

ISSN 1991-8976

Rajshahi University Law Journal

Volume 09 2014



**Faculty of Law
University of Rajshahi**

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Lawless Laws: Land Rights, Poverty and Empowerment of Common People in Bangladesh

Sámi Reindeer Husbandry: Legal-Philosophical and Cultural-Anthropological Dimensions

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Rajshahi University Law Journal (RULJ)

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Published by

Dean

Faculty of Law

University of Rajshahi

Rajshahi - 6205

Bangladesh



Faculty of Law
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Rajshahi University Law Journal (RULJ) Volume 09 2014

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Faculty of Law
University of Rajshahi

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Published by
Dean
Faculty of Law
University of Rajshahi
Rajshahi - 6205, Bangladesh

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Cover Design & Printed by
Md. Ariful Islam
Text Dot Com (TDC)
Farmgate, Motihar, Rajshahi-6212
Cell: 01711-951377

Subscription Rates

For Individuals : Tk200.00 US\$ 20 (excluding postage)

For Organisation : Tk300.00 US\$ 30 (excluding postage)

[Published in January 2016]

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SÁMI REINDEER HUSBANDRY: LEGAL-PHILOSOPHICAL AND CULTURAL: ANTHROPOLOGICAL DIMENSIONS

Dr Dawid Bunikowski*

We do not herd them like people believe, we only follow them - from place to place.

(One of the Sámi reindeer herders)

ABSTRACT *This paper argues that it is difficult to comprehend what reindeer husbandry means for the Sámi people without proper appreciation of the Sámi laws, culture, philosophy, and cosmology. It aims to explain Sámi reindeer husbandry in the light of philosophy, anthropology, culture, and law. However, this paper's point of view is Western and legal-philosophical-anthropological. Further it tries to keep up with chosen narratives of Sámi scholars or reindeer herders.*

KEYWORDS: *Reindeer husbandry, Sámi people, Sámi laws, Sámi reindeer husbandry*

1. INTRODUCTION

This article claims that it is impossible to understand what reindeer husbandry means for the Sámi people without good understanding of the Sámi laws, culture, philosophy and cosmology. The objective is to shed some light on Sámi reindeer husbandry from the point of view of philosophy, anthropology, culture, and law. However, my point of view is Western and legal-philosophical-anthropological. As a non-Sámi but Western scholar,¹ a philosopher of law, the author tries to understand them, their culture and their understandings. Thus, as much as possible, Western scholars should follow narratives and language of some chosen Sámi scholars and reindeer herders in this respect. However, in this paper, the author is also dictated by his own reason, which is deeply rooted in Western traditions and intellectual heritage and in this kind of way of interpretation of facts.

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2. THE SÁMI PEOPLE: WHAT IS REINDEER HUSBANDRY IN THE SÁMI CULTURE?

Few words about Sámi people are necessary before embarking on the detailed discussion. The Sámi people are the only one aboriginal (indigenous) nation in Europe. They live beyond borders in northern Scandinavia (Sweden, Norway), Finnish Lapland and northern Russia (the Kola Peninsula). They call this region *Sápmi*. This is both a material (geographical, physical) and spiritual homeland. There are different estimates of how many people belong to this nation. There are also different criteria of belonging to this group. Probably, there are over 60,000 Sámi people living in their traditionally occupied territories (mostly in Norway). Maybe only one third of the population speak one of the ten Sámi languages, of which North Sámi is the most important (90% of the speakers use it). This is necessary to remind that the closing of borders from the 19th century, the modern education system, language policies, revived Lutheran ethics and property law regimes from the 19th and the 20th centuries destroyed a large part of traditional Sámi ways of life, knowledge, property rules, reindeer husbandry, and indigenous languages. Nowadays the feeling of injustice is strong among the Sámi. This is important to add that Sámi customary laws have not been recognised since the end of the 18th century. Sámi culture was depreciated and destroyed in Scandinavia in the 19th and 20th centuries. Even now in Finland, the land rights of Sámi people remain unresolved human rights problem, an issue that was highlighted by the UN Human Rights Committee. Although last decade international experts asserted that the right of the state to the Sámi people's land (Lapland) is doubtful, yet the recognition of the Sámi people to administer hunting grounds and fishing waters remains unclear. The Sámi are not lords in their own country. About half of the Sámi population in Finland have been forced to move outside Lapland due to unemployment and the lack of opportunities. Ideas of self-determination and own natural resources management, not only claims of real cultural autonomy, are very strong in public discourses in Sweden, Norway, and Finland. Sámi identity seems strong (e.g. among the youth) and their political movements are going on very well (Bunikowski 2014c).

