DEVELOPING SAMI RIGHTS AS INDIGENOUS RIGHTS

Does the Introduction of Group Rights Increase ‘Ethnic’ Tensions?

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Deadline for submission: 18/05/2010

Number of words: 19,917 (max. 20.000)

Acknowledgements

First of all, I would like to thank my supervisor, Stener Ekern, for his guidance and encouraging me to visit Finnmark and do fieldwork. Secondly, I would like to thank the "Fritt Ord" association for believing in my project enough to provide me with the scholarship necessary to travel. I hope the result meets your standard.

My gratitude goes out to everyone I met during the field trip. Our conversations have been of outmost value, expanding my comprehension of these complex matters. A special thank you goes to Jan Roger Østby, Information Director at the Sami Parliament. You made me feel welcomed and accepted, sharing your knowledge and introducing me to the people working there and the daily routine. I would also like to thank Assistant Director of the Sami Parliament, Hege Fjellheim Sarre, and legal advisor, Roger Kalstad, for taking the time during a busy week to talk with me.

Further, I would like to express my gratitude towards Eva Josefsen from the Northern Research Institute, Anny Vigdis Sara from the Reindeer Husbandry Administration, Lars Birger Persen from the Sami newspaper Ságat as well as Turid Bjørnstrøm and Lars Hapalahti from EDL. Thank you all so much for taking time out of your busy schedule to share your perspectives with me.

A special thank you goes to Erik Torp-Olsen, for helping me out in a new place and for our pleasant conversations. Without you driving me to Sirbma, I would have missed the opportunity to extend my vision further by visiting Niillas Somby. Thank you so much Niillas, for our illuminating conversation and for the exotic adventure of finally getting to taste *gumppus* and marrowbones. It has been a pleasure and an honor.

I would also like to express gratefulness towards Reidar Nielsen and Odd Mathis Hætta. Thank you so much for letting me into your homes and taking the time to talk with me.

My deepest gratitude goes to Magnus Halonen at Karasjok Camping for taking care and fuelling in the *Sauna* when the temperature sank to -40˚C.

I would also like to thank Anne Julie Semb from the Department of Political Science at the University of Oslo, for helping me with questions and always answering my e-mails very quickly.

A special appreciation goes to my fellow students at the Norwegian Centre for Human Rights. Your presence and support made writing this thesis an enjoyable experience. My most sincere gratitude goes to fellow student and friend Nina Kristin Sørheim, for helping me out with the English language. Your assistance has been invaluable.

Last, but not least, I would like to thank friends and family both at home and in Finnmark, for supporting me through this process. Without you this thesis would not have come true. I will spend a lifetime making it up for you.

Thanks!

Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
UDHR	Universal Declaration of Human Rights

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1 Introduction

In 1978, the Alta controversy[1] initiated environmental and human rights activists to fight together for Sami rights to be placed on the national agenda. After more than a hundred years with assimilation policies, the 1980s marked a rapid change in Norway's official attitude toward its Sami minority. The establishment of the Sami Parliament in 1989 started a new era of Norwegian minority policy. Norway no longer consisted of only Norwegians. Norway became *multicultural*.[2] In the opening speech of the Parliament, King Olav stated that:

> When the Norwegian State was founded, the Sami had already lived in their areas for a long time. The fact that the Sami people have shared territory with the Norwegian people inside what are today the Norwegian borders impose a special responsibility towards the Norwegian government.[3]

Through stating this, King Olav recognized the Sami as a 'people', a group distinguishable from Norwegians. This paved the way for a new partnership to evolve between the Norwegian authorities and the Sami group, which should be noted as a huge transition in previous perceptions. The Sami population had previously been considered primitive and in need of standard education. However through this new official acceptance by the state of Norway as an indigenous people, the Sami have the right not just to be heard, but *consulted* in cases that matters to them. Therefore Norway is now one country based on the territory of two groups of peoples.

However, this status brings new challenges to be addressed. In 2007 EDL was established as a protest towards the Finnmark Act. This organization claim that the rights

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[1] Civil unrest resulting from the Norwegian government plans to develop the Alta river in 1978.
[2] As Mahajan (2005) p.90 states: "Most societies today are plural and internally diverse but we cannot, by this token alone, say that they are multicultural. The existence of many different cultures does not by itself make a society multicultural. It is only when these diverse cultures exist as equals in the public arena that a democracy can claim to be multicultural."
[3] The Royal House of Norway (2010), my translation.

granted to the Sami Parliament through the Finnmark Act and ILO Convention No. 169 has resulted in ethnic divide and tension in Finnmark.

To investigate these claims, this thesis will review the international concept of group rights and autonomy as well as Norway's legal obligations to fulfill these rights, before looking at the practical implications of introducing these into Finnmark. By using Finnmark as an example, we can explore in-depth the issues surrounding the application of group rights. In this way, thoroughly establishing if the introduction of group rights have increased 'ethnic' tension in Finnmark.

1.1 Working Definitions

Before introducing the aims of this research it is essential to clarify working definitions of the terms 'ethnic' and 'ethnic tension'. This is because these are two terms that can have multiple interpretations. Therefore their definitions will be provided in the following sections to avoid any confusion. Other important terms such as 'group rights' and 'autonomy' will be clarified in Chapter 2, as their definitions are the basis of understanding the entirety of the concepts that address the research aim.

1.1.1 'Ethnic' and 'ethnic tensions'

Ethnicity is a concept that exists *between* people. It differentiates individuals based on grouping.[4] The word 'ethnic' is empty and lacks meaning until someone use it to highlight differences between groups of people, such as language, race, religion or color. It is when these distinctions are used politically, as a means to distribute power or other benefits, that the term 'ethnic' in 'ethnic tensions' gains meaning. Ghai supplements this by warning about the dangers of simplifying conflicting interests into group dynamics, as the result can be a polarizing of the conflicts and the loss of focus on the real issues.[5]

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[4] Yash Ghai (2000) p.4 use it as "a broad concept, covering a variety of factors which distinguish one group of people from others".
[5] Ibid. p.7.

1.2 Significance of study

Tensions surrounding the matter of Sami rights in Finnmark could easily be undermined as a small town conflict of interests. This is usually also the case. However, it is also important to remember that ethnicity has actually resulted in war and genocide. Therefore making the investigation of any sign of 'ethnic' conflicts not only worthwhile, but extremely important. The introduction of minority group rights is supposed to secure the rights of minorities and prevent atrocities from happening. But as one previously repressed group are considered to have gained rights and powers that in some cases even surpass the majority, tensions may rise. This thesis will investigate if this is the case in Norway.

Through the practice of consultations, the Sami Parliament is considered equal partners on par with the Norwegian government when Sami interest cases are discussed. This results in the perception that the Sami Parliament has a more notable influence in Sami interest cases, than other public agencies, like the Finnmark County Council.

When the Finnmark Act came into force in 2005, it created the Finnmark Estate to govern the land and resources of the county. The board of the Finnmark Estate consists of six members, three to be appointed from the Finnmark County Council and three from the Sami Parliament. The fact that individuals registered in the Sami census can vote both at the Sami Parliament and Norwegian Parliament election may in some incidences be viewed as a democratic deficit, especially in Finnmark. Some have even gone so far as to claim that the population of Finnmark is paying with lack of democracy today, for the wrongs that were made against the Sami people in the past. Therefore believing that the Norwegian government has gone too far in allocating rights to the Samis.[6]

The level of protection allocated to indigenous peoples in international and Norwegian law is the result of the work of countless lawyers and legal advisors. The impact of these significant contributions is not to be underestimated. As political philosopher Will Kymlicka argues in his article *The New Debate on Minority Rights*, the debate on minority rights as being fair or unfair is over.[7] He concludes that it *is* fair to give

[6] Bjørnstrøm and Hapalahti (2010).
[7] Kymlicka (2001).

some groups special treatment in form of positive discrimination, and recognize indigenous peoples as a national minority. A national minority can be defined as "historically settled, territorially concentrated and previously self-governing cultures whose territory has become incorporated into a larger state".[8] Therefore they should have more say than the majority, and even other minorities, when it comes to issues that affect them, because these other groups had an element of choice which the national minority never had.

There are several methods to introduce group-specific rights, as there are many groups worldwide that could fall under this category. Important international legal tools such as the ILO Convention No. 169 seeks to address indigenous and tribal peoples rights. Yet, the ILO Convention does not specify how this will go about. Therefore the significance of this study is to evaluate the Norwegian attempt to operationalize indigenous rights.

This study will look at Norway's most important contribution to the rights of the Samis, the Sami Parliament. It was created to ensure Sami participation in questions of concern, and has, during its 21 years of operation, been able to increase its areas of governance and incorporate an indigenous element into several significant laws. (The most important being the above mentioned Finnmark Act.) Literature has covered many of the issues relating to the previous Norwegian policies of assimilation, and the politics leading up to the construction of the Sami Parliament.[9] What is needed now, is an assessment of the Norwegian effort to fulfill its human rights obligations in regard to Sami's as an indigenous people. This thesis will therefore initiate this debate by clarifying terms and identifying conflict lines, but also offer a glimpse into a society that is actually living with group rights.

1.3 Research objective, scope and purpose

The aim of this paper is to give a presentation of how the development of indigenous rights has proceeded through the theoretical, legal and political point of view with regards

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[8] Kymlicka (1997) p.19

[9] Aarseth (2006), Bjerkli and Selle (Eds.) (2003), Eidheim (Ed.) (1999), Minde (2005), Nielsen (1986), Skum (1990), and Thuen (Ed.) (1980), to mention some.

to the Norwegian case of the Samis. In addition, this paper attempts to review practical challenges that occur after drafting and establishing laws.

Tension is an abstract and difficult concept to define. However, throughout this thesis it will be argued that there are evidences that tension exists in Finnmark. Increases of political tension in Finnmark, especially after the establishment of the Sami Parliament demonstrate this. The Sami Parliament is a political structure with a significant amount of influence in the parts of Norway that is acknowledged as Sami land. Due to the fact that there is a power struggle between two ethnic groups, the tension takes an ethnic dimension instead of perceiving tension as a conflict of interest. This is also amplified due to the fact that the Sami Parliament, through the Finnmark Estate, makes decisions that affect everyone within the Finnmark region.

However, it will be argued that using 'ethnicity' as a hook on which every dispute is hanged is harmful to progress. Through pointing out clear misconceptions and false stereotypes of 'the others',[10] we will be able to see ethnic tension is based, to a varying degree, on false presumptions. For example, an argument between a Norwegian farmer and a Reindeer herding Sami doesn't necessarily have to be about ethnic differences – it is more likely the result of competition of land and natural resources, turning a conflict over resources into an 'ethnic' conflict. However, to avoid misunderstandings, it is important to use the term 'ethnic' with care. Therefore it is recommended that Norway, and especially the Sami Parliament, takes precaution when dealing with issues that could be skewed to be ethnic. Through open communication, the Sami Parliament and the Norwegian authorities can ensure that all interested parties are heard and are able to find common ground as fellow *finnmarkinger*[11].

The reason for concentrating on Finnmark, the northern most county in Norway, is the unique position it takes in regards to Sami rights. 13 of Finnmark's 19 municipalities are applicable for subsidy schemes (such as subsidies for business) from the Sami Parliament. This is 13 out of the total of 26 municipalities that are eligible for Sami Parliament assistance. Therefore Finnmark holds more than 2/3 of the municipalities

[10] See Eidheim (1993) for an interesting study from Finnmark on how people create distinctions between themselves and "the others".
[11] Residents of Finnmark.

eligible.[12] Finnmark is also a centre for the Sami communities. The Sami Parliament is in Karasjok, the Sámi University College (with the Sami Institute) is in Kautokeino, the Sami Museum is in Varanger, and the Sami Language Centre is in Tana, to mention a few.

Another reason for choosing Finnmark is because of the already mentioned Finnmark Act. It came into power in 2005, giving the Sami Parliament the opportunity to "issue guidelines for assessing the effect of changes in the use of uncultivated land on Sami culture, reindeer husbandry, use of non-cultivated areas, commercial activity and social life".[13] The Finnmark Act stirred up a lot of tension before it was passed, and thousands of signatures were collected both in favor and against its implementation. It even resulted in an anti-Finnmark Act organization, The Organization for Ethnic and Democratic Equality,[14] which strongly opposes its existence, and claiming that it has divided Finnmark ethnically. It was the discussions surrounding this law, and possibility towards granting the Sami Parliament extra powers, which inspired me to research what at first glance might look like an ethnic conflict in Finnmark.

1.3.1 Research Questions

To fully understand and delve into the research objective the below questions will be investigated.

1. How are minority, group, and indigenous rights justified? What are Norway's legal obligations to fulfilling these rights?
2. How much, and what kind of autonomy is actually allocated to the Sami Parliament? Then, what rights does a Sami person have, that a Norwegian does not?
3. Does the answer to question 2 cause a divide based on ethnicity between the people living in Finnmark?

