

Indigenous Peoples' Right to Land – The Sámi People in Finland and the Veddha People in Sri Lanka as Examples

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Key words: indigenous people, Sámi people, Veddha people, right to land

SUMMARY

Traditional Sámi livelihoods include reindeer-herding, fishing, hunting, small-scale agriculture, gathering natural products and making handicrafts. Today, a common way of making a living is to combine these traditional livelihoods with tourism and services. Some Sámi people are engaged in traditional livelihoods, but many have modern jobs. The Sámi people live on and farm their own real estates. They herd reindeer at other privately owned and State-owned areas. The main threats come from increasing mining, diminishing supplies of lichen, reindeers' main natural food and forest logging at State-owned areas. Traditional Veddha livelihoods include hunting, small scale rice-growing, gathering natural products and milking cows now too. Only a few Veddha people are engaged in traditional livelihoods and many have integrated into the main population. Tourism is gradually coming to the Veddha homelands and some people make handicrafts for tourism. The Veddha people live entirely in areas owned by the State. The main threat to the Veddha people comes from plans to open the National Park beside the Veddha homelands to the public. Climate change is also a threat. In some ways, Finland and Sri Lanka have taken care of the rights of their indigenous people to land. However, the State's use of their homelands is the main threat to both of these indigenous peoples. Neither of these States has sought ratification according to ILO Indigenous and Tribal Peoples' Convention No. 169.

TIIVISTELMÄ

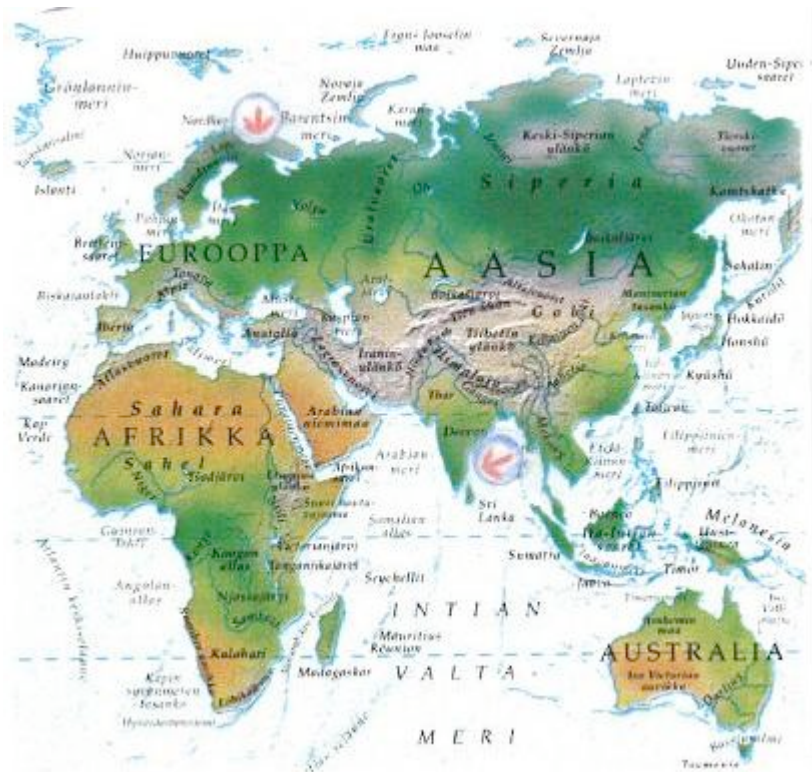
Perinteisiä saamelaiselinkeinoja ovat poronhoito, kalastus, metsästys, pienviljely, luonnontuotteiden keräily sekä käsityöt. Nykyisin ne yhdistetään turismiin ja palveluihin ja monilla saamelaisilla on nykyaikainen työ. Saamelaiset asuvat ja viljelevät omia maitaan. Poronhoitoa harjoitetaan myös valtion ja muiden yksityisten alueilla. Saamelaisten pääasialliset uhat ovat lisääntyvä kaivostoiminta, porolaitumien kuluminen ja metsänhakuut valtion mailla. Perinteisiä Veddha-elinkeinoja ovat metsästys, kalastus, pienviljely ja luonnontuotteiden keräily. Lehmiä kasvatetaan maidon tuottamiseksi. Nykyisin vain muutamat saavat toimeentulonsa perinteisistä elinkeinoista ja monet ovat sulautuneet valtaväestöön. Turismi on lisääntymässä, mutta sen tuomat tulot ovat vähäisiä. Veddhat asuvat ja elävät täysin valtion omistamalla alueella. Suurimpia uhkia ovat suunnitelmat viereisen kansallispuiston avaamisesta sekä ilmastonmuutos. Sekä Suomen että Sri Lankan valtiot ovat jollain tavoin huomioineet alkuperäiskansojensa maahan kohdistuvat oikeudet. Kuitenkin kummallekin näistä alkuperäiskansoista valtion maiden käyttö heidän kotiseudullaan on yksi suurimmista uhkatekijöistä. Kumpikaan näistä maista ei ole hyväksynyt ILO:n alkuperäiskansasopimusta n:o 169.