For the Sámi people reindeer husbandry, hunting, fishing and shamanism were and are important parts of their traditional way of life and livelihood. There is no Sámi culture at all without reindeer husbandry. If Sámi reindeer husbandry fails, then Sámi culture will be destroyed too. One can say that what for the Innu in Canada a caribou means knows every Sámi who loves reindeer and Nature.

As Jukka Pennanen rightly says, 'Reindeer herding has been, for a long time, a typical cultural element of northern Euroasia and an essential part of traditional Sámi culture and of other indigenous cultures' (Pennanen 2003: 60).

Sometimes, we also use the concept of reindeer herding: reindeer are herded by people in a limited area.² Reindeer were to be milked, transport people, produce meat for humans, shortly, to make the Sámi survive. One must remember that the

²See International Centre for Reindeer Husbandry 2015a.

circumstances in the Far North were determined by factors such as 'it is dark', 'I am hungry', 'it is dangerous due to wild animals'.

3. THE SÁMI PHILOSOPHY

Philosophy of life in Sámi culture is closely related to philosophy of Nature. In philosophy we ask and answer the most important questions: whether God is, what really exists, how we know it, and how to live. What seems to be crucial in Sámi culture is the fact that their philosophy, cosmology, and old traditional laws are inseparable.

According to Jelena Porsanger:

'[t]he traditional Sámi outlook of life is based on notions that reflect the relationship between humans, Nature, gods and other powers (spirits). This does not mean that humans and Nature are opposed to each other; humans are an integral part of Nature. On the other hand, Nature—both physically and spiritually—is a part of Nature of humans and a source of strength for humans. The weakening of this relationship between humans and Nature, and the disruption of this balance, may decrease the strength of humans. (...) The relationship between humans, Nature and gods is not only personal, but also has a moral meaning—the world around us is ethical and just' (Porsanger 2003: 151).

So Sámi philosophy of life is based on unwritten, traditional rules of conduct and the system of beliefs. Nature is like a mother for the Sámi people. 'You must respect Nature' is one of the most fundamental principles. What we call a 'sustainable development' has been known to the Sámi for centuries. This was always obvious for them that one might use 'Nature' only in a very limited way. If one destroys Nature, next year one's life and natural resources will be over. Nature is, one may poetically say, like waters that are still flowing in the rivers, still going back in a magic circle and harmony. Harmony is a crucial concept while talking about relations between a human and Nature. The Sámi believed and still believe in harmony between humans and Nature.

In Sámi culture, neither there were philosophers like Kant in Germany nor the academia. Shamans were like *sacred philosophers*, or ordinary people were like *practical philosophers*. Nature, and every day, often very harsh, life was like *the academia of life*. All these concepts sound like a joke, as indigenous people do not know and understand Western concepts and meanings that well as we think they do, because first of all, they have their own systems of laws, beliefs and traditions. Traditional knowledge of how to do things and to survive was the knowledge of the Sámi ordinary people. It was a result of their personal and community's experience and life in the community.

Indeed Sámi people developed own philosophy of Nature and life. It was a kind of really beautiful and fascinating spiritual heritage. At the centre of that philosophy, Nature is like a mother and people are like her children. This philosophy has been clear and simple. Destroying Nature or environment is absolutely forbidden. It is necessary to live according to Nature that is material and spiritual entity. Man is a part of Nature and must respect Nature. Harmony between people and Nature is as

important as harmony between people in their communities and families. Greed or lust is anti-values. Sámi traditional way of life was full of human solidarity and cooperation. This way was based on reindeer grazing and husbandry, fishing and hunting. So for the Sámi, a near contact with Nature which was a mother for them became quite obvious. They did not understand the state borders. They lived in a 'state of nature', as Hobbes or Locke would say. But it was focused on peaceful harmony, cooperation and respect for the environment they live in. Their customary laws were related to traditional way of life. This was a law of nature, really.

