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Sami in spreminjajoča Arktika

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I would like to thank Mrs. Anita Žagar and Mrs. Tatjana Zajc for technical support, understanding and patience through all my student years, all the participants in the survey, especially those who left inspiring and kind comments, professor Per Selle for sharing his in-depth understanding of the Sami politics and letting me join his class and Marianne Tøraasen for her help with the Norwegian version of the survey. I am grateful to my supervisor, professor Mitja Žagar, for all his time, effort and kindness.

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Izjava o avtorstvu

Sami in spreminjajoča Arktika

Magistrska naloga obravnava dva pojava: ljudstvo Sami in Arktiko. Ljudstvo Sami je avtohtono prebivalstvo Norveške, Švedske, Finske in Rusije. So ljudstvo, ki živi v štirih državah in si v njih prizadeva za vzpostavitev svoje neteritorialne avtonomije. Glavni instrument njihovega političnega vpliva so ”Sami parlamenti” v državah, katerih državljani so, v Rusiji pa imajo zelo omejene pravne možnosti za participacijo in vpliv na svoj položaj. Arktika je najsevernejši del Zemlje; zajema ogromen ocean, ki je večinoma prekrit z ledom, in kopno, ki ga obdaja. To je domovina ljudstva Sami. Pet obalnih držav, ki so Združene države Amerike, Kanada, Rusija, Norveška in Grenlandija (Danska), je skupaj z Islandijo, Švedsko in Finsko ustanovilo Arktični svet, medvladno supranacionalno organizacijo Arktike; v okviru Arktičnega sveta sprejemajo vse pomembne odločitve. Arktika je bogata z naravnimi viri, njihovo (industrijsko) izkoriščanje pa vpliva tako na ljudi kot na arktično okolje. Globalno ogrevanje pospešeno spreminja podobo Arktike, pretirano izkoriščanje pa ogroža domorodska ljudstva in biološko raznolikost tega geografskega območja. Prvi del magistrske naloge predstavlja ljudstva Sami, njihovo zgodovino, politično organizacijo pravno ureditev in varstvo specifičnega načina življenja ljudstva Sami ter spremembe, ki se dogajajo v Arktiki. Drugi del naloge predstavlja rezultate ankete, opravljene med pripadniki ljudstva Sami, ter povzema in predstavlja njihova osebna mnenja.

Ključne besede: ljudstvo Sami, Sami parlamenti, Arktika, upravljanja Arktike, Arktični svet.

The Sami and the Changing Arctic

This Master's Thesis discusses two phenomena: the Sami people and the Arctic. The Sami are indigenous populations of Norway, Sweden, Finland and the Russian Federation. The Sami are a single people living in the four different countries, where they strive for their non-territorial autonomy. The main channels for their political influence are the Sami Parliaments in the respective nation states, while in Russia have very limited legal means for their political participation and influencing their position. The Arctic is the northernmost part of the World; it is the huge ocean mostly covered with ice, surrounded by land. It is the Sami peoples' homeland. The littoral states, the United States of America, Canada, the Russian Federation, Norway, and Greenland (Denmark) with Iceland, Sweden and Finland formed the Arctic Council have, the main intergovernmental and supranational organization in the Arctic, where major decisions are adopted. The Arctic is rich in natural resources and extractive industries are influencing both the peoples and environment of the Arctic. Global warming rapidly changes the face of the Arctic, while over-exploitation endangers the indigenous peoples and biodiversity. The first part of the master thesis presents the Sami people, their history, political organization, legal regulation and protection of the Sami people, their everyday lives and the ongoing changes taking place in the Arctic. The second part presents the results of the survey among the Sami people. The survey tackled different set of personal views regarding the topics discussed in the thesis.

Key words: The Sami people, the Sami Parliaments, the Arctic, the Arctic governance, the Arctic Council.

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List of Abbreviations

ACAP	Arctic Contaminants Action Program
ACHPR	African Commission on Human and Peoples' Rights
AIPP	Asia Indigenous Peoples Pact
AKS	Association of the Kola Sámi
AMAP	Arctic Monitoring and Assessment Programme
BEAC	Barents Euro-Arctic Council
BPAN	Barents Protected Area Network
CAFF	Conservation of Arctic Flora and Fauna
CBD	Convention on Biological Diversity
DMF	Directorate of Mining
DNA	Norwegian Labour Party
EEZ	Exclusive Economic Zone
EFZ	Exclusive Fishery Zone
EPPR	Emergency Prevention, Preparedness and Response
FAO	United Nations Food and Agriculture Organization
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GDR	Global Democracy Rating
GRP	Gross Regional Product
IAMSAR	International Aeronautical and Maritime Search and Rescue Manual
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRH	International Centre for Reindeer Husbandry
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IMO	International Maritime Organization
ISA	International Seabed Authority
MRI	Marine Research Institute
NFL	Norwegian Fishermen's Association
NSR	Norgga Samiid Riikkasearvi - National Norwegian Sami Association
OOSMO	Murmansk Region Sami Civil Society Organization
OUSTR	Office of the United States Trade Representative
PAME	Protection of the Arctic Marine Environment
RAIPON	Indigenous peoples of the North, Siberia, and the Far East

SDWG	Sustainable Development Working Group
SWIPA	Snow, Water, Ice and Permafrost in the Arctic Assessment
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
T-TIP	Transatlantic Trade and Investment Partnership
UNECE	United Nations Economic Commission for Europe
UNCLOS	United Nations Convention on the Law of the Sea
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNGA	United Nations General Assembly
WTO	World Trade Organization
WTTC	World Travel and Tourism Council

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1 INTRODUCTION

Remember that we all wear our own cultural glasses as we meet persons form other cultures. Be humble, use humor and see behind the obvious. :)

Woman, Sweden

Arctic is the region north of the Arctic Circle, an imaginary line that circles the globe at 66° 32" North. The Arctic Circle marks the latitude above which the sun does not set on the summer solstice, and does not rise on the winter solstice. The region surrounding the North Pole consists of the Arctic Ocean. Eight countries have access to the Arctic Ocean: Norway, Sweden, Finland, Russia, the United States of America (Alaska), Canada and Denmark (Greenland). Iceland can also be considered an Arctic country because the Arctic Circle passes through the small offshore island of Grímsey a part of the Iceland archipelago (National Snow & Ice Data Center, https://nsidc.org). The Arctic is the home of the Europe's only indigenous peoples – the Sami people.

The Sami (also spelled Saami and Sámi) people occupy the northern parts of Norway, Sweden, Finland and Kola Peninsula in Russian Federation; this territory is known as Sapmi. They identify themselves as indigenous and are recognized as such by Nordic countries, Russian Federation and the international community, including the Arctic Council and the United Nations. The Sami were nomadic people who moved northward due to competing tribes in the south and in pursuit of food somewhere between 12,000 and 7,000 years ago (Muus 2010). Once settled in the Arctic, the Sami adapted to the harsh conditions and unique ecosystems and their civilizations started to flourish. When the Sami people first came to Sapmi they based their livelihood mainly on fishing, hunting and gathering (Lasko 1999). Very important part of the Sami tradition and culture is reindeer herding. The Sami first hunted, then domesticated and as final stage, started to herd reindeer. The domestication of animals changed the social structure, culture and traditions of the reindeer herding Sami. Today, some Sami people still follow the traditional way of life, but majority has accepted the benefits of globalised world. The Sami people speak Sami languages. There are ten variations and are often divided in two main groups Western and Eastern Sami languages (Sammallahti 1998). It is hard to estimate how many Sami

can speak any of the Sami languages but languages are very important in all Sapmi, it has become the language of economy, health, education and other spheres of life.

The global warming is affecting the whole world, but the changes are the most visible in the Arctic. The ice is melting and the temperatures of the air and sea are rising. Melting ice has opened the possibility of the new shipping routes that will connect East and West faster, cheaper and safer (Østreng 2012). More and more Asian countries are willing to send their cargo via Northern routes. The sea bed of Arctic Ocean has proved to be very rich in oil and gas. Arctic countries are performing extensive research and drilling and significant portion of world's demand is met by Arctic reserves. Drilling in the Arctic conditions is expensive and risky, possibilities of environmental incidents and lost lives are very high. Shipping and drilling have great impact on the sensitive Arctic ecosystems. Marine life is threatened by pollution. Fishing as one of the core business in Arctic region for indigenous and non-indigenous population, suffers (Heininen 2005). On top of these, Arctic inland is rich in minerals and ore. Mining is creating great problems for the Sami people, because it interferes with traditional life, mainly reindeer herding. Unsettled land rights are in the focus of political debate in all Nordic countries.

1.1 Research question and hypothesis

Research question discussed in this work is: What is the current legal, economic, social and cultural position of the Sami people in the Nordic countries regarding the rapid and extensive changes on their ancestral land, Arctic?

Hypothesis of this work is: the Sami people have historically the highest level of protection in their respective countries; they are recognized as indigenous peoples and are given right to cultural autonomy, they are politically organized and represented by the Sami parliaments and are observers at the Arctic Council, the most important political organization in the Arctic. However, there are still some major steps to be taken in the form of land rights, rights to unhindered performance of

traditional occupations and protection against the effects of extraction industries on environment and lives of the Sami people.

1.2 Methodological framework

The main contribution this work aims to make to the study of indigenous peoples and majority – minority relations is to highlight the importance of indigenous organizations and legal protection of all indigenous rights by nation states. The following methodology will be used during the research for this Master's Thesis: analysis, a comparative case - study, comparison and a survey.

The primary reason that a comparative case - study was chosen is because the abundance of the actors, concepts, motives, relationships, connections and dynamics can be explored without overuse of simplistic classifications or explanations. Arctic is a vast and rich territory with eight Arctic states claiming their rights to it, numerous non - Arctic states demanding their share in decision making and resources, with numerous governmental and nongovernmental organizations lobbying for their causes and the Sami, people indigenous to the Arctic, in the middle of this struggle for power, with challenges of their own in adjusting to the overwhelming effects of globalisation and climate change and with completely different plans for the future of their homeland. Comparison between all this actors and systems will form a base for this Master's Thesis. Analysis will be used to better understand and explain the complicated net of interrelated activities that are played by the main actors. Analysis of the statistical data provided by statistical departments of all represented countries will greatly contribute to the answer to the research question.

In research for this Master's Thesis, two sources of information will primarily be used: scientific literature and survey (Zelenika 2000). The scientific literature will be used to form background for the research. Social - scientific literature will cover fields of sociology, anthropology, economic and political science. It will serve to put into perspective historical trends, development, relationships and dynamics among the Sami people and between the Sami people and different national states. One of the

problems with research of the Sami history, religion and ancient culture is that the Sami people were a culture without a script, so there are no written testimonies. The anthropological research in this field is very important for this Master's Thesis. Also, development of economic systems, relationships and structures as well as development of political thought and its manifestations during different stages in the Sami history are important for the understanding of present day relationships and connections. Arctic is a territory on which many states, national and international companies, private and public, as well as international organizations strive to exercise their power. The balance of power that has its roots in economic strength and military capability greatly affects the Sami people that never had an armed conflict among each other or with foreign power. The statistical data on northern regions of Sweden, Norway, and Finland and to some extent, Russian Federation will strengthen research for this Master's Thesis (Glomsrød, Aslaksen 2006; Glomsrød, Aslaksen 2008).

The second source of information will be a survey. The aim of the survey is to investigate the thoughts and opinion of the Sami people. It was a big question whether to use qualitative methods in the form of in-depth semi-structured interviews, or rigid, pre - structured survey (Fink 2002). For the topic of this Master's Thesis interviews might be a better solution because it would extract a deeper understanding of the subject, but there are some objective problems with applying this method in the context of this research. The Sami people live in the vast geographical area covering whole Norway, Sweden, Finland and Kola Peninsula. Some of them live in the big cities, but majority of them live in northernmost parts of these countries. It would be extremely difficult for author of this Master's Thesis to physically travel to that remote areas and collect data. Therefore, a survey was chosen. The survey will mostly aim to collect quantitative data with closed - ended question for which suitable list of responses will be provided. In addition, the survey will contain open - ended questions where respondent will have an opportunity to express himself/herself in his/hers own words. Qualitative data collected in this manner will give more depth to the results of this survey (De Vaus 2002). Since the Sami people have suffered in their history the abuse and negligence from the central

government and their voice has been silenced on many occasions, it is important in the research of the Sami people, to give space for their point of view.

1.3 The structure of the thesis

This Master's Thesis is divided into seven chapters. The first chapter, *Introduction* is dedicated to define problem, purpose and objective of Master's Thesis as well as methodologies, outline of the work and limitations.

The second Chapter *The Sami – Indigenous people of the Arctic* will give brief introduction into the Sami people's history, culture, religion, tradition, language and territory. The purpose of this chapter is to familiarize reader with the Sami people's historical background.

The Sami political representation is the title of the third chapter that is concerned with modern day political organization and representation of the Sami people in their respective countries. This chapter points at benefits and shortcomings of the Sami Parliaments as means of Sami political engagement.

The chapter *Legal framework affecting traditional occupations* gives in depth overview of the legal situation regarding the Sami traditional occupations and challenges of everyday live. Since the Sami traditional occupations are mostly interrupted by mining industry and issues of land rights, these two categories are also researched and presented. This chapter ends with brief overview of the situation for the Sami people living in Russian Federation.

In the chapter *Arctic governance* the Sami people are examined in the context of rapidly changing Arctic. The wealth of Arctic attracts more and more international attention, more research has been conducted, and more resources have been extracted. The rush for land and sea, global warming that reshapes the face of the Sami ancestral land and political games of long distance, but powerful actors are

making deep impression on lives of the Sami people. This chapter aims to point to the major actors and their dynamics in the Arctic.

The sixth chapter *The voice of the Sami people* puts the Sami back in the spotlight, this time without author's interference. Survey will be used to collect the opinions of the Sami people on matters presented in this Master's Thesis and it will round up the conducted research.

In the last chapter, *Conclusion*, the results of research will be presented and the answers to the research question and hypothesis will be given. The bibliography will be given in alphabetical order at the end of the Master's Thesis.

2 THE SAMI – INDIGENOUS PEOPLES OF THE ARCTIC

The Sami are not as homogeneous a group as you might think, but we carry a large community - we are Sami, and we are a minority who live in several countries. I cannot really describe the feeling of belonging that I feel when I meet other Sami - I do not think a Swedish encounter other Swedes on a holiday abroad feel the same deep togetherness and familiarity when I face total strangers

Woman, Sweden

Indigenous peoples are very diverse in their cultures, languages, social structures, political representation, relationship to nation states and historical oppression. They live in all parts of the world, in different political situations and are faced with different problems. While some indigenous peoples are subject to physical violence, forced displacement and complete political marginalization, others are legally protected and respected as partners in decision making concerning their rights. The Sami people are the Europe's only indigenous people and they have a unique history, spirituality and culture, diverse languages and a highly developed social, economic and political life. They also have a long and dynamic relationship with the Norwegians, Swedish, Finnish and the Russians. This chapter will give a short overview of the diversity of the indigenous peoples and a historical presentation of the Sami people.

2.1 Indigenous Peoples

The Norwegian legal system is founded on Norwegian / European values and ethical principles; both grounded in ignorance and in some cases different values, and doesn't regard Sami values / beliefs / history enough.

Woman, Finnmark

There is no definition of the Indigenous peoples that has been adopted by international community or any UN-system body, and prevailing view is that there is no need for the universal or formal definition in order to protect the rights of the Indigenous Peoples. Nevertheless there are a number of criteria by which indigenous peoples can be identified. Among most widespread approaches are those proposed by the International Labour Organization in its Convention no. 169, and those in the Report to the UN Sub-Commission on the Prevention of Discrimination of Minorities by Mr. José Martínez Cobo (1986) as well as an approach suggested by the

Chairperson of the UN Working Group on Indigenous Populations Mrs. Erica-Irene Daes (1996).

The International Labour Organization emphasizes self-identification as crucial for determining the indigenous peoples. Article 1 of Indigenous and Tribal Peoples Convention, 1989 (No. 169), states: Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply. The same Convention states that a people are considered indigenous either (ILO No. 196 1989, Article 1):

1. Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
2. Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

The Mr. José Martinéz Cobo's Report to the UN Sub-Commission on the Prevention of Discrimination of Minorities (1986), also finds self-identification as indigenous as a fundamental element in working definition (Cobo 1983, 51): On an individual basis, an indigenous person is one who belongs to these indigenous peoples through self-identification as indigenous (group consciousness) and is recognized and accepted by the group as one of its members (acceptance by the group). This preserves, for these communities, the sovereign right and power to decide who belongs to them, without external interference.

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 in 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 systems (Cobo 1983, 50).

This historical continuity may consist of the continuation, for an extended period reaching into the present, of one or more of the following factors (Cobo 1983, 50):

1. Occupation of ancestral lands, or at least of part of them;
2. Common ancestry with the original occupants of these lands;
3. Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, lifestyle, etc.);
4. Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language);
5. Residence in certain parts of the country, or in certain regions of the world;
6. Other relevant factors.

This work of the Special Rapporteur Mr. Martinez Cobo was a reference point for further discussion on definition of indigenous peoples. Chairperson – Rapporteur, Mrs. Erica – Irene A. Daes in 1996, in her Working paper, *Standard - setting activities: Evolution of standards concerning the rights of Indigenous People*, agrees with the need for flexibility and for respecting the desire and the right of each indigenous group to define itself. For Daes, relevant to the understanding of the concept of indigenous are (Daes 1996, 22):

1. Priority in time, with respect to the occupation and use of a specific territory;
2. The voluntary perpetuation of cultural distinctiveness, which may include the aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions;

3. Self-identification, as well as recognition by other groups, or by State authorities, as a distinct collectivity;
4. An experience of subjugation, marginalization, dispossession, exclusion or discrimination, whether or not these conditions persist.

Although there is no consensus on definition on indigenous people, there are over 370 million considered to be indigenous people in some 90 countries, living in all regions of the world, speaking more than 4.000 languages out of 7.000 existing languages (Vinding 1996, 1).

Oceania and the Pacific (includes Australia, New Zealand (Aotearoa), Papua New Guinea island regions of Polynesia (including the U.S. state of Hawaii), Melanesia and Micronesia), are home to 3,5 million indigenous peoples. The European colonization of Australia and Oceania began in the 16th century. European colonizers wanted the ownership of natural resources, domination in world trade and spread of the Christian faith. Today, many of those countries have majority European population and are dominated by European culture and languages. Majority of the indigenous groups' traditional lands are recognized by the national legislature as customary land title which means that ownership of traditional, tribal land remains with the indigenous community. However, they are still largely dependent upon political will of sovereign states, so conflicts over land use and resource rights continue to occur between indigenous groups, governments, and corporations.

In Africa aboriginal type of indigeneity cannot be used as characteristic feature in attempt to define indigenous population, because in a strict sense all Africans are indigenous to Africa. They were there before the colonialist arrived and they were oppressed under colonial rule. The focus should be on the more recent approaches focussing on self-definition as indigenous and distinctly different from other groups within a state; on a special attachment to and use of their traditional land whereby their ancestral land and territory has a fundamental importance for their collective physical and cultural survival as peoples; on an experience of subjugation, marginalization, dispossession, exclusion or discrimination because these peoples have different cultures, ways of life or modes of production than the national

hegemonic and dominant model (Report ACHPR 2005, 92-93). Therefore indigenous peoples in Africa are generally understood as nomadic and semi-nomadic pastoralists and hunter/gatherers and their number is estimated at around 50 million people.

There are approximately 5.1 million people in the United States that are considered to be Native American or Alaska Native alone or in combination with another ethnic identity. Five hundred and sixty-six tribal entities are federally recognized, and most of these have recognized national home-lands. Twenty-three percent of the Native population live in American Indian areas or Alaska Native villages (Mikkelsen and Stidsen 2015, 58). Indigenous tribes in the United States have the inherent authority to tribal sovereignty, a power to govern themselves within the borders of the United States of America. However extent of tribal sovereignty is determined by Federal government and is rather limited, so tribal nations are treated as "domestic dependent nations". The Indigenous peoples of Canada are collectively referred to as “Aboriginal peoples”. The Constitution Act, 1982 of Canada recognizes three groups of Aboriginal peoples: the Indians, the Inuit and the Métis. Around 1.5 million people in Canada belong to Indigenous peoples. First Nations (referred to as “the Indians” in the Constitution) are a diverse group, representing more than 600 First Nations. The Métis constitute a distinct Aboriginal nation; they are descendants of Indigenous women and the colonial-era Europeans who self-identify as Métis, and are accepted into their current community. The Inuit are indigenous peoples living in the Arctic region of Canada. Canada does not recognize native political sovereignty. In 1982 the Canadian government formally recognized Aboriginal rights and enshrined them in Section 35 of the Canadian Constitution. The Constitution, however, does not define specifically what these rights are. The government stipulated that these rights were to be defined in the courts on a case-by-case basis (Benedict 1995, 410). This has resulted in numerous court cases.

In Latin America and the Caribbean there are almost 600 indigenous peoples. Conditions and circumstances of each people are unique and generalizations may not apply to many particular cases, but there are characteristics that distinguish them as indigenous peoples who face common problems and challenges. Some of them

are: lack of implementation of indigenous peoples' rights, need for more representatives of indigenous peoples within political structures of national or local governments, threats to the land rights of indigenous peoples by resource extraction, migration and displacement of indigenous peoples, the criminalization of demonstrations and protests. In order to cope with those challenges very strong and numerous indigenous movements emerged and managed to shape national political debates about multi-ethnic democracies, political equality, and sub national autonomy. In Latin America there are approximately 40,000,000 indigenous people mostly in Mexico, Peru, Guatemala, Bolivia and Ecuador. According to World Bank figures, 12.76 percent of the entire American population and approximately 40 percent of the rural population is indigenous.

Indigenous peoples in Middle East can be found in Iraq, Palestine and Israel. Indigenous people of Iraq are the Marsh Dwellers and the Assyrians. The Marsh Dwellers traditionally inhabited a land of interconnected lakes, mudflats and wetlands within modern-day Iraq and Iran. The Assyrians' ancestral homeland is spread over northern Iraq, northern Iran, south-eastern Turkey and southern Syria. The region from the Hakkari Mountains in Turkey to the Mosul district in northern Iraq is the Assyrian nation's ancestral homeland, with Nineveh as its historic capital (Assyria 2009, 2). There is no legislation protecting rights of any indigenous group within these countries. Indigenous people of Palestine are the Bedouins. Following Israel's declaration of independence in 1948, clans from the Jahalin Bedouin together with clans from four other tribes from the Negev Desert (al-Kaabneh, al-Azazmeh, al-Ramadin, and al-Rshaida) took refuge in the West Bank, then under Jordanian rule (Mikkelsen and Stidsen 2015, 348). The Bedouins are semi-nomadic agro-pastoralists living in the rural areas. Israel's Arab Bedouin are indigenous to the Negev-Naqab desert. Prior to 1948, around 90,000 Bedouin lived in the Negev. After 1948, most were expelled to Jordan and Sinai. Only around 11,000 survived in Israel. In the early 1950s, the Israeli government concentrated this population within a restricted geographical area that represented about ten percent of the Bedouin's former territory, with the promise of a return to their original lands within six months. This promise has yet to be fulfilled (Mikkelsen and Stidsen 2015, 342). Israel has not ratified the ILO Convention No. 169 nor the Declaration on the Rights of Indigenous

Peoples. Due to the current political situation in the Middle East it is difficult to determine the number of Indigenous people living there.

The Indigenous people in Europe live in Greenland, Sweden, Norway, Finland and Russia. The Indigenous people of Greenland are the Inuit and their population numbers 50.000 people. The majority of the people of Greenland speak the Inuit language, Kalaallisut, while the second language of the country is Danish. The Inuit also live in Siberia, Russian Federation. The Russian Federation is a multi-ethnic society and home to more than 180 peoples. Of these, 40 are legally recognised as “indigenous, small-numbered peoples of the North, Siberia and the Far East”, others are still striving to obtain this status. This status is tied to the conditions that a people has no more than 50,000 members, maintains a traditional way of life, inhabits certain remote regions of Russia and identifies itself as a distinct ethnic community (Mikkelsen and Stidsen 2015, 28). Since in Russian legislation a definition of “indigenous” without the numerical qualification does not exist, many Indigenous Peoples of Asia and Northern Russia are left without indigenous status. Russia has not ratified the ILO Convention 169 or the United Nation Declaration on the Rights of Indigenous Peoples. The Sami people live in the four countries: Sweden, Norway, Finland and Russia.

The groups in Asia that fall within the international rubric of “indigenous peoples” include groups such as those referred to as “tribal peoples”, “hill tribes”, “scheduled tribes” or “adivasis”. Within the Asian region, the distribution and diversity of such groups varies by country, as does the terminology used to identify them and legal recognition accorded to them (Anaya 2013, 5). Almost all states in Asia voted for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples but refuse to respect and implement the indigenous peoples’ collective rights, or like People’s Republic of China, do not recognize the existence of indigenous peoples at all. Several governments of Asian states argue that the concept of “indigenous peoples” is so integrally a product of the common experience of European colonial settlement as to be fundamentally inapplicable to those parts of Asia that did not experience substantial European settlement (Kingsbury 1998, 418). All these things create problems such as denial of self-determination, the loss of control over land

and natural resources, discrimination and marginalization, heavy assimilation pressure and violent repression by state security forces. In recent times, the indigenous peoples of Asia increased their engagement and participation in regional and international bodies which may lead to a better life conditions for a population of 260 million indigenous people.

2.2 Indigenous people of the Arctic

I want them to have the same or better opportunities to engage in a Sami lifestyle, close to a well-preserved wild nature where they can practice hunting, fishing, handicraft, yoik and all other things that make life worth living. I want them to have access to undisturbed areas of nature where they can hear stories of old being told around a fireplace and look at the stars undisturbed by light pollution. I want them to be able to breathe fresh air and enjoy the silence that only Saepmie can give us.

Man, Sweden

There are different definitions of the Arctic but most scientists define the Arctic as the region above the Arctic Circle, an imaginary line that circles the globe at 66° 32" N. The Arctic Circle marks the latitude above which the sun does not set on the summer solstice, and does not rise on the winter solstice. At the North Pole, there are six months of continuous daylight and six months of continuous night but at lower latitudes north of the Arctic Circle, the duration of continuous day and night are shorter. The region surrounding the North Pole consists of a large ocean called the Arctic Ocean. Eight countries have access to the Arctic Ocean: Norway, Sweden, Finland, Russia, the United States of America (Alaska), Canada and Denmark (Greenland). Iceland can also be considered an Arctic country, because the Arctic Circle passes through the small offshore island of Grímsey a part of the Iceland archipelago.

Since time immemorial the Arctic has been flourishing with life. Many peoples with many different cultures have managed to live in conditions considered by westerners as extreme and hostile. They shared common history, language, customs and social values. Although these peoples are very diverse they all had their unique cultures deeply rooted in the Arctic region prior to the arrival of the European settlers. Expansive colonial policies and nation building processes of the Arctic states shaped and directed the lives of today’s indigenous peoples in this area.

In 2013, there were 4,053,055 people living in the Arctic. This is a decline of 55,982 since 2000, or 1.4 percent. The Arctic states have adopted quite different approaches to the categorization of peoples, including population living in the Arctic (Larsen et. al. eds. 2014, 53, 85 – 86, 88). The United States classifies people based on race. There is a category for American Indian or Alaska Native, though they are tabulated together as a combined group. People who check this category are asked to indicate their enrolled or principal tribe. Canada classifies people based on ethnic origin. This includes three groups of aboriginal peoples – the Inuit, the Métis and the First Nations. Greenland categorizes people based on place of birth; roughly the Native Greenlanders or non-Greenlanders, or the Inuit or non-Inuit. The Faroe Islands classifies people based on place of birth or citizenship and so does Iceland. Norway, Sweden, and Finland ceased recording ethnicity in the censuses after World War II. There are no precise estimates of the number of the Sami in this part of their traditional territory, varying between 50,000 and 100,000 of which 40,000 to 50,000 in Norway, 17,000 to 20,000 in Sweden, 7,000 to 8,000 in Finland, and 2,000 in Russian Federation. Altogether there are 400.000 indigenous peoples living in the Arctic.

2.3 The Sami - one people in four countries

I would like a much greater degree of cooperation between the different Sami Parliaments. We Sami are one people.

Woman, Nordland

The only indigenous people in Europe live in the Arctic region. They identify themselves as indigenous and are recognized as such by the international community, including the Arctic Council and the United Nations. Indigenous peoples of the Arctic identify themselves as indigenous because they have faced common histories and common problems, they were marginalized when modern states were created and they share one or more of the following characteristics (ICARP II 2005, 2-2):

1. they are the aboriginal inhabitants of the region in which they live;
2. they speak or spoke a language that is different from those of the dominant group(s);
3. they are or were being discriminated against within the legal and political systems;
4. their cultures diverge from that of the remaining society;
5. their languages, cultures, and values are endangered;
6. their cultures are based on herding, hunting, and fishing; and
7. they consider themselves and are considered by others as different from the rest of the population.

To be recognized as indigenous has extensive consequences for the individual, but also for the entire nation as it affects the attitudes towards the role of language, education, culture, religion, health systems, natural resources management and social regulations.

The Sami (also spelled Saami and Sámi) are indigenous peoples of the Arctic. They inhabit a territory known as Sápmi (English: Sámiland), which spans the northern parts of Norway, Sweden and Finland, and the Russian Kola Peninsula. The Sami were nomadic people who moved northward due to competing tribes in the south and in pursuit of food somewhere between 12,000 and 7,000 years ago. The exact origins of the Sámi are still not agreed upon — though the Sami refer to themselves as “People of the Sun,” Sámit, or Sapmelash (Sámi People) (Muus 2010, 6). Once settled in the Arctic, Sami adopted to the harsh conditions and unique ecosystems and their civilizations started to flourish. The traditional form of organization of Sami people is structured around the siida, a local organization that plays an important role in the distribution of lands, water and natural resources (Anaya 2011b, 5). This siida structures are the base for land distribution system, inheritance and dispute resolution.

The siida structures are also very important when discussing Sami territoriality. Traditionally, the Sami are pastoral nomadic people, meaning they combined seasonal migration and collective herding. To believe that seasonal migrations are

random movements that depend on the reindeer desires, imply that the Sami do not have any sense of belonging to the territory. This deprivation of the sense of territory the Sami lived on justified forceful implementation of custodial relationship from national states. In reality, the Sami have developed complex system of pastures management. The siidas have an important role in these processes because of shared land rights, fluid boundaries and seasonal character of reindeer herding. The nation states considered that the Sami way of life that included fishing, hunting and herding was not developed enough to constitute land because from their perspective, nations must have strict boundaries without an individual owner, or private property, land could be considered to belong to the nation state. Even today, the nation states legally justify their enforced claim on the Sami territory by claiming that the land was ownerless because the Sami were incapable of forming conception of territoriality and ownership over land they occupied.

The Sami differ much from other indigenous peoples in the world by the fact that they began to expand trade relations with the other countries quite early. The first written document to mention the Sami is believed to date from 98 AD. Roman historical Tacitus, in his book Germania, wrote about a people he called the Fenni (Sápmi's history 2016): "They eat herbs, dress in animal skins and sleep on the ground. The only thing they trust are their arrows with bone tips. Men and women follow each other and support themselves on the same hunt." There is evidence of tax collection from the Sami dating from the 9th as well as 13th century (National Sami Information Centre 2005, 10). During 890 AD The Norwegian chieftain Ottar, who was from what is now Tromsø, told Alfred the Great about his trading journeys in the north. Ottar owned 600 tame reindeer, but his main source of income was the tax he collected from the Sami in the form of hides and whale and seal skins. In 1328 The Swedish Crown gave the Birkarli organization the right to trade with and to levy taxes from the Sami people. There is little evidence that Sami travelled to the south to trade, in most cases, people from the south came to the Sami territory. This trading arrangements as well as taxations were based on the traditional Sami livelihood – reindeer husbandry, hunting and fishing.

2.4 Traditional Sami livelihood

Commercial interests take precedence over traditional values and interests.
Woman, Finnmark

When the Sami people first came to Sapmi they based their livelihood mainly on fishing, hunting and gathering. Fishing was the oldest branch of the Sami industry. Sea fishing was carried only in Norway and Russia and inland fishing was carried in the entire Sami area. Today, in Sweden and Norway only Sami people who keep reindeer have a statutory right to fish, which means that the other Sami fishers in those countries have no statutory right to fish without permit and must apply for special licenses (Lasko and Osherenko 1999, 14). In Finland, the Skolt Sami can fish on state owned land without permit, while others must apply. Also, in municipalities of Inare, Enontekiö and Utsjoki, the Sami and the non - Sami population both have fishing rights. Hunting was very important as a source of food and goods to be exchanged with the neighbouring peoples. The Sami hunted bears, reindeer, moose and beavers. Today, hunting has a special place in the lives of many Sami people and it is essential for the Sami identity. Sweden and Norway have protected the right of the Sami people regarding hunting territories. Finland and Russian Federation have no special protection of the Sami people rights to hunt. Gathering of forest fruits, berry fruits and different kinds of herbs was always a part of Sami life and a source, not only for food, but for traditional medicine as well.

Of all traditional livelihoods, the Sami are probably best known as the reindeer herders.

It is not know exactly when the transition from reindeer hunting to reindeer herding took place. Researchers debate two periods that cover several hundred years. One line of thought places the development of reindeer herding somewhere between 14th and 17th century and the other suggests that the transition happened during the

period between 200 – 1000 AD[1]. When the Sami people started to herd reindeer it changed their society to great extent. It was then that extensive nomadic pastoralism that is known today developed. The nomadic pastoralism led to the development of ethnic identity, more structured social relationships and the traditional reindeer knowledge system. The traditional reindeer knowledge system comprises of the human experience and basic ontological or phenomenological circumstances in the world, which can be described as making sense of things within the reindeer landscape (Sommerseth 2011, 115). Traditional herding knowledge as well as the knowledge on understanding the landscape was passed on to younger generations with the means of oral traditions. Young herder would listen about the features of the terrain and about the behaviour of the reindeer from an elder in the community. After listening, student is left to experience and to make his / her own observations.

With the development of the reindeer herding, the social relations among people changed. The reindeer were no longer collective property, they belonged to one person. Different number of reindeer in possession created different social status and social inequalities. Further development of the complex systems of breeding and herding management eventually led to the fragmentation of siida into self - sufficient household units.

Herding involves imposing orderly management upon the instincts and drives of the animals, achieved through compromise and resistance. The Sami herders refer to the several categories of reindeer. These categories are based upon differences in the relationships between reindeer, and humans as hunters, (nomadic) herders, or livestock keepers (Sara 2011, 148):

1. goddi: wild reindeer
2. boazu: semi - domesticated reindeer (reindeer living in compromise with herders)
3. gesát: domesticated reindeer (farm reindeer)
4. beavrris (goddiluvvan boazu): wild reindeer that originates from boazu

[1] For more information see: Sommerseth, Ingrid (2011) Archaeology and the debate on the transition from reindeer hunting to pastoralism, Rangifer, Volume 31 (1).

The siida herding concepts are a combination of knowledge on humans, reindeer, landscape, climate and relationships between these factors. Traditionally, boundaries between the siidas are formed on the basis of these herding concepts and the number of reindeer is defined on the ability of the land to support its animals.

The economy of the reindeer Sami people is based entirely on the individual rights of ownership of each member of the community. Neither a siida family, nor any other group has a right of possession. This individualistic proprietary right forms the foundation for social life (Helander ed. 1996, 82-83). Traditionally, all reindeer are marked with an earmark. The earmarks differ from each other. In a Sami family, a child receive his / hers personal earmark right after birth and by very early age learns to distinguish between different earmarks. The personal earmarks are very important part of identity among the reindeer herding Sami.

An important cultural element for all the Sami people is handicraft (duodji). The duodji refers to the creative activity that is performed with the hands using various materials; it has been and remains an important part of the Sami society as a trade, a secondary occupation, a bearer of culture and a bearer of identity (Tradition and modern thinking, undated). Almost all the Sami have links with the Sami handicraft; it has a symbolic value for the Sami identity. It is more than just handmade objects, it is a means of expression, and it is art. The duodji was essential for survival, but with modern times, it has become an industry. Many of the Sami people have found jobs that allow them not only financial security, but also a way to stay connected to their tradition and culture. Many of the Sami fishers, farmers or reindeer keepers use the handicraft as an important additional source of income while focusing on their primary occupations.

The duodji products can be knives, cases, bags, wooden cups and clothing. The traditional handicraft knowledge is very important for the preservation of the Sami culture and today is still taught by one generation to the next in the traditional way, and it is very much a living craftsmanship. The materials used in the duodji are taken from nature; like leather, broadcloth, frieze, roots, skins, birch-bark, and reindeer

antlers. The traditional Sami outer garment is called the kolt, or gákti. The gákti varies in appearance between different parts of the Sápmi and a trained eye can determine where a person comes from by the gákti she or he is wearing. Mostly used colours are blue, green, red and yellow, but there are certain set rules that should be followed regarding the positioning and choice of colours. The traditional Sami clothing comprises of women's gákti, men's gákti, belt, trousers, shoes and shoelaces, caps and luhka (poor weather collars). There are strict rules regarding the colours, embroidery and decorations. According to the Sami Handicraft Consulting Inquiry, 181 kilograms of wood and 150 kilogram of horn are used annually by each Sami craftsperson (Lasko and Osherenko 1999, 12). The right to take wood for handicraft purposes vary from country to country, but Norway and Sweden grant better protection to the Sami than Finland and Russian Federation. The Sami handicraft is not legally protected so there are lot of false Sami handicraft items.

The yoik is a unique form of cultural expression for the Sami people. The yoik is the original music of the Sami, with clearly defined parameters for production, function, and practice (Gaski 1999, 3). It is a combination of singing and using the voice as an instrument. The concept of yoik exists over the entire Sapmi, but it is called different things in different Sami dialects. The yoik is very important to the Sami sense of community; it is a way of remembering, of connecting a person with the innermost feelings of the theme of the yoik over passing time and place barriers. In the old Sami society, when a person had received a yoik, he or she was looked upon as a member of the community (Gaski 1996, 12). The yoik can describe different elements such as persons, animals, places; it can be deeply personal or spiritual in nature. The yoik is not a song about something but an attempt to evoke or depict that something; one yoiks their home, not about their home. Although at one point yoiking was forbidden by the Church as sinful and by the state in the schools in the Sami areas, this tradition is alive and thriving among today’s Sami people.

2.5 Gender balance in the Sami communities

For me Sami gender roles are strong women who actively participate in all arenas; young girls who are not afraid, who are independent and can light a fire, and there is less focus on the body. But there is also a segregation of duties. Wood cutting, harvesting, fishing and hard duodji is for men. Gathering berries, agriculture and soft duodji is for women. There is little focus on feelings, and men show emotion to a very small extent.

Woman, Troms

The gender equality refers to the equal rights, responsibilities and opportunities for women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female (Gender Mainstreaming 2001, 1). The gender equality takes into consideration the diversity of different groups of women and men, their needs, interests and priorities. Within the indigenous communities, women often represent the most disadvantaged category due to their lack of or limited access to assets such as land, literacy and credit or participation in decision-making processes (IFAD 2004, 1). The indigenous women also suffer from the high rate of violence both domestic and sexual; they are often subdued by the culture of patriarchy and the roles and codes of behaviour that confine women to the domestic sphere. When it comes to the Nordic countries, Sweden, Norway and Finland are the leading countries in reducing the gender gap. All of these countries have high rate of investments in gender - equal health and education. The Nordic women strongly participate in the labour market and in politics.

The situation in the Sami communities is little bit more complicated. The dynamics between genders was determined by the Sami nomadic and pastoral way of living. In a society so highly dependent on nature, roles and tasks were predetermined. Man hunted, fished and made tools. Women made clothing, shoes, milked the reindeer, brought up the children, harvested and gathered fruits. Both men and women were responsible for passing on the culture to the children. When crossing the border of gender roles, men or women did not suffer any social stigma, but generally speaking, women were orientated towards domestic work and social networking while men spent their time in the environment connecting to the people outside the circle of the nearest family. In this pre-Christianization period men and women possessed power

and control over their lives. In the reindeer herding communities, women were equal to men meaning that women were entitled to have and maintain their own herd. Young girls would receive reindeer as a gift equally as their brothers would, they would inherit equally and were equally able to obtain new reindeer for their herd. All the children in a reindeer herding family received equal education regarding the reindeer herding. When marrying, women would maintain ownership of all the reindeer she brought with her in marriage. The economic equality and social incorporation were the foundations of the Sami collective and individual economies.

The colonization brought changes in the gender equality. As the interest for the Sami land grew, the colonizing powers reached deeper and deeper into the Sapmi. With them they brought the Eurocentric worldview and the new religion - Christianity. The European idea of that time was that the man is breadwinner and that only men can be economically responsible for the family. The European worldview was capitalistic with patriarchal relations. It strongly favoured men and pushed women to the margin of the society. The European worldview was reflected in the legislative framework imposed on the Sami communities. It all resulted in the economic exploitation of women and the social domination of men. The moral justification for this new order came from the Christian priests. The indigenous peoples all over the world suffered greatly because of the terra nullius doctrine. It stated that any land “not hitherto discovered” by the Christians was available to be claimed and exploited by the Christian rulers and declared that “the Catholic faith and the Christian religion be exalted and be everywhere increased and spread, that the health of souls be cared for and that the barbarous nations be overthrown and brought to the faith itself”. The Laestandianism had a particularly strong effect on the Sami communities. The movement was named after its founder, Lars Levi Laestadius (1800 - 1861), who was of the South Sami ancestry and who travelled across the Samiland preaching and delivering his healing sermons, which partly drew upon the Sami culture and oral traditions (Green ed. 2008, 86). A central characteristic of the Laestadian faith is the confession of sins followed by absolution "in the name and blood of Jesus". The Laestandianism requires an abstinence from alcohol and disapproval of contraception. The centuries of forced integration, colonization and Christianization have had a devastating effect on women in reindeer herding. In many cases, the

government policies have erased women's traditionally held right of reindeer ownership. In the official records, the reindeer-owning Sami women have been registered, since 1978, under their husband's names, thereby losing their membership in the organizational unit for reindeer herding (Kuokkanen 2009, 501).

When it comes to the education, situation is somewhat different. According to the Norwegian ministry of children, equality and social inclusion Action plan for 2014, in Norway there are more girls than boys who complete the upper secondary education. In 2005, 75 per cent of girls and 64 percent of boys had completed after five years. In the Sami areas the differences are slightly higher (Norwegian Government 2014, 20). The reasons can be found in the fact that it is difficult to live from reindeer husbandry alone and women are in unfavourable position when reindeer husbandry is concerned.

There is also a problem of physical and sexual violence against Sami women. The problem of rape, sexual abuse, child molesting and other forms of sexual and physical violence largely remains an unaddressed issue in the Sami society. Although reasons for these dreadful acts are broad and go far beyond the scope of this work some questions should be addressed. In the discussion about these violent acts, some claim that gender based violence is not in the Sami tradition. But in the statement "traditional" is a problematic concept. Cynthia Enloe argues that "tradition" is one of those concepts that allow us to take things for granted and to save our mental energies: "If something is accepted as being 'traditional'… then it too can be swathed in a protective blanket, making it almost immune to bothersome questions" (Kuokkanen 2013, 439). Uncritically invoking the tradition often further marginalizes already disenfranchised groups in the community. If violent behaviour is disregarded or justified with notions of tradition or culture it will sustain violence. The Declaration on the Rights of Indigenous Peoples gives indigenous peoples rights to protect their culture and this right is expressed in gender neutral form. But when the collective right to protect one's culture is used to discriminate against women this right should be questioned, especially when the practice fits within the definition of a crime under the domestic criminal law. The lack of political participation of women or unequal control over the economic resources should be treated equally. Insufficient effort to

delve into indigenous women's equality within the indigenous communities has important negative effects (Zardo, 2013, 1082): women have to choose between protecting their culture and fighting for their equality and this enables states to use the pretext of protecting individual rights as an excuse to strip indigenous peoples from control over their internal affairs.

2.6 Sami languages

It is important to be proud and not to be afraid to use the language in front of others.
Man, Nordland

The Sami people speak Sami languages. The Sami languages belong to the Finno - Ugric group. Hungarian, Finnish, Mordvinian, Zyrian and Estonian are some of the other languages in this group. The Sami linguistic area undoubtedly constitutes a unit, as the immediate neighbouring dialects are mutually understandable (Hætta 1996b, 36). There are ten variations of Sami languages and are often divided in two main groups. All variations have many dialects and sub dialects.

The main groups of Sami languages (Sammallahti 1998, 6, 26) are:

1. the Western Sami languages
    1.1. the northern group: Pite, Lule and North Sami
    1.2. the southern group: South and Ume Sami
2. the Eastern Sami languages
    2.1. the mainland group: Inari, Skolt and Akkala Sami
    2.2. the peninsular group: Kildin and Ter Sami

The boundaries of languages do not follow the national boundaries. In Norway, there are speakers of Lule Sami, South Sami and Northern Sami. Pite Sami, Ume Sami, Skolte Sami are extinct in Norway. In Sweden Lule Sami, South Sami, Pite Sami, Ume Sami, Northern Sami are in use. In Finland there are Northern Sami, Inari Sami and Skolte Sami. In Russian Federation there are Akkala Sami, Kildin Sami, Ter Sami and Skolte Sami. Akkala Sami, which had been considered previously, extinct,

is still spoken by at least one person (Riddu Riđđu 2013, 5). It is an elderly person who uses Akkala Sami when speaking with Kildin language users. In addition, a few people speak Akkala Sami, but have a passive vocabulary at different levels. In the international context, all the Sami languages are characterized as endangered, seriously endangered or nearly extinct languages. An endangered language is defined as the language in decline in terms of the number of children who can speak the language; a seriously endangered language is a language used almost only by adults, and a nearly extinct language has only a few elderly users (Riddu Riđđu 2013, 5). South Sami, Lule Sami, North Sami, Inari Sami and Skolt Sami have standardized written forms and are using the extended versions of the Latin alphabet. Kildin and Ter Sami written forms use the Cyrillic alphabet.

"*Boattit meg gjorde ingjald*[2]" were the first words written in the Sami language. Those words were inscribed in runic characters on a piece of spade that was found on Iceland. The inscription dates to the late 1200s (Hætta 1996b, 54). The first book written in Sami language was the ABC book written by a Swedish priest Nils Andersson in 1619 in Piteå. Norway had its first book in Sami language, "Luther's little catechism" more than a hundred years later. Till 1900 books written in Sami language were translations of the Bible or other religious text. The first non-religious text was written between 1856 and 1863 but was published in 1958. It was a collection of memoirs by two Sami serving a life sentence. The publication of books in Sami language was very poor during most of the twentieth century. In Norway in 1912, Anders Larsen wrote a novel Beaivvi Álgu (Morning), in Finland Pedar Jalvis wrote poetry and short stories Muohtačalmmit (Snowflake) in 1915 and in Sweden Johan Turi's book Muitalus Sámiid birra (An Account of the Sami) was published in 1910 (Stampe Sletten and Torp, et al. 2004, 106). All of these books are in use today, in universities, for educational purposes. In 1975 there were only nine children's books and they were all translations. The very first Sami children's book

[2] "Let it come" or "Let it happen" However, this theory has some critics. For details see: Willson, Kendra (2012) A putative Sámi charm on a 12th c. Icelandic spade: runic reception, magic and contacts. In: Hasselblatt Cornelus, and Adriaan van der Hoeven, eds. Finno-Ugric folklore, myth and cultural identity, Proceedings of the fifth international symposium on Finno-Ugric languages, University of Groningen, June 7-9, 2011, p. 267-281.

was written by Sami children and published in Northern and Southern Sami languages (Hætta 1996b, 56). It was a turning point for publication in the Sami languages because a great deal of Sami literature emerged afterwards.

