some changes in administrative and political spheres also. Norway, Finland and Sweden have established Saami parliaments, composed of and elected by persons belonging to the Saami. These parliaments especially at the beginning had only advisory functions, but nowadays they are aiming to get more autonomy and ability to influence all important for them issues independently.

Finland was the first country to establish special Saami parliament (1972), but after two decades in 1995 it was replaced with the new one and officially the latter date is considered to be the date of establishment of the Finnish Saami Parliament. Norway established it in 1989 after the constitutional amendments. In Sweden two Saami national organizations were established: one for the people engaged in reindeer husbandry and another for the rest of indigenous population. Apparently such division was connected with the previous segregation policy, but anyway both these organizations initiated the establishment of the Saami parliament in 1993. For a long time the Saami people were considered in Nordic states only as separate group characterized by its special features: different language, culture, livelihoods. But such

⁶⁸ Constitution of Norway, article 110a.

changes in national policies ensured their recognition as equal members of the state and the international community and also as political actors.

There were also changes on international level. Norway was the first country, who signed the ILO Convention No. 169, which includes concrete rights of indigenous peoples and is considered as first and still one of the main internationally approved official documents. The Saami played an important role in the ILO conferences regarding indigenous peoples' rights and in the drafting of this convention, the representatives of the Saami participated there as a part of official government delegations.

Despite the fact that the Saami live on the northern territories of several states, ILO Convention No. 169 was signed only by one country of them – Norway and now the results of the internal policy of this country show that there are ways to successfully solve the problem of indigenous peoples and coexist with them in one state and respect their rights.

Nevertheless this period is famous in the history of Saami peoples' movement not only for the establishment of the Saami parliaments and regional organizations, but also for strengthening cross-border cooperation. For example, in 1956 the Nordic Saami Council was established. After the Saami from Russia had an opportunity to join it, the organisation renamed itself to the Saami Council. Saami leaders gained an opportunity to established links with each other not only within the countries, but also across the borders.⁶⁹ Some more other regional and international Saami organizations were established, which are based on the common identity and other features and they represent themselves as good instruments of unification and mobilization of the Saami people of all four countries.

⁶⁹ Henriksen 2008a, p. 29.

5. Cooperation based on the common identity and unifying features

5.1. Common land

The whole concept of indigenusness is based on the idea that strong historical connection of certain people with the land can determine their identity. And even if sometimes it's hard to decide who came first on a certain territory, such problem usually doesn't affect indigenous peoples, because they have irrefutable evidences that they have roots with their lands, which are recognized by the whole international community. It refers also to the Saami people, who inhabited their lands long before the current nations and states were formed.

Traditional land of the Saami people is divided by 4 states: Norway, Sweden, Finland and Russia, therefore it's vital for this indigenous people to have the opportunity to cooperate with each other despite national borders between these states. The whole Sapmi area includes the following territories: the area in Norway from Hedmark County in the south to Finnmark County in the north, the area in Sweden from Dalarna province in the centre of the country to the frontiers with Finland and Norway, the area in Finland covers three municipalities in the north (Enontekiö, Inari and Utsjoki) and reindeer-herding district in the municipality of Sodankylä and the area in Russia covers the Kola Peninsula.⁷⁰ Many people who identify themselves as Saami live also outside these defined territories. It's noteworthy that many of them live in big cities of the Nordic states.

Nowadays because of Schengen agreement the Saami people of Norway, Sweden and Finland can cross national borders of these states freely and perceive the territories of the Sapmi area as their 'common land'. It's a crucial point that helps them to perceive all Nordic Saami as a one group. Although the management and utilization of all natural resources is differ in every country and depend on national legislation and the given rights for the Saami.

The claims for land rights are ones of the most important for every indigenous people. Along with the land rights, the issue of the resource ownership is very crucial for all indigenous peoples. During the Galdu's seminar on Saami self-determination in

⁷⁰ Ibid. p. 27.

November 2011, the following idea was represented by Mattias Ahren: “Any right to self-determination that excludes the right to natural resources appears as a right without content”⁷¹. He strongly believes that the Saami should decide by themselves how to use their land and all natural resources.

National government in Norway for a long time was in charge of all issues regarding natural resources even the ones that are on the Saami territories, because according to Norwegian legislation Saami didn't have any special rights to the land and all resources.⁷² But nowadays among the Nordic states Norway achieved the best results in sphere of granting land rights for the Saami. Adopted in 2005 the Finnmark Act⁷³ implies that the state transfers all land rights regarding Finnmark County to the special entity – the Finnmark Estate and therefore state is no longer a landowner of this area.⁷⁴ The Finnmark Estate is a common body of the County Council of Finnmark and the Saami Parliament in Norway. “The Act is neutral in ethnic terms”⁷⁵, because it provides residents of this special county with more rights than other persons from other areas regardless of the belonging to any certain ethnic minority. Meanwhile for example the Finnish legislation doesn't provide the Saami with the special land rights. Norwegian policy towards resources of the land in general has its special features because of the fact that Norway is not a member of the European Union as Sweden and Finland.

That's why the domestic policies regarding the Saami land rights and natural resources are different in Nordic states, but it doesn't diminish the fact that the Saami people themselves consider certain lands as their own and feel such a strong historical connection with these lands.

The Saami people have special attitude to their lands, that's why particular features of the territories and climate in the North of Europe influence not only the occupations and way of life, but also culture and traditions of this indigenous people.

⁷¹ Henriksen 2011, p 8.

⁷² Anaya 2011, p.7.

⁷³ Finnmark Act 2005.

⁷⁴ Josefsen 2007a, p. 17 – 18.

⁷⁵ Ibid. p. 18.

5.2. Culture and language

Cultural differences and values of indigenous peoples are based on their relations with the lands. Such strong connection with the nature can be traced in all traditional customs and rites, which constitute a foundation for their common identity. It is believed that the culture of Saami people in Finnmark area is about 2000 – 3000 years old.

Traditional culture of the Saami is based on spiritualism and rites of the nature worship. Due to special climate conditions of the Saami area and certain natural phenomena like for example the northern lights, polar nights and midnight sun, this indigenous people are united by special customs, which connect them with the nature and hence with each other.

The previous assimilation policy and consequences of globalization led to the fact that many Saami lost their connection with the traditional culture and now they don't even speak any of the Saami languages, but only the language of the country where they live. The survival of culture and languages depends not only on the Saami people and their activities, but first of all on the national policies of the states where they live.⁷⁶ On the other hand representatives of indigenous peoples should prove constantly to the national governments that it's important for them to maintain traditional culture and languages, because unfortunately in multinational states governments care first of all about the main nation and its needs.