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[12] Statistics Norway (2010) p.11.
[13] The Finnmark Act § 4.
[14] My translation of the *Organisasjonen for etnisk og demokratisk likeverd*. From here on, I will use the Norwegian abbreviation EDL.

1.4 Methodology

The approach is interdisciplinary. This means that even though trained as a political scientist, I will evaluate laws, both international and national, which hold importance and influence over Norwegian state obligations in the case of the Samis. This is done in order to have a better understanding of the impact group rights make in a small society such as Finnmark. By clarifying terms like 'group rights', 'self-determination' and 'autonomy', they will be understood and applied for the average person and daily routine in Finnmark. This is where a transition to a more social scientific approach is called for. Interviews concerning the research objective, highlighting the varying perceptions and opinions are one of the main topics of this thesis. Firstly we shall look at the methodology of the fieldwork, before looking at the methodology to address the theoretical aspect of this thesis.

1.4.1 Quantity vs. quality

In order to properly address the research objective and questions, a qualitative approach has been chosen. A quantitative approach is not chosen, because Statistics Norway does not register ethnic backgrounds in their surveys,[15] therefore quantity research would be unrealistic to complete with the time constraints of this thesis. In addition, in order to conduct quantity research it requires a large number of respondents and resources that were not available at the time of writing. A qualitative approach was considered the best option to proceed with this thesis. This is also due to the complexities of the questions chosen to research. Opinions and viewpoints of people affected by the outcomes and application of laws are essential to include with such a study. Therefore, interviews and observations are the main source of information, alongside documents, laws and other literature.

[15] Statistics Norway (2010) p.8.

1.4.2 Field work: interview structure and method of observation

In order to get an as nuanced impression of the popular opinions in Finnmark as possible, I went to various locations within Finnmark to gather information. The purpose of the trip was to follow the plenary session at the Sami Parliament, and interview people both inside and outside of the Parliament.

It was important to note that consideration was taken into account to include both coastal and landlocked areas into the field research, as these different areas contain a variety of different opinions, represent areas previously involved in dispute, and ways of life.

The trip consisted of visiting the Sami Parliament in Karasjok, EDL and Norut[16] in Alta, the Sami Newspaper Ságat in Lakselv (in Porsanger), Reidar Nielsen in Kvalsund, observing local life in Sirbma (in Tana), and visiting potential interview candidates as well as observing life in Hammerfest.

Before travelling to Finnmark, I had previously been following the coverage of Sami matters in online mediums, and paid extra attention to what was stated in opinion columns. In that way I established an idea of what some of the most pressing issues were, and mapping out conflict areas that would be useful to visit. After some initial research, I

[16] Northern Research Institute.

realized that the level of tension was quite high. For instance, on the Sami Radios webpage, an overload of comments deeming to be racist became such a large problem that they had to shut down.[17] However, precaution was used after noting that many believed that the representativeness of opinions polarized the debate instead of displaying a variety of views. However, these sources were useful in the initial stage of mapping out possible areas of dispute.

1.4.2.1 Interview candidates

Interview candidates were chosen to provide a variety of different perspectives. On the one hand, I met Turid Bjørnstrøm and Lars Hapalahti from the EDL, which oppose the Sami Parliament, the Finnmark Act, and the ILO Convention No. 169.[18] On the other hand, I interviewed a Sami activist, Niillas Somby, who talked warmly about having a Sami reserve in Finnmark.[19] However, most of the people I met had more or less moderate opinions with continuity of the situation today as a starting point. I chose interview candidates based on the knowledge that these individuals had already made statements in public. A review of media, studies, and other reports provided the opportunity to identify these individuals. A limitation is noted here as this method of selecting interview objects can create problems with reliability. Often the case is that most of the individuals who are eager to exert their opinions are those whom are most unsatisfied with their current situation. To overcome this limitation, it was therefore essential to include interview candidates with a variety of different backgrounds. For example, candidates included individuals working in official capacity at the Sami Parliament, researchers, representatives from the Reindeer Husbandry Administration, individuals living in the area (ethnic Norwegians and Sami), former politicians, representatives from the media, Sami rights activists, representatives from organizations against the Sami Parliament (EDL), and persons with high moral standing within the community.

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[17] Thrane (2009).
[18] Bjørnstrøm and Hapalahti (2010).
[19] Somby (2010).

1.4.2.2 Interview

Based on the collected information, I developed a guide for the themes to be covered in the interviews. The interviews were informal in style in order to open up for debate.[20] During interviews, it was attempted to create a friendly and informal atmosphere. By asking follow-up questions and being sincerely interested in people's viewpoints a sense of trust and openness was established. It was important for me to remain objective to protect the information gathered. This is especially important since the topic can be understood as controversial and difficult. It was important to establish myself as a young researcher willing to learn more about these issues. My goal was to understand varying viewpoints; therefore precaution was taken to avoid the most controversial questions in fear that interviews would be abruptly ended or take a defensive route. It should be noted that regions visited consisted of small communities where information spreads extremely fast. Therefore in order to not affect objectivity of data, I chose to keep a low profile and an open mind in regard to various opinions highlighting the fact that I am a student researcher, and therefore the questions posed do not carry additional weight.

Firstly, questions posed would consist of trying to identify opinions concerning the authority of the Sami Parliament. For example, what kind of authority does it possess over the Sami culture and language, land rights, and different types of Sami (coastal, reindeer herding, settled Samis[21])? What does this authority entail? For example, is the authority respected within different viewpoints, or is it a purely legislative power? For more detailed information on the interview guidelines see annex A (please note it is in Norwegian).

Responses from officials at the Sami Parliament were considered official statements. For other candidates their responses offered an insight into the general knowledge/perception of the Sami Parliament. It was already noted prior to meeting with candidates presumed to have strong inclinations for or against the Parliament that it would already be believed that the Parliament had either too much autonomy or too little autonomy. Therefore interview questions focused on why they had these perceptions, and delve into deeper potential roots of their opinions.

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[20] More on methods used in the social scienses is to be found in Hellevik (2002).
[21] Sami's who have accustoumed themselves to traditional Norwegian way of life.

Secondly, questions concerned the Parliaments influence over Sami rights. What was it like to be a Sami before the Parliament was established? What is the current situation? Also here the interview candidate was taken into consideration. It was expected that stronger opinions concerning the Sami Parliament would surface. For example: The EDL does for instance argue that the Sami rights movement has gone too far, and that what we see today is Sami nation-building and separatism. On the other hand, Sami activist Niillas Somby states that even 30 years after the Alta controversy, he still has not seen a single Sami right.

Thirdly and finally, questions would concern how Sami rights have affected the relationship between Samis and non-Samis in Finnmark in general and in particular about the Finnmark Act. This is the point at which the interview candidate could voice their opinions. To clarify, at all stages is the interview candidate's opinion respected and upheld, but this stage of interview allowed for a general opinion on life in Finnmark.

Following the ethical standard of an investigation of this nature, information was provided to all interview candidates concerning the object and purpose of this research and made sure that individuals understood that they were taking part in a study before commencing with the interview. Also, interview candidates were told that they might be referenced, by name, in this thesis. Due to the potential controversial nature of this research and that this is a small community, caution was taken to not misquote or represent interview candidates. The opportunity to expand and explain was provided also at the writing stage. However, interviews were not the only means of conducting fieldwork as observation also plays a large role.

1.4.2.3 Observation

Observation consisted of attending a Sami Parliament plenary session, which lasted for a week, which discussed pressing issues (economic and political), current debates concerning its structure, a visit from representatives in the Norwegian Parliament, and a seminar on Sami language in daily life. This aided in gaining a more nuanced view of what Sami politics consist of, and it provided valuable insight in the working methods of the Parliament. It also provided insight into the interaction between traditional Sami's and

those adapted to Norwegian traditional life. Observation also demonstrated the general opinion in the Sami Parliament that they want to practice politics and not just state declaration, therefore emphasizing Sami Parliaments intention to gain more authority.

Observation also extended to getting an insight into traditional Sami way of life. This meant visiting the various areas stated in section 1.4.2. In this way I would have a more developed understanding of issues of concern for both Sami and Norwegians. However, it should be noted that this could affect the objectivity of data. Therefore I took precaution by distancing myself from disputes and remaining open minded, focusing on understanding both sides of the debate, and not spending too much time in one area. Documents and literature concerning this debate were thus essential in allowing for an overall understanding of the background, theory, and legal justifications for a possible 'ethnic' divide.

1.4.3 Documents and literature

Field research made a significant impact on the outcome of the research. However, through analyzing documents and other texts an overall picture can be drawn. As newspaper commentaries represent opinions rather than pure facts, collecting information from academic articles was essential. I especially relied upon well-known and respected authors like Will Kymlicka, Asbjørn Eide and Yash Ghai concerning the issues of minority rights and autonomy. When investigating possible reasons for Norwegian assimilation policies, the arguments made by Heather Rae in her book *State Identities and the Homogenisation of Peoples* were emphasized. However, it was noted that academic articles (especially in the social sciences) also contains some sort of bias from the writer.

This is also true when interpreting legal texts. For the purposes of this research, extra attention was appointed important international tools like ICCPR and ILO Convention No. 169. For the national context the Sami Act, Finnmark Act and the Royal Decree regarding consultations were considered essential. When reading the law, I would note that there are several ways of interpreting a legal text. By balancing different sources against each other, I hope to contribute to the academic dialogue. This would allow for the creation of a balanced understanding of the legal and social situation in Finnmark.

1.5 Limitations

This thesis consists of two parts. The first part takes a theoretical approach, providing an overview of the political philosophy regarding group rights and autonomy, significant international and national law, and the history of Norwegian Sami policies. It is impossible to compress all elements of relevance in one thesis. Therefore a selection has been made, limiting the areas to be covered. It would for example be relevant and interesting to include the work of UN's Permanent Forum on Indigenous Issues. However, it was considered as not relative to the practical implementation of indigenous rights in Finnmark, which are the main focus of this research. It should also be noted that due to lack of legal training, the method applied in regards to the law are accordingly.

The second part consists of the empirical study, where extra attention has been paid towards the methods applied in relation to the fieldwork. This part of the thesis has a limited area of application. The limitation regarding the choice of geographical focus and the method of selecting interview candidates is described in section 1.4.2.1.

The main challenge for doing this kind of research is the lack of statistics, and the fact that ethnic tensions are not really studied in Finnmark. Therefore the amount of information is limited. However, this was one of the reasons for choosing such a topic.

The qualitative way of collecting data has both strengths and weaknesses. The strengths relate to the possibility it gives to delve deeply into complex issues. The weaknesses regards to the limited amount of objects data are collected from. This heightens the possibility for bias to occur. In this study, discussion is structured according to four ways of perceiving tensions. This way of limiting the areas for discussion are biased in the sense that they are chosen accordingly to my own perceptions of what elements that is of enough importance to be discussed.

However, the bias will always be there, because as individuals we will understand things differently. The goal when writing academic papers is to be aware of this limitation, and make the bias as small as possible.

The next section will demonstrate the structure of this thesis.

1.6 Outline

The approach of this study is theoretical and empirical. Therefore, in order to accomplish this, it is important to present relevant legislation, both national and international. Chapter 3 deals specifically with this matter. Chapter 4 will then give a historic introduction of the Norwegian policies towards the Sami, from the missionary activities starting in the 17th century, to the opening of the Sami Parliament in 1989. Background is necessary for understanding the opinions presented in the fieldwork in Chapter 5. This chapter also contains discussion on how the system of group rights is applied in the Norwegian context. This is where the fieldwork is put to use, because viewpoints from interview candidates provide interpretation of the connection between the theory and practice of indigenous rights in Norway. Throughout the paper, terms like ‘group rights’, ‘self-determination’ and ‘autonomy’ are evident. These are often used in the discussion about indigenous rights, and the case of the Sami is not an exception. A limitation is that even though they are often used, they are rarely defined. In the following chapter working definitions of these terms will therefore be provided to allow for a direct understanding of their implications in Norway. The definitions provided will be based on contributions made by some of the most respected theoretical scientists on the field, and therefore create a basis for the discussion presented in Chapter 5.

2 The concepts of group rights and autonomy

This chapter will provide a theoretical and historical guide for understanding some of the terms often used in the debate over Sami rights as indigenous rights. It will tell the story of how group rights came to be part of human rights, and how extra attention paid towards minority protection in the last decades evolved into recognition of indigenous groups as a special category. It will look into the tensions created between the concept of human rights as purely individual rights, and the view of human rights applying also to groups. This will be helpful in trying to understand the different areas of conflict which can be found in the Sami case.

2.1 The concept of group rights: when human value reaches beyond the individual

Group rights are designed to manage differences between people as being members of groups, and the aim being to protect the group as such.[22] This is an approach based on particularity, and the result of it is claims of special obligations from a state towards the group in question.[23] *Individual human rights* are characterized by their universality and focus on non-discrimination; they apply to everyone on equal basis, and do not consider membership in groups. Aristotle[24] formulates this concept of justice as treating equal cases equally and unequal cases unequally. The debate over group rights versus individual rights often boils down to being about *when* we are dealing with equality, and when we are not.

