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United Nations Working Group
on Indigenous Populations
[E/CN.4/Sub.2/AC.4]
Sixth Session, 1 - 5 August 1988

Agenda item 6
Outline of the study of treaties,
agreements and other constructive arrangements
between States and indigenous populations

STATEMENT

by

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Madame Chairman:

I thank you for giving me this opportunity to address the Working Group.

I am here at the urging of the Nordic Sami Council, an umbrella organization of Sami associations in Finland, Norway and Sweden, and recognized by the Nordic Council and the Governments of the Nordic States as the spokesman of the Sami Nation at the Nordic level.

The Nordic Sami Council has asked me to address the Working Group on the matter of a Sami Convention, that is to say the proposition that the Nordic States should enter into a treaty relationship with democratically elected representatives of Sapmi, the Sami Nation. This convention would then form the basis for the future relationship between the Nordic States and Sapmi, the Sami Nation.

The idea of a Sami Convention was first voiced in 1985, at the Third Seminar on The Small Nations of the North in International and Constitutional Law, which was held in Guovdageaidnu in the midst of the Sami heartland in northern Scandinavia, the Sami Davve Eana.

The Small Nations of the North are the autonomous communities of Åland, Föroyar and Kalaallit Nunaat (Greenland), and also Sapmi - the Sami Nation.

The idea of a Sami Convention has since been elaborated in a little booklet, The People of the Twilight Zone, which has been issued in a preliminary edition of just 100 copies, and which I had the honour of presenting to you, Madame Chairman, and to the other members of the Working Group yesterday.

More important, the idea of a Sami Convention has been lively discussed in representative Sami organs, and at the Nordic Sami Conference at Åre 1986, it was agreed to pursue this idea as a vehicle for Sami aspirations.

I am therefore today able to emphasize that the Sami Nation indeed wishes such a Convention, which would signify the recognition of Sapmi - the Sami Nation - as a co-equal entity possessing rights and duties justiciable under international law.

Over the years there have been many treaties affecting the Sami Nation.

Most famous is the so-called "Lapp Codicil" 1751, which supplemented the frontier treaty between the kingdoms of Norway and Sweden of that same year. As late as last year, a Norwegian royal commission proposed a treaty on Sami cultural matters to be concluded between Finland, Norway and Sweden [NOU 1987:34].

Common to all the existing treaties is that they are concluded by State governments over the heads of the Sami. The same goes for the treaty proposed by the royal commission.

The idea of a Sami Convention differs in this very basic respect from the existing treaties, in that Sapmi - the Sami Nation - for the first time will become a co-equal Party to a Convention.

In Norway a constitutional amendment was adopted in the spring of 1988, obliging the State authorities to assure conditions conducive to the Sami ethnic group's sustaining and developing its language, its culture and its social life.

Moreover, we will soon see Sami elective assemblies in all of the three States: Finland, Norway and Sweden.

If these assemblies can rally together, we shall for the first time have a truly democratically based organ capable of speaking on behalf of Sapmi, the entire Sami Nation.

However, the Sami assemblies in the several States are created by State laws, enacted by State Parliaments where the Sami as such are not represented. The same goes for all the other State laws and regulations: they have been enacted over the heads of the Sami, and the Sami Nation has - when it comes to the final test - no real say in all the important matters regulated by State law, which affect their daily life as well as their continued existence as a Nation.

It is also significant that the Norwegian constitutional amendment - as well as important legislation - refers to the "Sami ethnic group" rather than to the Sami Nation. And indeed, in each of the several States, the Sami are considered as an "ethnic group". Sapmi, the Sami Nation, transcends State frontiers and can only be recognized at the international level.

Sapmi - the Sami Nation - is dispersed between four States: the three Nordic States of Finland, Norway and Sweden, and also the Soviet Union. In each State they form a minority.

There is a large, thinly populated area in northern Scandinavia, where the Sami constitute the majority population. The fringes of this Sami heartland may be difficult to define with precision. Moreover, a majority of the Sami people are living outside the Sami heartland, so that a "territorial" solution will not be a solution for all Sami. Conversely, of course, a "personal" solution will not be a satisfactory solution for the Sami territory.

A Sami Convention will have to address all these problems.