It is hard to estimate how many Sami can speak any of the Sami languages. The following highest and lowest numbers for Sami speakers distributed according to main dialect were obtained by Tapani Salminen, Michael Krauss and Pekka Sammallahti (Rydving 2004, 361): South Sami has between 300 and 600 speakers, Ume and Arjeplog Sami between 20 and 50 speakers each, Lule Sami between 2,000 and 3,000, North Sami between 17,000 and 30,000, Inari and Skolt Sami between 300 and 500 speakers each, Akkala Sami 7 or 8, Kildin Sami between 650 and 1,000 and, finally, Ter Sami, 6 speakers. Although the relative number of speakers differs considerably between the different main dialects and the authors do not agree on the estimated share of the North Sami speakers, it is certain that most of Sami speakers use North Sami. When discussing the usage of the Sami language it is important to notice that many Sami languages don't have children speakers. This is very problematic and leads to extinction of language in question. Because of the very small number of speakers, all of the Sami languages are endangered and further steps are needed for their preservation. It is also important to notice that not all Sami speak one of the Sami languages. Also, some of Sami speakers are not necessarily Sami. People living in the area where Sami people are the majority are interested in learning Sami language and use it in their everyday life.

Communicating in one's own language gives that person a sense of belonging, identity, meaning and place in the community. By recognizing the Sami language and making it official, states show respect for Sami people, their culture, history, traditions and enable the Sami people to feel included in the society. The choice of the official language is much more than just deciding on the language of instruction in schools or in legislative debates, it defines individuals, it creates or erases barriers in social, economic and cultural life of a country. Sami languages are primarily used in families and in traditional Sami industries, but are not limited only to those areas. Nowadays, traditional languages are in use in education, media and administration. The big

breakthrough happened when Sami languages were recognized as official languages in Sweden, Finland and Norway.

In Sweden, Sami become an official minority language in year 2000. The administrative area of the Sami language includes 18 municipalities: Arvidsjaur, Berg, Härjedalen, Lycksele, Malå, Sorsele, Storuman, Strömsund, Umeå, Vilhelmina, Åre, Älvdalen, Östersund, Arjeplog, Gällivare, Jokkmokk and Kiruna. These municipalities have to provide communication with public authorities in Sami language as well as when dealing with the preschool for six-year olds and with the health care for the elderly. The municipalities also have to offer education in the minority language. According to the statistics from The Swedish National Agency for Education the total number of pupils studying Sami in October 2007 was 384 (Heikkilä 2009, 7).

In Finland, the Sami were recognized as the indigenous people of Finland in 1995. The rights of the Sami people to maintain and enhance their language and culture are protected in the Constitution. The Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture (The Constitution of Finland 1999, Article 17); in their native region, the Sami have linguistic and cultural self-government (The Constitution of Finland 1999, Article 121). The Sami language area in Finland consists of municipalities: Enontekiö, Inari, Sodankylä and Utsjoki. North Sámi, Inari Sámi and Skolt Sámi are spoken in Finland. The majority of speakers speak North Sami. Sami children can be educated in their mother tongue. There are approximately 470 pupils studying the Sami language (at primary and secondary levels). Education in Sami is best realized at primary school (ages 7-12) where it usually covers all subjects. Sami – speaking groups work parallel with Finnish groups (Aikio - Pouskari 1998, 53).

The Sami people are recognised as an indigenous people in the Russian Federation; however their languages have no official status. There are approximately 2000 Sami people living in the northern and central parts of the Kola Peninsula. Less than half of the population speaks Sami language. The Sami language is taught at the school from grades 1 to 4. After that time the language courses are voluntary. There are not enough textbooks published in Russian or Sami that deals with the Sami history or

traditions. In recent years the connections between Sami in Russian Federation and Sami living in Scandinavia are getting stronger.

Sami become an official language in Norway on the 1st of January, 1990 when Article 110a of the Norwegian Constitution came into force. That Article states: It is the responsibility of the authorities of the State to create conditions enabling the Sami people to preserve and develop its language, culture and way of life (the Constitution of Norway 1814, article 110a). The Sami Act in Article 1-5 states (the Sami Act 1987, Article 1-5): Sami and Norwegian are languages of equal worth. Administrative areas where Sami and Norwegian are equal languages are (Galdu 2016): Municipalities: Kautokeino, Karasjok, Tana, Porsanger, Nesseby, Kåfjord, Lavangen, Tysfjord, Snåsa and Røyrvik; County administrations: Finnmark, Troms, Nordland and Nord-Trøndelag. There are three Sami languages spoken in on this area: Northern Sami, Southern Sami and Lule Sami.

The Norwegian Government developed an Action Plan for Sami languages following the guidelines from a number of international conventions and declarations in attempt to preserve and promote Sami languages. Some of those documents are: the UN's Declaration on the Rights of Indigenous Peoples, the UN's Convention on Civil and Political Rights, the ILO Convention No. 169 and the European Charter for Regional or Minority Languages.

In the Action Plan for Sami Languages the Norwegian Government's work on the Sami languages has the following principal objectives (Norwegian Government 2009b, 11):

1. The Sami languages of Northern Sami, Lule Sami and Southern Sami shall be developed and survive as living languages in the future,
2. The Sami languages shall be promoted and made visible,
3. Every individual shall have the right to learn the Sami languages,
4. Sami linguistic rights shall be promoted and made known,
5. The three Sami languages; Northern Sami, Lule Sami and Southern Sami shall be given equal opportunities to develop,

6. Public institutions shall become conscious of using the Sami languages; Northern Sami, Lule Sami and Southern Sami,
7. Knowledge of the Sami languages in Norway shall be developed and preserved for the future.

The use of Sami languages in the Norwegian educational system is regulated within the Education Act[3], Chapter 6 Sami education. In the Sami districts all children at the primary and lower secondary level have the right to receive their education both in Sami and through the medium of Sami. From grade 8, pupils decide for themselves whether they will receive Sami instruction pursuant to the first, second and fifth subsections. Outside Sami districts, if at least ten pupils in a municipality wish to receive instruction in and through the medium of Sami, they have the right to such education as long as there remain at least six pupils in the group. Outside Sami districts, Sami children at the primary and lower secondary level have the right to receive Sami instruction. In the school year 2009-2010 a total of 2.336 primary school students received education in Sami languages; 2.158 students in Northern Sami, 81 students in Lule Sami and 97 Students in South Sami. In the same school year a total of 379 students received secondary education in Sami languages; 332 students in Northern Sami, 32 in Lule Sami and 15 in South Sami. Sami University College offers study programs in Northern Sami, University of Nordland has education in Lule Sami and Nord-Trøndelag University College offers education in South Sámi (Regjeringen.no 2014).

The problem with university education is low enrolment rate. At the University of Kautokeino at the Master's programme in Indigenous Journalism there are currently only three students enrolled in the program, and two of those three are on the exchange programme outside of Norway. The one remaining student feels sorry she started the course (Pettersen and Gaup 2015). This is not an exemption but a trend and Sami Universities struggle to recruit students. Main reason for this might be that

[3] Act of the 17th of July 1998 no. 61 relating to Primary and Secondary Education and Training (the Education Act) with amendments as of the 25th of June 2010, 31st of May 2011, 2012, 2013 and 2014. In force as of the 1st of August 2010.

all the teaching and research is conducted in the Sami language. Students might feel that their level of Sami language is insufficient or potential students do not speak Sami language at all. Studying abroad is very important for many students and more and more are pursuing higher education in a foreign country. But the language obstacle puts the Sami University out of this flow of people and knowledge. It is important to protect the language and it is important that Sami people have opportunity for education in the Sami language but it is also important to be involved in global trends and participate in sharing of new ideas. It is possible that organising some programs in English would make the Sami University more popular among students. Offering the non-Sami students the possibility to learn the Sami language, history and culture as part of their studies could benefit all. The Sami University would get more students; more ideas, more diversity and foreign students would learn about the Sami people while studying at the prestigious university.

Adult Sami people who cannot speak Sami languages are offered education in Lule Sami, South Sami or North Sami. The programs are carried out in broad geographic area led by Sami University College in cooperation with the Sami Parliament. By participating in these programs, the Sami people promote and protect their languages and rebuild their indigenous pride. Establishing kindergartens with Sami speaking preschool teachers is also very important measure for preservation of the language. The Education is not the only area in which Sami people should express and broaden their identity. Health and tax services, cultural events, theatre programs, literary works, media, films, TV and radio programs, press, Internet pages and recreation are also important part of modern life and should be easily reachable to Sami people in their own language.

2.7 Religion

We are changing positively when it comes to church and Christianity. More and more Sami youths are not Christians any more. And the less and less Christians molest children beat their wives and so on. Still we have a long way to go before the Christian culture is removed completely. Many Samies are so brainwashed and useless that they still go to church and thereby accept the colonists and their barbaric unmoralistic Christian values (raping children is okay as long as you say sorry to your fantasy god).

Man, Finnmark

The Sami religious practice can be divided into two periods: the pre - Christian period and Christian period, where introducing of the Christian religious thought and morals to Sapmi is the marking point. Although there are similarities in Sami pre - Christian spiritual practice, there are some territorial differences in concepts and customs. It is also important to notice that Sami pre - Christian religious practice was orally passed to the next generation meaning that there are no written testimonials. Historical evidences that can be found are those of the Christian missionaries and should be taken with caution. The Christian missionaries approached the Sami people and their spirituality with the Christian worldview and their testimonials are coloured with Christian moral and desire to convert the Sami people.

The ancient Sami religion was polytheistic, based on an animistic perception of the world and a shamanic cult form, where drumming on the magic drum and monotone incantations were key elements. The drums had a prominent place in the early Sami religious practice. To the shaman the drum was as important as the altar is to the Christian priest. The drums had figures drawn on them. At the top there were deities, in the middle was physical world and lower part represented the area of the dead. The importance of the positioning of zones and figures on the drums has been essential for the Sami community for understanding how the landscape, of both the physical and mythological worlds, was ritualised and then portrayed in association with how the function of the cosmos was interpreted and understood within their culture which formed a sense of unity amongst the people (Joy 2011, 139). This understanding was then expressed in a holistic way as an expression of maintaining a state of cosmic order between the different levels of existence. Drums were used by shamans and it was believed that shamans in a state of trance can travel into the

future and past. The Sami people worshiped their gods at many sacred places that came in many forms and locations and were shaped by the nature itself.

In the early Sami religion the nature was endowed with a soul and considered to be alive. The elements of nature were personified through different gods. The natural phenomena were strongly present in the religious practice. But it was generally not the natural phenomena themselves that were the object of worship, but rather the power that manifested itself through them (Hætta 1996, 13). The Sami believed in many gods that can be divided into nature gods, personified gods and abstract gods. The nature gods represented the natural phenomena like wind, sun and thunder; the personified gods were connected with fertility and creation and the abstract gods were important in explaining how human existence came to be. The Sami people had a dualistic relationship with some gods, because gods could be both good and bad, they should have been worshiped and feared at the same time. The animals also played an important role in the early Sami religion. Among animals the bear had the most important place. The bear has been looked upon as a sacred animal (the dog of the gods) which had a soul (Hætta 1996, 27). The rituals for bear hunting and worship differ in Sapmi, but they were all very complex and precise. Women and men both participated in the religious life. Some of the practices were reserved for men, some for women, but mostly everybody participated. Since most of information on the Sami pre – Christian religion comes from the Christian priests it is difficult to determine the exact position of women. The Christian priests had a patriarchal worldview and did not understand or show appreciation for the other possibilities.

The Christian movement started along the coast and in the south during the 12th century. It moved slowly and patiently to the north and inward. The slow speed of Christianization led to the separation between the coastal Sami and the migratory reindeer herders. The coastal Sami converted to Christianity two centuries prior to the reindeer herders and there was a lot of distrust and incomprehension between these two groups. By the 16th or 17th century most of the Sami accepted the new religion. Since the Sami believed in many personified gods, Christ, the son of God was not a difficult concept to accept. On the other hand, monotheistic religion like Christianity could not accept the existence of more than one god. The Sami belief

about the dead and death caused a robust attack from the missionaries. The Sami had a great respect for the deceased ancestors. The dead ones and their spirits never vanished from everyday life of Sami people who did not think much about after life. Christianity in contrary wanted the Sami people to break all connections with the deceased forefathers and live their lives constantly aware of the consequences their actions will have on the afterlife. In order to force the Sami to abandon their religion and instead come to the church's services and teaching, the church employed punishments of various kinds: fines, imprisonment or the death penalty (Sapmi 2006b). However, the most of the religious confrontation between the Sami and the Christian priests revolved around the Sami sacred drums. In spite of the fact that most of the Sami were baptized and married (and were going to be buried) according to the Christian ritual, in the middle of the seventeenth century many Sami people still used the traditional drums for various rituals. For many of the Sami, the drums represented their threatened culture, the resistance against the Christian claim to exclusiveness, and a striving to preserve traditional values, that is to say, “the good” that had to be saved. For the Christian authorities, on the other hand, the drums symbolized the explicit nucleus of the elusive Sami “paganism,” that is to say, “the evil” that had to be annihilated (Olupona 2004, 100). The hunt on sacred drums was brutal and cruel. The drums were burned or transported outside of Sapmi, mostly to Stockholm. The fear of harsh punishments led more and more Sami into Christianity but the same fear made the Sami resistance strong. The Sami kept drums hidden and withdrew to the mountains where they were out of clergy’s reach. In the attempt to hide the drums and sacred traditions from clergy, Sami men excluded women and children from religion with the reasoning that women and children will be more prone to confess. This distanced women from religion even more. In the old Sami religion men and women had their religious roles which complemented each other; there was a dichotomy of female and male in every aspect of the religion. In Christianity, however, there is neither dichotomy nor place for equality between sexes in the religious practice. The Sami men had the opportunity (that they almost never used) to become functionaries and priests in Christianity, but women did not.

Today, the Sami in Scandinavia mainly belong to the Lutheran Church, while the Sami in Russia and a part of Finland belong to the Russian Orthodox Church. The

religious intensification within the Lutheran Church that is offered by Laestadianism has left its mark on the faith of a large group of Sami. In Norway, the Sami Church Council is responsible for the Church of Norway work among the Sami people.

2.8 Colonial period

The government took away my Sami identity.

Woman, Sweden

Generally speaking, postcolonial theories and theories of coloniality attend to two forms of colonialism (Tuck and Yang 2012, 4-5):

1. External colonialism (also called exogenous or exploitation colonization): denotes the expropriation of fragments of indigenous worlds, animals, plants and human beings, extracting them in order to transport them to - and build the wealth, the privilege, or feed the appetites of - the colonizers, who get marked as the first world. This includes examples such as opium, spices, tea, sugar, and tobacco, as well as contemporary appetites for diamonds, fish, water, oil, humans turned workers, genetic material, cadmium and other essential minerals for high tech devices. External colonialism often requires a subset of activities properly called military colonialism - the creation of war fronts/frontiers against enemies to be conquered, and the enlistment of foreign land, resources, and people into military operations.
2. Internal colonialism: the biopolitical and geopolitical management of people, land, flora and fauna within the “domestic” borders of the imperial nation. This involves the use of particularized modes of control - prisons, ghettos, minoritizing, schooling, and policing - to ensure the ascendancy of a nation and its white elite. These modes of control are at work to authorize the metropole and conscribe her periphery. Strategies of internal colonialism, such as segregation, divestment, surveillance, and criminalization, are both structural and interpersonal.

Both colonising methods can exist separately or jointly. A special case of colonialism is settlers' colonialism which uses both internal/external colonial modes simultaneously. Within this type of colonialism there is no spatial separation between the metropole and the colony. The settlers come with the intention to stay. They are beginning a new life by creating a new home for themselves on a completely new land. The settlers need to impose sovereignty over all things in their new habitat and land ownership is the most important concern. The land is a source of capital as well as a place for a new home. By taking the land, settlers disrupt indigenous relationship to the land. By turning the land into property the only human relationship to land can be that of ownership. The indigenous ways of connecting to the land, managing it or the indigenous methods of property ownership become backward, savage and legally not recognisable. Soon, the settlers subjugate all land and resources to themselves and start excessive production, agriculture, industrialization; the new settler laws replace the indigenous laws.

In case of the Sami people, all three forms of colonialism can be traced. The Nordic states claimed Sapmi for themselves and had numerous disagreements and agreements, confrontations and treaties about their borders on the Sami land. They extracted minerals and oil, started excessive forestry, excessive fishing and hunting. Numerous new laws restricted the Sami rights to their traditional occupations, their language and culture with the help of forced assimilation and Christianization. The Nordic states also encouraged settlers' activities on the Sapmi land by exempting settlers from taxation, giving them land or releasing them from military obligations. Other activities from the settlers' part, on which the Sami had no influence, created situations in which new people arrived, used the Sami land and turned the Sami people into a minority in most of all Sapmi. This third party includes refugees and migrant workers that are now living and working on the territory of Sapmi.

As stated before, the Sami people had contact with other civilisations for a long time, mainly in form of trade. There was no great interest in the early period to conquer the Sami homeland. It was not easy to rule the North. It is a vast territory, most of the time covered in snow and ice, scarcely populated and prior to the discovery of oil and minerals, it was not worth the huge investment in money and personnel. Very early,

the Sami felt the effects of territorial competition between the Nordic countries. At that time, the Nordic states (Denmark - Norway, Sweden, Russia) were led by the idea that land equals power. To prove their claim to the territory they used the mechanism of taxation. Often, the Sami people had to pay taxes to more than one kingdom. This period lasted until the mutual borders were settled. The taxation policies divided the Sami people on Danish, Swedish or Russian subjects. It was the beginning of nationalization. However, the event that really awakened the interest of the Swedish state in colonising the Sami region was the discovery of silver in Nasafjäll in 1634. With a silver mine in the Sami region, it became even more important to claim it as Swedish territory (Sapmi 2006). Other states followed. This was the period with intensive arrival of non – Sami population and development of new settlement areas.

The Sami land has been approached in two different ways. At first, the Sami land was seen as a land without owner, like no man's land. Later on, the Sami land became the state owned land. In both cases, the Sami were denied the right to their land or recognition of their territorial systems. There are two important treaties concerning the Sami territory: The Treaty of Teusina in 1595 that established the border between Russia and Sweden-Finland and the Stromstad Treaty of 1751 when the Norwegian-Swedish border was defined. With the first treaty, the Sami on Kola Peninsula were separated from the rest of the Sami people. An addendum to the Stromstad Treaty, called the Lapp Codicil, can be the most important document concerning Sami territorial rights. It was an international treaty that recognized the right of the Sami to freely cross the border as a part of their seasonal migration of reindeer herding. The same document demanded that the Sami choose a citizenship, Swedish or Danish-Norwegian. It must be noticed that this document showed that both countries were committed to the preservation of the Sami reindeer herding.

The Nordic countries developed assimilation models relatively late. The period from seventeenth to mid – eighteenth century can be characterized as the missionary period. The main point was to exterminate the Sami religion and turn the Sami into Christians. During this period, it was encouraged to use the Sami language. To enhance this transition, religious books were translated to Sami languages. During the second half of the mid – eighteenth and nineteenth centuries, the view on the

Sami changed. The theories of nation states bloomed. The theory of races influenced both science and politics. This was the time of imperialism, nationalism, industrialization, social Darwinism and cultural racism. The Sami people were not exempted from this. Between 1850 and 1940, Sami skulls, whether from pre - Christian burial sites or Christian graveyards, were much sought after by many scientific institutions in Norway, other European countries and the United States. The general thesis was that the Sami were primitive, undeveloped and static human type, one of the "leftovers" of evolution (Fforde, Hubert and Tumbull (eds) 2002, 47). Labelled as inferior, the Sami culture and economy were to be "protected" by the nation states. There were two possible policies: assimilation or paternalism. Assimilation aimed for Sami to become a modern economic subject. Paternalism aimed at protecting the Sami way of life as seen through the eyes of state administration. Norway chose the path of assimilation, Sweden paternalism.

The Swedish national state (1548-1846) did not treat the Sami any differently than the population at large. The Swedish nation state (1846 - 1971) in practice created a system of institutionalized racism towards the nomadic Sami (Kvist 1994, 203). The Sami ethnicity was based exclusively on economic activity. The Sami settlers and farmers were regarded as ethnic Swedes or Finns, the Sami reindeer herders, fishermen or hunters were regarded as ethnic Sami. The government protected only the ethnic Sami; others were legally and culturally assimilated. The protection of the ethnic Sami did not last long because the Swedish government often changed rules in favour of the new agricultural settlements coming to the North. This resulted in more and more Sami abandoning the traditional livelihood and their loss of ethnicity. The paternalistic policy towards the Sami pursuing a traditional way of life was characterized by the notions of segregation. The nomads could only be protected by separation from the general population (Kvist 1994, 209).

The assimilation policy in Norway, so called Norwegization, should be studied in the context of Norwegian nationalism. At the beginning of nineteenth century, the Norwegian nationalist movements were primarily directed towards Swedes and Finns, but Sami were also caught in this net of racially motivated legislation and ethnic politics. Moreover, Norway's northern territories needed special attention in the

form of economic help and protection to newly arrived settlers. To achieve this, the Norwegian government simply followed the Swedish footsteps and created the legislative framework, which limited the Sami herding rights. In addition to that, the cultural and the language policies were introduced. Those policies were based on assimilation and discrimination towards "foreigners". A good example is a law from 1902, which granted land ownership only to Norwegian speakers. A very important instrument of Norwegization was the school system. The Sami were forbidden to use their language in education till mid – twentieth century.

Until the beginning of nineteenth century, Finland was a part of Sweden and all policies of the Swedish Crown were applicable there. Sweden lost Finland to Russia in 1809 and it was then that Finland experienced cultural, economic and political boom. The Russian Empire gave great autonomy to Finland regarding administration. New liberties resulted in a process of building the national identity. Just like in the Norwegian case, the newly developed nationalism was directed towards the Sami people. On the Sami land Finnish discovered the "green gold" - the forests of Lapland. The forestry became the leading national industry. New Finnish laws were created to destroy siida systems, restrict herding territories and put herding under government control. Finland is the only Nordic country in which reindeer herding is legally possible for both the Sami and no Sami population, which led to the Sami reindeer herders being a minority in the Finnish reindeer husbandry organisation Paliskuntain Yhdistys.

All Nordic countries abolished their policies of colonialism and assimilation by the end of twentieth century and the Sami people became recognized as the indigenous peoples. It could be said that the period of post – colonialism started.

The world today is more and more globalised, everything and everybody is connected and there are fewer and fewer options to stay isolated in order to preserve or protect one’s culture and identity. There is no unique answer to the decolonization in the settler context. The future is a ‘tangible unknown’, a constant (re)negotiation of power, place, identity and sovereignty. In these contestations, decolonization and indigeneity are not merely reactionary nor in a binary relationship with colonial power.

Decolonization is indeed an opposition to colonial ways of thinking and acting but demands an indigenous starting point and an articulation of what decolonization means for indigenous peoples around the globe (Sium, et. al. 2012, 1). The desired outcomes of decolonization are different and unique to every indigenous people but they all have in common the desire for indigenous sovereignty over land and sea, natural resources, traditional knowledge, languages, traditions and religions.

3 THE SAMI POLITICAL REPRESENTATION

[I would like you] to see that our politicians are not positive for all Sami. They have quite elitist outlooks.

Woman, Finland

The indigenous peoples are not a homogenous group with one political thought, but rather a group of individuals whose political ideas might differ significantly from each other. The indigenous activists and organizations must obtain legitimacy in the eyes of the indigenous communities and the national governments. Likewise, the channels for influence offered by the state structures must be able to communicate the indigenous grievances in an uncensored manner and to the appropriate authorities. The ways in which the indigenous peoples organize, and the types of official structures for indigenous representation established by the states, are of core interest to indigenous-oriented political science (Berg-Nordlie et. al. eds. 2015, 3). There are many different indigenous political movements around the world, different in form but with similar goals: to acquire the human rights, both collective and individual rights as well as adequate (minority) protection for all indigenous peoples.

There are different ways to ensure the indigenous representation and political participation in the national political arena. New Zealand is one of the countries that have dedicated seats in their national parliaments for the indigenous representatives. The Russian Federation has adopted a model of the umbrella organization, which represents all indigenous groups before the national parliament. In the United States of America, some tribes are nations within nations with limited legislative, judicial and regulatory powers. Finland, Norway and Sweden have adopted the system of separate institutions: the Sami parliaments. In this chapter, these institutions shall be closely examined.

3.1 The Sami Council and the Sami Parliamentary Council

Sami parliaments have not understood "Sami as one people".

Man, Finnmark

The Sami Council is a voluntary Sami organization (a non–governmental organization), with Sami member organizations in Finland, Russia, Norway and Sweden. Since its foundation in 1956, the Sami Council has actively dealt with Sami policy tasks. The Sami Council's work is based on the decisions, statements, declarations and political programmes of the Sami Conference. The Sami Council is funded by grants (Sámiráđđi undated). The Sami Council's main goal is to promote Sami interests and the cultural, political, economic and social rights in the legislation of Norway, Sweden, Finland and the Russian Federation as well as in agreements between the states and the Sami representative organizations. The Sami Council also strives to consolidate the feeling of affinity among the Sami people and to attain recognition for the Sami as a nation. The Sami Council has four sections responsible for activities on national levels: Russian section (2 members), Finnish section (4 members), Swedish section (4 members) and Norwegian section (5 members) and they gather approximately twice a year. The Executive Board (4 members) and the Secretariat are the preparatory organs of the council. The administrative tasks are dealt with in numerous Units. Currently there are three active Units: the Cultural Unit, the Arctic and Environment Unit and the Human Rights Unit. The Council has three units that are currently not active; the Project Unit, the European Union Unit and the Indigenous Cooperation Unit. The Sami Council is a Permanent Participant of the Arctic Council. The Sami interests are presented by The Arctic and Environment Unit. This Unit also participates in the work of the UN Convention on Biological Diversity. The Human Rights Unit of Sami Council aims to strengthen and create an international understanding for indigenous people’s rights by actively participating in different processes and meetings on the international level, in UN and other contexts. The cultural policy of the Sami Council is to maintain, challenge and develop the Sami civil society with special care given to the cultural activities. The Sami Council aims to strengthen both traditional and modern Sami culture. The Cultural Unit in the Sami Council coordinates the work of the Cultural committee which handles an annual cultural fond that provides grants to literature, project grants, grants for study

trips and working grants. The aim of this work is to support projects with an all - Sami perspective.

The highest body of the Sami Council is the Sami Conference, which is organized every four years. The last Sami Conference was arranged in Murmansk in 2013 and it was the 20th conference to be held. The conference adopted the Kuellnegk Neark Declaration and seven statements that the Sami Council will be following up on in its work, in addition to its annual operational plans. The Sami Conference also appoints the 15 members of the Sami Council. The next conference will be held in Trondheim in 2017. For more than 50 years, the Sami conferences have played an important role in spreading of information, discussions and Sami policy development. The first conference was held in Sweden in 1953 and at this conference a working group was organised with the goal of preparing for the establishment of the Sami council. The Nordic Sami Council was established by the second conference in Karasjok, Norway in 1956. The name was changed to Sami council in 1992 when the first Russian Sámi organization was accepted as a member. The Sami Council is an arena for cooperation between different Sami organizations in all countries where Sami live. The Sami flag is the flag of all Sami, no matter what country they live in. The national anthem is a poem written by Isak Saba in 1906. The flag and the national anthem were adopted at the 13th Sami Conference, held in Sweden in 1986. February 6th is the Day of the Sami People and it is celebrated all over Sápmi. This day commemorates the first Sami national meeting, which was held in Trondheim in 1917.

The Sami Parliamentary Council was established in March 2000 by the Sami council and the Sami parliaments in Norway, Sweden and Finland. Since there is no elected body for the Sami in Russian Federation, the Russian Sami have two permanent representatives on the Sami Parliamentary Council. The Sami Parliamentary Council is led by the Sami parliaments in Sweden, Norway and Finland respectively for a period of 16 months. The secretariat function is handled by the Sami parliament, from which the president hails. The financial help from these three countries makes the work of the Sami Parliamentary Council possible. The purpose of the Sami Parliamentary Council is to safeguard the interests of the Sami and strengthen Sami

cooperation across the borders. The objective is also to coordinate the voices of the Sami internationally and in particular vis-à-vis other indigenous peoples in the world (Josefsen 2010, 15).

The Sami parliaments have been established based on the realisation that the Sami will always be a small minority in the national political systems, and that the ordinary (direct) electoral channel does not ensure that the voice of the Sami is heard (Josefsen 2010, 15).

3.2 Sami Parliament in Finland (Sámediggi)

Structural racism is common in Finland, and Saami are not seen as a people, nor given the possibility to govern their matters, such as livelihoods or education. The highest administrative court has recently ruled based on racist laws that allow them to decide who gets to vote in Saami parliamentary elections. In the judicial system of Finland Saami are not seen as qualified to define the membership of their people.

Man, Finland

The first regular election for the Sami Parliament in Finland took place in 1975 and the Parliament met in 1976. The Sami Parliament was established by the Presidential Ordinance for the delegation of Sami questions in 1973. This Parliament had no decision-making authority, the right to issue statements or raise questions that should be discussed in the parliament. In 1995, the Finnish Parliament passed the Sami Act and revision of the Finnish Constitution, which led to forming of Sameting - the Sami Parliament as it is known today. The revision of the Finnish Constitution significantly strengthened the Sami political and legal position as an indigenous people. The Sami Act in article 6 contains a provision that expressly states that the Sami Parliament is the representative body for the Sami in Finland, while it also assigns the Sami Parliament the right and obligation of representation. In other words, the Sami Parliament shall represent the Sami in Finland (Henriksen 1999, 31). The Sami Act also guarantees the Finnish Sami their language and cultural autonomy within a limited geographic area called the Sami Homeland. The Sami autonomy is based also on the principles of the ILO Convention 169. It is meant that the size of Sami Homeland remains the same which strengthens the Sami cultural autonomy. The

Finnish Sami Act also provides that the national authorities have an obligation to negotiate. They are obligated to negotiate with the Sami Parliament in all extensive and important cases that directly or distinctly relate to the Sami as an indigenous people. There is no similar provision in Swedish or Norwegian laws. The Sami who are not Finnish citizens can vote and be elected for the Finnish Sami Parliament if they have resided in Finland two years prior to election. What makes the Finnish Sami different from other Sami is that instrumental force for their mobilization was the Finnish state. It created the first Sami parliament in 1973 and the second in 1995 with the Finnish Sami Act. The first organization dealing with the Sami questions was Lapin Sivistysseura and it was formed by the non - Sami bureaucrats and academics.

3.3 Sami Parliament in Sweden (Sametinget)

The government does not give a damn about the Sami Parliament.

Man, Sweden

Sweden should have signed ILO Convention 169 that would secure our rights in the future!

Woman, Sweden

Sweden was the last of Nordic countries to introduce the Sami parliament. The demand for a Sami Parliament was fronted by the Same Ätnam and the Svenska Samernas Riksförbund in 1981. The Same Ätnam is the first national Sami organisation in Sweden. It promotes the rights of the Sami not affiliated with the reindeer husbandry. To safeguard the interests of the reindeer Sami, the Svenska Samernas Riksförbund was established. One of the motives for establishing the Sami Parliament was to give the Sami people an opportunity for political participation. The Sami as a relatively small minority in Sweden have difficulty reaching the regular democratic assemblies that are based on a majority democracy. For example, there is no Sami representation in the Swedish Riksdag and only a handful of Sami are local politicians in the northernmost Swedish municipalities (Sametinget 2014). Two events started the Sami - Swedish state dialog. The first was the Alta Kautokeino controversy in Norway and the other was The Taxed Mountains case in Sweden. The Taxed Mountains case was the first modern case to examine the Sami land rights, and is still the biggest case in modern history. The case, initiated by the Sami in 1966, was a disappointment as the Sami lost at all three court levels. Although the

main part of the case dealt with the Sami claims to ownership to the so called taxed mountains, the Supreme Court made important statements on the nature of the reindeer - herding right. The Sami Parliament in Sweden was established through the Sami Assembly Act in 1993. Other Sami demands, such as the constitutional amendment confirming their status as an indigenous people, or ratification of the ILO Convention No. 169, were not met. It was also emphasised that the Sami Parliament was to be a regulatory body under the Swedish Government and not primarily a body for the Sami self-government (Josefsen 2010, 17). The Sami Assembly Act states that the primary objective of the Sami Parliament is handling issues related to the Sami culture in Sweden. The duties of the Parliament are listed in the chapter 2. It illustrates and emphasises that the Sami Parliament in Sweden is a governmental administrative authority. The Finnish Sami act demands that the state negotiate with the Sami Parliament on important questions regarding the Sami people, the Norwegian Sami act demands that the state conduct consultations with the Sami Parliament on important questions, but the Swedish Sami Assembly Act has no provision regarding this matter. The central administrative and political responsibility of the Sami Parliament in Sweden is to maintain the work on the preservation and development of the Sami language. Also, the Sami Parliament participate in different EU programmes. In Sweden, the Sami without Swedish citizenship have a right to vote on the Sami Parliament elections if they have been living in Sweden three years prior to the elections. The Sami without the Swedish citizenship cannot be elected in the Swedish Sami Parliament. The biggest problems for the Sami Parliament in Sweden are the legitimacy and political power that are getting blurred in situation in which the Parliament should at the same time represent the Sami people and its major opponent, the Swedish state. When it comes to the state agencies, the norm is that the government has the right to stipulate directives for the operations, and the agency shall then act on the politics of the government (Sametinget 2014). The Sami Parliament in Sweden at the moment is not a true body for Sami self-determination.

3.4 Sami Parliament in Norway (Sámediggi)

Norwegian authorities are not listening to the Sami Parliament. The Norwegian authorities are not interested in cooperating with the Sami Parliament, but only to meet a minimum requirement in relation to international conventions and international law.

Man, Sør Trøndelag

Norwegian Parliament adopted the Alta-Kautokeino dam resolution during 1978, allowing the construction of the hydro power station. This decision caused widespread protests and demonstrations by the Sami and environmental activist alike. All this attracted a great deal of attention in Norway and abroad. In an attempt to accommodate the Sami demands, the Norwegian government appointed the Sami Rights Commission and the Sami Cultural commission. It resulted in the adoption of the Sami Act in 1987, which made possible to establish the Sami Parliament. The Sami Parliament was opened in 1989 in Karasjok by H. M. King Olav V. The Norwegian constitutional law lays down an important foundation for the rights of the Sami as a nation. The Article 110A of the Constitution of Norway establishes that. Furthermore, Norway has obligations towards the Sami under the Sami Act, the Finnmark Act, the Planning and Building Act, the Education Act, the Cultural Heritage Act and the Reindeer Husbandry Act, as well as through the ratification of international conventions such as the ILO Convention No. 169 and the UN Convention on Civil and Political Rights.

The purpose of the Sami Parliament in Norway is to strengthen the Sami's political position and promote the Sami interests in Norway, contributing to the equal and equitable treatment of the Sami people and paving the way for the Sami efforts to safeguard and develop their language, culture and society. The Sámediggi addresses all issues in all areas of society that involve the Sami in particular, in addition to issuing statements and being a consultative body for government authorities. The Sami Parliament is funded by the Norwegian government and is free to allocate these funds in accordance with its policy priorities.

In comparison the Sami Parliament in Finland has the greatest formal competences and political authority, followed by the Sami Parliament in Norway. Decisive elements are provisions for Sami cultural autonomy, the obligation to negotiate and the right

and obligation of representation. Although the Sami Parliament in Norway has weaker formal political authority, it has developed into a real political actor and the central place of discussion in all questions concerning the Sami in Norway. The Sami Parliament in Norway is in a far better economic situation than other Sami Parliaments. The Sami Parliament's mandate is based on legislation but also on the will of the Sami people, because all the Parliaments comprise of the representatives who are elected based on their own political programmes. The Sami people can influence decisions in national elected bodies not only through the work of the Sami Parliaments but also on national elections. The extent of this influence is determined by several factors. One of the most important is definitely how engaged national parties are about the Sami policy issues considering if and how they have incorporated the Sami matters into their platforms. The national parties are more engaged if the Sami people actively participate in the work of the national parties, which can result in the Sami people being nominated and elected to the national parliaments based on their involvement and work for the Sami rights.

3.4.1 Voting rights

The Sami have no separate seats in the national parliaments of any Nordic country. In the Nordic states, all citizens who have turned eighteen years of age have the right to vote. No registration on the part of the voter is needed. All eligible voters are automatically registered by the government. This rule also applies to the Sami people voting on national, county or local elections. For the Sami voting in the Sami Parliamentary elections, the process is a little bit different. There is no official registration of the Sami ethnicity so the potential voters are not automatically added to the voters register. The Sami must therefore take the initiative themselves. To be eligible to vote, the Sami must declare that they regard themselves as the Sami. Additionally one of following must be fulfilled; to have Sami as their domestic language, to have or have had a parent, grandparent or great-grandparent (in Norway only) with Sami as his or her domestic language or to be the child of a person who is or has been registered in the Sami electoral register. This part of the process is based on trust, on self – identification, meaning that no one checks truthfulness of the application. After fulfilling these two conditions, the Sami person

can vote. Registration for the Sami Parliamentary elections demands a stronger political motivation than the voting process for the national elections. The election day can have influence on the mobilization of voters. In Norway, the elections for the Sami Parliament are held on the same day as the elections to the national parliament. In Sweden, these two elections are separated, they are held in different years. If elections are held on the same day, higher turnout rates may be expected because some voters may be less interested in the Sami politics than in the national politics, but will vote on the Sami parliamentary elections because there is no need for extra effort. All the Finnish, Norwegian and Swedish Sami Parliaments are elected by proportional representation. In Sweden, only the Sami parties compete, national parties do not participate. In Norway, both the Sami and the national parties participate in the Sami parliamentary elections. In Finland, candidates do not represent any parties or groups; there are no parties behind the representatives in the Sami Parliament. Also the autonomy and influence of the three Sami Parliaments differ considerably. The Sami are voting in general elections in the same way as the non-Sami, but they have exclusive rights to vote on the Sami parliamentary elections. This situation can be described as a double voting right. On one hand, the Sami affect political situation in their national parliaments, but they are also deciding on the Sami parliament. When the nation states negotiate with the Sami parliament, the Sami voters are on both sides. The decision of the Sami parliament on language, health, industry or any other matter can be significantly different from the position of national parliament. Only a relevant number of the Sami votes could polarize the situation between the Sami minority and the majority of voters. On the other hand, if there would be very few Sami voters on the Sami parliamentary elections, the Sami parliaments would lose their political power, both at the national level and within the Sami communities, as well as legitimacy. The most important issue with the Sami parliaments, however, still remains the scope of their political power.

The first Sami parliamentary election in Norway was in 1989 and 5,505 people were registered to vote. Since then the number of registered voters is rising. In 1993 there were 7,236 registered voters, in 1997 8,667 people registered to vote, in 2001 there were 9,921 people, in 2005 12,538 people, in 2009 there were 13,890 voters and on the last elections in 2013 15,005 people were eligible to vote (The Sámediggi 5,

Statistics Norway). Increased number of voters shows that the Sami people are gaining more and more trust in the Sami Parliament and that the feeling of control over their own destiny is on the rise. However, it should be noticed that 15,000 people are still a relatively small number. According to the Statistics Norway, the voter turnout in the 2013 elections was 66.9 percent, and that was the lowest turnout since the first Sami Parliament election. The reasons could be in the weaker voter mobilisation campaign, a new electoral law in which the number of electoral districts was decreased or in the lower interest for politics in that particular year. The next elections will show if there are new trends and deeper problems or was this just an anomaly. Of the elected representatives, 49 percent were women. Compared with the 40 percent of women elected at the Norwegian parliamentary election this shows that the gender balance in the Sami communities is strong. In the Sami Parliamentary elections, there are two dominant political parties, the National Norwegian Sami Association (NSR, Norgga Samiid Riikkasearvi) and The Norwegian Labour Party (DNA). At the 2013 elections, NSR won 11 and DNA 10 seats at the Sami Parliament. The National Norwegian Sami Association is the most important Sami cultural organisation. It also nominates candidates for the Sami parliamentary elections. The organisation has approximately 1,000 members in the election years and considerably less in the interim years. Although the NSR does not define itself as a political party, it functions as one when the Sami parliamentary elections are held, and is deeply involved in the workings of the Sami parliamentary system (Selle and Strømsnes 2010, 77). Participating in the Sami elections there is one more Sami party, the Sami People's Party and that collaborates closely with NSR.

In Norway, it is possible to be a member of both the NSR and a other mainstream Norwegian political party. Additionally, Norwegian political parties participate in the Sami Parliamentary election. In Finland, there are no Sami parties running in the Sami elections, only independent candidates. So, the Finnish Sami vote for their preferred candidate and no party has an opportunity to influence the elections. In Sweden, the Sami organisations determined early on that they did not wish to be on the ballot through the Swedish national parties. Instead, separate parties have been established either as an extension of the Sami organisations or in connection with the elections. Parties, groups or other associations that want a list on the ballot must

register with the Election Board (Josefsen 2010, 17). Swedish Sami parliament is not a body for the Sami self-government, but a Swedish government agency.

3.4.2 Nordic Sami Convention

The political cooperation and the efforts of the Sami Parliamentary Council lead to adoption of the joint international agreements. The main joint document for the Sami people is the Nordic Sami Convention. In 2005, a draft of the Nordic Sami Convention was presented, prepared by an expert group consisting of government-appointed members from Norway, Sweden and Finland. This is the first attempt to create a regional treaty specifically concerning indigenous peoples, anywhere (Anaya 2011b, 5). The Draft Convention text is divided into seven parts following the Preamble (Koivurova 2008, 282): the general rights of the Sami people (I); Sami governance (II); Sami language and culture (III); Sami right to land and water (IV); Sami livelihoods (V); implementation and development of the Convention (VI); and final provisions (VII). The objective of this Convention is to affirm and strengthen such rights of the Sami people that are necessary to secure and develop its language, its culture, its livelihoods and society, with the smallest possible interference of the national borders. The Convention does not mention the interests of the Sami people on the territory of Russian Federation, but in the future, it might affect them as well. The draft text of the Convention is still in the negotiation process. The biggest issues are the right to self – determination, rights to land and water, and reindeer herding as the Sami livelihood.

The draft text of this Convention is currently under consideration. However, if the negotiations succeed, this will acknowledge the unity of the Sami people across the borders of all Nordic countries. The Sami people are recognized as indigenous peoples in all Nordic states. Some might challenge the idea of unity among the Sami people in different countries stating that the Sami people do not speak the same language or that their economies were disconnected. Nevertheless, the Sami people are linguistically, ethnically and culturally one nation. There are different Sami dialects, but the majority of the Sami can speak Northern Sami and communication between the Sami form different language territories is not a problem. Additionally,

due to historical reasons, the Sami are bilingual meaning they speak at least one Nordic language. They have the same roots dating back to the beginning of the last Ice Age; prior to colonisation all Sami shared same religious beliefs (since Christianity is nowadays leading religion in Sapmi, the Sami still share the same religious views). During the course of history, the Sami never considered themselves as a part of any colonizing nations and were often taxed on the same territory by different nation states. Those states always granted the Sami people the status of a minority in one form or another even when they were the majority in certain areas. The Sami people believe that in relations to colonising nation-states they never had equal status or equal rights but were always subjected to the will of the others. At last; the Sami way of life has changed in course of history due to many reasons but mainly because Sapmi was divided among different nation states that treated the Sami way of life in different ways. So, the Sami people in the Nordic countries and the Russian Federation are one nation, and should be regarded as such when their rights are concerned. The Declaration on the Rights of Indigenous Peoples, Article 36 states: *1. 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, with their own members as well as other peoples across borders. 2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right* (UNDRIP 2007, article 36).

One of the major obstacles to the ratification of the Nordic Sami Convention, is the part of Convention that deals with self determination of the Sami people. The Declaration on the Rights of Indigenous Peoples in Article 3 states: Indigenous peoples have the right to self determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. The right to self determination is a basic human right[4]. Indigenous peoples see themselves as peoples under international law, but their right to self determination is limited by the Article 46 of the Declaration on the Rights of

[4] Expressed in Article 1 of Charter of United Nations, Article 1 of the International Covenant on Civil and Political Rights, Article 1 of the International Covenant of Economic, Social and Cultural Rights.

Indigenous peoples: *Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States*. (UNDRIP 2007, article 46) Self determination broadly refers to two aspects (Malloy et. al. eds. 2015, 120): the right to autonomous governance and own institutions, and, on the other hand, full and effective participation at all levels of decision - making. The Sami people are seeking control over their lands and resources and an equal place in decision making. They strive to protect their culture and livelihoods in relationship with other people living in the Nordic states. The Nordic Sami Convention would be a great step forward in that direction.

3.4.3 Alta-Kautokeino Hydro-electric Project

[I would like] a safe society without racism and discrimination. A society where being a Sami is a pride for all.

Woman, Finnmark

The Alta Dam dispute is the name for the series of events that took place between 1979 and 1981 in the Finnmark County in Norway. This is one of the most significant contemporary events in the Sami history, which paved the way for the Sami political thought and that transformed relations between the Norwegian and Swedish state and the Sami. The most important legislative act protecting the Sami people both in Norway and Sweden came as a direct result of these events. The Sami Act in Norway and the Sami Assembly Act in Sweden as well as the establishment of the Sami Parliaments in Norway and Sweden are built on the corner stone of Alta Dam dispute.

Alta River is one of the two major watercourses located inside the Arctic Circle in northern Norway. The river passes through Kautokeino where the majority of population are the Sami people. Little bit downstream the river passes through Masi, a small village with a hundred percent Sami speaking population. The Sami in this area are reindeer herders, farmers, hunters and fishers. In 1970 Norwegian Hydro

announced a hydro - electric project. The Alta Dam project involved proposals to construct a hydroelectric dam on the Alta River. Norwegian Hydro promoted large-scale regulation of wild rivers and by 1972, sixty of Norway's rivers had been regulated to harness their hydro-electric potential, with significant impacts on the Sami people (Howitt 2001, 280). The proposed project ignored cultural landscapes of the Sami people and their cultural heritage. In 1976, the city councils of Alta and Kautokeino voted against the revised proposal, but the Finnmark County council approved the construction. In 1977, the resource board supported the Finnmark County decision. In 1979, after cursory investigations, the Norway's national parliament, considered the project several times and ultimately approved the construction by a substantial majority (Howitt 2001, 282). The social, cultural and environmental implications of the proposal were far-reaching and the non-Sami and Sami people began demonstrations and protests leading to the largest post war mobilisation of Norwegian police. During the protest, the Sami established a protest camp outside the Norwegian Parliament in Oslo in a traditional Sami lavvo, protesters commenced a widely publicized hunger strike, protests were held all over Norway, in Alta, Stilla and Oslo, and there were also international support actions. Central to both the Sami and conservationist demands for postponement or cancellation of the project was a demand that no further work proceed until the Sami rights to land and water were settled. However, the Norwegian Parliament confirmed its decision to proceed without settling the Sami rights question (Howitt 2001, 283). The case was brought to the Supreme Court of Norway. The Sami argument against the Alta Dam was always principally a political argument but their opposition to the project had to be advocated in terms of a legal system, which refused to acknowledge that the collective, indigenous rights of the Sami people had any basis at all in the Norwegian law. In autumn 1981, the Supreme Court denied one final challenge to the project by reaffirming that the Sami did not have legal claim to their pastoral lands. The Alta Dam began producing electricity in 1987.