Adaptation to the environment was *co-constitutional*, not *relational* (Dillon and Bayliss 2013: 97-110): it was made by life experience and practice of life, not by state regulation and state enforcement. Earmarking system was one of the greatest examples of the Sámi rules. Rules concerning reindeer grazing, living in the villages or forest, shamanism, sacred 'sieidi', divinities of Nature, natural spirits and powers, hunting and fishing were unwritten – it was both philosophy of life and law. But it was not a state law or official law. In this sense, it was an unofficial law (customary law) that based on their traditional way of life and philosophy.

The problem appeared in the 19th and 20th century when in the whole Northern Scandinavia the Sámi system of rules and beliefs and the traditional way of life were almost totally destroyed by the nation states, which were founded on idea of nationalism, development, colonialism, progress, that was also supported by official religions (especially Protestantism) or state ideology (Ahren 2004: 76-92). The new property rights regimes, the educational systems, the revival of Lutheranism, supported by the nation state paradigm, changed the situation and legal status of the Sámi in Finland. The colonisation of the *North Calotte* (what we in Finland call Lapland now) based on the development of industry and on the exploitation of Nature by mining or logging companies and by tourism was the end of *the old world in the Far North*.

4. PHILOSOPHY OF SÁMI REINDEER HUSBANDRY AND THE PRESSURE OF THE STATE

Philosophy of Sámi reindeer husbandry is a better phrase to this author. If he was born as a Sámi, then he could have used this phrase: Sámi philosophy of reindeer husbandry. However, he guesses that the first one is just more correct in this case. It is his interpretation of their philosophy. This is an outsider's point of view, as said in the beginning of the text.

In the beginning, it is a crucial thing to highlight that there is a very rich and sophisticated, diverse vocabulary regarding both Nature and reindeer in Sámi languages. No doubt, both elements are important parts of the Sámi system of beliefs. Furthermore, a reindeer was always an important part of the Sámi cosmology or cosmologies. Maybe it was treated as an important animal which was somehow related to divine power or sacred places. So let us go first to Sámi beliefs and cosmologies.

As Rauna Kuokkanen notably writes: 'Further, the Sámi gift philosophy is apparent in the central role of the female divinities in giving the gift of life (to both human beings

and domestic animals, mainly reindeer) and their connection to the land' (Kuokkanen 2006: 263). Furthermore, this excerpt from Kuokkanen's paper is also important to understand the importance of the reindeer gift with decoration in the context of the natural sacred sites of the Sámi. Sámi reindeer herder Johan Turi described Nature of the *sieidi* in the early 20th century which is as follows:

Some *sieidis* were satisfied if they received antlers, and others were content with all the bones, which meant every single bone, even the most wee ones. Fish *sieidi* did not demand less than a half of the catch but then it directed to the nets as much fish as people could collect. Some *sieidis* wanted a whole reindeer which needed to be embellished with all kinds of decorations, cloth, threads, silver and gold (Turi 1987: 108, my translation)' (Kuokkanen 2006: 261-262).

In Sámi cosmology or in the oral tradition (like in the easternmost Kola Sámi) not only 'the Sun Man' or the bear 'as the ancestor of the people' were crucial elements, but also so was the reindeer. Then Jelena Porsanger claims:

In oral tradition, the children of a woman and a wild reindeer turned into reindeer calves and the whole wild reindeer stock originated from them. According to tradition, people and the world around them are one entity, and there is no sharp distinction between the human and the animal (Porsanger 2003: 152).

Now let us turn to the history of the Sámi philosophy of reindeer husbandry. In Sámi reindeer husbandry one thing was important: people followed reindeer. So the Sámi had been nomadic for centuries. This relates to the so-called Mountain Sámi (not the Sea Sámi, who lived in permanent settlements and mostly fished). Reindeer were domesticated for milking and transport and meat production. Somehow in the 1200s the Sámi started to herd reindeer intensively (Pennanen 2003: 60),³ and they always followed them and their migrations. It was a nomadic way of life. Life was somewhere between winter and summer pastures. Life was to move with reindeer herds. Reindeer were monitored every day. Humans and reindeer were still together.

