INDUSTRIAL DEVELOPMENTS AND THE SÁMI: ETHNOPOLITICAL RESPONSE TO ECOLOGICAL CRISIS IN THE NORTH

Tom G. Svensson
University of Oslo

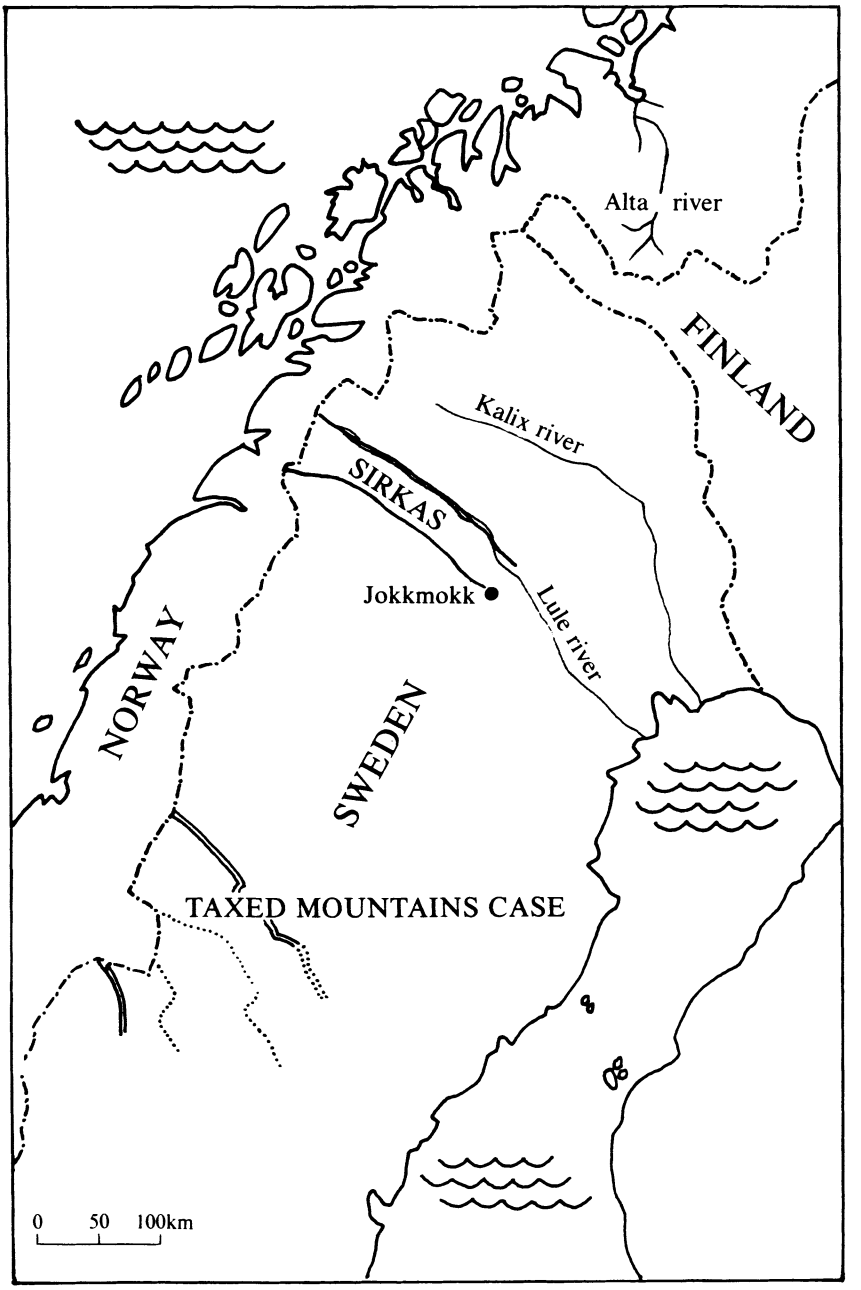
Abstract: In most parts of the Arctic and Subarctic Regions, there is a growing concern among Native peoples about the erosion of their ecological base caused by increasing developments on the part of the dominant, industrialized society. The Sámi in northern Fenno-Scandia have long experienced this gradual devastation and presently face a serious ecological crisis. To cope with the exploitation of their land by industrial forestry and hydro-electric developments, the Sámi make use of both the legal arena and various political channels.

Résumé: Les autochtones de l'arctique et des régions proches se montrent de plus en plus concernés de l'érosion de leur base écologique, celle-ci mise en cause par la montée de nouveaux développements entamés par une société dominante et industrialisée. Les Sámi du nord de Fenno-Scandia ont longtemps vécu cette dévastation et se retrouvent maintenant vis-à-vis une crise écologique très sérieuse. Pour faire face à l'exploitation de leur terre par des groupes forestiers industriels et des projets hydroéléctriques, les Sámi déploient le système judiciare ainsi que plusieurs moyens politiques.