Ten years after the project was completed, Gro Harlem Brundtland, the Norwegian Prime Minister who came to power at the height of this conflict, and whose government persisted in its construction, concluded that the Alta Dam should not have been constructed: *It is now apparent that the development of the Alta riverway*

was an error of judgement (Howitt 2001, 293). The Alta dam was a financial failure but perhaps the greatest tragedy of the Alta controversy was that the energy produced there was never needed, a fact that the project proponent knew but covered up until the construction was well underway. Besides, when the project was presented it was calculated that only 21 reindeer would be affected. In reality, five herding districts, involving some 30,000 animals and 80 households, were adversely affected both directly by the scheme and by the way this development would compound the impact of previous dams throughout the affected areas (Usher 1997, 47). Not only reindeer herders were affected. The damming of the Alta River affected the fisheries as well because the ecological integrity of the river basin was compromised. Many different species were endangered including the wild Alta salmon, one of the world's most valuable varieties of salmon, whose migratory routes were forcibly changed.

Although the Alta dam project was a turning point in defending the Sami rights in all the Nordic countries and had an enormous impact on development of Sami struggle for self determination as well as the development of Norwegian environmental regulations, it still remains a tragic event in both the Sami and Norwegian history.

4 LEGAL FRAMEWORK AFFECTING TRADITIONAL OCCUPATIONS

Development based on renewable resources and traditional way of life; stop the destructive / - degradative development / investment.

Man, Finnmark

The indigenous peoples have developed unique and specialized livelihood strategies, which reflect specific conditions of their traditional territories. Those livelihood strategies resulted in the traditional occupations that have sustained indigenous communities for a very long time. Most of the indigenous communities maintain strong links to the land or territories and still maintain more or less unchanged ways of performing the traditional occupations. The traditional occupations are not static; they evolve and are subject to historical processes. Globalization is one of the processes that have put the greatest pressure on the indigenous people's traditional occupations and connection to the land and resources. Due to globalization, the traditional livelihoods like pastoralism or shifting cultivation are becoming more and more difficult to perform. The main problem the indigenous peoples face regarding their traditional occupations is the lack of recognition of their rights to lands, territories and resources. Many communities have been marginalized and alienated due to land grabbing, large-scale development projects, population transfer, establishment of protected areas, etc (Oelz et. al. 2007, 4). The nation-states are often unaware of the benefits of the traditional occupations for food security and sustainable development of indigenous communities as well as benefits for the national economy in the form of poverty reduction and employment.

Various Sami occupations have developed and vanished throughout their history, according to the needs and demands of their society. Some occupations have been modified or have changed less than others, and seem closer to historical descriptions of the way of life of the Sami (Thomas ed. 2000, 128). A person making shoes or building boats could make a good living in the past, but today these activities can be looked upon only as preservation of culture and traditional knowledge. Some other traditional occupations like reindeer herding or fishing still have a very important place in the economic as well as cultural life of the Sami communities. In this chapter

legal solutions regarding fishing and reindeer herding shall be presented, as well as land rights and mining legislation that form the legal framework for the Sami indigenous occupations.

4.1 Fishing

As coastal Sami, I am neither Sami enough nor Norwegian enough.

Woman, Finnmark

Fish are one of the most internationally traded foods, and the value of global fish trade exceeds the value of international trade of all other animal proteins combined. In 2012, international trade represented 37 percent of the total fish production in value, with a total export value of 129 billion United States dollars, of which 70 billion dollars constituted the developing countries' exports (Inniss and Simcock eds. 2016, Chapter 15-1). The fish trade is beneficial to the food security and generation of revenues but it has its downsides in the pollution and overfishing. Historically, the fishing has played an important role in the development of the Arctic regions. The coastal indigenous peoples have always been dependent on the ocean and with the increased immigration, fishing became even more important. Today, the fishing is one of the most important economic activities for the Arctic coastal states and one of the most regulated activities as well.

The fishing is a traditional Sami occupation. The coastal Sami situated in their main settlements in the fjords have been involved in the fishing in the northern part of Norway long before colonization started. Sea fishing provided the main source of food. The Sami living in the mountains and the forest areas used freshwater fishing as a complementary activity to hunting and gathering and reindeer herding. With time, the fishing become more and more important for the national economy and the pressure grew. The fishing industry developed fishing techniques and big boats that made it possible to harvest large fish stock and to fish in deeper waters. At the same time, the Sami continued to use small scale fishing and performed it in a traditional way. Over regulation of the fishing industry and the collapse of some of the fish species caused problems for the Sami communities.

4.1.1 Fishing in the Arctic

The International fisheries law is the body of international law that relates specifically to the conservation, management and/or development of capture fisheries. It consists of substantive norms (e.g., rights and obligations), substantive fisheries standards (e.g., catch restrictions) as well as institutional rules and arrangements (e.g., mandates and decision-making procedures of international bodies). The International fisheries law is a part of the general international law and can also be seen as a branch or part of the international law of the sea (Loukacheva ed. 2015, 82). The territory to which International fisheries law applies is not strictly defined in geographical terms. Good references for marine Arctic are marine waters within the boundary agreed by the Arctic Council's Conservation of Arctic Flora and Fauna (CAFF) working group. References for the Arctic Ocean are marine waters north of the Bering Strait, Greenland, Svalbard, and Franz Josef Land, excluding the Barents Sea. There are four high seas pockets (enclaves) in this area. These are the so-called 'Banana Hole' in the Norwegian Sea, the so-called 'Loop Hole' in the Barents Sea, the so-called 'Donut Hole' in the central Bering Sea and the central Arctic Ocean (Koivurova, Molenaar 2009, 14).

However defined, the Arctic marine environment is regulated by the international Law of the Sea because this law applies to the marine environment of the entire globe. Documents that are the foundation for the International Law of the Sea are the United Nations Convention on the Law of the Sea and its two implementation agreements, the Part XI Deep-Sea Mining Agreement and the Fish Stocks Agreement. The Law of the Sea Convention currently has been ratified by 166 parties, the Part XI Deep-Sea Mining Agreement by 146 parties and the Fish Stocks Agreement by 82 parties. All Arctic states are parties to these three treaties, except for the United States, which is not a party to the Law of the Sea Convention, nor the Part XI Deep-Sea Mining Agreement (it has ratified Fish Stocks Agreement). The European Union is a party to all three treaties.

The Law of the Sea Convention recognizes three categories of maritime zones: the coastal state maritime zones, the Exclusive Economic Zone (EEZ) or the Exclusive

Fishery Zone (EFZ), and the high seas and the deep seabed (the Area). The coastal state maritime zones include internal waters, archipelagic waters and the territorial sea with a maximum width of 12 nautical miles. These waters are subject to the coastal state's sovereignty which means that a coastal state has exclusive access, control and unlimited jurisdiction over marine living resources. The Law of the Sea Convention does not apply in the coastal state maritime zones. The Exclusive Economic Zone (EEZ) or the Exclusive Fishery Zone (EFZ) have a maximum width of 200 nautical miles and are not a part of a coastal state's territory. The coastal state has in these zones, however, a functional jurisdiction relating to the fisheries. Other states have navigational rights or freedoms, freedoms of over flight, laying of submarine cables and pipelines and other internationally lawful uses of the sea related to these freedoms. The coastal state has sovereign rights over all marine living resources, exclusive access and jurisdiction, but the rest is subject to the Law of the Sea Convention. The coastal state also has sovereign rights over so-called "sedentary species" on its continental shelf, with exclusive access and jurisdiction. The Law of the Sea Convention does not apply in this situation. The high seas and the deep seabed (the Area) are under jurisdiction of the Law of the Sea Convention. Here all states have the freedoms like in the Exclusive Economic Zone and also the freedom to construct artificial islands and other installations, the freedom of fishing and the freedom of scientific research. The Area and its resources are the common heritage of mankind and the International Seabed Authority (ISA) is charged with organizing and controlling all activities of exploration for, and exploitation of, the resources of the Area (Koivurova, Molenaar 2009, 15).

The Law of the Sea Convention and other legally binding and non-legally binding instruments adopted by the United Nations Food and Agriculture Organization (FAO) as well as certain United Nations General Assembly (UNGA) Resolutions restrict the entitlements to fisheries that the states have in their capacities as coastal or flag states, through various key obligations (Loukacheva 2015, 83):

1. To avoid over-exploitation of target species by means of setting a science-based total allowable catch (TAC), which strives for maximum sustainable yield (MSY) as qualified by the precautionary approach.

2. To strive for the optimum utilisation of target species within the EEZ or EFZ by providing other states with access to the surplus of the total allowable catch (TAC).
3. To pursue an ecosystem approach to fisheries (EAF), which often focuses in particular on (a) predator-prey relationships; (b) impacts of fisheries on non-target species and the ecosystem as a whole; and (c) impacts of oceanographic or climate processes, or pollution, on fish stocks.
4. To cooperate in relation to transboundary fish stocks and fish stocks that occur exclusively on the high seas.
5. To exercise effective jurisdiction and control over a state's own vessels.

The goal of these collective regulations is to establish the jurisdictional framework. Actual fisheries regulation like catch restrictions through total allowable catch (TACs), or allocations of fishing opportunities through national quotas is carried out by the states individually or collectively. However, there are certain shortcomings in regulation of the Marine Arctic regarding fisheries management (Koivurova, Molenaar 2009, 15):

1. Fisheries research and future scenarios development - There is a need for basic fisheries research as well as the development of future scenarios about areas, dates, species, and fishing techniques for which new fishing opportunities are likely to arise and potential impacts for non-target species.
2. Action by states individually - There is likely to be a lack of domestic regulation in relation to those parts of the Arctic marine area where ice-coverage used to be extensive for most of the year, but that now experience diminishing ice-coverage and thereby attract fishing vessels looking for possible new fishing opportunities.
3. Apart from the non-legally binding obligations pursuant to paragraphs 83–87 of UNGA Resolution 61/105, there are no global environmental impact assessment (EIA) or strategic environmental assessment (SEA) mechanisms or procedures that can be applied to new or expanding fisheries in the Arctic marine area;

4. Bilateral and (sub) regional arrangements for shared fish stocks. While there are some bilateral arrangements between the relevant Arctic Ocean coastal states on the conservation and management of shared fish stocks, some are missing.
5. Shortcomings in global fisheries instruments. The applicability of global fisheries instruments to the Arctic marine area also means that their shortcomings apply as well, for instance the non-applicability of the Fish Stocks Agreement to fish stocks other than straddling and highly migratory fish stocks.

4.1.2 Fishing regulations in Norway

Fishery has been a major industry in Norway throughout the history. This is mainly due to the Norway's geographical characteristics and climate factors. Historically, the Norwegian fishery was initially a coastal fishery, combined with small - scale farming and based on the seasonal migration of fish. The fishing activities were limited to the grounds near the coast. It all changed since the beginning of 20th century when boats got bigger and safer, the gears have increased in efficiency and the fishing expanded to the high seas. However, the traditional ways of fishing still exist in the coastal waters. Norway has for centuries been a major European fishery nation. The fishery in Norway is very effective. In 2011, the annual average production of fish farmers in Norway was 195 tonnes per person, compared with 55 tonnes in Chile, 25 tonnes in Turkey, 10 tonnes in Malaysia, about 7 tonnes in China, about 4 tonnes in Thailand, and only about 1 tonne in India and Indonesia (FAO 2014, 31). Norway is world's second exporter of fish and fishery products (9.6 percent of world's export) (FAO 2014, 50). Norway ratified the Convention on the Law of the Sea and its two implementation agreements in 1996.

The Norwegian model for sustainable marine resource management is based on key principles: sustainable harvesting, multi-species approach, adequate regulations and an efficient control and enforcement scheme. The most important fisheries management bodies in Norway are (FAO 2005):

1. The Ministry of Fisheries and Coastal Affairs - the central fisheries management authority. The Ministry is responsible for the fishing and aquaculture industry, as well as ports, lighthouses, pilot services, electronic navigation devices and emergency preparedness systems in case of pollution.
2. Directorate of Fisheries - it is responsible for the administration of fisheries and fish farming. As of 1 January 2004, the regional fisheries administration, which functions under the auspices of the Directorate, consists of seven district offices, which have the responsibility over both advisory and control activities.
3. Marine Research Institute - a government body, carries out research and monitoring of living marine resources. Their area of competence lies in the sea and coastal environment, fish farming and sea ranching. The MRI is an advisory body to the Ministry of Fisheries.
4. Norwegian Research Council - it has the primary responsibility in developing and implementing national research strategies as well as defining the key areas or research to promote. The Research Council administers fisheries research funding in accordance with the Ministry of Fisheries guidelines.
5. Norwegian Fishermen's Association (NFL) - it is a politically independent national organization based on voluntary membership of fishermen. It was established by the Basic Agreement for the fishing industry in 1964. Fishermen are represented in the NFL by their county association or group organisation. The NFL deals with economic, social and cultural issues and works in close cooperation with national authorities.

The representatives of the Norwegian fishing industry and governmental authorities cooperate in the formulation of the regulatory regime. Both parties participate in the work of a regulatory council and debate on the distribution of quotas and provide advice for the Ministry of Fisheries. It then decides on the final management strategies. There are four basic Acts, upon which the management of fishing licences and other management options for the Norwegian fishing fleet are based (Olivert-Amado 2008, 3-4):

1. The Act of 1951 and the Act of 1972 regarding fishing licenses as well as other types of effort regulation introduced to the fishing fleet;

2. Act of 1999 on the Regulation of the Participation in Fisheries as of 1st January 2000;
3. Act of the 3rd of July 1983 relating to Salt Water Fisheries; and
4. Act 68 of the 14th of June 1985 on Farming Fish, Shellfish etc.

The North Sea, Skagerrak and Kattegat are rich in herring, sprat, cod and other ground fish, and the Barents and the Norwegian Sea are fished for Arctic-Norwegian cod, capelin, shrimp, herring and mackerel. The most important Norwegian cod stock is the Arcto-Norwegian cod, which migrates between the economic zones of Norway and Russia. Fisheries in Norway are commonly divided into two broad categories; cod fisheries (demersal) and herring fisheries (pelagic). The first category includes cod, haddock and saithe. These are used directly for consumption. The herring category also includes capelin and mackerel. The greater part of these stocks has traditionally been processed into oil and animal feed (Olivert-Amado 2008, vi).

The harvesting of fish stocks is managed under a system of licenses and quotas. The fisheries are managed through various regulations including gear and mesh size restrictions as well as a ban on discarding. For that, several instruments are adopted; input regulations (to limit the fishing effort), structure regulations (to limit fishing capacity in a number of vessel groups) and output regulations (to limit the allowable catch) (Olivert-Amado 2008, 11). Fishing efforts are limited by two models; using licenses and permits, which regulate the number of the vessels that can join the different fisheries. The structure limitations include closed access on the stock basis, unit quota system, quota exchange system and decommissioning schemes. The output regulations include the individual vessel quota, maximum quota and ground fish quota. The fishing industry in Norway is a highly regulated and controlled industry. Illegal, unreported and unregulated fishing is one of the most serious problems in the management of the world's fisheries and it is taken very seriously in Norway too. There is a wide range of measures aimed at strengthening the control of fishing activities at sea and the landing of fish.

The Register of Norwegian Fishing Vessels registered a total of 5,939 vessels in 2014. The Norwegian fishing fleet is subdivided into two main fisheries: demersal

fisheries (cod, haddock, saithe etc., including crustaceans and molluscs) and pelagic fisheries (herring, mackerel, capelin, Norway pout and blue whiting). The fleet is further divided into coastal vessels and oceangoing vessels (Fiskeridirektoratet 2016, 10). The employment for 2014 is estimated to 7,700 full-time employed fishermen (Fiskeridirektoratet 2016, 11). In 2015, Norwegian vessels delivered 2.3 million tons of fish, crustaceans and molluscs. The landed value of catch came to NOK 16.4 billion; up 14 percent from 2014. Sixty-two percent of the catch was used for consumption, while thirty-eight percent was used for the production of meal, oil, animal feed etc. Foreign vessels delivered 364,800 tons of fish and crustaceans in Norway in 2015. The total value of foreign landings was NOK 3.2 billion (Statistics Norway, 2015).

4.1.3 The coastal Sami and fishing industry in Norway

North Norway has traditionally been a fisheries dependent region, and fisheries are still an important industry even though the numbers of employees and vessels have dropped a great deal in recent years due to national and global fisheries development. North Norway is also a core area for the Sami settlement (Søreng Ulfsdatter 2008, 77). From about 1850 the Sami were exposed to extensive Norwegization that was especially strong on the coastal area and in the fjords. Norwegization, assimilation policy, intermarriages between the Sami, Norwegians and other immigrants weakened the Sami communities. However, with the rise of the Sami indigenous people's rights movements in the second half of 20th century, the coastal Sami communities began to revitalize and sense of "Saminess" is growing stronger and stronger. Historically, the coastal Sami have always been heavily dependent on the fishing. They used small vessels and the traditional fishing equipment. They fished close to the coast and mainly for northeast arctic cod.

Up until about 1850, the general rule in the Norwegian court was that fish stocks were not a common national property, but connected to individual or collective fishing rights on particular fishing grounds. Fishing grounds in Finnmark were thereby considered to belong to adjacent communities. Until 1830, there were rules that ensured that Finnmark fishers were not displaced by foreign fishers on the fishing

grounds (Søreng 2013, 5-6). After that period the Norwegian state changed its approach to the principle that fishing in salt water is free for all citizens of the country. This was met with a lot of resistance, but in vain. In 1990s there was a significant decline of the cod stock. The Norwegian government responded by introducing the vessel quota system. Prior to that the maximum quota system applied to the cod fisheries north of the 62nd parallel and this system regarded all small-scale fishing vessels, which harvested with conventional gears close to the coast and in fjords as one group. The vessel quota system regulated fishers individually and gave limited number of boat-owners a guaranteed right to catch a certain amount of fish. This put some fishermen in disadvantageous position because contrary to the government claims, the right to fish become a transferable right (in case the vessels were sold the new owner also got the vessel's quota). This system affected the Sami fishermen gravely. Almost none of the small-scale fishers in the fjords met the criteria for receiving a vessel quota in the first allocation. Many had to give up their fishing in the face of competition from bigger vessels with financially more powerful owners (Søreng Ulfsdatter 2007, 193). Although the vessel quota system was meant to be a temporary measure until the fish stock recovered it become a regular part of governing system and a way of privatizing the harvesting rights to marine resources. Coinciding with the introduction of the vessel quota regulations, the number of Finnmark fishers declined by half. In 2011, there were only 1,384 registered fishers in Finnmark (of total of 12,791 in Norway), and most are over the age 40. Of that figure, 1,061 individuals were full time fishers, while the remaining 323 fished as a secondary occupation (most of them over the age 60). The general decrease in the number of fishers and vessels is replicated in the Sami fisheries areas (Søreng 2013, 5-6).

The Sami Parliament continuously stressed the negative effect of the vessel quota system on the Sami fisheries and Sami communities. One of the results of the Sami Parliament struggle was the passing of the Finnmark Act in 2005. In this Act, the Norwegian state recognized the Sami statutory rights in Finnmark. However, neither the marine and offshore resources nor fishing rights were included in the Act. The Norwegian Parliament, when it debated the Finnmark Act in 2005, demanded that the Government carry out a Sami fishing rights inquiry in Finnmark. The Department of

Fisheries and Coastal Affairs, together with the Sami Parliament and the Finnmark County Council, have established a committee to investigate 'the Sami's and others'' rights to fish in the sea adjoining Finnmark. This Coastal Fishing Commission gave a Report of 2008 with a chapter on the international law basis of the Sea Sami right to fish, which concluded that there is such an indigenous right (Smith 2014, 5). The Commission made use of both legal and historical expertise, as well as statistical and economic material, and existing social science research on the coastal Sami in Finnmark. They also conducted a number of meetings with coastal municipalities in Finnmark. The Commission proposed an Act, the Finnmark Fishery Act, with 15 articles (Brattland 2010, 34). The Act acknowledged that both the Sami culture and traditions must be emphasised in the management of fjord and coastal fishing in the Sami areas.

This new legislation has not been approved by the Norwegian government. The Ministry of Fisheries stated that it could not adhere to the Coastal Fishing Commission evaluations for two reasons. First, the Commission does not distinguish clearly between the state's international law responsibilities on the one hand, and on the other hand, the state's policy goals concerning strengthening of coast and fjord fishing in the north of Norway. Second, the future of settlements in these areas will also depend on social factors other than fisheries. The Ministry then concludes, without much more argumentation, that the rules on regulation of the fisheries were in conformity with the duty of the state in securing the basis of the Sea Sami culture (Smith 2014, 8). The Government and the Sami Parliament came to an agreement in which the Sami gain recognition for the right to 3,000 tons of cod, but no recognition with respect to their claim over historical fishing rights.

4.2 Reindeer herding

[I would like] that reindeer husbandry as a specific indigenous industry will persist in the future, and that state governments increase their knowledge about the effects and consequences of their planning policies.

Woman, Troms

Reindeer pastoralism, ancient in origin in all its forms, represents models of sustainable exploitation and management of northern terrestrial ecosystems that is based on generations of experience accumulated, conserved, developed and adapted to the climatic and political/economic systems of the North (Naykanchina 2012, 7). Reindeer herding is the cultural and economic base for the lives of around 20 indigenous groups in the Arctic, but it is not limited only to the North. Reindeer herding is also practiced in Mongolia and China. Approximately 6,500 Sami work as reindeer herders in Scandinavia. Reindeer husbandry in the Sami region is characterized by larger herds in Norway and Sweden and a high degree of mechanization. Reindeer are primarily used for the meat production, though hides, bones and antlers are an important source of material for clothing and handicrafts. The recruitment to the industry has been limited in Norway and Sweden by legislation, and a lack of pastures and economic opportunities has limited the expansion of the livelihood (Naykanchina 2012, 17). In Finland, the Sami and the non-Sami can perform reindeer herding. Reindeer herding is a highly extensive form of land use, although the reindeer industry is rather small especially compared to the global agriculture.

The modern reindeer year revolves around in cycles. It begins with calving. The young calves are born between late April / early May and June. The majority of the calves are born in the unfenced areas. At birth calves weigh around 4 - 6 kg, male reindeer can be from 90 - 180 kg, females 60 - 100 kg. A reindeer can live up to 20 years (Mustonen, Jones 2015, 3). After that the reindeer are released to the summer pastures. The next phase is calf marking. It takes place in mid to late June on specific locations where the herds are counted and the new calves marked with ear marks of their owners. After that the reindeer are released to roam freely. Autumn is the mating time for the reindeer. After that the reindeer are collected into reindeer corrals

and separated. Owners decide which animals are to be butchered. This work is done by all members of the siida. Following the separation, the animals are released into the winter pastures. It is possible that further separations for slaughter will take place, but after the winter the reindeer herds are moved to the spring pastures and the new reindeer year begins.

According to the Sami reindeer herding philosophy, there are some basics tenets that herders must take into account (Eira et al. 2008, 7): reindeers' needs related to metabolism, energy economization and reproduction, the nature of reindeer and the pastoralists' communication with the reindeer. For the Sami reindeer herders a reindeer is a self sufficient and independent animal under the supervision of people. Modern reindeer herding is a mix of traditional skills and land use as well as modern technology. Reindeer herding is a general, inclusive term that refers to the possession, maintenance and management of the herd as the harvestable resource of its owners. It includes the gathering and moving of herds to pastures and having reindeer under one's supervision without necessarily tending them continuously. The difference between reindeer herding and cattle breeding is in the approach to the animals. A cattle breeding is based on the ability to control processes of selection and reproduction of the herd. The Sami approach to reindeer herding is focused on the idea of intervening as little as possible in the animals' lives. The relation between a herder and a herd is symbiotic; the herder defends the herd from natural predators and famine. The herder approaches the herd twice a year. Between these periods he or she has only visual contact with the animals. At no time animals are kept in stables, but roam freely.

Today the high north strategy of Norway includes the development of the new industrial projects such as mining, offshore oil/gas extraction, green energy and tourism in the regions the Sami reindeer herders have been traditionally using for herding. This is a great threat to the indigenous reindeer pastoralism. Additionally, the progressive and effectively irreversible loss of the uncultivated lands that reindeer use as pastures is an important problem for the reindeer herders in the Arctic.

4.2.1 Reindeer herding in Norway

In Norway, reindeer are herded in approximately 140 municipalities, on the area of 140,000 square kilometres, which is about 40 percent of the land area in Norway. The total reindeer pasture is divided into six reindeer pasture areas: East Finnmark, West Finnmark, Troms, Nordland, North Trøndelag and South Trøndelag/Hedmark. The main reindeer pasture areas are divided into reindeer pasture districts. There are 72 summer / year around districts and 10 autumn / winter districts used for grazing by the Norwegian and Swedish reindeer. These reindeer pasture districts are used by siidas - groups of herders that jointly take care of the individual reindeer. In recent years, there have been just fewer than 100 summer siidas and about 150 winter siidas within the Sami reindeer herding areas. In Norway, there are currently about 240,000 reindeer.

The Royal Ministry of Agriculture has the highest level in the national management of the reindeer husbandry. Inside the Ministry the Reindeer husbandry office is responsible for the day-to-day activities and is the executive officer for the government. Most of the decisions concerning the reindeer husbandry are delegated to the Norwegian Reindeer Husbandry Board, but the Ministry of Agriculture is responsible for the following (Jernsletten, Klokov 2002, 86):

1. The division of pasture areas
2. The questions concerning the entitlement to reindeer husbandry
3. The permission to practise reindeer husbandry outside the main reindeer pasture area
4. The approval of fences and installation

The Norwegian Reindeer Husbandry Board consists of seven members, four appointed by the Ministry of Agriculture and three members appointed by the Sami Parliament. The Board has the responsibility for the management of reindeer husbandry. Among other things, it decides on the national responsibility for the management of reindeer husbandry, the number of reindeer in each district, grazing

time and grazing areas, sale of unmarked animals and forced measures when agreements are broken.

The Norwegian Reindeer Husbandry Board also coordinates the work of the all six Area Boards responsible for reindeer pasture areas. These Area Boards contribute to fulfilling the national goals of reindeer husbandry, decide on grazing time and divide the different grazing areas into grazing zones connected to all the siidas in the area. They consider new applications for the establishment of reindeer husbandry, and consider applications from the reindeer owners to move the herd from one district to another inside the reindeer area. Area Boards have five to seven members from both sides; government is represented by the County Council and reindeer herders by the Sami Parliament. The Reindeer Husbandry Act was amended in June 2013, and the amendment entered into force on the 1st of January 2014. The amendment implies discontinuing the system of area boards, and transfer of the responsibilities of the area boards to the county governors. The Reindeer Husbandry Board will continue as it is today with the aim of ensuring the Sami participation in the public administration of reindeer husbandry.

Each of the districts inside one area is managed by a district committee. The districts committees are responsible for day to day activities. Scope of their work includes tasks like organizing and securing that every animal is marked with the earmark of its owner, organizing the separation of different herds, to organizing a reindeer counting, controlling the different earmarks, removal of animals from illegal grazing area and the development of a district management plan.

The Norwegian reindeer husbandry Administration is an expert body that is a part of the Ministry of Agriculture. It works through five secretariats; the Norwegian Reindeer Husbandry Board, the Reindeer Development Fund, the Economic Committee, the Area boards and the Area earmark committee, and its main tasks are (Jernsletten, Klokov 2002, 87):

1. Implementation of central management policy determined by the Reindeer Husbandry Agreement and the Reindeer Husbandry Act

2. Resource management and control
3. Reindeer pasture management - protection of reindeer pasture
4. Advisory and information service for reindeer herders and others
5. Maintenance of reindeer fences on the border between Norway and Sweden, Finland and Russia.

The oldest and the original indigenous organization in reindeer husbandry is the siida. A siida is a herding partnership based on bilateral kin relations and has existed as a cultural institution for hundreds of years (Glomsrød, Aslaksen eds. 2006, 74). The siida is based on bilateral kin relations; at the same time it is an organization and a family. It is very flexible, so members can belong to one siida during winter and the other during summer, all depending on the needs of the herd, grazing conditions and family patterns. For the Sami people, the siida is a very important unit and plays the crucial role in reindeer herding, but it has been formally recognized as such only after the passing of the Reindeer Husbandry Act of 2007 in article 51.

In Norway, the reindeer husbandry is regulated by The Reindeer Husbandry Act (RHA 15 June 2007 no. 40). The aim of this Act is to facilitate an ecologically, economically and culturally sustainable reindeer husbandry based on the Sami culture, traditions and customs for the benefit of herders and society in general. Reindeer herding is to be preserved as an important basis for the Sami culture and society (RHA 2007. article 1). This Act emphasises the internal self-governance and co-management aspect of the reindeer industry. Before The Reindeer Husbandry Act of 2007, reindeer husbandry was organised on the basis of the reindeer husbandry organisation called the husbandry unit. In legal terms a unit consisted of one herd managed by one person, or the spouses together, if both persons have their own earmarks in the herd. If both persons have a husbandry unit before they are married, they can keep their units also after the marriage (Jernsletten, Klokov 2002, 87). The new Act takes the siida as the base unit, with grazing rules prepared on the basis of principles of good reindeer husbandry from the Sami traditions and customs (RHA 2007, article 59). It also recognises the international law on indigenous peoples and minorities (RHA 2007, article 3) and it states that reindeer husbandry has its legal basis in immemorial usage rights to practice reindeer husbandry within the parts of

the communities of Finnmark, Troms, Nordland, Nord-Trøndelag, Sør-Trøndelag and Hedmark where reindeer herders have herded from the old days (RHA 2007, article 4). According to the Reindeer Husbandry Act of 2007 and in comparison with the previous Act, the reindeer herders have gained more power and more responsibility with regards to administering the reindeer husbandry.

The goals and aims of the reindeer herding policy were first outlined in the white paper A Sustainable Reindeer Husbandry[5] (St.meld. nr. 28 (1991-1992)) and in the corresponding parliament proposal (Innst. S. nr. 167 (1991-1992)). The main principles of this policy were continued in the white paper Welcome to the table[6]. This document recognises ten main directions in which reindeer husbandry should be performed (Meld. St. 9 (2011-2012), 178-179):

1. To base reindeer husbandry management on goals of ecological, cultural and economically sustainable way, where ecological sustainability is the most important part.
2. To secure the reindeer industry's pastures.
3. To secure a sustainable reindeer husbandry with adjusted reindeer figures, reduced losses and increased production. Excessive reindeer populations must be reduced.
4. To increase the business-aspect of the current political instruments.
5. To arrange for dialogue between the reindeer industry and other stakeholders in the reindeer herding areas.
6. To suggest that the Land Consolidation Court should be granted the competence to clarify internal rights in the reindeer industry.
7. To invite the industry to cooperate on tourism-based business development.
8. To make sure that the instruments of the reindeer agreement support an orderly business operation in line with the Reindeer Act of 2007.
9. To contribute to a stable market situation in order to secure the economic foundation of the industry.

[5] En bærekraftig reindrift (St.meld. nr. 28 (1991-1992)).
[6] Velkommen til bords (Meld. St. 9 (2011-2012)).

10. To simplify and make the official management of the reindeer herding industry more efficient.

The reindeer husbandry industry has been involved in both the fixing of the number of reindeer and in drawing up reduction plans. According to the Reindeer Husbandry Act of 2007, it is the industry that is responsible for ensuring that the reindeer numbers are consistent with what is laid down in the usage rules. A proportional reduction means a percentage reduction. The size each unit in the siida must reduce is therefore decided by the number of reindeer it initially have. In a percentage reduction of this kind, the siida units with the largest flocks must reduce their herds by more reindeer than those with the smallest herds (Norwegian Government 2013a, 13).

The Norwegian Reindeer Herders Association[7] is an organization for the Sámi reindeer herding in Norway. It does not manage the Sami reindeer husbandry, but it is involved in the annual negotiations with the Government about the economic support to the reindeer husbandry. The Norwegian Reindeer Herders Association promotes the Sami reindeer husbandry interests economically, academically, socially and culturally by working foremost for the unity among the Sami reindeer herders and influencing who should control the development of the reindeer husbandry industry. Districts and individuals can be members of this association and membership is voluntary.

Reindeer Agreement for 2015/2016 set the framework to 113 million NOK. This is an increase of 1.5 million NOK from the previous agreement. The funding for the Reindeer Agreement 2015/2016 has been incorporated in the state budget through the LMDs Prop. 1 S (2015-2016)[8]. (Norwegian Government 2016, 65) There were 536 registered active siida shares in the Sami reindeer husbandry area in 2014. Average number of reindeer per siida share is 411 reindeer in 2014 (Norwegian

[7] Norske Reindriftssamers Landsforbund.
[8] Prop. 1 S, (2015–2016), Proposisjon til Stortinget (forslag til stortingsvedtak), for budsjettåret 2016, Utgiftskapittel: 1400–1482, Inntektskapittel: 4400–4481 og 5578.

Government 2016, 19). Total revenue from meat production in 2014 was 122,8 million NOK. This is an increase from 2013 when the revenue was 114,1 million NOK (Norwegian Government 2016, 14). The average price for kilo of reindeer meat in 2014 was 69,78 NOK. This is an increase of 8,87 NOK (14,6 percent) from 2013 (Norwegian Government 2016, 18).

The reindeer husbandry co-management in Norway forms a complex system in which the authority is delegated to the representatives at different management levels. The co-management system emanates from the Reindeer Husbandry Board at the national level, from six area boards at the regional level, from approximately 80 district boards at the local level and from approximately 100 siida boards at the local level (Ulvevadet 2011, 161-162). In this regime, there are three organizational systems with vertical and horizontal interaction among all its organizational parts (Ulvevadet 2008, 55). Firstly, there is the hierarchical administrative office system that goes from the Parliament, through the Ministry of Agriculture, to the directorate – the Norwegian Reindeer Husbandry Administration with its six area reindeer husbandry administrations located within the six main herding areas at the regional level. Secondly, there is the industrial corporate system that goes from the national interest organization of reindeer husbandry, the Sami Reindeer Herders' Association of Norway to its six regional associations, also located within the six main herding areas. Thirdly, co-management system that goes from the Reindeer Husbandry Board at the national level, through six area boards at regional levels to the eighty district boards at local levels. This complicated system results in the reindeer herders being able to have a say in the management of reindeer husbandry from the bottom level. Their voice can be heard all the way to the Ministry and it can influence the decision-making on the highest level. This is very important for the Sami people, due to specific nature of reindeer herding and the Sami relationship with reindeer herding.

The reindeer herding should not be compared or forced into similar patterns like other meat industries due to specific characteristics of the reindeer. The reindeer are migratory animals living in the harsh climate conditions. The migratory patterns of the herd depend not only on weather conditions but also on the gender balance in the herd. The Sami traditional knowledge is essential for the management of the reindeer

herds. Also, the reindeer husbandry is not just an industry, a means of livelihood for the Sami reindeer herders. To them it is a long cultural tradition, it is the base for their communities; it is the essential part of their identity. So, the ability to self-organize in accordance with traditional knowledge is an important factor in strengthening the reindeer herders' resilience to changes. The general secretary of the World Reindeer Herders' Association stated that nothing is liable to arouse more disturbances within the reindeer husbandry than the encroachments on its internal organization (Turi 2002, 71). Without a fluent and flexible organization, the reindeer herders would lose the source of their greatest adaptive capacity. Institutional settings where reindeer pastoralists' traditional organization is restricted represent a serious institutional constraint on adaptation to challenges and changes, from climate change to institutional changes.

4.2.2 Reindeer herding in Finland

The total area of reindeer husbandry in Finland is approximately 33 percent of the area of the country or about 122 936 km^2. The reindeer herding area comprises the Province of Lapland, excluding the towns of Kemi and Tornio and the municipality of Keminmaa, as well as the following areas in the Province of Oulu: the municipalities of Hyrynsalmi, Kuivaniemi, Kuusamo, Pudasjärvi, Suomussalmi, Taivalkoski and Yli-Ii, and the areas north of the Kiiminkijoki river and the road between Puolanka and Hyrynsalmi in the municipalities of Puolanka, Utajärvi and Ylikiiminki (RHA 1990 Section 2 (1)). In the 1960's the reindeer herding area was divided into three reindeer herding areas; the Sámi Reindeer Herding Area, the Special Reindeer Herding Area and the Reindeer Herding Area. The difference between them is that reindeer herding in the Sámi reindeer herding area should be prioritized and given special attention in issues related to encroachment. The borders between the districts are decided by the provincial government. A district belongs to the municipality in which the biggest part of the district's area is.

The reindeer herding is not an exclusive right of the Sami people like in Norway and Sweden. In Finland, the Sami are a minority in reindeer husbandry. Reindeer may only be owned by citizens of the countries belonging to the European Economic

Area, who have permanent residence in the reindeer herding area, and reindeer herding co-operatives (RHA 1990 Section 4 (1)). The task of a reindeer herding co-operative is to ensure that the reindeer of the cooperative's shareholders are looked after in the territory of the reindeer herding co-operative and that the tasks concerning reindeer herding the shareholders are engaged in are carried out, to prevent the reindeer of the co-operative's shareholders from causing damage and from crossing over to the territory of the other reindeer herding co-operatives. The number of reindeer is regulated by the Ministry of Agriculture and forestry which confirms the largest permissible number of living reindeer for each district. The largest permissible number of reindeer owned by a reindeer husbandry entrepreneur is 300 reindeer in the southern region of the reindeer husbandry area and 500 reindeer in the northern parts of the area. The state controls the number of live reindeer through a so-called live support paid to the individual reindeer owners. In order to receive support it is required that owners have at least 80 reindeer.

A fundamental difference between the Sami and Finnish husbandry is that whereas for the Sami the herds traditionally constitute a repository of wealth and value, for the Finns reindeer are regarded as things, which, like crops, are to be grown and harvested, or in other words, to be farmed (Ingold, 1988, 130). This is best expressed in the vocabulary of the Finnish Sami that refers to all aspects of herding. While the Sami are oriented on reindeer, the Finns put the forestry in the centre of their viewpoint.

Reindeer herding in Finland is viewed as part of country agriculture. Many of the herders use reindeer herding just as an additional source of income. In Finland, the reindeer husbandry at the individual level in terms of taxation is not treated as a for-profit-business. Instead, the reindeer herding district serves as a joint company for the reindeer owners. The district reports all incomes and costs within the district. This is unlike Sweden and Norway, where individual reindeer owners in terms of taxation are seen as for-profit-businesses and for herders in those countries the most commonly filled tax form is that of a private company (ICRH 6). There are many herders that have very small herds. Also there are ongoing conflicts between the Sami and non-Sami herders regarding their approach to herding management. The

situation is even more complicated by the disputes over the Sami land and water rights. In addition, there are also problems with low meat prices and ageing of the herders. The climate change impacts grazing land, but nontraditional land uses like mining, roads, tourism also have its impacts on the reindeer herding. The conflicts with the industrial forestry and big scale agriculture are becoming more common. There is a great need for the reform in the reindeer herding sector in Finland and it will demand the effort from all sides.

4.2.3 Reindeer herding in Sweden

In Sweden, the reindeer are herded over an area of approximately 160.000 square kilometres, or about 34 percent of the territory of Sweden. All reindeer herding activity in Sweden is regulated by the Swedish Reindeer Herding Act (Rennäringslag (1971:437)). The right to own reindeer is the exclusive right of the Sami and it is based on ancient tradition. The reindeer herding unit is called sameby (RHA 1971, 1). The designated areas for practice of reindeer husbandry are within the borders of the Sami village (sameby).

Sweden classifies the different pastures in a unique way. Reindeer management may be conducted throughout the year in the Sami territories of Norrbotten and Västerbotten counties, partly above the limit of cultivation, partly below this limit on land where forest reindeer management is traditionally conducted in the spring, summer or autumn on land belonging to the state or that belonged to the state on the last day of June 1992 (Crown Lands) or constitutes reindeer pastures on reindeer mountains in Jämtland and Dalarna counties that belonged to the state on the last day of June 1992 and that were specifically made available for reindeer pasture. Reindeer management may be carried out from October to April in other parts of the Saami territories below the cultivation limit, within such areas outside the Saami territories and reindeer mountain pastures where reindeer management has traditionally been conducted during certain times of the year (RHA 1971, 2).

State management system of the reindeer husbandry in Sweden comprises of the Ministry of Agriculture as the highest level. It coordinates between the different Sami

issues in the other Ministries and the Sami Parliament. Most of the decisions concerning the reindeer husbandry are delegated to the Swedish Board of Agriculture. It is the Government's expert authority, which monitors, analyses and reports to the Government on the reindeer husbandry matters. This body is responsible for the day to day activities including executive work, different kinds of reviews and investigations and administrative work. There are three executive authorities on the reindeer husbandry within the Swedish management system; the County Administrative Boards of Norrbotten, Västerbotten and Jämtland. They are responsible for the daily contact with the Sami Villages. One of their responsibilities is the control of the maximum number of reindeer on different pastures, based on surveys in cooperation with the Sami villages and deciding the number of predators within the pastures, and consequently the number of reindeer lost to predators that the compensation is paid for (Jernsletten, Klokov 2002, 113). There are 56 Sami villages that are involved in reindeer husbandry. The term village does not refer to the settlement, but to the organization in use of a designated area, equivalent to siida in Norwegian legislative. In Sweden, the Sami village is not allowed to be involved in any economic activities other than the reindeer husbandry. Every reindeer owner is considered as a self-employed person, and the Sami villages function as co-operations of individual reindeer owners (Jernsletten, Klokov 2002, 114). There are initiatives to change restrictions on economic activities for Sami in Sweden.

The biggest obstacle to reindeer herding in Sweden is the conflict between the herding and the forestry industries. A large proportion of the land used for reindeer herding in northern Sweden is also productive forest land (some owned by public companies, while other areas are owned by non-industrial private owners and the government) that produces timber and pulpwood, and contributes significantly to the Swedish economy (Sandström, Widmark 2007, 25). Basically, the forest companies are the main owners of forest land but the reindeer herders have usufructuary rights to the land. The overlapping property and land use regimes lead to conflicts, since both sectors have adverse effects on the other; forestry by applying logging and soil scarification methods that damage the lichens the reindeer graze on, and reindeer by trampling seedlings, rubbing their antlers on branches and breaking shoots or branches when digging in the snow to find lichens (Widmark 2006, 43). In the year

2000, there were 61,000 forest owners in total in northern Sweden, and about 4,700 people who own about 220,000 reindeer; about 75 percent of the forest area in northern Sweden is used for grazing reindeer and forest resources, both timber and lichens are diminishing (Widmark 2006, 45-47). Conflicts between these two sides exist for a long time. As a way of resolving this conflict, Swedish government introduced the procedures for consultations between reindeer herders and representatives of forest industry. These consultations are mandatory for activities that will affect year-round grazing areas, but they are voluntary for activities that will only affect winter grazing areas. In reality this consultations do not work as intended and the reindeer herders have more objections. This is mainly so because of an uneven power distribution between the forestry and reindeer husbandry within the consultation procedure system. This affects the possibilities of reindeer herders to influence the outcome of the consultation procedures.

While Sweden is generally highly regarded for its respect for and advocacy of human rights and indigenous rights abroad, Sweden has received ongoing criticism from the United Nations for not acknowledging Sámi resource rights at home (Naykanchina 2012, 20). Also, corporate social responsibility practices in Sweden are fairly undeveloped. Swedish corporations operating in Sweden generally perceive corporate social responsibility issues, including human rights and indigenous rights, to be primarily the concerns of the developing world, such as Africa or South America. Rarely do Swedish companies accept that indigenous rights should be a relevant concern for their Swedish operations (Naykanchina 2012, 21). That leads to the colonization of the Sami lands and the dispossession of the Sami from their traditional territories. The Swedish state needs to address this problems seriously through new and improved legislature in which all involved parties will take part.

4.3 Land rights

[I would like] the complete ownership over our lands. Not just in my own country, the Sami should be the owners of the lands in all our four countries.

Man, Finnmark

The indigenous peoples' land rights comprise of both individual and collective aspects. Whereas most of the indigenous peoples have customary ways of recognizing the land and resource rights of individual members or households, the collective aspects of their rights to lands, territories, and resources are intrinsically linked to their collective rights to self-determination, non-discrimination, cultural integrity, and development as distinct peoples (Feiring, 2013, 18). It can be said that the relationship to the land is the basis of the identity of the indigenous people. Majority of the indigenous people have a spiritual connection to the land and cannot preserve their culture without a certain control over it. They cherish the approach of collective stewardship over land and its resources. In the course of colonization, the indigenous peoples lost most of their ancestral lands – by conquest, cession, or occupation of their lands as *terrae nullius*. This loss of land has led to loss of identity, marginalization, and poverty (Göcke 2013, 90). Up until the end of the Second World War, the states ignored the land rights of the indigenous peoples.

The land rights are connected to the right to self-determination. According to the Article 1 of the International Covenant on Economic, Social and Cultural Rights, all peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development (ICESCR 1966, 1). The Sami people also view the question of self-determination as a very important question and have always been looking for the solution to it. Although autonomy and self-government may be the principal means through which the right to self-determination can realistically be exercised by the Sami people, the Sami leaders have nevertheless rejected the notion that the autonomy should be the only way through which the indigenous peoples may exercise their right to self-determination (Henriksen 2008, 29). The principles for the Sami position on the question of self-determination are expressed in various official resolutions and declarations adopted by the Sami parliaments, the Sami

Parliamentary Council, the Sami Council and the Sami Conference. In other words, self-determination for the Sami people is in the responsibility for their ancestral land through participation in decision-making and gaining control over their destiny. The right to self-determination is a basic right and acknowledgement of this right by the state is regarded as an act of respect for the indigenous peoples, their unique traditions and cultures.

The International Covenant on Economic, Social and Cultural Rights also states that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence (ICESCR 1966, 1). The traditional land is of great importance for the Sami people in more than one way. The land is a prerequisite for traditional occupations, for maintaining of their culture. But the natural wealth and resources must not be seen in the light of renewable resources on the land only, but also, resources in the land, most importantly minerals and oil. In that respect, the connection between land rights and extractive industries can be seen through the compensations that landowners are entitled to; namely the compensation for a permit for mining activity and compensation for the value of explored and utilized minerals. The compensations for the permit to perform mining activates are usually expressed in absolute numbers; currency per hectare of land and compensation for the value of explored and utilized minerals is expressed as relative number: percentage of the values of extracted minerals. These compensations can sum up to notable revenue for the landowners. The Convention No. 169 does not protect indigenous peoples' rights to minerals or subsurface resources.

4.3.1 International law and land rights

The land rights concerns have rarely been addressed from an international human rights perspective, for traditionally the land law remains within the competence of the state's national jurisdiction with little interaction with the international law. However, the past decades have witnessed an increased focus on the relationship between the

land rights and the international human rights law from the particular perspective of the indigenous peoples' rights. For the indigenous peoples the land rights are important from the perspective of collective possession, usage and dispossession of land (Gilbert 2006, 87). The recognition of the land rights in the collective form was not common on national or international level, but recently things have started to change especially for the indigenous peoples and their specific perspective on land. Nonetheless, this trend is still at its beginning because the concept of land ownerships is still deeply rooted in the present day legislative as an individual right. One of the best examples of positive changes is the ILO Convention 169 that recognizes the land rights as property rights and collective ownership of the land.