The Sami language belongs to the Finno-Ugric group of the Uralic languages and is divided into ten groups: South Sami, Ume Sami, Pite Sami, North Sami, Inari Sami, Skolte Sami, Akkala Sami, Kildin Sami and Ter Sami.⁷⁷ Among them the North Sami language is considered to be the most widespread. The areas of certain language distribution don't match with the borders of the states, on the contrary existing linguistic boundaries reflect the historical areas of the Saami settlement. It's a vivid example of the fact that borders between countries can't define the identity and divide the one people who live on the territories of several states.

⁷⁶ Myrvoll 1999, p. 32.

⁷⁷ Henriksen 2008a, p. 27 – 28.

The issue of language preservation is connected tightly with the educational policy, because first of all people will speak certain language if they are taught on it. Such approach was successfully applied during the assimilation period, when all Saami children had to speak only languages of their countries at schools. Nowadays Saami students of all Nordic countries have opportunity to attend classes in Saami language in the municipalities of defined area. In this sense Norway excelled other states, because Norwegian Educational Act provides the Saami children with the right to be taught on their native language no matter where they live within the whole territory of the country.⁷⁸ The Saami University College was established in Norwegian city Kautokeino for all the Saami from any country. This college has courses on Saami language and students among other exams should pass a necessary Saami language exam. The important advantage of this college is not only the fact of promoting the language, but also the increase of the researches regarding the Saami issues. Even if there are not so many programs yet to study, the creation of such institution is a great step for all the Saami people, which definitely helps not only to maintain the language, but to develop it and the Saami cooperation in general.

Language helps to create certain ‘sense of belonging’ to the community and the ethnos, therefore the choice of official languages reflects how the state identifies itself.⁷⁹ The Saami language is an official so far only in Norway and not on the territory of the whole country, but only in municipalities of recognized Saami area. Finland and Norway both have legal provisions on the Saami language protection. Thus for example, cultural and linguistic autonomy within special area is guaranteed for the Saami by the Finnish Constitution. It claims that “in their native region, the Sami have linguistic and cultural self-government”⁸⁰. It’s also confirmed in the Saami Language Act, which was adopted in Finland in 2004⁸¹. Norwegian constitution and special acts also affirm indigenous language rights. The Norwegian constitution states that “it is the responsibility of the authorities of the State to create conditions enabling the Saami people to preserve and develop its language, culture and way of live”⁸². Meanwhile the Swedish legislation doesn’t ensure protection of the Saami language.

⁷⁸ Anaya 2011, p.18.

⁷⁹ UNDP 2004, p. 9.

⁸⁰ Constitution of Finland, section 121.

⁸¹ Saami Language Act of Finland

⁸² Constitution of Norway, article 110a.

But Sweden adopted as well as others the Nordic Saami Convention, which among many other aspects imposes obligations on states to protect the language of this indigenous people.

The Saami people cooperate with each other across borders to improve the position of the native language in all four countries. They established the Sami Language Council in 1971, which is situated in the same building as the Saami Parliament in Norway. The main aim of this organization is to gain equal status everywhere for the Saami language. The work of this joint council influences therefore common culture and educational system. It's mentioned above that the attitude to culture and language is based on the general attitude to the common land, which in its turn influences the way of life and preferred occupations and hence creates more spheres for the joint cooperation of this indigenous people.

5.3. Livelihoods

All indigenous peoples for ages have been depending on land resources and for the survival they had to utilize them rationally and in a way appropriate for special climate conditions and other circumstances.⁸³ The choice of traditional occupations of the Saami people was determined exactly by these factors. The Saami people are famous for the reindeer husbandry and even if nowadays not so many of them are engaged in this occupation (less than 10% of the whole Saami population⁸⁴), it became already a peculiar symbol of their culture and life. Reindeer herding has always been a connecting link between the Saami, because it allowed them to cross state borders freely during seasonal migrations and also share knowledge and experience in this sphere. This occupation has been connecting them across frontiers of the countries even long before current states were created.

The importance of such kind of occupation is confirmed by the fact that Nordic countries adopted special acts regarding a reindeer husbandry: the Reindeer Grazing Act of 1971 in Sweden and the Reindeer Husbandry Act of 1978 in Norway, which was recently amended. These documents provide the Saami with the exclusive right

⁸³ Henriksen 2006, p. 25.

⁸⁴ Josefsen 2007b, p. 8.

for their traditional livelihood – reindeer husbandry. The Lapp Codisil was the first official document, which allows to the Saami to practice reindeer husbandry. This document still can be considered as the source of law regarding Saami’s rights for the traditional livelihoods.

Meanwhile Finland conducts quite different policy regarding this issue. Upon the legislation of this state any citizen of the country can pursue this occupation despite the belonging to the indigenous peoples group. The Finnish Reindeer Husbandry Act of 1990 states that the government should consult with the reindeer herding organizations.⁸⁵ There are several organizations in Finland, which are engaged in reindeer husbandry, but the Saami of this country don’t take part in such organizations and even in the national one.

Thus even the national constitutions provide the Saami with the special right to practice reindeer herding and husbandry and for example the Constitution of Sweden⁸⁶ confirms such right for this indigenous people. Although the Saami parliaments in all Nordic countries have limited opportunities to influence decisions regarding traditional activities as well as many other aspects of social and political life.

The Saami were always famous for the reindeer husbandry. And it’s not just a coincidence that the first national Norwegian Saami organization was exactly the Reindeer Herder’s Association, which was established in 1948. Such kind of livelihood became a part of the Saami common identity and has been always uniting this indigenous people not only at the national level, but also at the international one.

Some of the Saami people are also engaged in other occupations connected with the land resources, such as agriculture and fishing, but many of them also work in other spheres. It’s necessary to pay special attention to such land resource as fishing at least for the Saami in Norway, because this country is famous for its fishery industry and the Saami shares the right for fishing as the main population of the country. It’s a common tendency for all the Saami people to abandon their nomadic way of life and start to live in modern industrial conditions. This fact influences undoubtedly their traditional customs, because they are based first of all on the tight connection with the

⁸⁵ Anaya2011, p. 9.