Introduction

In most parts of the Arctic and Subarctic regions, there is a growing concern among Native peoples about the devastating effect on their ecological base caused by increasing developments by the dominant, industrial society. In political terms Native peoples are encapsulated minorities with very little or no power concerning their own vital interests. For a very long time they have been subject to a rather arbitrary administration and to indifference about the social and cultural consequences occasioned by various encroach-

Anthropologica XXIX (1987) 131-148


Alta river
FINLAND
Kalix river
SIRKAS
Jokkmokk
Lule river
NORWAY
SWEDEN
TAXED MOUNTAINS CASE
0 50 100km

ments; at the same time they have experienced firm tutelage. In order to cope with the intensified conflict, the ethnic minority group demands a minimum amount of power, i.e., sufficient autonomy to render it possible to maintain its particular way of life and to exert adequate control over resource development related to its traditional land use pattern.

The instrument through which the ecological base of a culture can be protected, especially in ethnic minority contexts, is *land rights*. Rarely is the goal to assume sovereign rights to defined territories of land, but rather to acquire sufficient rights to land and water within the area in which a specific group of people traditionally lives, so they are able to protect vital ecological zones. In order to regain some of its lost autonomy, the minority must be on the offensive and constantly confront the Nation State with firm demands related to the land rights issue. To comprehend this type of confrontation, the connection between ecology and law is crucial, a point that will be stressed in the following presentation.

A general process of ecological change has occurred at varying rates over the Arctic regions. The Sámi in northern Fenno-Scandia, who mainly dwell in high subarctic regions, have long experienced a gradual entropy of the ecosystem, and at present they face an ecological crisis on a very large scale. Industrial forestry and hydro-electric development appear to be the most devastating types of encroachment, and they will be used to illustrate my general argument. The empirical material on which this paper is based refers to Swedish Lapland. Many of the issues raised, however, pertain to the reindeer Sámi in general, whereas other factors may differ from nation to nation. For instance, in North Norway, one of the Sámi core areas, the ecological zoning of the annual cycle may take a different form, and because of its far northern latitude the impact of industrial forestry has not been as severely felt. The general argument presented concerning the implication of various kinds of encroachment is still applicable. It should also be stressed that the reindeer pastoralist Sámi constitute only a section of the total Sámi population, but it is this category of Sámi who have experienced the greatest losses due to industrial developments.

Ecological Analysis of Sámi Reindeer Pastoralism

In common with most other pastoralist people who have adopted varying degrees of nomadism, the Sámi adaptation relies to a large extent on extensive land use. In modern times the Sámi have changed from pure nomadism to a semi-nomadic way of life with a fairly high degree of sedentarization. Notwithstanding this, they are still basically dependent on the innate grazing habits of the reindeer herds, and for their livelihood must cover vast areas of land. The ecological niche occupied by the reindeer Sámi depends upon ex-

ploiting the following resource areas: reindeer pasture in combination with fishing waters; hunting and trapping grounds and wild berry patches. The primary resource around which everything revolves is reindeer pasture. In contrast to the forest Sámi, the great majority of reindeer Sámi use the pasture in a three-zone cycle: in the summer they spend from two to three months in the high mountainous area; in both spring and autumn they make use of the vast low mountain regions for a total of six months, whereas in the winter the herds graze in the coniferous forest region. The forest Sámi, on the other hand, are adapted to a more limited migratory pattern, spending the entire year in the coniferous forest region. The economy is partially monetary with a high degree of local subsistence activity. In fact, very many reindeer Sámi could not make an adequate living unless they skillfully combined production for sale of reindeer products, especially meat, with subsidiary productive activities to meet their consumption needs. Utilization of secondary resources is completely dependent on the seasonal cycle of pasture zones. Consequently, drastic changes in any of the pasture zones may totally upset the rhythm of reindeer herding, making it impossible for the Sámi to exploit supplementary resources.

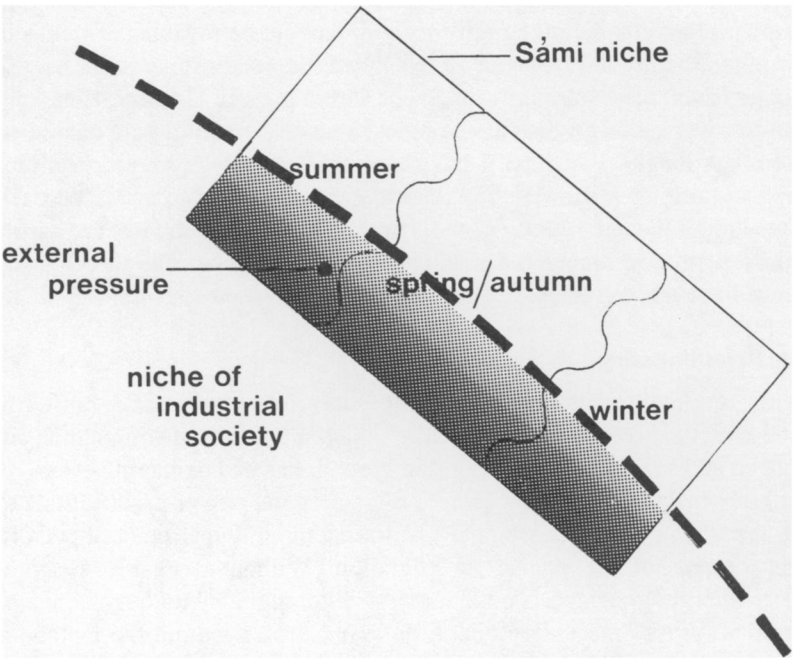
The ecosystem thus described was very much in balance until pressure from the dominant society increased heavily following the industrial revolution. Forests, waterfalls and minerals were the primary nonrenewable resources developed by the Nation State, formerly agrarian but now rapidly turning into an industrial society. The problem is not one of competition between two ethnic groups for the resources contained within the same territory. Rather, resource development carried out by the larger society in the area will, to a great extent, reduce the possibility that the Sámi may be able to develop resources connected to their ecological niche and, consequently, will have adverse effects on the viability of Sámi culture.