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1. BACKGROUND

1.1 Present situation



Picture 1. Location of the Sámi people and the Veddha people (red arrows).

Sámi people

The Sámi people are the only indigenous people within the European Union area. The total Sámi population is estimated to be over 75,000. The majority of these live in Norway and the rest are in Sweden, Russia and Finland. There are about 9,000 Sámi people in Finland and 3,000 of them live in their legally defined homelands in the northern part of Finland.

There are four really different seasons in Finland. The temperature varies from – 30 degrees to + 30 degrees Celsius in the Sámi homelands. The growing season lasts about 110 days and the soil is barren. Climatically, the area is part of the boreal zone. There is Arctic light and the sun does not set for 2.5 months in the summer and it does not rise for 2 months in the winter. The Sámi homeland is covered by forest, peatlands, mountains and lakes.



Picture 2. Lemmenjoki National Park in Finland: forest, peatland, lake and mountains.

National Parks cover 16% and State-owned wilderness areas cover 45% of the Sámi homelands. The wilderness area was set aside to preserve the nature of the wilderness areas and to protect the culture of the Sámi people and their natural livelihoods. Therefore, permission from the Council of States is needed in order to build permanent roads and mines within the wilderness areas. Within wilderness areas, preservation of forests in their natural state or practised forestry has to be carried out naturally. Part of the Sámi homelands is a forest preserve area where practised forestry has to be done carefully to ensure that tree lines don't come down.

There are three different groups of Sámi people and three different written Lappish languages in Finland as a result. The Sámi people have constitutional self-government in the Sámi homelands in terms of language and culture. Self-government is managed by the Sámi Parliament, which is elected by the Sámi people. The Sámi Parliament chooses a full-time president who is in office for four years at a time. The Skolt Sámi people maintain their tradition of village administration.

Veddha people

The Veddha people only live in Sri Lanka. The total Veddha population is about 2,000 people. Census data classifies the Veddha population in the category of “others” and there is no exact confirmation of population numbers. Nearly 350 Veddha families live close to the

Maduru Oya National Park. Only a small number of them have been able to retain their cultural identity and traditional lifestyle.

The climate is tropical in Sri Lanka. The Veddha homeland area is mostly jungle and there is a north-east monsoon lasting from November to March. The temperature varies from + 25 to + 35 degrees Celsius. The National Park was founded over the earlier Veddha homelands area and it is close to the existing Veddha homelands today.

The Veddha people have an unwritten Veddha language and a chieftain as their leader. One of the sons of the chieftain will become the next chieftain. The chieftain has good personal relationships with the Sri Lankan leadership and the media.



Picture 3. Jungle in the south-eastern part of Sri Lanka.

1.2 History

Sámi people

Finnish people have resettled in the Sámi homelands since the 17th century but mostly during the 19th century. The Sámi proportion of the population varies from 20-50% within the Sámi homelands area. As a result of the climate, most people have the same livelihoods in the Sámi homelands. 20% of reindeer-owners in Finland are Sámi.

