The Lapps in Finland

TORE MODEEN*

The Lapps of Scandinavia constitute a small indigenous ethnic community divided between four states: Norway, Sweden, Finland and Russia. The Lapps used to depend on reindeer farming and lacked their own schools. Because of their low social status and the lack of governmental understanding for their cultural needs, most of the Finnish Lapps had been assimilated with the majority population. Only in recent years an effort has been made by the government to encourage the preservation of the Lapp language and the Lapp civilization. A Lapp parliament has been created and the Lapp Language Act makes it possible for the Lapps to communicate in their own language with the authorities. It is to be hoped that these measures will bring positive results in a situation where only few Lappish speaking people remain in Finland, many of them having difficulties finding a livelihood in their homeland, the northernmost part of Finland.

1 HISTORY

At the beginning of the Christian era, big territories in Scandinavia and most of the land that belongs today to the Finnish Republic were inhabited by nomadic Lapp tribes. The Roman historian Tacitus in 98 A.D. mentions the Fenni people, having in mind the Lapps. Other ancient historians (Prokopios, Jordanes, and Paulus Vanefrid) called the Lapps *skridfinnar*, that is, skiing Finns.[1]

The Lapps are supposed to have settled in Finland, coming from the east, in the Bronze Age and can therefore be considered an indigenous population group in Finland. In the second century A.D., new settlers, Finns, and somewhat later, Swedes, the latter representing a more advanced civilization, took over most parts of Finland, leaving only the poor northern areas (Lapland) to the Lapps. Finland, particularly Lapland, has until recent times remained very sparsely populated.

2 LAPP SELF-ADMINISTRATION

The Lapps were originally a people of hunters and fishers. The wild reindeer, caught in long rows of open pits, traces of which can still be seen in Lapland, was their most important game. A local Lapp village (*sijd* or *siida*) comprised one or two collective units and had its own council and administration. The Lapp village

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was based on strict democratic principles and had a legal system that functioned both within the village and between different villages, with its own courts of law. The village was responsible for the rights of the collective, "owned" the land and its resources, and decided how the resources were to be used and distributed.[2]

3 THE COLONIZATION OF LAPLAND

Colonization of the northern part of Scandinavia and the Kola Peninsula, areas belonging today to Norway, Sweden, Finland, and Russia, and the exploitation of its resources began at the dawn of the Middle Ages and grew during the thirteenth and fourteenth centuries, when trade with the Lapps flourished and taxes were levied on them. People coming from other parts of Scandinavia and Russia began to settle on land that had belonged to the Lapps.

In the Lapp areas belonging to Finland today, other tribes, the *kvaens* and the Carelians from the south, were the first foreign peoples claiming rights to the Lapp lands. In the thirteenth century the Swedish kings had given the *birkarlar* (a people of unclear origin but coming from the south) the right to impose taxes on the Lapps and engage in trading with them. In reality, the birkarls, together with the *Helsingar*, who came from Helsingland in central Sweden, exploited the Lapps and their economy.

In the sixteenth century, King Gustav I of Sweden (and Finland) reorganized taxation and trade in Lapland and appointed *lappfogdar* (bailiffs) to govern and administer justice among the Lapps. King Gustav I also encouraged colonization of Lapland by Swedes and Finns. This meant that the Lapps had to move away and seek new lands farther north. Thus they had to abandon their southernmost settlements, by Saima Lake in Savolax in southern Finland, at the beginning of the sixteenth century. However, colonization of the northernmost Finnish settlement, in the Kemi Lappmark, did not begin until after 1673.

There were never any armed confrontations between the Lapps and the intruders from the south. The Lapps ceded their territories to the foreign colonizers without a fight. It frequently happened that the Lapps were assimilated by the colonists. As the wild reindeer disappeared, the Finnish colonists living in Lapland began to keep tame animals, and the Lapps soon followed their example, giving up hunting and fishing for reindeer herding. This was their main source of livelihood for a long period of time.

Today the reindeer is used almost exclusively for its meat, but in the period of self-sufficient farming, the reindeer was kept as a domestic animal for transportation purposes and for its milk. In some periods, reindeer milk and cheese were just as important food sources as was the meat. The expansive regions near the Kemi

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River in present-day northern Finland were rich in wild game of all kinds, both those hunted for their fur and those hunted for their meat.

When Lapp families gave up the nomadic life style and settled down as farmers, they usually became assimilated with the Finns in one generation. During the course of history, the Lapps in Finland to a large extent lost their ethnic identity through economic and cultural assimilation as a result of colonization by Finnish settlers in what is today Finnish Lapland.[3]

4 POLITICAL HISTORY

Since several states claimed sovereignty over Lapland, Lapps were forced to pay taxes to several Crowns. Missionaries and Christianization followed in the wake of trade and the levying of taxes on the Lapps. In time, the states that had claimed Lapland divided the area among themselves. The first stage in this division was the 1751 border drawn up by Sweden and Denmark-Norway, dividing Lapland along the mountain ridge from Jämtland to Finnmark. When Russia conquered Finland in 1809, the border between Sweden and Russia (Finland) was established as was the border between Russia and Norway (then ruled by the king of Sweden) in 1826. The eastern part of Lapland with the Kola Peninsula was already at that time under Russian rule.