The argument can be summarized in Figure 1.

The rectangle is a schematic representation of a local Sámi community within which the reindeer herders migrate in the direction NW-SE following their herds between the different seasons. The crucial point here concerns the overlap of the two niches and the contents of that part, i.e., the extent to which industrial resource developments subvert the ecosystem to which the Sámi have adapted. Moreover, the implications of these kinds of changes may vary considerably between different local communities. The amount of external pressure a given local community can tolerate is related to how well the yearly cycle of reindeer herding can be maintained in spite of the encroachments. In modern times this process of change constitutes part of the ecology to which the Sámi must also adapt.

It is important to understand that each case of industrial development should be measured against the geographical zoning of a community and its

Figure 1



yearly cycle of reindeer herding. It is not so much the total amount of land lost that occasions the most perceptible losses to the Sámi; rather it is the *quality* of the area affected that counts. Any time there is an encroachment on an ecological zone vital for reindeer pastoralism, the damage is felt very severely, even if it appears minor on a map. Such ecological zones within a community territory are migrating routes, natural barriers, calving lands in spring, pasture areas where the reindeer thrive in the autumn during the rutting season, winter pasture in the forest area which is rich in ground lichen and finally good and easily accessible fishing waters. These zones are critical for the Sámi in their endeavour to carry on a profitable reindeer management. In addition they provide an opportunity many owners of small herds of reindeer find indispensable in their struggle to continue actively sharing the Sámi way of life. Of particular concern here is the loss of fishing waters and hunting grounds.

Coping with this new dilemma caused by increasing external pressure is a leading political issue among the Sámi at present. The immediate aim is to

check expanding encroachments; the ultimate political goal, however, is to uphold a viable pastoralist culture. The constraints influencing the pursuit of this goal, however, will accumulate as a consequence of industrial development by the majority society, and eventually the carrying capacity of a Sámi community and its delimited territory will have to be revalued. There is no way a community territory can be expanded; the readjustment to a new set of constraints, therefore, has to be from within a given territory. The Sámi want to reverse this process of ecological change as their culture cannot endure much longer. For them it has become a question of an ultimate limit they can no longer allow to be crossed. Furthermore, the heavy encroachments inhibit the opportunity of the Sámi to develop their own set of natural resources. A more detailed account of the consequences due to ecological change has been presented in an earlier paper (Svensson 1978).

Industrial Forestry

Highly mechanized forestry with clear-cutting of huge areas followed by modern methods of soil tillage, such as ploughing and harrowing which create deep and very wide furrows in the ground, has had damaging effects on reindeer herding with respect to both migration and winter pasture. As a result, lands which were substantially utilized can no longer be used even for night pasture in the course of migration. Without available areas for sufficient night grazing it is quite impossible to migrate with large herds in a natural way. As a necessary option the Sámi have tried out the method of migrating by trucks, but this is deemed a poor alternative and is very costly. Many young and weak reindeer are left behind.

Furthermore, if there are plenty of lichen grounds for the winter season the reindeer will thrive; the effective elimination of such land makes the reindeer more restless, always on the move, a situation which eventually will weaken their condition. To this it should be added that lichen grounds are found in certain pockets within the entire winter zone of a community; other areas either offer poor winter grazing or are entirely unsuitable for such usage. The winter pasture, therefore, is most vulnerable to any form of change. If a specific forest development means the extinction of one or two pockets of lichen grounds, the damage is almost irreparable since the loss of lichen grounds cannot be replaced by supplementary areas elsewhere; neither can the grazing resources on the land damaged be renewed in the near future.

For the last 20 years the loss of winter pasture has been a growing concern to the Sámi. In the 1980s the Sámi experienced a new threat directed towards the backwoods of the mountain slopes in the spring-autumn zone. As long as reindeer pastoralism has existed among the Sámi these back-

woods have served as valuable substitute land in winters when pasture conditions down in the forest area were especially poor. The backwoods are particularly rich in tree lichen. Clear-cutting means that tree lichen disappears completely. This lichen is considered the most valuable source of emergency food for the reindeer in bad winters, for example, when the snow is too firmly packed. With no access to tree lichen, the herds readily disperse over wide areas causing much extra work for the herders. Since 1983 clear-cutting in this zone has been carried out in several areas in *Jokkmokk*, and the situation is quite alarming. Advanced plans for further developments in other parts of Lapland have been announced, and, if not discontinued, this new program of state-run forestry development may cause the most severe blow so far to the Sámi and their reindeer economy. If this threat against the mountain slope forests is not halted immediately, the capacity for flexible readjustment to diverse climatic conditions will be eliminated. The Sámi communities directly concerned have recently protested to the authorities, and the government, as well as the parliament, are at present reconsidering a policy for forest developments in crucial Sámi areas. In the meantime the Sámi are carrying on their reindeer herding under conditions of considerable uncertainty.

