Identity and Equality: Co-existence of Separate Sovereignties in the Same Territory

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I limit myself to comments on the Sami living in Finland:

According to the most recent statistics the Sami in Finland are a minority of about 5,800 people.¹ About two-thirds of the Sami population live in four communities in Lapland, i.e., Enontekiö, Inari, Sodankylä and Utsjoki.

Professor Grahl-Madsen has only last month published a very interesting and well-documented book (103 pages) entitled "The People of the Twilight Zone - Towards Sami Self-Government - A Sovereign Sami - An Autonomous Samieana". According to the preface the author has endeavoured to shape a model for Sami self-government. The basic idea is that Sapmi - the Sami nation - should be recognized as such, "as a sovereign entity of a special kind, and that Sapmi could then conclude a convention with the Nordic States, thus creating an autonomous territory - Samieana - under the suzerainty of the three States".²

For anyone interested in the legal problems of the Sami this book includes a wealth of useful material. Needless to say - even if one could not subscribe to all the ideas at any rate in all details - one has to admire the ingenuity of the author when he pictures a model for the Sami self-government and an autonomous territory of about 500 kilometres by 150 kilometres across the territories of Finland, Norway and Sweden.³

In so far as the identity of the Finnish Sami is concerned I should like to point out that they form a relatively small minority. In the community of Utsjoki there are about 1,100 Sami in a total population of 1,500. In Inari there are about 2,000 Sami in a community of 7,000 people. In Enontekiö the corresponding figures are 400 out of 2,400 and in Sodankylä 350 out of 10,500.

In the light of these figures the establishment of a Sami autonomy covering these communities and combining them with the corresponding communities in Sweden and Norway does not seem to be easily implemented. One has to realize that the Sami with the exception of Utsjoki do not form even a majority of the population in the four communities in question. How would the majority population react if they one day found themselves living in an autonomous Sami territory? To mention one practical difficulty, the proposed new court system with an Appellate Court and a Sami Supreme Court would of necessity overlap the existing court system. Also, how could the administrative officials share their tasks concerning the Sami and the other inhabitants?

What, then, is the situation of the Sami living in these four communities today? On the whole it seems as if the Sami are treated in exactly the same way as other Finnish citizens. They do not live in reservations but exactly in the same way as their neighbours. In the field of education the Sami now have the opportunity to receive obligatory school teaching in their own language. Since

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1978 there has also been a three-year gymnasium for the Sami pupils in Utsjoki. In the Universities of Oulu and Rovaniemi special places have been reserved for the Sami students wanting to obtain higher education. In the University of Oulu it is now also possible to obtain the highest grade of laudatur in the Samish language. These were a few examples.

In so far as the use of the Samish language is concerned I have found out that improvement is needed especially in the field of health services where the local medical personnel is not always capable of mastering this language. Needless to say that the standard of social and health care corresponds to the standard in any other part of Finland.

What are the major legal problems of the Sami in Finland to-day? No doubt these are the problems concerning the right to fish and the right to the land and waters. In all these fields new rules are being drafted by the State authorities together with the representatives of the Sami. Important research work is continuously undertaken by the Sami Delegation and individual researchers.

In my opinion the time has come to as fully as possible to investigate the issue whether the Sami suffered injustice during the nineteenth century, when all the lands, not belonging to private citizens and which were not claimed by their occupants, were declared to belong to the State. The Sami were apparently not familiar with the new legislation and lost such property rights which they could validly have claimed for themselves.

Presuming the Sami suffered injustice, it should be compensated now, however belatedly, for instance by granting the Sami sufficiently extensive land and water territories in Lapland. In addition to a pecuniary compensation this should be a realistic possibility to consider. In trying to find a viable solution to this difficult problem attention should be paid to experiences gained elsewhere. Once a solution is found, and the State authorities are working continuously to find it, a major goal set by the Sami Delegation would have been reached.

In so far as relations between the Sami in the Nordic countries are concerned it is important to activate cooperation, especially in the cultural field. Having said this I must confess that it is hard, at least for me, to imagine that the Sami in Finland could be included in an autonomy combining separate sovereignties in the Same territory. I am afraid that there would be too many practical difficulties both locally and at government level. It seems less likely that the political decision-makers at the highest level in Finland could be convinced of the need of a new autonomous territory in addition to the Åland Islands. It is to be remembered that the creation of the autonomy of the Åland Islands was based on an entirely different solution in very special circumstances.

It would no doubt be even more difficult to find the necessary support to a solution by which a part of Lapland would be transformed into an autonomous territory combining territories in Sweden and Norway. In addition it must be remembered that the major part of the population on the Finnish side of the projected autonomous territory would not be Sami people. Furthermore, at least until now the Government of Finland has not accepted the idea that a minority would be allowed to establish diplomatic relations with other States.

Whilst I have reached the conclusion that the creation of a new autonomy in the territory of Finland would probably meet with insuperable difficulties, I am not negating the importance of the project in so far as Sweden and Nor-