Norway's obligations to the Sami as an indigenous people have their roots in national and international legislation. On the national level the Sami rights are protected by the Article 110A of the Norwegian Constitution as well as the Sami Act of the 12th of June 1987. Norwegian authorities have also recognized the Sami's affiliation with their traditional settlement districts, as expressed inter alia in H.M. King Harald V's speech at the opening of the Samediggi on the 7th of October 1997, in which he said that "the Norwegian state is founded on the territory of two peoples – Norwegians and Sámi" (Josefsen 2003, 8). In 1999, Norway passed the Human Rights Act of the 21st of May 1999. The purpose of that Act was to strengthen the status of human rights in the Norwegian law. The Human Rights Act made the following conventions binding for Norway (The Human Rights Act 1999, section 2):

1. The Convention of the 4th of November 1950 for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol no. 11 of the 11th May 1994 to the Convention,
2. The International Covenant of the 16th of December 1966 on Economic, Social and Cultural Rights,
3. The International Covenant of the 16th of December 1966 on Civil and Political Rights.

The provisions of the conventions and protocols shall take precedence over any other legislative provisions that conflict with them.

Regarding Sami legal protection, the international law plays an important role. Two conventions are particularly emphasised: the International Covenant on Civil and Political Rights (1996) and International Labour Organization Convention 169 of June 27th, 1989: Convention Concerning Indigenous and Tribal Peoples in Independent Countries.

Prior to the study on indigenous peoples by the UN Special Rapporteur Martinez Cobo, there was no legal definition of the indigenous peoples and the indigenous peoples were considered to be a minority group. In the International Covenant on Civil and Political Rights there are two provisions that refer to the rights of the indigenous peoples, article 1 and article 27. The Article 1 states that all peoples 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. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence (ICCPR 1996, 1). The relationship between the indigenous rights, self-determination and natural resources is clear and proven. The Article 27 states: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language (ICCPR 1996, 27). The protection of culture expressed in this article has been the basis for protecting the Sami culture, which implied the government obligation to protect not only the Sami culture and languages but also the Sami economic activity because of the inseparable connection between them.

The ILO Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries does not approach the indigenous peoples through assimilation or integration in the nation states and has an overall protective approach towards the indigenous peoples' rights. It discusses the indigenous issues without discrimination. The base for the land rights according to the Convention are the

traditional occupations and uses, not the official recognition or registration of ownership of the land. The land rights are individual and collective. When it comes to the natural resources, the indigenous peoples have the right “to the natural resources pertaining to their lands”, including the right “to participate in the use, management and conservation of these resources”. The exception to the general principle occurs in cases where the State retains the ownership over the mineral, subsurface or other resources. In such situations, the Convention establishes a series of safeguards to ensure that the indigenous peoples are adequately consulted and that they participate in the benefits and receive fair compensation for any damage incurred (ILO 2013, 22). The provisions regarding the land rights are expressed in the Part 2. Land: article 13 deals with the special importance of the relationship with the lands or territories for the cultures and spiritual values of the peoples concerned; article 14 deals with the rights of ownership and possession; article 15 deals with the rights of the peoples to the natural resources pertaining to their lands; article 16 deals with the rights of the peoples not to be removed from the lands; article 17 deals with the transmission of the land rights among members; article 18 deals with the adequate penalties by law for unauthorized intrusion upon, or use of, the lands and article 19 deals with the national agrarian programs. Of great importance is also article 6 that governments shall consult the indigenous peoples on the matters that affect them directly. Norway has ratified the Indigenous and Tribal Peoples Convention on 19th of June 1990 and it is the only Nordic country to do so, but it has not incorporated it into the Norwegian legal system via the Human Rights Act (Josefsen 2003, 9).

4.3.2 Norway and the Finnmark Act

The biggest and the northernmost Norwegian county is the Finnmark County. It has the area of 48.649 km^2 and a population of 72,856 (01.01.2010). This county has the largest area and the smallest population of all the Norwegian counties (Finnmark Fylkeskommune 2014, 2). Finnmark is the core area for the Sami population in Norway but intermarriages between the Sami people and Norwegians, Finns and Swedes as well as the extensive Norwegization and assimilation turned Finnmark into the ethnically mixed territory where the Sami people are a minority. During the assimilation period, the Sami people were highly discriminated against and

stigmatized, which has left marks. Today, the Sami people enjoy the same level of rights as the other citizens in Norway and are in no way excluded from the political, social or cultural life. The efforts of the Norwegian government to compensate for the historical injustice toward the Sami people are reflected in the constitution of the Finnmark Act.

The purpose of the Finnmark Act is to facilitate the management of land and natural resources in the county of Finnmark in a balanced and ecologically sustainable manner for the benefit of the residents of the county and particularly as a basis for the Sami culture, reindeer husbandry, and use of non-cultivated areas, commercial activity and social life. The Act applies to the limitations that follow from the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Act applies also to the provisions of the international law concerning the indigenous peoples and minorities and to the provisions of the agreements with foreign states concerning fishing in transboundary watercourses (Finnmark Act 2005, section 1 and 3). When it comes to the question of land possession, self-determination does not mean non-interference from the majority, but is more a question of relational autonomy and non-domination. There have been no real claims of territorial autonomy arrangements among the Norwegian Sami (Herrmann and Martin eds. 2016, 24-25). The Finnmark Act takes into consideration the Sami culture, reindeer husbandry and land rights acquired by the Sami and others through customary or ancestral use. Although this Act is a product of a broad political consensus about how to implement the indigenous land rights it does not favor the Sami, but is ethnically neutral.

The Finnmark Act implemented the co-management institution, The Finnmark Estate Agency (FeFo). In section 6 the Act defines the Finnmark Estate as an independent legal entity with its seat in Finnmark, which shall administer the land and natural resources, etc. that it owns in compliance with the purpose and other provisions of this Act. The Norwegian state transferred all the previously considered crown land over to the inhabitants of Finnmark. The Finnmark Estate Agency manages this property on behalf of the whole population of the Finnmark County. The FeFo case is the only example of Sami co-management in managing the traditional areas in

Norway. It is in fact the largest decentralizing process regarding land ownership that ever took place in Norway. Additionally, it is a prime example of how the indigenous people may be included in the management of land and natural resources in areas, in which the population is mixed and the indigenous people are in minority (Herrmann and Martin eds. 2016, 24-26). It is important to notice that the Finnmark Act and consequently, the FeFo were constructed through negotiations where the Norwegian Parliament's standing committee of justice consulted the Sami Parliament of Norway and the Finnmark County Council. The Board of the Finnmark Estate Agency governs the Finnmark County Council and consists of six persons who are independent from the Sami Parliament and the Finnmark County Council that elects them. The Finnmark Estate Agency is in charge of managing land-use and all the natural resources on land. The residents of the county are entitled to exploit the natural resources on FeFo land, through activities such as hunting, fishing or cloudberry picking.

Finnmark is rich in mineral resources. Minerals are divided into two groups; minerals owned by the state (metals with a specific gravity of 5 grames/cm^3 or greater and where iron, copper, sink, silver, gold and lead are the most common), and the minerals owned by a landowner (all minerals that do not belong to the state, for example quartz, quartzite, nepheline, diamonds and natural stone, together with sand and gravel) (the Minerals Act 2009, section 7). The state minerals are claimable by searchers, while the Finnmark Estate Agency has possession of all the other minerals. The minerals and mining in the Finnmark County are mentioned in the Chapter 6 Final provisions, Section 50 Amendments to other legislation. This part of the Act describes the changes in the other acts caused by the implementation of the Finnmark Act. Regarding minerals, the changes are (the Minerals Act 2009, section 50):

1. In connection with preliminary examination of minerals in the county of Finnmark, a person wishing to conduct such preliminary examination of minerals shall ... provide written notification to the Sami Parliament, the landowner and the appropriate area and district boards for reindeer husbandry. If the person wishing to conduct such preliminary examination

intends to make an impact on the land, the location of such impact shall be indicated.

2. Applications for licensed prospecting in the county of Finnmark may be rejected if general considerations contraindicate granting of the application. When considering such applications, significant emphasis shall be placed on due consideration of Sami culture, reindeer husbandry, use of non-cultivated areas, commercial activity and social life. If the application is granted, conditions may be stipulated in order to safeguard such considerations.
3. If the Sami Parliament or Finnmark Estate Agency as landowners opposes granting of the application, the application shall be decided by the Ministry. If the Ministry grants the application in cases mentioned in the third paragraph, an appeal to the King from the Sami Parliament or from Finnmark Estate Agency as landowner will have suspensive effect.

The Finnmark Act emphasized the Sami culture and traditional occupations in cases concerning extractive industries. The Sami people must be consulted and their opinion should be taken into consideration. Although the Sami do not have the right to veto the decision by the Ministry, the Sami Parliament can stop the unwanted activities by appealing to the King. The King has the final word on such matters. The Finnmark Act and the Finnmark Estate Agency are the only examples co-management between the central government and the Sami in managing the Sami traditional areas in Norway. Since this Act is relatively new, it will take some time before it will be seen to which degree it protects the rights of the Sami people, especially in connection with the international law.

4.3.3 Sami land rights in Finland and Sweden

The private land ownership in Finland and Sweden has originated from cultivating the unowned land. It has been pointed out, that land ownership could not possibly originate from using the land only for reindeer breeding, fishing and hunting without cultivating it. The second main principle regarding the land ownership has been that all land in Finland has to have an owner: if there is no other owner - then the owner is the State (Hyvärinen 1985, 33). This view on land has left the Swedish and Finnish

Sami without a land of their own. This has many consequences not only for the reindeer herders, but for all Sami people.

Finland and Sweden did not ratify the ILO Convention No 169 although they have been studying that possibility. The public discourse on the settler/Sami relationship elaborates the question whether the ILO Convention No 169 should be ratified or not, and under what conditions (Koivurova and Stepien 2011, 134). In Finland, numerous inquiries have been made and several committees have been appointed over the last 25 years with the aim to sort out legal obstacles concerning the land rights. The last attempt was stopped in 2015 when the Finnish Parliament supported the ratification of a government bill, but rejected the proposed change in the definition of who are the Sami in Finland. The proposed change in definition was a prerequisite for the Sami Parliament in Finland to support ratification of the Convention. Sweden has put forward some conditions that must be met before the ratification could take place.

Finland has signed the International Covenant on Civil and Political Rights of 1966 and it has been incorporated into the Finnish legal system at the level of an Act of Parliament. In Sweden, international human rights treaties, with the exception of the European Convention on Human Rights, are not directly applicable, since Sweden presumes that its legal order is in compliance with the international human rights treaties (Koivurova and Stepien 2011, 134). Both Finland and Sweden are members of the European Union. They have ratified also the Framework Convention on the Protection of National Minorities, and the Charter for Minority and Regional Languages of the Council of Europe that are in force and apply to the Sami people in these countries.

The Sami territorial rights have been and are articulated in accordance with two old proprietary law doctrines: immemorial usage (*alders tids bruk*) in Norway, and immemorial prescription (*urminnes hävd*) in Sweden and Finland. With immemorial usage and immemorial prescription, a certain set of conditions apply. Apart from long-term use of a certain area, as a general condition the land use must have been sufficiently intensive, continuous and exclusive to succeed into a right. (Allard 2011, 166-167). Immemorial usage is an old proprietary doctrine, which provides that one

can establish ownership or lesser rights based upon use over time. The immemorial prescription is not codified in legislation so the conditions inherent in immemorial prescription are somewhat vague due to its unwritten character and because the rules of prescription have influenced the immemorial usage.

In Sweden, the Sami land rights are mostly viewed as a question of reindeer policy, although a specific reindeer grazing areas have not been officially demarcated. There have been many cases of Sami legal battles for the reindeer grazing land. The most well know is the Taxed mountain case. In that case, several Sami villages and individuals in the province of Jämtland sued the Swedish state and claimed the full ownership rights over the land in the Taxed Mountains. The Supreme Court ruled that the Swedish state was the rightful owner of the Taxed Mountains. The court's ruling also strengthened the legal position of the reindeer herders, as it states that the Sami's right of use of the land is constitutionally protected in the same way as ownership rights, so their rights cannot be withdrawn without compensation. The Sami have a firmly protected usufructuary right of a particular kind, based upon use and prescription from time immemorial (Mörkenstam 2005, 443). Additional problem for the Sami is that in order to prove the rights based on traditional use and occupation through judicial procedures, the Sami must document a minimum of 90 consecutive years of use of the area claimed. This requirement is especially difficult to fulfil given that the Sami tradition is to leave no physical marks on the land that is used for grazing and other purposes (Anaya 2011b, 14). The Human Rights Committee has recommended changes in the Swedish legislative, but so far nothing happened.

In Finland, 90 percent of the land within the area that is designated as the Sami homeland is legally the State land (Anaya 2011b, 14). In order to resolve the Sami land rights, the Finnish government conducted a study on land use. The Committee on the Elimination of Racial Discrimination recommended to Finland that it should “take effective measures to ensure that the so-called study on land rights in Upper Lapland result in concrete action, including the adoption of new legislation, in consultation with the communities affected” (Anaya 2011b, 14). At this point, there is no resolution. The Finnish law does not recognize the reindeer herding as

immemorial prescription because the reindeer herding is not exclusive to the Sami communities. The Sami territorial rights in Finland resembled those in Sweden, because Finland was a part of the Kingdom of Sweden for over 650 years and two countries had the same public administration, law and judiciary system. Even after 1809 when Finland became a part of Russian Kingdom, the Swedish law remained in the Finnish legal system. In Finland, legal cases in which the Sami people try to acquire the right to land are not as common as in Sweden. According to the Finnish law, the Sami on behalf of their origin do not have any special rights to land or the use of the land in their home region (Hyvärinen 1985, 34).

The Sami have been marginalized in decision making processes. They have been discriminated against, based on racial and cultural hierarchies, both historically and in the present debate. The most striking example is an encroachment on the exclusivity of the Sami hunting and fishing rights on the Crown land, judicially dedicated to the sole disposition of the Sami. Ignoring the firm opposition of the Sami, the Swedish government claimed hunting and fishing rights parallel to that of the Sami, demanding that the state thus ought to have recourse to their rights as it desires, for instance by increasing the amount of hunting and fishing licenses (Lantto and Mörkenstam 2008, 40-41). The unwillingness from the Swedish and Finnish governments to deal with the Sami land rights in accordance with the international law has been criticized many times, but up till now both countries are silent on these questions.

4.4 Mining

… the Minerals Act must be amended so that companies are required to clean up after themselves, and not as now, just let the wounds of nature remain as they are

Man, Finnmark

The implementation of the natural resource extraction and other development projects on or near the indigenous territories have become one of the foremost concerns of the indigenous peoples worldwide and possibly also the most pervasive source of the challenges to the full exercise of their rights (Anaya 2011, 14). The

extractive industries have negative effects on the economic, social and cultural rights of the indigenous peoples due to the irresponsible or negligent projects all over the world.

The overall sequence of activities in modern mining is often compared with the five stages in the life of a mine (Hartman and Mutmansky 2002, 6-13): prospecting, exploration, development, exploitation, and reclamation. Prospecting, the first stage in the utilization of a mineral deposit, is the search for ores or other valuable minerals (coal or nonmetallic). In the phase of exploration, the goal is to determine the value of the mineral deposit. In the third phase, the mineral deposit is accessed and ore is being exploited. Exploitation, the fourth stage of mining, is associated with the actual recovery of minerals from the earth in quantity. Although development may continue, the emphasis in the production stage is on production. The last phase of mining activities is reclamation. It is the process of closing a mine and recontouring, revegetating and restoring the water and land values.

World consumption of minerals has increased to such an extent in modern times that more minerals were used in the twentieth century than were used since the beginning of history (Hartman and Mutmansky 2002, 16-17). The search for minerals often leads the multinational companies to the developing countries or territories of the indigenous peoples where negotiations usually show unequal balance of power. In order to protect the rights of indigenous peoples, states should develop strong legal framework that regulates each step in mining process. This legal framework needs to include investment laws, human rights law, environmental law and natural resource law. Norway, Sweden and Finland regulate the entrance into theirs mining sector as well as each of the mining phases mostly through the system of license. The license is the permit to perform certain mining process and it is issued by the regulatory agency in each country. All three counties differ in the level of protection of the Sami people.

4.4.1 Mining industry in Norway

The mining sector in Norway is regulated by the Norwegian Minerals Act adopted in 2009 and by the Norwegian strategy for the mineral industry issued in 2013. The Strategy points out the Government's objectives for the mineral industry. The emphasis is on the Norwegian mineral industry becoming one of the world's most environmentally friendly industries that shall actively seek future-oriented solutions. The government's objective is that the growth in the industry shall be strengthened by the means of a continued commitment to mapping of mineral deposits, access to information about mineral resources in Norway, better resource planning, a continued development of the mineral agencies and access to knowledge and a competent workforce (Norwegian Government 2013b, 18). The Norwegian government has identified ten strategic areas for mining industry: mapping the mineral resources, investment and access to capital, education and expertise, research and development, safeguarding environmental concerns, reputation, social responsibility and the local community, a predictable framework for mineral operations in Norway, subsea mineral resources and mineral activities in the areas where the Sami interests are present.

The Norwegian government has conducted a special mapping programme for Nordland, Troms and Finnmark and the mapping has shown that these areas are rich in mineral deposits. The Norwegian State claims ownership of these resources. Since mining activities pose environmental challenges and can be in confrontation with the reindeer husbandry, the Government assumes that mining activities will be operated in an environmentally responsible manner and in balanced coexistence with reindeer husbandry and other Sami interests in those areas (Norwegian Government 2013b, 67). This is in accordance with the document named New Building Blocks in the North, The next Step in the Government's High North Strategy. This document was published in addition to The Government's High North Strategy of 2006. In the New Building Blocks it is stated that the Government's High North policy is intended to safeguard the language, culture, livelihoods and way of life of the indigenous peoples in the region. The Government will seek to provide conditions that enable the indigenous peoples themselves, in a proactive manner and in accordance with their

own wishes and needs, to participate in the processes and benefit from the opportunities offered by the future development of the north (Norwegian Government 2009a, 42). This document paves the way for the development of ethical guidelines for how different actors are to take the indigenous peoples' interests into consideration when conducting economic activities in the north. The purpose of these guidelines is to protect the rights of the Sami people in the management and exploitation of natural resources. The Strategy points to the need of consultations with the Sami Parliament of Norway. There are special rules for consultation between the Norwegian state and the Sami Parliament and they are stated in the Procedures for Consultations.

The Procedures for Consultations between the Norwegian State Authorities and the Sami Parliament signed on the 11th of May 2005 is an important document concerning mining although it does not explicitly mention it. The purpose of this act is to contribute to the practical implementation of the State's international legal obligation to consult the Sami people in matters that may affect them directly. According to that Act, the State authorities shall fully inform the Sami Parliament about all matters that may directly affect the Sami, as well as about all relevant concerns and queries at all stages of the process (Procedures, article 3). The objective of the procedures for consultations is to (Procedures 2005, article 1):

1. Contribute to the implementation in practise of the State's obligations to consult indigenous peoples under international law.
2. Seek to achieve agreement between the State authorities and the Sami Parliament whenever consideration is being given to legislative or administrative measures that may directly affect the Sami interests.
3. Facilitate the development of a partnership perspective between the State authorities and the Sami Parliament that contributes to the strengthening of the Sami culture and society.
4. Develop a common understanding of the situation and developmental needs of the Sami society.

These procedures are binding for the Sami Parliament and for the Norwegian Government. These consultations are important because they can lead to decision-making processes and administrative procedures.

The purpose of the Norwegian Mineral Act is to promote and ensure the socially responsible administration and use of mineral resources in accordance with the principle of sustainable development (the Mineral Act 2009, Section 1). Licenses granted by the Directorate of Mining under the Norwegian Mineral Act include (Speight and Shabazz 2013, 2):

1. Exploration license – granted for a maximum period of seven years. If the licensee is able to prove the existence of claimable mineral deposits they may apply for an exploitation permit.
2. Exploitation permit without a mining concession – valid for a maximum of ten years.
3. Exploitation permit with a mining concession – valid for as long as the mine is continuously running.

A thorough environmental impact assessment will be considered when evaluating any new mineral exploitation.

In Section 2 of the Mineral act, it is stated that the administration and use of mineral resources shall ensure that certain interests are safeguarded, among which the foundation of the Sami culture, commercial activity and social life. Also, the Mineral act must be in accordance with the Finnmark act when the Finnmark County is in question. For example, Section 10. *Duty to give notice* explicitly mentions Finnmark Estate Agency and Section 17. *Applications relating to exploration in Finnmark* states that the Directorate of Mining has to grant a special permit before any exploration or pilot extraction in Finnmark can start. That permit may be refused if granting the application would be contrary to the Sami interests. In the Norwegian Mineral Act, there are provisions about the protection of the Sami rights and the regulation of the mining activities in the Finnmark area but there are no references to the protection or position of the coastal Sami.

4.4.2 Mining industry in Finland

There are currently 40-50 exploration companies operating in Finland, which are mostly owned by publicly listed foreign companies. Mineral deposits and new exploration projects are mainly situated in the Eastern and Northern Finland. Currently, there are 12 mining operations that have reached the production stage. Iron, chrome, zinc, copper, nickel, cobalt and precious metals are among the most common minerals extracted in Finland (PwC 2012, 6).

The mining in Finland is regulated by the Mining Act of 2011 and the Mining Decree of 2012. The Mining Act replaced the previous Act from 1965. The first big change between these two acts was in the transfer of responsibility for the issuing of mining licenses from the Ministry of Employment and the Economy to the Finnish Safety and Chemicals Agency (Tukes). The new act gives more consideration to both ensuring the prerequisites for mineral exploration and mining activity, as well as environmental perspectives, basic citizens' rights, the rights of landowners, and the opportunities for the municipalities to influence decision-making (Mining news 2011). A permit for mining activity entitles the landowner to an annual compensation of 50 Euros per hectare and an additional compensation of 0.15 percent of the value of explored and utilized minerals (PwC 2012, 9). This emphasizes the question of land rights, especially taking in account that in 2010 mineral exploration companies in Finland generated the revenue of approximately 700 million Euros (PwC 2012, 6).

The following licences may be granted under the Mining Act (Speight and Shabazz 2013, 1):

1. Ore prospecting permit – necessary in certain circumstances e.g. if the activity poses any risk to people's health or general safety. The permit is granted for a fixed term of up to four years which can be extended for up to three years at a time for a total period of 15 years.
2. Mining permit – gives the authority to establish a mine and to carry on mining activities. It is granted "until further notice" or for a fixed period in certain circumstances.

An environmental permit for mining is also required and the mining activities are supervised by the relevant environmental body throughout their lifetime.

The Sami people are explicitly mentioned in the Finnish Mining Act: the activities referred to in this Act shall be adapted in the Sami Homeland, referred to in the Act on the Sami Parliament (974/1995), so as to secure the rights of the Sami as an indigenous people. This adaptation shall pay due attention to the provisions of the Skolt Act (Kolttalaki 253/1995) concerning the promotion of the living conditions of the Skolt population in the Skolt area, opportunities for making a living, and the preservation and promotion of the Skolt culture (The Mining Act 2011, Section 1). By emphasizing the need to protect the rights of the Sami people as an indigenous people in Finland is a positive step by the Finnish government. Moreover, the Section 38 of the Mining Act makes a distinction between the Sami Homeland, Skolt area, and special reindeer herding area and demands that the impact caused by the activity of the mining industry on the rights of the Sami as an indigenous people to maintain and develop their own language and culture must be established in accordance with the exploration, mining or gold panning permits. The Act also stipulates the need for the consultation with the Sami people as well as obligations regarding the Sami rights protection. Very important provision is given in the Section 165 that establishes the right of appeal. A decision on an exploration permit, mining permit, or gold panning permit; a decision to extend the validity of said permit; a decision on its expiry, amendment, or cancellation; or a decision to terminate mining activity may be challenged by way of an appeal by the following (The Mining Act 2011, Section 1; 5, 6):

1. the Sami Parliament, on the grounds that the activity referred to in the permit undermines the rights of the Sami as an indigenous people to maintain and develop their own language and culture;
2. the Skolt village meeting, on the grounds that the activity referred to in the permit impairs the living conditions of the Skolt population in the Skolt area and the possibilities for making a living there

The Sami people are entitled to question decisions regarding mining activities through the Sami Parliament or Skolt village. This is important from the perspective of the Sami people's right to determine their own way of living and taking control over their ancestral land. The independence and political strength of the Sami Parliament is important regarding exercising this right. Although the Finnish Mineral Act could be improved regarding participation of the Sami people in the decision-making process, this Act takes into account the rights of the Sami people and makes an effort in the protection of those rights. The shortcoming and the potential problem area is the Finnish Reindeer Husbandry Act that does not grant the Sami in Finland the exclusive right to reindeer herding and does not protect the Sami reindeer herding area. The Finnish Mineral act includes protective provisions regarding the Sami, but it lacks substantial provisions for identifying and recognizing the Sami lands. The clashes between the reindeer herding and the extractive industries in Finland will increase with time.

4.4.3 Mining industry in Sweden

Sweden has the largest mining sector of the Nordic countries today. In total, there are 15 metallic mineral mines, and around 6,300 persons are directly employed by the mining companies. According to the 2014 Fraser Institute survey of mining and exploration companies, Sweden ranks as having the fourth most attractive mining policy worldwide (Hojem 2015, 55-56). In order to be in mining sense, as attractive as possible, the Swedish government has brought the Minerals strategy in 2013 that proposes 19 different measures to increase resource efficiency, improve dialogue and synergy with other industries, promote regional growth, improve distribution of responsibility, clarify and create a more effective regulatory framework, facilitate investments in infrastructure, promote research and innovation, ensure supply of skills and capital, and increase participation in the international arena. Prior to that, in 1993 the Swedish Crown gave up on their right to half of the share in mines. The landowners are compensated with 0.15 percent of the value of the minerals extracted and government with a share of 0.5 percent.

The main legislation governing mining activities in Sweden is the Minerals Act of 1991. This law has been revised on a number of occasions and has been adapted to the Environmental Code of 1998. Other laws connected to the mining industry are the Planning and Building Act (1987:10), the Act concerning the Cultural Heritage Management (1988:950), the Nuclear Activities Act (1984:3) and the Radiation Protection Act (1988:220) (Minerals Act 1991, section 7).

The key mining licences available under Swedish legislation are (Speight and Shabazz 2013, 1):

1. Exploration permit – this provides access to the land for exploration work. It is valid for three years from date of issue and can be extended in certain circumstances to a period of 15 years.
2. Exploitation concession – this is required for the extraction of certain categories of minerals and is granted for a maximum period of 25 years.

The Environmental Code is applicable when granting a concession. The permits for exploration must be granted under both the Minerals Act and the Environmental Code.

The Mineral Act does not include any explicit references to the Sami rights or reindeer herding, which can be found in the Finnish and Norwegian Mineral laws. The Minerals Ordinance specifies that the Sami Parliament shall be informed on applications and decisions on the exploration and exploitation permits. However, the areas of national interest for reindeer herding are protected through the Environmental Code, and the Sami Parliament is the responsible agency for identifying such areas (Hojem 2015, 59). If these areas overlap with other national interests, the exploration permit process is supposed to decide which land use best contributes to the sustainable development. This solution leaves more than enough room for problems because the reindeer herding is a sustainable activity in contrary to mining, but mining greatly contributes to the national budged. Compared to Norway and Finland, the Sami in Sweden are not at all protected by the country's Mineral Law. There are neither rights of appeal nor any control on the impact of

mining activities or at least the protection of the Sami rights in the purpose of the Act. Like Finland, Sweden also did not sign the ILO Convention No. 169, but the Finnish Minerals Act gives the best legal protection to the Sami people in comparison with the laws of the other Nordic countries.

4.4.4 Deep sea mining

The minerals are not found only in the land. During the past century, scientists have become more and more aware of the rich mineral resources on the bottom of the oceans. Many of the oceans resource deposits proved to be richer than those on land. Logistics on the oceans are simple and easily accessible ports already prepared. All this leads to the increased research and development of the new technologies designed for deep seabed mining. The Arctic Ocean is also very rich in different minerals, and many countries are interested in its treasures. For example, Norway has strong competence and companies in the field of subsea and deepwater technology used in the oil and gas industry. These expertises provide opportunities for the development of technology for searching, exploration, and possible future exploitation of mineral resources on the seabed (Norwegian Government 2013b, 67). While deep sea mining in the coastal waters is regulated by the national laws, or the Law of the Sea, there is a huge area that stretches beyond that.

There are three main groups of deep-seabed minerals: polymetallic nodules, crusts, and sulphides. Polymetallic (manganese) nodules occur throughout the ocean and are found lying on the seafloor in the abyssal plains, often partially buried in fine grain sediments. Nodules contain a wide variety of metals, including manganese, iron, copper, nickel, cobalt, lead and zinc, with important but minor concentrations of molybdenum, lithium, titanium, and niobium. Polymetallic sulphides are rich in copper, iron, zinc, silver and gold. Deposits are found at water depths of around 2,000 meters for mid-ocean ridges. Cobalt crusts accumulate at water depths of between 400 and 7,000 meters. They contain iron, manganese, nickel, cobalt, copper and various rare metals.

The United Nations Convention on the Law of the Sea of 1982 in part VI. Continental Shelf states: The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance (UNCLOS 1982, article 76). The State has the right to apply for extension of the continental shelf but it may not exceed 350 nautical miles. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources (UNCLOS 1982, article 77). The seabed and ocean floor and subsoil beyond these limits of sovereign rights are referred to as the Area. It consists of around 260 million square kilometres. The Area and its resources are the common heritage of mankind and should be administered for the benefit of mankind as a whole (UNCLOS 1982, article 136). This means that all exploitation activities including mineral exploration must be sponsored by a State Party to the UNCLOS and approved by the International Seabed Authority. The Authority is the organization through which the States Parties organize and control activities in the Area, particularly with respect to administering the resources of the Area (UNCLOS 1982, article 157). The scope of regulatory powers as well as the voting power in the International Seabed Authority has been the issue among countries since the implementation of the UNCLOS. This is partially a reason why the International Seabed Authority has not yet prepared the complete regulatory framework for the whole process of exploitation of minerals.

One big area of concern is the potential environmental impact of the deep sea mining. Environmental concerns surrounding mining operations involve both the nodule collector's contact with the ocean floor, and the sediment discharge plumes resulting from nodule extraction. This will have impact on the ocean floor, water column and on endangered species like marine mammals and sea turtles (Wilson 1982, 215-218). As the collector unit gathers nodules, it will destroy the top few centimeters of the seabed, causing major disturbance and disruption to the flora and fauna in the mining tracks. In addition, the propulsion system of the collector unit will stir up sediments; as a result, organisms in and around the tracks will be partially or

entirely buried. In the mining tracks, for instance, a mortality rate of 95–100 percent may be expected for organisms found there (Markussen 1994, 33). The greatest ecological problem with deep sea mining is in the water column that happens during mining operations. The nodules are found in the clay deposits that form sediment on the bottom of the ocean. By trying to extract the nodules the sediment gets disturbed and affects the upper 100 meters of the water column and therefore interferes with light penetration and reduces photosynthesis. The presence of sea mammals and turtles is significant because they inhabit, migrate through, mate, or feed in the areas best suited for deep sea mining, and the mining processes may inhibit these activities (Wilson 1982, 215-218). The environmental concerns also include the offshore waste disposal, support activities, transport of nodules and discharge of wastewater from the mining ships.

Deep sea mining will definitely happen in the Arctic sea. The incomplete regulatory framework and serious environmental questions pose a great concern for the future of Arctic biodiversity. All Arctic states will have to work together and join efforts with all interested states in order to prevent the ecological disasters that may happen.

4.5 The Sami in the Russian Federation

We are invisible.

Man, Finland

The Russian Federation is the biggest country in the world; it is full of diversity both natural and manmade. Russia attracts a lot of international attention with its controversial politics towards human rights, environment and international relations. The country is highly dependant on its many natural resources. Most of these resources can be found in the northern part of country. The North is also a home to the Russia's many indigenous peoples. Some of those peoples are legally recognized as indigenous; others are still struggling with their legal status.

For as long as Russians have known the circumpolar peoples, they have considered them essentially different from themselves. Foreigners, aliens, pagans, brutes,

children of nature, primitive communists, national minorities, or endangered indigenous populations, the native northerners have always been outsiders. As definitions, explanations, and proposed solutions changed, one thing remained permanent: difference implied hierarchy; otherness had always implied a moral judgment (Slezkine 1994, 387).

4.5.1 Indigenous peoples in the Russian Federation

In the legislation of the Russian Federation, there is no stand-alone term "indigenous peoples". The words only appear in conjunction with specific qualifiers referring to size and place. The official term used to describe indigenous peoples is *Indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation*. According to the Russian legislation, to be identified as indigenous small-numbered people of the North certain people must (Rohr 2014, 9):

1. be a distinct ethnic group, and self-identify as such,
2. be “small”, with a population not exceeding 50,000,
3. be indigenous to and reside within a certain geographic realm (“The North, Siberia or the Far East”),
4. maintain a “traditional” way of life, while the scope of what “traditional” may include is partly subject to interpretation, partly to further regulation.

There are several problematic parts of this definition. To start with, it discriminates against the peoples with more than 50,000 members. Peoples like the Altai Kezhi, the Nogay, the Komi-Izhemts, and the Izvatas number more than 50,000 people and are denied the small-numbered peoples status. The place of residence is also specifically mentioned, meaning that the indigenous peoples can live only in the Siberia, North Russia and the Far East. Also, the Russian government grants and withholds a group’s recognition by including it into or excluding it from the federal *Common Inventory of Indigenous Small-Numbered Peoples of the Russian Federation*. The Yakuts, the Tuvans and the Buryat peoples are trying to get the status but are denied this status by the state. This concept of indigenous small-numbered peoples of the North is not consistent with the UN working definition of

indigenous peoples that emphasizes subjective and historical aspects. The self-identification and an experience of oppression and discrimination are the defining moments for the indigenous peoples, not the number or physical location. According to 2010 national census, the most numerous of the indigenous peoples are the Nenets with a population of 44,000, followed by the Evenks (38,000). The smallest group on the record are the Kereks with only four members left (down from eight in the 2002 census). Ten of the 40 peoples have populations of over 10,000, while another ten have less than 1,000 members (Rohr 2014, 10). In total, these groups comprise 244,0004 people, residing within 28 constituent political administrative units of the Russian Federation, mainly in the North, Siberia and the Far East of Russia (Anaya 2010, 5). It is difficult to determine the exact number of the indigenous peoples in the Russian Federation. Many indigenous people do not want to self-identify because of different reasons or because of mixed ethnic background in cases of families with indigenous and Russian members.

Part of the cultural heritage of the Russian indigenous peoples is language diversity. Their languages belong to a variety of language families (Rohr 2014, 67): Uralic (Finno-Ugric, Sami and Samoyedic languages), Altaic (Siberian Turkic family of languages), Tungusic (Northern and Southern), Aleut-Eskimo (Aleut and Eskimo), Palaeo-Siberian (isolated languages) and Sino-Tibetan Mongolic (Chinese Central Mongolic). Most of these languages are endangered mostly due to a forced sedentarisation during the Soviet era that resulted in the indigenous people inhabiting ethnically and linguistically mixed settlements in which they were in minority. When it comes to education, Russian is the state language in the whole territory of the Russian Federation, but the republics have the right to establish their own state languages. This reflects differently throughout Russia. In some republics the state language is a compulsory subject in schools; in others only an optional. Despite these variations, the general trend has been the overall decrease of opportunities for the accommodation of diversity. Overall, teaching of minority and indigenous languages as subjects, as well as instruction through the medium of the minority languages, has declined in the 2000s; there has further been a decline in students receiving an education in a minority language (Prina 2014, 12-13). As of 2002, 48 percent of the indigenous people in Russia had only elementary education and 17

percent were illiterate, compared respectively with 8 percent and 0.5 percent for all of Russia. In many communities, only between 15 and 50 percent study and learn their native language in schools (Anaya 2010, 17). The indigenous settlements are remote so the children are taught in boarding schools, which uproot the children from their traditional environments and families. Some improvements have been made but the parents' still have very little control over the curriculum that is determined federally. The indigenous children follow this curriculum and have an added indigenous language course. When Russia became a member of the Council of Europe, it has committed to become a state party to the European Charter for Regional or Minority Languages. It signed the Charter in 2001, but the ratification is still pending.

The Russian Federation voted in favor of the Universal Declaration of Human Rights, and has ratified most of the core United Nations human rights treaties. Russia has not ratified the International Labor Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989), and abstained from voting for the United Nations Declaration on the Rights of Indigenous Peoples, although the Government officials have stated that the Russian Federation accepts most of the provisions of the Declaration (Anaya 2010, 7). The Russian Constitution states that: The universally-recognized norms of international law and international treaties and agreements of the Russian Federation shall be a component part of its legal system. If an international treaty or agreement of the Russian Federation fixes other rules than those envisaged by law, the rules of the international agreement shall be applied (Constitution of Russian Federation 1993, article 15). In Russia, the indigenous peoples are constitutionally recognized: the Russian Federation shall guarantee the rights of indigenous small peoples in accordance with the universally recognized principles and norms of international law and international treaties of the Russian Federation (Constitution of Russian Federation 1993, article 69). This article was legally implemented by the adoption of three federal laws, which specifically address indigenous peoples recognized between 1999 and 2001, namely: *On guarantees of the rights of indigenous small-numbered peoples* (1999), *On the general principles of the organization of obshchinas of the indigenous, small-numbered peoples of the North* (2000), and *On Territories of Traditional Nature Use of indigenous small-numbered peoples of the North, Siberia and the Far East of the*

Russian Federation (2001). Formally, these laws provide indigenous peoples with a number of individual and collective rights and guarantees, inter alia, the right (Tomaselli and Koch 2014, 5):

1. To freely use land and renewable natural resources in their traditionally occupied territories and areas where they engage in traditional economic activities (*On Guarantees*, article 8, paragraph 1);
2. To establish self-government bodies where densely populated settlements are in place, and to form communities and other organizations (*On Guarantees*, 1999, articles 11 and 12);
3. To revise their educational institutions in line with their traditional way of life (*On Guarantees*, 1999, article 8, paragraph 9);
4. To obtain compensation in the event that their traditional environment is damaged by industrial activities (*On Guarantees*, 1999, article 8, paragraph 8);
5. To consider customary law in court proceedings as long as it does not contradict federal or regional legislation (*On Guarantees*, 1999, article 14).

There have been some problems with the execution of these laws. These are all federal laws that depend on additional by-laws that should be passed at regional or national level. These by-laws have never been adopted. Also there are many other laws that are in conflict with these laws. Some of them govern waters, forests and management of the land. These laws can, in some cases, limit the indigenous peoples. For instance, the law *on obshchinas* limits the indigenous communities to traditional types of activities. If communities engage in activities other than the traditional economic activities it can result in their termination. Additionally, the indigenous activities are of a non-profit making nature which greatly limits the indigenous communities compared to private businesses. The state authorities are taking many legislative measures that favor the interests of these businesses over the rights of the indigenous peoples. Current legislative approaches and administrative practices are developing in the direction of diminishing the indigenous peoples' collective rights to land and resources and favoring the approach of granting the indigenous rights to individuals and on application only. There is also a problem of treatment of the umbrella organization of the Indigenous peoples of the North,

Siberia, and the Far East (RAIPON). This organization has more than twenty years of active engagement in defending the rights of the Russian indigenous peoples. The Russian Ministry of Justice in 2012 suspended RAIPON's activities. This was de facto closure of this organization just before the VIIth Congress of Indigenous Peoples of Russia was scheduled. After major national and international protests, the suspension was lifted, but the organization has been put under the government's boot making it impossible for the indigenous peoples of Russia to have any significant political influence on their future.

The living conditions of the indigenous peoples are very different from those of the majority population. While the majority of Russians live in urbanized places, majority of the indigenous peoples live in rural settlements where they were forcefully placed during the Soviet era. As of 2002, the average life expectancy of indigenous people in Russia was 15 years less than the Russian average (Anaya 2010, 18). The indigenous peoples of Russia have extremely high adult mortality rates. Just over one-third of indigenous men (37.8 percent) and less than two-thirds of indigenous women (62.2 percent) in Russia reach the age of 60. At national level, the figures are 54 percent for men and 83 percent for women. Also, 36 percent of northern indigenous people die prematurely from unnatural causes, which are more than double the national average of 15 percent (Rohr 2014, 32).

Although poverty is all present in lives of the indigenous people of Russia, the land they occupy is extraordinary rich. The North, Siberia, and the Far East where the most indigenous people live are also the places where the most of Russia's natural resources are located. The regions that have the highest number of oil and gas extraction sites are Khantia-Mansia, Sakha Republic, Sakhalin Oblast, Yamalo-Nenets Autonomous Okrug and Nenets Autonomous Okrug. Russia is one of the biggest oil and gas producers in the world and its budget revenue depends mainly on the oil and gas sales. With current record low prices of oil, the Russian economy is facing major challenges. To release pressure from the budget, the government is increasing the exploration of both oil and gas. This industry generates great pollution. Oil spills are frequent and the pipelines are outdated. The development of this industry was accompanied by a mass migration of workers, which lead to the

marginalization of the indigenous peoples in the areas where they had previously been the majority. The second source of revenue is the mining industry. Russia is the world's third largest coal exporter, the leading producer of nickel and a major producer of copper, steel, gold, platinum, diamonds, coal and many other metals (Rohr 2014, 41). The extractive industries affect the indigenous peoples by decreasing available land area and by polluting the environment. Vast areas of reindeer pasture and many sacred sites have been irretrievably destroyed. One of the examples of the pollution is mines and smelter near the town of Nikel on the Norwegian Russian border, on the Kola Peninsula, the homeland of the Russian Sami. This town became notorious for the total destruction of the plant life for kilometers around the plant, caused by sulphur dioxide fumes. Also, Russia is the world's fifth largest producer of hydropower and has the world's second largest hydropower potential (Rohr 2014, 42-43). The building and operating of hydroelectric dams have great ecological impact on the large areas as well as a big impact on the human rights of the indigenous peoples living in the area. The law On Territories provides that where designated traditional nature use territories are established, oil and other industrial development may occur only after consultation and agreement with the indigenous communities living there. This requirement has given rise to many instances of agreements between oil companies and indigenous people, in areas where territories of traditional use are established (Anaya 2010, 12). However, the extractive industry and the indigenous communities are linked with the state structures and this leads to significant power imbalance. Many indigenous communities have no power or control over neither their territories nor any ability to uphold their identity and culture. The economic development prevails over the rights of the indigenous peoples.

4.5.2 The Sami people in the Russian Federation

In the Russian Federation the Sami people live on the Kola Peninsula in the Murmansk Region. According to the 2010 population censuses there are 1,771 people that declared as the Sami. It is a decrease of 11.05 percent from the last population census of 2002 (Rohr 2014, 65). While the majority of the Russian population on the Kola Peninsula lives in towns, most of the Sami are living in non-

urban areas. The settlement of Lovozero in the center of the peninsula is known as “the Sami capital of Russia”. On the 1st of January, 2007 the average age of the population was 36.1 years; of which males 33.3 years, and females 38.8 years. The life expectancy at birth was 65.2 years; of which males 58.9 years and females 71.7 years (The Murmansk Region, web). Among the Saami people living in the Murmansk Oblast, several Sami languages are spoken; Skolt (Notozero), Akkala (Babino), Kildin Saami and Ter Sami (Iokanga). There are very few speakers and all the languages are endangered.

The Sami on the coast and inland of the Kola Peninsula have lived in their traditional way just like the Sami in Finland, Sweden and Norway, up until the moment when the North became of interest to Imperial Russia. Although these territories were full of life with many indigenous peoples, different languages, cultures and traditional social structures, by the Russian Empire it was considered *terra nullius* and the colonization began. During the 1800s, the indigenous peoples of Russia’s northern and eastern peripheries were conceptualized as a part of the ethno-political category *inorodtsy* – *people of alien origin* (Berg-Nordlie 2015, 43). By the 1822 *Charter on governance of the people of alien origin*, indigenous peoples were divided into the categories *settled, nomadic and wandering*, where the settled indigenous peoples were considered more civilized and equal to ethnic Russians in rights and obligations. This Charter had a purpose to govern, protect and civilize the indigenous peoples, but it failed, especially in its attempt to protect the indigenous peoples. In this period, *the Kola Sobbar* was created. It is referred to as the first Sami Parliament. It was an annual gathering of the Sami people and the representative of the Russian government. This body did not represent all the Russian Sami, but only part of them living in the Kola-Lappish District and it did not protect the Sami people from colonization. With time they were more and more economically and socially marginalized and deprived of their traditional land.

During the Soviet Era things changed. The indigenous peoples were no longer referred to as *inorodtsy* but as *malye narody severa* - small peoples of the North, and the State Committee for Assistance to the Peoples of the Far North was formed in order to solve their economic, cultural and political problems. In order to do so, the

Committee created a list of small peoples of the North. Far from including all the indigenous nations of Russia, the list was limited geographically to the North, demographically to small-numbered peoples and socioeconomically to peoples involved in traditional economic activities (reindeer herding, hunting, fishing, sea mammal industry, gathering) or with a semi-settled or nomadic lifestyle (Berg-Nordlie 2015, 46). The idea was that different indigenous peoples were at different points in the social development. Some were considered to be primitive, some feudal, capitalist and the ultimate goal for all to reach was communism. These tendencies were not to assimilate the indigenous peoples, but to preserve their separate ethnicity while helping them to reach the same level of social development as other ethnicities in the Soviet Union. This goal was not separated from the economic development of the Russian North through industrialization and utilization of the Arctic's natural resources. This development included enforced collectivization, forced removals and large scale influxes of non-indigenous migrants and the collectivized indigenous societies were merged into larger units, often managed by outsiders (Berg-Nordlie 2015, 47). During this period the Sami traditional family units' siidas had been turned into collective farms and merged into the larger units. The main purpose of collectivization was to get profit from the rural economies and to develop agriculture. All private property was transferred to the state farms. All protest from the Sami side brutally ended with executions or deployment of the Sami people to the labor camps. The collectivization also led to reallocation of the Sami communities. Many Sami settlements were destroyed and many people were transferred to the collective farm in the village Lovozero.

In 1992, the system changed again and the Soviet Union became the Russian Federation. During this period three federal laws, previously mentioned, were created and the indigenous activism started to develop. The economic crisis put the North in the centre of the Russian political life with the focus on development through extractive industries. After 2012, the work of civil society organizations became almost impossible. The umbrella organization for the indigenous peoples, RAIPON, came under direct influence of the central government and extractive industries whose activities it previously fought. The Russian Sami are one of the most small-numbered of the Russian indigenous peoples and the Murmansk Region is one of

the most densely populated areas in the Russian North. The Russian Sami are a minority everywhere on the Kola Peninsula but they are trying to find a way to be politically active and to protect and preserve their traditional culture. In order to do so, they formed different nongovernmental organizations, such as two main organizations the Association of the Kola Sami (AKS, est. 1989) and the Murmansk Region Sami Civil Society Organization (OOSMO, est. 1998); more interest-specific Sami civil society organizations, such as the handicraft group Chepes' Sám' (1993), several obshchiny (since 2002), a few NCAs organized by the Sámi in the urban areas (since 2007) and in 2009 the youth organization Sám' Nurash was founded (Berg-Nordlie 2015, 54). The Russian Sami are a part of the Sami people and their desire to have closer connections with the Sami living in Nordic countries never sized to exists. In 2010 a congress of Sami activists launched a self-declared Sami Parliament named Kuellnegk nyoark Sám' Sobbar. This did not resonate well in the Russian political arena so many of the activists were accused of separatism and collaboration with the West. The work of the Parliament is heavily sabotaged by the Russian government and the elected representatives are exposed to different forms of harassment.

5 THE ARCTIC GOVERNANCE

Regarding Sami culture and traditional knowledge I want to pass it on to my children and grandchildren. Through my children and grandchildren I hope traditional knowledge will bring important keys for problem solving in the future. I want my children and grandchildren to treat strangers and refugees as good neighbors. I want Sami society to grow strong and inclusive, with the principle of sharing as a central value, thus becoming a positive model for the majority society and the rest of the world. In history, nationalism, racism and war were never Sami values or goals.