The Sámi directly affected by the practice of clear-cutting in the backwoods have for years tried to come to terms with the state forestry development agency through negotiations, but so far in vain. Consequently, the Sámi were forced to bring the conflict to court, and the trial will take place in the spring of 1990 with a Sámi lawyer, brought up in a reindeer pastoralist tradition, acting on behalf of the Sámi party. The outcome of this trial will decide the amount of influence the Sámi can have on the continuing management of resource development in all backwood areas with sizeable Sámi populations.

Another factor worth mentioning is the recent proposal by the Sámi Rights Committee, which is presently conducting a public inquiry, for the creation of a limited protective regime concerning forestry development (SOU 1989:41). In order to strengthen Sámi influence in matters of vital concern to them, the Sámi Rights Committee proposes a new administrative practice of permanent joint deliberations between the forest industry and reindeer pastoralists. Such imposed consultation will definitely be beneficial for the Sámi minority, especially as year-round pasturing is threatened by forest developments to an increasing degree. If this proposal is accepted by the legislature, it will certainly be more difficult in the future to exploit forest resources in areas of Sámi habitation. Moreover, the new representative body, the Sámi Parliament, *Sameting*, also suggested by the Sámi Rights Committee, will act as a compulsory hearing authority. This means that formal approval of a proposed development cannot be issued by the National

Forestry Board until the Sámi Parliament has been consulted and has consented to it. Unfortunately, because the Sámi have not been given the absolute power, which they had initially demanded, the Sámi Parliament is primarily an advisory body with restricted authority.

Nevertheless, this new administrative order represents a noticeable improvement for the Sámi, because forest development is at last placed on the same level as other kinds of encroachments caused by the dominant industrial society. Thereby the Sámi are about to acquire a necessary influence in a vital area of resource management. Similar problems prevail elsewhere in Subarctic regions, such as, for example, among the James Bay Cree in Northern Québec (McDonnell and LaRusic 1987).

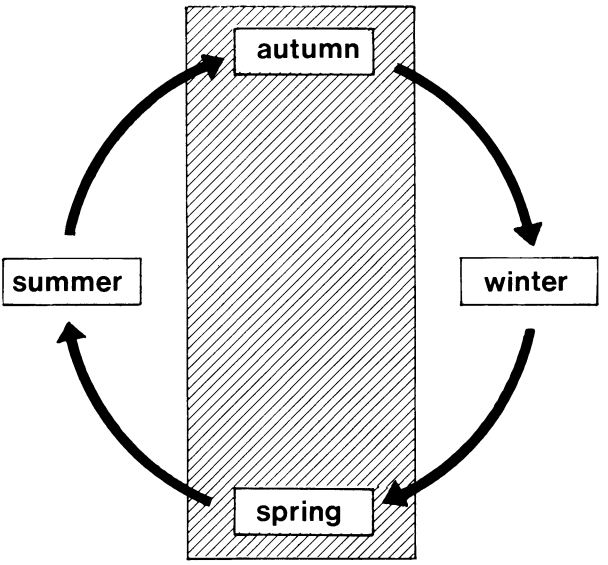
Hydro-electric Development

Hydro-electric developments appear as the classical example of encroachments on Native lands. Certainly the *James Bay Project* is one of the largest ever to be launched, but it also stands out as the best documented from an anthropological perspective (see in particular works by Feit 1986, Salisbury 1986 and LaRusic 1979). During the entire 20th century this type of exploitation has been a constant threat to Sámi interests. *Jokkmokk* is undoubtedly the Sámi core area that has suffered the greatest loss as a result of hydro-electric development, and between 1910 and 1970 no less than 14 separate dams have been constructed along the Lule River. As the greatest number of these dams are located in the spring-autumn zone, i.e., the most sensitive area for profitable reindeer management, the negative impact has been immense. In order to imagine the full implications of such encroachments, this drastic change in the terrain has to be related to the yearly cycle of reindeer herding.

The areas predominantly affected by hydro-electric developments are the original homeland areas for both reindeer and people (Figure 2). Let me specify here the kinds of herding activities that occur in this primary geographical zone. The arrows in the graph do not indicate diverse migrating routes between spring and autumn, but rather the rhythm of the seasonal movement between the primary ecological zone and the two zones of secondary import.

1. Spring: This is the calving season for which only certain types of pasture are fit, i.e., areas close to lakes and rivers where the snow often melts earlier than it does further up the mountain slopes, offering early access to necessary grass pasture. The newborn calves have to start grazing very soon after birth to gain strength. They are very vulnerable to predatory animals, especially polar foxes and eagles, which are unable to take fully grown reindeer. Even ravens constitute a threat to them. Areas close to

Figure 2



water are of major importance: the grass there is of high quality, and the calves are able to graze only the snow-free ground. Moreover, the full-grown animals have to remain in this area for a while to regain strength before continuing their strenuous migration to the summer pasture in the high mountainous areas.

2. Autumn: This is by far the most active season. The herders devote a great deal of time to rounding up the animals, frequently driving them into corrals in order to separate the herds. They castrate some of the bulls, and slaughter those going for sale. During this time of intensive work, undisturbed grazing for the reindeer is required. Before the roundup there is a slack period of about a month, during which the Sámi fish in the mountain lakes and rivers. The best fishing waters are usually found in the spring-autumn zone, and the timing for fishing is also optimal, as everything else the Sámi do has to be adjusted to involvements in reindeer herding.