⁸⁶ Constitution of Sweden, article 20.

land. But such transition to the industrial life puts these customs on a new level and doesn't diminish the historical connection with the land, because the Saami people managed to combine successfully old traditions with the modern way of life. The problem is that the governments everywhere perceive the indigenous peoples still like nomads. And to some extent such situation is relevant for the Nordic states as well. Although despite some negative consequences of such approach, it helps the Saami people to claim certain economic privileges and other rights.

Traditional occupations of the Saami people represent the culture and the whole community in general, because all these livelihoods and the way of life constitute the material basis for the Saami identity.

5.4. The Saami identity

Nowadays it's quite difficult to provide exact numbers of total Saami population because of the consequences of former assimilation policy. However it's estimated approximately in 80.000 – 95.000 persons: most part of them live on the territory of Norway (50.000 – 65.000), in Sweden 20.000 persons, in Finland 8.000 and in Russia 2.000.⁸⁷ It's noteworthy that the quantity of the Saami people influences directly the extent to which the national policies towards them are developed.

The period of assimilation left a deep impact and dangerous consequences for the future of the Saami people and their identity. Many of them no longer consider themselves as the Saami and don't know their indigenous language and culture, because they were forced to forget them. Such situation can't be left intact, that's why nowadays many representatives of the Saami people, who are concerned to safe and maintain their culture, make enormous efforts to preserve and develop it.

The Saami person is considered to be the one who has at least one Saami grandparent and who has willing to identify himself as the Saami. In that case the person can vote in the Saami parliament and thus can take part in political life of this indigenous people. But, for example, in Norway people prefer to choose exactly how to identify themselves – Saami or Norwegians – even if they have representatives of both

⁸⁷ Nordic Saami Convention 2005.

nationalities among their relatives, that's why usually there are no half-Saami/half-Norwegian persons. Therefore theoretically upon genealogy there are more Saami people in Nordic states than statistics shows.

The Saami people share common identity, which expresses their belonging to this certain ethnic group. This identity distinguishes them not only from main nations of the countries where they live, but also from other indigenous peoples of these states. The Saami are not the only one indigenous people in Nordic states, there is for example quite numerous group Kvens in Norway, who are descendants of immigrants from Finland. Due to the fact that the Saami people are the largest group of indigenous peoples in Nordic countries and also thanks to their actions in struggle for the rights, nowadays they have more rights, privileges and at the same time more obligations than other minorities of these countries.

Compared with “the western rationality, indigenous peoples everywhere emphasized identities that were based on spirituality, tradition and sharing”.⁸⁸ Therefore nowadays self-determination for most of indigenous peoples means first of all not the political autonomy, but the ability to express their identity freely and to maintain strong connections with their history, the land, culture and between each other. They were forced to forget their culture, but now all indigenous peoples in general and the Saami people in particular are trying to maintain their culture (including not only languages, but also traditional medicine, religious rituals and other symbolic for them rites) and to pass them to another generation. The crucial point here is to pass the sense of belonging to the special separate minority and the desire to save such unique culture to their children.

The Saami people of all countries are united also by other common problems, for example, the lack of financial resources or bad climatic conditions of the Arctic area. Joint efforts for these problems' solutions can unite the Saami in future as well as other aspects unite them now.

The concept of “Sapmi” – common space of settlement of all Saami despite national borders of states – includes not only total area of their inhabitation, but also the people and all aspects of culture and life. The Saami people of all countries are united by the

⁸⁸ Sissons 2005, p. 77.

common flag and anthem. Colours of the flag (blue, red, green and yellow) represent the most popular colours which are used in their traditional costumes.⁸⁹ It's noteworthy that despite quite big territory of settlement and influence of national culture of each state, colours of traditional costumes as well as many aspects of culture are the same for all the Saami people. Their anthem emphasizes the fact that people within this Sapmi area have never had internal conflicts or civil strifes. Therefore they don't have any historical memory of any tense relations with each other and this fact also can form the basis for their present and future cross-border cooperation.

There are national Saami organizations within separate countries and international ones, which unites all Saami people from all over the North of Europe. The first category includes, for example, Saami Association of Finland (1996), Norwegian Saami Association (1968). Some of the international organizations were mentioned above, but their work is connected mostly with one certain direction and doesn't cover the large range of issues. However there are some joint international organizations, which unite all Saami and try to deal with many problems at the same time, not only the special one.

The Saami Council is one of such organizations. It was established for all Saami people and organizations from the Nordic countries and Russia. The Saami on the territory of Russia have two organisations: Kola Saami Association and Saami Association of Murmansk Region. These organizations are members of the Saami Council and even if the Saami people on the territory of this country don't have equal opportunities as others in Nordic countries to be heard on international level, they can influence their position somehow through this council.

The Saami on the territory of Russia are collaborating increasingly with a common Saami movement, which gradually is uniting the majority of the Saami people of all four countries. For the Russian Saami as long as they don't have a lot of opportunities to influence somehow social and political conditions for their development on the national level, cooperation with different Saami organizations is very important, because they can improve the situation through them. The Saami people on the territory of Russia share the common identity and culture with the rest of them in the

⁸⁹ Eidheim 1997, p. 44.

Nordic states despite their excluded position from the Saami movement. Such position is connected with the domestic policy of the Russian government.

In general the Nordic countries conduct quite similar policies towards the Saami. They are no longer afraid that the Saami can have a desire to separate from the states, because the Saami showed that the main political demand they have is to make national governments to transfer some important for the Saami people authorities to the regional governments. The current attitude of the national governments affects in a positive way the development of the rights of this indigenous people and their political cooperation with each other across state borders.

6. Political cooperation

6.1. National Saami policies and the interaction between the Saami parliaments

6.1.1. Saami policies in Nordic states

Nordic countries nowadays in general conduct very favorable policy regarding the Saami people. They all ratified the International Covenant on Civil and Political Rights (ICCPR), therefore they recognize the right of self-determination for indigenous peoples on their territories. The legal basis of national Saami policies of Norway, Sweden and Finland are twofold: national and international law.⁹⁰ Actions at one level don't necessarily lead to the actions at another, but they can definitely influence some developments.

Norway ratified the ILO Convention 169 in 1990. Norwegian parliament also adopted the Saami Act in 1987 (Act of 12 June No. 56). Section 1 of this Act states that "the purpose of the Act is to enable the Saami people in Norway to safeguard and develop their language, culture and way of life".⁹¹ His Majesty King Harald V of Norway in a speech to the Sami Parliament in 1997 said that "the Norwegian state was built on the territories of two peoples, the Norwegians and the Sami".⁹² Storting White Paper No. 52 (1992-1993)⁹³ includes the same statement, which places the Saami people of this country to a complete different privileged position compared to other national minorities and also confirms their affiliation with the area of traditional settlement.