Woman, Sweden

This chapter will examine the current situation in the Arctic from different perspectives. It will try to explain the political, economic and security situation in the Arctic. It will also give an overview on the impact of the climate change, shipping and tourism on the Arctic environment and population. Also, this chapter will attempt to summarize the natural resources found in the Northern regions of Russia and the Nordic countries.

Laurence C. Smith defines four global forces: demographics, resource demand, globalization, and climate change that will shape the future. A fifth force twining through the first four is technology (Smith 2010, 28). Technology is already a defining force in the Arctic. Global communication made global markets and trade possible. Healthcare and pharmaceutical industry prolonged the life expectancy, decreased childbirth mortality and improved life quality in general. Advances in materials science and nanotechnology made it possible to extract oil, gas and minerals from the places previously unreachable. This progress also had negative consequences in the form of pollution, greenhouse gasses emissions and decrease in biodiversity. The Arctic is becoming more and more accessible, but also more and more endangered. With increased importance, the Arctic is gaining in the economics of the world, the pressure is increasing on the Arctic states to define the rules of the game, to protect the environment and the Arctic population including indigenous peoples rises. They are expected to adjust to high speed changes but do it in a way which promotes sustainable human development.

5.1 Political Actors in the Arctic debate

The government seems to do what they want to do in the end.

Man, Sweden

Title to territory is not an issue in Arctic politics. The only unresolved situation is with the Hans Island. The sovereignty claims over that small island are placed by Canada and Denmark. In 1973, these two countries delimited the continental shelf between Canada and Greenland and left a gap of just 875 meters between the endpoints on the south and north shores of Hans Island. So, any resolution of the dispute will not affect the surrounding seabed. The possible solutions include drawing a straight line from one end of the seabed delimitation line on the one side of Hans Island, to the continuation of that line on the other side giving each country approximately 50 percent of the island. Another possibility is condominium, which would mean that Canada and Denmark would share sovereignty over the entire island. Whichever solution prevails, this dispute is irrelevant in the political life of the Arctic.

Maritime boundaries have never been defined through force and conquest, but rather by the development and application of rules of international law that conceive of offshore rights as derivative of rights on land (Byers 2013, 28). The Arctic has not been an exemption to this rule. In 1973, Canada and Denmark delimited a 1,450 nautical mile boundary between Canada and Greenland; in 1990 the United States and the Soviet Union negotiated a 1,600 nautical mile boundary in the Bering Sea, Bering Strait and Chukchi Sea; in 2006 Denmark and Norway agreed upon a boundary between Greenland and Svalbard; in 2010 Norway and Russia resolved the 50,000 square nautical miles of contested water column and seabed in the Barents Sea (Byers 2013, 55). There is one unresolved boundary dispute between Denmark and Canada and it concerns Lincoln Sea boundary. This dispute is of little practical significance because the countries agreed on every issue but joint management regime for any straddling hydrocarbon deposits. Of greater importance is a dispute between the United States and Canada over the maritime space extending 200 nautical miles northwards from the terminus of Alaska – Yukon land border to the limit of the two coastal states' EEZ. The seabed in question is rich in oil. The abundance in natural resources is the main element in Arctic politics not only

between the Arctic states but also in relationship with the other interested parties. Another important element is the protection of the Arctic biodiversity and prevention of pollution. The Arctic bio system is very fragile and any major pollution from extractive industries could bring permanent damage. Joint efforts in this field are therefore a necessity for all parties in the Arctic arena.

5.1.1 The Arctic Council

The initial plan for the Arctic wide cooperation was launched by the Soviet Union's leader, Mikhail Gorbachev in Murmansk in 1987. The Soviet leader proposed that the Arctic states initiate cooperation in various fields, one being the protection of the Arctic environment (Koivurova and VanderZwaag 2007, 123). The establishment of the Arctic Council had two phases. First, in 1991 Rovaniemi Declaration was signed. It adopted the Arctic Environmental protection Strategy. The beginning of second phase was marked by the signing of the Arctic Council Declaration in 1996.

The Arctic Council is the leading intergovernmental forum promoting cooperation, coordination and interaction among the Arctic states, Arctic indigenous communities and other Arctic inhabitants on common Arctic issues, in particular on issues of sustainable development and environmental protection in the Arctic (Arctic Council, undated). Members of the Arctic Council are (Arctic Council, undated): Canada, the Kingdom of Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States. Six organizations representing the Arctic indigenous peoples have the Permanent Participants status (Arctic Council, undated): the Aleut International Association, the Arctic Athabaskan Council, Gwich'in Council International, the Inuit Circumpolar Council, the Russian Association of Indigenous Peoples of the North and the Sami Council. Twelve non-arctic countries have been admitted as observers to the Arctic Council (Arctic Council 2016): France, Germany, The Netherlands, Poland, Spain, United Kingdom, The People's Republic of China, Italian Republic, Japan, Republic of Korea, Republic of Singapore, and Republic of India. European Union is an observer in principle, but has all the rights of other observers. Nine Intergovernmental and Interparliamentary Organizations and eleven

Non-governmental organizations have been given observer status and are observers in the Arctic Council.

Decisions at all levels in the Arctic Council are the exclusive right and responsibility of the eight Arctic States with the involvement of the Permanent Participants. Decisions are brought by consensus. Observers make relevant contributions through their engagement in the Arctic Council primarily at the level of Working Groups.

The Arctic Council's activities are conducted in six working groups. The working groups are composed of representatives at expert level from sectoral ministries, government agencies and researchers. Their work covers a broad field of subjects, from climate change to emergency response. There here are six Working Groups of the Arctic Council (Arctic Council, 2015):

1. Arctic Contaminants Action Program (ACAP) with the aim to prevent adverse effects from, reduce, and ultimately eliminate pollution of the Arctic environment. The ACAP addresses Arctic pollution sources and acts as a strengthening and supporting mechanism to encourage national actions to reduce emissions and other releases of pollutants that are relevant in the Arctic.
2. Arctic Monitoring and Assessment Programme (AMAP) aims to provide reliable and sufficient information on the status of, and threats to, the Arctic environment, and to provide scientific advice on actions to be taken in order to support Arctic governments in their efforts to take remedial and preventive actions relating to contaminants.
3. Conservation of Arctic Flora and Fauna (CAFF) serves as a vehicle to cooperate on species and habitat management and utilization, to share information on management techniques and regulatory regimes, and to facilitate more knowledgeable decision-making. It provides a mechanism for development of common responses on issues of importance for the Arctic ecosystem, such as development and economic pressures, conservation opportunities and political commitments.

4. Emergency Prevention, Preparedness and Response (EPPR) addresses various aspects of prevention, preparedness and response to environmental emergencies in the Arctic, as well as search and rescue.
5. Protection of the Arctic Marine Environment (PAME) with the goal to address policy and non-emergency pollution prevention and control measures related to the protection of the Arctic marine environment from both land and sea-based activities. These include coordinated action programmes and guidelines complementing existing legal arrangements.
6. Sustainable Development Working Group (SDWG) has the goal to propose and adopt steps to be taken by the Arctic States to advance sustainable development in the Arctic. It focuses on opportunities to protect and enhance the environment and the economies, culture and health of indigenous peoples and Arctic communities, as well as to improve the environmental, economic and social conditions of Arctic communities as a whole.

It is obvious that the governance of the Arctic is very complex. There are many players, with many different interests. An additional factor is the global warming that rapidly changes the environment. Any decision made in the Arctic Council has to reconcile two or more opposing sides. National goals of extraction and export of minerals or oil can be opposed to local interests to preserve the environment. This is the main reason the Arctic today needs a multi-level governance cooperating across local, regional, national and international bodies as well as among governmental and non-governmental actors.

In the Arctic Council Declaration no legal obligations are created, the Council has no international legal personality, and in terms of functions, it is limited to adopting reports, making recommendations, setting its own agenda and creating its own rules of procedure. Hence, the members consider the rules of the Council as binding in ethical, rather than legal, sense (Wilson 2016, 57). The Arctic Council's mandate, as articulated in the Ottawa Declaration, explicitly excludes military security. The Arctic Council does not and cannot implement or enforce its guidelines, assessments or recommendations. That responsibility belongs to each Arctic State. Decision to have declaration-based Council has two implications. On one side, it respects the

sovereign interests of member states and allows them individual view on the commitment of political will and resources to the Council. On the other side, if the Arctic council was treaty based, this treaty would decide on power distribution and would provide legal foundation for the Council's work. Consequently, the roles, rights and obligations regarding different projects and financing the work of the Council would be clearer and easier to follow.

There is also a problem of “the Arctic five”. It is a (informal) forum in which Canada, the Kingdom of Denmark (in respect of Greenland), the Kingdom of Norway, the Russian Federation and the United States of America work independently from other members of the Arctic Council. These countries have sovereignty, sovereign rights and jurisdiction, in large areas of the Arctic Ocean. These countries held two meetings and produced some declarations from which other Arctic countries are excluded; last of those was the Declaration concerning the prevention of unregulated high seas fishing in the central Arctic Ocean. Iceland, Finland and Sweden protested to being excluded. Finland expressed interest in creating a treaty-based Council. Other parties are also dissatisfied with the division of power, namely observer states that demand and wait for a right to vote.

It is not clear yet in which direction will this discussion lead, but it is clear that the Arctic Council has grown considerably since it had been established twenty years ago. It was created by and for the Arctic countries. Today, there are more and more non Arctic states that demand their share not only in decision-making but also in resources. One of the most important aims of the Arctic Council was the protection of the Arctic environment. With disagreements between member states, melting ice, discoveries of natural resources and high pressure from the other players, it remains to be seen how protected the Arctic will be. The Indigenous peoples of the Arctic heavily depend on environment; their connection to the land and traditional occupations is essential to their survival. The indigenous people’s organizations have consultative status within the Arctic Council, but they do not have a voting power on decisions nor the power of veto. Furthermore, the indigenous people’s status in the Arctic Council does not recognize indigenous rights acquired through the international law. In the beginning, the Arctic Council has been determined to protect

and preserve the indigenous peoples, their cultures and ways of life. It is in unclear how important this determination will be if the race for the resources takes even more serious form.

5.1.2 European Union

The European Union is a unique economic and political partnership between twenty eight European countries and it is based on the rule of law. Foundations for all activities within EU are treaties that were voluntarily and democratically agreed on by all member states. Three of the EU member states, Sweden, Finland and Denmark are full members of the Arctic Council. The EU's geographical presence in the north and the Arctic is very limited. None of the EU countries is a littoral Arctic country due to the fact that Greenland, part of the Denmark, left the EU's predecessor, the European Economic Community, in 1985[9]. Iceland is the member of the Arctic Council, but has stopped its process of joining the EU. Norway is not a part of the European Union, but it is the member of the European Economic Area. This means that the EU and Norway cooperate in fields such as research, civil protection, environment and tourism. All these areas are of importance for the Arctic. The European Commission is a member of the Barents Euro Arctic Council. The Barents Euro-Arctic Council (BEAC) is the forum for intergovernmental cooperation on the issues concerning the Barents Region. The EU has provided over €1.14 billion to develop the economic, social and environmental potential of the Arctic regions of the EU and neighboring areas for 2007-2013. The EU, through the Seventh Framework Programme (FP7), has contributed around €200 million of EU funds to international research activities in the Arctic (EU Arctic policy (2014, 1). The European Union is an end consumer of majority of resources and goods from the Arctic region.

In the last ten years, the European Union has showed increased interest in the Arctic. The EU wants to engage more with the Arctic partners to increase its awareness of

[9] Greenland, Denmark and EU signed new joint declaration which defines the financial cooperation and frames the policy dialogue in areas of mutual interest such as various arctic matters, natural resources and environment in 2014. http://ec.europa.eu/news/2015/03/20150319_en.htm, 25.1.2016.

their concerns and to address shared challenges in a collaborative manner. Three main policy objectives are (EU Arctic Policy, 2014b):

1. protecting and preserving the Arctic in cooperation with the people who live there,
2. promoting sustainable use of resources,
3. international cooperation.

The European Union has a prominent role in combating global climate change and is committed to assuming responsibility for protecting the Arctic environment. Also, the European Union shows concern about the Sami people and their protection. Since the Sami people live on the territory of two member states Finland and Sweden, their protection also falls within the domain of EU's policy priorities.

The European Commission and the High Representative propose that further development of the EU Arctic policy focus on 3 key areas (EU Arctic Policy, 2014b):

1. supporting research and channeling knowledge to address environmental and climate change in the Arctic,
2. acting responsibly to help ensure that economic development in the Arctic is based on sustainable use of resources and environmental expertise,
3. stepping up constructive engagement and dialogue with the Arctic states, indigenous peoples and other partners.

It is in light of these commitments that the EU has developed a policy of its own towards the Arctic. It has concluded bilateral and multilateral cooperation arrangements with a number of states located in the region (Hossain 2015, 90). EU considers the Arctic Council as the primary intergovernmental body in the region. The European Union has applied for the observer status in the Arctic Council. The Arctic Council has twice postponed the EU’s application for observer status in 2009 and in 2011. In 2013, the progress has been made. Although the European Union still was not granted official observer status, it was given the right to observe the Arctic Council's meetings as an "observer in principle". In 2015 two years of deferral of EU

formal observer status to the Arctic Council has been agreed. This means that according to the rules of procedure of the Arctic Council, the EU has the same rights within the Council and its working groups as the other observers.

The European Union bases its importance in the Arctic governance on its great concern for environmental and human rights protection in the Arctic. It also heavily invests in research projects and undergoes many joint ventures with the Arctic countries; there is another dimension that should be taken into consideration. The EU depends on import of oil and natural gas. Majority of the EU's energy needs are met by Norway and the Russian Federation and their production. The Arctic is much more stable compared with the Middle East. One quarter of the oil and gas from the Arctic is consumed by the EU. Also 88 percent of the EU's total output of iron ore is produced in the Barents Region (European Commission 2012, 3). The EU is getting more and more dependent on the Arctic region regarding fishing. One third of fish caught in the Arctic are sold on the European market. Studies show that this figure could increase as fish stocks may move north as a result of warming of the seas (European Commission 2012, 3). In the area of shipping, Europe controls 40 percent of the world's merchant fleet, and European shipping companies have strong interests in safe and expeditious transportation routes that may save time and energy (Hossain 2015, 94). Tourism is also a growing industry in the North and the EU definitely sees its potential there. So, the interest in the natural resources is a significant motivating factor for the EU's eagerness to be involved in the Arctic Council's work as a decision making party.

5.1.3 People's Republic of China

If the EU interest in the Arctic are not so obvious and easy to justify than those of the People's Republic of China are even harder to grasp. China is one of world's biggest economies and has one of the world's strongest polar scientific research capabilities and in the last twenty years, China has increased its interest in the Arctic region. The Chinese Government has taken steps to protect its key interests in the Arctic. Those steps are (Jacobsen and Peng 2012, 1):

1. to strengthen its capacity to respond appropriately to the effects that climate change in the Arctic will have on food production and extreme weather in China,
2. to ensure China's participation in the Arctic Council with the goal of participating in and gradually wielding influence on discussions and decisions pertaining to the Arctic governance,
3. to secure access, at reasonable cost, for the Arctic shipping routes
4. to strengthen China's ability as a non-Arctic state to access Arctic resources and fishing waters,
5. strengthen ties with the Nordic member states of the Arctic Council

At the moment, China emphasizes the global implications of the environmental change in the Arctic region by claiming that effects of global warming will be felt in China. Based on this assumptions China claims that it is "the near-Arctic state" and an "Arctic stakeholder" and that it has a legitimate right to participate in the Arctic governance. Moreover, China is concerned that the international waters of the Arctic, in which the 1982 United Nations Convention on the Law of the Sea grants all states the right to explore and extract resources, will shrink considerably if all the claims by the Arctic states to outer-continental shelves are deemed legal (Jacobsen and Peng 2012, V). Norway, Denmark, the Russian Federation and Canada have submitted outer-continental shelf claims to the UN agency that oversees the implementation of the Law of the Sea in respect to continental shelf limits. It should be noted that China is a veto-wielding member of the United Nations Security Council, the ultimate authority of the 1982 UN Convention on the Law of the Sea. In addition, China sees the Svalbard Treaty as another legal foundation to safeguard China's Arctic interests. The treaty establishes Norway's sole sovereign right to the Svalbard archipelago while granting its 42 parties equal rights to undertake fishing, hunting, mining, trade and industrial activities in the area. Under the treaty, 10 signatories, including China, have set up research stations at Ny-Ålesund (Jacobsen and Peng 2012, 18). The last country to sign the Svalbard Treaty is North Korea in 2016 (Arctic Portal (2016). The Svalbard Treaty is important because it demilitarized the archipelago. It prohibits the establishment of any naval base or fortification and it may never be used for warlike purposes. This is a very good example that Arctic can be demilitarized.

China has applied for and been approved the status of permanent observer to the Arctic Council. Although permanent observers do not have the right to vote, they participate in all the meetings and activities. China is very determined in emphasizing the rights of non-Arctic states, when issues such as sea and rescue requirements, environmental standards and ice-breaker service fees are decided. So, it is safe to predict that Chinese hopes and efforts will be in the direction of getting the right to vote for permanent participants or in any other way to be included in decision making pertaining to the Arctic governance and resource exploitation.

China clearly stated that they regard the Arctic Council as the most influential international institution for developing the Arctic governance and cooperation. Because of China's insistence on the respect for sovereignty, and its preoccupation with staunchly defending its perceived sovereign rights in the South and East China seas, China can be expected to continue to respect the sovereign rights of the Arctic littoral states (Jacobsen and Peng 2012, 18). However, it will try to secure access to the resources through diplomacy and joint co-development projects with the Arctic states on the fields of science, environmental research, tourism, extractive industry and transport. From the perspective of the indigenous peoples of the Arctic, Chinese activities and plans should be observed bearing in mind that China did not ratify the Declaration of the Rights of Indigenous peoples and that it has a long tradition of human and environmental rights abuses.

5.2 Economic relationship in the Arctic

The profit goes to the big markets in Europe and North America.

Man, Sweden

There is no local value creation.

Man, Nordland

The Arctic is a place where the international cooperation is at its best. Countries cooperate very well in accordance with the international laws and treaties. Multilateral and bilateral agreements are often used to settle any potential disputes. There are no threats of armed conflict. In this environment the economic relationships can flourish.

The Arctic is very rich not only in natural resources but also in different social structures that condition different economic systems. The first economic systems were those of the indigenous peoples that have been developed throughout centuries. They are based on traditional occupations and traditional knowledge. The colonization and later on globalization opened the Arctic for new solutions. New communication technologies together with better transportation and health systems included the Arctic into the world trade and finance markets. The global economy was fuelled by cheap oil. The Arctic joined in to the oil race relatively late. In 1968, the Arco / Humble announced a major oil discovery at Prudhoe Bay, on the North Slope of Alaska (Emmerson 2010, 203). This oil discovery marked the beginning of an economic revolution.

5.2.1 Economic systems

The Arctic economy is a big heterogeneous system. Economies of the Arctic regions differ from other regions by many factors, like quantity and quality of industrial resources, presence of the indigenous population, local economy and so on. Arctic GRP[10] in 2010 was USD 442.8 billion. According to the World Bank (2013) the Arctic GRP was equivalent to the GDP of Malaysia and Colombia. The Arctic's contribution to world output was four times its share of population; the Arctic produced 0.6 percent of the world's GDP and had 0.15 percent of the world's population. On a per capita basis, Arctic GRP in 2010 was USD 45,360 per person. This was comparable to the United States and greater than most European countries (Larsen et.al. eds. 2014, 157). The Arctic economy is important in the economies of the Arctic nations as well as in the global economy.

Arctic economy has three separate sectors (Larsen et. al. eds. 2014, 164):

1. large-scale resource production,
2. traditional activities and small scale/family resource production,

[10] GRP (Gross Regional Product) is a monetary measure of the goods and services produced in a region in one year, it is the regional equivalent of national GDP (Gross Domestic Product).

3. transfers from higher levels of government.

Arctic large-scale production depends on extractive industries primarily on production of gas and / or petroleum and on mineral production. The prices of this resources are volatile and to a large extent dependent on trends on global markets. The positive side for the Arctic economy is that demand for minerals and oil and gas is constantly rising. The global market needs those resources and in the future there will be even greater demand. The negative sides are that extractive industries are heavy pollutants and these resources are nonrenewable. Once reserves are depleted the whole Arctic large scale production will stop. It will have great effect on the social conditions in local communities due to rise in unemployment that will follow.

The Russian Arctic depends on resource extraction, almost 60 percent of GRP comes from these sources and only around 5 percent from resource processing. Ratio in GRP from public sector is the lowest of all the Arctic states. Resource processing is important because it does not only include production for export on global market, but also goods and services for the region's resident population. The structure of economic systems in the Arctic counties of Norway, Sweden and Finland is different. Their output is significantly less dependent on extractive industries and resource production. More than 40 percent of their economy is outside of resources and public sector. Arctic economies in these countries are more mature and sustainable. The large scale productions can be connected to the local and regional economies. When this happens, transportation systems, retailing and housing create separate flows of economic benefits to local population. Large scale production can be separated from regional socio economic dynamics. It is autonomous and does not create any impact on the local communities. All benefits are shared on the global market. Contrary to benefits that are mostly enjoyed outside of the Arctic, negative effects of the large scale industry production, pollution, are firstly and strongly felt by the Arctic communities. Ecological incidents are not evenly distributed or evidenced due to different legislative and technical development in different Arctic states. Large scale production is under outside control and resources are moving out of the region. Local communities have little to no power or control. Extractive industries are not sustainable and do not provide solutions for the future existence of the local

population; wealth they create does not remain in the Arctic and does not reach local communities.

Traditional activities and small scale/family resource production are very important in the Norwegian, Swedish and Finnish Arctic. In the Russian Arctic this sector is not so developed. One of the most important small scale/family resource productions are fisheries. Fisheries are the backbone of local communities. Almost all coastal Norwegian towns have its own fishing port. River and lake fishing is of great importance for local economies. Although fisheries can be organized in large-scale production with big factory ships that employ a lot of non-local people and whose products are exported to the global markets, the majority of fisheries are family run businesses. Family fisheries generate employment and supply local community with food. Local fishers are very careful not to over harvest the fish stocks. When run by local communities, fishing is a sustainable activity. If factory ships dominate the production, the balance can be disturbed. One more small-scale family production that influences local communities is the reindeer herding. This sector is of importance in Norway, Finland and Sweden, but in Russia it doesn't contribute to the GRP significantly. Reindeer herding is of greater importance in Finland, but Finnish laws do not grant exclusive right to reindeer herding to the Sami people. Electronic industry was until recently very important in Finland, but the perspective in this field is not too good. There are more and more urban areas in the Arctic and in these areas small scale industries are developed. They produce for local market as well as for export and have a positive influence on employment and the quality of life. Good examples are cosmetic industry and production of handmade souvenirs and other Sami handicrafts. These activities are important for maintaining their cultural identity.

The importance of the traditional occupations and transfer of government's funds is what makes the Arctic regions different from other parts of their respective countries. In much of the Arctic, there is a dual economy in which one component is heavily based on extractive industries generating income and rents that tend to flow out of the Arctic and the other component primarily features a combination of subsistence activities and transfer payments from higher levels of government (Larsen, Fondahl and Schwitzer (eds.) (2010, 21)). What is characteristic for the Arctic economy is a

large service sector. This sector adds between one-half and three quarters to the total economic production. In service sector, public sector dominated by public administration has the biggest share. Transfer funds are used to finance education, transportation and housing, to bust up employment and local nonprofit sector. As a result, Arctic communities are becoming more and more dependent on governmental aid and assistance. Consequently, they are losing a sense of control over their own destinies. The indigenous peoples are especially dependent on the governmental funds. The areas in northern Norway defined as the Sami settlement areas are those areas that qualify for financial support from the Sami development fund (Glomsrød and Aslaksen eds. 2009, 60). The average total income for this area in 2005 was considerably lower than the average total income for other northern areas and the average for Norway. Taxable transfers were also lower in the SUF area (the areas in northern Norway defined as Sami settlement areas) although the share of population receiving those transfers was higher than in other areas. The average unemployment benefit is slightly higher than in other northern areas and slightly lower than average for Norway. Child allowance is the only income type that is higher on average for recipients in the SUF area, compared to other areas. In general, the Arctic population is dependent on the governmental funds. However, it is important to notice that no Arctic region has had the political power to collect taxes from the large-scale exploitation of the Arctic's natural resources. If it had such tax powers, the lives and well-being of the Arctic population would probably be very different, and the dependence on the central government would be insignificant.

In the Arctic, there are three models of socio-economic structures (there are also major regional variations) (Glomsrød and Aslaksen eds. 2009, 14): The North American model, the Russian model and the Scandinavian model. North American model can be characterized as neoliberal regime. Redistribution of wealth through social policies is weak. There are high salaries in the extractive industry but the individual income tax pay is low. The taxation of the profit of resources' extraction industries is even lower. Still, basic services made it possible to greatly reduce infant mortality and maintain high life expectancy. Services for ensuring the living conditions of the residents are the responsibility of individuals or local communities. The Indigenous people have been beneficiaries of the government compensation transfer

payments; this way they participate in profits from resource exploration, cooperate to limit the environmental damages caused by industry and base their own development on these benefits. The Russian model is characterized by the economic and political oligarchy that came to be as a consequence of extensive privatization at the end of the Soviet era. This led to the shrinking of the social safety net, marginalization of ethnic and indigenous minorities, population with lower incomes and high unemployment rates all resulting in reduced life expectancy and higher infant mortality. The Russian government is trying to revitalize the economy of the Arctic and its oil-producing regions are little by little turning toward the north-American neoliberal model, but without policies leading to substantial and effective recognition of minority rights. The Scandinavian model may be characterized by three distinct traits (Glomsrød and Aslaksen eds. 2009, 17): a work-oriented approach for men and women, universalism of social security benefits, and the importance of the State in the provision of social security and production of services, based on widespread redistribution of wealth through taxation. Northern Scandinavian regions have some of the most favorable social conditions for human development, poverty rates are lower than elsewhere, life expectancy and education level are the highest within the circumpolar Arctic, and infant mortality is the lowest. The indigenous peoples are facing conflicts regarding land use but in general, their rights have been improved considerably in the last decades. What appears as common to the three models is that the scope for redistribution is closely linked to the capacity of citizens to express their position and make their voices heard, and to the propensity of public authorities to listen to them. This is all the more true in the era of generalized liberalization of the markets, with strong pressures to avoid barriers to growth (Glomsrød and Aslaksen eds. 2009, 21).

Traditional indigenous economies are very different from modern capitalistic economies. The political economy of the indigenous peoples may be described as one that spreads horizontally, in contrast to the conventional vertical relationship which is the result of domination of one group over the other. This involves a highly-localized system in which both production and consumption occur locally; where trade happens between two relatively equal parties and leads to a transaction that does not impoverish either party (AIPP (2010, 14)). Also, the indigenous peoples'

concept of land and relationship to it governs indigenous economies. The key principles of indigenous economies - sustainability and reciprocity - reflect land-based worldviews founded on active recognition of kinship relations that extend beyond the human domain (Kuokkanen 2011, 219). Traditional indigenous economies are often called subsistence economies, although they are much more than mere survival or minimum living standards. Subsistence is both an economic and a social system, encompassing various spheres of life that are often inseparable from one another (Kuokkanen 2011, 218). Today, in the Arctic indigenous communities the prevailing form of economy is mixed economy. This means that household income comprises of a salary, governmental transfer funds and traditional occupations such as hunting, herding, gathering and fishing activities. The traditional occupations have one more important role as the basis to preserve the social and cultural needs of the indigenous community.

5.2.2 Globalization

It is enough to take a look at the list of countries that have been admitted as observers to the Arctic Council: France, Germany, The Netherlands, Poland, Spain, the United Kingdom, the People's Republic of China, the Italian Republic, Japan, the Republic of Korea, the Republic of Singapore, and the Republic of India, to know that Arctic is globalized. Globalization can be defined as a process of interaction and integration among the people, companies, and governments of different nations, a process driven by international trade and investment and aided by information technology (Globalization 101 2015). The globalization is interpreted as economic interdependency across vast distances, information availability and movement across vast distances as well as reduction of the world into a global village. Ali Mazrui defined two forms of globalization: economic globalization and cultural globalization (Kgomotso 2007, 2).

Cultural globalization is a phenomenon by which ideas, values and experiences of everyday life are transmitted around the world in a way to reflect a standardization of cultural expressions. Cultural dimensions of globalization, fuelled by global communications, Internet, wireless communications, mobile phones, electronic

commerce-mail and satellite TV, enable people to participate in extended social relations that cross national and regional borders. Manifestations of those relations are both material and nonmaterial. People all over the world buy the same clothes, eat the same food and drink the same drinks. All listen to the same music or watch the same movies. Also, people start to share the same norms and knowledge, use the common language and individual and collective identities become more and more similar. In this way, globalization undermines cultural diversity.

Economic globalization refers to the increasing interdependence of world economies as a result of the growing scale of cross-border trade of commodities and services, flow of international capital and wide and rapid spread of technologies (Shangquan 2000, 1). Economic globalization would not have been possible without the development of science and technology and cross-border division of labor. The biggest contribution of science and technology to globalization is the reduced cost and accessibility of communication. Today, the IT systems make it possible to have decision-making centers in south and production in the north and vice versa. The transportation has also been influenced by new technologies and the goods can move across globe faster and safer than ever before. Economic systems are dependent on cheap labor in the developing world as well as on the possibility of labor migration. The capital is moving from one country to another fast and effectively, thereby connecting the whole world in one big market.

In the modern context, globalization has become synonymous with neo-liberalism in economics and the two mechanisms that are necessary for globalization to work are the legal framework and private property. The legislative framework is given in the form of trade agreements. The best-known agreements of such kind are those between members of the World Trade Organization. The World Trade Organization (WTO) is the only international organization dealing with the global rules of trade between nations. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible. At the heart of the system — known as the multilateral trading system — are the WTO's agreements, negotiated and signed by a large majority of the world's trading nations, and ratified in their parliaments. These agreements are the legal ground-rules for international commerce. Essentially, they

are contracts, guaranteeing member countries important trade rights. They also bind governments to keep their trade policies within agreed limits to everybody's benefit (WTO 2014, 2). In becoming members of the WTO, countries undertake to adhere to the 18 specific agreements annexed to the Agreement establishing the WTO. They cannot choose to be a party to some agreements but not others (with the exception of a few "plurilateral" agreements that are not obligatory). Basically, the WTO regulates the movements of goods and services. It also regulates the dispute settlements between parties in agreement. The World Trade Organization also regulates intellectual property rights (TRIPS). Intellectual property rights are the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time. Intellectual property rights are customarily divided into two main areas (WTO 2016): copyright and rights related to copyright (the rights of authors of literary and artistic works, performers, producers of phonograms and broadcasting organizations) and industrial property. There are two main areas of industrial property. One is protection of distinctive signs, in particular trademarks and geographical indications trademarks, the other is inventions (protected by patents), industrial designs and trade secrets.

In addition to the World Trade Organization and its agreements there is the Transatlantic Trade and Investment Partnership. Defined by the Office of the United States Trade Representative, the Transatlantic Trade and Investment Partnership (T-TIP) is an ambitious, comprehensive, and high-standard trade and investment agreement being negotiated between the United States and the European Union (EU). T-TIP will help unlock opportunities for the American families, workers, businesses, farmers and ranchers through the increased access to European markets for Made-in-America goods and services. This will help to promote U.S. international competitiveness, jobs and growth (OUSTR undated). Essentially, it is a bilateral trade agreement aiming to reduce the regulatory barriers for trade for multinational corporations. The whole negotiating process has been secretive and undemocratic. At the basis of this agreement model is the central idea of neoliberals, according to which the profit, the private interest, in general is more important than the general interest. Transatlantic market privileges at all levels (economic, social, political, cultural etc.) are developed to protect and promote the values and objectives

of the large multinational groups, such as: permanent competition, absolute profit, subordination of the political world to the economic world, the commodity-orientation of society (seeing social relations as commercial relations), privatization of goods and services, omnipotence of the market (Mot 2014, 129). This trade agreement that is being negotiated is highly controversial.

The indigenous peoples are faced with two processes that are profoundly influencing their ways of living and their livelihoods: the role of their resources in providing environmental services and the civilizational change of privatization with the generalization of market systems (Nathan, et.al. eds. 2004, 13). The core of all trade agreements is privatization of public good and services. In the context of globalization, international corporations, big business and financial power holders demand that the management of public resources like water, electricity, oil, mines, or services like public health or education should be transferred to international corporations. The private profit is above public needs. This is especially dangerous in developing countries where the majority of the indigenous peoples are.

From the perspective of the indigenous peoples, there are many problems with the concept of globalization. In many ways, the indigenous peoples challenge the fundamental assumptions of globalization. They do not accept the assumption that humanity will benefit from the construction of a world culture of consumerism (Daes 2001, 143). The Indigenous people have learnt in the past five hundred years that consumer societies grow at the expense of other societies and the environment. Bearing that in mind, the indigenous peoples have a long tradition of opposing the World Trade Organization. Parallel with the Ministerial Meetings of the World Trade Organization, the indigenous peoples organize their conferences, at which they continually express their disagreements with the policy of the WTO in form of declarations like the “Declaration The world Trade Organization (WTO) and “Indigenous Peoples: Resisting Globalization, Asserting Self-Determination” (2013) or the “Indigenous Peoples’ Seattle Declaration” on the occasion of the Third Ministerial Meeting of the World Trade Organization (1999). In those Declarations the Indigenous peoples express their concern over the destruction of the Earth and the cultural and biological diversity by the World Trade Organization (WTO 2013, 1): For

centuries, we experienced the colonization of our lands, territories, air, ice, oceans and waters, mountains and forests. Colonialism institutionalized the oppression and exploitation of indigenous peoples up to the current era of globalization, exacerbated by the neoliberal impositions of multilateral trade agreements implemented over six decades through the General Agreement on Tariffs and Trade (GATT), replaced by the World Trade Organization (WTO).

Circumpolar North is not excluded from globalization and the most important effects are (Heininen 2005, 96-97):

1. the utilization of natural resources (e.g., fish, oil, natural gas) on a massive scale;
2. heightened tourism and increased demand for transportation;
3. militarization, in the sense of the presence of military activity and personnel, including nuclear testing, and even the beginning of the militarization of space;
4. long-range air and water pollution generally resulting from agriculture and industrialization in the lower latitudes and radioactivity (making the Arctic Ocean a sink for pollutants);
5. the presence of global and other international civil/environmental organizations;
6. rapid warming of the Arctic climate and melting of sea ice, with worldwide implications;
7. increased scientific research, especially in the context of international cooperation;
8. the emergence of the North in world politics and the development of policies in the Arctic states and the European Union toward their respective northern territories,
9. climate change.

The globalization is not new to the Arctic and has affected it since explorers from the south first came. Colonization by Norwegians, Swedes, Finns, Danes and the others was the first step. Globalization, which was accelerated by the inclusion of the Arctic into the global economy and neo liberal political thought, changed the face of the

Arctic and the lives of its people. The exploitation of natural resources on a massive scale, militarization, pollution and climate change are some of the negative aspects of globalization, but there are some positive things as well. Development of the technology and means of communication allowed the indigenous peoples all around the world to connect, share experience and form global movements. Working together, the indigenous movements have greater negotiating power and can influence decision making in greater manner. The United Nations Declaration on the Rights of Indigenous Peoples is one of outcomes of joint work by the indigenous peoples.

The Sami people of the Arctic are in a different position than the majority of other indigenous peoples. They are recognized as the indigenous peoples in constitutions of Sweden, Finland and Norway, their basic human rights are not violated; they have cultural autonomy, rights to perform their traditional occupations, rights to use their languages, rights to be politically active. Norway, Sweden and Finland are developed countries, ranking among the best countries in the world to live in. The Sami people have accepted modernization and globalization and it is best seen in the reindeer herding which has experienced big changes. Helicopters are used for herding, along with cell phones and GPS systems, the government financially supports the industry, reindeer meat is exported as far as Dubai (The Local 2013). In a way, the Sami participate in the global economy and support neoliberal trends. On the other hand, there are still issues of land rights and extractive industries.

5.2.3 Tourism

Tourism is a collection of activities, services and industries, which deliver a travel experience comprising transportation, accommodation, eating and drinking establishments, retail shops, entertainment businesses and other hospitality services provided for individuals or groups travelling away from home. Tourism is the sum of the phenomena and relationships arising from the interaction of tourists, business suppliers, host governments and host communities in the process of attracting and hosting tourists and other visitors (Ugurlu 2010). In 2013, Travel & Tourism's total contribution to the global economy rose to 9.5 percent of global GDP (US $7 trillion),

not only outpacing the wider economy, but also growing faster than other significant sectors such as financial and business services, transport and manufacturing. In total, nearly 266 million jobs were supported by Travel & Tourism in 2013 - 1 in 11 of all jobs in the world (WTTC 2014). Tourism is not a new phenomenon in the Arctic region. The Arctic has been "discovered" around 1800 by individual adventurers attracted by the exotic wildlife, richness and remoteness. Many of those explorations were motivated by desire to obtain economic benefits or to expand empires and many ended in tragedy. Inadequate equipment and lack of understanding of the Arctic climate claimed many lives. Fifty years later, mass tourism made its way in the Polar region with steamships and railroads. The industrial revolution made it technically and economically possible for people from all parts of the world to come. To travel was no longer a privilege of a chosen few but a leisure time for many. Mass tourism was motivated by the desire to see and explore the wild nature of those remote parts of the world. Through all of 19th century, the Arctic destinations were very popular and successful in attracting tourists. Many shipping companies have operated all over the Arctic.

Today, tourism plays a very important role in the economic activities of the Arctic regions in Sweden, Finland and Norway. Tourism has been in the focus of development in Finnish Lapland since the 1980s. In 2006, direct income from tourism in Lapland was approximately 500 million Euros, direct tourism based employment in Lapland was at least 5000 people (Hakkarainen and Tuulentie 2008, 3). The Finnish tourism strategy uses region oriented development approach, and resorts are seen as the main point for development. Public support is directed to the resorts as a way to enhance tourism. Villages outside the tourist resorts are seen as alternatives for widening the diversity of tourism. Small villages do not receive enough public support and traditional nature based work is not incorporated in a way to result in the increase of employment. Most northern counties of Norrbotten (“Swedish Lapland”) and Västerbotten in Sweden together constitute 34 percent of the area of Sweden, but only 5.5 percent of Swedish population resides in this area. Regardless of that, the destination of Swedish Lapland is one of Sweden’s top developing destinations with the total turnover value of 4.5 billion SEK in 2013. The main touristic destinations in the mountainous area are ski-resorts, large national parks such as Laponia, and

the areas with reindeer herding. The biggest challenges for development of tourism in Sweden are national legislation and regulations that restrict commercial tourism assess to national parks, accessibility of touristic destinations and conflicts between tourism and the extractive industries. Most of the Norwegian Arctic tourism takes place at Svalbard. It is a group of islands in the Arctic Ocean and its area corresponds to approximately 16 percent of the land area in Norway. The largest island is Spitsbergen, where all permanent settlements are located. No indigenous groups appear to have existed in Svalbard. Some other touristic attractions in Norway are dog sled racing, Lofoten fisheries, northern lights in Bodø and Tromsø and Finnmarksvidda, one of the biggest plateaus situated in the north of the country. It is also home to the Sami people. In the Arctic Norway in 2005, 7.8 percent of employed people worked in tourism (Glomsrød and Aslaksen 2009, 58). Until recently, the Russian Arctic has been visited mostly by foreigners but nowadays more and more Russians enjoy the beauty of their country's top north. The most popular starting point is Murmansk, Arctic's biggest seaport. The town has many hotels, museums and historical monuments. Lovozero is famous by the Sami cultural artifacts. Tourist in the Russian Arctic enjoy in hiking, skiing, mountain biking and other sports as well as cruise ships and tours to the North Pole.

The largest segment of the Arctic tourism industry in terms of numbers of persons, geographic range and types of recreation activities is marine based tourism. In the Arctic, marine tourism is highly diversified and is driven by five main types of tourists seeking out a range of activities (Ellis and Brigham 2009, 78):

1. mass market tourists primarily attracted to sightseeing within the pleasurable surroundings of comfortable transport and accommodations;
2. the sport fishing and hunting market driven by tourists who pursue unique fish and game species within wilderness settings;
3. the nature market driven by tourists who seek to observe wildlife species in their natural habitats, and/or experience the beauty and solitude of natural areas;

4. the adventure tourism market driven by tourists who seek personal achievement and exhilaration from meeting challenges and potential perils of outdoor sport activities;
5. the culture and heritage tourism market driven by tourists who either want to experience personal interaction with the lives and traditions of indigenous people, or personally experience historic places and artifacts.

An independent survey indicated that more than 1.2 million passengers travelled in 2004 to Arctic destinations aboard cruise ships; however, by 2007 that number had more than doubled (Ellis and Brigham 2009, 79). The interest for the Arctic grows but so does the fear of dangers and potential costs of an accident. Harsh Arctic climate requires a quick and efficient rescue because even the short exposure to extreme wind and cold can reduce tourists' chances of survival. Also, local communities on high north are not able to cope with emergency of such proportions.

Indigenous tourism refers to tourism activities in which the indigenous people are directly involved either through control and/or by having their culture serve as the essence of the attraction (Butler and Hinch eds. 2007, 5). The emphasis is on who has control or who exercises power and thus determines scale, pace, nature and outcomes of development.

The main players in indigenous tourism are (Butler and Hinch eds. 2007, 9):

1. tourists
2. hosts
3. travel agents in the origin
4. transportation companies that facilitate the physical travel of the tourist and outbound and inbound tour operators,
5. governments.

Travel agencies work on very competitive global market and often offer indigenous tourism as a small part of their program. Governments support indigenous tourism as a form of potential agent for the indigenous economic and social development. Travel agencies can be a part of the tourist agencies but it is not necessary. It is obvious

that the indigenous peoples cannot have control of the whole process. Nonetheless, income generated through tourism increases economic independence, self-determination and cultural pride. Contrary to other forms of economic activities like forestry, or extractive industry, tourism is a sustainable activity that can be compatible with the indigenous peoples' values and sacred relation to land. A word of caution is also needed. Tourism has many benefits for the indigenous peoples, but tourism is a competitive branch of economy that is driven by supply and demand. In order to attract tourists or to sell their product the indigenous peoples can modify their tradition, ignore some part of their culture or mass-produce in non-ecological manner. Tourists have some idea of what they want to see and it is shaped on the marketing produced by the tourist agencies. These agencies in a way sell their vision of the indigenous culture. Tourists buy the product, the visit to the indigenous communities, because of some photographs or brochures combined with their own prejudice. If their idea is different from the reality, they will not spend much money or will start to avoid certain communities. Satisfying tourist needs, can lead to the distortion of traditional culture, shame and low self-esteem among the indigenous peoples. Preservation of the indigenous culture is a fundamental requirement of indigenous tourism. Also, pollution caused by tourists can make indigenous way of life much more difficult. Mass tourism in combination with hunting or fishing for fun can result in destruction of the natural habitats. In this manner, tourism can be negative rather than positive for the indigenous communities. One more thing that must be mentioned in the context of indigenous tourism is the land right. The indigenous peoples see themselves as caretakers of the land and only by having the power to decide on the use / treatment of the land, tourism will develop in accordance with the indigenous traditions and be truly sustainable within the indigenous communities.

The Sami people see tourism as an additional or main income in household. Less and less the Sami are involved in traditional occupations and they are trying to earn their living in other ways. Some forms of Sami tourist attractions are the Sami museums and Sami festivals. These events are highly staged performances prepared for tourists. Implications of these events on the Sami culture have not been clear yet. Flora and fauna in the Sami area are also used as touristic attractions; reindeer are widely used in this sense and are probably the most important symbol of

the Sami culture. Important part of the Sami tourism is the Sami handicraft. The handicraft can be an attraction in two ways, firstly the traditional process of making handicraft, and secondly, the place where tourist can obtain these products. The handicraft is the most accessible part of the Sami tourist offer. Tourists in Sapmi come with different motivations. Some of them are interested in the Sami people, their traditions, culture, language and the way of life. Those tourists that often come from very far away would like to be engaged in the Sami everyday life and are prepared to pay substantial sum of money for it. Generally, they are conscious of their impact and try not to disturb their hosts. There are also tourists with general interest in the Arctic or in winter sports who know little of Sami culture and are not necessarily respectful to the Sami traditions or sacred places. The development of the Sami tourism is conditioned by infrastructure; railways, roads, airports, but also hostels, hotels and private accommodation. The development of the infrastructure leads back to the debate on land rights.

5.3 Military and security in the Arctic

[I would like] Peace, security and a clean environment.

Man, Finnmark

Although not a territorial dispute per se, the question of military rights to defend the Arctic has been an issue since World War II, when the U.S. assumed major responsibility for the defense of the North American Arctic through bilateral agreements negotiated with Canada and later Denmark (Grant 2010, 458). After the end of the Cold War, the priorities have changed and the role of surveillance in the air, on the land and water, mostly done via satellite became the most important. The Arctic states take this question more and more seriously, as the ice is melting and ships of foreign countries have easier access to the Arctic waters.

5.3.1 Military presence in the Arctic

During the Cold War, the Arctic was a stage for geopolitical rivalry between two blocs and was heavily militarized. With the collapse of the Soviet Union, this region lost

most of its geopolitical importance. But, the discovery of minerals and oil in the Arctic together with the forecast of imminent climate change made this part of the world very interesting to many parties. With the rise of its popularity, there are some concerns about possible conflicts in this region. These fears, that have found their place in official documents of five Arctic coastal states, Canada, Denmark, Norway, Russia and the United States, are further fueled by unresolved territorial claims. Three of them, Canada, Denmark and Russia, have recently adopted policies that have put a special emphasis on the Arctic; Norway has moved a substantial part of its operational forces to the north of the country. Only the United States of America has placed less focus on the Arctic security.

The Norwegian government defines its military role in the Arctic (Norwegian Government 2006, 19): It is important to maintain the presence of the Norwegian Armed Forces in the High North both to enable Norway to exercise its sovereignty and authority and to ensure that it can maintain its role in resource management. The presence of the armed forces increases predictability and stability, and it is decisive for Norwegian ability to respond to emergencies in the High North. The main point of Norwegian military intentions are to protect the natural resources and by doing so to send a message, that international and national obligations are to be taken seriously. Infringements of Norwegian fisheries legislation will therefore be acted upon in a credible, consistent and predictable way. With this in view, the already close cooperation between the Norwegian Coast Guard, the prosecuting authority and the police will be further developed (Norwegian Government 2006, 20). In order to better control fisheries, the Norwegian government will cooperate with the government of the Russian Federation.

Sweden is not a coastal Arctic country, but keeps a close eye on the development of the situation (Swedish Government 2011, 22): Sweden has no territorial claim to the Arctic Ocean but establishment of the coastal states' continental shelves in accordance with the Convention on the Law of the Sea is very much in Sweden's interest. An energized Arctic Council could reduce the need for the coastal states to drive forward issues in the Arctic Five format. It is important for Finland, Iceland and

Sweden to be able to participate in decision-making in cases where they have legitimate interests and that the status of the Arctic Council is maintained.

In Finland, there is also a great deal of attention on the Arctic region and security issues (Finnish Government 2010b, 11): Finland is not situated on the coast of the Arctic Ocean and has no territorial claims in the Arctic. However, unresolved territorial issues have an indirect effect on Finland as well, insofar as the claims concern the border between the deep seabed and a continental shelf belonging to coastal state. Finland's government sees the solution to disputes in accordance with the international law of the sea. In military sense, Finland sees the presence of NATO as an important party in preventing security problems.

