

# Metsähallitus aiming at consent with the Sámi Parliament and Sámi communities

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## Present State

Metsähallitus is a state enterprise managing state-owned lands and waters in Finland. Metsähallitus has four remits, of which two business units and two public administration duties. Business units are Metsähallitus Forestry Ltd and Property Development. Public administration duties include Parks and Wildlife unit and Game and Fisheries unit.

In the Sámi Homeland Region total of 90 % of the lands are managed by Metsähallitus. The Act of Metsähallitus defines that the management, use and protection of these areas shall be coordinated in a manner which safeguards the prerequisites of carrying on the Sámi culture.

Total of 72 % of these lands are protection and wilderness areas managed by Parks and Wildlife Unit. All these lands belong to Natura 2000 protection of the EU. No loggings are allowed and any future development plan is strictly regulated by the European Union. Some 13 % of the state lands in the region are special areas with no return requirements and they are managed by Property Development. MH Forestry Ltd manages 15 % of the land area, but only 8 % is in forestry use and 7 % is set aside or low productive areas with no forest management. Game and Fisheries unit is an authority which manages and controls the hunting and fishing permits in all state-owned lands and waters. Management is regulated by specific legislative decrees.

The Act of Sámi Parliament §9 defines that “.. prior consultation with the Sámi parliament is carried out concerning all far-reaching and significant operations and plans which might influence imminently and in a special way the status of Sámi as indigenous people”. In the Act there is separately listed issues such as management, use, lease and sale of the state lands, management of the protection and wilderness areas as well as mineral prospecting, mining and gold extraction.

Metsähallitus has carried out Sámi Parliament Act §9 negotiations in the following matters:

- Natural Resource Planning, in which the principles and targets of the use and protection of state owned lands and waters are defined. This includes the volumes of logging and silvicultural operations for the five-year period.
- Management plans of the Protection and Wilderness Areas. Wilderness areas are statutory areas aiming at safeguarding Sámi culture and traditional nature-based livelihoods.
- Determination of hunting and fishing quotas
- General principles of sales and lease of state lands
- Other issues proposed by the Sámi Parliament, e.g. the management plan of Juutua-Tuulispää recreational forest.

In addition to the statutory §9 negotiations, several other issues have been negotiated and agreed upon with Sámi Parliament and the Scolt Sámi village meeting on voluntary basis:

- Forest management models of the Sámi homeland region
- Cooperation procedures of Sámi reindeer herding cooperatives and Metsähallitus as well as the harmonization of livelihoods. The implementation of this agreement is followed up in yearly meetings with Sámi area reindeer herding cooperatives, Sámi Parliament, Scolt Sámi village meeting and Metsähallitus.
- Voluntary procedure based on the Akwé: Kon principles of the UN biodiversity convention §8J which is used to safeguard the local traditional requirements of the Sámi culture. The Sámi Parliament nominates the members of the group. The group works inclusively in the planning process of wide-scale plans simultaneously with the wider cooperation group representing the local interest groups and communities. The Sámi parliament and other Sámi communities have their representatives also in the wider cooperation group.

Sámi Parliament Act §9 negotiations are not carried out on single matters such as licence-, contract-, lease- or sales issues of private persons/customers. Also detailed logging plans of the state forestry area or the details of the separate agreements with each of the reindeer herding cooperatives are not included in the negotiations signified by the §9 of the Act of Sámi Parliament.

## **Views of further development**

Metsähallitus regards as an important target to develop the §9 negotiations of the Sámi Parliament Act in order to strengthen the mutual consensus. Metsähallitus sees that the negotiations need to be carried out timely to ensure the possibility to make changes to the plans. Metsähallitus emphasizes that the Sámi involvement in early stages of planning is ensured with other voluntary and more local procedures of participation, such as negotiations with local reindeer herders' cooperatives and cooperation groups of planning processes. Also these processes aim at consensual decisions.