Sweden also ratified the UN International Covenant on Civil and Political Rights and that's why this state recognizes the fact that ethnic minorities have special rights, but at the same time Sweden didn't ratify ILO Convention No. 169. Swedish government also adopted the Saami Act, which regulates all responsibilities of the Saami Parliament. In 2011 Sweden adopted the amendment to the Constitution which recognizes the Saami people in particular as indigenous and it distinguishes them greatly from other minorities in the state.

⁹⁰ Josefsen 2007b, p.10.

⁹¹ Saami Act of Norway

⁹² Report No. 55 to the Storting, chapter 2.1.

⁹³ Storting white paper No. 52.

The constitution of Sweden doesn't have any special provision regarding the Saami rights.⁹⁴ And the Saami status in general as indigenous people isn't codified into national Swedish law. But the Swedish Constitution states that ethnic and other minorities have rights to maintain their culture and therefore the Saami people as minority can count on such right.

Swedish government doesn't pay so much attention to Saami issues as for example Norwegian government does. In Sweden the Ministry of Agriculture, which has special the Saami and Educational department, is responsible for all questions regarding the Saami people. Therefore only one department of Swedish government regulates at the same time such issues as education, reindeer husbandry and other rights of the Saami people. Such issues as the indigenous people language and culture are regulated by the Ministry of Cultural Affairs. Some political parties in Sweden have special program regarding the Saami issues, such as the Left Party of Sweden, the Green Party and the Swedish Social Democratic Party.

The Constitution of Finland includes two articles regarding the Saami people and their rights. Article 17 recognizes the special status of the Saami as the indigenous people of Finland and claims all rights for them to maintain their native language. Article 121 claims cultural and linguistic autonomy for the Saami people. Finland also adopted special Act regarding activities of the Saami Parliament (The Act No. 974 of 17 July 1995). Section 1 of this document states that "the Saami as an indigenous people shall, as is further detailed in this act, be ensured cultural autonomy within their homeland in matters concerning their language and culture"⁹⁵. Finnish Act regarding the Saami Parliament states that this parliament is responsible for such questions as culture and language, but state authorities should negotiate with it regarding important issues which can affect the Saami special indigenous status.⁹⁶

The Saami people in Finland have more statutory rights in general than the Saami of Norway and Sweden, but all these formal rights don't have enough practical implementation. Finnish authorities and politicians don't show enough competence

⁹⁴ Henriksen 2008a, p. 33.

⁹⁵ The Sami Act of Finland, section 1.

⁹⁶ Ibid, section 9

regarding the Saami problems.⁹⁷ There is no political party in Finland, which has special Saami program and therefore only Saami members of the parties can influence questions which are important for this indigenous people. The Finnish Ministry of Justice deals with most of the issues regarding the Saami people, but some other ministries also are responsible for some individual spheres, for example, The Ministry of Education regulates the Saami educational and cultural issues and the Ministry of Land and Forest regulates all issues regarding reindeer husbandry.

Russia as all Nordic countries ratified the UN Covenant on Civil and Political Rights, but not the ILO Convention No. 169. The Constitution of the Russian Federation like the Norwegian and Finnish Constitutions has a statement regarding indigenous peoples' rights: "The Russian Federation guarantees the rights of small indigenous peoples in accordance with the generally accepted principles and standards of international law and international treaties endorsed by the Russian Federation".⁹⁸ But the Constitution of the Russian Federation doesn't recognize the Saami people in particular as indigenous. The Federal Assembly of the Russian Federation adopted special Act on the rights of indigenous peoples in 1999.

The Saami on the territory of Russia constitute a very small group compared to other indigenous peoples in Russia and the Saami people in Nordic countries, therefore they don't have enough possibilities to make their voices be heard both as on the national level and international.

The Nordic countries have certain political powers which are against the Saami people strengthening. Each of them has populist political parties which are against any development in the Saami movement for special rights and strengthening of their cooperation with each other through borders.⁹⁹ For example, the second largest political party in Norway the Progress Party (Fremskrittspartiet) doesn't approve any cooperation between the Saami people, namely their attempt to adopt common Nordic Saami Convention. This party also has very strict position regarding national Saami policy, for example, to close the Saami parliament and to limit certain obligations of

⁹⁷ Josefsen 2007b, p. 11.

⁹⁸ Constitution of Russia, section 69.

⁹⁹ Henriksen 2008a, p. 36 – 37.

the state under the ILO Convention No. 169.¹⁰⁰ But some parties support the Saami movement, for example the representative of the national party the Norwegian Labour Party Egil Olli is a president of the Saami parliament in this country. And also there is a Saami People Party (Samealbmot bellodat) on a national level in Norway, which is a vivid indicator of quite strong political position of the Saami people in this country compared to the other Nordic states.

The Saami people can influence the national policy regarding them through the direct channel: by the Saami representatives in national parliaments. There are no fixed numbers of such representatives, although the Saami people and organizations sometimes propose to introduce separate seats for them. In Finnish national parties there are more Saami people than in any other Nordic country. But unfortunately their influence on national Saami policy doesn't correlate with such quantitative advantage, because national parties there don't have clear positions on Saami issues or any Saami regarding aim in their political platforms. The Swedish Saami people don't have their representatives in national parties at all. It can be explained by historical conflict regarding reindeer husbandry and also by special approach: they suppose that such independence from any national party will allow them to conduct their own policy. But the main consequence of such attitude is that national parties discuss the issues concerning the Saami people without knowledge of their interests and needs. Norwegian Saami compared with the others have their representatives in national parties and they influence some important for them issues. And as it was mentioned earlier there is a Sami People Party in Norwegian national parliament.

Indigenous peoples of the Nordic states may influence decisions on important for them questions not only through national parliaments, but also through the Saami Parliaments of each country. The establishment of national Saami parliaments was the great shift in the Saami people movement for their rights. Thus Nordic states distinguish the Saami people from other indigenous peoples and recognize their group rights, including the right for joint cooperation across state borders.

¹⁰⁰ Henriksen 2008b, p. 24.