After the end of the Cold War, military tensions lowered and it is safe to say, that Arctic is not under immediate threat of war. Most of the Arctic countries have significant military presence but there are no open disputes that could result in military getting involved.

5.3.2 Human security

None the less, security issues include much more than just a threat of armed conflict. Recently there has been a lot of discussion about human security. Human security can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life-whether in homes, in jobs or in communities. Such threats can exist at all levels of national income and development (Human development report 1994, 23). When discussing human security in the Arctic region, it is safe to say that Arctic residents are not in threat of civil war, ethnic cleansing or genocide, there is not much fear of state-led physical violence. In the Arctic, the emphasis is on serious threats to environmental and cultural security of the people. It is hard to separate these two components, which are not mutually exclusive but can trigger and / or enhance the effect of the other.

Culture can be defined as material and nonmaterial symbols that express collective meaning; knowledge, worldviews, beliefs, norms, values, and social relationships; culture shapes the relationship of society to environments and is a significant determinant of responses to environmental and other risks and challenges (Adger et. al. 2014, 762). Some of cultural or social insecurities include unemployment, pressures of modernization, drug and alcohol abuse, shift in power relations, homogenous groups getting more and more heterogeneous which distorts communities. Environmental changes are mostly connected to global warming. Global warming can be described as gradual increase in the overall temperature of the earth's atmosphere and oceans generally attributed to increased levels of carbon dioxide, CFCs, and other pollutants. As a human security issue, the potential havoc that global warming may wreak in the coming decades, including the submersion of coastal cities and small islands, an increase in the frequency and destructive capabilities of storms, and worsening droughts and floods as precipitation patterns change (Exner-Pirot 2012, 4).

The Indigenous peoples of the Arctic are, due to their deep connection to the land and specific traditional livelihood, very exposed to human security threats. Overall human security challenges affecting the indigenous communities in the Arctic thus include freedom from some specific threats such as threats from pollutants, climate changes and non-indigenous invasive species/diseases, the impacts of industry on the environment and also increased rates of health risks, reduced or non-existent access to resources and market economies, the eradication of traditional economies, and an increased incidence of domestic violence etc. (Hossain 2013, 513). In order to achieve greater security, the indigenous people are trying to exercise their right to self-determination and to be more involved in the process of decision-making. The Sami people have made a very big step in this direction because they have established political associations, and as a group, participate in the Arctic Council meetings in the process of decision-making.

Discovery of oil, gas and minerals enhanced the need for quick and safe transport. The melting of the Arctic ice did not make the Arctic any less harsh of an environment. The temperatures are still low, darkness, snow blizzards, strong winds

and melting permafrost are constant threats to people and properties in the Arctic. One of primary focuses of the Arctic Council is emergency prevention, preparedness and response (EPPR). Special emphasis is given to the cooperation on search and rescue operations in the Arctic. The efforts led to the first ever legally binding agreement to be negotiated under the auspices of the Arctic Council: the Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic. The Agreement was signed at the Nuuk Ministerial meeting in 2011, and came into force in January, 2013. The Agreement is based on the existing and valid universal international documents, namely, the 1979 International Convention on Maritime Search and Rescue (SAR Convention), the 1944 Convention on International Civil Aviation (Chicago Convention), and the International Aeronautical and Maritime Search and Rescue Manual (IAMSAR Manual, published by IMO and the International Civil Aviation Organization), which the Arctic States will continue to comply with. All principles, mechanisms, rights and obligations provided in these documents shall be fully respected and implemented (Loukacheva 2013, 58). The parties to this Agreement are eight Arctic states and they negotiated the distinct zones of responsibility in which each state influences the division of labor or the distribution of roles between the states and their relevant agencies. Parties have also clarified which specific agencies in their own countries are responsible for different aspects of SAR operations and other activities, proceeding from the premise that a three-layered command system is in place everywhere. This command system includes (Loukacheva 2013, 59): competent authorities; agencies responsible for SAR operations and rescue coordination centers. This Agreement will decrease reaction times and make life in the Arctic safer.

5.4 Shipping in the Arctic

We want to live in a modern Sami society, with values rooted in the Sami culture and tradition.

Woman, Finnmark

The consequences of climate change can open up new opportunities especially for economic activities such as oil and gas drilling, transport, tourism and shipping.

Some of the most rapid temperature increases on Earth are happening in the Arctic and they increased melting of the Arctic sea ice. Thinner ice or even sea without ice during longer and longer summer months, sometimes even in the spring and autumn, made sailing in the Arctic Ocean interesting to many shipping companies all over the world. Going via Arctic instead the Suez Canal will significantly shorten the travel time between Asia and Europe, the fleet needed to carry the same amount of cargo will be smaller and risk of pirates is almost non-existent. The costs will decrease significantly, but the Arctic is not without risks. The Arctic Ocean and seas connected to it are enormous. Vast sea surface hides many threats in form of extreme climate and weather conditions that create unique hazards. The snowstorms, hurricanes, huge waves, floating ice, long nights or days and ever present coldness make shipping in the Arctic hard. The remoteness of shipping routes and sparsely populated coastland create additional problems for rescue operations. Ships, cargo and crew are not the only ones in danger. Arctic flora and fauna are in danger of increasing pollution connected to the increased shipping. In case of maritime accidents, it would be practically impossible to limit the extent of pollution due to specific weather conditions and remoteness. The pollution would affect vast areas and endanger the marine species. Since people living in the Arctic heavily depend on fishing, maritime incidents are a significant threat. So, Arctic shipping is possible and it will develop more and more with the melting of the Arctic ice, but it should be carefully regulated with special attention to environmental issues.

5.4.1 Shipping routes

When discussing shipping routes in the Arctic region there are three options to consider, the Northeast Passage of which the Northern Sea Route is the main part, The Northwest Passage, part of which is the so called Arctic Bridge; and the Trans Polar Passage. The Northwest Passage is a series of possible shipping routes connecting the Atlantic and Pacific Oceans through the Canadian Arctic and The Northeast Passage is a shipping route between Europe and Asia along the northern shores of Russia. The Arctic Bridge is a set of shipping routes connecting the Russian port Murmansk and the Canadian port Churchill that will possibly become an important route between Europe and North America. The Northeast and Northwest

Passages, in theory, are located closely to the coast and the Trans Polar Passage should be a mid-ocean route across the Central Arctic Ocean and connect Atlantic and Pacific. In reality, neither of these routes have a single set channel to follow. The unpredictable sea ice is the reason that ships often follow the routes with best ice and navigational conditions. Arctic shipping is regulated by the United Nations Convention on the Law of the Sea and applicable customary international law.

The Northeast Passage consists of Northern Sea Route and routes in the waters of the Barents Sea. The Northern Sea Route embodies several smaller seas; the Kara Sea, the Laptev Sea, the East Siberian Sea and the Chukchi Sea that are connected by almost 60 straits that are running through three archipelagos; the Novaya Zemlya, the Severnaya Zemlya and the New Siberian Islands. It is almost 4,800 kilometers of ice-infested waters. The Northern Sea Route runs along the Russian coastline and has been used by Russians for decades. This route connects the Arctic ports with the Arctic rivers Kolyma, Ob, Yenisei and Lena and all the way to the Siberian Railway. The development of the Russian Arctic depends on the Northern Sea Route. The Northern Sea Route was opened to international shipping in 1991. The Russian side expected from all users to comply with its coastal state regulations. Basically, Russia claims the same sovereignty over its land as over parts of the Northern Sea Route that is close to its archipelagos. This unlimited regulatory power over the Route has been challenged internationally, especially by the European Union and United States of America. Their standing point is that the Northern Sea route is an international strait and must be open to international shipping and regulated by the Law of the Sea Convention of 1982. What makes shipping in this route possible are Russian icebreakers and ice-strengthened vessels. Most vessels shipping on the Northern Sea Route will require assistance due to the ice conditions. If the vessels are accompanied with non-Russian icebreakers or ice - strengthened vessels they can sail outside of Russian waters and do not need to pay the Northern Sea Route fees. These revenue sources are very important to Russia.

The Northwest Passage is the name given to a set of marine routes between the Atlantic and the Pacific Ocean, spanning the straits and sounds of the Canadian Archipelago, the Davis Strait and the Baffin Bay in the east, and the Beaufort Sea in

the west. The base of the archipelago stretches some 3000 kilometers along the mainland coast, covering about 80 degrees of ocean and land territories. The Archipelago is one of the largest in the world (Østreng 2012, 258). The Northwest Passage is a complex, winding maze of sounds, channels, bays, and straits that pass through often ice-choked Arctic waters (Earth Observatory 2015). Canadian Archipelago from Baffin Bay to the Beaufort Sea is known for very thick ice that rarely melts. For the European Union and the United States the Northwest Passage is a strait used for international navigation regardless of Canada's claims of full and unlimited jurisdiction over the archipelagic section of the route. At the moment, there is very little traffic in the Northwest Passage. Thirty vessels transited through the Northwest Passage in 2012. In 2013, for the first time, a large bulk carrier transited the Northwest Passage. Only seventeen vessels managed the full northwest passages in 2014, due to a short and cold summer (NWT 2015). With the increase in the number of ships, the question of sovereignty claims might be of greater importance.

Trans Polar Passage consists of shipping routes that go outside of national jurisdiction in the Arctic Ocean, mainly in the Central Arctic Basin and all ocean areas beyond the territorial seas of exclusive economic zones of Arctic littoral states. At the moment, the Trans Polar Route is not accessible. The weather conditions and sea ice are making this route impossible to grasp but expert opinion is that the present thawing is a long-term process and that the ice-edge will steadily migrate northward along with a further thinning and weakening of sea ice. The northern movement of the ice edge will gradually make the southern margins of the Arctic High Seas available for navigation (Østreng 2012, 264). This shipping route is very interesting to non – Arctic states like China, Japan or Taiwan. These countries would like to use safe and short routes and avoid paying fees to coastal countries.

5.4.2 Challenges of sailing in the Arctic Ocean

For the greater development of commercial shipping in the Arctic, global shipping operations would require predictability, punctuality and economy of scale. Due to an uncertain weather conditions and lack of infrastructure, these conditions are very

hard to meet. One of the biggest problems of the Arctic shipping is the lack of infrastructure on sea and land. Ship navigation and charting, radio and satellite communication, port facilities are mandatory requirements for the faster development of shipping in the Arctic Ocean. In addition, on the coastal land there should be roads, pipelines and railways that will connect the Arctic Ocean with inland. So, the Arctic is opening as a new shipping route, but not in the nearest future. This is not necessarily bad news because it will give all involved parties time to cooperate and prepare a good and environmentally friendly legislature that will protect the Arctic Ocean, people who live in the Arctic regions and Arctic's wildlife. A step forward is the Code for Ships Operating in Polar Waters. The International Maritime Organization has adopted the International Code for Ships Operating in Polar Waters and amendments to make it mandatory under both the International Convention for the Safety of Life at Sea and the International Convention for the Prevention of Pollution from Ships. The Polar Code is expected to enter into force on the 1st of January, 2017 (IMO 2016).

The results show that part-year Arctic transit may be economically attractive for container traffic from North Asia between 2030 and 2050. With a projected Arctic trade potential of 1.4 million TEU[11] in 2030, this amounts to a total of about 480 transit voyages across the Arctic in the summer of 2030. For 2050, the Arctic trade potential rises to 2.5 million TEU and the total number of Arctic transit passages (one-way) in the summer of 2050 is about 850 (Eide et. al. 2010, 3). In addition, the global changes will not create an ice-free Arctic. The ice will always reform during winter, and ice properties and coverage will vary greatly within the region. This is not the only problem with Arctic shipping.

The main natural conditions influencing navigation in the Arctic Ocean are: polar lows, air temperature, noise, visibility, wind, sea level variations, waves and ice (ABS 2014). Polar lows are small, intense storms, which appear very quickly, and are very

[11] TEU stands for Twenty-Foot Equivalent Unit which can be used to measure a ship's cargo carrying capacity. The dimensions of one TEU are equal to that of a standard 20′ shipping container. 20 feet long, 8 feet tall. Usually 9-11 pallets are able to fit in one TEU.

difficult to predict. They cause a rapid increase in wind speed or heavy snow. The cold surface temperatures hold sound waves captive. Under the right combination of air temperature, wind speed and the surrounding surface (snow absorbs sound, ice reflects it) normal conversations can carry over distances of up to 3 kilometers. The Arctic region is particularly susceptible to frequent fogs during the summer months. Fog reduces visibility, may cover large areas and may persist for long periods of time. Blowing snow can also reduce the visibility, but snow is not frequent in summer time. In autumn or spring when the sun is near the horizon and the sky is overcast, a hazardous whiteout condition occurs. In whiteout, sky and snow become one uniform whiteness, and the horizon becomes indistinguishable. Direction, speed and persistence of wind can directly influence the success of navigation due to its impact on drifting ice. Winds are characterized as either pushing-off or pushing-in with the first contributing to the weakening of compression in concentrated ice, and the latter strengthening the ice. All Arctic seas are characterized by the pronounced seasonal sea level variations: the minimum level (0.2 meters on average) is observed in March-April and the maximum (0.4 meters on average) in October-December. The development of waves in the Arctic seas depends on the speed and direction of the wind, water depth and the presence and distribution of ice. In the Arctic Ocean, sea ice may be encountered at any time. In cooler years, it can be completely covered with ice even in summer. By late October, ice thickness on level stretches reaches on average 25 to 30 cm. By December, it will typically reach 70 to 90 centimeters. Second and multi-year ice in the northern reaches of the transit area may exceed 2 to 3 meters.

The harsh conditions and extreme cold affect the crews of ships traveling the Arctic. It is of utmost importance on the Arctic ships that all crew members are properly educated, equipped with protective clothing at all times and equipped with appropriate tools. The working area should whenever possible be heated and ventilated. The vessel's heating system must be functional and the temperature in the vessel should not be below 20 degrees. In addition, humidity must be adjusted to allow optimal conditions. Ship icing represents a real threat to security of the vessel and crew. It occurs when water or snow accumulates on the above the water surfaces of the ship and freezes. The substantial amount of ice can form on the

vessel, usually in the forward parts and above the vessel's centre of gravity, thereby reducing stability. The ship icing can also form on navigation bridge windows, doors, decks and stairs on emergency escape routes. Dealing with the ship icing can lead to crew weariness and injuries. Rescue services and hospital facilities for injured crew can be very far away and navigation aids and weather reports not always adequate.

Arctic shipping is risky, expensive, demanding and challenging but above all it is conditioned by weather. There is no infrastructure to support shipping and risk to environment is very high. On the other hand, the Arctic shipping routes are shorter, faster and more secure from piracy attacks; they are controlled by the organized governments of the countries with stable economies. It is safe to conclude that the Arctic will open for shipping and attract many different stakeholders.

5.4.3 Shipping and the indigenous people

It should be noted that indigenous people are the original explorers, founders and settlers on the coastal Arctic. These lands were continually occupied by different indigenous peoples; in Norway and the Russian Federation those are the Sami people. They have been dependent on marine resources for fishing, hunting of large mammals, clothing, equipment, handicrafts and transportation. Although it is obvious, that ecosystem of Arctic will change dramatically, the indigenous people's reliance on marine resources for subsistence will remain. The traditional way of life, fishing and hunting are essential for the preservation of the indigenous cultures. Increased shipping activities pose a great threat to environment balance and to survival of the indigenous peoples. Shipping does not have the same effect during the whole year. If it is done in ice - free conditions and on reasonable distance from the coast, it has few or no local effects, barring an accident. Ice breaking has more significant impact because it can interfere with over ice hunters and travelers.

Some of the environmental threats of the Arctic shipping are listed (NWT 2015):

1. Release of oil into the Arctic marine environment, either through accidental release, or illegal discharge, is the most significant threat from shipping activity.
2. Ship collisions with whales and other marine mammals are of concern in areas where shipping routes coincide with seasonal migration and areas of aggregation.
3. The introduction of invasive species into the Arctic marine environment from shipping can occur and the risk may be enhanced due to changing climate, possibly making conditions more favorable to some species. The greatest risk exists where a transfer of organisms from ecosystems of similar latitudes and conditions can occur. Of particular future concern is the transfer of organisms across the Arctic Ocean from the North Pacific to the North Atlantic or vice versa.
4. Sound is of vital biological importance to marine mammals and anthropogenic noise produced through shipping and other vessel activity can have various adverse effects on Arctic species.
5. Subarctic seas support some of the richest fisheries in the world in the Bering Sea and the Barents Sea. These two areas are also the locations of the heaviest shipping traffic now occurring in the Arctic region. A potential accidental spill of oil or other hazardous and noxious substances in these areas could have large economic, social and environmental impacts.
6. The black carbon emitted from shipping in the Arctic could have significant regional impacts by accelerating ice melt. Ship emissions including greenhouse gases (GHGs), Nitrogen Oxides (NOx), Sulfur Oxides (SOx) and Particulate Matter (PM) may have negative effects on the Arctic environment and will increase in the Arctic region proportionately with increased shipping activity. Effective reduction of ship emissions can be achieved through the application of feasible and best available technologies, through air emissions reduction techniques and, most importantly, through effective implementation of the relevant IMO regulations.

The threat from Arctic shipping can be reduced and mitigated through careful planning and effective regulation in areas of high risk. The Indigenous peoples

should be entitled to compensation for losses suffered from economic activity damaging native habitats.

Environmental threats are the biggest threats to the Arctic indigenous peoples, but are not the only ones. A large number of uncertainties define the future of the Arctic marine activity. These uncertainties include: the legal and governance situation, degree of Arctic state cooperation, climate change variability, radical changes in global trade, insurance industry roles, an Arctic maritime disaster, new resource discoveries, oil prices and other resource commodity pricing, multiple use conflict (indigenous and commercial) and future marine technologies. These positive and negative effects have to be taken into consideration by the indigenous people's communities and nation states.

5.5 The climate change

Traditionally, the Sami communities are environmentally aware and based in nature. It is also true for the traditional occupations, such as reindeer husbandry and fishing. Today the so-called environmentally friendly commercial solutions threaten the Sami community.

Women, Finnmark

There has been a lot of debate on the existence of climate change and the cause of global warming, especially on the degree of scientific consensus regarding this matter[12]. It can be said that it is certain that climate change exists and human influence on global warming cannot be denied. Climate change enhanced by human activities, including emissions of various greenhouse gases is one of the biggest environmental issues world is facing today. Beside human activities, the climate is changing due to natural processes like changes in the angle of the Earth's axis, or in the Earth's orbit, and variations in solar radiation. These processes have always

[12] Although this debate is very interesting, it exceeds the scope of this paper. For further information see: Cook et. al. (2013) *Quantifying the consensus on anthropogenic global warming in the scientific literature*, Environmental Research Letters, Volume 8, Number 2 pp. 1-7, and Tol, Richard S.J. (2014) *Quantifying the consensus on anthropogenic global warming in the literature: A re-analysis*, Energy Policy, Volume 73, October 2014, pp. 701-705.

been present. Human induced changes increased significantly after the industrial revolution.

The Arctic climate is characterized by a low amount or absence of sunlight in winter and long days during summer. Although these solar inputs are a dominant influence, the Arctic climate exhibits significant spatial and temporal variability. As a result, the Arctic is a collection of regional climates with different ecological and physical climatic characteristics (Symon et. al. eds. 2005, 22). The snow, ice sheets, glaciers, sea ice and permafrost are important parts of the Arctic climate. The physical properties of snow and ice include high reflectivity, low thermal conductivity, and the high latent heat required to convert ice to liquid water; these contribute significantly to the regional character of the Arctic climate (Symon et. al. eds. 2005, 22).

Measurements show that temperatures have risen throughout the world, and that the average temperatures in the Arctic in the last 100 years have risen twice as rapidly as they have elsewhere in the world. The increases in winter temperatures in Alaska and western Canada have been around 3 - 4 °C over the past half century. Increasing global concentrations of carbon dioxide and other greenhouse gases due to human activities, primarily fossil fuel burning, are projected to contribute to the additional Arctic warming of about 4 - 7 °C over the next 100 years (Hassol 2004,10). Observations suggest that precipitation in the Arctic regions has increased by almost 10 percent, but lack of data and difficulties with the measurements make the results somewhat uncertain (Elverland 2009, 30). Much of the increase has come as rain. Additionally, sea ice is melting rapidly. In the Arctic Ocean, there should be three times more ice in winter than in summer, but the extent of the sea ice cover has decreased sharply over the past 30 years. The extent of the sea ice has decreased by 3.5 to 4.0 percent, per decade in the period from 1979 to 2012, and the amount of sea ice that has survived at least one summer season has decreased by 9.4 to 13.6 percent per decade over the same period (Loukacheva 2015, 53). This means that ice-free conditions last up to two months longer. The ice is also getting thinner by an average of 1.3 to 2.3 meters between 1980 and 2008. The snow cover extent has declined about 10 percent over the past 30 years. Additional decreases of 10 - 20 percent by 2070 are projected. Also, the world’s glaciers are shrinking and it is

estimated that before the end of the century the loss in the mass will be somewhere between 15 and 85 percent. Melting glaciers contribute substantially to rising sea levels. The average sea level rose about 0.19 meters between 1901 and 2010 (Loukacheva 2015, 54). About an additional half meter of sea level rise (with a range of 10 to 90 centimeters) is projected to occur during this century. The increase in the Arctic is greater than the global average. (Hassol 2004, 12-13). River discharge to the ocean has increased and spring peak river flows are occurring earlier. All this will result in reduced salinity and density in the North Atlantic and Arctic Ocean and this could cause changes in oceanic circulation patterns, which will strongly affect regional climate. With thawing permafrost, erosions, reduction in sea ice and rising sea level the higher waves and storms will appear. This will threaten the coastal communities by disrupting transport, damaging buildings and other infrastructure.

The scientists suggest that responding to the challenge of climate change will require two sets of actions, (Hassol 2005, 3). The first one, called mitigation that aims to slow the speed and amount of future climate change by reducing greenhouse gas emissions. The other one, called adaptation that attempts to limit adverse impacts by becoming more resilient to the climate changes that will occur while society pursues the first set of actions. The large degree of uncertainty about climate change impacts in the Arctic requires precautionary approaches to economic and political decision making, in particular consideration of resilience capacity, and recognition of the traditional ecological knowledge (Aslaksen et. al. 2007, 10). The precautionary approach states that in order to protect the environment, where threats of serious or irreversible damage to it arise, the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

To identify the impact of climate change in the Arctic the indigenous peoples use their traditional ecological knowledge. It is defined as the knowledge, practices and beliefs about the dynamic relationships of living beings and the environment, the knowledge that has evolved by adaptive processes and that has been handed down from generation to generation (Aslaksen et. al. 2007, 8). For example, the traditional ecological knowledge of animal migrations, ice patterns, vegetation and weather is

important in order to supplement and enrich scientific data on climate change impacts. Although indigenous knowledge has developed and exists for centuries, the western science has showed interest in it only recently. With this new interest came a number of projects in which the indigenous peoples participated with their ecological knowledge. These projects produced a large collection of observations. Scientific observations do not always agree with the indigenous knowledge or are skeptical towards it in general. In recent times there are increasing political pressures to use the indigenous knowledge, but this should be done according to the ethical guidelines and with the respect to the indigenous community. In addition, there should be respect towards intellectual property rights of the indigenous peoples. In Norway, an obligation to consider the traditional knowledge in planning, resource and land management, particularly in the Sami areas has been formalized through Section 8 of the Nature Diversity Act, which corresponds to Article 8 in the UN Convention on Biological Diversity. This obligation is further elaborated in guidelines worked out by the Sami Parliament in 2007 and 2010. These guidelines are based on the 2006 Finnmark Act and the 2008 Plan and Building Act. However, current legislation and guidelines contain few clarifications of what the traditional knowledge is, how to approach it, or how to appropriately include it in assessment and planning processes (Eyþorsson and Thuestad 2015, 132-133).

The Sami people ecological knowledge is based on the traditional way of life and derived from experience, observation and utilization of natural resources. This knowledge is best preserved and expressed through languages, which once more emphasizes the need to preserve the Sami languages.

Compiling the indigenous knowledge from across the Arctic, a number of common themes clearly emerge, although there are regional and local variations in these observations (Hassol 2005, 93). The weather seems unstable and less predictable by traditional methods. Snow quality and characteristics are changing. There is more rain in winter. Seasonal weather patterns are changing. Water levels in many lakes are dropping; species not seen before are now appearing in the Arctic; sea ice is declining, and its quality and timing are changing; storm surges are causing increased erosion in coastal areas; the sun feels "stronger, stinging, sharp".

Sunburns and strange skin rashes, never experienced before, are becoming common; climate change is occurring faster than people can adapt; climate change is strongly affecting people in many communities, in some cases, threatening their cultural survival.

5.5.1 The extent of the pollution

Physically, pollution occurs because it is virtually impossible to have a productive process that involves no waste; economically, pollution occurs because polluting is less expensive than operating cleanly (Helfand et. al. 2003, 251). This is the situation that requires government intervention. If all goods had well-defined property rights could be traded in markets, environmental goods would be no different from other goods; however, markets fail for these goods because property rights cannot or do not exist regarding environmental goods and costs as well as because of the nonexclusive, non-rival nature of these goods (Helfand et. al. 2003, 251). Since pollution cannot be avoided, the next goal is to have efficient, possibly the lowest levels of pollution which can be done by policies and legislations that will introduce charging polluters per unit of pollution on the base of damages caused by that unit. This is very difficult to achieve due to problems connected with monitoring pollutions, measuring the damages caused by pollution, differentiating damages by source, underdeveloped technology and inadequate development and implementation of pollution taxes. There are many approaches aiming to improve the efficiency, but most commonly used ones are market based policies and command and control (standards-based) policies. Market based approaches provide flexibility to polluters and try to achieve a specified level of emissions, usually determined by legislation with lower abatement costs than standards. Methods used in market-based approaches include market friction reductions, government subsidy reductions, emissions taxes, tradable permits, and voluntary agreements. Standards based approaches impose limits to emissions or technology requirement. Those are directives or other legislative measures that set up technological or performance standards. As stated above, none of the existing ones can achieve optimal results.

There are five types of pollution that shall be considered: air, water, soil, radioactive and noise pollution. The pollutants can be classified in different ways (Kumar 2008, 133-134):

1. According to the form in which they persist after release into the environment, the pollutants may be primary or secondary. Primary pollutants are added to the environment in the form in which they persist, while secondary pollutants are formed by the reaction of two or more primary pollutants.
2. According to their existence in the nature, the pollutants may be quantitative or qualitative. Quantitative pollutants are substances that occur in nature; they become pollutant when their concentration crosses the threshold value. Quantitative pollutants do not occur in the environment but are passed into it through human activity.
3. According to their natural disposal, the pollutants may be biodegradable and non-degradable. Biodegradable pollutants are waste products, which are slowly degraded by microbial action. If their quantity exceeds the capacity of the environment to degrade them, they cause pollution. Non-degradable are pollutants, which are not decomposed or are decomposed very slowly.

Air, water and soil can be polluted. There are different sources of pollution (Ahluwalia 2015, 3-4):

1. Sources of Air Pollution: natural sources (volcanic eruptions, forest fires, decay of organic matter, marsh gases, pollen grains, fine sand particles and fungal spores) and man-made sources (deforestation, burning of fossil fuels, vehicular emissions, rapid industrialization and use of agrochemicals).
2. Sources of Water Pollution: sewage and domestic waste, industrial effluents, agricultural discharges, detergents, toxic metals, siltation, thermal pollutants and radioactive materials.
3. Sources of Soil Pollution: industrial wastes, urban wastes, radioactive pollutants, agricultural practices and biological agents.

The Arctic region consists of a number of distinct marine and terrestrial ecosystems, with significant ecological and demographic variability between them. Arctic ecosystems are inherently diverse, variable, and dynamic (Arctic Council 2013, 9). They are also vulnerable to a number of existing and potential threats like global warming, land-based pollution, overfishing, illegal, unreported and unregulated fishing, by-catch of threatened species, sea based pollution, dumping, physical destruction and degradation of habitats, and introduction of invasive species.

On the Arctic, there are many sources of pollution, among which most important are radioactivity, persistent organic pollutants, heavy metals and oil and gas production.

Radioactivity is the property of spontaneous disintegration, or decay, of atomic nuclei accompanied by the emission of ionizing radiation. Ionizing radiation can damage living cells. The term ‘radionuclide’ applies to all radioactive isotopes of all elements (AMAP 1998, 562). Radioactivity may be natural and artificial. Natural radioactivity is derived from the decay of nuclei in the Earth’s crust and by the bombardment of the Earth by cosmic radiation producing radionuclides in the Earth’s atmosphere (AMAP 1998, 562). Artificial radioactivity is man-induced radioactivity such as process of nuclear fission in nuclear weapons explosions and in fission reactor cores. Because of the use of fission reactors for electrical power generation, there are large quantities of fission products in spent nuclear fuel assemblies. Nuclear explosions have produced the most pronounced global change in the character of environmental radioactivity. Various nuclear accidents have further contributed to the inventory of radionuclides in the environment (AMAP 1998, 563). In recent years, this trend has been enhanced by the accidents connected to the use of radiothermal power generators for space vehicles. Many people think of Chernobyl as the worst-ever large-scale release of radionuclides. It was not. Atmospheric tests of nuclear bombs, which went on until 1980, spread much more radioactive material and over a wider area than Chernobyl (AMAP 1997, 111). However, Chernobyl added significantly to the radionuclides in the northern polar area, especially in Scandinavia the Kola Peninsula and the Karelia. Even today, the reindeer herding Sami are fighting with the consequences of this disaster. Some of the reindeer meat is still radioactive and, consequently, cannot be eaten or sold. Novaya Zemlya and Amchitka Island in the

Russian Federation were the only sites for atmospheric and underground nuclear weapons tests in the Arctic. No tests have been conducted there since 1962.

The relationship between levels of radioactivity and the dose that can affect people's health is complex. It depends first on whether exposure is external or internal, the latter from inhaling or ingesting radionuclides. Other factors include the mobility of different radionuclides in the environment and their accumulation in important foodstuffs (AMAP 1997, 112). Risk of cancer is tightly connected with the exposure to the radiation. There is no evidence of a threshold dose that will certainly cause cancer but the higher the exposure is the bigger the risk of cancer development. A genetic damage to a child in the womb contributes to infant mortality and to genetic disease. Radiation sickness occurs with higher doses of radiation and can lead to death if the doses are high enough or if the person does not get adequate medical treatment. The major form of radionuclide intake for humans in the Arctic is through the consumption of reindeer meat. The most important food for reindeer is lichen that absorbs nutrients but also contaminants including radioactive fallout. This is also true for other reindeer food such as berries, mushrooms and green plants. Although the levels of radioactivity are in decline, still the most affected are the indigenous peoples of the Arctic that depend on locally produced food.

Persistent organic pollutants are organic chemicals exhibiting the combined properties of persistence, bioaccumulation, toxicity, and long-range environmental transport. They consist of (Rodan 2002, 1-1): pesticides (e.g., dieldrin, aldrin, endrin, chlordane, heptachlor, DDT, toxaphene, mirex), industrial chemicals (e.g., polychlorinated biphenyls, hexachlorobenzene) and byproducts (e.g., polychlorinated dibenzofurans, polychlorinated dibenzo-p-dioxins). Persistence is the propensity of a substance to remain in the environment by resisting chemical and biological degradation, particularly the effects of microbial processes. Bioaccumulation is when the chemical reaches a greater concentration in the tissues of an organism than in the surrounding environment. This is happening when animals breathe polluted air or eat polluted food. Their bodies accumulate greater level of pollutants than air or food they consumed. Toxicity means that pollutants in certain dose become poison. Long-range environmental transport means that pollutants can travel very far from the

place of release through air, water, evaporation and migratory species. Persistent organic pollutants are all easily transported, toxic, bioaccumulative and persistent. Most of these are neither used nor produced in the Arctic but can be found there. The production and use of regulated persistent organic pollutants is in decline. The levels of persistent organic pollutants in the blood of the Arctic residents, generally, have also declined over the past 20 to 30 years (AMAP (2015, 4). There are several global and regional conventions and standards that are relevant for the reduction of persistent organic pollutants. The most comprehensive is the Stockholm Convention on Persistent Organic Pollutants. There is also the persistent organic pollutants protocol of the UNECE Convention on Long-range Transboundary Air Pollution and the North-American Commission for the Environmental cooperation initiative on the Sound Management of Chemicals.

Heavy metals occur naturally in all ecosystems with different concentrations. Although some of the heavy metals are extremely toxic, while their concentrations are not increased there are no damaging consequences for plants, animals and humans. Due to the various human activities, environmental concentrations of many of the heavy metals are often higher than the concentrations expected from their natural occurrence. The most common way of intake of heavy metals is through ingestion with food. The Arctic region is a major receptor of heavy metals, generated in other regions. Recently, however, this region has become also a producer due to an increase in extractive industries. The major sources of heavy metal pollutions are waste disposal, steam electric generation, mining, smelting and refining, manufacturing processes and atmospheric depositing. The most common heavy metal pollutants are mercury, lead, cadmium, copper, nickel, zinc and selenium. Heavy metals accumulate in higher predators at the top of the Arctic food chains, posing a dietary risk to humans. High level of mercury and its organic form methylmercury, are very dangerous for the Arctic populations. Methylmercury can be transferred to the fetus and to breast-fed children. New studies of children exposed to methylmercury during fetal development show adverse and apparently permanent effects on their neurodevelopment (AMAP (2015, 4). The Indigenous peoples are especially vulnerable to mercury due to their dependence on the traditional food

obtained through hunting and fishing. Major sources of mercury pollution are coal and gold mines. Both industries are increasing in the Arctic.

One of the biggest industries worldwide is the oil and gas industry. The importance of oil and gas development to the economy of the Arctic means that, with the possible exception of climate change, this activity will pose the most significant challenges to balancing resource development, socio-cultural effects, and environmental protection in the Arctic in the next few decades (Huntington 2007, 7). Crude oil and natural gas (petroleum hydrocarbons) are among the most valuable non-renewable resources and energy sources in the world. Petroleum hydrocarbons are natural in origin and mostly biodegradable. There are many ways petroleum hydrocarbons can become pollution; by oil spills, through industrial chemicals, produced water, etc. Industrial chemicals and chemical products are widely used at all stages of oil and gas production. The main categories are drilling fluids, production chemicals, injection chemicals, pipeline chemicals, and utility chemicals. Produced water is formation water produced along with oil and gas during hydrocarbon extraction (AMAP 2010, 4_4 – 4_5). The release of petroleum into environment can happen either as continuous or sudden release. Continuous release can happen with the discharge of produced water. A small amount of petroleum gets into environment and does not cause environmental damage. Sudden release can happen when a tanker full of oil sinks creating an environmental catastrophe. The most intensive pollution in the Arctic occurs in areas with industrial and military activity. Generally, it can be said that the lower the temperatures are the slower are the changes in oil properties. In colder temperatures, the oil becomes more persistent. The absence of light reduces the rate of transformation and degradation of oil in the Arctic. If an oil spill happens in the waters covered with ice, the ice will trap or encapsulate the oil. There is not enough data on exact behavior of oil and ice in case of oil spill. If the oil is spilled under the ice, it will freeze and then it will move with the ice sheet. When the ice melts the oil will get into the water. The oil spilled on the snow spreads slowly due to roughness of the ice and cold temperatures. Mechanical cleaning is very effective in this situation. The oil spills occurring on the land are easier to handle because the spills remain located at the point of the incident; often in such cases, there is no cross border implications, and incidents can be resolved by local or national government.

The Exxon Valdez accident close to the shores of Alaska constitutes the single largest marine oil spill accident near the Arctic. Between 1987 and 2004 there were 131 incidents on the Norwegian shelf, one of which (Draugen field) accounted for 84 percent of the total oil spilled in 2003. Of the remaining spills, 74 involved losses of less than 0.05 m3 of oil. There were also 124 accidental spills of drilling fluids and chemicals, 40 of which exceeded 1m3. In addition, there is relatively little traffic in ice-covered areas. (AMAP 2010, 4_19) Norway has strict rules regarding oil production safety and oil spill reporting. The Norwegian government has set environmental safety as a priority and incidents involving oil spills are rare. The Russian Federation is one of the world's biggest oil producers. The majority of Russian oil reserves are on the Arctic. There are around 135.000 kilometers of oil fields and collection pipelines, for which safety remains very questionable. The exact number of oil leaks and spills from these pipelines is of the order of several tens of thousands. In 1999, it was reported that wear and tear of field pipelines was in some places up to 80 percent, and that their failure rate was two orders of magnitude greater than for trunk pipelines at around 1.5 to 2 breaks per kilometer per year (AMAP 2010, 4_20). Russian regulation regarding safety in oil industry and reporting of oil spills is much less strict than Norwegian. Like with other sources of pollution, oil spills also mostly affect the indigenous peoples of the Arctic. They hunt, fish and gather berries for food that either die out when the spill occurs or become too poisonous to eat. The consequences of oil spills are long-lasting and difficult to eradicate so with the growth of oil industry in the Arctic there is also a greater need for joint efforts on prevention of the oil spills and responses to environmental threat.

Each Arctic country has its own way of dealing with potential environmental incidents connected to the oil and gas. However, due to specific conditions on the Arctic, increase in oil and gas industry and the vast Arctic territory, the Arctic Council has also developed a set of rules for pollution control in the marine environment. The basic issue of dealing with the problem of marine oil spills was divided by the Arctic Council into two separate areas – preparedness and response, on the one hand, and prevention, on the other. These represent two rather different aspects of the problem of maritime oil pollution (Loukacheva 2015, 146). The prevention is closely connected with the oil and gas companies as well as transportation agencies because it deals

with the production and transportation technologies and culture. Preparedness and response target a number of different agencies in the Arctic states that are in charge for fighting oil spills. The main issues are availability of technical capabilities, staff training, international cooperation, public awareness and contingency plans. These efforts resulted in the Agreement on Arctic Marine Oil Pollution Preparedness and Response that was signed at the Eighth Ministerial Meeting of the Arctic Council in Kiruna, Sweden, on the 15th of May, 2013. The objective of the Agreement is to strengthen cooperation, coordination and mutual aid in relation to the emergency preparedness for, and management of, marine oil spills in the Arctic and it is based on relevant universal instruments, primarily, the 1982 UN Convention on the Law of the Sea, the 1990 International Convention on Oil Pollution Preparedness, Response and Cooperation and the 1969 International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties. (Loukacheva 2015, 149). The Agreement establishes procedures for monitoring, notification and the reimbursement of expenses associated with rendering assistance, as well as a simplified border-crossing regime for appropriate personnel and resources and cooperation and information exchange measures including joint exercises and training. The 2011 Agreement on Cooperation on Maritime and Aeronautical Search and Rescue is the second legally binding pan-Arctic document brought by the Arctic Council.

5.5.2 The future of permafrost

Permafrost is defined as ground (soil or rock) that remains at or below 0°C for at least two years (Zhang et. al. 1999, 133-134). Permafrost or perennially frozen ground occurs on land and beneath offshore of the Arctic continental shelves. It is divided into four classes depending upon the estimated percentage of the ground that is underlain by permafrost (Zhang et. al. 1999, 133-134): continuous (90 to 100 percent); discontinuous (50 to 90 percent); sporadic (10 to 50 percent); and isolated patches (0 to 10 percent). Permafrost is defined solely by temperature not by soil moisture content or overlying snow or ice cover. Development and existence of permafrost depends on the heat exchange between the land surface and the atmosphere, but also on latitude, elevation and distance from the oceans. It occurs as far north as 84°N in northern Greenland, and as far south as 26°N in the

Himalayas. Permafrost underlies about 22.79 x 10^6 square kilometers or 23.9 percent of the exposed land surface area in the Northern Hemisphere, excluding ice sheets and glaciers, and of these approximately 10.69 x 10^6 square kilometers or 46.9 percent is continuous permafrost (Zhang et. al. 1999, 151).

The depth of permafrost varies, it can be as deep as 1,500 meters in northern Siberia, but permafrost of all depths has permafrost base at the bottom and permafrost table at the top. The permafrost base is determined by freeze from the air on the surface and warming from the Earth's interior. The active layer is a layer of earth materials between the ground surface and permafrost table. Permanently unfrozen ground in a region of permafrost is called talik. A closed talik is below the active layer, but above the permafrost table. Closed taliks that form under lakes and rivers where the water does not completely freeze in winter are often called thaw bulbs. An open talik extends all the way down to the permafrost base, effectively connecting the surface soil to the unfrozen ground beneath the permafrost (Schaefer et. al. 2012; 4). Permafrost contains ground and organic material on that ground at the time of the freezing. Plants roots cannot penetrate permafrost, so vegetation is limited to the active layer. When active layer freezes it slows the decay of animal remains or vegetation allowing organic matter to accumulate in the upper parts of permafrost or in the active layer. With temperatures below zero, water in the soil freezes making the ground surface to rise. Thawing of the active layer has the opposite effect. This mechanic redistributes the content of the active layer influencing the surface above permafrost.

There is a strong interdependence between vegetation and permafrost in permafrost region (Yang et. al. 2010; 34). Permafrost is beneficial to accumulation of organic materials; it prevents erosion and downward movements of surface water and soil moisture. Vegetation reduces sunlight and decreases the temperature of the soil, it also prevents erosion. Permafrost degradation changes habitats and species composition which affect species richness (Yang et. al. 2010; 35). Permafrost can degenerate naturally or artificially and it is visible in the form of decrease in the thickness and/or areal extent of permafrost. By definition, it is dependent upon the ambient temperature for its existence and properties. Thus, it is very sensitive to

climatic changes (Lunardini 1996; 311). Snow is also very important in the formation of permafrost. It acts as an insulator. This is due to a high ratio of air in the snow. Snow cover can lead to ground temperatures 5 to 20°C higher than the temperature of the surrounding air and permafrost temperatures 3 to 6°C higher than the mean annual air temperature. This is why in an area with very low temperature and very deep snow cover the permafrost may not form while permafrost will form in the ground in the area with warmer temperature but with no snow. The primary control on active layer thickness is the summer air temperature, as well as soil moisture and thermal properties. Higher summer air temperatures result in deeper active layers, while wetter soil results in shallower active layers (Schaefer et. al. 2012, 5). Changes in the permafrost and in the active layer affect vegetation, animals and humans.

The temperature is essential to permafrost. The global rate of temperature increase has slowed in the last decade, but Arctic temperatures continued to increase. The rapid warming in the Arctic is known as the Arctic Amplification and it is due to feedbacks involving many parts of the Arctic environment: loss of sea ice and snow cover, changes in land ice and vegetation cover, and atmospheric water vapor content (Overland et. al. 2014; 10). Permafrost underlies most of the Arctic land area and extends under parts of the Arctic Ocean. Temperatures in the permafrost have risen by up to 2 °C over the past two to three decades, particularly in colder sites. The depth of soil above the permafrost that seasonally thaws each year has increased in Scandinavia, Arctic Russia west of the Urals, and inland Alaska. The southern limit of the permafrost retreated northward by 30 to 80 km in Russia between 1970 and 2005, and by 130 km during the past 50 years in Quebec (SWIPA 2011; 6).

When permafrost thaws, frozen organic matter thaws and decays. During that process greenhouse gasses, carbon dioxide (CO2) and methane (CH4), are released in the atmosphere. Permafrost soils contain around 1,700 gigatonnes (Gt) of carbon, nearly all of it in the form of frozen organic matter buried over thousands of years by dust deposition, alluvial sedimentation and peat development (Hope and Schaefer 2016, 56). The thawing of permafrost will have impacts on climate change and on economies all over the world. The Sami people have also been affected by the

degradation of permafrost. The erosion of soil, the breaking of the ice, the spreading of the swamp all has an impact on lives of all Sami: reindeer herders and fishermen and as well as those Sami that are not in traditional occupations. It is estimated that the economic cost of this phenomenon could be as high as US$43 trillion (Hope and Schaefer 2016, 56) in lost agriculture, ecosystems and health impacts by the end of this century. The effects of degradation of permafrost are noticed in urban and industrial infrastructures where slopes erosion, breaking of structures, rockfalls and landslides are present. There are problems in transport due to the melting of the ice roads. Many areas are more difficult to access and heavy load transfer must be done during the coldest periods of the year. Thawing permafrost is causing increased deformation of buildings, roads, runways and other manmade structures in some areas, although poor design in the past is a contributing factor (SWIPA 2011, 9). Climate change in the Arctic is expected to increase erosion rates along the Arctic coastline, lakeshores and riverbeds (Schaefer et. al. 2012, 11). Rapid erosion occurs when the sea ice melts earlier and permafrost thaws. Coastal communities all over the Arctic have been affected by erosion. Warmer weather that is leading to thawing of permafrost is not making the life of the Arctic's inhabitants easier; in contrast, it is making it harder, riskier and more unpredictable..

5.5.3 The Arctic biodiversity

Biological diversity means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (CBD 1992, Article 2). A climate change can affect all three levels of biodiversity. The conservation of biodiversity is a major environmental issue. Threats to biodiversity include habitat loss and fragmentation, the introduction of nonindigenous species, over-harvesting, pollution, changes in geochemical cycles and climate change (Polansky et. al. 2005, 1518).

In 2001, the Arctic Council's Conservation of Arctic Flora and Fauna (CAFF) Working Group published the report Arctic Flora and Fauna: Status and Conservation. The report observed that while much of the Arctic was in its natural state and that the

impacts of human activity were relatively minor, individuals, species, and ecosystems throughout the Arctic faced threats from many causes, and that the long-term consequences of human impacts were unknown (CAFF 2010, 7-9). There are many predicted influences of climate change on the Arctic's biodiversity. These include: changes in the distribution ranges of species and habitats; changes in the extent of many habitats; changes in the abundance of species; changes in genetic diversity; changes in the behavior of migratory species; some non-native species becoming problematic; and the need for protected areas to be managed in different ways (Symon 2005, 540). The changes affected terrestrial environment, freshwater ecosystems and marine systems. The ecosystem in the Arctic is characterized by short food chains involving few species, i.e. there are few links from the plants lowermost in the chain to the predators at its top. The Arctic is therefore also a vulnerable system (Elverland 2009, 10).

Global warming has consequences around the world in raising global sea level, uptake of greenhouse gases from soils, vegetation and coastal oceans. The Arctic waters and grounds are home to many migratory species that are losing their habitats. Arctic vegetation zones are shifting and this is causing wide range impacts. Tree line is moving northward and to higher elevations, consequently tundra is also moving northward and into polar deserts. Vegetation will increase carbon uptake, but forest fires, invasions of non-native species and thawing of permafrost will negatively impact species' diversity, ranges and balance. The greatest changes are expected in the population of animals that depend on sea ice, like polar bears, ice inhabiting seals and some birds; they will likely lose their habitat. Some new animal species will move to Arctic and with them new diseases will occur. People, plants and animals are already under higher risk due to elevated ultraviolet radiation, which causes cancer, cataracts and immune system disorders in humans. The indigenous peoples have a strong relationship with the nature and are very sensible to the biodiversity degradation. Changes in species' range and availability will influence the indigenous communities that are dependent on them. Hunting grounds may be lost, quality of food sources reduced as dried up berries have already been observed on some Arctic locations.