There was a cycle of seasons and activities concerning these migrations. In the summers a Sámi from today's Finland followed reindeer going to the sea (to the coastal Norway) and in the winters one lived in winter houses (in Finland). The cycle of life of the Sámi people had been directly related to the cycle of life of the reindeer for centuries.

Now it is necessary to mention what an earmarking system was and is. This is the system(s) of 'marks of ownership', 'brands' (compare this phrase in Näkkäläjärvi 2003: 140) concerning reindeer, with special minor and major earmark cuts. The earmarking system was and is a part of the Sámi identity and specificity. This was always a central formalistic point of the Sámi reindeer husbandry. For Western

³ The first source on this topic says that reindeer were domesticated and managed in herds by the Sámi in the 800s. For more, see International Centre for Reindeer Husbandry 2015b.

people, the system looks complicated. However, one may notice the similarity between the earmarks of the parents and the children or close relatives (Näkkäläjärvi 2003: 146). For Sámi reindeer herders, it is quite easy to say who is who in this system: from which *siida* or family. Every Sámi reindeer herder has own mark (Näkkäläjärvi 2003: 141-142). In the past this was like a 'signature'. Now it is still a sign of ownership. The mark is made on the ear of own reindeer by a sharp knife of the reindeer owner. But there has always been also something mystical, mysterious and metaphysical in this link between the owner and the herder. Reindeer husbandry has always been a way of life, with own philosophy, terminology, concepts, meanings, and subtle senses of all of these. If we turned to Sámi cosmology, to the role of reindeer in its narratives, we would see what a reindeer means for Sámi people: it is like an animal-friend who allows surviving in the North.

Furthermore, as this author has found in many narratives and statements of the Sámi people, reindeer husbandry has never been only an occupation or business. This was always something more: it was a comprehensive way of life.⁴ The link between reindeer and herders was very strong and direct: it was like living together, but it was also like a spiritual relation: owner/herder-reindeer with earmarks. Even if a herder killed a reindeer just to have food and furs to survive in the very difficult and harsh life conditions in the North, his or her duty was to thank Nature and pray. It shows how important the link was, also the spiritual link, between the reindeer and the herder. And it shows also how close they were to Nature. Both humans and reindeer are part of Nature.⁵

But this way of life has been dramatically changed due to the closing of the borders in the second half of the 19th century (1852, 1889) in the European North, between Norway, Sweden, and Finland (under Russian rule), and because of building a fence between Finland and other Nordic countries after WW-II (Näkkäläjärvi and Pennanen 2003a: 66). The Sámi were not allowed to cross the border while following their reindeer. Their life became more similar to the life of those who work in agriculture. Also the rules concerning building farmhouses did not help in making the old system of reindeer husbandry alive. The Sámi became a part of the towns and villages. 'The reindeer-herding families were usually not allowed to found the new farms in their traditional home areas,' says about the situation after 1969 (the new reindeer farms law) in Finnish Lapland Kaisa Korpijaakko-Labba, the reindeer herder (Korpijaakko-Labba 2003: 71). In fact, the Sámi organisational system based on *siida* was depreciated by the Scandinavian states and Finland, which all passed also new rules concerning reindeer husbandry.

⁴ For example, Western people know that, *per analogiam*, also Judaism is a comprehensive way of life. It is more than a religion, as it is just one's way of life according to some old beliefs and rules.

⁵ This is also interesting what an anthropologist Juha Pentikäinen analysed in other northern cultures like in the Khanty tradition: the shaman was to pray over the killed reindeer ('for the reindeer luck and well-being'), scarifying a meal. Reindeer was such an important animal with myths and beliefs concerning it. See Pentikäinen 2006: 106-107. See also Pentikäinen 1996.