6.1.2. The Saami parliaments and their authorities

The Saami people constitute an ethnic minority in all regions of their inhabitation except the Norwegian municipalities of Kautokeino and Karasjok and the Finnish municipality of Utsjoki¹⁰¹, where they are the majority. Therefore the idea of establishment of the special parliaments for this indigenous people is based on a presumption that the Saami population is quite small to possess equal opportunities as others to have their problems be discussed in national parliament and other institutions based on a majority rule, because “when indigenous citizenship is minority citizenship, no democracy based on majority voting can ever fully represent indigenous interests”.¹⁰² But at the same time this minority is big enough in all Nordic countries to left their opinions be neglected, therefore they need a special institution for the discussion of all important questions.

There are two ways of acknowledging Saami claims on the national level: through court decisions (mainly connected with the land rights) and through political procedures (for example, the Finnmark Act in Norway). But the establishment of the Saami parliaments allows the Saami representatives to put forward proposals and conduct to some extent their own policy. The Saami parliaments of Nordic countries because of the different national Saami policies are not the same and have different responsibilities. All major political parties have their representatives in the Saami Parliaments, even the ones who are against any Saami cooperation and who want to close the Saami parliaments or at least to limit their authority.

The Norwegian Constitution states that the Saami Parliament is responsible for and can examine any issue which seems to be important for the Saami people.¹⁰³ Nordic states provide the Saami Parliaments mostly with autonomy regarding cultural and linguistic issues, but control all other spheres of life, such as political and economic issues.

The UN Committee on Indigenous Peoples in one of its reports expressed concern that the Saami Parliaments don't take significant part in decision-making process on

¹⁰¹ Josefsen 2007b, p. 8.

¹⁰² Sissons 2005, p.137.

¹⁰³ Constitution of Norway , Article 110a.

important for them questions, for example, in economic sphere and the issues regarding the use of their lands.¹⁰⁴ Hence the governments granted for the Saami so far only self-government in the questions, which are connected with culture and language, but it's not enough for them.

The main purpose of all Saami parliaments is to defend interests of the Saami people in all spheres of life and to strengthen their position in political sphere. For example, the Norwegian government should negotiate with the Saami Parliament on all questions regarding this indigenous people. These parliaments signed a special agreement, which indicates how they should consult with each other. Such consultations can be held on different types of issues, not only political ones. The Saami parliament of each country is dependent on national government not only in legislative and administrative issues, but also financially, because it has no other income than support by the government, which allocates funds from the national budget. It's necessary to mention that Norwegian government allocates the highest amount of money for the Saami parliament compared to other Nordic states. Swedish Saami parliament has a twice smaller budget than Norwegian, but it's still bigger than in Finland. Hence the amount of allocated money to the Saami parliament correlates with the amount of the Saami people in every state.

Such inclusion of the Saami people to political life are based nowadays mostly on the idea that they have right to be heard due to their special indigenous status, but it's not enough for full political participation, because in most of the cases they still don't have possibilities to influence their own future. In such case if self-government doesn't imply full political autonomy of indigenous people within some state, than it is considered to be by some people just a modified version of internal colonization.¹⁰⁵ Finnish legislation provides the Saami parliament with more autonomy than other countries, but at the same time the practice shows that Norway is the country where such system is constructed in a more favorable way for the Saami people and the parliament, although in Norway such parliament is characterized by rather weak formal authority.¹⁰⁶ Hence it's necessary to judge the extent to which the Saami

¹⁰⁴ CCPR/CO/74/SWE,UN, paragraph 15.

¹⁰⁵ Oskal 2001, p. 256 – 257.

¹⁰⁶ Broderstad 2004, p. 96.

parliament takes part in decision-making process in every country not by signed agreements and national legislation, but by actual participation and influence on the issues, which are important for the Saami most of all.

The first Saami parliament in Nordic states was established in Finland in 1972, but then it was transformed in the new parliament. In Finland the government provides the Saami parliament with certain autonomy which is limited by only certain spheres. But the Saami Act of Finland includes very important statement: it empowers the Saami parliament with representative authority, it can represent all Saami people at national and international levels.¹⁰⁷ This provision of the Act regarding representative function of the parliament is significant for all Saami people and their joint participation in international organizations.

The Norwegian Saami Act states that the Saami parliament can examine all questions that it considers as important for this indigenous people. And it's relevant for all Saami parliaments. But the main common problem for them is the fact that they still have only advisory functions and the issues where they can influence directly without supervision and approval of national government are very limited. Therefore the Saami parliaments in all Nordic countries claim for more autonomy, but they don't even raise the question of complete secession for the Saami people from the states. They consider the right of self-determination as the right to determine the future by themselves, but they see this future only within territories of states where they live now. The lack of such separatist movements among the Saami people can be explained by their common philosophy (at all times they have never expressed the willing to separate from the states) and by the fact that economically and politically it's completely impossible nowadays, they just are not ready to handle all problems connected with the creation of individual state. Nowadays they possess a limited version of autonomy in cultural and linguistic spheres, but not in politics and all issues regarding land resources. But they want to receive more autonomy and authority to influence all important for them questions and the Saami parliaments of all Nordic countries express such claim.

¹⁰⁷ Henriksen 2008a, p. 38.

6.1.3. The Saami Inter-parliamentary cooperation

The Saami parliaments of Nordic states cooperate with each other very intensively and fruitfully for a long time. They established recently the joint body, which helps to organize and systematize such cooperation. The Saami Parliamentary Council was established in 2000 for the Nordic Saami parliaments' interaction. The work of the council is directed by the EU. The main goal of this council is to promote interests of the Saami and maintain their political cross-border cooperation. The Saami Council and the Russian Saami are observers in this Parliamentary Council. Despite the fact that the Saami from Russia don't play the equal role in this council as others, they try anyway to change this situation and to create their own parliament, which will take the same position as other Saami parliaments. For example, the Saami on the territory of Russia are trying to learn from the experience of the Saami Parliament in Norway by negotiations and visits of special delegations to Karasjok.

The Saami Parliamentary Council is a joint body for the Saami parliaments of Norway, Sweden and Finland. This organization was established to discuss and solve the common for all Saami people problems, which affect all of them despite national borders. This organization represents all Saami people at the international level and also plays an important role in development process of international law regarding all indigenous peoples in general. The council influences not only international legislation regarding indigenous peoples rights, but also the national ones. The council was established relatively recently, but already proved its significance. Due to its fruitful work governments of Nordic states signed certain important for the Saami people agreements about cooperation between national and the Saami parliaments and also between representatives of the Saami people across national borders.