The pioneering instrument of international human rights, the 1948 UDHR, is taking the latter, individual rights approach.[25] It was a product of its time. After the devastating Second World War, in which millions of people were killed because of their belonging to a

[22] Nickel (2007) p.155.
[23] Heinze (1999) p.28.
[24] Cited in Weigård (2008) p.179.
[25] UDHR § 2.

certain ethnic, religious, national, sexual or political group, the time had come to give value to the individual human being – "understood as holding comprehensive fundamental rights not because they were part of any greater, collective entity"…"but simply by virtue of their irreducible humanity".[26]

The fact that Adolf Hitler misused the protection allocated to minorities under the League of Nations to launch attacks on Poland made the climate towards group-specific rights hostile. As referred by Deirdre Fottrell and Bill Bowring, many scholars had, and still do have, the opinion that "[a]ny suggestion that individual rights should ever be trumped by the interests of the community is a return to pre-enlightenment or totalitarian values".[27] According to Professor Gillian Triggs, the most important objections posed against the concept of group-specific rights are that the promotion of group rights would be on the expense of individual rights; that group rights would undermine the nation-state and serve as a incentive for secession; that group rights might serve as justification for a relativist approach to human rights; that group rights would be too expensive for states to fund; and that rights of minorities is discriminating the rest of the population.[28]

Against these positions, Dr. Niam Nic Shuibhne writes that these are the same objections previously made against any development of the human rights law, in order to keep the absolute state sovereignty. Time has proven these concerns wrong, she argues, and the debate now is more on how to merge the concept of individual rights with the one concerning groups.[29] As we shall see in the Sami case, this is not an easy quest.

2.1.1 Towards a regime for minority protection

One reason for not having a general minority convention is because of challenge of establishing a definition that everyone agrees on. As John Packer writes in his article, *Problems in Defining Minorities*, this "results in unforseeability and unreliability, i.e. poor

[26] Heinze (1999) p.27-28.
[27] Fottrell and Bowring (1999) p.xiii.
[28] Cited in Shuibhne (1999) p.93.
[29] Ibid.

law".[30] Still there are a few definitions that have reached a certain level of authority, one of them being formulated in 1979 by Fransesco Caportori, Special Rapporteur to the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities:

> A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.[31]

But why should this be a state responsibility? Why do we need special rights concerning minorities?

The reason for putting an emphasis on the individual after the Second World War was not necessarily to keep the protection of minorities at a minimum level. In fact, the thought behind granting the same rights to everyone without distinction was to reduce the discrimination typically experienced by individuals belonging to the various minorities at the time.[32] But the focus on individual equality gave legitimacy to the assimilation policies many states issued in order to regain unity and stability after the war. The popular opinion was that if the states respected everyone's individual rights, there wouldn't be a need for special protection of groups.

Kymlicka argues against this view. In his book *Multicultural Citizenship* he writes that individual human rights don't provide a satisfactory answer to the problems faced by multinational states.[33] For example, even though the government ensures the universality of certain rights, it still can face problems of *indirect discrimination*[34]. This is known as the distinction between a *de jure* and a *de facto* right. You can have a *de jure* right to education, but you still can be subject to *de facto* discrimination if the teaching is held only

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[30] Packer (1999) p.232. As an example, Fottrell and Bowring (1999) p.xiv writes how the lack of a definition of *national minorities* in the European Framework Convention on the Rights of National Minorities is leading to States Parties "defining" their way out of obligations to certain groups in their interpretative declarations.
[31] Cited in Shuibhne (1999) p.91. Shuibhne critizises this definintion for being too narrow, with the possibility of excluding immigrants or refugees (because of the criteria to be "nationals of the state"), or minority groups forced to assimilate and by that means have lost the "sense of solidarity, directed towards preserving their culture, traditions, religion or language".
[32] Eide (2006) p.157.
[33] Kymlicka (1995) p.4.
[34] More on the concept of discrimination (in the case of women) is to be found in Byrnes (2002).

in the majority language that you do not understand. That is why extra measures are needed in order to make sure that minorities has the same access to their human rights.

Today, most states, including Norway, acknowledge their cultural diversity.[35] When this is the case, the state has a minority policy, whether it chooses the line of assimilation or multiculturalism. According to Kymlicka, almost all of the western liberal democracies chose a line of assimilation.[36] Some minority groups, for example migrant workers, would typically accept this, because the choice of moving into a different society was, to a certain extent, their own. But other groups, especially indigenous peoples, have more often tried to resist assimilation in order to keep their particular way of life. As we shall see, recent developments in international law support their case.

The international breakthrough for minority protection came with the inclusion of Article 27 in the 1966 ICCPR. It reads that: "Persons belonging to ethnic, religious or linguistic minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language". It was considered a significant contribution to the protection of minority cultures. However, the sole focus on the negative obligation of the state just "not to deny" – has been up for critique. The same applies for the focus on the individual. Article 27 protects "[p]ersons belonging to" minority groups, but not the group as such.[37] Hence, Article 27 specifies *minority rights* in the sense that it protects *individuals as members of minority groups* – but it does not protect *minority groups* in the same manner or value as *group rights*.[38]

Capotorti argued for this approach, and stated it was necessary in order to gain legal acceptance, as groups don't have standing as subjects in international law. He also claims that it is not possible for a state to fulfill its obligations under the Covenant by being passive – positive measures are required as well.[39] Thirdly, he justified the individualistic

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[35] One exception being France, which has made a reservation to Art. 27 of ICCPR claiming that minorities do not exist there.
[36] Kymlicka (1997) p.33.
[37] Eide (2006) p.159.
[38] Nickel (2007) p.161.
[39] Cited in Smith (2007) p.306-308.

approach as providing a choice to each person to decide whether he or she would like to be considered a member of the group in question, or as part of the majority.[40]

Throughout the years UN conventions have been created with specific regard to protecting refugees,[41] women,[42] children,[43] migrant workers,[44] and persons with disabilities.[45] These conventions are adopted to protect vulnerable groups, which also constitute minorities in society, either when it comes to numbers (like migrant workers) or influence (like women). Minority rights is about recognition, with the aim of letting the minority group keep its distinctiveness, but still have the same rights to participate in the society along with the majority population. The process of creating new conventions addressing minority rights is not necessarily about widening the *content* of human rights – it is about widening the *scope* of established human rights, to make sure that the group in question also stands to benefit from them.[46] However, for some groups this is not enough protection – many indigenous peoples, including the Samis, claim that they should be allocated special status, and a higher degree of self-determination, because they are a distinct 'people'.[47]

2.1.2 Indigenous people: a special case

As argued by Kymlicka, *indigenous peoples* have several features in common with *stateless nations*; they put emphasis on their cultural distinctiveness and historic relations to the land, and claim various degrees of autonomy over themselves on the grounds that their incorporation into a larger state was in some way unjust.[48] Kymlicka argues for

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[40] Bowring (1999) p.5.
[41] Convention Relating to the Status of Refugees (1951).
[42] CEDAW (1979).
[43] CRC (1989).
[44] International Convention on the Protection of the Rights of All Migrant Workers and Their Families (1990).
[45] Convention on the Rights of Persons with Disabilities (2006).
[46] This line of argument is also used by Martin Scheinin (2008) p.152 to justify indigenous rights, as he writes that: "…indigenous peoples' rights are not particular privileges or separate rights but, rather, a functional device to ensure the enjoyment of universal human rights also for members of indigenous peoples."
[47] Weigård (2008) p.177.
[48] Kymlicka (2001) p.120.

abandoning the term and rights of indigenous peoples within his previously mentioned definition of 'national minorities'. He asks:

> On what basis can we say that indigenous peoples have a stronger claim to self-determination than other national minorities? Why should the Sami have a right to self-determination under international law and not the Catalans? Why the Innuit and not the Québécois? Why the hill tribes in India and not the Kashmiris or Sikhs? Why indeed do we need to single out indigenous peoples at all under international law? Why not simply include indigenous peoples under a broader category of national minorities, and assert that all national minorities have rights of self-determination?[49]

Attempts to justify the special status of indigenous peoples have been made by scholars as James S. Anaya and Jarle Weigård.[50] Stating that there are unique characteristics to indigenous groups, but there is a lack of a formal definition in international law.[51] The word 'indigenous' can be interpreted in four ways that, according to Professor Patrick Thornberry, can help us understand their special position. The term suggests association with a particular place; it suggests prior inhabitation; it carries a sense of original or first inhabitants (hence they are also known as 'first peoples'[52]); and it accounts for indigenous peoples as distinct societies.[53]

These features are also recognized by most UN bodies who are dealing with indigenous peoples.[54] They also put emphasis on the people's desire to maintain their lifestyle and distinctiveness from the majority population – or else it wouldn't make sense to give the group special protection.

Another aspect that particularly applies to the case of indigenous peoples is the lack of choice they experienced during the creation of states. In contrast to most of the stateless nations, indigenous peoples did not get the opportunity to participate in the modern struggle for territory.[55] One reason for this is because indigenous peoples are also

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[49] Kymlicka (2001) p.125.
[50] Anaya (2004) and Weigård (2008).
[51] Lâm (2000) p.6.
[52] Smith (2007) p.318.
[53] Thornberry (2002) p.37-40.
[54] Lâm (2000) p.9.
[55] Kymlicka (2001) p.122.

characterized by the fact that up until recently, many did not take part in the modern way of life (with the concept of ownership of land) – they would rather constitute their own civilization separate from it.[56]

Even though most indigenous peoples did not participate in the struggle to gain territory, they still have right to their land, because they have earned *entitlement* to it "resulting from long-lasting factual possession and utilisation".[57] Weigård argues for two ways of justifying indigenous rights:

> In total, the special situation of indigenous peoples seems to be that their rights can be justified both from a position of weakness and a position of strength. On the one hand their culture is vulnerable and therefore often will have a stronger need for extra protection than the cultures of most other groups. On the other hand, their historical connection to their territories gives them a strong basis for claims for control over these territories, rooted in legal principles already accepted as valid for other peoples. It is the combination of these two argumentative strategies that the best justification for the special status of indigenous peoples in international law is to be found. [58]

Indigenous peoples need to be protected by their own set of group rights, because they represent what would, in line with Aristotle, be characterized as a situation of *unequalness*. Every individual has the same value and the same rights, but everyone is born at different starting points. This is taken into consideration in international human rights law when establishing individual minority rights – they are designed to address the situation of unequalness. The goal for group rights is to do the same for vulnerable groups.

Group rights have existed in the UN system since the adoption of the Genocide Convention in 1948. When dealing with group rights, Professor James W. Nickel divides them into three categories, with different obligations for states.[59] The first is group security rights, as in the right to existence. This right is protected by the 1948 UN Genocide Convention, which obliges states not to persecute groups. The second is group representation rights, which could for example demand states to establish quota systems.

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[56] Weigård (2008) p.184.
[57] Ibid. p.189.
[58] Ibid. p.190.
[59] Nickel (2007) p.164.

The third is group autonomy rights, which consists of granting rights of self-government to the group in question.

The third group of rights is what many indigenous peoples claim today is a part of the right to self-determination as a 'people'. However, the third category, autonomy rights, also consists of sub-categories that inflict different obligations upon states, as we shall see in the next section.

2.2 The concept of Autonomy: in pursuance of self-determination

The right to self-determination of peoples is considered fundamental in international human rights law, as acknowledged in the first Article of both the ICESCR and the ICCPR. It is *the* Human Right, and it is *the* Group Right. As Professor Joshua Castellino puts it, "unless a subjugated people can determine its own political, economic, social, and cultural future, an articulation of the rest of their human rights may prove meaningless".[60] But when does a group go from being an 'ethnic minority', to constitute a whole 'people'? According to Ghai, this is something the group in question decides for itself:

> A self-conscious ethnic group can place itself in different categories, deriving from political science or legal discourse – it can be a cultural, religious or linguistic group, or it can be a minority, or a nation, or a 'people' or 'indigenous peoples'. Each of these categories is associated with a specific set of claims – participation, representation, recognition of language, religion, education, land, autonomy, etc.[61]

This suggests that a group classifies itself on a scale, reaching from the weaker term of 'minority' to the stronger term of 'people'. It also suggests that what a group claims for themselves lies implicitly in the category they choose – again from the weaker 'participation' (or the even weaker claim mentioned by Nickel, 'the right to existence'), towards the stronger claim of 'autonomy' or 'self-determination'.