Klemetti Näkkäljärvi and Jukka Pennanen wrote about the enforced change of the philosophy of the Sámi reindeer husbandry in this way:

Before the 1960s, the reindeer herding practices of the Finnish Sámi were quite strict and the reindeer were tended by people throughout the year. The reindeer were kept in different areas according to the season and people moved along with them. Reindeer were also more used to people and there was a close connection between them. The construction of a fence along the State border in the 1950s had a great impact on the nomadic reindeer herding practised in Finland. It gradually put an end to the year-round tending of reindeer; people no longer tended their reindeer in summer and started to live permanently in houses throughout the year. Herders no longer migrated with reindeer every summer and fall between summer and winter pastures and no longer milked their reindeer (Näkkäljärvi and Pennanen 2003b: 62).

Finally, it looks that the relationship between the humans and the reindeer became weaker. So the old philosophy of this kind in this field has been then completely changed. Also new technologies came in the 1950s and 1960s like snowmobiles, but these were accepted by the Sámi; they learned to drive, even if before they had skied only. 'Life has changed a great deal,' as says Iisakki Paadar (Paadar 2003: 101).

However, this is still important nowadays that 'reindeer herding is based on a yearly cycle, during which the seasons and climatic conditions impart a rhythm to the various phases of herding' (Näkkäljärvi and Pennanen 2003b: 62). These parts of the traditional seasonal cycle of reindeer herding were and still to a greater extent are as follows: calving, earmarking, reindeer roaming freely, shooting reindeer to get hides for winter coats (not practised anymore), slaughtering the first reindeer of the year for food, mating season, searching for and rounding up reindeer, separation and slaughtering, castrating reindeer, herding in winter (Näkkäljärvi and Pennanen 2003b: 62). And this general philosophy of reindeer husbandry has survived among the Sámi.

As one of the reindeer herders said about reindeer herding and the reindeer: 'We do not herd them like people believe, we only follow them— from place to place.'⁶ This seems to be the sense and core of this practical philosophy of both life and Nature.

5. STATE LAW AND SÁMI REINDEER HUSBANDRY

Sámi reindeer herders always cooperated with each other in units like *siidat*, but there was no necessity to have rules passed by a given state to manage to do it. More, the so called First Lapp Codicil of 1751 as an international treaty recognised not only Sámi right to cross border with reindeer but also Sámi jurisdiction and courts to resolve disputes among Sámi (personal law binding only Sámi people; the law

⁶ See the programme on 'Sámi people' and the interview with one of the reindeer herders: Sami People (AV). Available at <https://www.youtube.com/watch?v=4oawzU517qk>., seconds 46-53.

applied by Sámi judges)⁷. Due to the domination of the nation state paradigm and modern liberal nationalism, this state of things was changed in the end of the 19th century, as said before (Ahren 2004: 63-112).

Here let us focus on the legal history of regulation of Sámi reindeer husbandry in Finland. The old ancient Sámi system of reindeer husbandry was based on a *siida*, the community consisting of some, rather several, families and their herds. The system was based on partnership. The first state regulations, in fact, appeared, in 1898 (on reindeer herding cooperatives) and 1932 (the first Reindeer Herding Act). The Sámi were enforced to resign from their traditional rules of cooperation and solidarity in reindeer husbandry in order to establish new entities – so called cooperatives.⁸

Now the Finnish system of cooperatives is based on the idea that a reindeer herder or owner is not more important in decision-making process than cooperatives. So is the cooperative. Also these cooperatives are to herd reindeer now, not individual male or female herders independently anymore as it was in the past.⁹ The Finnish system of reindeer husbandry focuses on equality: not only Sámi are allowed to be reindeer herders. According to the Finnish law, the main body is the Association of the Reindeer Herding Cooperatives (districts, more than 50 now). This is to administer reindeer husbandry in Finland nowadays. At the central level, the Ministry of

⁷ This concerns *First Codicil and Supplement to the Frontier Treaty between the Kingdoms of Norway and Sweden concerning the Lapps (done on 21st September/2nd October 1751)*.

