



**Subject: Reply of the Saami Parliament to the request for information concerning the cultural heritage of indigenous people and their participation in political and public life**

**Reference: RRDD/ROLENDB/IPMS**

## 1. Introduction

The Ministry for Foreign Affairs requests the Saami Parliament and the Ministry of Education and Culture to submit their replies to the request for information of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Office requests information from Finland on, inter alia, the following issues: advancing and safeguarding the rights of indigenous people and protecting the cultural heritage of indigenous people, as well as on their participation in political and public life. The Human Rights Council has in its resolution 27/13 requested the Expert Mechanism on the Rights of Indigenous Peoples to prepare a report on the topic to the session of the Human Rights Council in September.

According to Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, indigenous people have the right to maintain, manage, protect and develop their cultural heritage and the intellectual property related thereto. According to Article 5 of the Declaration, indigenous people have a right to maintain and reinforce their political institutions and, at their discretion, fully participate in the State's economic and social life. The World Conference on Indigenous People adopted a Outcome Document in New York 22.-23 September 2014. In the document United Nations and States confirmed their engagement to implementation of Declaration on the rights of Indigenous People. The Outcome Document directs how the obligations of UN Declaration on the Rights of Indigenous People are implemented.

## 2. Saami cultural heritage

### 2.1. In general

Cultural heritage means both material and immaterial historical and traditional heritage from past generations to present. In Finland, Saami cultural heritage has not been defined separately and no provisions are laid down in national legislation on Saami cultural heritage and the protection thereof.

The provisions in the government bill for an Act on the Saami Parliament (HE 167/2014 vp) suggest Saami culture to be defined. According to the bill, Saami culture would include: the Saami language, Saami cultural heritage, Saami cultural expressions, Saami lore, traditional Saami livelihoods and their modern forms of practice, as well as Saami handicrafts and other cultural traditions and forms of culture practised by the Saami people as an indigenous people. In section 5 of the same Act it is provided that the task of the Saami Parliament would be the management of the Saami culture. If the Act enters into force, in the view of the Saami Parlia-

ment, it requires revision of special legislation with regard to the protection of the Saami culture and development of the tasks of the Saami Parliament in matters related to cultural heritage.

Saami cultural heritage includes, inter alia: Saami building tradition, historical objects, Saami costume, handicrafts, skills and traditions related to traditional livelihoods, place names, art, traditional yoik, story-telling tradition, Saami landscape concept, folklore and language. Immaterial and material cultural heritage are very closely connected in Saami culture.

## **2.2. Material cultural heritage**

Finland's National Board of Antiquities as well as the Saami Museum Foundation, under private law, which maintains the Saami Museum in Inari, collect and store Saami tangible cultural heritage, in other words, artefacts and objects. Metsähallitus (the National Board of Forestry) has also collected Saami objects and collates place names and they are included in exhibition activities. Yle Sápmi has extensive archives where Saami music and stories are stored. Traditional Saami music and literary materials are also stored in Universities' archives as well as with the Institute for the Languages of Finland (Kotus). The National Archives has established the Saami Archives in Inari, where archived material concerning Saami culture and Saami homeland can be stored pursuant to the Archives Act. Saami cultural heritage, archived sources and historical objects can also be found in the collections of various museums in the Nordic countries and in Europe,

The Saami Parliament cannot affect how Saami tangible cultural heritage is protected, maintained, stored and displayed. The Saami Parliament can make statements and proposals, but other than that, the National Board of Antiquities and the National Archives as well as the Ministry of Education and Culture direct the management of Saami tangible cultural heritage by virtue of legislation and their financing and decisions. The obligation in the UN Declaration on the Rights of Indigenous Peoples that indigenous people have a right to manage, maintain and develop their cultural heritage, is not fulfilled in Finland.

A majority of Saami tangible cultural heritage is in storage and the archives of museums in the metropolitan areas of various countries. The collection of objects of the Saami Archives is small, because existing parts of archives are not transferred to the Saami Archives. The Saami Parliament has proposed that information in various archives on the Saami should be digitised and YLE's old recording archives should be digitised, because there is a danger that the old audio recordings could be destroyed. Digitizing would at least enable a part of Saami tangible cultural heritage being returned to the Saami people. The proposal did not advance.