The reindeer cycle is unalterable; consequently, the Sámi have to readapt to any changes in the environment which affect the ecological balance. The quality of the land being lost is far more important than the quantity, and

secondary effects must be taken into consideration. For instance, climatic changes for the worse may follow from environmental damage caused by water regulations preceding the construction of huge water dams. The important birch woods will be flooded, and the type of mountain lake that replaces the natural river with its well covered shore lines will allow free range for the cold mountain winds. As a consequence, these areas will be less suitable for calving, and as a rule such areas are irreplaceable.

A few more factors should be recognized as having detrimental effects. First, it is quite evident that the work input will increase considerably due to such changes in the natural environment. Secondly, the people may have to move traditional camp sites. These sites were originally chosen for their suitability; they are close to pasture areas enabling the herders to guard and control their herds. Furthermore, they are within easy reach of the most valuable fishing waters, and this is essential for this type of living. Although the utilization of modern technology, e.g., snowmobiles, tractors and small aircraft, has increased, the reindeer Sámi must still carry part of their supplies long distances over fairly rough terrain. Supplementary food, such as fresh fish, is essential to pastoralist adaptation. There are some communities whose people have had to break up and change camp sites four times in their lives, such as *Sirkas* in *Jokkmokk*. People are emotionally attached to these sites; they offer a homey feeling. For this reason the social costs of having to break up frequently are very difficult to assess.

Finally, the quality of the fishing waters will also deteriorate. Fishing implements and sheds may be lost in high water; the shore will be undermined and offer less protection against the strong winds, making it very hazardous to navigate small, fragile river boats. Most importantly, the amount of fish available in such regulated waters soon diminishes considerably. For these losses compensation is paid to the Sámi by the exploiter. Irrespective of the amount of such compensation, the damage done to the fishing conditions is irreversible.

The Alta River in Northern Norway is another case in point. The public debate regarding this construction scheme has probably stirred up more deliberate protests among the Sámi in Fenno-Scandia than any other single event. Its symbolic value, contributing to a Sámi mass movement towards a strengthening of ethnic awareness, has been striking. (See Paine 1985.)

The Kalix River Project close to Kiruna represents a future threat. This river is the last one in Swedish Lapland spared thus far from any infringement. A detailed scheme for eight to ten hydro-power plants already exists, and, if carried out, this development will have far-reaching detrimental effects on the Sámi living in the area. The greatest concentration of dams along the Kalix river will be in the winter grazing land, an area already severely damaged by the exploitation of industrial forestry. For successful and

profitable reindeer management, access to good winter pasture is essential. In most parts of Swedish Lapland winter pasture remains the ecological factor in shortest supply; consequently, this geographical zone is most vulnerable to substantial changes. When the two most threatening forms of industrial development coincide in the same geographical zone, the Sámi will face a tremendous predicament. The final decision on the development of Kalix River has not yet been taken by the political authorities. For a long time, therefore, the Sámi most directly affected have been living under great insecurity and feelings of emotional pressure, factors which have influenced career choices for some of the young Sámi in the area. Because of the increasing claims on the land, it has now become too risky to choose reindeer herding as a lifetime occupation. The demographic imbalance, already viewed as a social dilemma, may thus be under even more stress. This imbalance reflects a recruitment to reindeer herding which is far too small in relation to the number of elderly reindeer pastoralists; moreover, few families are being established due to such a prevalent sense of economic insecurity.

The most elaborate social impact analysis involving a single case of hydro-electric development among the Sámi concerns the Alta River (Björklund and Brantenberg 1981). There was also a special statement to the Supreme Court in connection with the Alta case (Paine 1982). Although the impact of the Alta development may not appear as far-reaching as the cases discussed above, the argument for approaching this kind of problem from an anthropological point of view is most convincing, i.e., reindeer pastoralist adaptation is viewed as a system consisting of a set of interdependent parts.

The Question of Land Rights

Firm land rights are an essential factor for practically all Native peoples living in an enclave and pursuing a traditional way of life, however modified this has been by external contacts. Land rights imply the continuity of a distinct land-use pattern which facilitates the maintenance of cultural viability. In the first place the land rights are based on customary law related to Sámi conceptions of territoriality; the local group, the *sii'da*, controls its reindeer pasture area and certain supplementary resources, mainly fishing and hunting areas, whereas the right of usage is allocated to the various household units belonging to the *sii'da*. It is important to point out that it has always been essential to the Sámi to claim sovereign rights to pasture, to hunting and fishing areas, etc.; in comparison, ownership rights to a delimited area of land have made little sense to them. The rights of usage are so qualified, however, that they come close to ownership rights, and the long-term utilization and actual occupation of the land, showing cultural continuity, could

eventually establish ownership rights for the group as a whole, vis-à-vis any other contending party (Jebens 1983:694-695). This transformation of the legal order of territorial rights has become more urgent to the Sámi in modern times as they experience a growing conflict of interests resulting from intensified contact with diverse levels of the larger society. In effect, land rights have more to do with self-determination, i.e., the ability to control the access to traditional resource development, than with territorial sovereignty (Sanders 1981).