See also this short analysis of the historic act: Bunikowski 2014a: 24, footnote 49, where it was concluded: 'In fact, the treaty was passed to regulate 'the customary transfrontier movements of the Lapps' as well as jurisdiction 'over the foreign Lapps' during the movement period and tax problems related to that (the preamble). Thus, it was about state taxation (art. 1-7), Sámi mixed marriages (art. 8), free movement and crossing borders by the Lapps in Scandinavia. (art. 9-21), limited indigenous jurisdiction (art. 22-30; art. 22: 'disputes occurring between Lapps from the same side' in the transfrontier movement to be resolved the Lapp lensman). However, it recognized also customary laws on nomadic style'. Of course, the treaty protected also Sámi reindeer herding and respected Sámi nomadic and traditional way of life.

⁸ See more about the history of reindeer-herding administration in Finland: Näkkäläjärv and Pennanen 2003a: 66.

⁹ 'Like women in many other indigenous or traditional societies in the world, women in Sámi society historically were regarded as equal to men,' says Rauna Kuokkanen. She adds: 'Patriarchal ways of thinking and laws have changed traditional gender roles in indigenous societies in many ways. This can be seen, for example, in current structural inequality within traditional economies, particularly reindeer herding (Joks 2001; Sára 2003a, 2003b). Sámi women have been pushed to the margins of reindeer herding for several decades. Particularly since 1945, government policies have made Sámi women invisible in the livelihood in which they had always played a prominent role. In many cases, these policies have erased women's traditionally held right of reindeer ownership. In official records, reindeer-owning Sámi women have been registered, since 1978, under their husbands' names, thereby losing their membership in the organizational unit for reindeer herding.' See Kuokkanen 2009: 500-501.

Agriculture and Forestry is responsible for this social area and professional occupation.¹⁰

Importantly, section 7 of the Reindeer Herding Act of 1990 states:

The task of a reindeer herding co-operative is to ensure that the reindeer of the co-operative'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 other reindeer herding co-operatives and to carry out all other tasks given to it under this Act and the provisions and regulations issued under it.

So the aim is deeply rooted in the idea of protection of rights of the others and in prevention before damages. Value of public order and social or professional cooperation is behind section 7.

Important is to say that nowadays reindeer are not monitored daily, have a lot of freedom and are under control of the owner only few times a year. Of course, there are different methods of herding, and the law is not to regulate the methods precisely.

Also in the last decades, some serious regulatory, technological, administrative, economic, and environmental changes came. New legal rules regarding hygiene of slaughter reindeer took into effect, what with some controversies changed the traditional ways of reindeer slaughter (Jomppanen and Näkkäläjärvi 2003: 68-69). Even now in Lapland there are also many problems and tensions concerning these cooperatives. For example, a number of reindeer in every cooperative is a result of a decision made by a given cooperative.¹¹ What to do with the rest of reindeer, which is

¹⁰ It is necessary to mention also the basic legal acts concerning the Sámi in Finland. The basic act in Finland is *Act on the Sámi Parliament* (974/1995), especially sections 1, 4, 5, 9, supported by *Sámi Language Act* (1086/2003), especially section 2. Also lower acts are important: *Reindeer Husbandry Act* (848/1990), and *Reindeer Husbandry Decree* (883/1990). Also see *Mining Act* (621/2011), especially Section 50 - *Obstacles to granting of a permit in the Sámi Homeland, the Skolt area, or a special reindeer herding area*, and *The Water Act* of 1961.

¹¹ See Chapter 3 – *The number of reindeer*, Section 21 - *Determining the number of reindeer*, Section 22 – *Reducing the number of reindeer* in the Reindeer Husbandry Act of 1990.

See also *Concluding observations on the 20th to 22nd periodic reports of Finland adopted by the Committee on the Elimination of Racial Discrimination at its 81st session in 2012. Information provided by the Government of Finland on its follow-up to the recommendations contained in paragraphs 12, 13 and 16. 30 August 2013* (Government of Finland 2013).

Point 14 in Chapter 'The right of the Sámi to their traditional lands' states:

14. The Government further draws the attention to the fact that the decision of the Supreme Administrative Court of Finland referred to by the Committee in its concluding observations (yearbook number KHO 2011:13) did not concern antagonism between reindeer owners belonging to the Sámi minority and the main population, but a herding cooperative, which according to the court documents has a clear Sámi majority [emphasis is mine]. The issue at hand in the appealed slaughter decision

not allowed by the cooperative? Another but a bit different problem concerns logging by the only one state-owned forest company in Lapland: some Sámi reindeer herders are against this activity in some areas like around Nellimor Inari and went to courts and international bodies to fight for their rights¹².