Essential qualification of the Sámi Parliament Act §9 negotiations is the genuine opportunity to influence the plans and the endeavour to consent. To formalize the procedure it is necessary to document all the proposals of the Sámi Parliament and how they are included in the plan/principles/decisions. Also if any of the proposals of the Sámi Parliament can not be put into practice, the proposal should be documented and the rationale why it can not be implemented, need to be included in the plan/decision.

Metsähallitus has also discovered that general principles, which have been agreed with the Sámi Parliament either in §9 negotiations or in other processes, should be re-assessed when necessary and in every case regularly, eg. After five-year period. At the moment, principles which could be re-assessed and processed in §9 negotiations are 1) general principles of sales and lease of state lands and 2) forest management models of the Sámi homeland region.

Natural Resource Plan, which is dealt with in the Sámi Parliament Act §9 negotiations, includes informed present state description, land use data, available data of nature and cultural objects, accurate GIS-based maps and calculations of the impacts of the planned operations on eg. forest stand structures and age classes. Management plan drafts of the Protection and Wilderness areas (which cover 72% of the Sámi homeland region) include e.g. available data on nature values, water courses, geology, cultural heritage, routes and constructions of recreational use, fishing and hunting arrangements, other use of natural resources, access and other rights, licences and agreements as well as present state of reindeer herding according to the cooperatives and other issues which might have effect on prerequisites of practicing Sámi culture. These plans also include views on cultural and other values and threats to them as well as measures to minimize the negative impacts. To be able to draft the multitarget plans and reach mutual understanding Metsähallitus also needs the access to the data/knowledge of the operations of the Sámi communities which influence the area and have effect on the plan.

Metsähallitus does not consider possible neither consistent of the intent of the Act, any demands that the operator/planner would be obliged as a precondition to practice its own legitimate activity, to carry on new widescale cultural impact assessments, which would take into account all land use and historical development of the area. These demands have been made lately by certain reindeer herders' cooperatives as a precondition to practice any forestry on state lands assigned to forestry by the Finnish Parliament and the Act of Metsähallitus. The same demands have been made concerning the Protection and Wilderness area planning, single permits for touristic routes and permits for gold panning.

During 2002-2009 there were forest disputes concerning forestry and reindeer husbandry in the region. These disputes were settled in several negotiation processes in 2009-10. Agreements were made with Metsähallitus and local reindeer herders' cooperatives to set aside important pasture areas in forests for 20 years. After this Metsähallitus Forestry has sent every logging plan to the head of each local reindeer herding cooperative and Metsähallitus has not put into practice any such loggings which the local Sámi area reindeer cooperative has opposed in beforehand. The cooperative has minimum of three-week time to answer: either ask for negotiation, suggest changes to the plan, accept it or ask for more time to handle the answer.

Metsähallitus does not practice operations/activities which in European Union or Finland would have legislative obligation to use Environment or Social Impact Assessments beyond the state-of-art multipurpose planning based on detailed GIS-based data and inclusive participation methods which is in practice now. Any large scale activity on state lands or waters, which would need statutory EIA/SIA procedures, would not be possible by Metsähallitus. In case any other operator would plan such an activity on state lands, it would be based on county and municipal level zoning and detailed plans and environment and other permit processes.

## **Enhancing Sámi languages**

Metsähallitus has taken an active role to develop the possibilities to use Sámi languages beyond the requirements of the Sámi language Act:

- Official documents and permits, major plans and other relevant materials published in local Sámi languages
- Translation in major meetings and seminars provided without request
- Sámi language information officer since 2008.
- Web-pages [www.lundui.fi](http://www.lundui.fi), [www.metsa.fi](http://www.metsa.fi), Facebook Sámi meahcit ja luondu
- Guides, signs and exhibitions in Sámi languages
- Cooperation with YLE Sapmi: Unna Junna program and movie camps for Sámi children
- Sámi language place name surveys
- Cultural heritage inventory, care and restoration of cultural heritage sites in the Sámi area
- Enhancing Sámi language skills of Metsähallitus personnel, supporting language studies
- Sámi language skills favoured when hiring staff to the Sámi area customer service