Land rights are the very foundation on which ethnopolitical power is based and refer back to the interconnection between ecological analysis and legal argumentation. Moreover, to the Sámi reindeer pastoralists land rights must be based on the interdependency between the three component parts—pasture, reindeer, personnel—with pasture as the most critical element in this equilateral model (Paine 1972). The model itself is dynamic and open to readjustment all the time due to external pressure. It is the absolute rights to pasture, i.e., the land necessary to maintain an optimal pastoralist adaptation, that govern the recurring modifications in the relationship of numbers of reindeer to personnel. At any given time consideration must be given to seasonal variations as well as to climatic conditions which change over longer periods. The better balanced this interdependency is, the greater are the opportunities to develop supplementary resources available within the *sii'da* territory. (For an application of this model in a specific case of exploitation see Björklund and Brantenberg 1981:34-35.)

Minority Political Actions

In coping with environmental crises of such magnitude, Native groups first of all must act politically. Being encapsulated as weak minority groups, their actions are constrained by premises determined by the majority society. They have to adapt to a style appropriate for acting in unfamiliar political arenas. In trying to attain their most urgent goal, i.e., improved land rights, native peoples are faced with three political options: they can attempt to achieve political results by means of the alternative processes of legislation, negotiation or litigation. Of these three options, negotiation appears less likely to succeed than the other two in the sense that both negotiating parties should possess a certain amount of power. As long as the Sámi lack real political power, negotiations can never occur. Gains can only be obtained from negotiation if you have some power basis to fall back on, usually one derived from successful legislation or litigation. The James Bay Agreement concerning the Cree is a good case in point (LaRusic et al. 1979).

The Sámi, on the other hand, are still in the process of working through political channels and the legal system. During the last 30 years they have

tried to press the political authorities to restate the entire legal status of the Sámi through legislation. Knowing how touchy the land rights issue is, and for the sake of their own convenience, the political authorities have preferred to suggest that the Sámi turn to the courts, with the excuse that the problem was too complicated for the legislators to handle. In Sweden the Sámi decided to follow this policy and entered into litigation against the Nation State concerning ownership rights to land and water in the entire Taxed Mountains area, the so-called *Taxed Mountains Case*, 1966-1981. The main objective was not to attempt to inhibit a specific development project in the area but rather to strengthen the power base of the Sámi generally. Had the Sámi been successful, negotiations would have seemed a realistic alternative in all future instances of encroachments. (This comprehensive court case will be treated in a special monograph, T. Svensson forthcoming. See also Svensson 1979:219-223 and 1985.)

After 15 years of litigation the Sámi came out rather empty-handed; they did not acquire the major court victory which was necessary to expand their range of political activities. Through a Supreme Court ruling the State is now officially acknowledged as owner of the disputed land. Since it was maintained that the courts can only make decisions in accordance with the existing laws of Sweden they could not create new laws. The comprehensive issue of native land rights is thought to be far beyond the competence and authority of the courts and is more a political problem to be taken up by the legislature. So after all these years, the Sámi are back where they started; they are being pushed back and forth between two extremely powerful social structures within the state and seem to have no means to penetrate that compact, interrelated system.

At present they are working very hard using whatever positive results came out of the legal confrontation. The verdict contains certain valuable clarifications of the legal status of the Sámi, e.g., their firmly protected usufructuary rights are codified for the first time, insofar as they are acknowledged and said to be based on immemorial usage (Supreme Court Decision, 1981). This codification may in the long-term perspective turn out to be an important landmark in the land rights struggle. These rights are as strong as private ownership rights, in the sense that they entitle the Sámi to compensation for losses caused by various encroachments. The problem for the Sámi remains unsolved, however, for compensation is restricted to monetary remuneration or technological improvements, and does not include the replacement of land for land. New calving lands or natural migrating routes cannot be purchased, because land is the most limiting factor in Sámi pastoralist adaptation. On the other hand, as with private ownership rights, these usufructuary rights do not protect against expropriation, i.e., they provide protection from other individuals, but no protection from the State. These

rights are by no means secure from the inroads of the heavy industrial developments which we discussed above; consequently for the Sámi, with their exposed system of ecological adaptation, what we have is protection in theory only, not in practice.

And this leads us to the final problem, the question whether, in the case of ethnic minorities, equal rights should or should not mean identical rights. To represent a workable asset for the suppressed minority, equal rights must contain a new element, in addition to those held by the majority population. These ideas were first brought about by a government committee examining Sámi cultural issues on a broad scale (Komiteen til a utrede samesporsmal 1959.) Such a plus factor could offer the Sámi some kind of veto power in cases of exploitation where critical ecological zones are seriously threatened. Following the outcome of the *Taxed Mountains Case* this is the primary political goal of the Sámi today. In the *Sámi Rights Inquiry*, appointed by the government in 1983 as a result of increased pressure from the Sámi organizations, the issue of limited veto power became a prerequisite for Sámi participation. Considering the current ecological crisis and the small gains acquired so far by means of litigation, the Sámi would settle for no less. In Norway, as a result of the fierce protests expressed against the construction of the Alta River dam, a Sámi Rights Inquiry is trying to sort out the complex matters relating to Sámi aboriginal rights. If these two committees come out with new proposals for legislation that are fully acceptable to the Sámi, offering them land rights which incorporate an element of power, then the Sámi will be able to enter negotiations for the first time in their history.