Thawing permafrost mostly affects the Arctic ecosystems through changes in the water cycle (Symon 2011, 8). With the thawing of permafrost the water drains away. With many small lakes drained, migratory birds are left without insects to feed on and are dying. Additional problem is the degradation of palsa mires. Those are a sort of wetland occurring in sub polar or polar climates mostly in discontinuous circumpolar permafrost zone. Palsa mires are very dependent on the climate. For its formation a thin snow cover during winter and good insulation during summer are mandatory. They contain a permanently frozen core of peat and/or silt, small ice crystals and thin layers of segregated ice, which can survive the heat of summers. An insulating peat layer is important for preserving the frozen core during the summer. The peat should be dry during the summer, thus having a very low thermal conductivity, and wet in autumn, when freezing starts, giving a much higher thermal conductivity. This allows the cold to penetrate so deep into the peat layers that they do not thaw during the summer (Seppälä 2006, 155). Palsa mires are important breeding habitat for some of the several hundred million birds that migrate into the Arctic each summer (Symon 2011, 8). If the palsa mires disappear due to warmer and wetter climate, it will have an impact on the number of birds all over the world.

The dominant ecosystems in permafrost regions are boreal forests to the south and tundra to the north. In mountainous permafrost regions, forests dominate at lower elevations and tundra at higher elevations (Schaefer et. al. 2012, 13). Tundra vegetation is dominated by sedges, shrubs, mosses and lichen; boreal forest is dominated by evergreen spruce, fir and pine, deciduous larch or tamarack. When the permafrost thaws, soil is no longer held up together by ice and therefore collapses. This causes trees to tilt at various angles and eventually collapse destroying the boreal forest. Permafrost degradation associated with warming climate is second only to wildfires as a major disturbance to boreal forests (Jorgenson 2005, 2100). Tundra is the treeless regions north of boreal forests. The transition between forest and tundra depends on the characteristics of the soil. Tundra is amongst coldest and driest places on the Earth and most of the year it is covered with a thin layer of snow. The active layer of permafrost beneath tundra is very thin thus not allowing plants' roots to penetrate deep into the soil. In the short warm period in the year, the active layer thaws and ground ice melts. The permafrost does not allow the water to drain

away and plants are able to grow. With ground freezing later and unfreezing sooner in summer, more and more southern plants and animals are able to survive in the tundra. Tundra degradation is connected with the high level of carbon dioxide and methane release into the atmosphere.

Reindeer herding is particularly vulnerable to climate changes. When the ground does not freeze entirely and when the ice is not as thick as it is supposed to be, traveling on land and waterways becomes more dangerous. To avoid accidents, the migratory routes must be changed and they are getting longer. Food sources for the reindeer also changes. Winter rain, instead of snow, freezes in contact with ground and forms a crust making lichen underneath difficult for reindeer to smell and access. Berries are also vulnerable to higher temperatures and inadequate moisture that prevents them to become ripe or to ripen in the expected time period. The change in wind dynamics and patterns also affects the reindeer herding. Wind gathers snow on certain areas leaving other areas with very little snow making it easier for the reindeer to access food. With existing climate change, the reindeer herders will have to make changes in the traditional way of reindeer herding. Environmental changes also cause the change in ocean temperature and currents. These changes affect indigenous population of the Arctic that relies on fishing. The change in ocean currents and temperature make some species migrate further north. This is not entirely negative because it brings new opportunities to northern communities, but erosions of the coastline and strong winds can make fishing hard to perform. Fishing on rivers and lakes becomes challenging because the water level vary greatly. If there is not enough ice and snow in the winter, in the spring there is not enough water and fish cannot migrate upstream, if there are heavy rains in the spring, there is too much water and it is impossible to fish. Therefore, the Sami people involved in fishing also experience the climate change. Maybe a warmer world would be a more comfortable world; however the Sami do not like it getting warmer, it is their right to want to feel cold (Retter 2009, 25).

One of the solutions to the pressure on biodiversity could be the creation of protected areas. The first protected areas in the Arctic were established in Sweden and Alaska at the beginning of the 20th century. In the 1970s, the establishment of protected

areas began to increase significantly with the establishment of the Greenland National Park. By 1980, 5.6 percent of the Arctic was classified under some degree of protection. At present 11 percent of the Arctic (about 3.5 million km^2), has protected status in 1,127 protected areas (Loukacheva 2013, 98). Terrestrial ecosystems in the Arctic are better protected than marine. With the melting of the Arctic ice there will be changes in population distribution of marine mammals, fish and seabirds, so it is important to begin to provide adequate protection to the marine ecosystems as well. In order to achieve this, Arctic states will have to cooperate closely. The establishment of Circumpolar Biodiversity Monitoring Program is a step forward in addressing the pressures facing Arctic biodiversity. The Circumpolar Biodiversity Monitoring Program is a program of the Conservation of Arctic flora and fauna working group. It is an international network of scientists, governments, indigenous organizations and conservation groups that work together in order to facilitate more rapid detection, communication, and response to the significant biodiversity-related trends and pressures affecting the circumpolar world. The Circumpolar Biodiversity Monitoring Program has been endorsed by the Arctic Council, the UN Convention on Biological Diversity and the official Arctic Biodiversity Observation Network of the Group on Earth Observations Biodiversity Observation Network.

5.6 The Arctic (not so) hidden treasures

As long as it doesn't destroy our nature, environment, traditional livelihoods and future then it's okay to do oil drilling.

Man, Finnmark

There is no doubt that the Arctic is among the richest places in the Earth regarding natural resources. The land is rich in forest and minerals; the seabed is rich in oil, gas and minerals, and seas are rich in fish and other organisms. The Arctic is also very diverse and rich in different and very fragile eco systems. A small disturbance or oil spill can cause irreplaceable damage. The Arctic is also among the harshest environments on the Earth. The recent global warming and ice melting are making it more accessible, but it is still very difficult to perform economic activities needed to

ensure high quality of life for the Arctic populations as well as to obtain promised high revenues. The Arctic oil and minerals are difficult to reach. Drilling in the Arctic Ocean is technically challenging and financially demanding. It will take a long time to develop needed technological solutions for deep seabed mining. The enormous distances are also a problem for extractive industries. Some oil or gas rigs might be placed so far away from the nearest human settlement that the helicopters cannot reach it in one single flight. It would take to have a ship in the middle of the Arctic Ocean on which the helicopter would land to refill the gas. This is under the assumption that weather conditions allow for the helicopter to fly and land on the ship and for ship to sail in the Arctic Ocean. This disability to reach oil and gas rigs in reasonable time poses a huge threat not only to human security on those rigs, but also a threat to the environment. In the case of accident or oil spill it would take hours, maybe even days for the help to arrive. The distance makes it hard to establish good communication between land and rigs or ships. This is also a security threat for humans and environment. It is very challenging to provide a good supply of food and medicine to dislocated settlement, mines, oil rigs especially during Arctic winters. Due to all these challenges, the Arctic not so hidden treasures will remain much desired and unapproachable for quite some time.

5.6.1 Russian Arctic natural resources

The Russian Federation has population of 143,819,569 people and territory of 17,075,400 square kilometers. It is the world's biggest country. The GDP per capita in 2014 was 12,735.9 USD (The World Bank 2014). Approximately half of the Arctic population lives in Russia. The three most numerous population centers above the Arctic Circle lie in Russia (The Arctic 2016): Murmansk (population around 300,000), Norilsk (over 170,000), and Vorkuta (around 60,000). Tromsø, Norway has about 71,000 inhabitants, and Reykjavík, Iceland has more than 100,000. There are no permanent settlements above 78° north latitude. Russia represents the largest economic power in the Arctic producing about two - thirds of the wealth of the Arctic region.

The estimated value of the Arctic minerals was $1.5 - 2 trillion; in addition, there were 25 mines operating in Arctic Russia in 2006. The Kola Peninsula (which occupies an area of 129,500 km2) is extremely rich in various ores and minerals, including apatite, alumina, iron ore, mica, titanium, phlogopite and vermiculite, while its subsurface contains a remarkable abundance of various minerals among the most interesting are copper, iron, nickel, cobalt, titanium, rare metals, ceramic raw materials, mica and precious stones (Glasby and Voytekhovsky 2009). In total over 700 minerals, more than a quarter of all known minerals in the world, are found there. There have been discovered more than 60 major deposits (BEAC undated). The most heavily mined ore are apatite and nepheline. Apatite concentrate is used to produce phosphate fertilizer and nepheline is used to produce soda and potash for the chemical industry. Soda is required to produce alumina from bauxite and in making glass. The most important precious stones mined in Kola Peninsula are amazonite and amethyst. Amethyst in the form of crystalline bunches is extremely rare in nature. The biggest deposit of this precious stone is in Kola Peninsula. Quartz crystal druses, smoky quartz, black quartz and especially amethyst are classified as gem-quality minerals and there is big demand from them.

More than 400 onshore oil and gas fields have been discovered north of the Arctic Circle. About 60 of these are very extensive, but roughly one quarter is not yet in production. More than two-thirds of the producing fields are located in Russia, primarily in western Siberia (The Arctic 2016b). The Khanty-Mansiysk Autonomous Region is probably the world's largest oil region with over 500 oil and gas fields that deliver around 60 percent of Russian extracted oil. In the Barents Sea 11 offshore fossil fuel fields have been discovered. The world's biggest field, Shtokman field holds 4,000 billion cubic meters of gas. Oil and gas are in abundance in the Nenets Autonomous Region also. It has been estimated that the recoverable reserves of the oil and gas fields of the Russian continental shelf amount to 100 billion tonnes of which oil and gas make up 13 and 87 percent, respectively. Of these fields, 44.4 percent are located in the Kara Sea, 25.6 percent in the Barents Sea, 8.8 percent in the Okhotsk Sea and 5.1 percent in the Pechora Sea. Overall, it has been estimated that there are between 2×10^{14} and 7.6×10^{18} m^3 of gas hydrates located on the

world's continental shelves making these deposits a huge potential resource (Glasby and Voytekhovsky 2009).

Mineral exploration, mining and logging are forbidden in Kaita Nature Reserve. Kaita Nature Reserve is located in the Kandalaksha and Kovdor municipal districts in the southwestern part of Murmansk Region. The area of the new nature reserve is 140,000 hectares. Forests in the reserve are spruce-dominated, northern taiga forests. Mountain birch forests and mountain tundra can be found on fell sides. According to the Murmansk Regional Government, Kaita is home to a large number of rare and red-listed species (BPAN 2014). However, roads and pipelines need to be built through the nature reserve, which poses a threat to this ecosystem.

Compared to other oceans, the Arctic Ocean receives a large amount of fresh water from river runoff relative to its area. The six largest Eurasian Arctic rivers; Yenisey, Lena, Ob', Pechora, Kolyma, and Severnaya Dvina drain about two-thirds of the Eurasian Arctic landmass and include three of the largest rivers on Earth. These rivers contain major water resources but are also heavily exploited. Construction of dams and reservoirs for hydropower development changes the ecosystems of these rivers and negatively affect the fish population. Murmansk Region generates 1.8 percent of the electricity in Russia, 60 percent of which is generated at the Kola Nuclear Power Plant (Kolskaya AES), and it transmits power to Karelia and Finland. The power supply system comprises the nuclear power plant, 17 hydroelectric power plants, and 5 thermal power plants (BEAC undated). Except for electrical power, the rivers are heavily used as transportation routes. The river system is the primary mode of transportation apart from airborne transportation. It connects the Arctic region with the railway in the south.

5.6.2 Norwegian Arctic natural resources

Norway's area is 323,787 square kilometers, it has population of 5.205,434 people and GDP per capita in 2014 was 613,946 NOK (cca 97,307.4 USD), unemployment rate is 4.6 percent (Statistics Norway 2016). Norwegian economy is one of the world's most efficient ones. In the last 40 years, Norwegian economy has been

strongly influenced by petroleum industry resulting in the high revenues to the state. Majority of this revenue is invested in The Government Pension Fund Global. The Government Pension Fund Global was set up in 1990 to underpin long-term considerations when phasing petroleum revenues into the Norwegian economy. The fund generated an annual return of 5.8 percent from the establishment of Norges Bank Investment Management in 1998 to the end of 2014, measured in the fund's currency basket. After management costs and inflation, the return was 3.8 percent. The return in dollars was 6.3 percent. The fund's market value is 7,019 billion NOK (Norges Bank 2015). The petroleum industry generates considerable demand for goods and services from the other sectors of economy, which makes Norwegian economy well balanced.

The Norwegian continental shelf covers an area of 2,039,951 square kilometers; almost 6.5 times the land area of mainland Norway, Svalbard and Jan Mayen (Norwegian Petroleum 2015). Petroleum activities on the Norwegian shelf include North Sea, Norwegian Sea and Barents Sea. The Norwegian Petroleum Directorate's resource accounts, which are updated as of 31st of December, 2013, show that the total recoverable petroleum resources on the Norwegian shelf are estimated at 14.2 billion standard cubic meters of oil equivalents (Pettersen 2014). The Barents Sea is the largest area of the Norwegian continental shelf, covering 313,000 km2. The Barents Sea South (south of 74°30' N) has been opened for petroleum activities; the Barents Sea North has not (Norwegian Petroleum 2015). There is only one field in production in the Barents Sea; Snøhvit and it produces gas, which is transported by pipeline to the Melkøya onshore facility where the liquefied natural gas is produced. Barents Sea is shared between Norway and the Russian Federation. Although majority of gas reserves are located on the Russian side of the border there are some discoveries on the Norwegian side too. There is 0.3 billion standard cubic meters of oil equivalents of extractable oil identified on the Norwegian side; mainly as gas, with another estimated 1 billion m3 unidentified (Kullerud and Ræstad 2002, 6). Just 50 kilometers southeast of the Snøhvit field the Goliat oil field is located. This field produced the first oil from the Barents Sea on the Norwegian side. Goliat is presumed to contain 174 million barrels of oil (Norwegian Petroleum Directorate 2014).

The Norwegian mineral and mining industry had a turnover of NOK 13,000 million in 2013, and exported products valued at NOK 7,600 million. Ninety-seven million metric tons of mineral raw materials were produced; industry had 6,226 employees at 1169 producing quarries/mines operated by 865 companies (DMF 2014, 5). The mineral and mining industry has the highest turnovers in the regions Rogaland, Møre og Romsdal, Finnmark, Svalbard, Nordland and Vestfold counties.

In Norway, five main groups of materials can be distinguished (DMF 2014, 6):

1. Industrial minerals (e.g. calcium carbonate rock (marble and limestone), olivine, nepheline syenite, quartz, graphite and dolomite).
2. Natural and dimension stone (e.g. larvikite, granite, marble, dimension stone, slate and masonry).
3. Constructions minerals (sand, gravel, hard-rock aggregate, offshore ballast, other types of offshore construction stone and clay).
4. Metallic ores (e. g. iron, nickel, ilmenite (iron-titanium oxide) and molybdenum.
5. Energy minerals (e. g. coal and peat).

Norway is Europe's most important producer of aluminum. Most of the mines and aluminum smelters are located primarily along the coast of Western and Northern Norway. Coastal Norway produces around 5 percent of the world's aluminum (Nora Region Trends 2014). Finnmark, Svalbard and Nordland are regions with the highest production values of mineral resources. The value of Norway's unused mineral resources have been estimated to NOK 2400 billion (303,1 billion Euros) (Nora Region Trends 2014). Intensive mining activities influence the traditional Sami life. Recently in the Kvalsund, an area important to migratory reindeer husbandry in Northern Norway, mineral deposits have been discovered and are worth approximately 2.5 billion EUR (Pettersen 2010). This is the biggest discovery of copper in Norway. The deposit also contains gold, silver, platinum and palladium. It is hard to believe that this deposit will not be in use due to the Sami reindeer pastures. It is yet to be seen whether the Sami people of Kvalsund will be compensated for their loss. Norway's minerals are also found at the sea bottom. According to new

scientific estimates, the sea bottom within the Norwegian economic zone can hold resources worth as much as NOK 1000 billion (€118.5 billion) (Pettersen 2013). There are considerable amounts of copper, zinc, silver and metallic sulfides. Scientists believe that those minerals can be obtained, but at the moment in Norway there are no activities at the sea bottom.

Norwegian Arctic is renowned for its large number of rivers and lakes which are mainly used for fishing. Among them, the most important ones are Altaelva and Tana. Altaelva is located within the core area for the Sami people in Norway, and central area for reindeer husbandry. The Altaelva is one of the most important salmon rivers in Norway although a major setback was the development of Alta - Kautokeino dam. Tana River forms the 283 km border between Norway and Finland but the lowermost 77 km of the river is in Norway. This river has one of world's biggest Atlantic salmon stock. The Tana River also has a big significance in the lives of the Sami people.

5.6.3 Finnish and Swedish Arctic natural resources

Finland has a territory of 338,424 square kilometers, population of 5,430.555 people, GDP per capita 49,823.7 USD and unemployment rate of 9,2 percent (Country Meters 2015). Finland is not a littoral Arctic country so has no land claims in Arctic Ocean or any oil production in that area. Also, Finland has no petroleum production on its Arctic region. In Finland, exploration and mining activities fall under the jurisdiction of the Finnish Mining Act, and also the Environmental Protection Act, with respect to assessment of environmental impact.

The Finnish minerals sector covers a diverse range of activities, including the mining of metallic ores and industrial minerals, as well as other industries that extract and process aggregates and natural stones. The minerals sector is also considered to include industries that produce and supply machinery, equipment, technology and services for mining operations (Finnish Government 2010a, 8). Mining activities are concentrated in the Eastern and Northern parts of country. North of the Arctic Circle there are three major mining areas Kittilä, Pahtavaara and Kevitsa. In 2013, there were 12 metal ore mines in operation in Finland, with the primary products consisting

of chrome, zinc, nickel, cobalt, gold and silver (Tiainen, et. al. 2015, 134). The Kittilä gold mine is the largest gold mine in Europe. In Finland, mining industry is closely connected to the other sectors of economy. Regardless of the location of an underground mine, 70–90 percent of the technology required by the mine originates from Finland and Sweden (Finland's Minerals Strategy 2010, 8). To further multiply effects of mining industry, raw materials that are extracted in Finnish mines are refined in Finland.

Finnish economy is greatly supported by the forest (and chemical forest) industry. This sector accounts for approximately 20 percent of Finland's export revenue and it is a major employer with about 42,000 employed people (Finnish Forest Industries 2015). In 2013, the value of forest and furniture industry production in Finland was approximately EUR 20.7 billion. About 54 percent of forested land of Finland is found in the Arctic regions. However, due to northern climatic conditions the share of Arctic Finland in national annual forest growth is less than 30 percent and the share of roundwood removals about 20 percent (Glomsrød and Aslaksen 2009, 50). Finnish Arctic is also known for its extraction of peat for fuel. But what makes Finnish Arctic different is that manufacturing industry is highly developed and integrated in the global economy. This is especially true for electronic industry that generates big proportion of GDP, but has very low proportion in employment.

Sweden has population of 9,838,480 people, territory of 450,295 square kilometers, GDP per capita 58,938.8 USD and unemployment rate of 7.8 percent (The World Bank 2015b). Sweden is not a littoral Arctic country so it has no land claims in Arctic Ocean or any oil production in that area. Sweden has no petroleum production on its Arctic region. Arctic Sweden constitutes of two northern counties Västerbotten and Norrbotten. Arctic Sweden accounted for 5.3 percent of national GDP and 5.6 percent of total population of Sweden in 2005.

Area north of the Arctic Circle is very important for the Swedish mining industry because some of the biggest mines are located there. Kiruna is the world's largest underground iron ore mine, Malmberget is the second. Aitik is the Europe's largest copper mine and Sweden's largest gold mine. At the end of 2012, Sweden had 16

active ore mines. Iron ore is mined in Kiirunavaara, Malmberget, Dannemora and Pajala (Swedish Government 2013, 11). Swedish bedrock consists of two types of minerals; concession minerals and landowner minerals. The Chief Mining Inspector grants permits for the extraction of concession minerals and the terms and conditions governing such a license are set down in the Swedish Minerals Act. Landowner minerals are extracted according to agreements between the landowner, who makes the land available, and the enterprise that will mine the minerals. The mining of both types of minerals must fulfill the same environmental requirements as other industrial activities. More than 99 percent of the Swedish bedrock is made up of landowner minerals (Swedish Government 2013, 17).

According to the Swedish National Forest Inventory Sweden's total land area is 40.7 million hectares; total standing volume on productive forest land is about 3.0 billion cubic meters, of which 39 percent is Scots pine, 42 percent Norway spruce and 12 percent birch (Swedish Forest Agency undated). Ownership structure shows that 50 percent of productive forest land belongs to individual owners. About one third of the national territory is legally defined as reindeer grazing land – the exact borders are still under discussion. The forest owner must accept reindeer in their forests and must consult reindeer owners when planning forest management. Forest owners protest having reindeer in their forest but the most serious mammal damage of conifers is caused by moose (elk) not by reindeer. In Sweden reforestation after final felling is mandatory (KSLA 2009, 7). Regenerating the forest is very important for the sustainability of Swedish forestry. There are strict regulations on banning felling of young stands, obligations to carry out preventive control of insect pests and special management regimes for valuable hardwood forests and upland forests. During 2011, the value added by the forest products industry amounted to 10.3 percent of the total value added by the manufacturing industry. During the same year, the total value added by forestry and the forest products industry equaled 2.2 percent of GDP (Swedish Forest Agency undated).

6 THE VOICE OF THE SAMI PEOPLE

I am Sámi and I have tried to answer your questions. It was not so easy and it definitely took longer than 10 minutes.

Woman, Sweden

After examining the history of the Sami people, their political organizations, legal framework in Nordic countries and rapid changes affecting the Arctic, what is left is to give the Sami people opportunity to express their point of view on these subjects. This has been done using a survey.

The Sami people live in vast territory and in four nation states, which makes them a group that is not easily reachable. In addition, there is the language barrier because the Sami people speak many different Sami languages in addition to Nordic, but not all speak English. In order to overcome these problems, a survey, instead of an interview, has been chosen. The method of distribution was over the internet and the survey itself had two versions: Norwegian language version intended for the Sami people living in Norway and English language for the rest of the Sami people. Other Nordic languages were not represented due to smaller number of Sami people in Sweden, Finland and Russian Federation and translation expenses. Of all contacted Sami people in Russian Federation only one person replied, expressing that he cannot understand English. The language barrier was not the biggest problem in the attempt to reach the Russian Sami. There is also a lack of group web pages through which they could be contacted. The Sami people living in Sweden and Finland responded to the survey, but majority of respondents were the Sami from Norway.

The survey has been sent to the Sami people working in different government organizations and in private sector via e-mail. Also, many Sami people groups were contacted via social media, namely Facebook. The main goal was to get the diversity of opinions; the opinion of the coastal Sami and the reindeer herding Sami working in traditional occupations, the Sami working in the private sector in commercial activities, in educational system, culture, art, sports, political parties and organizations. That way around 900 individuals have been contacted directly via e-mail as well as around 40 organizations. The social media outreach cannot be

estimated. Of all the contacted people, 110 answered and filled out the survey. This makes the response rate below 10%. This is low response rate. It is hard to explain the causes for this low response rate. Some potential participants did not want to participate because this survey was not part of a bigger project, others were concerned about what will results be used for or whether will they be in some way given back to the Sami communities. On the other hand, the Sami people that responded to the survey, in addition to answering the multiple choice questions, provided extensive insights into their thoughts and, in many cases feelings, in the comment sections that followed each question. This provided valuable insight into the Sami people's world and helped make this chapter into the voice of the Sami people. Regardless of that, the results should be interpreted and used with caution due to a small number of participants.

The survey has been divided into four parts, the introduction, politics, economics and society. In the following pages, the results of the survey will be presented.

6.1 Getting to know each other

One cannot understand the Sami culture without coming here and being with us.
Woman, Finnmark

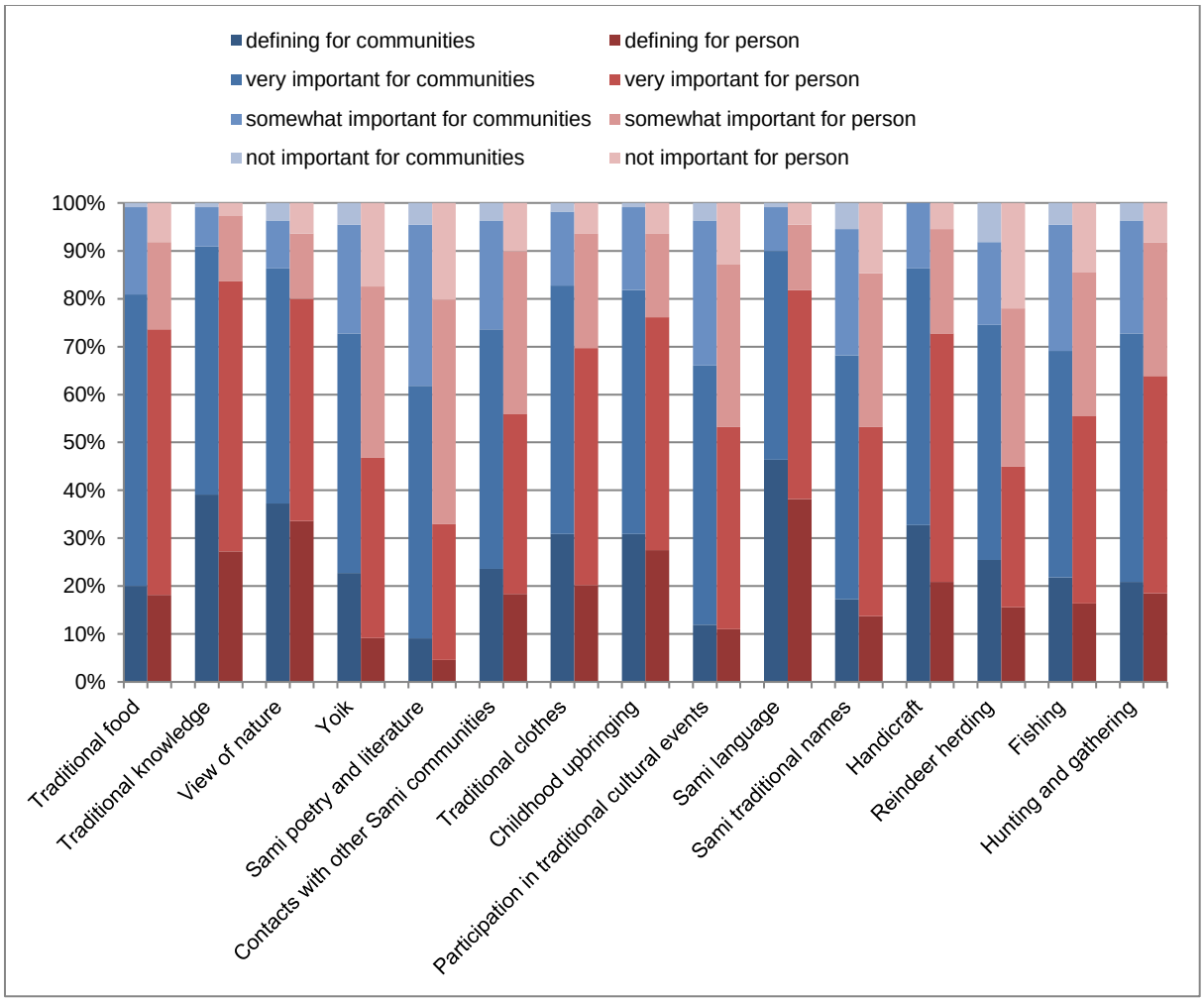
In total 110 people answered the survey; 68 were women, 41 men and 1 person preferred not to answer. Out of all women, 3 of them were retired, 36 of them were between 41 – 65 years old, 24 were between 25 – 40 years old and 5 of them were younger than 25 years old. Out of 41 men 3 of them were retired, 20 of them were between 41 – 65 years old, 14 were between 25 – 40 years old, 3 of them were younger than 25 years old and one man did not specify age. The person that did not answer the question of gender is between 25 – 40 years old. Majority of participants are the Norwegian Sami, 82, followed by 17 Swedish Sami and 9 Sami from Finland. There were no Russian Sami participants. Two participants did not provide this information. Among the participants from Norway, 9 selected the rest of Norway option while 70 selected some of the Sami areas; Finnmark 52, Troms 8, Nord Trøndelag 1 and 9 selected Nordland. Three participants chose the option other and

wrote down Sør Trøndelag. Two of the participants put the traditional knowledge as their only education. Three of the participants chose below upper secondary school level, one of whom had traditional knowledge as well. 18 participants had upper secondary school level, 2 of whom had traditional knowledge and 86 participants had higher education out of which 21 also had traditional knowledge. One participant preferred not to answer this question. The majority of participants work in government sector, 48 of them. Four participants chose traditional occupation only, 24 participants chose private sector, there were 11 students, 3 participants in retirement and two participants were unemployed. The rest of participants selected several options, 9 selected traditional occupation in addition to government organization or private sector and others described their employment status in the comment section. Two participants did not provide answers to this question. Survey is biased because of the distribution method, small response rate and language. It is hard to access people who do not regularly use personal computer or do not have internet access via e-mail. By sending the survey to the educational and cultural organizations the greater number of people with high education is reached. People engaged in the research themselves or in the some form of activism are more likely to answer the survey than the majority of population. The low number of retirees is due to difficulties in reaching them. Almost all the participants were chosen because their contact details were on the web page of their employers. This is also true for the student population. The survey was not translated to the Finnish, Swedish and Sami language which reflected in non-intentional discrimination of the Sami people not speaking English or Norwegian. People with higher education mostly speak at least one of these languages; consequently, the language barrier left out the Sami people with lower education.

When questioned how important is your Sami identity to you; the participants were able to choose from the following options: not important, somewhat important, very important, defining and I prefer not to answer. No participants chose the last option. 47 participants say that their Sami identity defines them. The Sami identity is very important to 52 participants and 9 think that their Sami identity is somewhat important to them. To 2 participants their Sami identity is not important. The participants were then instructed to grade how much are the items from a given list important for their

own Sami identity and the identity of the Sami communities. The list consisted of: traditional food, traditional knowledge, view of nature, yoik, Sami poetry and literature, contacts with other Sami communities, traditional clothes, childhood upbringing, participation in traditional cultural events, Sami language, Sami traditional names, handicraft, reindeer herding, fishing, and hunting and gathering. The degree of importance could have been rated from not important to defining. Option I prefer not to answer was not taken into consideration when presenting the results as it was chosen in less than 1 percent of cases. How participants see the Sami communities and themselves can be seen in the Chart 6.1.

Chart 6.1: The perception of the Sami communities and self-perception



Two things that participants most often chose as defining for their personal identity are the view of nature and the Sami language, very important are traditional

knowledge, traditional food and childhood upbringing. Sami poetry and yoik are the least important for personal identity of participants. Traditional occupations handicraft and hunting and gathering are more important to the personal identity of the participants than fishing and reindeer herding. When rating communities, participants pointed out the Sami language, traditional knowledge and childhood upbringing as defining for their communities. On community level, traditional occupations are much more important than on personal, as well as yoik, poetry and literature. View of nature is still very important and traditional clothes and traditional names are also regarded as more important to community than to individual. It can be noticed that all observed phenomena are rated as more important for community identity than for personal. It is possible that participants feel pressure to preserve the Sami communities in a certain way, but personally are more willing to accept other patterns of behavior and standard values due to different reasons like not participating in traditional occupations, moving out from the Sami areas or embracing more westernized way of life. In the comment section, the participants emphasized the storytelling, folk believes, spirituality, Sami values, family, relatives, views on wealth and Sami humor. Although the chart does not show, many participants found the contact with other Sami communities from all over Sapmi as very important. They see the Sami people as one people and opportunity to meet on different cultural gatherings is important way of preserving the identity.

The language proved to be the most important to the Sami people on both individual and community level. When asked about language proficiency, 68 participants said they speak North Sami, 5 people speak South Sami, 7 Lule Sami; 5 participants speak more than one Sami language, 3 speak North and South Sami,1 speaks North and Inari Sami and one person speaks Skolt, Inari, and North Sami. Out of 110 participants 25 said that they do not speak any of the Sami languages, but 20 of them said that they would like to learn. This once more emphasizes the importance of the language for personal identity. The majority of the comments left in the comments sections were about the importance of the language. The participants expressed their concern for the preservation of the Sami languages and desire that the language will help strengthen the Sami communities and that it will, in a way, be a guarantee of the Sami people’s future. The view on the personal Sami identity and the identity of the

Sami community expressed by the participants who speak the Sami languages can be seen in Chart 6.2 and the same views by the participants who do not speak any of the Sami languages can be seen on the Chart 6.3.

Chart 6.2: The view on the personal Sami identity and the identity of the Sami community expressed by the participants who speak the Sami languages

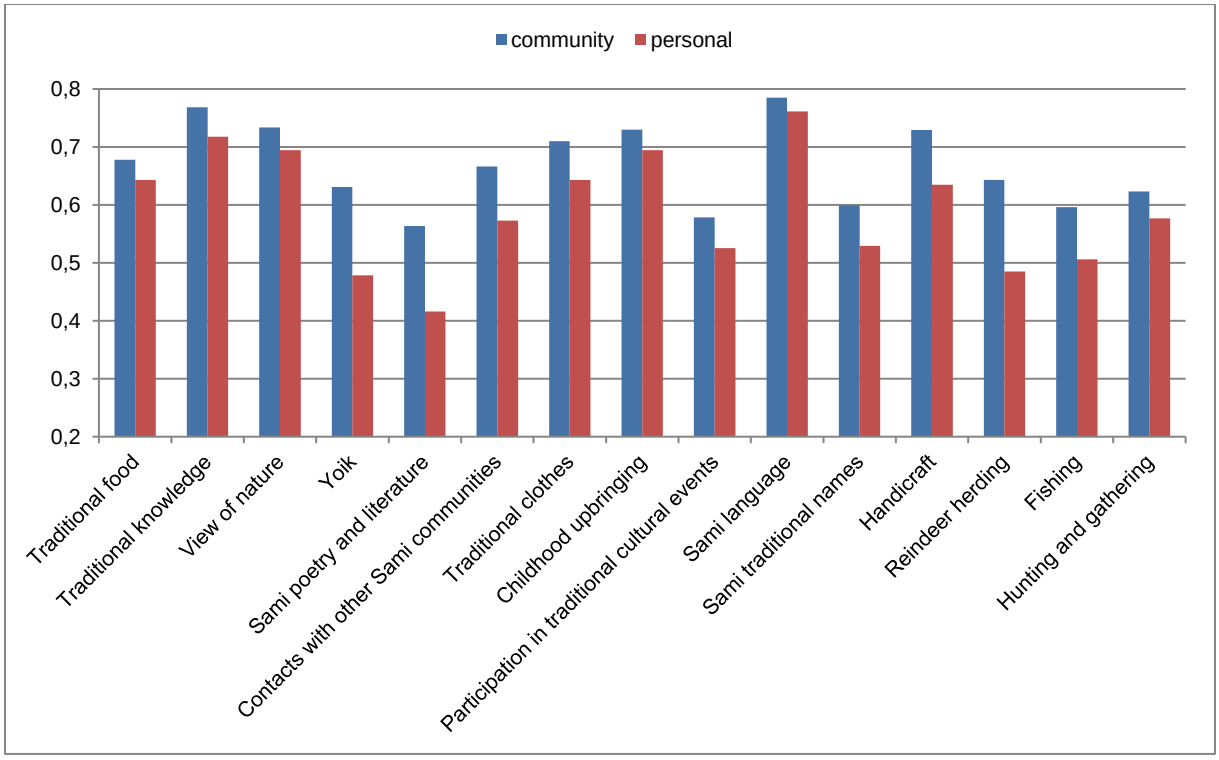
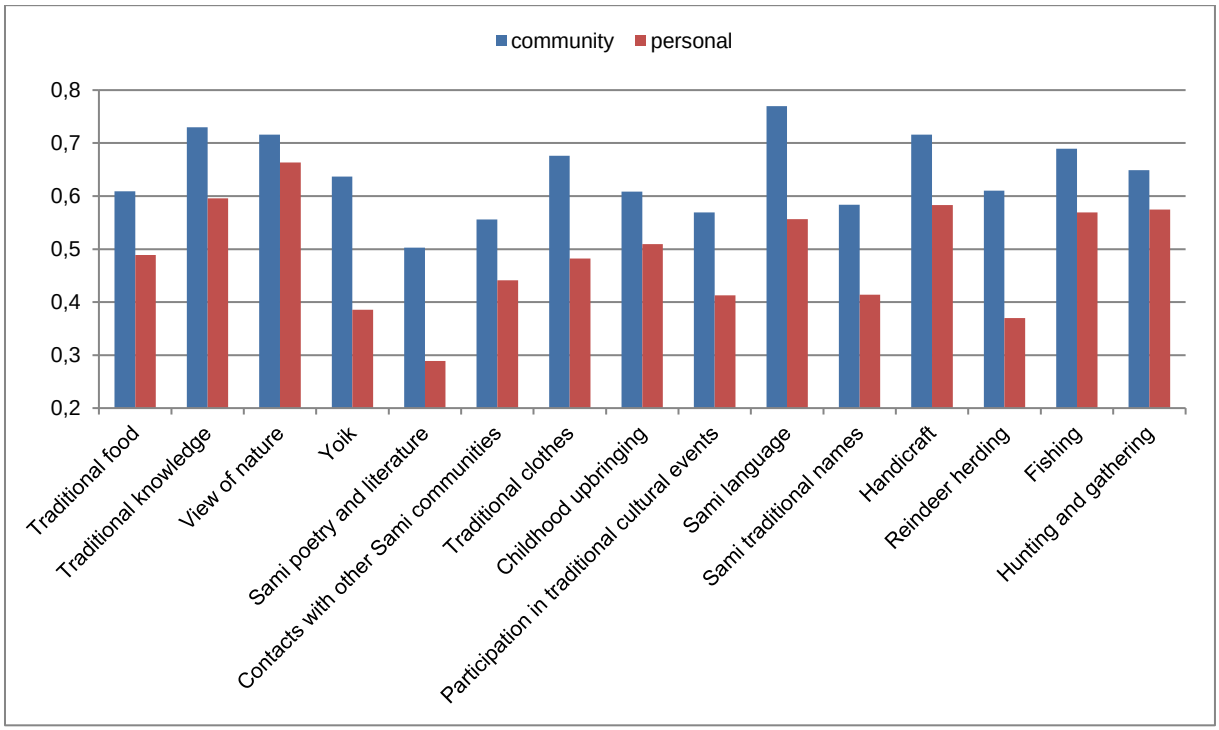


Chart 6.3: The view on the personal Sami identity and the identity of the Sami community expressed by the participants who do not speak the Sami languages



The biggest difference these charts show is in the view on the personal identity. While both groups find all observed phenomena somewhat similar in importance for the Sami communities, the non speaking Sami find almost all phenomena less important for their own identity. The one phenomenon that does not follow this trend is fishing which is more important for non speaking Sami than to Sami speaking participants. Childhood upbringing, poetry and literature, yoik and contact with the Sami communities are rated low among non – speaking Sami participants. This could be due to the importance of language for participation in these activities. There is a strong connection between language and identity. The Sami identity is defining for 52 percent of the participants who speak the Sami language and for 12 percent of them who do not. The high percent of participants who do not speak Sami but find their Sami identity very important (64 percent) and their desire to learn the language can be indication of their need to get back to the community on equal terms with other Sami people.

When asked: are you satisfied with the contents in Sami in newspaper, on the radio, TV, internet; 33 answered yes, 67 answered no and 10 did not answer. Comment

section shows that participants are mostly satisfied with the quality of contents and language but not with the quantity. Also, some participants would like greater diversity in the Sami languages. To the question: are you satisfied with the number of kindergartens, schools and universities that offer programs in the Sami languages; 23 answered yes, 79 answered no and 8 did not answer. As the percentage of the participants that responded no suggested, the comment section proved frustration and deep disappointment with the possibility to receive education in mother tongue for the Sami children and youth. Some of the participants even connected personal discrimination with the lack of opportunity to receive education in the Sami language. This result is expected as majority of participants expressed high importance of the language and traditional upbringing as defining moments on both personal and community level.

6.2 Degrees of equality

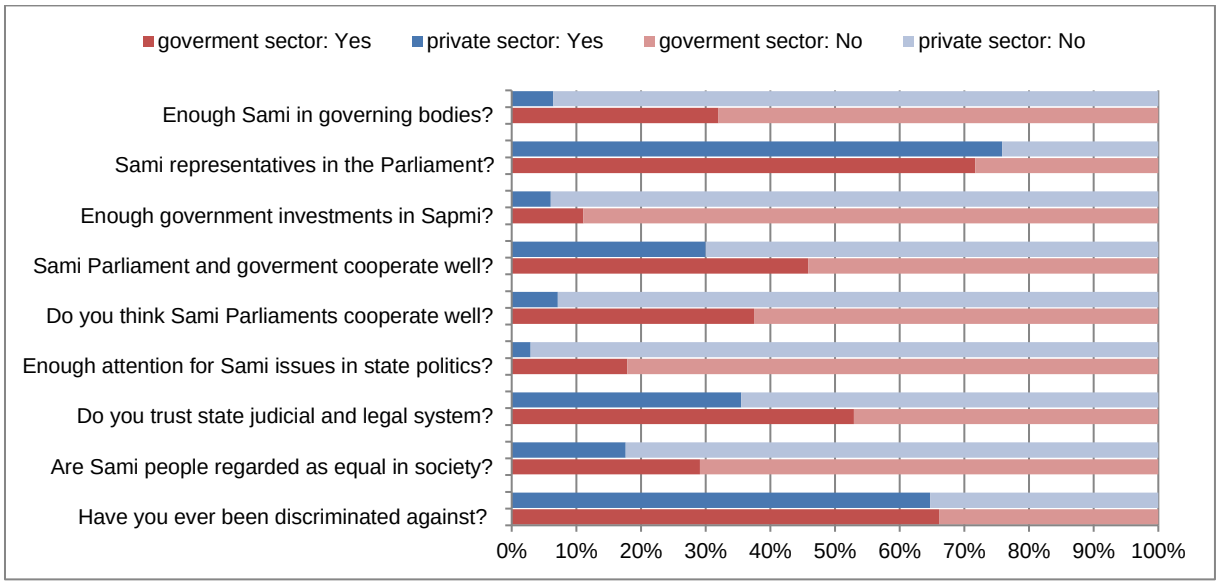
School situation for Sami children in Norwegian schools; we encounter prejudice and attitudes that other things are more important than the Sami. We are often compared with immigrants and weaker groups in society for example hearing impaired and students who need extra support.

Woman, Nordland

After multiple choice questions, participants were presented with a short series of yes or no questions that were aimed at examining the Sami people's previous experiences regarding personal discrimination, their feeling of equality in society and trust in the legal system. The third option, I do not want to answer was also presented. The first question was straightforward: have you ever been discriminated against based on your Sami identity. Out of 110 participants, 109 answered this question and one woman refused to answer. 46 women and 28 men answered yes and 21 women and 13 men answered no, the person who did not specified gender, answered no. The discrimination rate is 69 percent for the Sami in Norway, 56 percent for the Sami in Finland and 71 percent for the Sami in Sweden. In total, the discrimination rate is 68 percent. This question brought many comments. Some participants explained that they chose answer no, although they were subjected to mobbing or “light” discrimination or were discriminated only when they were younger

or not too often. Some participants pointed out that there is institutional and personal discrimination and that it should be differentiated. The question of discrimination also highlighted internalized discrimination, meaning discrimination between the Sami people on the basis of who is the Sami. Since there were no additional questions about different types of discrimination, no analysis can be performed, but it would be an interesting topic for future research. The next question: are the Sami people regarded as equal in society showed that 24 people think that they are and 84 think that they are not. Two participants did not answer. 78 percent of participants find that the Sami people are not regarded as equal in the society. This percentage is higher than the rate of discrimination. The third question from this set was: do you trust state judicial and legal system? To this question 58 said no and 41 said yes. I preferred not to answer was chosen by 11 participants. The total rate of distrust in judicial and legal system was 59 percent. This set of short questions showed that high numbers of participants were discriminated against based on their Sami identities, that the majority of them do not find the Sami people to be equal in their nation states and majority of them do not have trust in judicial and legal system. When putting this number in context of the UNDP Human Development Index for 2015 where Norway ranks 1st, Sweden 14th and Finland 24th (UNDP 2015) or of the Global Democracy rankings for 2015 where Norway ranks 1st, Sweden 3rd, Finland 4th (GDR, 2015), the results come as a surprise. The chart 6.4 shows the difference in opinion between the Sami people working in the government and those working in the private sector.

Chart 6.4: The answers to selected questions based on the employment



The Chart 6.4 shows that there are some differences in opinion. The Sami people working in the government organizations were slightly more often discriminated against than the Sami people working in the private sector but they have more trust in the judicial and legal system and their belief in the equality of the Sami people in the society is stronger. In general, they are more optimistic when answering questions regarding the cooperation between the Sami Parliaments and the governments as well as between the Sami Parliaments in different states. They are more satisfied with the number of the Sami people in the governing bodies and with the attention the Sami questions have in the state politics. Both groups would like the Sami representatives in the national parliaments but the Sami working in private sector are more pro this idea. The differences in opinions can be caused by the fact that the Sami working in the private sector having less information about the work of government organizations and less contact with the members of national parliaments than the Sami working in the government organizations. Also, people tend not to be objective when reflecting on their own work and extra harsh when evaluating the work of those with executive powers.

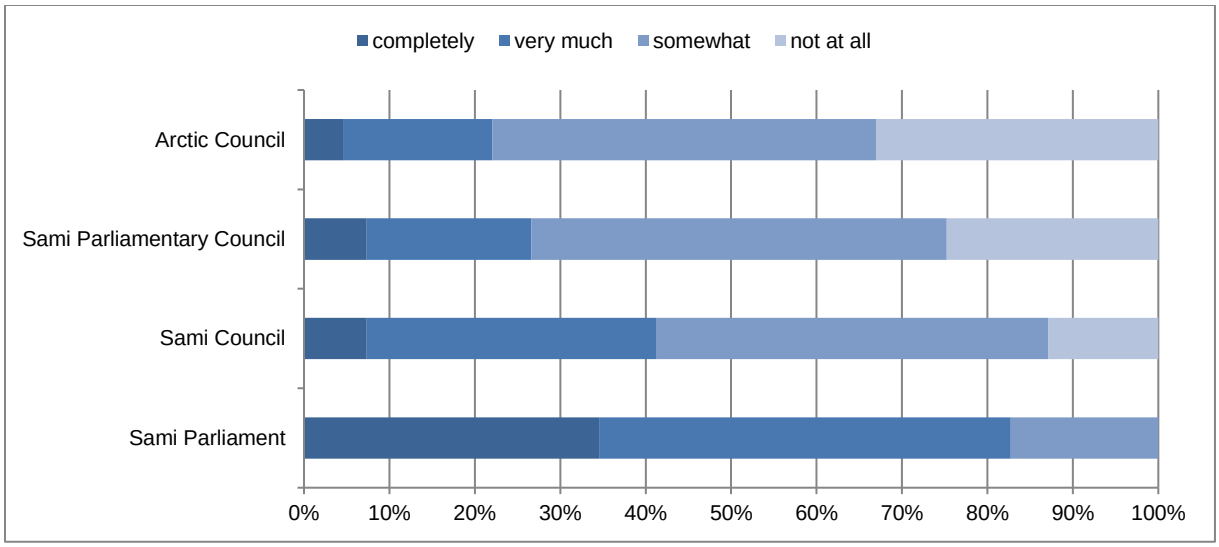
Now the participants were asked about their political preferences and behaviours. The question, do you use voting rights had few possible answers; no, yes on the Sami election, yes on state elections, yes on both elections and I prefer not to

answer. The latest option was chosen by 4 participants. 10 participants vote only on Sami elections, 9 only on the state elections, 86 on both elections and 1 does not vote. To the question: do Sami issues receive enough attention in state politics; 12 said yes and 96 answered no. Two participants did not answer. 89 percent of participants think that the Sami questions do not receive enough attention in state politics. In the comment section, participants expressed their dissatisfaction with the quantity of information but also with the tendency of nation states to lack the objective approach. The Sami people are represented in a negative way with little to no focus on their rights. Results show that high numbers of participants are not satisfied with the attention the Sami people receive in the state politics but are very active on the elections; 81 percent vote on both elections and only 9 percent vote only on the Sami elections and 9 percent only on the state elections. The question: are you satisfied with the investments of the government in the Sapmi showed that majority of participants, 92 percent is not satisfied with government transfers to the Sami areas. To the question: are you satisfied with the number of the Sami members in governing bodies (Municipality, Counties, State level) 20 answered yes, 78 answered no and 12 did not answer the question. In the comment section, the participants expressed their satisfaction with the Sami representatives at the municipality level but dissatisfaction on higher levels of government especially the state parliament. To the question: do you think the Sami people should have their representatives in the Parliament 75 answered yes, 26 answered no and 9 did not answered. The comment section showed that participants do not have a firm stand on this question. Some think that they already have opportunity to participate in the work of the government; some are not certain about the model of participation and some seized opportunity to express their dissatisfaction with the work of the Sami parliament and their possible involvement in national parliament. The overall impression is that there is no consensus on this matter but also not enough discussion or individual rethinking of the current situation. When asked, does the Sami parliament cooperate well with the government, 37 answered yes, 56 answered no and 17 did not answer. The comment section showed great dissatisfaction with both the government and the Sami parliament. The government is depicted as not paying any attention to the Sami parliament or to the needs of the Sami people, and the Sami parliament as passive or unresourceful. Participants were not too happy

with the cooperation between the Sami parliaments as well. To the question: do you think the Sami Parliaments in Norway, Finland and Sweden cooperate well, 24 answered yes, 65 answered no and 21 did not answered. The comment section reveals that participants want better cooperation and better understanding of the Sami people as one nation.