It would be interesting to see whether a hypothesis like this would be valid in the case of the Norwegian Samis. I will not discuss this further, but will note that there have

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[60] Castellino (2008) p.560.
[61] Ghai (2008) p.11.

been developments in both the Sami claims towards the Norwegian government, and the way they classify themselves. During its first years of existence, the representatives of the Sami Parliament's executive council referred to themselves as an 'ethnic minority' in the planning documents of the Parliament. This changed in 1997, when they started to refer to themselves as a 'people' – interestingly, the same year the demand for self-determination became central in the policy-making of the Sami Parliament.[62]

But even though the quest for self-determination is central for the Sami as well as other indigenous peoples, few attempts have been made to explain what is actually meant by it. This is probably because the term contains so many elements. As with so many of the other terms we work with in this field, there is no single juridical acceptable definition of 'self-determination'. Therefore, it must be understood in its context. For example a linguistic group would like to make decisions for the schools teaching their language; a people would like to make decisions on how they shall govern themselves; and a nation would like to secede and form a separate state. These statements about self-determination have a common thread in that they illustrate how "[s]elf-determination is about the relation between state and community"[63].

Self-determination starts and ends with the sovereignty of the state, but "[w]hile state sovereignty doctrine limits the application of the self-determination norm through the international system, the limitations are conditional and should not be considered as incompatible with or debilitating to self-determination values".[64] This means that if a state commits gross human rights violation to a territorially defined group, international law do allow for secession in such cases.[65]

A different perspective is to perceive self-determination as a constant, ongoing goal and 'autonomy' in a variety of formats can be an applied method to achieving self-determination. 'Autonomy' is another loaded term. As stated by Hans-Joachim Heintze[66], 'autonomy' is to be understood by its context – from the philosophical concept of personal

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[62] Semb (2010a).
[63] Kingsbury (2000) p.26.
[64] Anaya (2000) p.17.
[65] Mancini (2008) p.28.
[66] Associate of the Institute for International Law of Peace and Armed Conflict, Ruhr University Bochum, Germany.

ability to make rational choices for oneself, to the natural sciences understanding of organic independence.[67] In politics and law, autonomy can take a variety of forms and contain different strengths. It can be operationalized in several ways, and attempts of classification have been made by a number of theorists.[68]

For the purposes of this research, only two broad notions of (political) autonomy; cultural autonomy and territorial autonomy will be used.[69] *Territorial autonomy* is a federal arrangement that gives decision-making powers to a smaller entity within a larger state. *Cultural autonomy* is also the allocation of powers, but these powers follow the cultural group they are appointed to, rather than being linked to a particular place.[70] Further explanation regarding the two categories as well as their link to the Sami case will be presented in the following sections.

2.2.1 Cultural autonomy

As the term suggests, 'cultural autonomy' is referring to how a group can govern its own culture. Eide points out that language, religion or belief, and ways of life are three important aspects of 'culture'.[71] He also introduces a definition of the term: "…cultural autonomy will here be understood as the right to self-rule, by a culturally defined group, in regard to matters which affect the maintenance and reproduction of its culture".[72] According to Ghai, 'ethnic' or 'group' autonomy is concerned with giving the opportunity for a group to make decisions relating to the issues that affects them.[73] This could imply that in parts of a country dominated by another linguistic group, the minority group might be granted autonomy to make their language first priority in for example schools, road signs and public documents.

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[67] Heintze (1998) p.7.
[68] Michael Tkacik (2008) does for example classify 'autonomy' in four categories; personal autonomy, cultural autonomy, functional and administrative autonomy, and legislative autonomy.
[69] This is done in order to discuss the different arrangements without getting lost in the terminology.
[70] Eide (1998) p.252.
[71] Ibid. p.261.
[72] Ibid. p.252.
[73] Ghai (2000) p.8.

Cultural autonomy is viewed as the most common and least controversial of the types of autonomy. According to Eide, cultural autonomy is different from the territorial in at least three ways. Firstly, autonomy is granted to a group based on their cultural distinctiveness and not their territorial boundaries. Second, it only allocates the power to govern issues of cultural importance. And finally, self-government only applies to persons within the specific cultural group.[74] However, it is not that simple in practice. Although it might be stated that cultural autonomy is different from territorial autonomy, tensions between the two may arise when states are in the process of implementation of cultural autonomy.

2.2.2 Territorial autonomy

As stated above, territorial autonomy refers to the granting of certain powers to a specific territory within a state. This creates a federal relationship between the entity/ies and the central state, which is asymmetric in character. It means that even though each area has the authority to govern itself, it is still under the control of the central government. The different entities in a federation may be granted the exclusive power to make decisions over policies concerning it, for example regarding religious practices, while other areas such as foreign policy is controlled centrally. Lauri Hannikainen[75] maps out some qualities, from an international legal perspective, that an autonomy arrangement should include. According to Hannikainen, the important aspect is that territorial autonomy should be a part of the constitution, and democratic in character.[76]

Some states have a federal system that is not based on ethnic or religious boundaries, like the USA and Germany. Ghai writes that these systems are most likely to succeed. This is based upon his reasoning that territorial autonomy should be granted on a non ethnic basis. However, he notes that this would be challenging in current contexts, because most claims for autonomy are based on ethnic divides.[77] Yet, he believes that it is

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[74] Eide (1998) p.252.
[75] Associate Professor of International Law, University of Turku, Finland.
[76] Hannikainen (1998) p.91-93.
[77] Ghai (2000) p.8.

possible to make these arrangements work. In order to manage this challenge, he suggests, the ethnic group in question needs to be territorially concentrated.

If this is done, then territorial autonomy is a sufficient means for taking both individual rights as well as the group concerns into account.[78] By implementing Ghai's recommendation it should be observed that there still would be individuals that are not members of the ethnic group in the territory that has gained autonomy. This could create a situation where tension could arise.

Granting autonomy based on ethnicity can encourage the "group-thinking" of people within the state, heightening the level of tension between two groups of 'people' in that territory. It is extremely important to keep into consideration the concerns of the population within the area subjected to territorial autonomy that do not belong to the ethnic group. These people would become to what is known as *trapped minorities*. Trapped minorities do not enjoy the same protection as regular minorities in for example Article 27 of the ICCPR.[79] Resulting in that these individuals would not want to grant territorial autonomy to the 'ethnic' group. The secret of creating successful territorial autonomy, then lies within the proper balance between addressing particular needs of the ethnic group, but also finding common ground and similarities with other non-members of the ethnic group.[80]

One of the reasons why the concept of territorial autonomy is extremely controversial is the fear of secession from the central state. However, Ghai argues that this fear is unfounded. When authorities sit down to form such an arrangement, they can reach pragmatic solutions. Therefore if prepared in a moderate manner, addressing territorial autonomy can decrease instead of increase tensions within a state.[81] A moderate manner implies that the process leading up to autonomy arrangements are created in a democratic manner. It would be important to stress here that validation and inclusion of a variety of opinions would be essential in creating an autonomy arrangement that would satisfy most if not all affected.

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[78] Lewis-Anthony (1998) p.321-322.
[79] Mancini (2008) p.12-13.
[80] Ghai (2000) p.24-25.
[81] Ibid. (2000) p.23.

2.2.3 Autonomy and the case of Norway

In Norway, the Sami Parliament has autonomy when it comes to the Sami language, and the concept of cultural autonomy gives them "the right to control the use of traditional Sami items of clothing, joik, handicrafts (duodji), and knowledge of flora and fauna".[82] The reindeer husbandry industry is also acknowledged as an essential part of Sami culture. This results in adding an element of territorial autonomy, as reindeer herding require an enormous amount of uncultivated land. Therefore granting cultural autonomy results in discussions about land rights and territorial autonomy.

As stated above, territorial autonomy is controversial because it implies that one group makes decisions that affect everyone within the area. Even though the Norwegian government has not granted the Sami communities arrangements of territorial autonomy, one can argue that the rights granted to the reindeer husbandry industry, the Sami Parliaments role in the Finnmark Estate, the right to raise objections and the consultation agreement amounts to steps taken in that direction. Therefore causing Norwegians not able to vote for the Parliament to become *trapped*, resulting in underlying tensions present with regard to Sami policies in Finnmark. This will be discussed further in Chapter 5.

From a legal point of view, it can be argued that the special position of indigenous peoples requires states to give them some sort of territorial autonomy. This is because of their close ties (culturally, economically and historically) to the land, and their dependence on 'their' land and water to be able to maintain a traditional way of life. I will look closer upon this in the next chapter, which is dedicated to give insight of the Norwegian legal obligations from the international, regional and state level.

[82] Åhrén, cited in Henriksen (2008) p.32.

3 Legal obligations

This chapter will present an overview of the legal commitments Norway has made towards the Sami population as an ethnic, linguistic minority, and indigenous group. It will be done from the perspective of the international, regional and national level of law making. Thorough interpretation of every single instrument will not be provided, but rather there will be a focus on legal tools recognized by the Norwegian government concerning Sami rights.[83] Allowing this chapter to provide insight and understanding into the Norwegian Sami policy, and the regulating framework in which the Sami Parliament operates.

3.1 International obligations: the UN and ILO

As previously mentioned, the adoption of the 1966 ICCPR with Article 27 marked a new beginning in regards to minority protection. However, focus is rather on the individuals in a group, instead of a group as such.[84] Article 27 protects the Sami from discrimination, and provides them with the right to enjoy their culture; therefore making Article 27 one of the most influential legal sources in regard to Sami rights, and was used as a foundation for the drafting of Article 110a in the Norwegian Constitution.[85]

Article 27 also instigated the inclusion of Article 30 in the 1989 CRC, which states that:

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exists, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with

[83] See the Norwegian Governments Report to the Storting No. 55 (2000-2001) p.24-25, and the Ministry of Government Administration, Reform and Church Affairs web page.
[84] Musgrave (1997) p.91 states that even though both the ICCPR and the ICESCR include the right of self-determination of peoples in their Article 1, it was mostly connected to the process of decolonization – and did not consider the areas of indigenous peoples which had been colonized for even a longer period of time.
[85] The Norwegian Government's Report to the Storting No. 55 (2000-2001) p.25.

other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

Like Article 27 of the ICCPR, Article 30 of the CRC is formulated with a negative obligation. Stating that children "shall not be denied" their rights.[86] Another aspect Article 30 of CRC has in common with Article 27 of the ICCPR is that emphasis is on culture as one of the most important means of protecting minorities. But in contrast to Article 27, Article 30 (created 24 years later) illustrates how the evolution of indigenous rights has led to the inclusion of the term indigenous in the legal text.

As mentioned previously, in the case of indigenous peoples, the right 'to enjoy ones culture' is closely linked with land rights. This is because land and natural resources play a significant role in their identity and formation of traditional ways of life. Land therefore often defines the indigenous people and their lifestyles.

The 1989 ILO Convention No. 169 recognizes the role land plays with respect to indigenous peoples. This convention replaces the previous ILO Convention No. 107 from 1957. According to the ILO's own web page, the main differences between the Conventions are:

- No. 107 was founded on the assumption that Indigenous and Tribal peoples were temporary societies that would eventually disappear. In contrast, No. 169 is founded on the belief that these are permanent.
- While No. 107 refers to 'populations', No. 169 refers to 'peoples'.
- Where No. 107 encourages integration, No. 169 recognizes and respect cultural and ethnic diversity. [87]

The differences between the two conventions illustrate how there has been a significant change in acceptance for indigenous peoples. According to the new Convention (No. 169), indigenous peoples now have the competence to make decisions on their own. This is in stark contrast to the paternalistic approach taken in the first Convention (No. 107).

[86] Lile (2009) p.16.
[87] ILO (2010).

However, it should be mentioned that No.107 marked a change in recognizing indigenous and tribal peoples as a special kind of minorities. This was a type of recognition that Norway for example did not designate to the Samis at that time.[88]

Norway has evolved from that time. It was one of the first states to become party to the ILO Convention No. 169. This Convention was opened for signature and ratification in 1989, which was the same year as the opening of the Sami Parliament. After ratification, No. 169 has played a significant role in formation of the Norwegian policy towards the Sami. It is also used as a legal tool in which the Sami politicians can depend and refer to when addressing the Norwegian government. The ILO Convention No. 169 is therefore mentioned in high regard as an important legal source in both the Finnmark Act and in the Royal Decree (regarding consultations between the Norwegian central government and Sami Parliament).

3.1.1 A declaration with implications

In 2007, UN adopted the Declaration on the Rights of Indigenous Peoples. As a declaration and not a convention it is not formally binding upon states, and there is no report system attached to it. However, a declaration adopted by the UN contains qualities of *soft law*. This means that it creates guidelines or norms which states have to reflect upon. It can also serve as a basis to creating a convention. Yet, most notably, as in the case with the UDHR, it can transform into customary international law or general principles of law, which are considered binding on all states whether they have agreed on it or not.