Finland has been a poor country. It is a republic and has been independent since 1917. Finland's economy has grown and society has developed strongly since the 1950's. The road and electricity networks, hydroelectric power stations and industry have mostly been built during the last 60 years. Sámi livelihoods have developed in the same way. In the Sámi homelands, snowmobiles and mobile phones are used for reindeer-herding nowadays. As an

experiment, reindeer owners can now locate their reindeer by satellite and control them when they get too close to the roads.

Veddha people

There were massive influxes of Sinhalese and Tamil settlers encroaching on the Veddha homelands, the forests, in the 1930's. 1948 saw an irrigation scheme and, subsequently, the Veddhas were shifted to another area. This new area of 50,000 hectares was later declared to be a National Park and the Veddha community was displaced to the neighbourhood of the National Park. Veddhas were provided with land and housing in the hope that they would grow food. One Veddha chieftain resisted this approach and his clan was given about 700 hectares of forested area for the Veddha homelands so that they could continue to live in their traditional way. The road to the Veddha homelands and a school close by were built about ten years ago.

Sri Lanka is a republic and has been independent since 1948. In many ways, it has had an excellent history with many kingdoms. Since independence, there have been some internal problems as well as the tsunami which have had an influence on Sri Lanka's economic development.

2. SÁMI PEOPLE

2.1 Livelihoods

Traditional Sámi livelihoods include reindeer-herding, fishing, hunting, small-scale agriculture, gathering natural products and making handicrafts. Today, a common way of making a living is to combine these traditional livelihoods with tourism and services. Some Sámi people are engaged in traditional livelihoods, but many have modern jobs.

Reindeer graze freely in the Sámi homelands unlike other areas where reindeer are kept in pens. In the Sámi homelands, game species include elks, wolverines, wolves, bears, hares, willow grouses and water birds. During the short growing season, it is only possible to grow hay and potatoes in terms of economically significant plants. Hay is used for cattle feed. Natural products gathered include berries, mushrooms and herbs. Traditional handicrafts are made from wood, stones and animal skins and antlers. Sámi craftsmen have Sámi Duodji association and the label for guarantee that handicraft is real Sámi made.

2.2 Rights to land

The Sámi people live on and cultivate their own real estates. In Finland, most water areas are jointly owned by village real estates and the real estate owners jointly decide on fishing in the water area. Special fishing rights can be included as part of the real estate as a usufruct. Some forests are jointly owned by real estates in Finland too. In Finland, some special rights to use State-owned areas freely are given to owners of Skolt Sámi real estate. Certain rights to freely

use State-owned areas are given to owners of reindeer real estates and some other real estate in the Sámi area as well as some other areas. Reindeer-herding in privately and State-owned areas is free for all reindeer owners even in the National Parks. All damage caused by reindeer in privately owned real estates has to be compensated.

Fishing and hunting in State-owned areas are freely available on application for all Sámi homelands inhabitants in National Parks too. There is what is known as everyman's right in Finland. This everyman's right gives everyone the right to roam freely around the countryside and berries, mushrooms and flowers may be picked freely. In the Sámi homelands, berries, mushrooms and flowers may be picked freely even in the National Parks. In the Sámi homelands and some other areas, the Ministry of Agriculture and Forestry can prevent non-local people from making use of these natural resources but this system is not enforced. In National Parks, motor traffic and dogs are prohibited but these can be used for reindeer-herding, fishing, hunting and gathering berries in the Sámi homelands. Recently, Metsähallitus, previously known as the Finnish Park and Forest Service, and some locals were in dispute and they made an agreement on forest logging in State-owned reindeer wintertime grazing areas.

2.3 Threats

The main threats to the Sámi people in Finland are now increasing mining, logging forest in State-owned areas and diminishing supplies of lichen, reindeers' main natural food. Climate change can make soil more fertile and lichen needs barren soil. Teams of dogs used for tourism purposes can disturb reindeer. When reindeer roam close to roads there is a risk of car accidents.