In the areas under Swedish sovereignty, the Lapps enjoyed a great deal of freedom. The Swedish kings of the Vasa dynasty recognized and accepted Lapp ownership of the land and encouraged state bailiffs and magistrates to follow traditional Lapp and Swedish custom in Lapland. In 1751, when the national border between Sweden (with Finland) and Denmark-Norway was established, the Lapps were guaranteed ownership of land and waters in what was called "the codicil of the border treaty."

One year later, in 1752, the provisions of the codicil were transformed into Swedish law through a proclamation by the Svea Court of Appeal. Lapp courts and Lapp case law then became a part of the Swedish legal system. The right of the Lapps to land and waters was not questioned by the Swedish Crown. The human status of the Lapps and their right to land and waters remained intact into the ninteenth century.[4]

What later became Finnish Lapland was a part of Sweden until 1809, and the Lapps living there enjoyed the same rights as Swedish citizens. Thus in Finland, too, the Lapps originally possessed the Lapp-taxed lands as a collective. They had ownership rights and inherited, bought, and sold this land. Later much of the Lapp-taxed land was lost. In 1925 the Finnish state claimed ownership of these lands without meeting any protests from the Lapps. The Lapps were not organized in any way and lacked resources to stand up against the state in a lawsuit. Since that time, 97

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percent of the old Lapp lands in what remains today of the old Lapp homeland, the four northernmost municipalities in Finland, is regarded by the state as state property. Only in recent years has the question of the ownership of the old Lapp lands and waters been raised again in Finland and Sweden. In Finland, the Lapps closely followed the development in Sweden of the dispute concerning the ownership of the old Lapp lands and waters, settled by the Supreme Court of Sweden on January 29, 1981, since the legal background is the same in both countries.[5]

5 LANGUAGE AND CULTURE

The Lapp language (Lappish) belongs to the Finno-Ugric family. It is thus related to Finnish and Hungarian but cannot be understood by members of the other Finno-Ugric ethnic groups. Lappish is divided into four main dialects according to earlier cultural and economic patterns but not following national borders. These dialects differ very much from one another, so that great difficulties exist for Lapps speaking different dialects in communicating among themselves. Most Finnish Lapps speak the northern dialect, but there are also speakers of the central dialect (Enare). The southern dialect is not used by the Finnish Lapps, but the eastern dialect, spoken by the Russian Lapps, is used by the Skolt Lapps living in Finland. The Skolts fled from their homeland, the Petchenga district, to Finland when Finland had to give up this area, which was originally a part of Russia proper but was ceded to the new Republic of Finland by the Peace Treaty of Dorpat (1920), under the 1944 armistice. The cession was confirmed by the 1947 peace treaty with the Soviet Union. The Skolts have been subject to particular legislation, which will be treated below.

The continued existence of the Lapp language as a living language is threatened in many ways. The earlier language policies of the states with Lapp populations were aimed, implicitly if not explicitly, at obliterating the Lapp language. Until recent years, Lappish was not taught in the schools. Not until 1975 did the Lapp language become a subject taught in the Finnish schools in the Lapp homeland, although Finnish still remains the language of instruction. The Lapps have long fought to gain official status for the Lapp language both in the schools and in government.[6]

6 THE LAPP MOVEMENT IN FINLAND

6.1 BIRTH OF THE MOVEMENT

While the rest of Finland developed into a modern industrialized society, Lapland remained a very backward territory. The Lapps continued to herd their reindeer and keep their nomadic style of life far into the twentieth century. Compared with

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the Finns, even those living in Lapland, the Lapps remained poor and underdeveloped. They did not even try to improve their living and cultural conditions until after World War II, and during this period the Finnish government did almost nothing to help the Lapps in this matter.

In the years 1939–40 and 1941–44, a state of war existed between Finland and the Soviet Union. In 1941–44 Finland was allied with Nazi Germany. In 1940, Germany had occupied Norway, so German troops were also present in Norwegian Finnmark. Under an agreement between the governments of Finland and Germany, Germany was in charge of the military operations against the Soviet Union in Finnish Lapland as well. Under the armistice treaty concluded between Finland and the Soviet Union in September 1944, the Finns had to drive away the German troops from Lapland. Before leaving, the Germans destroyed all buildings and bridges. The Finns had evacuated the civil population from Lapland prior to this military operation and the Swedish government agreed to receive many Finnish refugees in Sweden. Others went to the parts of Finland not occupied by the Germans.

The Lapps were told to go to the Kalajoki valley in northern Ostrobothnia. This was the first time in history that Finnish Lapps from the various regions met each other. They decided to organize themselves into a Lapp Union, the first step toward political mobilization. At this stage, the union did not, however, develop into an effective national pressure group as did similar Lapp organizations in Norway and Sweden.