According to Dr. Yvonne M. Donders, this Declaration[89] is special for many reasons.[90] First of all, it has been developed in consultance with the right-holders themselves. One can assume that this has been helpful in formulating Articles addressing issues that are considered important by representatives from indigenous groups. It also shows how the norm has changed from the paternalistic approach, to an approach based on

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[88] Minde (1999) p.66.
[89] She refers to the 1994 Draft Declaration, but there are not too many differences between it and the final result.
[90] Donders (2002) p.217.

dialogue and partnership. Another important feature in this Declaration is the focus on the individual and the collective rights at the same time. It grants legal personality to the group itself. This marks a contrast from other instruments that protect only individuals as members of groups. A third feature is its formulation. The terms used in the Articles make it *seem* very binding upon the states, even though it is "just" a declaration. John B. Henriksen[91] suggests that this might be because the Declaration states many principles that are already considered as customary international law and therefore binding upon states anyway.[92]

The Declaration on the Rights of Indigenous Peoples offers closure to many of the issues discussed above. It demonstrates that indigenous peoples are distinct from other minorities, and needs a separate body of protection. It merges the concept of individual and group rights in one instrument – and it leave us with no doubt that indigenous peoples have the right to self-determination.

3.2 The concept of regional systems and European minority rights

Regional systems for the protection of human rights are often associated with being easier to create, access and enforce.[93] They are supposedly easier to create, because of the assumption that the political climate is more homogenous in states that are geographically close to each other. For those who wants to raise claims, the regional system is easier to access, again because of closeness, and also because there naturally should be fewer cases to address than in an international system. Thirdly, regional agreements can be easier to enforce, since the level of consensus should be higher among fewer states, and also because states presumably will put more emphasis on pressure coming from nabouring states in which they compare themselves to. However, regional systems can give the human rights discourse a relativist touch,[94] which in turn may pose a threat to the concept of *universal* human rights. It would be contrary to the ideals of human rights if countries in a region

[91] Recently appointed to the Expert Mechanism on the Rights of Indigenous Peopels.
[92] Henriksen (2008) p.35.
[93] Smith (2007) p.80-82.
[94] As was the mentioned fear about the introduction of group rights.

where patriarchal family structures still dominate created a human rights system on the basis of gender inequality. Regional human rights systems would then undermine the international human rights system. This will not be discussed further, but rather it shall be noted that states in a regional framework to a larger degree have the opportunity to put focus on the most pressing issues in that particular area.

3.2.1 Legal commitments: the Council of Europe

The two treaties with the most influence on Norwegian Sami policy is the 1992 European Charter for Regional or Minority Languages and the 1995 European Framework Convention for the Protection of National Minorities. These treaties were both adopted by the Council of Europe. Part III of the European Charter for Regional or Minority Languages places duties upon states to make an effort to promote those languages in various contexts. It also contains a report system, creating a dialogue between the Council and the states parties to the Charter. Norway has included the Northern Sami language in this part of the Charter, and is considering doing so for the Southern Sami and Lule Sami languages as well.[95]

The first to address the issue of national minorities is the European Framework Convention for the Protection of National Minorities. When creating its Sami policy, the Norwegian government mentions this Convention as a legal source. This is due to the fact that the Sami fulfills the criteria for being recognized as a national minority within this Convention. Paradoxically, Sami politicians have expressed utmost unwillingness towards this recognition. Their reasoning being that the protection granted to indigenous peoples in ILO Convention No. 169 goes further than in this Convention.[96] This reluctance is puzzling. The term 'national minorities' and 'indigenous peoples' are not excluding categories. These terms have rather a cumulative relationship. Cumulative in the sense that an individual can be part of a national minority, and not an indigenous group. In addition, this individual cannot be a part of an indigenous group without also being a part of a

[95] The Norwegian Government's Plan for Action for Sami Languages (2009) p.12.
[96] The Norwegian Governments Report to the Storting No. 55 (2000-2001) p.27.

national minority. The point being that the Samis will not lose their rights as an indigenous people by also being recognized as a national minority.

3.2.2 Towards a Nordic Sami Rights Convention?

The 2005 proposal for a Nordic Sami Rights Convention is the result of a co-operation between an expert group and the three Nordic Sami Parliaments – the Swedish, Finnish and Norwegian. This includes all the countries with Sami populations except from Russia, which has not granted the Sami the same status or established a Sami Parliament. In 2007, a Norwegian working group (consisting of members from the Norwegian government and the Sami Parliament) submitted a report evaluating the impact on the existing status of the Sami. The report therefore compared the Nordic Sami Rights Convention against applicable international and national law. It concluded that the proposed convention would only add to the existing Norwegian commitments toward the Sami people.[97]

If the Nordic Sami Rights Convention enters into force, it will take the recognition granted to the Sami as an indigenous people a step further than the UN Declaration on the Rights of Indigenous Peoples. This is due to the fact that there would be a binding treaty concretisizing the more vague formulations in instruments such as the Declaration and the ILO Convention No. 169. The Nordic Sami Rights Convention would also strengthen the partnership approach. As its Article 16 can be read as granting the Sami Parliaments a right to veto decisions coming from national parliaments, if such decisions are deemed to be a severe threat to Sami culture, livelihood and society. According to Anne Julie Semb[98], it still remains uncertain whether such a convention will ever enter into force.[99] For example the Finnish working group in 2009 concluded that the Nordic Sami Rights Convention conflicted with the Finnish constitution. Such a strong statement illustrates how far we still are from having a Nordic Sami Rights Convention.

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[97] Report from Working Group (2007) p.101.
[98] Political scientist with a special interest in Sami issues.
[99] Semb (2010b).

3.3 National obligations

The Sami Parliament has made it a priority to work the Sami aspect into relevant Norwegian law.[100] As mentioned previously, there will not be a detailed interpretation of each law as it is not in the purpose of this research. However, there will be an overview of laws concerning Sami matters. This aids in comprehending the concrete framework for Sami rights today.

There is a distinction between laws pertaining to Sami rights as an indigenous people and the rights related to the reindeer husbandry industry. They are linked in the way that only individuals with Sami origins has the right to brand reindeer, which is necessary for pursuing reindeer herding within Sami areas.[101]

The revolutionary Sami Act of 1987 not only recognized the Sami as an ethnic minority, but also created the Sami Parliament. Only a year after its birth, § 110a was added to the Norwegian Constitution. § 110a acknowledged the Sami people and seeked to protect their languages, culture and communities. These Acts then set the path for more Sami rights to be acknowledged. Sami cultural heritage is protected by § 4, § 12 and § 23 in the Cultural Heritage Act. § 9 of the Act that regulates names of places protect Sami names for areas, and roads to name a few examples. Chapter 6 of the Education Act provides Sami children with the rights to be instructed in the Sami language. The Human Rights Act of 1999 (adopted to strengthen the position of human rights in Norwegian law) includes among others the ICCPR with its Article 27.

2005 marked a year of growth in amount of authority the Sami Parliament holds. 2005 was the year the Finnmark Act was adopted, but also when the Royal Decree affirmed the obligation of Norwegian authorities to arrange consultations, in relevant cases, with the Sami Parliament. The right to be consulted is stated by Article 6 in the ILO Convention No. 169, which is also acknowledged in the introduction of the Royal Decree.

Consultations are arranged after a case has been heard by other public agencies. The Decree states that the consultations between Norwegian authorities and Sami Parliament

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[100] Josefsen (2010).
[101] § 9 and § 32 of the 2007 Reindeer Herding Act.

should be conducted in 'good faith'.[102] This means that both sides have the duty to enter the consultations with the intention of pursuing an agreement. According to the procedural guideline, this implies that both sides have to demonstrate respect. This is done by giving notices and answers within a reasonable amount of time, and providing all relevant information. The consultation process should not end if it is presumed that an agreement is attainable. If an agreement is not reached, the reasons for this have to be clearly stated.[103] If the Sami Parliament is of the opinion that the duty of consultation has been broken, they can bring it to the international level through the organs of the ILO.[104] A process of formalizing consultation into Norwegian law is already in process.[105]

In 2009 a revised version of the Planning and Building Act entered into force. This granted the Sami Parliament the right to raise objections against plans they consider as threatening Sami culture or industry.[106] Also in 2009, Section 14 of the Nature Diversity Act protects Sami interests in regard to natural resources. Despite all this progress, the Norwegian government did not accept the Sami Parliament's proposal of establishing an 'indigenous people charge' within the Mineral Act of 2009. Instead this Act contained only general statements in § 6, acknowledging the validity of international law on minorities and indigenous peoples.

This overview demonstrates that there is an increasing tendency to include the Sami aspect in the process of law-making. As discussed above in relation to minority rights, it is not necessarily about giving the Sami a large number of rights, but to show that the situation for the Sami is taken into consideration. As next chapter demonstrates, until recently the situation for the Sami was completely different.

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[102] Part 2 of the Royal Decree of 1 July 2005 regarding the Agreement on procedures for consultations between the Central Government authorities and the Sámediggi.
[103] Procedures for Consultations between State Authorities and the Sami Parliament (2006) p.10-11.
[104] Ibid. p.18.
[105] Østby (2010).
[106] § 5-4 of the Planning and Building Act.

4 Historic overview: from assimilation to appreciation

This chapter seeks to provide a historical overview of the Sami situation in Norway. The reason being that a historical overview is needed as a base to fully understanding the current situation and reasons of underlying ethnic tensions. This chapter will focus on the political and legal aspects, but offers viewpoints on the social implications as well.

4.1 Assimilation and nation building

In her book *State Identities and the Homogenisation of Peoples*, Heather Rae argues that assimilation policies are closely connected with the creation of states.[107] This is related to the nature of states in general and nation states in particular. The modern state system is built upon the ability of categorization of what is right and wrong through a legal framework. It is also built upon exclusion, through the criteria for distribution of citizenship. This is taken a step further in the nation states, where the categorization of *insiders* and *outsiders* also reaches between nationals and non-nationals. Usually, there is almost no distinction when it comes to rights between a citizen and a national of a state, but this aspect tends to gain more significance in periods of *nation building*. The process of nation building is a political project with the goal of creating unity within a state. The means used to reach that goal is usually connected to ethno-cultural aspects, such as common ancestry, language and certain qualities considered as identifying for the people subjected to nationalism. Thomas Hylland Eriksen gives examples on how the Norwegian authorities used elements from rural Norway in order to create a common 'Norwegian soul'.[108]

Without going further into the debate, it is interesting to note that the Norwegian assimilation policies were most intense around the time of secession from Sweden in 1905.

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[107] Rae (2002).
[108] Eriksen (2002) p.100-103.

This supports Rae's idea of how the one (homogenisation/assimilation) often follows the other (nationalism/nation-building).

4.1.1 The Norwegian politics of assimilation

The former Norwegian politics concerned with integrating the Sami into the Norwegian majority contains two main methods of ensuring assimilation. First and foremost, Samis were strongly encouraged to embrace the Christian faith. The second component was to dissolve Sami languages, and only allow for Norwegian language to be used. In order to do this, the Norwegian state adopted legal measures to encourage obedience, and the school system was used as a tool to distribute Norwegian nationhood.

The most intense period of Norwegian assimilation policies towards the Sami is usually placed between the years of 1850-1960.[109] At this time, Sami religious practices of *noaidis* (often referred to as shamans) was already suffering from a major setback due to the Christian missionary,[110] and the process of witch hunting that took place in Europe during the 15th and through the 18th century.

The Christian faith was distributed to Sami children through the school system all over Norway, which had religious education as one of its most important mandates through the period of 1719-1969.[111] From the 1840s, the puritan Lutheran Laestadian movement gained a lot of support from the Sami communities, as it was skeptical of the authorities and allowed for the Sami language to be used in preaching.[112] Today most Samis are integrated in the Christian system, and there is almost no *noaidis* left.

In regard to Sami languages, the current situation pertains to encouraging its use in a systematic manner by the Sami Parliament and the Norwegian Government. However, during the years of assimilation, the language within the school system was utilized to

[109] Thuen (1980) p.14.
[110] Pollan (1993) p.18.
[111] Ibid. p.56.
[112] Skum (1990) p.23.

integrate Sami children. They were taught in Norwegian, and many schools actually banned the Sami language.[113]

The law concerned with land sales (which came into force in 1902 and wasn't abolished until 1965) made sure that only Norwegian citizens could buy land. To be considered a Norwegian citizen, the individual had to document fluency in the Norwegian language.[114] It soon became evident for the Samis that the Sami language was not as useful as the Norwegian. This phenomenon led many parents to only teach their children Norwegian. Therefore in this manner, the Samis assimilated themselves to a certain degree. This was not due to the Norwegian state actively persecuting Samis, but because Sami culture became useless.

4.1.2 What may have contributed to Sami assimilation?

Restrictions like those mentioned above made it easier for the Samis to allow themselves to assimilate, rather than to hold onto their language and culture. In fact, it is remarkable how little resistance the Norwegian assimilation policies met among the Samis. The only clear example of a Sami rebellion was in Kautokeino in 1852. A group of young men attacked representatives from the Norwegian authorities, and killed the local head of police and a merchant. Professor Ole Henrik Magga explains it as a reaction to ethnic and social discrimination of the Samis. After the outburst, two Samis were sentenced to death and executed, and their heads were sent to University in Christiania (later Oslo) for examination. They were not returned to be buried with the rest of their remains until the University handed them over to the Sami Parliament in 1997.[115]

After the Kautokeino rebellion, Norwegian authorities initiated a more intensive period of assimilation policies. However, it wasn't necessarily just the rules and laws coming from the capital that made the Samis integrate to the majority. The common disparagement of Samis in the local communities also played a role in making Samis "turn"

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[113] Thuen (1980) p.28.
[114] Minde (1980) p.89.
[115] Magga (2008).