Until now the strategic moves nade by the Sámi have resulted in a series of small gains, the product of a tremendous and time-consuming effort. In order to secure their land base they are now going for a major gain, which is quite necessary for long-term cultural survival.

This form of limited veto power could be a first step towards the establishment of a protection regime, similar to what has already been stipulated for the Cree as a result of the negotiating process which led to an Agreement in Principle in 1975 (Feit 1982, 1979). To the Cree and the Sámi alike, industrial forestry and huge hydro-electric projects are the kinds of encroachments which cause the greatest damage. Both cultures require secure land rights to maintain their distinct way of life; though there are clear differences in modes of production, respectively hunting and gathering and pastoralism, both have a similarly extensive land use pattern.

This process of parliamentary inquiries concerning the legal situation of the Sámi has so far produced in Norway one basic report on the Sámi and international law, including proposals for a Sámi Parliamennt and a special Sámi Act (NOU 1984:18). The proposals in question have also been adopted

by the legislative body (Ot. prp. 33). In Sweden there are now two reports: one is restricted to issues connected to international law (SOU 1986:36), and the other deals with a complex set of Sámi rights issues, including a proposal for a Sámi Parliament and a Sámi Act (1989:41); both reports are in form quite similar to their Norwegian counterparts. In Sweden, legislation is expected to pass during 1990. But, one more report is due to come, this one dealing with general cultural issues in addition to a Language Act; therefore, final legislation may be delayed further.

The complex matter of Sámi rights in Norway still (at the time of writing) awaits the decisive report on which legislation will be based. Without a firm settlement of the rights issues, the empowerment of the Sámi Parliament will remain unclear and rather diffuse. In any case we may conclude that the Sámi Rights Inquiries, and the new legislation following upon them, indicate a process of change which will imply Sámi empowerment in real terms, even if it does not meet all the claims the Sámi have raised. The Sámi are currently experiencing a slow process which improves their status as a distinct people. The specific result of this process, however, is still to be decided.

Conclusion

Transnational developments in areas traditionally used by Native peoples in the North result in conflict. The cause of this conflict is the constant impairment of the ecology on which native cultures subsist. Land rights appear as the main prerequisite for the power ethnic minorities need to enter negotiations with parties representing opposing interests. Whether such land rights are obtained through legislation or litigation, the legal argumentation pursued has to be based on a sound ecological analysis in addition to arguments related to legal history and customary law. To cope with the conflict, without necessarily trying to solve it, and to maintain the viability of their distinct cultures, Native peoples require political power relevant to ethnic minority situations, i.e., it has to be based on secure land rights.

Encroachments affecting the conditions of Native peoples are not restricted to industrial developments of various kinds. Atmospheric disturbances of the ecosystem, which definitely are of trans-national nature, such as the increasing spread of pollution from heavily industrialized regions, can have extremely destructive effects on the ecological niche of a native people. The latest and most portentous example is the Chernobyl disaster of 1986.

Immediately after the nuclear power plant explosion in the Ukraine, radioactive fallout was transported in a northwesterly direction. Due to unfavourable wind conditions, and because of extraordinarily high precipitation it was spread over central Scandinavia. The Chernobyl disaster thus caused the reindeer pastoralist Sámi, living in the South Sámi region in both

Sweden and Norway, the greatest threat ever to be experienced. "It was a blow to the Sámi culture which it will be extremely hard to recover from, if it is at all possible," as one Sámi stated.

The lichen which provides winter reindeer pasture was contaminated for an indefinite period of time; no one knows for certain how many years the negative effects will prevail, but 20 years has been mentioned as a plausible and fairly realistic guess. This uncertainty on the part of scientific experts stems from the simple fact that a disaster of this magnitude or type has never before been experienced.

The reindeer do not starve, because they do not lack food, as they do during years of pasture shortage caused by drastic climatic fluctuations; but when slaughtered they are not suitable for human consumption. The radiation levels in the meat, in terms of becquerels (the measurement unit of cesium 137) is far too high to permit its consumption, considering the cancer risks. As a consequence, in the Sámi areas most severely affected, a whole year's production is lost. Similarly, fishing waters and wildlife harvesting areas are contaminated, thus completely undermining the ecological niche on which the pastoralist Sámi way of life is based.

Four years after the disaster occurred, the negative implications were still the same, and great despair and a feeling of uncertainty for the future are growing among the Sámi, especially among many young people who are about to make their career choices.

In this particular case, secure land rights and self-determination are of little help in preventing the recurrence of a catastrophe of this nature. On the other hand, such empowerment of the indigenous ethnic minority is indispensable in managing the significant aftermath, and in negotiating the terms of full and just compensation. The demand for improved land rights and increased self-determination, therefore, appears more urgent than ever before. (For more details see, e.g., Svensson 1988 and Broadbent 1989.)

As for the Sámi, however, they are victims of the ideological dilemma resulting from the political philosophy of Scandinavian social democracy. In pursuing the ideals of its general political program the political authority is hampered by a discrepancy between international commitments on the one hand and national policy on the other. On the international scene Scandinavians have advocated the rights of minorities, have defended their special interests in world-wide conflicts, etc., and have given a very high priority to questions of human rights. But these principles are not compatible with internal political realities.