There are important matters which affect Sapmi - the Sami Nation - as a whole, or at least clearly beyond the confines of the Sami heartland. The safeguarding and development of the Sami culture belong to this category. So do important issues concerning that arch-typical Sami activity: reindeer herding, and also the maintenance and development of Sami handicraft - duodji. It is certainly also a matter for Sapmi to represent and speak on behalf of the Sami Nation as a whole.

Other matters may best be resolved within the framework of a Sami territory. This applies to many of the matters referred to in the draft articles of a universal declaration on indigenous rights, included in the working paper which you, Madame Chairman, have presented to the Sub-Commission [E/CN.4/Sub.2/1988/25]. I am thinking of such internal and local affairs as education, health, housing, social welfare, land and resource administration and safeguarding of the environment.

The conclusion of a Sami Convention would mean the recognition of Sapmi - the Sami Nation - as One Nation Indivisible, and indeed a sovereign entity sui generis - that is to say "sovereign" in the meaningful sense that its authority emanates from within the Sami community and not from any external power.

The States and Sapmi would not only agree to regulate matters of concern to the Sami Nation as a whole, but they could also agree to create an autonomous Sami territory: Samieana - the Sami Land - comprising parts of each of the participating States. The States would retain the suzerainty of their respective parts, but the autonomous government would nevertheless be able to bring about a large measure of uniformity throughout the entire Samieana.

This model - the formal recognition of a Sovereign People agreeing with the suzerain State or States on the setting up of an autonomous territory - might, perhaps, also be interesting with respect to an improvement of the situation of indigenous peoples in other parts.

It might alleviate the fear of established governments that a recognition of the right to self-government of indigenous peoples might lead to the breaking up of the State or at least the map coming to look like a good Swiss cheese: full of holes.

Yet such a solution might bring the indigenous peoples what they want more than anything else, a recognition of their identity and their dignity as a People, a Nation in their own right, and a possibility to live in peace and to maintain and develop their own social and cultural values.

There are strong arguments in favour of a Sami Convention. The Nordic Peoples are honouring democratic values and human rights. They are bound to admit that the Sami Nation is numerically so small that it can never be adequately represented in the halls of government of the several States. If there shall be any measure of Sami self-government, it has to be entrusted to Sami organs, democratically constituted by the Sami themselves.

Moreover, there are important historical factors. Sapmi - the Sami Nation - has co-existed with the Norsemen, the Swedes and the Finns throughout Scandinavia for thousands of years. In spite of their inferior numbers, the Sami have been capable of preserving their identity, their language, their culture and their dignity in spite of persecution and repression spanning centuries. At long last they are now recognized by everyone as a distinct Nation in their own right.

There is also the constitutional argument. Each of the five Nordic States is based on the principle of the Sovereignty of the People. In Sweden this is even written large in § 1 of the Constitution of 1974. The Sovereignty of the People is today a generally acknowledged basis for a People to assert its nationhood and to declare its intention to govern itself. We may recall the bannerline in the newspaper La Suisse on the 1st of August, the Swiss national holiday: "A People Chose Its Way". But the strength of the principle of the Sovereignty of the People is also its limitation: It gives no People a right to dominate other Peoples. A State which is based on the Sovereignty of the People must of necessity recognize the equal right of all Peoples to determine their own life.

Once the Nordic States have become conscious of the existence of another People in their midst, and indeed have recognized Sapmi as One Nation Indivisible, the only logical conclusion seems to be that they will strive to find an optimum solution for Sapmi to assert its nationhood and develop its self-government to the fullest possible degree within the existing parameters of demography, geography, economy and ecology.

An added consideration is that the Nordic States will not in the long run be able to maintain credibility in international fora concerned with humanitarian issues, unless they do their utmost to find a fully satisfactory answer to the legitimate aspirations of Sapmi - the Sami Nation.

"Charity begins at home." I do not think that I am unduly optimistic if I venture to say that before the end of the present twentieth century, we shall see Sami representation in the Nordic Council and the Nordic Council of Ministers and also the adoption of a Sami Convention, fully recognizing Sapmi as a sovereign entity sui generis, and laying the foundation for an autonomous territorial community - Samieana, the Sami Land - under the suzerainty of the established States.

Thank you, Madame Chairman and members of the Working Group, for the time and the attention which you have given me.

1988-08-05