

# Submission by Society for Threatened Peoples

a non-governmental organization in special consultative status

Language: English only  
Universal Periodic Review  
First session

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2007-11-20

## Finland: Sámi Reindeer, land rights and the protection of their traditional ways of life

The 7,000 Sámi living within Finnish borders see their traditional economy of reindeer breeding in danger. This important economic and cultural activity is affected by the consequences of climate change, and by the deforestation of the boreal forests in Lapland, which lies to the north. Since the 1990s the Finnish state forestry enterprise has been conducting radical deforestation in the traditional region of the native Sámi inhabitants. In the conflicts concerning land, the Sámi have no legal basis or resources to protect the old forests of Lapland in the face of massive deforestation. In spite of many attempts their native land rights have still yet to be recognized by the Finnish government.

### Finland continues to disregard Sámi land rights

In autumn 2006 the Finnish government dropped yet again a bill on the rights of native inhabitants that was prepared by the ministries in June 2006. The unsuccessful outcome of the bill bitterly disappointed Sámi hope that the Finnish government would finally settle the long contested question of land rights, and in the course of this also sign the ILO Convention 169.

The Sámi Council as elected political representation of the indigenous population of Finland has brought sharp criticism against the Finnish government, which in May 2006 was elected into the UN Human Rights Council. The Finnish government made a voluntary promise to clarify the Sámi rights over their land, resources, and way of life. This agreement was also to create the conditions necessary for signing the Convention 169 of the ILO (International Labour Organisation, a subordinate body of the UN). Presently the ILO is the only international binding agreement on the rights of indigenous peoples.

The Sámi Parliament has repeatedly criticised the Finnish government for failing to give native inhabitants ownership rights over their land and resources. Only with the government's official acknowledgement and recognition of the Sámi's rights will their culture, way of life, and reindeer breeding activities be protected. In the governmental studies on the rights of use and administration in the traditional Sámi areas, the question of land ownership was excluded. The Finnish Parliament has rigorously avoided statements on the land rights of the Sámi, while consequently the Sámi (like all other Finnish citizens) are bound to accept all court decisions on questions of land. The Finnish government has continuously avoided a fundamental agreement by arguing that the case must first be carefully examined, and all legal enquiries carried out.

The official view of the government is that the Sámi have left the land voluntarily to the State and profited from its measures, such as the building of roads. However, the Sámi Parliament

sees the colonisation history differently, and is calling for a legal title to their native environment. As long as a legal title is postponed their native land will be left open to national economic interests. Especially in light of the ruthless Finnish forestry policy, it is imperative that the Sámi's their land rights be fulfilled, since today 90 percent of Finnish Lapland belongs to the state. It is extremely important that their water and land rights be legally recognised. However, Finland seems unprepared to do this. Pekka Aikio, the President of the Finnish Sámi Parliament and a reindeer-breeder who visited Germany in February 2006 as a guest of Society for Threatened Peoples resumes: "We definitely need new laws which give the Sámi exclusive rights for their open traditional reindeer-husbandry in their traditional homelands. On what legal basis does the Finnish state own this land? The European Parliament has confirmed the right of the Sámi land use. International law is important for us Sámi. In the ILO Convention 169, the only binding international guide-line to indigenous rights, it is a matter of the collective ownership of land and the right of the indigenous peoples to make decisions concerning their resources. Governments must respect this collective aspect in the life of the indigenous peoples. We have a communal understanding of the ownership of land. An extended family or a particular Sámi community has the right to carry out reindeer-breeding in a particular area. The traditional homeland of the Sámi is a land of reindeer-breeding and not one of industrial and forestry activity."

### **Conflict on the use of the forest: deforestation versus traditional reindeer-breeding in the forest**

With massive deforestation of the old forests in Northern Finland, the State and forestry department in conjunction have completely disregarded the Sámi culture and land use. It is specifically the Sámi reindeer breeding that is dependent on an intact, functioning, native habitat. Following the appeal of three Sámi in autumn 2005 to the UN Human Rights Commission, the Finnish government suspended "tree-falling" due to the Commission's recommendation. Despite this small step of progress, only the constitutional recognition of the Sámi's rights will be able to provide sufficient protection for their culture and economy. Regulating the forestry department also lies within the State. Approximately 40 percent of the Sámi are reindeer-breeders, making the forest an irreplaceable winter pasture for their animals. Reindeer breeding is not only deeply rooted in Sámi culture, but also holds great social, cultural, and economic importance to the Sámi. Although the state forestry company is aware of the forest's importance for reindeer cooperatives, in many cases it has neither consulted, nor undertaken any form of negotiations.

### **History of the forest conflict**

Since the 1990s the state has extended the onslaught to the old forests of Inari. The timber companies of Metsaliitto, M-Real, Metsa-Botnia, Stora Enso and UPM all obtain their timber from this region, which has only deepened the conflict between the state forestry department and Sámi reindeer-breeders. Deforestation has reached such a point that the native reindeer herds will soon disappear unless Finland is able to "find its way out of the wood", and seriously confront the legal rights of the Sámi. Finland possesses more forest-land than any other EU country; however, barely five percent of the native forests remain intact. The other "younger" forests are for reindeer husbandry or useless forest plantations.

The disappearance of the forest has massively damaged Sámi reindeer-breeders' ways of life and consequently their herd earnings have dropped significantly, as well. The Finnish government still maintains that it has placed extensive forest areas under state protection. However, a large part of the primeval forests that are of importance to the Sámi lie outside the

state protected zones. Apart from forest boundaries, in some protected zones tree-felling is permitted, since it is able to mark out where the most valuable timber can be found (irregardless of tree-felling regulations). The Finnish government seems to place its economic interests above the rights of its indigenous population and ecological sustainability. Nevertheless, in autumn 2005 the government did suspend its rigorous deforestation programme. Yet regrettably the combined efforts of Sámi protests, environmentalists and a recommendation from the UN Human Rights Commission were necessary to achieve this temporary stop in Finland's deforestation process. While it is possible to mark up a success and consider the winter forage as safe for the time being, new plans to continue deforestation are always underway. As a result, it is blatantly clear that a fundamental solution to the conflict over the forest and linked questions of land, rights and usage is desperately needed.

### **The meaning of tresses for reindeer-husbandry**

Pekka Aikio explains why the traditional reindeer husbandry of the Sámi is not possible without the primeval forests, "It is not just a question of the trees, but of a complete food chain. The long beards on the trees play a particular role here. Only a really old forest has these tresses. When the snow in the spring lies two metres high the reindeer find no other food. The forest is a garden and its only fruits are these tresses. This is the only way for the herds to survive the long cold period. For two to four months this is their only sustenance."

### **Damage caused by climate change**

In addition to the damage to the tresses caused by direct tree-felling, the ever-increasing consequences of climate change have begun to noticeably affect reindeer-breeders. For example, climate change can produce two different types of snow, and since reindeer-breeders are dependent on snowmobiles for herding they have to wait for the first snowfall in order to drive their herds. By default "the drive" has often been delayed until the middle of November due to climate change. Furthermore, the weather's unpredictable extremes have caused a loss in normal seasonal rhythms affecting the reindeers' ability to access their food. A prime example is in autumn when the weather will change between rain and frost, forming crusts of ice on the surface sometimes making it impossible for reindeer to reach the tresses that lie underneath. In effect, reindeer-breeders have had to cope with heavy losses with in the past few years.