The most important initiative taken by the Lapp Union in a joint meeting with the newly founded Lapp Cultural Union was to organize a meeting in Enare in 1947, where a memorandum was drawn up listing desired government measures necessary to safeguard the future of the Lapp language and culture. At the meeting it was decided to send a Lapp delegation to the capital in May 1947 asking for support for their case from the state. Before any measures could be taken, a study of the Lapp situation was necessary. This coordinated Lapp action eventually led to the appointment by the Finnish government of a Committee on Lapp Affairs in 1949.[7]

6.2 THE LAPP COMMITTEE IN 1952 AND THE FOLLOWING YEARS

The State Committee on Lapp Affairs, composed of three Lapps and three Finnish experts on Lapp issues, published its report in 1952.[8] The committee proposed state action to develop policies that would assure the Lapps a proper social and economic position as a distinct ethnic group. The main recommendation on land title and use concerned the "hereditary rights" of the Lapps to more extensive land use and the establishment of a "Lapp Homeland" in northern Finland with state- and Lapp-owned land to be available exclusively to the Lapps. Another proposal concerned the establishment of a Lapp Fund to help finance the projects. The

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fund had to be increased annually by 1 percent of the value of the annual growth of state forests.[9] This initiative did not, however, result in any positive action from the government. In the 1950s and 1960s very little was done about this matter by the state. The Lapps met with growing difficulties in establishing a livelihood in the new society that arose in Finland during these years. One step forward, however, was the 1960 decree that established the Advisory Council on Lapp Affairs.[10]

Only very slowly did a more liberal attitude toward the protection of aboriginal peoples begin to take root in the international community. This trend was also observed by the Finnish, who began to be aware of their neglect regarding the Lapp population. In the 1970s three state committees were appointed to look at the Lapp school question.[11] The Skolt Lapp community's affairs were studied by a fourth committee.[12] A fifth committee was appointed in 1971 by the government to study the economic, social, cultural, and legal situation of the Finnish Lapps. This committee was presided over by Asko Oinas, later to be appointed governor of Lapland County, and its members came partly from the Lapp community. The committee published an extensive report giving much valuable information about the state of the Lapp community.[13]

6.3 WHO IS A LAPP?

As the purpose of the study was to look at the Lapp situation, the first question to be answered was: Who is to be regarded as a Lapp? It is obvious that such a classification will meet with practical difficulties in a situation where the ethnic group lacks a developed language and a written culture and lives dispersed over a large territory also inhabited by another, very dominant ethnic group. The criterion for being a Lapp was decided to be the Lapp language. However, this criterion was not to be applied in the same way as to the two major ethnic groups in Finland, the Finns and the Swedes, in which the determination is based on the actual use of the language (mother tongue or intentional appearance to either group), because such a method would obviously have left too few Lapps to allow for supporting measures. Thus even a person who does not speak the language but who comes from a family of Lappish-speaking people is considered a Lapp.

In an earlier study,[14] a person who either spoke a Lapp dialect or at least one of whose parents used the language at home was considered a Lapp. Later, in 1962, this definition was expanded. Even a person with a parent or grandparent raised in a Lappish-speaking family, that is, with family members who as children had learned Lappish as their first language, was considered a Lapp. Under the definition of 1962, 4,409 persons were registered in 1970 as Lapps in Finland, almost 90 percent of them residing in the four northernmost municipalities: Enontekis, Enare, Sodankylä, and Utsjoki. Because of difficulties finding a livelihood, Lapps had moved away from their homeland, and the number of those leaving exceeded that of newborn children. Once they migrated, the Lapps were

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quickly assimilated into the Finnish ethnic community. The number of Lapps was thus declining.

6.4 NO PARTICULAR LAPP RIGHTS

The 1973 Committee found that the Lapp ethnic community enjoyed almost no particular rights in Finland. The Finnish constitution mentioned only the two main ethnic communities: the Finns and the Swedes. There were no Lappish-language schools. The school authorities were, however, supposed to organize, when possible, the teaching of Lappish in the Finnish elementary schools.

The effect of the land distribution, which took place in Lapland in 1925, was not only that the old Lapp lands had reverted to state ownership, but that no mention of the Lapps' traditional fishing and reindeer-herding rights in this area was to be found in the official documents and land titles. Only in the statute on environmental law was there a provision obliging the state to take into account the interests of the nomadic Lapps when creating national parks. The committee stressed the fact that the Finnish authorities had not paid any attention to the Lapps' traditional way of living and to their customary rights to use the land for the feeding of their reindeer and the waters for fishing. Sport fishers were thus allowed to exploit waters that used to provide the Lapps with their food. The Reindeer Herding Act of 1929 gave the owners of reindeer (Lapps as well as Finns) the right to herd their animals on state land, but in some cases the land had been exploited by the state for other purposes without compensation to the reindeer owners. The old customary right of farmers of the northernmost municipalities to take wood from state forests and use it for their own purposes had been confirmed by a governmental decree of 1885, but a later decree in 1914 had substantially narrowed this right. Hunting rights belonged to the landowner, but on state land the villagers had the customary right to hunt. This was not an exclusive Lapp privilege, however.

6.5 THE LIVELIHOOD OF THE LAPPS

Of the Lappish population in the four northernmost municipalities, in 1962 15 percent earned a living from farming, 37 percent from reindeer herding, 3.5 percent from reindeer herding and fishing, and 5 percent from fishing only. Handicrafts and tourism were other important sources of income for the Lapps.