## **2.3. Intangible cultural heritage**

Finland has ratified the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage. The Ministry of Education and Culture has issued the preparation of the implementation of the Convention to the National Board of Antiquities. A representative of the Saami Parliament was appointed to the network of experts supporting the implementation. The Saami Parliament has seen the ratification highly important for the intangible cultural heritage. However, it is too early to say, whether implementation of the Convention will safeguard the intangible cultural heritage of the Saami culture better than at the moment and whether the Saami Parliament will be given a genuine possibility to influence the implementation of the Convention.

Saami handicraft tradition is both tangible (actual object or item of clothing) and intangible cultural heritage (expertise related to the manufacture). The Saami handicraft tradition is entirely unprotected from misuse. The tradition is exploited, and products, manufactured in countries of cheap imports, are sold as genuine Saami handicrafts. The Saami costume, which is the symbol of the Saami people's ethnicity, a part of the cultural heritage of all Saami people, a certain area and a certain family, is misused in many ways. Products resembling the Saami costume are manufactured in countries of cheap imports and are sold as souvenirs and in fancy costume stores. Imitations of the Saami costume are also used in tourism as employees' costumes and for tourists to costume up in. The Saami costume has been turned into the property of the whole of Finland, and the tourism industry in Lapland, in particular, without the approval of the Saami people. In addition, the Saami costume is knowingly used for political purposes, because by wearing the Saami costume, a person is instantly considered as a Saami by people outside the culture. Anti-Saami groups have dressed consciously to Saami Costume aimed to create an image that they would be Saami. The Saami costume is a potent symbol and, due to its beauty and recognisability, it is subject to unethical economic and political exploitation. Saami community hasn't had any possibilities to act on the matter. Costume types have also been made that do not correspond to the Finnish Saami costume, but they are recognisable as Saami costume in the eyes of people external to the culture. The Saami cultural heritage is utilised unethically, politically and economically, and the Saami community cannot interfere with it. Saami cultural heritage is in this respect without legislative protection.

Saami traditional livelihoods and the related expertise are a part of Saami cultural heritage. Finland's Saami culture is critically endangered and there is a danger that the Saami language and the Saami culture may disappear from Finland in a couple of generations' time if special measures are not taken. The protection of current legislation does not enable the Saami people to spontaneously develop the Saami culture. The Saami people still have to live under pressure from the dominant culture, which is concretely visible in the Saami people moving away from their homelands, and in the development of the Saami language being endangered. Over 60 % of the Saami people and around 70 % Saami children already live outside the homelands. The Saami population has increased by 158 % from 1962 to 2007. The number of people speaking Saami as their first language has decreased by 16 % in the same time. In 1962 approximately 75 % of the Saami people spoke Saami as their first language, but in 2007 only 26 % of the Saami people spoke Saami as their first language. We may be in a situation in which, in the course of only one generation, the distinctiveness of the Saami culture disappears, and the Saami language and cultural traits are only partly preserved without connection to the Saami livelihoods and homeland.

Part of Saami Cultural Heritage is traditional Saami livelihoods and know-how related to them. Reindeer husbandry and handicrafts are the only profitable sources of traditional Saami livelihoods. Fishing is profitable as an ancillary source of livelihood to reindeer husbandry or tourism. The traditional sources of livelihood maintain folklore, the Saami language, vitality of the Sami homeland and the Saami culture.

The Saami people's potential to practice traditional livelihood, is jeopardised by the competing forms of land use and climate change. Reindeer herding is jeopardised the growing number of large beasts in the Saami homelands. The traditional livelihoods require the protection of special legislation, as well as resources, in order to preserve future vitality of the livelihoods and the Saami forms of culture maintained thereby.

The Saami concept of nature and landscape is a part of Saami cultural heritage. The Saami concept of landscape differs from the dominant culture's concept of landscape. The Saami cultural landscape seems like a natural landscape to a person unfamiliar with the culture. The Saami cultural landscape has been formed by the interaction between nature, the Saami culture and the Saami livelihoods. In the Saami culture land use has been very ecological and permanent structures have not been left behind on the landscape. The Saami cultural landscape is not a built landscape unlike the Finnish cultural landscape, rather it comes across, first and foremost, in values, myths, place names and history related to the landscape as well as land use visible in the landscape. Traditional biotypes in the Saami homelands and traditional biotopes have formed as a result of reindeer/deer grazing. The Saami landscape comes across, most importantly, in place names and land use methods. The place names inform us of, inter alia, the history of land use, myths, livelihoods, animals, vegetation, traditional Saami religion and events related to places.