The next set of questions examined how familiar and satisfied participants are with the work of several institutions as well as their opinion on the influence and independence of these institutions. The institutions in question were: the Sami Parliament, the Sami Council, the Sami Parliamentary Council, the Arctic Council and the Finnmark Estate Agency. The latter will be analysed separately. The results can be seen at the Chart 6.5.

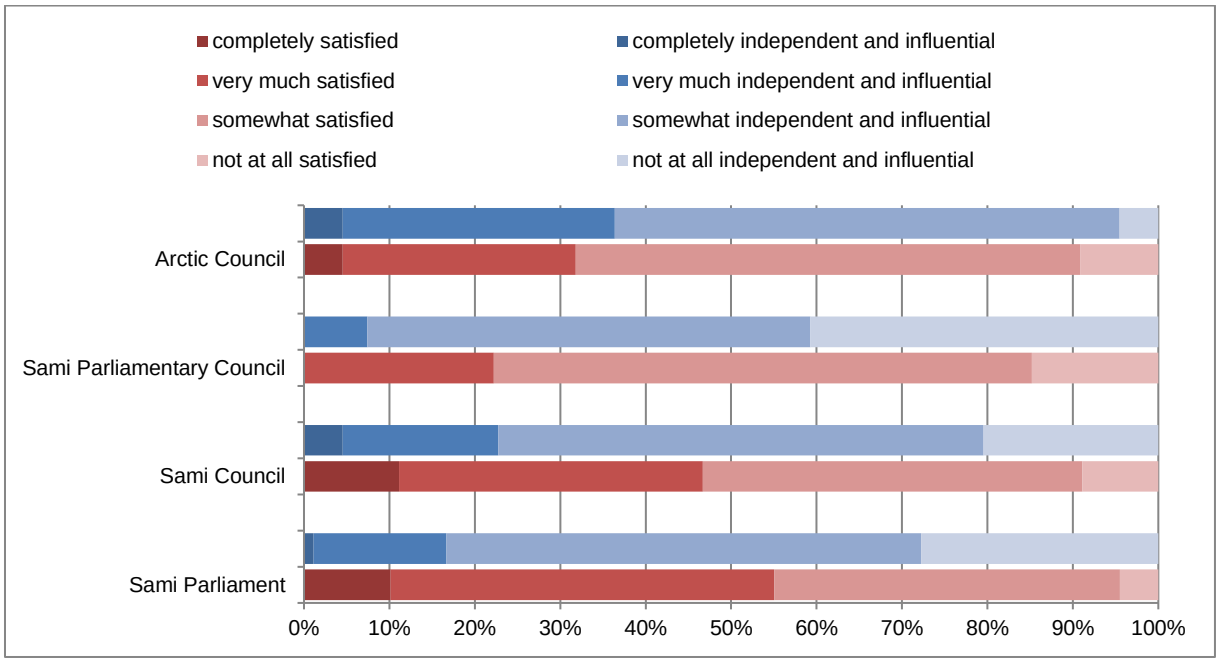
Chart 6.5: Familiarity with the work of selected organizations



As the Chart 6.5 shows the participants are not too familiar with the work of all the Sami organizations or with the Arctic Council. The best known is the Sami parliament, 83 percent is completely or very much familiar with its work. The Sami council is the next most familiar with 41 percent of the participants that are completely or very much familiar with its work. The work of Sami Parliamentary Council is known to 27 percent of the participants and Arctic Council to 22 percent. The level of familiarity with the work of the Sami Parliamentary Council and the Arctic Council are extremely low and the work of the Sami Council is a mystery to almost 60

percent of the participants. These results show that these institutions are not in touch with the Sami people; that they do not reach or do not put sufficient effort to make their work publicly visible. Only percent of 36 percent of the participants are completely familiar with the work of the Sami Parliament, which is a low rate and can possibly result in decrease of voters and interest in politics. The level of satisfaction with the work of these institutions and their independence and influence were further examined and presented in the Chart 6.6. Only the opinions of the participants that are completely or very familiar with these institutions were analysed.

Chart 6.6: Level of satisfaction with the work of different institutions and their independence and influence



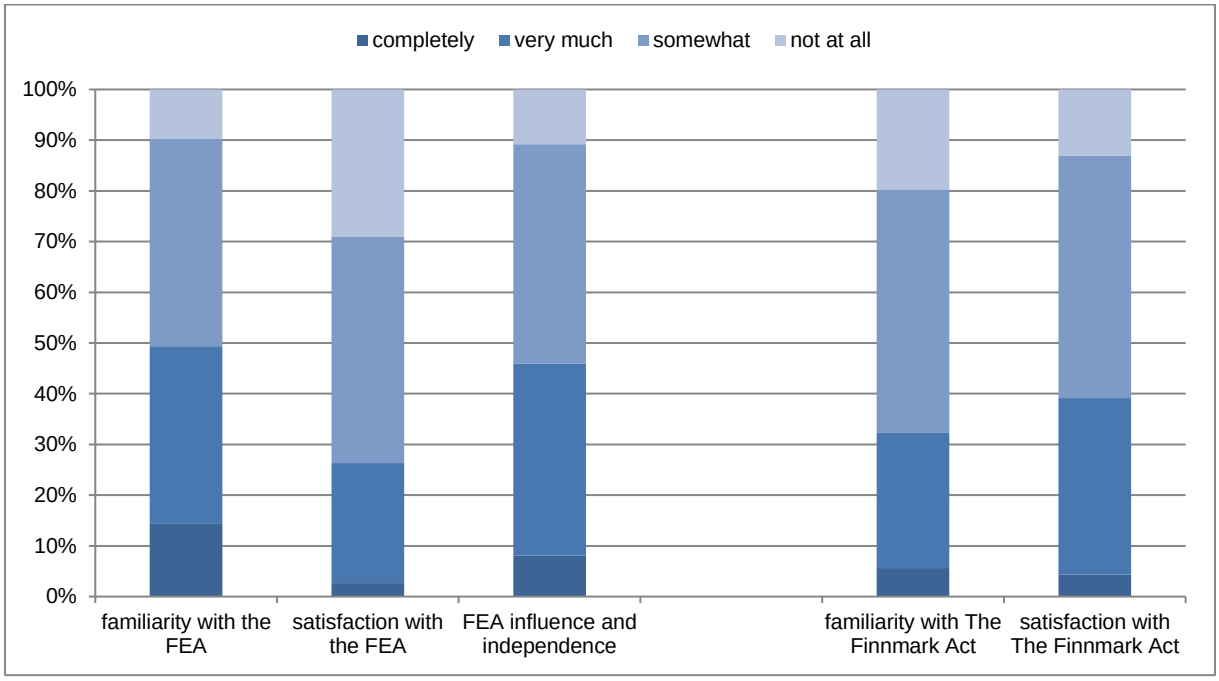
The Sami Parliament proved to be the institution, whose work is best known among the participants, but only 10 percent of them are completely satisfied and additional 45 percent are very satisfied with its work. This is the only organization that more than 50 percent of participants rated with good marks. The next is the Sami Council; 11 percent are completely satisfied and 36 very much with its work. With the work of the Sami Parliamentary Council not even one participant is completely satisfied but 7 percent of them are very satisfied. With the work of the Arctic Council 5 percent is completely and 27 percent is very much satisfied. Again, the rate of satisfaction is worrisome. This can be partially explained by the level of independency and

influence seen through the eyes of participants to this survey. Only 1 percent finds the Sami Parliament completely and 16 percent very independent and influential. The Sami Parliament directly represents the Sami people in the nation state, it is the Sami people's mechanism for political participation and the way they can influence their future in the political arena. If the Sami people are not confident in their political leaders, satisfied with their work or if they do not find that their political organizations have the equal opportunity in negotiations as other organizations or individuals, then no true progress can be made, the gap will get bigger and the dissatisfaction will grow. Since all Sami Parliaments are relatively young organizations and the Sami people had been given the chance to participate in political life of nation states only couple of decades ago, these problems could be beginners struggle. The democratic models in Nordic countries are imposed on the Sami people but are not exactly in line with the traditional Sami governance or created to be considerate to the Sami traditions. This one-sidedness of the process makes another problem to this newly established cooperation. Therefore, with time and effort from both sides, these percentages could look different. As other Sami organizations are concerned, the participants did not find them much more independent or influential. The Sami Council is found to be completely independent by 5, and very much by 18 percent of the participants and Sami Parliamentary council is found completely independent and influential by none. Only 7 percent of them found this organisation to be very influential and independent. The Arctic Council is not the Sami organization, but the decisions made by it have long lasting and deep effect on the Sami people in whole Sapmi. This is recognized by some of the participants, 5 percent thinks it is completely and 32 percent it is very independent and influential. However, only 5 percent of participants are completely and 27 percent very satisfied with its work. Since a lot of participants are not familiar with the work of this organization there is a need in the Sami societies to get more active and familiar with the main players in their homeland.

There is one more organization that should be analysed and it is the Finnmark Estate Agency. The reason it is separated from the previous analysis is that it has effect only on the Sami people in Norway and only in Finnmark County. The level of familiarity, satisfaction and influence and independence are presented in the following Chart 6.7.

The same chart also presents the familiarity and level of satisfaction with the Finnmark Act. The analysis of the satisfaction level and influence and independence takes into consideration only the answers of participants who are completely or very much familiar with the Finnmark Estate Agency or the Finnmark Act.

Chart 6.7: The Finnmark Agency and the Finnmark Act

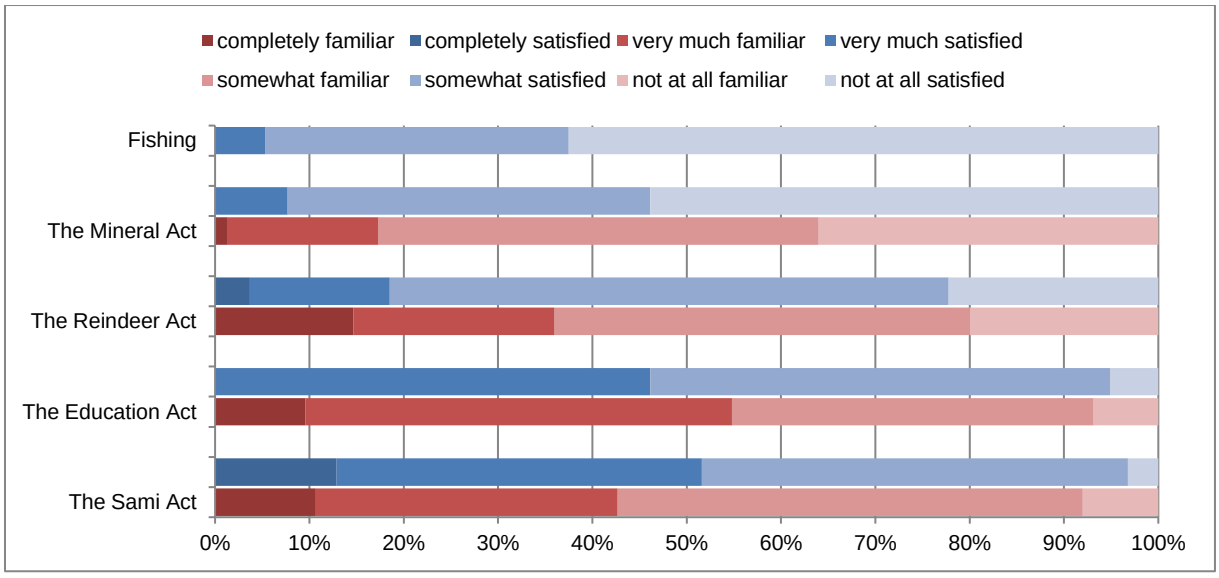


The Chart 6.7 shows that not even 50 percent of participants are (completely and very) familiar with the work of Finnmark Estate Agency. The rate is even worse for the Finnmark Act, 32 percent. Those results are not very good since the majority of participants were the Sami from Norway, 84 of them, and majority of them were from Finnmark 52 participants. The satisfaction with the Finnmark Estate Agency is low, 26 percent, but 46 percent think that this agency is influential and independent in its work. Satisfaction with the Finnmark Act is greater than with the Finnmark Estate Agency, 39 percent of participants are either completely or very satisfied with this legal solution. These numbers show great room for improvement, mostly on the side of the Finnmark Estate Agency. The Agency needs to get closer to the citizens, make its work more publicly accessible or maybe include more people in its work or even expand the scope of its work. The Finnmark Act does not protect the rights of the

coastal Sami and this could be the next field for the political struggle of both, the Finnmark Estate Agency and the Sami Parliament of Norway.

The analysis continues with the new set of questions that aimed to determine how many participants are familiar with other legal solutions that have impact on the Sami people's lives and satisfaction with these solutions. When analysing the level of satisfaction, the opinion of the participants not familiar with the legal solutions were not taken into consideration. The analysis is somewhat different for Norway and Sweden and Finland, so different set of Charts is presented. First, the situation in Norway will be presented in the Chart 6.8 that shows the familiarity with the chosen legal acts and the level of satisfaction with these legal solutions.

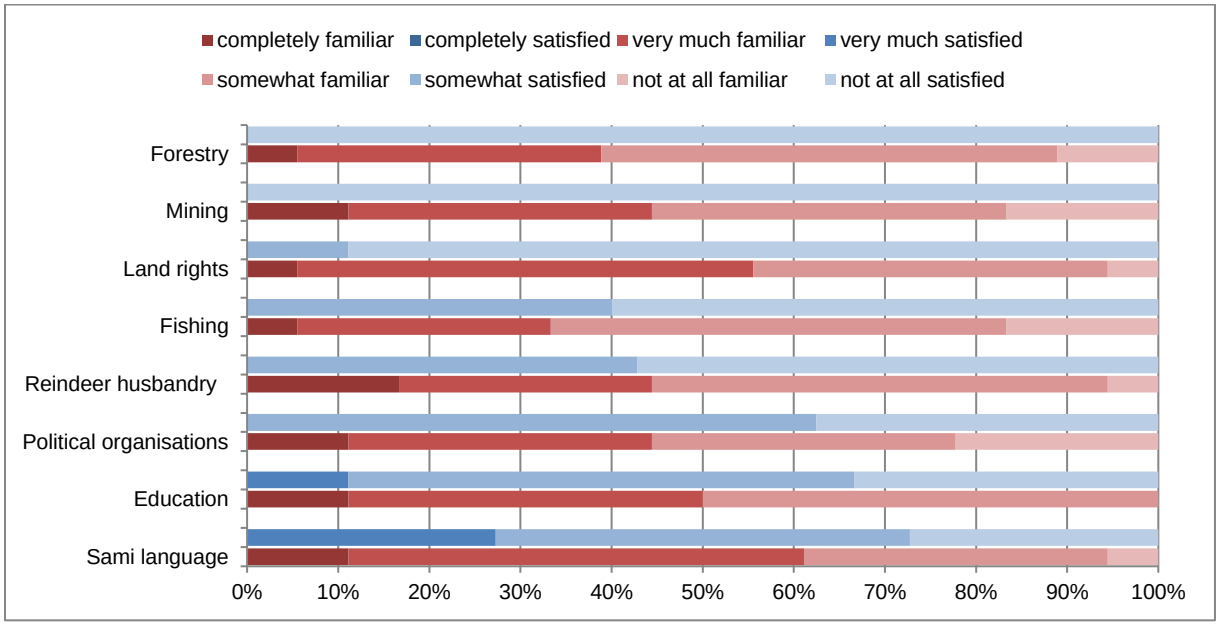
Chart 6.8: Familiarity and satisfaction with the legal acts in Norway



The Chart 6.8 shows that the participants from Norway are most familiar with the Education Act, 55 percent and the Sami Act, 43 percent of the participants. Of those that are familiar with these acts, 46 percent are completely and very satisfied with the Education Act and 52 percent with the Sami Act. Next comes the Reindeer Act that is familiar to 36 percent of participants, and 19 percent of them are satisfied with it. Only 17 percent of the participants are familiar with the Mineral Act and 8 percent of them are satisfied with it. There are no legal solutions that would protect the rights of the coastal Sami and only 5 percent of participants that are aware of this situation find it

satisfactory. The Sami languages and traditional education are very important or even more important than traditional occupations for the Sami communities and Sami identity of the participants so it is no surprise that the Education and the Sami Acts are best known. The level of dissatisfaction with the number of the Sami kindergartens, schools and universities, as well as with the Sami contents in the media and political life would suggest that the Sami people should be more aware of these legal solutions. The results for the Mineral Act and the Reindeer Act are even worse. With this low level of familiarity, it is hard to expect that level of satisfaction can get any better. For any meaningful political action the majority of population should be better informed and more involved. The desired changes can happen only with better education, more public discussions and debates, quality research that will help form opinions and clear demands that will then be presented to the Norwegian government. The comment section reveals that the Sami people do not necessarily have such negative view on the laws themselves but are highly dissatisfied with the enforcement of these laws. The situation in Finland and Sweden is somewhat different. It is shown on the Chart 6.9.

Chart 6.9: Familiarity and satisfaction with legal solutions in Sweden and Finland



The results for the Sami in Sweden and Finland should be taken with caution because of the very low response rate of the Swedish and Finnish Sami. This is the

reason no concrete conclusion can be made, but some things must be noticed. The level of familiarity with the legal solutions is greater than in Norway, but the level of satisfaction is much lower. The legal solutions regarding the Sami languages and educations are the only legal solutions that were seen as very good by some participants. No legal solution was seen as completely satisfactory and participants found the legal solutions regarding forestry and mining not at all satisfactory. These results once again emphasize the urgent need for Sweden and Finland to adopt international norms regarding indigenous peoples, starting with the ILO Convention No. 169. The legal systems in these countries need to include the protection of the Sami people to much greater extent. Also, there is a need for further research of the situation of the Sami people in these European Union member states.

6.3 Cooperation or competition?

The Norwegian government does not give enough financial support to the Sami parliament and to Sami matters and areas. But the Norwegian state is interested in investing in or supporting industry that affects the Sami areas in a negative way, for example mining and wind-mills.

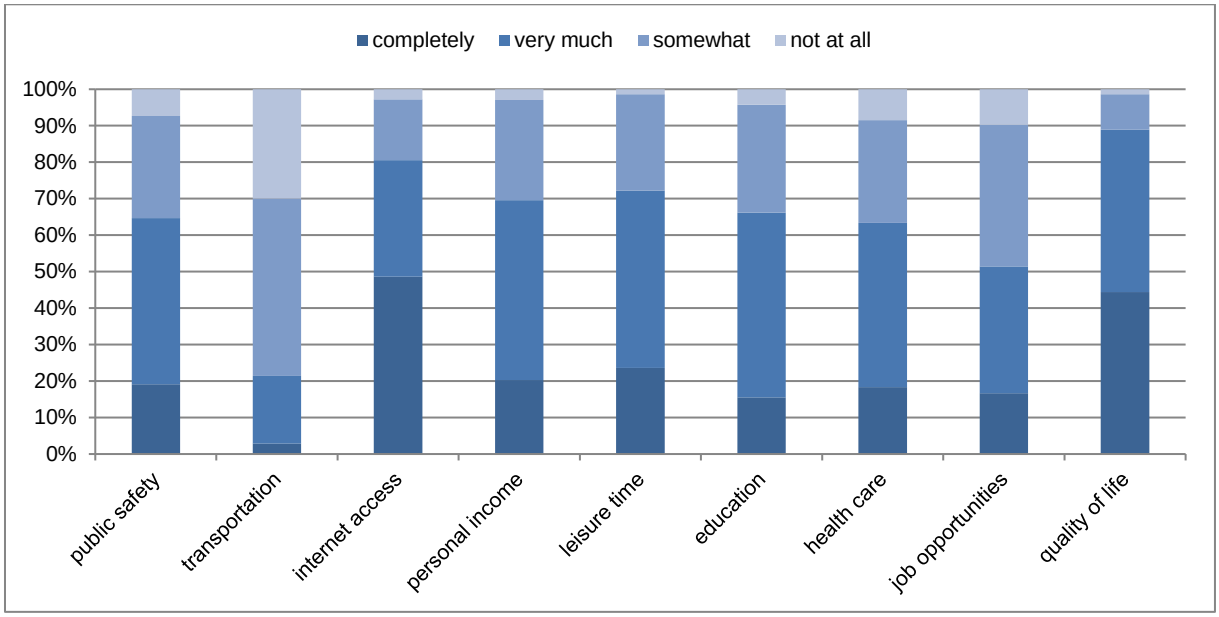
Woman, Finnmark

The last part of the survey started with question whether communities are changing due to globalization trends. 25 answered that communities are changing in a positive way, 63 in a negative way, 4 participants answered that nothing has changed and 18 did not answer. This proved to be a confusing question. In the comment section, some participants said that it is difficult to answer and some tried to explain themselves, but the majority said that the communities changed in both positive and negative way and that it is difficult to compare these different changes. Many participants were unsure about this question and unwilling to answer it.

The next set of questions was aimed at questioning the satisfaction with the quality of life in participants' communities. Participants could rate how satisfied they are with public safety, transportation, internet access, personal income, leisure time, education, healthcare, job opportunities and quality of life in general. The participants could choose between not at all, somewhat, very much and completely. Some of the

participants choose the fifth option: I do not want to answer. This set of question also did not bring many comments. The following chart 6.10 shows results for the northernmost parts of Norway.

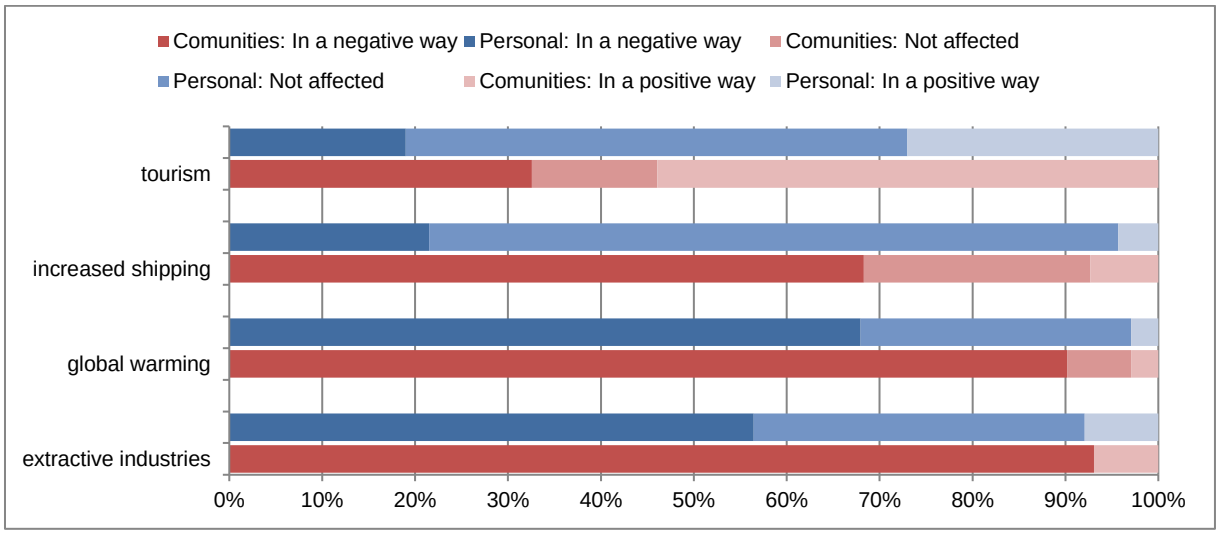
Chart 6.10: The satisfaction with the quality of life in the selected areas



The participants expressed high level of satisfaction with the quality of life. The satisfaction is the highest with the internet access, leisure time and public safety. The most problematic areas are transportation, job opportunities and healthcare. The problems with transportation can partially be explained with the big distances from one place to another in the north part of Norway and with harsh climate. Dissatisfaction with health care can also be explained with the great distances from smaller villages to towns or cities where health facilities are placed. The problem of the lack of job opportunities is present to some extent in the north parts of all Nordic countries with smaller towns being more affected. For the quality analysis of these phenomena, the comparative survey in the rest of the country should be conducted. In general, it can be said that the Sami people do not live in underdeveloped or unorganized communities but are sharing the benefits of Norway's development. The overall satisfaction with the quality of life proves this finding. The issue seems to be more connected to the fact that the development sometimes comes at the expense of the Sami culture and traditional livelihood.

The next set of questions again started with a yes / no question: do you think that you have access to all relevant information regarding positive and negative effects of extractive industries; to which 18 answered yes, 82 answered no and 10 did not provide an answer. The few comments from the comment section revealed that participants feel that they are exposed to the positive side of extractive industries only. To look deeper into the relationship with industries a set of question was formed to examine the effect of extractive industries, tourism, global warming, and increased shipping in the Arctic on the participants and their communities. Participants could choose between not at all, in a negative way, in a positive way or they could decide not to answer. The results can be seen in the Chart 6.11.

Chart 6.11: The effect of selected industries on the Sami communities



Again, these results should be approached with some caution. Many participants did not answer to the question how increased shipping in the Arctic and tourism affect the Sami communities. The possible explanation for the low response rate on the question of the increased shipping is that participants were not aware of the connection between shipping and local communities, but were able to determine how it has affected them personally. For the tourism, it is possible that participants were not sure how it has affected communities, but had fewer problems in determining how it has affected them personally. Participants found other problems easier to describe. This is especially true for the extractive industries. Almost 95 percent of participants are certain that extractive industries have negative effect on the Sami communities. It

is interesting that none of the participants thinks that extractive industries do not affect the communities. The extractive industries have affected the participants in mostly negative way, some were not affected and less than 10 percent were affected in a positive way. By the participants' opinions, the global warming has negative effect on the Sami communities. Only 3 percent of the participants think that global warming has positive effect on the communities, but those 3 percent also find that global warming has positive effect on them personally. When increased shipping is concerned 68 percent of the participants think that it has affected the communities in a negative way and 7 percent that it has positive effect. Personally, the majority of participants were not affected by it. The most positive effect on the lives of the Sami communities and the participants has the tourism. 52 percent of the participants have experienced positive changes due to increased touristic activities. Positive effect of tourism can be explained with job opportunities in both traditional occupations, like handicraft and reindeer herding but also in commercial activities like restaurants, hotels, transportation and service. Also, tourism is more environmentally friendly than shipping or extractive industries and the Sami people cherish their connection to the land.

The last set of questions is comprised of three yes / no questions. To the first: do you approve mining in the Sapmi, 10 answered yes, 92 answered no and 8 did not provide an answer. To the second: do you approve oil drilling in the Arctic, 6 answered yes, 98 answered no and 6 did not provide an answer. The third and final question in this set was: are you satisfied with the distribution of wealth from extractive industries. 3 answered yes, 94 answered no and 13 did not provide an answer. So, against mining are 90 percent of the participants, against oil drilling are 94 percent and 97 percent of the participants are not satisfied with the distribution of the wealth. Those are very high rates of dissatisfaction with both the extractive industries and wealth distribution. This could be expected. The participants were not satisfied with the legal solutions regarding extractive industries, they were not satisfied with the work of their legal representatives, the Sami parliaments, with the level of independency and influence the Sami parliaments have and with the level of equality the Sami people have in the Nordic societies. The fact that the Sami people have no legal option to reject projects by extractive industries; that traditional

occupations never have precedence over the new mines and that at the same time local communities do not participate enough in the profit sharing is a guarantee of frustration, dissatisfaction and bitterness. The comment section reveals that the Sami people are not necessarily against oil drilling and mining, but are very concerned about the environmental impact and community development. They are not so much against new projects but are unhappy with the ways that these projects have been done until now.

The survey ended with two open ended questions. In the first, the participants were able to express their feelings towards future: what do they want for themselves, their children and grandchildren in the future. In the last question, the participants could send a message to the author of the survey by giving advice on what could be done to better understand the Sami culture. 84 answered the first question and 74 answered the second. These two questions were intended to give the participants the opportunity to think, reflect and express ideas they could not express through the strict form of the survey or to say what they think of the survey itself. The questions were for them as much as for the researcher's curiosity. The participants sized the given chance. The comments were sincere, positive, detailed, generous, sometimes very funny, but always very kind, well – wishing and honest. They also gave good suggestions how to improve the survey and the work in general.

7 CONCLUSION

Through the time, there were many who have researched, and the Sami community has not seen anything of that research. Is there anything you can find out that can come in handy for the Sami community?? How? I ask that you think about this.

Women, Finnmark

The aim of this Master's Thesis was to examine the current legal, economic, social and cultural position of the Sami people in the Nordic countries regarding the rapid and extensive changes in the Arctic. In order to do so several things were examined. First, the Sami history has been presented with special emphasis on the traditional occupations, gender balance, spirituality and languages. The colonial period was thoroughly evaluated due to its importance for the present day Sami people. During their long history, the Sami people adapted to the Arctic surroundings by developing different social systems, languages and occupations but cherishing the mutual cooperation and connections. The Sami living in the fjords developed traditional fishing techniques; the Sami in the mountains semi-domesticated reindeer and some communities specialized in hunting and gathering. The differences in traditional occupations together with big spatial distances between communities resulted in development of ten variations of Sami languages with many dialects and sub dialects. Today the most spoken is North Sami and the Sami language is one of the official languages in Norway. The spiritual life of the Sami people before colonization was rich, orally passed to the next generation and with clear gender roles. It was a polytheistic system, based on an animistic perception of the world and a shamanic cult. The forced Christianization that began in 12th century, spread slowly and led to the separation between the coastal Sami and reindeer herders. Christianization also helped in the normalization process in which the Sami people become in a way part of the colonizers' society. This gave legitimacy to the assimilation and later on to the integration processes. For these processes, the educational system and language policies were very important. In the past Norwegian, Swedish and Finnish governments had forbidden the usage of the Sami languages in all spheres of life and through educational system forced their (official) language on generations of the Sami people. This lasted until the end of 20th century when these policies were abandoned and the Sami people were recognized as indigenous peoples in all Nordic countries. Nevertheless, the consequences are still present because many

Sami people do not speak the Sami language and feel excluded from their communities because of it. The Sami are one people living in four countries. In this work, the greatest emphasis was given to the Sami living in Norway, while the Sami in Finland and Sweden were examined to the lesser extent. The Sami people in Russia were included in the research whenever possible, but the language barrier and shortage of literature made it difficult to obtain conclusive results.

The controversial decision by Norwegian government to build the useless and harmful dam on the Alta River triggered the beginning of the Sami political uprising and ultimately changed the legal position of the Sami people in all Nordic countries. Today, every Nordic country has the Sami Parliament through which the Sami people express their political will and which works on the protection and preservation of the Sami people's culture, traditions and rights. Although very similar, the Sami Parliaments differ in the level of independency and budget power. The Swedish Sami Parliament is actually a Swedish government institution, the Finnish Parliament has such a small budget that it has no real power and Norwegian Parliament is limited in its reach and decision making power. The limited power of all parliaments is best seen when the mining on the Sami land is in question. None of the Parliaments can turn down a mining project and protect the grazing area for reindeer herding. The best the Parliament can hope is to get into the negotiation regarding environmental protection and contribution to local societies by big mining companies. In Norway, the problem goes even deeper with the Sami Parliament not protecting the rights of the coastal Sami in any way. The coastal Sami of Norway are probably the most ignored and disregarded group of the Sami people, closely followed by the reindeer herding Sami of Finland, who do not have exclusive right to herd reindeer and are in minority among the Finnish reindeer herders. The powerlessness of the Sami Parliaments is not their only problem. The survey showed that the Parliaments are alienated from the Sami people; their work is neither recognized nor found sufficient. The Sami people have never expressed intention to achieve the territorial self-determination; rather their political goals are autonomy in Nordic society in respective countries, with emphasis on the cultural rights and cooperation between all nation states. The work on the cultural rights is bearing fruit because the Sami languages are legally protected, they are in official use in all segments of life in the Sami area and the Sami

children have the possibility of education in the Sami language. There are many cultural institutions that promote and protect the Sami language and culture. There is still much work to be done on the legal autonomy in the field of the land rights and rights regarding traditional occupations and the results are uncertain.

One of the reasons for low level of satisfaction with the Sami governing bodies can be found in legal solutions that affect the Sami land and traditional occupations but do not protect, or like in the case of fishing in Norway, do not even consider the Sami people. The land rights are sensitive questions in all indigenous communities and the Sami people are no exemption. The colonizing states declared all land ownerless and gave it away to settlers. The rest of the land was declared government property. Today, the Sami people do not have land rights and are still having problems protecting their traditional grazing lands from different industries. The mining industry is the most invasive industry due to big impact it has on the environment. The mine destroys land and water; it offers short term job opportunities and takes away almost all of the profit. All Nordic countries have mineral strategies and mineral laws. Sweden has the largest mining sector of the Nordic countries but its Mineral Act does not include any explicit references to the Sami rights or reindeer herding, which can be found in the Finnish and Norwegian Mineral laws. The Norwegian and Finnish mineral acts do not leave any room for the Sami people do reject mining projects. The mining interferes with the reindeer herding, the Sami traditional occupation. Reindeer herding is heavily regulated industry with many obstacles for reindeer herders. This is also a sector with a very high rate of government subsidies. The coastal Sami in Norwegian fjords are not mentioned in any Norwegian law on fishing. The fishing industry is very important sector in Norwegian economy; it is technologically very advanced and legally very controlled. The Sami people that approach the fishing in a traditional way are put in disadvantageous position.

The Sami people cannot be observed separately from their Arctic homeland. Today the Arctic is rapidly changing due to climate change and human interference. The global warming is melting the sea ice making the shipping in the Arctic Ocean easier than ever, but it also intensifies the thawing of permafrost, which then makes transport and herding more complicated. The Arctic is a home to almost five million

people, some of them indigenous, some of them settlers. The great distances and harsh climate made it more difficult for industries to prosper, but with the modern technology and communication networks new solutions are overcoming once insurmountable obstacles. The globalization has changed the face of the Arctic for good and brought interested parties from all over the world. China, India and European countries are trying to get their place at the Arctic Council table, a place where all major decisions concerning the Arctic take place. These countries are expressing deep concern for how the environmental change happening in the Arctic that will affect their societies, but at the same time, neither the Arctic Council, nor the indigenous peoples of the Arctic have a saying on the environmental policies of those countries. This looks like one-sided game in which the indigenous peoples are on the losing side. At the Arctic Council the Sami people have a status of permanent observer and are a party in consultation process in matters concerning them but have no power of veto or any other way to truly influence the decision making process.

To gain better understanding of these issues from another perspective a survey among the Sami people has been conducted. The response rate was low, so the findings should be observed with caution. The results showed that the Sami people experience great level of discrimination, do not find that they are equal to other citizens, do not believe in the legal and judicial systems and are not satisfied with the work of the Sami parliaments. They vote regularly but are not familiar with the most important regulations concerning the Sami people. Participants emphasize the importance of the Sami language, traditional knowledge and view of the nature for the Sami communities, while there is not so big support for the traditional occupations. Although participants are not satisfied with the legal solutions concerning land rights, fishing and reindeer herding they are mostly oriented toward the cultural rights. The Sami people do not reject development project, in contrary, but believe that the rules of the game must be changed. In general, the Sami people live in similar social conditions to other citizens and are generally satisfied with the quality of life. There is, however, a degree of confusion on how to proceed in the situation of the rapidly changing environment, greater pressure from the extractive industries, powerlessness of the Sami parliament and the disunited and slightly apathetic Sami communities.

At the beginning of this work the hypothesis was: the Sami people have historically the highest level of protection in their respective countries; they are recognized as indigenous peoples and are given right to cultural autonomy, they are politically organized and represented by the Sami parliaments and are observers at the Arctic Council. Considering the study that has been carried out, there are some differences between the expected results and actual findings.

On the surface, everything seems to be good in the Sapmi. The Sami people have high level of legal protection compared to the indigenous peoples from around the world. In their respective countries, they are recognized as the indigenous peoples, and their rights to protection and development of culture and language are respected. They have their own legally elected bodies of governance, political parties and can freely participate in the political arena of their nation states as individuals or through any political party. The Sami people are consulted on matters that concern them and there are no laws that promote discrimination of the Sami people in any way. The battle for greater autonomy in the form of land rights and protection of traditional occupations is still under way, but the Sami parliaments are cooperating with the nation states and the Sami people claims are slowly becoming recognized as legitimate. However, beneath the surface, the story quickly transforms.

The Sami political movements, parties and organizations, including the Sami Parliaments, were set up by Nordic states. They supported, financially and logistically, the beginning of this new phase in the Sami-state relationship. When the Sami issue could no longer be ignored, due to rising the Sami awareness of their indigenous and human rights, and as a means to preserve the reputation of developed democracies in international community, the Nordic countries sat down with the Sami representatives to find the solution. The negotiations were relatively short and everyone seemed satisfied. So, with the government help the Sami political movements, parties, organizations and the Sami Parliament formed and entered the political arena and the process of joint governance started. The governance is well known in the Sami communities, but the Sami worldview, rooted in cooperation, which is reflected in their governance, is very different from western democracy based on neoliberal ideas of competition. The Sami organizations were young and

lacked the experience compared to their counterparts on the Norwegian, Finnish, Swedish and Russian side. Without a doubt, when the Sami people entered political arena a few decades ago, they were optimistic, full of hope and united. Nevertheless, the stage has been set and role of the Sami people was to use the Norwegian model of democracy to elect the few to fill out the positions. On the paper the Sami got their own parliament, the Sami Act, the constitutional recognition, the right to be consulted, the right to use their own language, but the real power is where it has always been, in the hands of Norwegian parliament and international corporations lobbies. The Sami Parliament is financially dependent on the Norwegian government; it cannot overturn any decision by that parliament, cannot bring any executive decision or put any real opposition to the destruction of the Sami land. This created feelings of disappointment and distrust. The disappointment of the Sami people is enhanced even more with the lack of job opportunities to which Norwegian government replies by expanding the government sector where many Sami work today. The huge government sector in the core Sami areas is the main food provider for many Sami families. Other Sami people work in a very small private sector or even smaller sector of traditional occupations that has no real revenue generating capacities to enable the Sami people to break from this unhealthy relationship with the government. The Sami political activities are mostly directed towards cultural rights, mostly the right to the language and its use. But the rights to language in educational and government institutions by itself means little if the enrolment rate in the Sami university is so low and if there is not enough Sami teachers. While the Sami politicians are concerned with how to have more Sami language classes and more Sami cultural manifestations, the rights to land and water, the rights to participate in the negotiations on mining in equal terms are left aside. All this looks too familiar. If the approach, rhetoric and means are different, but the outcomes are still the same, has the colonization ever actually ended?

The situation in Sweden and in Finland is even more complicated. Since both countries are members of the European Union it is that more shocking to observe the situation of the Sami peoples in these countries. Finnish Sami Parliament has more authority than any other, but it is also the least financed institution. The Finnish Sami in traditional occupations are not protected against extractive industries or forestry

and the possibilities to receive education in the Sami language are not satisfactory. The government agency called the Sami Parliament in Sweden should protect the rights of the Sami reindeer herders, but there are no provisions to even guarantee the Swedish Sami right to consultation. The situation where the Sami Parliament represents the Swedish state and the Sami people at the same time is very confusing and it is no wonder that the Swedish Sami people do not trust their Parliament. The impression is that lack of transparency, power and finance has created the situation in which the majority of the Sami people look upon their Sami representatives in the Sami Parliament as some sort of elite that settled on government positions that do not really try to bring the true change and advancement to all Sami people. These two countries are persistent in refusing to sign the ILO 169 convention that will grant the Sami people more rights. The singing of that Convention would at least ensure the Sami people the right to meaningful consultation process, a minimum that a European Union member states should vouch to their citizens anyway and without any pressure from abroad. The Sami people are active in the international indigenous rights movement and that is the right way to proceed in order to put more pressure on Sweden and Finland regarding their international obligations. Until that happens the Sami people in these countries will continue to face structural discrimination and marginalization.

In Nordic states, there is also a problem of dichotomy between the north and the south. The political power and decision-making take place in south, but the majority of resources are in the north where the Sami people traditionally live. The north is often in the spotlight for its large oil, gas and mineral reserves, but the debates take place in the south, where the Sami voices are rarely heard. The Sami are seen to be very different from Norwegians, Swedes of Finnish, interested only in their traditional occupations, opposing progress and the development of the north. This is very far away from the truth. As the research showed and survey supported, the Sami people see themselves as modern indigenous people that participate in all spheres of life that can be found in all occupations, in all sectors of national economy. They also want the development of their homeland, but they are orientated towards the preservation of communities. Since they have occupied the Arctic for thousands of years, the traditional knowledge they have is very valuable and can benefit all, the

Sami and the Norwegians as well as Swedish, Finnish and other settlers' populations in the Arctic. With their desire for progress in a sustainable way they could be a corrective factor in preventing the wild exploitation on the north. Including the Sami people in the debate and the decision-making process could be a way to tackle the challenges of the changing Arctic in a way that would benefit all.

This Master's Thesis began with the short overview of the previous research that served as the starting point for this work. Therefore, it is proper to end it with suggestions for some future research. The first possible direction would be to closely examine the Sami communities concerning their internal dynamics. How easy or difficult it is for the Sami people to leave and come back to their communities, what are the relationships between the individual and group, degree of internalized discrimination and its effect on the Sami people in traditional occupations and those living in the non-Sami areas that are engaged in nontraditional occupations? As this Master's Thesis shows, there is a need to take a closer look into the Sami people's activism and political engagement especially in the context of relationship with the Sami governing bodies as well as a degree of inclusion in the political debate and political movements. The other direction could be to examine the dynamics between the Sami people and the Norwegians (Swedish and Finnish). There seems to be a gap in perception, understanding and acceptance of each other's ideas and worldviews. The distribution of information, resources and power is clearly asymmetrical and in favor of the Norwegians but the question is to which extent, and how is it presented to the Norwegian public. The high level of discrimination against the Sami people, distrust in judicial and legal system and deep conviction that the Sami and Norwegians are not equal proves that there are serious structural problems in the world's most democratic societies. The opening of the Arctic to the extractive industries, shipping routes and development of the technology together with the climate change will pose new challenges before these societies. The better the Sami people and Norwegians understand each other, the greater respect they have for each other's culture, the better solutions can be found. Those are just some of the possible directions in which the future research could go. It would benefit all, just like many participants in this Master's Thesis survey noticed, to observe, to learn and to give back to the community.

Povzetek magistrskega dela v slovenskem jeziku

Magistrska naloga obravnava dva pojava: ljudstvo Sami in Arktiko. Ljudstvo Sami je avtohtono prebivalstvo Norveške, Švedske, Finske in Rusije. So ljudstvo, ki živi v štirih državah in si v njih prizadeva za vzpostavitev svoje neteritorialne avtonomije. Glavni instrument njihovega političnega vpliva so ”Sami parlamenti” v državah, kjer le-ti obstajajo – Norveški, Finski in Švedski, v Rusiji pa imajo zelo omejene pravne možnosti za participacijo in za vplivanje na svoj položaj. Arktika je najsevernejši del Zemlje; zajema ogromen ocean, ki je večinoma prekrit z ledom, in kopno, ki ga obdaja. To je domovina ljudstva Sami. Pet obalnih držav, ki so Združene države Amerike, Kanada, Rusija, Norveška in Grenlandija (Danska), je skupaj z Islandijo, Švedsko in Finsko ustanovilo Arktični svet, medvladno supranacionalno organizacijo Arktike; v okviru Arktičnega sveta sprejemajo vse pomembne odločitve. Arktika je bogata z naravnimi viri , njihovo (industrijsko) izkoriščanje pa vpliva tako na ljudi kot na arktično okolje. Globalno segrevanje pospešeno spreminja podobo Arktike, pretirano izkoriščanje pa ogroža domorodska ljudstva in biološko raznolikost tega geografskega območja. Prvi del magistrske naloge predstavlja ljudstva Sami, njihovo zgodovino, politično organizacijo pravno ureditev in varstvo specifičnega načina življenja ljudstva Sami ter spremembe, ki se dogajajo v Arktiki.

Raziskava temelji na analizi primarnih in sekundarnih virov, naloga pa je sestavljena iz uvoda, petih vsebinskih poglavij in zaključka. Uvod predstavlja cilje naloge, hipoteze, strukturo naloge in uporabljeno metodologijo. Prvo poglavje predstavlja in analizira zgodovino ljudstva Sami. Drugo poglavje obravnava politično organizacijo in delovanje pripadnikov ljudstva Sami v posameznih državah in v regiji. Tretje poglavje predstavlja ključne pravne podlage in politike, ki urejajo in določajo življenje Samijev. Četrto poglavje je namenjeno analizi geopolitične situacije na Arktiki ter raziskuje interese, cilje in strategije različnih akterjev v širši regiji, medsebojno sodelovanje in dogovarjanje, pa tudi upravljanje in urejanje tega območja. Posebno pozornost namenja procesom, razvoju ter družbenim, ekološkim in klimatološkim spremembam, ki jih je mogoče zaznati v Arktiki. Peto poglavje predstavlja rezultate ankete, ki je bila izvedena med pripadniki ljudstva Sami v državah, kjer živijo, zlasti pa na Norveškem, od koder je večina respondentov. Raziskava se osredotoča zlasti na osebne poglede na teme, ki so aktualne za življenje pripadnikov ljudstva Sami in so podrobneje

predstavljene v nalogi. Čeprav je njihov položaj boljši od položaja drugih prvobitnih ljudstev (staroselcev) v drugih okoljih, še zdaleč ni zadovoljiv, kar terja odziv in ustrezne aktivnosti vlad – še zlasti na Švedskem in Finskem, pa tudi večjo angažiranost samih Smijev. Nujno so potrebni ukrepi in politike ter pravna ureditev, ki bodo omogočali obstoj, ohranitev, razvoj ter boljše vključevanje in integracijo ljudstva Sami in njegovih pripadnikov v vseh okoljih.

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