The pasture of the reindeer had become problematic, since more and more land was being exploited for other purposes. During the war, the Germans had built a network of roads in Lapland, previously almost roadless, and this network was being enlarged by the Finnish state. The increasing traffic resulted in many accidents when reindeer were hit by cars. The Reindeer Herding Act was reformed in 1968, with the land being divided among twelve reindeer herding groups. A reindeer herding district carries a collective responsibility for fencing and herding ac-

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tivities. In 1970–71, there were 72,600 reindeer, 48,000 of which were in the Lapp homeland. Although with the new roads communications in Lapland improved, because of the great distances, it still takes about ten hours to drive from the provincial capital Rovaniemi to the Lapp municipality of Utsjoki. The long distances make the cost of living quite high.

In 1970, only 10 percent of the Lapps were still nomads, moving from one place to another with their herds. The others had settled down in their own or rented houses. Only one physician and two dentists were working permanently in the Lapp area, but the new Public Health Act of 1972 would bring better health services. The number of social workers in the area was important, however.

The report mentions different opinions concerning the possibilities of saving the original Lapp culture if the traditional way of life is abandoned. The Lappish dialects differ too much among themselves to make possible the creation of a uniform Lappish written and spoken language in the whole Scandinavian Lappish area. At that time only a small amount of instruction was given in Lappish in only a few Finnish elementary schools in the Lapp area. There were few Lapp textbooks and only two hours per week of Lapp radio programs. No Lappish newspapers were published in Finland; there was only a magazine, *Sabmelas,* which appeared eight times a year and was distributed free of charge to the Lapps.

The Finnish Lapps thus speak mostly Finnish, even among themselves. In the Lapp area only 17 percent speak Lappish as their main language. All Lapps master Finnish. Many children even in Lappish-speaking families are switching to Finnish, because it is the school language and the language spoken by their Finnish neighbors. Contacts with public authorities and even in shops take place in Finnish, even if both parties are able to communicate in Lappish. The Lappish language does not enjoy the prestige necessary to save it.[15] Most Lapps are Lutheran. Only the Skolt minority is Orthodox. The ministers are mostly only Finnish speaking.

The report's conclusion was that the future of the Lapp culture is very uncertain. There is a risk of its disappearing, especially since the majority population, the Finns, lacks understanding of the value of the Lapp culture. As has been already mentioned, the Lapps did not enjoy any kind of political or cultural autonomy in Finland at this time.

7 THE PROPOSALS OF THE 1973 COMMITTEE AND LATER IMPLEMENTATION

The committee made a number of proposals aimed at improving the situation of the Finnish Lapps. The most important proposal concerned the bringing about of

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a Lapp Act. According to the proposed act, anybody who so wished could be registered as a Lapp in the Lapp homeland. This region would be declared officially bilingual: Lappish-Finnish. The Lapps living in the region would be authorized to use their own language in contacts with the authorities, who would be obliged to serve them in Lappish. School conditions were to be improved. A Lapp parliament was to be created. The natural resources in their region were not to be allowed to be exploited without the permission of the Lapp Parliament. A Lapp fund was to be created to support cultural and economic activities in favor of the Lapps. In the Finnish Constitution Act, a provision was to be included concerning the protection of the Lapp ethnic group. Other proposals were made by the committee regarding such areas as legal aid, fishing, law enforcement, the protection of the environment, communications, agriculture, fishing, reindeer herding, tourism, compensation matters, the cost of living, social and health services, schools, newspapers and radio, and museum activities.

7.1 THE LAPP ASSEMBLY

The suggestions of the committee quickly resulted in the creation of an assembly representing the Lapps, but it was given only consultative powers.[16] This assembly was given the task of following closely the development of Lapp affairs. It was authorized to make suggestions to the Finnish authorities and to function as a referee body in questions related to legal, economic, social, and cultural matters regarding the Lapp population. The Finnish government appointed the members of the assembly according to the support they received in elections held within the Lapp community.

The first initiatives taken by the assembly concerned the right of the Lapps to receive education in their own language, to use the Lapp language in dealings with the authorities, and to receive state guarantees for the future existence of the Lapp cultural traditions. The assembly considered the land issue to be an important matter. A 1979 report prepared by its legal counsel refers to the historical rights of the Lapps. These rights were to be examined. An open question was thus whether the Lapp villages and taxed lands had ceased to exist as units of real estate. Obviously the present real-estate register did not acknowledge them. The issue was: Could the Lapps claim a collective right under private law to the areas of land and water, or had all rights been transferred to the state? The publication of this report coincided with the statements on Lapp land and water made by the Constitutional Committee of the national Parliament during the 1970s. The Constitutional Committee of Parliament did not pronounce an opinion on this matter but left the question open. The statements of the committee might, however, be interpreted in a way allowing for a solution according to which some form of ownership might still be accorded to the Lapps.[17]

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7.2 PROPOSALS OF THE ADVISORY COUNCIL