The work of the council is based on the financial support of all Saami parliaments. It deals with a wide range of problems: political, economic, linguistic, cultural and educational. The main purpose of the Saami Parliamentary Council is to provide the Saami people with an opportunity to represent their interests in international organizations and first of all in the UN.¹⁰⁸ The special position of the Saami people, who inhabit territories of several states, creates such unique situation, when their joint

¹⁰⁸ Anaya 2011, p. 5.

body can represent them and their interests at the international level. Therefore it's very important for the Saami people to achieve agreements on all questions through the Saami Parliamentary Council and to find solutions which will suit representatives of the Saami from each state. So far there are not so many controversial issues and fortunately the Saami from all states express quite the same positions on most of them. And it's important to keep such consensus in future as well.

The council holds every third year a special Parliamentary Conference. The first conference, which was held in 2005¹⁰⁹, showed great results of joint work of all parliaments: they adopted the Jokkmokk Declaration¹¹⁰ for all Nordic Saami. This declaration among other important statements affirms the self-determination right to all Saami people and states that they can represent themselves and their interests on all levels (including the international one) as common people regardless borders of the states. The council also adopted the Declaration of Saami Parliamentarians 2005¹¹¹, which confirms that the main goal of the common Saami movement is to develop cooperation between representatives of this indigenous people from all Nordic countries across their borders and also to unite them without willing to separate from these states, but within them.

The inter-parliamentary cooperation is very important also for the development of national legislations regarding indigenous peoples rights in the Nordic states. There are two channels of such influence: direct (when some decisions of the council may affect directly the work of each Saami parliament individually) and indirect (when the work of the council may affect the international law regarding indigenous peoples rights in general and hence it can lead to some developments in the Saami policies of the Nordic countries, because these states react immediately on all changes in the sphere of human and indigenous rights). Therefore such interaction between the Saami parliaments is important for the positions of the Saami people at national level of each country and for their international prestige and the extent of influence on the law regarding their own conditions and rights and the rights of all indigenous peoples in general.

¹⁰⁹ Henriksen 2008a, p. 30

¹¹⁰ Jokkmokk decl

¹¹¹ Decl of first saami parliament

6.1.4. Separate position of the Saami people from the Russian Federation

This thesis examines cross-border cooperation of the Saami and because of the fact that the Saami on the territory of Russia due to certain reasons don't take part in such cooperation to the same extent as others from Nordic countries, therefore first of all the positions and interaction of the Saami people of Norway, Sweden and Finland are examined here. But the Saami in Russia are also a part of this indigenous people, that's why they are examined and mentioned when it's necessary, but in general this thesis is devoted to the cooperation between the Saami in Nordic countries.

There are several reasons of such different position and the small degree of participation in international cooperation of the Saami people in Russia. First of all due to the strict foreign policy of the Soviet Union they didn't have even opportunity for a long time to take part in such cooperation with indigenous peoples from other countries. The second reason is a quantitative one. The Saami people in Russia are the smallest Saami group anywhere. And compared to the small territories and population of Nordic countries, Russia possesses such a huge territory and numerous indigenous peoples on it, therefore the problem of the Saami people and their special status are just not in the agenda of the domestic policy of the Russian Federation. That's why there is no special national Saami policy in Russia like in Nordic states.

After the revolution in 1917 the authorities of the Soviet Union established a legal category "the Small Peoples of the North", which included among other 26 peoples also the Saami people.¹¹² Current Constitution of the Russian Federation doesn't distinguish the Saami people from other ethnic minorities and certainly doesn't provide them with the special indigenous status, but it guarantees the rights in general for all indigenous peoples in compliance with international law and treaties which were ratified by Russia.¹¹³ And nowadays the Saami people on the territory of Russia don't have a special parliament and they can make their voices be heard at the national level through the Russian Association of Indigenous Peoples of the North, Siberia and Far East (RAIPON).

¹¹² Broderstad 2004, p. 87.

¹¹³ Constitution of Russia, section 69.

The Saami people in Russia share the common identity, culture and languages with the rest of the Saami in Nordic countries, but they are not involved directly in the main channels of political cross-border cooperation: the Saami inter-parliamentary cooperation and the Nordic Saami Convention. The Russian Federation is not in the Shengen zone and it leads to certain problems for crossing the borders for them. So they can't consider the Sapmi land as a common land for this indigenous people. And also some aspects of historical background distinguish the Saami in Russia from the Nordic Saami.

6.2. Nordic Saami Convention

One of the main consequences of political cooperation of the Nordic Saami is the adoption of joint international agreements. Most of them are essential results of the interaction within the Saami Parliamentary Council. But probably the main joint document for the Saami people is the Nordic Saami Convention, which is considered by some people to be a new Lapp Codicil.

Norway, Sweden and Finland prepared a draft of this convention in 2005. The work on it has begun in 2002, when national and Saami parliaments created a group of experts with representatives from all Nordic countries for formulation of such common convention. The main goal of the adoption of this convention is to help the Saami people from all Nordic countries to maintain their common culture and way of life and don't allow the borders of the states to prevent any cooperation in these spheres.¹¹⁴ The text of this convention corresponds to principles of international law and human rights legislation. The convention doesn't touch upon the interests and position of the Saami people on the territory of Russia. But this convention plays a huge role in the common Saami movement, therefore somehow even if in the future it may affect the Saami people from Russia as well.

The convention consists of 51 articles, divided by 7 chapters. Each chapter is devoted to one of the main areas of Saami people's concern: general rights, governance, linguistic and cultural issues, land rights, livelihoods and also provisions related to

¹¹⁴ Josefsen 2007b, p. 12.

implementation and ratification of this convention.¹¹⁵ Each chapter and article consists very important for the Saami statements, but some of them are crucial for their future cooperation with each other across borders of existing states.

Preamble of the Convention has the following important statements: this indigenous people has the self-determination right and all Nordic states are responsible for the implementation of this right. They are also responsible for creation of all necessary conditions for the Saami people, which will help them to maintain their culture and way of life and to be able to cooperate freely with each other across borders. The preamble also includes some important statements regarding cross-border cooperation of the Saami people:

- “the Saami is one people residing across national borders
- the Saami people has a particular need to develop its society across national borders
- the national boundaries of the states shall not obstruct the community of the Saami people and Saami individuals
- the Saami shall live as one people within the three states”¹¹⁶

The fact that these statements are mentioned and specified in the preamble of the convention reflects the willing of the Nordic Saami to emphasize their common identity, origin and interests and hence their right to conduct the joint policy.