Finnish government does not perceive the problems in the same way as the Sámi do. In the Finnish government's response to one of the UN bodies, it states in *Concluding observations...* (points 5 and 7 in Chapter 'The right of the Sámi to Their Traditional Lands'):

(5). (...) The Government stresses that the legislation contains specific requirements for the mentioned areas, inter alia, in Section 2 (2) of the Reindeer Husbandry Act that are specifically intended for reindeer herding. The land in these areas may not be used in a manner that may significantly hinder reindeer herding. On the other hand, the Finnish legislation does not require a permission or prior consent from the Sámi for logging. (...) (7). In its recommendation No. 11, the Committee has stated that the State party, when revising the Act on the Sámi Parliament, should enhance the decision-making powers of the Sámi Parliament with regard to the cultural autonomy of Sámi, including rights relating to the use of land and resources in areas traditionally inhabited by them. In this regard the Ministry of Agriculture and Forestry notes that the cultural autonomy that the Constitution of Finland guarantees the Sámi people in itself does not constitute a competence for the Sámi Parliament to utilise natural resources, whether in state or private ownership, within the Sámi Homeland. However, the Mining Act (621/2011) contains provisions on obstacles to granting permits in the Sámi Homeland, in the Skolt area and in special reindeer herding areas. (...).

concerning the herding cooperative was control of the use of property with the end to reduce the number of reindeers to correspond to the yield level of the pastures, as well as the realisation of non-discrimination among mainly Sámi members living in different parts of the herding cooperative.

See also such a case as described in point 15 of the *Concluding observations...* (in the mentioned chapter):

15. There is still a pending communication before the Human Rights Committee filed against Finland by Kalevi Paadar et al. in a case concerning cuts in the numbers of the Nellim reindeers in the Ivalo herding cooperative. In accordance with the interim measures by the Human Rights Committee, the forced slaughtering should be ceased until the Committee has examined the communication. Within the time limit set by the Human Rights Committee, the Government stated in its observations regarding the admissibility criteria for the communication that the petitioners had used all national legal remedies and that there were no impediments for examining the case in the Committee. The observations on the merits of the case were submitted in March 2012.

¹² See International Centre for Reindeer Husbandry 2008. According to this data, 'Three Sámi reindeer herders from Nellim, in Northern Finland have just lost their case against the Finnish state forestry giant Metsähallitus in the Lapland District Court. The reindeer herders argued that the logging practices of Metsähallitus was destroying reindeer pastures – ground lichen and hanging tree lichen and were not only threatening their livelihood as reindeer herders, but also their ability to practice Sámi reindeer husbandry and maintain their Sámi culture'. The herders were ordered to pay huge sums.

In another place (point 13), however, in the same document, Sámi specificity of the reindeer husbandry is mentioned:

'Sámi reindeer herding often also refers to arranging reindeer herding by whole village communities or in so called tokka (large herd of reindeers) associations. Tokka associations are not mentioned in the Reindeer Husbandry Act, but a tokka association may, even in the current herding cooperative system have its own foreman to organise the reindeer husbandry work of the area and to take care of issues related to the reindeers'.

6. THREATS FOR SÁMI REINDEER HUSBANDRY NOWADAYS

In the narratives of Sámi scholars or herders I have found the following threats for the reindeer husbandry in Finland:

- 1) The state (Finland) treats a reindeer husbandry like a secondary (subsidiary) occupation, after agriculture.¹³
- 2) The state does not support young reindeer herders.¹⁴
- 3) The state enforces 65-years old reindeer herder to retire.¹⁵
- 4) The EU system of subsidies appreciates bigger herds and their owners.¹⁶
- 5) The state does not respect Article 1 of the Protocol No. 3 of the Accession Treaty of 1994 and does not give the Sámi exclusive rights to reindeer husbandry like it is in Norway or Sweden.¹⁷
- 6) The access to the lands is limited, as the Sámi customary laws concerning lands and waters are not recognised by the state.¹⁸
- 7) The income from reindeer herding is being reduced (it is difficult to live only from this job), what has a great impact on the emigration of the young Sámi.¹⁹
- 8) The traditional knowledge concerning reindeer herding is becoming 'blurred' and might disappear soon due to the policy of the state.²⁰

¹³ See more precisely, with details, Jomppanen and Näkkäläjärvi 2003: 70.