In 1978 the Advisory Council established a subcommittee to examine the historic issue of the Lapp claim to lands and waters in the homeland region based on the Lapps' use of these lands since time immemorial. Of great importance for spreading the knowledge of the Lapp case was a scholarly book on the legal situation of the Lapps in Sweden (with Finland) prior to the middle of the eighteenth century, written by Kaisa Korpijaakko-Labba and submitted in 1989 as a doctoral thesis to the law faculty in Rovaniemi. The book was first published in Finnish and later also in Swedish.[18]

Not until 1986 did the Advisory Council begin to work in a sustained manner toward the development of a proposal for a Lapp bill. Under the provisions of an amended decree,[19] the Ministry of the Interior assumed responsibility for the work of the Lapp Advisory Council. This reform had the overall result of developing a more comprehensive agenda of activities on Lappish issues. In 1990 the Advisory Committee published its proposal for a Lapp Act, which focused on the land title issue.[20]

Two reports of the Advisory Council were published by the government. The first contained a proposal for a statute concerning the use of Lappish in dealings with the authorities. In the Lapp homeland, Lappish should be given the same position in this respect as Finnish and Swedish in the country at large. The use of Swedish and Finnish would depend on the ethnic structure of each administrative and judicial district. Lappish should, however, be authorized to be used irrespective of the number of Lappish-speaking people in the Lapp homeland and also by the Lapps in interaction with some Finnish national authorities of importance to the Lapps.

According to the proposal, a client would be given the right to have documents issued in Lappish in the original or in translation. The authorities would be obliged to issue official announcements in Lappish as well. A Lapp member of a public body would be authorized to use his language at sessions of the body. The Language Act was to be applied not only to state but also to municipal and church authorities. The municipalities would receive state grants to pay Lappish translators. State officials would not, however, be obliged to master Lappish even in the Lapp homeland, although they would receive paid leaves to learn Lappish. A Lapp language office would be created and financed with State funds.[21]

7.3 THE LAPP LANGUAGE ACT

The proposals of the 1987 committee were received positively by the government. Soon a government bill[22] on this matter was placed before Parliament. The Constitutional Committee and the Cultural Committee of Parliament also supported the bill.[23] The bill, published in Finnish, Swedish, and Lappish, was approved by Parliament and signed by the president of the republic. The act,[24] also published in

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the three languages, states that every Lapp, irrespective of citizenship, has the right to use Lappish in courts of law and with other authorities. A Lapp is a person who considers him or herself a Lapp, provided that the individual or at least one parent or grandparent learned Lappish as his or her first language. A Lapp has the right to register language affiliation in the population books.

Not only official announcements and street signs but also more important governmental forms were to be issued in Lappish. Statutes concerning the Lapps especially were also to be published in Lappish. The Lapp language office is submitted to the Lapp Parliament. The language law applies to the state, municipal, and church authorities of the districts of Enontekis, Enare, and Utsjoki, and of the Lapp part of Sodankylä. Since the officials are under no obligation to learn Lappish, the rights of the Lapps are ensured by translation and interpretation. Mastering of Lappish is, however, considered a merit in the appointment of officials in the Lapp homeland. A reference to the Lapp Language Act was added to the National Language Act of 1922.

7.4 THE LAPP ASSEMBLY

Because of growing recognition of the importance of Lapp issues in Finland, the political role of the Lapp Assembly increased substantially. A number of discussions took place at the official level as to why the Consultative Assembly should not be elevated to the status of a Lapp Parliament and be established by an act of the national Parliament, rather than its existence continuing to rely on a decree.[25]

7.5 THE PREPARATION OF THE LAPP AUTONOMY ACT AND THE SECOND REPORT OF THE ADVISORY COUNCIL

The Lapp members of the Advisory Council on Lapp Affairs were the driving force in the preparation of the Lapp Act. The preparatory work was done by the Advisory Council and was published by the government in the name of the Lapp Parliament.[26] The aim of the proposed Lapp Autonomy Act was, according to the government, to create a situation of equal treatment of the Lapp population in comparison with the two main national groups in Finland: the Finns and the Swedes. The Lapps should also be given better opportunities to influence the management of their affairs.

Several of the twenty-seven articles of the proposed Lapp Act deal specifically with land use and Lapp means of livelihood. The underlying premise of the proposal was that, since the Finnish state had not been able to prove conclusively that it held any legal title to these areas or that the land title the Lapps had enjoyed previously had been abrogated, these lands should be returned to the Lapps.[27] According to article 1 of the proposed statute, the objective of the reform was to restore the rights of the Lapp population to the lands, waters, and a livelihood within their traditional territories, as defined by the 1973 Decree (Enontekis,

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Utsjoki, Enare, and part of Sodankylä municipalities), and to create the necessary conditions for the development of the culture, language, and social conditions of the Lapp population. One means of achieving this long-term objective of a collective Lapp administrative control over what are now state lands would be to strengthen the position of the Lapp representative bodies, notably the Lapp Assembly, in dealing with all issues of concern to the Lapp people.