Norwegian.[116] The fact that being Sami was considered less worthy than being Norwegian, also in the communities they lived themselves, must have been a challenging experience that parents did not want for their children. Therefore it makes sense that many chose to neglect the Sami language and culture and become Norwegians instead. A Sami could turn Norwegian by endorsing the Norwegian culture at the expense of the Sami. The names of people and places were "norwegianized", and after the Second World War most Samis stopped living in turf huts and moved into houses. Many Samis embraced this opportunity as a way to finally fit in, especially at the coast.[117] In a sense it can also be understood as a modernization process, resulting in a higher standard of living for people in Finnmark. This was a difficult choice facing many at that time. Described by Professor Henry Minde: "For many Samis, the dilemma appeared to be between *either* giving up their ethnic belonging *or* an acceptable standard of living". He suggests that this might be a cause for some of the Samis who chose to fiercely resist the Sami movement.[118]

As mentioned above, the prospect of a better life might be one of the reasons for the lack of Sami rebellion against the Norwegian assimilation policies. Another might be that the Samis experienced a sense of apathy when facing the superiority of a state.[119] The feeling of being inferior is something that still sits in the marrow of many Samis today, along with a strong sense of respect towards authorities and educated people.[120] In addition, it is important to remember that the Samis don't represent a homogenous group. They categorize themselves according to occupation, making the reindeer herding Samis distinct from the river Samis and the coastal Samis.[121] Different interests and internal hierarchy might have hindered the forming of an effective opposition.[122]

This may have led the authorities to believe that the Sami perfectly integrated into the majority population. This was argued when the Norwegian government decided not to sign

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[116] Nielsen (2010).
[117] Nielsen (1986) p.43.
[118] Minde (1980) p.102. My translation.
[119] Minde (2005) p.18.
[120] Somby (2010).
[121] Nielsen (1986) p.42.
[122] Thuen (1980) p.17.

the 1957 ILO Convention No.107.[123] However, this is clearly not the case as in 1978 there is a Sami Rebellion.

4.2 From the Alta rebellion to creation of the Sami Parliament

In 1978, the Norwegian government was presented with an infuriated Sami population when it decided to construct a hydroelectric power plant in the Alta River in Finnmark. They were joined by environmentalists and human rights activists forming the popular movement against development of the Alta watercourse, demanding recognition and respect for the Sami as an indigenous group. The use of civil disobedience created such a controversy that it put Sami rights on the national agenda. Although the Alta River was lost in the sense that the power plant was built, the Sami people had gained political recognition. In 1987, the Sami Act was passed, which created the Sami Parliament. The change of politics appeared rather sudden, and below I will look into different explanations for why the Norwegian authorities turned in the case of the Samis.

One possible explanation is that until the late 1970s, the Sami issue had concerned so few people, and the level of conflict had been so low, that the Norwegian government simply did not have any incentives to change policies.[124] These conditions altered during the Alta controversy. Suddenly Sami rights mattered to a lot of people not only in Norway, but in the world as Samis participated in the *National Indian Brotherhood* which later evolved into the *World Council of Indigenous Peoples*.[125] The level of conflict arose to the point that three Sami activists, one of them being Niillas Somby, attempted to blow up a bridge in Skibotn in 1982. Semb suggests that this might have caused fear of a Sami separatist movement,[126] and therefore creating an incentive for the Norwegian state to provide the Samis with a peaceful power platform of their own. Thus creating a "partner" for future negotiations with the government.

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[123] Minde (1999) p.66.
[124] Alf Isak Keskitalo, cited in Helgesen (1980) p.147.
[125] Minde (2003) p.101-102.
[126] Semb (2003) p.144.

Significant media attention played a central role, as it helped mobilizing people to care about the Sami issue. Semb argues politicians might have feared that they would not be re-elected if they did not support Sami rights.[127] As the matter gained international attention, it became important for the Norwegian government to respond to Sami claims, as Norway's reputation was at stake.[128] Therefore a democratic organ elected by the Sami to act on behalf of the Sami people was established.

One example of this change in the official Norwegian approach towards the Sami was highlighted during an interview with an associate professor at Finnmark University College Odd Mathis Hætta. He was one of the founders and leaders of the Norwegian Sami Association[129]. In 1974, during his time of leadership, Hætta unsuccessfully attempted to establish contact with the Ministry of Agriculture. Today, Sami organizations are communicating regularly with the Norwegian government at the highest political level.

4.2.1 The mandate and organization of the Sami Parliament

The mandates of the Sami Parliament are twofold. It has a political mandate as the Sami people's elected body to deal with matters of concern, and it has the mandate to deal with the administrative tasks delegated to it by the Norwegian Government. Over the years, it has gained more responsibilities. For example, the Sami Parliament has the responsibility to govern the Sámi funding programmes, the Sámi languages, culture, cultural heritage and education.[130]

The elections for the Sami Parliament are held on the same date as the election for the Norwegian Government. To be able to vote in the elections to the Sami Parliament, one has to be counted in the Sámi census, which also functions as the Sami electoral roll. The criteria for signing into the register are twofold. There is an objective claim of having used the Sami language at home by either oneself, one or both parents, grandparents or great grandparents. In addition, one has to make the subjective claim of "feeling Sami".

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[127] Semb (2003) p.140-141.
[128] Ibid. p.149.
[129] Norske Samers Riksforbund (NSR) – an organization that is now one of the political parties represented at the Sami Parliament.
[130] Solbakk (2006).

The plenary sessions are the highest organ of the Sami Parliament, and they take place four times a year. The session deals with the principal issues on the table. The meetings are led by moderators, a role that is given to members of the opposition. They make sure that the Parliament's guidelines are followed, and organize the speakers and spontaneous contributions.

The Sami Parliament's executive council is elected among the majority, and is led by the President and vice President of the Sami Parliament. The executive council is in charge of the politics on a daily basis. As of the last plenary session, the executive council steps out of the Parliament and the representatives are replaced by other members of their political parties. In this way, the division resembles the type of parliamentarism practiced at the Norwegian Storting.

As mentioned above, the Sami Parliament resembles the Norwegian one in many ways. This is important to breakdown possible stereotypes, and demonstrates the official capacity of the Sami Parliament. It also makes partnership and communication between Norwegian officials and Sami Parliament representatives easier as they have similar structures and capacities. The Sami Parliament takes great pride in being a democratically elected organ by the Sami people,[131] and is increasingly occupied with its image, as the newly founded department of communication is an example of. The next chapter will discuss whether the Sami Parliament is perceived in the same manner that it bases its construction upon.

[131] Sarre (2010).

5 Has the introduction of group rights increased ethnic tensions in Finnmark?

The developing relationship between the Norwegian government and the Sami Parliament representatives show an increasing emphasis on the partnership approach. This means that the Sami people are considered to be equal with the Norwegian people, not only normatively, but in a way that has practical implications when it comes to politics.

However, it can be argued that this has had implications on the relationship between Samis and Norwegians in Finnmark. The questions to be answered in this chapter aim to address how the introduction of group rights has affected the Sami, but perhaps more importantly has it led to/increased ethnic tensions in Finnmark?

The ethnic aspect has entered the Norwegian political sphere. However, it is important to remember that there are no clear defining features of either group due to the assimilation period described previously. The Sami population is not a homogenous one, and neither is the Norwegian. This is also taken into account by the Sami's themselves. To be able to enroll to the Sámi census, one has to make the subjective claim of "feeling Sami". This illustrates how boundaries between who is Sami, Norwegian (or Finnish) are blurry. So when tensions are described as being 'ethnic', it is in a highly simplified manner which will be subject to critique at the end of this chapter.

5.1 Evidence of a conflict?

This section will consider some of the elements indicating that there is evidence of ethnic tension present in Finnmark. In the next subsections, I will present four ways to analyze the situation; through the folkloristic approach to ethnic humor, through the media debate, through the establishment of a protest organization (the EDL), and the political event of the Norwegian Progress Party entering the Sami Parliament.

5.1.1 Ethnic humor: creating a stereotype

It is common for groups of people living together, or close by, to create jokes about each other. Ethnic humor can be part of a so-called 'joking relationship', making the bond between different groups in society stronger by teasing each other.[132] The jokes made about Samis often characterize them as a bit sly, and always being able to talk themselves out of situations. The Sami accent is another feature often made fun of, and the misunderstandings that may occur when Samis try to speak Norwegian.[133] This is a very common topic of jokes and revues in Finnmark, and often made without evil intention. Jokes about Norwegians also flourish among the Sami, especially the Norwegian authority figures coming from the capital. They are presented as being clueless about how to survive in the mountains, and visiting Finnmark with the expectation to find a similar climate. A deep sigh from Sami activist Niillas Sombi illustrates this: "When people from Oslo went hiking, we could only start preparing for the rescue operation".[134]

Humor can be a positive way of strengthening bonds between people, but it also contains a darker side when the moral limits for what is okay to joke about are stretched. According to theorist Christie Davies, ethnic humor can be understood as measuring the level of social tension between groups.[135] Gershon Legman, American social critic and folklorist, argues that humor can be a channel for aggressive feelings,[136] and hence a subtle way of attacking someone. An extreme example is given by philosopher Jonathan Glover on how perpetrators can make 'cold jokes' about their victims, showing the ultimate lack of respect. In this case, jokes serve as a means of dehumanizing a certain group of people.[137] I will not argue that the Samis are being dehumanized, but that jokes about them can contribute to building social stereotypes that can increase tension if used in a constant negative demeanor. Sami rights create a division between being Norwegian and Samis and stereotypes through jokes help to increase this division.

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[132] Johnsen (1996) p.81-82.
[133] Ibid. p.76.
[134] Somby (2010). My translation.
[135] Cited in Johnsen (1996) p.76.
[136] Cited in Johnsen (1996) p.75.
[137] Glover (2001) p.36.

The Sami struggle for rights and recognition has resulted in several jokes that exaggerate their claims for economic compensation, some of which have a clearly hostile undertone. One example is a video skit about a hiker and a Sami in Hammerfest. (Reindeer grazing areas surrounds Hammerfest. Therefore Sami's have fenced those areas in order to manage the reindeer.) In the skit the Sami had put up a fence for his reindeers exactly where the hiker wanted to walk. To her surprise, the Sami said that she could take a walk inside the fenced area. He then wishes her a nice trip and even gives her a pedometer to use. She is very grateful, and tells him that the perception of greedy Sami's must be wrong. However, when she returns, the Sami checks her pedometer and writes her a bill for the steps she took within his fence.[138] This skit illustrates the conflict between reindeer herding Samis and the rest of the population in Hammerfest. It also demonstrates how the regular public feels that they need to take precaution before going into Sami 'territory'.

Another skit that was part of the Honningsvåg's revue (which is known for using a lot of ethnic humor about the Samis) tells the story of a woman who recently discovered that she was a coastal Sami, and how she immediately received NOK 300 000 from the County Council to support her newly invented art of something completely meaningless. She also started to tell fortunes and practice healing, of course for an unreasonable amount of money.[139] This skit pokes fun of the supposedly Sami 'greediness', but also several familiar features to the Sami culture as well.

Is the ethnic humor about Samis part of an innocent 'joking relationship' or an attack on Saminess? Ethnic humor about Samis has become more acceptable after they gained recognition through the establishment of the Sami Parliament. The scale tipped in favor of the Samis, straightening the power balance a little bit. But even though the Samis have gained recognition as a people equal to the Norwegian, it is important to be sensitive about the shame still experienced by many.

To conclude, some jokes can be seen as an expression of ethnic tensions in the sense that conflicts of interests are often the joke topic. Jokes can undermine individuals, leaving them with the sensation that they are undervalued. The notion of 'useless' has deep

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[138] Olaussen (2009).
[139] Honningsvågsrevyen (2008).

roots within Sami culture, and this should be taken into consideration when constructing jokes. [140] However, these jokes do not necessarily *dehumanize* the Samis, but it is important to take into consideration the level to which they are ridiculed. As it may also lead to increased hostility towards the Samis, a message that can be overseen by the Norwegian public, but noticeable to those living in the communities in question.

5.1.2 The media debate

A hostile attitude towards the Sami has come through in opinion columns of online newspapers. One extreme example is a reader's letter that supposedly has been published in the local newspaper in Båtsfjord (Finnmark). Even though the original document cannot be linked to this newspaper, however the letter is well known within Norway and is easily accessible online.[141] The letter written by a "Forbanna Båtsfjording"[142] is extremely aggressive. It voices its annoyance at how the Samis exploit the Norwegian welfare system, with an extensive use of cursing. It continues with an invitation granting Samis to build a Sami State in Kautokeino and Karasjok and surround it with electric fences – where the Samis could stay and starve to death. The letter ends with asking the Samis to "Go to hell!" Erik Torp-Olsen, new Finnmark resident from the South of Norway, presented it as an example of feisty northern cursing.[143] Demonstrating the difference between individuals from the South and those from the North. However, individuals may take another approach. It could even go as far as being classified as an example of hate speech, as prohibited by ICCPR Article 20.