¹⁴ See Jomppanen and Näkkäläjärvi 2003: 69; Korpiaakko-Labba 2003: 71. In the second paper, we read 'When the young are left alone, they end up plasticising their livelihood almost unsupported'.

¹⁵ See Jomppanen and Näkkäläjärvi 2003: 69; Korpiaakko-Labba 2003: 71. In the second paper, we read: 'When a reindeer herder has to give up his or her reindeer, he or she no longer wants to go into the woods - neither for leisure nor for recreation. His or her life is filled with a void.'

¹⁶ See more: Jomppanen and Näkkäläjärvi 2003: 69; Korpiaakko-Labba 2003: 71.

¹⁷ See more: Jomppanen and Näkkäläjärvi 2003: 69.

¹⁸ See more: Näkkäläjärvi and Pennanen 2003a: 66.

¹⁹ See more: Jomppanen and Näkkäläjärvi 2003: 69-70.

- 9) The devastation of the land in Lapland is a fact: 'The condition and quality of pastures have declined because of forestry activities, hydropower industry, road building, tourism, and also because of high reindeer numbers' (Kumpula, Burkhard and Mueller 2008: 425). Absolutely unpredictable in its danger will probably be the results of the climate change and global warming too.

What a Western scholar may see behind these Sámi accusations is a feeling that the state law of the nation state has changed the traditional life of the Sámi people and is still changing it (e.g. by the EU rules). And finally, what we have is the strong feeling of injustice among the Sámi. The feeling is that their traditional occupation is not in their hands only.

7. CONCLUSIONS

Sámi reindeer husbandry always was and still is a way of life. It is a philosophy of life, too. This is a part of Sámi culture as well. However, the traditional organisation and practices have been changed by the obvious external factors so much. There are some real threats for Sámi reindeer husbandry then.

There are also many general ethical issues to put on the table here one needs to discuss: Would it not be wonderful to go back to Nature? How to do it by skipping idealistic and naïve narratives and dreams? Ecological narrative is visible in Finland, and e.g. Finnish mining law is to also (sic!) protect the environment and the Sámi livelihood, but is it really all fine *in the North Calotte* from the ethical point of view? Is a room for the improvement of the understanding of sustainable development *in the North Calotte*, taking into consideration also the Sámi way of life, traditions, beliefs, culture, and livelihood? What does it mean for the natural resources management there, for reindeer husbandry in particular?

It seems also that practical ethics—understood here as 1) protection of Naturevalue, i.e. Nature in itself, the common good in Aristotelian and Thomistic sense, but also as 2) historical Justice²¹ towards the indigenous people who lived in Nature – is, may be *too*, far away from the economy, economic growth problems, and economic analyses, and politics and state law nowadays. Precisely, the economy is more important than Sámi reindeer herders.

However, what we should do is to avoid romanticising Nature and indigenous peoples, and instead of that, to find out good and pragmatic solutions of the problems that have arisen. For example, exclusive rights in reindeer herding such as the right of being a reindeer herder, which would be dedicated only to the Sámi people as members of the minority nation, could be one of the exceptional solutions in Finland. But this is much more politically complicated nowadays.²² This looks like a

²⁰ See more: Korpiljaakko-Labba 2003: 71. The reindeer herder says: 'The worst scenario is that the know-how of thousands of years is becoming blurred until it may disappear completely someday'.

²¹ Compare on historical justice -Bunikowski 2014b: 75-85, especially 76 and 84.

²² See also Bunikowski 2014a: 21.

hard nut to crack for the representatives of the idea of the nation state and the supporters of the principle of equality anyway.

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