The work of the Advisory Council had been somewhat hindered in that the representatives of the Central Finnish Land and Forestry Office did not participate actively in the Lapp Act discussions, nor was the Lands and Forestry Ministry supportive of the recommendations of the council when they were made public.[28] The Ministry of the Interior circulated the proposed Lapp Act for official comments and received replies from more than fifty bodies. These comments were partly supportive, partly negative. Some responded that a serious injustice had taken place in Finnish history that the state was obligated to redress. Others admitted that although some injustice might have occurred, a more important argument was that the government had to be responsible for governing on behalf of all of the people residing in Lapland as well as in the Finnish national interests. The answers illustrate the dilemma for any government in a pluralistic society: that of balancing the interests of the majority with the special needs of a minority, especially an indigenous one such as the Lapps.[29] The Finnish government did not include any provisions concerning the land and water rights of the Lapps in its bill. The bill concerns only the legal status of the Lapps and their self-determination in cultural matters.

7.6 THE CONSTITUTION ACT

The government also proposed a provision to be included in the Finnish Constitution Act concerning the Lapps' right to use autonomous powers in their homeland. More detailed provisions were to be given in a particular statute. This statute would determine how the jurisdiction should be divided between the Lapp self-governing body, on the one hand, and the Finnish state and local government bodies, on the other hand. The self-governing body was given the name of the Lapp Parliament.[30] The Lapp Parliament was to be directly elected by and among the Lapps and would function in relation to the Ministry of Justice. The proposed statute would contain provisions as to the election of the Lapp Parliament, the composition of the Parliament, and its jurisdiction. The criteria for being a Lapp appear in the act, as do the boundaries of the Lapp homeland.

The Finnish Constitution Act was amended in many respects on July 17, 1995. The article concerning the linguistic and cultural rights of the inhabitants included the following provision: "The Sami as an indigenous people as well as the Romanies and other groups shall have the right to maintain and develop their own language and cultures. Provisions governing the right of the Sami to use the Sami

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language before the public authorities shall be prescribed by Act of Parliament." At the same time, a new Article 51a was included in the Constitution Act: "As an indigenous people the Lapps shall be guaranteed cultural autonomy in respect of their language and culture within the Lapp homelands in the manner prescribed by Act of Parliament."[31] The fact that the Lapps are mentioned in the same phrase as the Gypsies shows good will on the part of the Finns in taking into consideration the unfavorable situation not only of the Lapps but also of the Gypsies, who do not enjoy any kind of positive special treatment.[32] The governmental bill passed through Parliament and was issued on July 17, 1995, together with the amendments to the Constitution Act. The Lapp Parliament Act was amended later the same year.[33] More detailed provisions concerning accountability, audit, and personnel matters were added to the act.

During the parliamentary proceedings, its Constitutional Committee issued a report pertaining to the bill.[34] This report refers to Finland's declaration in connection with the country's joining the European Community. According to this declaration (Protocol no. 3), the Lapps may be given exclusive rights to reindeer herding in their homeland (a right they do not enjoy under the actual law). The committee proposed some amendments to the governmental bill, which were accepted by Parliament and included in the act.

According to the Lapp Parliament Act, the criteria for being regarded as a Lapp are: the person must consider himself to be a Lapp, and (1) he himself or one at least of his parents or his grandparents must have learned Lappish as his or their first language, or (2) he must be the descendant of a person who has been officially registered as a Mountain-Lapp, a Forest-Lapp, or a Fisher-Lapp, or (3) at least one of his parents must have been registered as a voter in the election to the Lapp Assembly or the Lapp Parliament. Number 2 of these criteria is new.

The Lapp homeland remains the same: the municipalities of Enontekis, Enare, Utsjoki, and the Lapp reindeer-herding district of Sodankylä. The jurisdiction of the Lapp Parliament consists mainly of initiating and giving opinions to the Finnish authorities in matters concerning the Lapp language and culture and the position of the Lapps as an indigenous people. The Lapp Parliament represents the Lapps in relation to other public bodies. It administers certain state funds. The Lapp Parliament has to submit a yearly report to the Finnish government on relevant events concerning the Lapps. The Finnish authorities are required to consult the Lapp Parliament on all important matters concerning the Lapps as an indigenous people and the Lapp homeland. The act mentions six areas of special interest to the Lapps, including community planning, the use of state land, and amendments to the legislation concerning the Lapps and the Lapp language. The matters to be handled by the Lapp Parliament are prepared by the Lapp government, to which certain decision-making powers may be transferred by decision of the Lapp Parliament. The Parliament is assisted by offices and a staff. The sta-

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tus of an employee is either that of a civil servant (a public law position, similar to that of a state official) or the individual may be engaged by an agreement under private law.

The act contains detailed information as to accountability and audit. The provisions concerning personnel refer to appointment and the duties of the staff. Appeals against decisions made by the Lapp Parliament are reviewed by the Supreme Administrative Court of Finland. The Lapp Parliament itself functions as an appellate body regarding decisions made by agencies or officials submitted to it.

The chapter concerning voting rights is of particular interest. Any person mentioned in the article who is to be regarded as a Lapp has the right to be registered as a voter and to exercise the right to vote. Voting rights belong not only to Finnish citizens but also to aliens residing among the Lapp people who have resided in Finland for at least two years. Any person with voting rights who agrees to be nominated as a candidate for Parliament is eligible to be a member of the Lapp Parliament.