As stated above, this letter is an extreme example. Unfortunately, it is not the only example. Online newspapers have taken the matter so seriously that on occasion it has shut down debate sites. This is because of incidences with expressions containing racist elements. The frustration seems directed towards Samis in general, but specifically the Sami Parliament and those who advocate Sami rights. There is a growing sense of

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[140] See the online discussion fora NRK Torget (2010) discussion about Sami jokes.
[141] See Annex B.
[142] Directly translated to pissed off Resident.
[143] Torp-Olsen (2010).

increased frustration among non-Samis in Finnmark. This can be caused by the potentiality of living under difficult conditions (the same conditions as the Samis) in the periphery, but that Samis are given more advantages from the Norwegian state.[144] In relation to the adoption of the Finnmark Act, a protest organization was established to promote this frustration and demand change.

5.1.3 EDL: the establishment of a protest organization

The direct translation of the organization's name is The Organization for Ethnic and Democratic Equality. Since it is an Organization that demands change, it implies that ethnic and democratic equality does not currently exist. Turid Bjørnstrøm, Head of the Board, and Lars Hapalahti, former Head of the Board, re-confirms this opinion.[145] They explained that the organization was founded as a protest against the Finnmark Act, and the ILO Convention No. 169. Their opinion is that it creates ethnic differences in Finnmark, and the fact that Samis in Oslo can vote for the Sami Parliament (which has three board seats in the Finnmark Estate) results in the power of Samis all over Norway to make decisions over Finnmark. They describe it as a lack of democracy. Expanding by stating that non-Samis are suffering for the wrongs made by the Norwegian State in the past. As an organization, the EDL wants to work towards a revision of the Finnmark Act and as a critic of the special treatment towards Samis.[146]

Bjørnstrøm and Hapalahti claim that before the establishment of the EDL, there was no organized opposition to the Sami Parliament. Critique was therefore often met with silence, both from the media and the Sami Parliament. They feel that EDL has the support of the general population in Finnmark, and any media coverage has resulted in an increase in membership. According to its website, EDL has 681 members at the moment of writing.

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[144] See for example the opinion column in Holand (2010), were the governments contribution of money to strengthen the language of Lule Sami is subject to frustration – and note that it is more directed against the Sami people than the Norwegian government. See also the comments made by representative for the Progress Party at the Storting, Jan-Henrik Fredriksen in Aslaksen and Kalvemo (2008).
[145] Bjørnstrøm and Hapalahti (2010).
[146] EDL (2010).

This organization is probably the most tangible indication of the introduction of group rights as creating an ethnic conflict in Finnmark – or at least the fear of it.

5.1.4 The Progress Party representation

In autumn 2009, the Norwegian Progress Party[147] for the first time managed to get three representatives elected to the Sami Parliament. This is of intrigue as the FrP has stated in its policy program that it will discontinue the Sami Parliament if elected. It should be noted that it would be impossible to discover why the Sami people elect FrP. However, this section will look at FrP's policy, representation, and outlook on the Sami situation.

Earlier this year, a representative for the FrP at the Norwegian Storting, Jan-Henrik Fredriksen, admitted to have joined the Sámi census on false premises. As mentioned above, one has to make the subjective claim of "feeling" Sami. It is this criterion that Fredriksen lacks. To the Sami newspaper Ságat Fredriksen states that he perceives himself as a Norwegian and a person from Finnmark (*finnmarking*), but not as a Sami.[148] This has raised speculations regarding the credibility of the Sámi census, and the control mechanism attached to it. The FrP could manipulate this loophole, and mobilize many of its supporters to join the Sámi census, and in that way gain enough political power to shut the Parliament down. It would not be of concern if the Sami decided to close the Sami Parliament, however it would undermine the principles of democracy if Norwegians registered in the Sámi census based on false premises made the decision.

It will remain unknown how the FrP was elected to the Sami Parliament. However, along with the EDL, it is an organization that uses distinct language to claim that the introduction of group rights has led to increased ethnic tensions in Finnmark, and that Norwegians are being victimized by the extensive rights granted to the Sami people.

In summary, there are indicators of a conflict based on ethnicity in Finnmark, in the sense that it seems like a significant number of Norwegians have become more hostile

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[147] A right-wing political party established as a protest against taxes in 1973, and which has later become known for its restrictive attitude towards immigration. From hereon, the Noregian abbreviation FrP will be used.
[148] Ságat (2010).

towards the Samis. It has manifested itself in the ethnic jokes made about Samis, the media debate and in the establishment of the EDL. There also seems to be a change in Sami attitude and perceptions of the Sami Parliament, since the FrP's aim to close the Parliament down has gained enough Sami votes to be represented. It is difficult to draw any exact conclusions as to why these developments are taking place, as more research is needed on the area – but in overview it seems that hostility towards the Samis can be perceived to be catalyzed by, and connected with Sami claims for indigenous rights. The next part will reflect more in-depth into the Sami rights. What rights does a Sami person have, that a Norwegian person doesn't have?

5.2 Sami rights: how many are there?

According to Jan Roger Østby, Director of the Information Department in the Sami Parliament, a Sami has two rights that don't belong to Norwegians; they can register to the Sámi census and they can practice reindeer herding.[149] However, Østby does not consider that when granted these two rights they are stepping-stones to other privileges. For example: the right of a reindeer herder to travel by motorized vehicles on uncultivated areas; or the opportunity of a registered Sami to have influence on who's represented at the Sami Parliament – and thereby on the Parliament's politics in for example the consultation process.

Another opinion is that the Sami do not have more rights than the Norwegian. "The problem with Sami rights, is that they are not *given* to you at the moment you register", says Lars Birger Persen, Assistant Editor in Sami newspaper Ságat.[150] "Is it still a right if you have to apply for access to it", he asks. The issue he mentioned was the right of Sami youth to receive education in their own language. Even though the rights are prescribed in the Norwegian Education Act, the children still have to apply to receive it. Since the quality of the education is often considered as failing to satisfy the standard required, many Sami parents prefer their children to receive their education in Norwegian. The problem seems to

[149] Østby (2010).
[150] Persen (2010).

be about getting enough teachers with qualifications both in education and the language. There will not be further discussion on this topic; however it should noted that this is one of the main issues on the agenda of the Sami Parliament.

In the following sections, I will take the rights stated by Østby, since this is considered the official view of the Sami Parliament, but analyze: What privileges lie within the reindeer husbandry business, and what powers does the Sami Parliament have?

5.2.1 The reindeer herders

The reindeer husbandry business has been protected under Norwegian law since 1978, and the economic framework is settled each year through the Reindeer Husbandry Agreement. This is an agreement that is negotiated between the Norwegian government represented by the Ministry of Food and Agriculture, and the reindeer herders, which is represented by the Saami Reindeer Herders' Association of Norway. It is the Norwegian Reindeer Husbandry Administration that deals with these matters on a daily basis. What is interesting to note, is that in this way the reindeer husbandry business is not subjected by the Sami Parliament. Senior Advisor at the Norwegian Reindeer Husbandry Administration, Anny Vigdis Sara, explains that this is because the Parliament rejected the Administration's request to have permanent seats in the Parliament.[151] The reason for making this request is that the representatives for the reindeer husbandry were afraid of the Sami Parliament giving up too much areal for other businesses otherwise. Today, there is no formal contact between the reindeer husbandry business and the Sami Parliament. There are a few representatives at the Sami Parliament which also do reindeer herding, but they don't represent the reindeer husbandry business as such, except from maybe the *Flyttsamelista* which has two representatives at the moment.

The reason for the stale atmosphere between the Sami Parliament and the reindeer herding business can be traced to the Norwegian Sami Association, which was originally founded as a counterbalance to the Saami Reindeer Herders' Association of Norway.[152] It

[151] Sara (2010).
[152] Nielsen (2010).

has been in power at the Sami Parliament until the last election in 2009. This is a good example of how the Sami interests differ internally within Sami groupings, therefore making it difficult to draw conflict lines based on ethnicity alone.

The right to herd reindeers implies the right to make use of the land defined for these purposes, which accounts for areas equivalent to about 40% of Norwegian territory. This right indirectly implies the rights to let the reindeers graze, the right to stay, move freely and relocate in the mentioned areas, the right to necessary installations such as cabins, the right to firewood, and to a certain degree the right to hunt, haul and fish. However, when it comes to land rights, the Reindeer Board has the right to raise objections along with the Sami Parliament and the Finnmark County Council. This demonstrates that the right to reindeer herding has more rights attached to it.

These additional rights are important. The rights of the reindeer husbandry business can be compared with the rights that farmers have; they are also allowed to for example travel by tractors in the woods where others can't. They are necessary in order for them to do their job. Anny Vigdis Sara shares similar sentiments. She feels that the reindeer herding industry is under constant pressure to give up land to other businesses or projects, such as for example roads or mining. She doesn't agree with the criticism coming from representatives as the EDL or FrP in that they are privileged, but she can understand that this has become a popular opinion because of the struggle of the reindeer husbandry industry to keep their areas. Her opinion is that the Reindeer Husbandry Administration and other representatives for the business should be better at communicating and explaining to the rest of the communities why it is necessary for them to keep the uncultivated areas.[153]

So which image is closer to the truth; are the reindeer herding Samis part of an elite, an aristocracy, with a huge amount of rights and money as suggested by Lars Hapalahti in the EDL?[154] Or are they just as hardworking as everyone else, but with the need of certain facilities in order to do their job, as explained by reindeer herder John Lars Bær?[155] These questions are impossible to give a simple answer to. My suggestion is that if Hapalahti had

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[153] Sara (2010).
[154] Bjørnstrøm and Hapalahti (2010).
[155] Bær (2010).

the opportunity to spend time with Bær during a working day, he would probably agree that reindeer herding requires extension hard labor. However, understanding specific rights will not change Lars Hapalahti's antagonistic attitude. He principally disagrees with the notion of *equality* that justifies special rights for indigenous people.

5.2.2 The Sami Parliament

The Sami Parliament has authority over Sami culture and language. It distributes economic support to Sami issues through the Board of Subsidies, which is elected by the executive council from the representatives at the Parliament. The Parliament has formal powers when it comes to the development of curricula, the production of material to be used in schools, and regarding cultural heritage.[156] As a Sami, you have the right to be taught in your own language, and if you live in the Sami areas, you have the right to receive public documents in the Sami language. The Sami Parliament has the authority to give guidelines and to some extent financial funding, but it does not have anything to with the implementation of the rights – which can lead to problems when municipalities claim that they can't afford to do so either.

The powers mentioned above fit in the theoretical framework of 'cultural autonomy', as discussed in section 2.2.1. However, after recent legal developments it can be argued that the Sami Parliament has gained authority in the territorial questions as well through the Finnmark Act, the consultation agreement and the right to raise objections. This can be hard to accept for those who are of the opinion that the Sami Parliament should only deal with cultural matters.

According to former journalist and politician Reidar Nielsen, this can be seen as one of the reasons for the increased hostile attitude towards Samis, especially in parts of Finnmark where conflicts between interests have resulted in blocking new projects, such as

[156] Østby (2010).

the mining project in Kvalsund.[157] He explains the hostility towards the Samis as based on the lack of knowledge among people.[158]

Many of the powers granted to the Sami Parliament and the reindeer husbandry business is based on the right to oppose initiatives that have already gained momentum. In an interview with the legal advisor at the Sami parliament, Roger Kalstad, these rights were explained as negative in nature. The Sami Parliament is then blamed for stopping potential beneficial projects. He believes that this helps to create an image of Samis as difficult, as the public never hear of all the compromises actually made by Sami representatives.[159]

To sum up; there are different methods used to count Sami rights. However, it is evident from the presented material that most of the additional rights belong to the reindeer herding Samis. This is not so surprising, as their work requires a lot of areal. For other Samis, rights are for the most part linked to language. However, as previously mentioned, there is a distinction between having a right on paper, and actually enjoying it.

5.3 The problem of 'ethnicizing' conflicts

As several of the examples indicate, different conflicts in Finnmark are considered 'ethnic'. This then creates obstacles for having unbiased dialogue. It can be viewed as understandable to blame ethnicity, as the introduction of group rights led to the establishment of the Sami Parliament, a political structure that requires the fulfillment of an ethnic criterion in order to gain access. In this way, the ethnic aspect of conflicting interests becomes more evident, and creates the assumption that there is a Norwegian-Sami divide in Finnmark. This is not something that is unique for the Norwegian situation; as stated by Tim Allen and John Eade: "It would appear that in 1989 the world suddenly become more ethnic".[160] The events they referred to were not the establishment of the Sami Parliament, but the dissolution of the Soviet Union and the following wars in the Social Federal

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[157] There is a large deposit of minerals in the municipality of Kvalsund (Finnmark). The mining industry and the politicians would like to establish a project there, but have so far been stopped by the reindeer herding Samis. See Vermes (2010a).
[158] Nielsen (2010).
[159] Kalstad (2010).
[160] Allen and Eade (1999) p.11.