Construction, climate change and other competing forms of land use jeopardise the traditional Saami concept of landscape and nature. The Saami concept of landscape is based on not leaving tracks or marks in nature. Nowadays, ore is prospected in the area, nature is littered, and new structures are built on holy ground and in areas of natural beauty. The continuous increase and visibility of human presence in the landscape also changes the Saami concept of nature and landscape, and replaces old habits and traditions related to places with new ones.

The biggest threats to Saami cultural heritage are its exploitation, underdevelopment of legislation, and the weak position of traditional livelihoods.

### **3. Participation in political and public life**

#### **3.1. Participation in Saami society and Saami Parliament's scope for action**

The potential for the Saami to maintain their political institutions and participate in the Saami society are good. The Saami people have an opportunity to vote and run in the elections for the Saami Parliament. The Skolt Saami have their representative body in the eastern part of the municipality of Inari, in the Skolt area, which is based on the Skolt Saami traditional communal system, i.e. the Skolt's village meeting. The resources and scope for action of the Skolt's village meeting do not meet the needs of modern society and they would have to be quickly developed.

A constituency association, formed of three Saamis, can present a candidate for the Saami Parliament. Associations and parties cannot present candidates. It is difficult to influence the under-representation of Saami youth and women in the nomination of candidates, and thus also in the Saami Parliament, in other ways than by encouraging the Saami women and youth to stand in the election. The electoral system of the Saami Parliament may lead to under-representation of either sex and different age groups in the Saami Parliament. The Saami Parliament complies with the Equality Act, and at least 40% of either sex must be represented in all its committees and boards. The Saami Parliament has also established a youth council, which improves the possibilities of the Saami youth to participate in the operation of the Saami Parliament and develops the rights of the Saami youth.

The Government proposal for an Act on the Saami Parliament (HE 167/2014 vp) is in parliamentary consideration. The Saami Parliament has approved the legislative proposal. If the Parliament approves the legislative proposal, it will improve the possibilities of the Saami people to participate more effectively in public and political life than today. In the Government proposal

for an Act on the Saami Parliament, the possibility of the Saami people to make an initiative to the Saami Parliament has been suggested to be included in the Act on the Saami Parliament. This would enable further possibilities to influence the operation of the Saami Parliament at times other than elections. The Saami Parliament's possibilities to influence the rights of the Saami people consist of statements, proposals and negotiations conducted with the authorities. The authorities shall negotiate with the Saami Parliament on matters relating to the status, language, culture and livelihoods of the Saami people as well as the development of legislation or land use. The negotiation obligation of the authorities is proposed to be amended in the Act on the Saami Parliament into a cooperation obligation, which would increase the Saami Parliament's de facto opportunities to exert influence.

The government bill for the ratification of the ILO Convention No. 169 (HE 264/2014 vp) is in parliamentary consideration. Ratification of the Convention is supported by the Saami Parliament, but should the Parliament of Finland change the Act on the Saami Parliament in parliamentary consideration in a manner impairing the rights of the Saami people, the conditions for ratification of the Convention disappear. The Saami Parliament has issued information-based, unreserved advance consents to these legislative proposals. Ratification of the Convention would improve the potential for the Saami people to participate in social life better than at present.

Provisions on the obligation to hear the Saami people are laid down in section 37(2) of the Parliament's rules of procedure (40/2000). According to said rules, the committee considering a government bill or other issue concerning the Saami people in particular has to reserve a right for the representatives of the Saami people to be heard by the committee. The provision in the rules of procedure does not require for the committee to consider the proposals made by the Saami Parliament and the committees can also freely request to hear other parties, who have not been referred to in the rules of procedure. In the Parliament of Finland, it has become customary that in considering bills concerning the Saami people, a large number of parties and associations are invited to be heard and even individual persons, who are known to object to the development of the legal position of the Saami people. Controlled and unequally balanced hearings can have adverse effects on the rights of the Saami people, and the views of the parties opposing the rights of the Saami have also been considered in committee statements, in particular, with regard to the Act on the Saami Parliament.

The Parliament has issued a task for the Saami Parliament to represent the Saami people and manage the cultural autonomy of the Saami. The Saami Parliament performs this task in accordance with the legislation by virtue of the authorisation given in the Saami elections. It has been brought forward in the committees and in parliamentary discussions that the Saami Parliament would not have legitimacy to represent the Saami people. Such discussion and disputing the position of the Saami Parliament in authoritative and fiduciary duties diminishes the scope for action of the Saami Parliament, development of the legal position of the Saami people and possibilities of the Saami to participate in and influence social life.