8 THE SKOLT LAPPS

The Skolt Lapp group has been subject to a great deal of special legislation.[35] As refugees from the former Finnish Petchenga (Petsamo) district, which was ceded to the Soviet Union, the Skolts had the same rights as the 500,000 other refugees from the ceded Finnish territories who were given the opportunity to settle down in the remaining territory of Finland and be provided with a livelihood. The Finnish government also endeavored to consider the special needs of this ethnic group. It attempted to preserve the specific Skolt Lapp identity. As has been already mentioned, the Skolts speak their own Lapp dialect and belong to the Orthodox Church.

Several statutes were issued in the years after World War II aiming at procuring farms for the Skolt Lapps. For instance, statutes 1955:273 and 1969:593 concerned dwelling places, and statute 1969:590, reindeer-herding land property for the Skolt Lapps. Other statutes concerning postwar refugees in Finland also applied to the Skolt Lapps, such as 1945:396 and 1950:549.

The Skolts were settled in two villages in the municipality of Enare. They are organized in village councils headed by a chief.[36] Their number is actually 545. In the same area there are also 252 Lapps belonging to other tribes as well as some Finns. As of 1991, 233 small farms had been given to the Skolt Lapps. Only nine are reindeer-herding farms. A great proportion of the Skolt Lapps are without jobs.

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9 ASSESSMENT OF THE ACTUAL STATUS OF THE FINNISH LAPPS

The Lappish Language Act on the use of Lappish in transactions with the authorities (1991:516) has not proved to be very successful. The author of this paper recently met with some representatives of the Finnish Lapp community. They stressed the fact that the Finnish authorities have correctly applied the law so that forms (for instance, tax returns) are available in Lappish today, but most contacts, written and oral, still take place in Finnish. The Lapps all master Finnish. They are accustomed to speaking Finnish to the governmental agencies. Such a custom is not easily changed, especially if the contacts must pass through interpreters and thus become quite complicated. The Lapp language (i.e., the dialects) still lacks the vocabulary needed for government and administration of justice.

The Lapp representatives pointed out that the successful introduction of Finnish as a language to be used in governmental and judicial matters in Finland (together with Swedish, which was the only language used until then) took place over a period of twenty years (1863–1883). In other respects, this reform took place under more favorable conditions. The Lapps are afraid that it will be many years before the Lapp Language Act is effective, if ever. In the statutes, the term "Lappish" is used as if there were a common Lapp language. However, it is well known that there is not.

The Lapp Autonomy Act does not contain any provisions concerning land and water matters, which naturally is resented by the Lapps. They had great expectations in this area which closely concerns their livelihood. The Lapp Parliament has only limited powers and very limited funds to use (about 5 million marks annually). In comparison with the Lagting of Åland Province, the jurisdiction of the Lapp Parliament is very limited. Not only is the autonomy of Åland Province guaranteed by international law and Finnish constitutional law, but it can be changed only with the approval of the Lagting. The Ålanders have also been given the right to elect a member of Parliament. An Ålander is considered a person with a particular kind of provincial citizenship: *hembygdsrätt*. The great majority of Ålanders are Swedish speaking. The Finnish-speaking Ålanders (with *hembygdsrätt*) enjoy the same rights as the Swedish Ålanders, for instance, concerning the exclusive right of an Ålander to own real property or to conduct trade in the province. No such guarantees exist for the Lapps. The Lapps cannot prevent the provision concerning them in the Constitution Act from being abolished, if the Finnish government and a qualified majority of the Finnish Parliament should decide so. The Swedish minority in Finland does not enjoy any special rights, either, but there are enough Swedes to guarantee a representation in Parliament (in most governments,

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there have also been Swedish members). The Swedish school system is highly developed, as is Swedish literature in Finland.

The Lapps are too few to be represented in the national Parliament. The notion of Lapp is too broad to be useful. Criterion 2 (ancestors who have been registered as Mountain-Lapps, Forest-Lapps, or Fisher-Lapps) even includes Finns with no relation to the Lapp ethnicity. Under the present law, most of the people registered as Lapps and given voting rights do not speak Lappish. Some of them are not even descendants of Lapps. According to statistics, fewer than 1,600 Lapps are Lappish speaking, but 6,400 people are registered as Lapps. The Finnish national government mentions these problems in its report for 1997 submitted to Parliament. The Ministry of Justice is preparing an amendment to the Lapp Parliament Act that will limit the definition of Lapp to those with Lappish-speaking ancestors only.[37]

The Finnish-speaking inhabitants of the Lapp homeland also resent the "special treatment" in favor of the Lapps and demand similar favors from the government. In northern Finland there are Finnish pressure groups for defending the non-Lapp interests in the area. One such group in the Sodankylä municipality has even received local government grants.[38]

The Lapp homeland is not able to provide Lapp education except in the first years of elementary school. There are still not enough Lappish-speaking teachers and textbooks available in Lappish for the higher levels.[39] The Scandinavian Lapps have not succeeded in creating a more united Lapp homeland. The Lapps continue to be divided among four countries. Of great importance, however, is the Nordic Lapp Cultural Institute in Kautokeino (Norwegian Finnmark), administered by the Nordic Council (financed by all Scandinavian states).