Article 3 of the Convention is devoted to the right of self-determination. It states that international law provides all indigenous peoples with this right. Therefore the Saami people have rights to define their own future regarding all spheres of life. But this Convention emphasized that such self-determination right for indigenous peoples doesn't include the right to separate and create their own states¹¹⁷ and this is confirmed by expert group, which was in charge of the text of this convention.

Article 8 states that all mentioned in this document rights are minimum rights. Therefore it assumes that the Saami people can claim more rights for themselves in the future and the implementation of all mentioned ones is the essential responsibility of the national states.

¹¹⁵ Nordic Saami Convention

¹¹⁶ Nordic Saami Convention, preamble

¹¹⁷ Henriksen 2008a, p. 35 – 36.

Article 10 states that not only Saami parliaments should make all efforts to develop international legislation regarding indigenous peoples, but also national governments are responsible for that. It's quite important specification, because it's obvious that only common actions of one indigenous people can't change significantly the international indigenous law even if they have the Saami Parliamentary Council, which can represent them in all international organization including the United Nations. Even if nowadays many institutions and bodies became the actors of international relations, the national states still play more important role in decision-making process in such influential organization as the UN.

Article 11 on cooperation on cultural and commercial arrangements claims that national states should create all conditions not only to help to maintain culture of indigenous people within their territories, but also to limit all obstacles for their cooperation which can be caused by existing national frontiers.

The convention covers also the issues of medical and social assistance even through borders. According to the article 12 states should provide such kind of assistance to the Saami people when they need even if they are temporarily on the territory of another Nordic state.

Article 19 on the Saami and international representation states that the Saami parliaments have rights to represent themselves on intergovernmental level. Such right certainly distinguishes the Saami among many other indigenous peoples and ethnic minorities.

Article 20 on joint Saami organizations states that the Saami people and parliaments have right to create joint organizations on different issues and national governments should give certain authority to such organizations.

The Nordic Saami Convention also recognizes the reindeer husbandry as a traditional livelihood and confirms the right to the reindeer herding across borders of the states. It's very important not only for Saami reindeer organizations and reindeer herders, but first of all for the maintaining the status of the Saami as the people who are traditionally engaged in the reindeer husbandry.

The Nordic Saami Convention is “the first attempt to create a regional treaty specifically concerning indigenous peoples, anywhere”.¹¹⁸ This fact makes this document more important not only for the Saami Movement, but for the movement of all indigenous peoples for their rights. The whole process connected with the adoption of this convention is a great contribution to the self-determination of the Saami people and their communication with each other across borders of different states.

6.3. Future of the Saami movement and their positions in Nordic societies.

Nordic countries are characterized by high level of human rights development and great economic conditions compared to other countries of the world by many indicators.¹¹⁹ For them it's crucial to maintain such status and therefore to improve economic conditions of all indigenous peoples on their territories. Indigenous peoples everywhere are still considered mostly as ‘savages’ with no civilized life conditions. And therefore the main mistake of the international community here is that most countries don't recognize that fact that nowadays many indigenous peoples are no longer have a nomadic way of life, but live in cities and enjoy all industrial developments.¹²⁰ To some extent even the Nordic states and their main nations still have such stereotypes about all indigenous peoples in general and the Saami in particular.

Good economic situation in Nordic states leads to the fact that the Saami people there don't face the problem of poverty as most of the other indigenous peoples in the world. In fact the Saami are no longer uncivilized nomadic people, most of them live in modern industrial conditions. Many indigenous people face with the contradiction between traditions and modernity and the Saami succeed to combine their traditions and customs with the modern way of life. This fact distinguishes the Saami from many other indigenous peoples in the world, because the complete satisfaction of basic needs of this people allows them to claim for more political rights while most of the indigenous peoples live in such poor conditions that nowadays they have possibilities to claim only the basic social rights to survive. Therefore the Saami movement is

¹¹⁸ Anaya 2011, p. 5.

¹¹⁹ Ibid. p.5.

¹²⁰ Sissons 2005, p. 28.

important not only for themselves, but also for the movement of all indigenous peoples for their rights, because they have great opportunities to influence the international law through certain channels, which were mentioned above.

The issue of self-determination for the Saami people will still remain the same in the near future and the autonomy will be granted as nowadays only regarding cultural and linguistic issues. There are some important reasons why the Saami will not be able to separate from their states in the near future: limited economic and political abilities to create a state, small population, living in different areas of four states. But the Saami people don't even express the willing for special political and territorial autonomy, because "both territorial separation and cultural nationalism face enormous problems in gaining acceptance from post-settler majorities and will probably never be realistic possibilities for most indigenous minorities".¹²¹ Therefore the lack of such desire of separation facilitates the cooperation of the Saami with the national governments and hence between each other.

The cooperation of the Saami people is not based on the idea of creating a separate Saami state, but on the idea to maintain and develop common identity and culture even across borders of four states. They already achieved great results in this sphere, but some obstacles for such cooperation still persist.¹²² Compared to the Russian Saami, the Nordic ones practically don't have obstacles for the joint cooperation, because the former are isolated from the common Saami movement and will have equal opportunities at all to participate in it even in the future. But somehow they try to change this situation by getting the experience from the Nordic Saami parliaments and interaction with them. Anyway the Saami from the Nordic states participate equally in the common movement and the main problem is the difference of national legislations and the Saami policies of these states. But at the same time national governments try to facilitate such cross-border cooperation for the Saami despite all obstacles.

The common Saami movement will influence some developments in the Saami people position on the territory of Russia. Recently Russian Saami joined to common Saami movement and although there are still a lot of differences in the position of the Saami

¹²¹ Sissons 2005, p.137.

¹²² Anaya 2011, p.10.

people in Russia and in Nordic countries, Russian Saami perhaps will be able someday to merge into cooperation on an equal basis.

The Saami people connect tightly with other indigenous peoples in the world through indigenous organizations and the UN system and therefore they “have, in a more general perspective, positioned themselves as a people, as a nation in inter-cultural global space”¹²³, because they represent themselves on that level as a whole united group of all Saami people regardless the country of their settlement. Nowadays indigenous peoples consider themselves not only as beneficiaries of international law, but also as independent political actors.

The successful example of the Saami movement can certainly cause actions from other indigenous people of the Nordic states and in the world in general. They might never be granted with the same rights as the Saami, but they can improve their positions and the cooperation with the Saami people can definitely help.

The Saami people are a rare example of the indigenous people, which settles on the territories of several different states. But they have succeeded to safeguard their common identity and strive for their rights. They indeed constitute the one nation, which has the common identity, history, traditions, culture, language and way of life, and even a certain territory, which is happened to be separated between several states.