In addition, the Saami Parliament notes that funding of the actual operation of the Saami Parliament is not adequate to cover the costs incurred from the additional tasks of the Saami Parliament. The possibilities for effective political operation of the Saami Parliament are financially limited; the personnel and fiduciary personnel are pushed to their limits in order to perform their statutory duties.

### 3.2. Participation in national public life

Saami people are represented in municipal councils in Enontekiö, Inari, Sodankylä and Utsjoki. The Saami people were elected from the candidate lists of political parties. Furthermore, in Utsjoki and Enontekiö, Saami associations also nominated candidates and some of their representatives were elected. The number of inhabitants in the municipality, politics of the parties, and the proportional share of Saami people of those entitled to vote in the municipality have an impact on how many Saami candidates are elected to the municipal council, and what scope for action they have. In Utsjoki, Finland's only municipality with a Saami majority, the Saami people have limited opportunities to participate in, and influence, the operation of municipal autonomy. The availability of services in Saami language is influenced significantly also by the willingness of authorities to implement in practice the lingual rights of Saami people.

In Finland, there are approximately 10 000 Saami people, of which just over half are entitled to vote. In parliamentary elections the region of Lapland comprises one constituency. In the constituency of Lapland, there are over 160 000 persons entitled to vote. Seven (7) members of parliament are elected from Lapland. According to statistics compiled in connection with the last Saami parliamentary elections, approximately 2400 Saami people of age, i.e., entitled to vote, lived in the Saami homeland. There are approximately 3000 Saami people entitled to vote in the entire Lapland constituency. In the last parliamentary elections, the member of parliament elected from Lapland, who was elected with the smallest number of votes, received just over 3000 votes. In the Saami homelands, there are approximately 10 000 persons entitled to vote. Persons who have declared that they belong to the electoral roll of the Saami Parliament have acted as members of parliament in the Parliament of Finland. Not a single member of parliament elected from Lapland has had the development of the legal position of the Saami people as their electoral theme, nor have they raised the Saami identity in their campaigns. The rights of the Saami people are mainly discussed in a negative light in Lapland. The members of parliament for Lapland have publicly declared that they object to the development of the legal position of the Saami people, in other words, the reform of the Act on the Saami Parliament as well as ratification of ILO Convention No. 169.

Saami parliamentary candidates have in elections been candidates for political parties with a so-called Saami theme, i.e. Saami heritage, and the candidate's Saami identity had a central role in their electoral campaign. In the elections, none of the Saami candidates with a Saami electoral theme were elected. Finland comprises one constituency in the European parliamentary elections. Saami people have been candidates on the lists of political parties in the European parliamentary elections. In the European parliamentary elections the minimum threshold for the award of a seat is high, the smallest number of votes received by an elected MEP was over 30 000 votes.

In national elections, it is almost impossible for the Saami people to have a Saami representative as a member of parliament or in the European Parliament without significant financial support and familiarity on a national level, and not by openly bringing forward the Saami heritage and self-identification as a Saami in the campaign or as a part of the person's identity.

The opportunities of the Saami people to participate in the management of common issues, and to public life, are weakened by anti-Saami writings. The Saami Parliament is extremely concerned about racist public discussion spreading false information and creating and maintaining stereotypes via the Internet, social media, the press, as well as in the operations of the authorities and in fiduciary activities. This has a particularly negative effect on the freedom of speech,

identity of children and young people and courage to participate in the promotion of common issues. In fiduciary duties, the Saami people have to choose either the values of the party and the dominant population or bear harsh public pressure due to being Saami, even discrimination and anti-Saami writings. In particular, Saami children and youth do not necessarily have the courage to participate in public life and influence the politics of the Saami community as well as of Finland as a whole. The increase in anti-Saami mentality may endanger the operation of the entire Saami society and freedom of speech, because as a result of racist writings in social media and the resulting disregard of the Saami people, their own opinions are necessarily not voiced directly.

In the view of the Saami Parliament, racist, disregarding and hostile writings as well as hostile treatment of the Saami people have increased and, in practice, the authorities have not addressed these issues at all. In the Saami Parliament's opinion, this situation needs to be addressed more effectively in all sectors of the society.

Inari, 10/02/2015

Klemetti Näkkäljärvi  
President

Pia Ruotsala  
Executive Director

Board of the Saami Parliament decided upon the reply on 10 February 2015

**Copy sent to:**

The Saami Parliamentary Council  
United Nations Expert Mechanism on the Rights of Indigenous Peoples  
Ministry of Foreign Affairs