NOTES

1. "Finns" was the traditional Norwegian name for the Lapps. Finnmark is also the northernmost province of Norway, inhabited by Lapps. In Swedish "Lapp" is used; in Finnish the customary term is *Lappalainen*, although in recent years *Same* and *Saamelainen* are becoming more frequent. The Lapps call themselves *Sami*. Compare also with *Suomalainen,* meaning Finn (in the actual sense of the word) in Finnish. See Israel Roung, *Sami Usage and Customs*: *The Sami National Minority in Sweden* 23*ff*. (Rättsfonden [The Legal Rights Foundation], Uppsala 1982).

2. Lars Anders Baer, The Sami: An Indigenous People in Their Own Land, in *The Sami National Minority in Sweden* 13 (1982).

3. Roung, *supra* note 1, at 25, 33 (1982). *See also Saamelaiskomitean mietintö, Komiteanmietintö* [Governmental Report] 1973:446, at 8*ff*; Marjut Aikio, *Saamelaiset kielenvaihdon kierteessä* [English abstract: The Cycle of Language Shift Among the Sámi) (SKS, Helsinki 1988].

4. Baer, *supra* note 2, at 13*ff*.

5. Israel Roung, *The Sami National Minority in Sweden* 33 (1982); Magnus Mörner, The Land Rights of the Sami and the Indians, in *The Sami National Minority in Sweden* 36 (1982); Gerhard Hafström,

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The Judgment in the Taxed Mountain Case, in *The Sami National Minority in Sweden* 117 (1982); The Decision of the Supreme Court, in *The Sami National Minority in Sweden* 146 (1982); Kaisa Korpijaakko-Labba, *On samernas rättsliga ställning i Sverige-Finland* [The Legal Situation of the Sami in Sweden-Finland] (Finnish Lawyers' Publishing Co., Helsingfors 1994) (Finnish edition, Helsinki 1989); Lennard Sillanpää, Political and Administrative Responses to Sami Self-Determination, *Commentationes Scientiarum Socialium: Societas Scientiarum Fennica* (Helsinki 1994); *Saamelaiskomitean mietintö*, Finnish Governmental Report 1973:46, at 15.

6. *See* Baer, *supra* note 2, at 10.

7. Sillanpää, *supra* note 5, at 58.

8. *Saamelaiskomitean mietitintö*, Governmental Report 1952:12. *See also Saamelaisasiain komitealta*, Governmental Report 1951:20.

9. Sillanpää, *supra* note 5, at 101*ff*.

10. 1960:401. *Samedelegationen* (Sw.); *Saamelaisasiain neuvottelukunta* (Fi).

11. Governmental Reports 1971:B 63, 1973:88, 1974:96.

12. Governmental Report 1973:69.

13. *Saamelaiskomitean mietintö*, Governmental Report (1973:46).

14. Report 1952:12.

15. *See also* Aikio, *supra* note 3.

16. *Delegationen för sameärenden* (Sw.); *Saamelaisvaltuuskunta* (Fi); Decree of November 9, 1973:824.

17. Sillanpää, *supra* note 5, at 93.

18. *Korpijaakko-Labba* (1994).

19. 1987:367.

20. Sillanpää, *supra* note 5, at 95, 101.

21. *Saamelaisten kielilaki—Språklag för samerna* (Governmental Report 1987:60).

22. 1990:180.

23. Reports 1990:13 and 1990:4.

24. 1991:516.

25. Sillanpää, *supra* note 5, at 216. See also the Ministry of Justice Report of 1994.

26. *Saamelaisasian neuvottelukunnan mietintö* 1. *Samedelegationens betänkande* 1 (Governmental Report 1990:32).

27. *Id.* at 195.

28. Sillanpää, *supra* note 5, at 103, 195.

29. *Id.* at 198*ff*. Governmental Bill 1994:248, the Lapp Autonomy Act 1995:988.

30. *Sameting* in Swedish, *Sámedikki* in Lappish, *Saamelaiskäräjät* in Finnish. Compare with *Lagting*: the Parliament of the autonomous province of the Åland Islands (Act 1991:1144) and *Svenska Finlands Folkting* representing the Swedish ethnic group of Finland (Act concerning State grants 1985:902, Decree 1985:1023).

31. Semiofficial English translation.

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32. The Constitutional Committee stressed the importance of indicating the Lapps as an indigenous people (Report 1994:25).The Lapp Parliament Act (1995:974).

33. 1995:1725.

34. Report 1994:17; Bill 1994:248.

35. The present Skolt Lapp Act bears number 1995:253 and consists of seventy-three articles. It has replaced Act 1984:611.

36. See Governmental Bill 1994:243 and the report of Parliament's Committee on Legal Affairs 1994:35.

37. *Regeringens berättelse till Riksdagen för år 1997*, 14.

38. See Tore Modeen, Wer ist Lappe (und wer ist Schwede) in Finnland? *Europas Ethnica* 168*ff* (1997).

39. News item, *Hufvudstadsbladet* [a daily newspaper in Swedish published in Helsingfors], April 19, 1998.

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