¹²³ Eidheim 1997 p. 30.

7. Conclusion

The position of all indigenous peoples in the world has changed for the last decades. Taking into consideration the fact that international law regarding indigenous peoples in general is developing increasingly nowadays and also the fact that indigenous peoples themselves became the actors of international relations and their voices can be heard nowadays on the international level, it's possible to suggest that the international community will pay more attention in future to the problems of indigenous peoples and they will be able to influence directly all important for them questions. The controversial issue of the right to self-determination for indigenous peoples is connected directly with the development of all rights for them in general. For the national governments the issue of the Saami self-determination is very serious problem, because they think first of all about the problem of possible secession. But actually the Saami don't even express such desire to create their own state (and by the way they don't have any opportunities to do that). Such misunderstanding leads to some problems and complicate the process of giving more rights to the Saami people. But from my point of view, as long as indigenous peoples will claim rights, which are based on the idea of their special status, they will be granted with cultural rights only. If they consider themselves as equal groups to other ethnic minorities, they can someday be granted with more political and economic rights. But the historical background and other special features of indigenous peoples will not let them ever to consider themselves equal to other minorities, because they are not just groups of people who inhabited first a certain territory, they "have suffered enormous loss – the loss of children, the loss of land, the loss of authenticity, the loss of sovereignty".¹²⁴ Due to all these factors of violation and deprivation in the past, indigenous peoples nowadays claim the special status and treatment.

The international law is rather strict regarding to the question of territorial integrity of existing states, therefore even for the internationally recognized stateless nations and other kinds of national minorities the right to self-determination means only cultural and ethnic determination, but not the right to secession and creating their own states.

¹²⁴ Sissons 2005, p. 140.

The Saami people are distinguished from many other indigenous peoples in the world by the amount of given rights for them, however even they don't want nowadays to separate from the states where they live. Apparently the whole concept of indigenism implies reclaiming the certain conditions to live and maintain culture, but not the separation. That's why the political agenda of all Saami people includes enlargement of their political authority, but within the existing states.

The elements of implementation in practice of the theory of multiculturalism can be traced in domestic policies of many countries, because "almost no country is entirely homogeneous. The world's nearly 200 countries contain some 5.000 ethnic groups".¹²⁵ The domestic policies of Nordic countries towards the Saami people on their territories are good examples of the successful implementation of this theory. Nowadays the famous Nordic multiculturalism is being attacked with the accusations of failure. But this is connected mostly with the policy regarding immigrants, not the indigenous peoples. The Nordic policy regarding the latter proves that "there is no inevitable need to choose between state unity and recognition of cultural differences".¹²⁶ Multinational states can grant special rights for the ethnic minorities on their territories without fear of future separation.

The Saami people differ from many other indigenous peoples and ethnic minorities by the fact that they live on the territories of several states. However this fact doesn't make them want to unite together and create their own common state, but at some extent it creates problems for their cooperation.

The Saami people of all countries share a common identity, which is based on several unifying factors, such as land, culture, language and livelihoods. That's why their cross-border cooperation differs from just the usual interaction between neighboring states. It's complicated by these common features, which are mentioned above, and by the fact that they are not separate states, but should represent themselves on international level not on behalf of certain state, but independently. The example of the Saami people from the Russian Federation illustrates vividly how domestic policies of the states can prevent one indigenous people from full participation in the joint

¹²⁵ UNDP 2004, p. 2.

¹²⁶ UNDP 2004, p. 2.

cooperation with representatives of the same minority, but from the different states. That's why domestic policies of the states and some internal factors influence deeply the cooperation of the one indigenous people across national borders.

It's noteworthy that the national governments of all Nordic states don't prevent anyhow the cross-border cooperation of the Saami. On the contrary they help to develop such cooperation and make necessary efforts to create the conditions to facilitate the interaction.

The fact that the Saami inhabit territories of several states influenced to some extent such successful movement for their indigenous rights. Nordic states have other indigenous peoples within their territories, but only the Saami achieved significant results due to their numerical superiority and joint actions. Although they have more goals to be achieved in the future. Nowadays they are in charge of cultural and linguistic problems mostly, but the national governments still control all important for the Saami issues in the political and economic spheres. The main claim of the Saami people from all Nordic states is to gain more autonomy for their parliaments. The joint cooperation of the Saami people through their parliaments and other common organizations may influence a lot this situation in future.

Such special feature of the Saami as one indigenous people on the territories of several states undoubtedly helped them to gain more rights than the other indigenous peoples, but at the same time to some extent such feature prevents them from complete unification, especially with the Russian Saami.

In a broader context this Nordic case can be very important for all indigenous peoples around the world. The results achieved by Nordic states can influence some countries which are struggling with the national minorities' problems. I suppose that there is no right universal way to deal with this problem, because every country is different and the national policy of each state has its own special features, but many multinational countries can learn a lot from the experience of Nordic states. At least this experience can teach that the way of fierce and violent assimilation is not an option. The government can't just pretend that some national minority doesn't exist and mistakenly believe that it's easier to "include" such minority by force to the main

population of the country. There is a need to move an amendment that assimilation is not a bad way to solve the problem (from my point of view the assimilation policy can harm mostly the unique culture and language of minority only), but the violence is never a good option, no matter what kind of far-reaching designs the government has.

In comparison with some other indigenous peoples' movements around the world, the Saami movement for their rights differs by its relative peacefulness, because they were not undergone genocide and other kinds of violence, although they were forced to assimilate and forget their unique roots. Perhaps due to their special kinds of livelihood (like reindeer husbandry), they were not perceived by the main population as complete savages and unnecessary elements of the society. It is also very important special feature of the Saami, because in practice even nowadays many indigenous peoples are perceived by the main population of multinational state like savages with no intelligence and any ability to earn money. Therefore (except the juridical issues) the very crucial difference between indigenous peoples and national minorities in general is the fact that the formers are uncivilized. Such wrong belief doesn't allow them to improve the situation and gain more political and economic rights. Therefore such huge achievements in political sphere that the Saami has reached for the last decades are definitely significant for the rest of indigenous peoples in the world. In this particular case with the Saami, there's a necessity to mention that they have reached such great achievements on the international level only due to their joint cooperation as they are one united people from several states and currently it might be hard for one indigenous minority from one state to achieve the same results, but nonetheless on the national level within the one state they can improve their positions by following the Saami example.

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