Republic of Yugoslavia. In their article *Understanding Ethnicity*, they shed light on some problematic features of 'ethnicizing' conflicts:

> … [T]he phenomenon is perceived as both a way of describing events and a way of explaining them. Ethnicity becomes almost interchangeable with a determinist conception of culture, one that assumes that there is a kind of shared natural core which distinguishes on population group from another and which strongly influences or even dictates behavior. Thus, certain groups of people behave violently because it is their culture to do so. […] It may be that many of those caught up in contemporary civil strife used to live amicably with their now hostile neighbors. […] Nevertheless, according to the now prevalent hypothesis, there are fundamental traits which separate populations, and which make some mutually antagonistic.[161]

The problem when these attitudes arise is that they block proper communication. Demonstrated by EDL stating that it is a shame that the FrP are represented at the Sami Parliament, since the entrance there and the register in the enrollment helps to legitimize a Parliament they don't agree with.

Summing up, the politics of multiculturalism is aimed at acknowledging diversity, but as the introduction of group rights follows ethno-cultural differences, one easily ends up with the focusing on the group aspects of conflicting interests. This then simplifies the discourse by reducing the members of the group in question to become just representatives for their group. Paradoxically, the politics of multiculturalism can result in the treatment of group members as solely being members of groups and not as individuals. Therefore ruining the concept of *equality* of which it was supposed to fix in the first place.

5.3.1 Communication is the key

One of the main problems for those working in the field of Sami rights is the recurring issue of misunderstandings - people tend to believe opinions rather than finding the facts. One example of a common misunderstanding about the rights held by Samis is regarding the quota arrangement at the University in Tromsø. There are two places available at the school of medicine for Sami speaking persons. This has led to the belief

[161] Allen and Eade (1999) p.12-13.

that you can gain access to higher education just by being Sami.[162] This is not the case; the quota system is not created just for the Sami minority, but as a means of creating diversity. The quota system is like others used elsewhere in different spheres of work in Norway. It should also be mentioned that the University in Tromsø also practices quotas up to 80% for applicants from Northern Norway.[163]

The Finnmark Act is also subject to claims of it being solely created just for the Samis. Eva Josefsen argues against this view, saying that the situation in Finnmark was unique *before* the adoption of the Finnmark Act. The Finnmark Commission that is created in order to investigate land rights and establish legal relations in Finnmark has been done in the past in the rest of Norway.[164] It is described as a continuation of the work of the High Mountain Commission and the Commission of the Uncultivated Land in the counties of Nordland and Troms.[165]

Some interview candidates, praised the efforts made to inform the public in Finnmark about the Act that was about to be passed. Other interview candidates thought that the information was scarce, and resulted in misunderstandings. In the end, the responsibility for avoiding misunderstandings and misconceptions lies partly on the public organs involved, the media, and the people itself. The Sami Parliament is working mainly with general principles, which can make it seem disconnected to the people it is elected to govern. This makes the available information and communication of special importance. Efforts have been taken by the Parliament to hold information meetings about developments of importance, such as the working group on the right to fish in the sea, the Norwegian Sami Rights Committee No. II, and the already mentioned Finnmark Act.[166]

Efforts to create dialogue are of outmost importance in a field that contains so many interests and nuances. As stated by Reidar Nielsen:

People in Oslo are easily fascinated by exotic Finnmark, but those who live there needs to identify common features to successfully co-exist. One can be trapped in misunderstood goodwill from the capital. It can create

[162] Based on discussions with friends and family.
[163] Samordna opptak (2010) p.85.
[164] Josefsen (2010).
[165] Galdu (2010).
[166] Sarre (2010).

problems as there are so many in need of help, and cause the assumption that there are a few who receives a lot of it while the rest are left hanging.[167]

A lack of dialogue results in a lack of knowledge. Conflicts can emerge when one group of people is of the belief that others just like them receive all kinds of privileges, and vice versa. These misunderstandings are easy to resolve by having open dialogues about the matters in question, for example the Sami speaking quota at the University in Tromsø. What is difficult to comprehend is the resistance against Sami rights *as such*. Individuals who believe that there should not be a Sami Parliament, that the Samis should keep their language at the private level, and not have any rights when it comes to reindeer husbandry will have to be accepted and respected. It should be noted that as long as these individuals abide by law, accepting and respecting would be the only option for those who disagree.

Finnmark is a county rich of resources, with many individuals interested in developing these resources. Conflicting interests goes between and through ethnic and cultural divides – making it important to put 'ethnicity' aside while *finnmarkingene* are discussing solutions. The good news is that recent developments show that the importance of communication is taken into account. The Sami Parliament has created a new information department, and a new version of their web page is supposed to make information easier to find. We also see positive developments when it comes to the already mentioned conflict of mining in Kvalsund. Last year, the Finnmark County Council established the Mineral Fora Finnmark[168], which early this May arranged a dialogue meeting between the industry, politicians and representatives from the Sami Parliament and the reindeer husbandry business.[169] This is as an important and welcomed initiative, which should be followed by others in the future.

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[167] Nielsen (2010). My translation.
[168] My translation of *Mineralforum Finnmark*.
[169] Vermes (2010b).

6 Conclusion

Has the introduction of group rights increased ‘ethnic’ tensions in Finnmark? Yes, in the sense that rights are granted on ethno-cultural grounds. This then creates a situation of differentiation. When there is conflict of interest, it can easily be blamed on ‘ethnic’ grounds. Therefore conflicts that do not have an ethnic context are applied one regardless. This makes topical communication difficult. But no matter how difficult it may seem, dialogue is crucial for making group rights work in practice.

This study has dealt with Sami rights, and some of the issues relating to its theory and practice. After presenting a theoretical justification of the special rights of indigenous people based on Aristotle’s understanding of equality, it was noted that indigenous people are in a special position. This is because of indigenous people earned entitlement to land through years of usage and cultivation. Yet, most importantly the lack of choice they experienced when their territories were incorporated in a larger state. Therefore, it was argued that they should be granted a kind of autonomy in order to (re)gain sentiments of self-determination. Due to links between the indigenous culture and use of land (and water), the allocation of cultural autonomy may in some cases imply territorial autonomy as well. This is noted with regard to the Norwegian Samis as the relationship between culture and land is closely linked.

The Norwegian obligation to fulfill Sami rights can be found in instruments like the ILO Convention No. 169 and Article 27 of the ICCPR. These states that Norway needs to make sure that the Samis are able to enjoy their culture. Norway has answered to its obligations through the establishment of the Sami Parliament.

In order to assess these obligations analyze has been made regarding how much and what kind of autonomy the Sami Parliament holds. The conclusion being that although the main mandate of the Sami Parliament relates to the notion of cultural autonomy, recent developments show that it resembles elements from territorial autonomy as well.

The Norwegian efforts to meet its obligations towards the Sami people have resulted in two rights granted to Samis that Norwegians do not have. These two rights are the right to brand reindeer and register in the Sami census. It has been argued through this thesis that these two rights imply other privileges, which mostly relates to the reindeer husbandry business and language rights. This might therefore cause 'ethnic' tensions to rise, first and foremost because the granting of Sami rights opens up to it.

The 'new' research presented in this paper provides an in-depth discussion of the implications of international legal concepts to the situation of Samis in Finnmark. Since it is extremely hard to measure notions of ethnic tensions, the decision was made to create a thesis based upon varying viewpoints and perspectives with a wide range of affected actors in Finnmark. This supplement the thesis, as untraditional methods of investigating media, humor, and organizations demonstrates potential areas in which underlying tensions can manifest themselves. Creating an open dialogue was extremely important. Therefore a range of actors was presented, throughout the thesis, to demonstrate a variety of different viewpoints and approaches taken. This supplements the thesis by providing examples from daily situations. In this way, this thesis will hopefully inspire others to create more established methods of assessing ethnic tension in Finnmark, as this was noted as a severe disadvantage in the thesis planning stage.

The findings in this study put emphasis on the importance of the dialogical aspects of communication. It is important because it prevents misunderstandings and gives everyone the chance to be heard. It is difficult because for some people, the level of tension is already high because of already existing misunderstandings, which has evolved as a result of the lack of communication in the past. Usually the reasoning for the high levels of tensions is that not everyone agrees with the justification of indigenous people's rights.

Therefore the discussion should be moved out from the private and into the social and political sphere, areas where the misunderstandings can be solved. When it comes to those who don't agree with indigenous rights, they are fighting a lost battle. The conventions are already agreed upon and established. Now it is up to inhabitants of Finnmark to come together to find the proper balance between the special protections required for the Sami

and protection needed for the Norwegians. The main objective then being to create a situation of both direct and indirect equality that can make them united as *finnmarkinger*.

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[170] My translation of the *Lov om stadsnamn*.
[171] My translation of the *Lov om reindrift (reindriftsloven)*.

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Annex A: intervjuguide

Sametinget som uttrykk for samenes rett til selvbestemmelse:

- I hvilken grad har Sametinget myndighet over vern og utvikling av samisk språk og kultur?
- Hvilken myndighet har Sametinget til å nekte naturinngrep i samiske områder?
- Hvilke myndigheter har Sametinget over kyst- og fjordfiske?
- I hvilken grad har Sametinget myndighet til å bestemme over land og vann i Finnmark?

Samenes rett til selvbestemmelse:

- Hva legger du i i uttrykket ”samenes rett til selvbestemmelse”?

Realiserte rettigheter?:

- Hvordan har samenes innflytelse endret seg etter opprettelsen av Sametinget?
- Har opprettelsen av Sametinget ført til en bedre ivaretagelse av samiske rettigheter?
- Har du forslag til hvordan dette kan bedres?
- Hvordan vil du beskrive representativiteten på Sametinget?
- Hvordan opplever du at sjøsamiske interesser kommer til uttrykk på Sametinget? Reindriftas? Utmarksbruk?

Forholdet mellom samer og ikke-samer:

- På hvilken måte har Finnmarksloven påvirket forholdet mellom samer og ikke-samer i Finnmark?
- Hva mener du om påstanden at samiske rettigheter går på bekostningen av ikke-samene?
- Hvordan opplever du debatten om at det er en konflikt mellom samer og ikke-samer i Finnmark?

Annex B: ”Forbanna Båtsfjording”

I avisa forleden dag står han Ole Henrik Magga frem og lire av sæ følgende:Samene har krav på særbehandling i følge folkeretten. Den nye Finnmarkslovener et forræderi mot den samiske befolkninga. Alt vi har investert i vårt politiske virke frem til i dag, er forgjeves...

Forræderi mot saman??? Unnskyld mæ Magga, men ka i sinnsyke mongoloide satan slags førpliktelsa har den norske stat nån gang hadd for å gje dåkker_særbehandling!? E du fette idiot? Dåkker hærje tulling oppe på_Finnmarksvidda som nån jævla cowboya og har rasert utmarka uforstyrra i_fylla i alle år, helt siden dåkker fikk ERSTATNING nok tell å kjøpe dåkkers_første scootera, firehjulinga og helikopter.

Det har fan ikke vært en same i Båtsfjord siden middelaldern, og allikavæl skal dåkker eie blåbæra i_hagen min? Du vil ikke være så vænnlig å hente tellfart og sykle vannrætt_inn i hælvette?Det politiske arbeidet forgjeves? Ka i satan hadde dåkker venta? Trudde_dåkker virkelig i de lavpanna skoiltan dåkkers at det va bare å spasere_rætt inn i norsk politikk og bynne å bestæmme?

Dåkker fikk 130 milliona_førr å bygge lekestua i Karasjok, med årntlige møbla og bøker på samisk,_men det va ikke godt nok? Må jo ha land også - like stort som Danmark. Mye vil ha mer. Kreve, kreve, kreve! Fy fan, æ spyr.

Hadde det vært opp tell mæ så sku dåkker ha fådd det dåkker ber om: Et ti_meter høyt høyspentgjærde rundt Kautokeino, Karasjok, Porsanger og øvre Tana. All statsstøtte blei kutta, alle sosiale goda inndratt. Der inne va_dåkker herre i eget land, og kunne drikke, innavle, skjære av hverandre_hauet, lage samiske fængsel, samiske pænga, samiske klovnekostyma, samisk_joike-GrandPrix, og ete reinkjøtt tell det vaks ut klauva og horn.

Men da ville æ ikke høre et pip fra hværken han Magga, han Nystø, han Trosten eller nån av de andre degenererte, evneveike, utakknæmlige gnålkukan der inne frem tell dåkker svalt ihjæl. Førr husk på kem som holde liv i dåkker, forbainna samfunnssnyltera!

Dra til hælvette!