3. VEDDHA PEOPLE

3.1 Livelihoods

Traditional Veddha livelihoods include hunting, fishing, small-scale agriculture and gathering natural products: fruit, leaves and honey. Only a few Veddha people are engaged in traditional livelihoods. Some have combined traditional livelihoods with tourism. Many are involved in small-scale agriculture and many have integrated into the main population. Traditionally, the Veddha people hunt birds, hares, deer, iguanas, porcupines, wild boars, polecats and mongoose. Rice is the most important of all plants that grow. There is no irrigation system in the Veddha homelands and, as a result, they only have one rice harvest each year. In addition to rice, they grow corn, yams, manioc, potatoes, chillies and some dry crops. Nowadays, they have cows and they milk them a little. Cows graze freely with their calves. The first cows were a present from Buddhist monks. According to the Veddha people, they never eat the beef from the cows which they look after. Therefore there are more cows than people in the Veddha homelands nowadays.

Tourism is gradually coming and some people are making handicrafts for sale but income from tourism is low. Handicrafts are made from seeds or ebony and other woods. Selling or buying souvenirs and handicrafts made from wild animal parts (skin, bones or antlers) is prohibited by Sri Lankan law. Some Veddha people are showing tourists the traditional way of living and traditional livelihoods.

3.2 Rights to land

In the 700 hectares of the Veddha homelands, the Veddha people live entirely in areas owned by the State. Hunting is illegal in Sri Lanka. Nevertheless, the Veddha people can hunt freely but only in the Veddha homelands. In Sri Lanka waterareas are owned by the State. Fishing is free for all Sri Lankan people but there are also some special private fishing rights like stilt-fishing. In National Parks it is illegal to gather natural products, even pieces of dry wood.

3.3 Threats

The confined space of the Veddha homelands and extreme restrictions on uses of the National Park prevent the Veddha people from living in the traditional way. In the future, the main threat to the Veddha people is the plan to open the National Park close to the Veddha homelands to the public. Climate change is another major threat because rains are irregular nowadays and there is no irrigation system in the Veddha homelands.

4 CONCLUSIONS

4.1 Ratification of Indigenous and Tribal Peoples' Convention No. 169

Finland and Sri Lanka have, to some extent, taken care of their indigenous peoples' rights to land. In any case, land use in State-owned areas in the Sámi homelands is the main threat to the Sámi people. Opening the National Park and extreme restrictions on uses are the main threats to the Veddha people. Neither of these States has ratified the ILO Indigenous and Tribal Peoples' Convention No. 169. In Finland, the process for ratifying this convention was begun about ten years ago and it is still in progress.

4.2 Rights to land – entitled groups

Sámi homeland – groups:

some real estate owners - ownership of some private water areas
- special fishing rights
- special rights to use State-owned areas

locals - gathering natural products can be reserved for
locals

inhabitants of municipalities

- hunting and fishing in State-owned areas, even in National Parks

reindeer-owners

- reindeer grazing and roaming in the forest

everyman

- everyman's right including gathering natural products

It is worth noting that there is no group "Sámi people" in Finland in terms of rights to land.

Veddha homelands – groups:

Veddha people

- living and hunting in defined State-owned area

all Sri Lankan people

- fishing and gathering natural products in State-owned areas

nobody

- gathering natural products in National Parks

4.3 Conclusions

General development of these countries has happened at different times. In the same way, the way of life of these indigenous peoples has developed. Nowadays, the Sámi way of life is not in serious danger of disappearing because it has developed to become a more modern way of life. The population density is less than 0.5 person/km² in the Sámi homelands. Therefore, fishing, hunting and using snowmobiles and other vehicles in National Parks is possible without damaging nature. The Sámi people's rights to land involve a mixture of ownership and rights to use land.

Nowadays, the Veddha homelands area is too small for traditional livelihoods. Therefore, the Veddha people are trying to use the National Park for traditional livelihoods and there have been some conflicts with the Wildlife Department. In my opinion, the situation for the Veddha people is serious. Saving traditional livelihoods looks impossible without special measures like easing restrictions of use of the National Park or enlarging the Veddha homelands. Irrigation systems could help a little. Combining traditional livelihoods with modern jobs is difficult. The effects of larger-scale tourism may be contradictory. The Veddha people have only the rights to use land.

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