In national policy the concept of equality and prosperity for all is firmly advocated. This relates to the ideals of a well-developed welfare state. Key factors in political success are first, to increase the gross national income, secondly, to expand the nation's export industry, and thirdly, to maintain the

highest possible rate of employment. The dilemma for the State is to cope with the problem of high rates of unemployment in marginal regions, especially in the north, while trying to live up to the political ideal of protecting the interests of minorities, including commitments related to the principles embedded in the concept of human rights. The Nation State faces an insoluble predicament, particularly in cases involving the land rights issue. Secure land rights for the ethnic minority groups are not congruent with the realization of the political program on the national level, the demands of which can only be met by a continuation of industrial development in Sámi core areas.

The current Sámi Rights Inquiries discussed above probably constitute the greatest step taken up to now towards Sámi self-determination in real terms. The legislation emanating from these inquiries, in combination with important recent gains on the legal front, form the foundation on which Sámi ethnopolitics will be based in the future. And such an ethnopolitical foundation is crucial for Sámi cultural survival.

References Cited

Björklund, Ivar, and Terje Brantenberg
1981 Samisk Reindrift—Norske Inngrep. Om Altaelva, reindrift og samisk kultur. Tromsö, Oslo and Bergen: Universitetsforlaget.

Broadbent, Noel
1989 The Chernobyl Accident and Reindeer Herding in Sweden. *In* Readings in Saami History, Culture and Language, edited by Noel Broadbent. Center for Arctic Cultural Research No. 7. Umeá, Norway: Umeá University.

Feit, Harvey
1982 Protecting Indigenous Hunters: The Social and Environmental Protection Regime in the James Bay and Northern Quebec Land Claims Agreement. *In* Indian SIA: The Social Impact Assessment of Regional Resource Development on Native Peoples, edited by C. Geisler et al., pp. 290-321. Ann Arbor, Michigan: University of Michigan, Natural Resources.
1986 Hunting and the Quest for Power: The James Bay Cree and Whitemen in the Twentieth Century. *In* Native Peoples: The Canadian Experience, edited by Bruce Morrison and Roderick Wilson, pp. 171-207. Toronto: McClelland and Stewart.

Jebens, Otto
1983 Samenes Land: En Rettslig Realitet? Tidsskrift for Rettsvitenskap Årgang 95, Hefte 4.

Kirke—og undervisningsdepartementet, ed.
1959 Innstilling fra Komitéen til å utrede samesprsmål. Oslo: Kirke—og undervisningdepartementet.

La Rusic, Ignatius, et al.
1979 Negotiating a Way of Life. Montreal: Consulting Services in Social Services, Development and Culture Change (SSDCC).

McDonnell, Roger, and I. La Rusic
1987 Forestry Operations and Hunting Organization among Waswanipi Cree. Montreal: HUSO Series Inc.

Norges Offeuttige Utredninger
1984 On Samenes Rettslige Stilling 18. Oslo: Universitetsforlaget.

Odelstings proposisjon. No. 33
1986-87 Om lov om Sametinget og andre samiske rettsforhold (sameloven). Oslo: Justis- og politidepartementet.

Paine, Robert
1972 The Herd Management of Lapp Reindeer Pastoralists. Journal of Asian and African Studies 7:76-87.
1982 Dam a River, Damn a People? Copenhagen: International Work Group for Indigenous Affairs, No. 45.
1985 The Saami Action Group in Norway: 1979-81. *In* Indigenous Peoples and the Nation-State: Fourth World Politics in Canada, Australia and Norway, edited by Noel Dyck, pp. 190-235. St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland.

Salisbury, Richard
1986 A Homeland for the Cree: Regional Development in James Bay 1971-1981. Montreal: McGill University Press.

Sanders, Douglas
1981 Aboriginal Peoples and the Constitution. Alberta Law Review 19(3).

Stateus Offeuttiga Utredningar
1986 Samernas Folkrättsliga Ställning. Stockholm, Sweden: Stateus Offeuttiga Utredninger (SOU) No. 18.
1989 Samerätt och Sameting. Stockholm: SOU No. 41.

Svensson, Tom
1978 The Effects of Economic Change on the Ecology, Culture and Politics of Reindeer Sámi in Sweden. *In* Consequences of Economic Change in Circumpolar Regions, edited by Ludger Müller-Wille and Pertti Pelto, pp. 215-234. Edmonton: Boreal Institute for Northern Studies.
1979 Culture Communication and Sámi Ethnic Awareness. Ethnos 3-4.
1985 The Sámi and the Nation State: Some Comments on Ethnopolitics in the Northern Fourth World. Etudes/Inuit/Studies 8(2):158-166.
1988 Patterns of Transformation and Local Self-Determination: Ethnopower and the Larger Society in the North: The Sámi Case. *In* Northern Communities: The Prospects for Empowerment, edited by Gurston Dacks and Ken Coates, pp. 77-89. Boreal Institute Publication No. 25. Edmonton: University of Alberta.
forthcoming The Sámi and Their Land.

Supreme Court of Sweden
1981 Dom i Skattefjällsmålet, DT 2, 324/76. *Reproduced in* The Sami National Minority in Sweden, edited by Jahreskog. Atlantic Highlands, New Jersey: Humanities Press.