

Indigenous peoples, their rights and customary laws in the North: the case of the Sámi people

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Abstract: The paper focuses on indigenous peoples, their rights and customary laws in the North in context of the Sámi people situation in the Nordic countries and Russia. It is to analyse and conceptualise some important issues concerning Sámi customary laws in the light of indigenous rights, constitutional law and legal pluralism as well as to propose new forms of cooperation between universities or scholars in the North in research in this field.

First, after proposing new forms of academic cooperation, we flash focus on theory of legal pluralism and on Sámi customary laws. Secondly, we differ the institutional axiology from the real axiology in state legal orders. Thirdly, we analyse rules concerning the Sámi in Finland's legislation, Sweden's constitutional acts and Norway's Constitution. Fourthly, we express some chosen conflicts of laws: Sámi laws versus national laws and interests. Fifthly, using many criteria, we try to evaluate the Nordic countries in the field of recognition of indigenous rights. Sixthly, we show Russia's laws and Sámi problems (the Ponoï case and violation of the Russian Sámi rights). Seventhly, we consider contemporary problems of Sámi: the right of indigenous peoples to customary law, the right to self-determination as a basis of Sámi claims, and finally, treating Sámi as "people", "nation", not "ethnic minority". I also analyse what was behind the current state of affairs in Scandinavia, proposing a classification of political, ideological, religious and educational, economic, and cultural factors. In the conclusion, I maintain that indigenous rights, including Sámi rights to land and political self-government, should be better recognised in the North. It still remains a paradox, as the problem is not resolved in Scandinavian liberal societies, which are supposed to be sensitive in the field of human rights and protection of cultural diversity. I think that going back to customary laws or legal pluralism is such an inspiration for seeking new forms of political organisation of the Sámi people in Scandinavia (and maybe in Russia).

Keywords: Rights, Sámi, pluralism

Introduction

Much has been said about Sámi. There is no necessity to repeat all the well known facts about their history, languages, and heritage, and the awful policy of the Nordic governments in the 19th and 20th centuries, which aimed at eradication

of the Sámi national identity, languages, culture or the traditional way of life of Sámi people (Niemi 1997, 75–76; compare Lähteenmäki 2006, 143, 239). The way of life had been based on reindeer husbandry, herding and grazing, hunting, and fishing. Nowadays, there are some voices that we are romanticizing the Sámi past, avoiding

the fact that their culture has been changed due to globalisation, modernisation or new technologies. Is it a correct opinion? We must take it into consideration, even if we disagree to it or agree only partially. The accusation of such idealisation is also an inspiration for scholars' aspiration in the field of seeking the truth. The aim of Sámi rights' supporters (but also of this paper) I fully agree to is to propose realistic solutions for the Sámi people living in Finland and Scandinavia, such as recognition of land rights and political autonomy, not naïve both ideas and tools. The aim of the supporters' activities is also to highlight real problems of the Sámi people and tensions between state laws and policies and Sámi customary laws. On the other hand, it concerns the gap between something what I call "the institutional axiology" and something called "the real axiology". Paradoxically, I see the problem of clash of two values in Finland as well: Equality and Justice. It is not equal to treat some groups better (in terms of the law) than others, but it is justified to make it an excuse for some important *historical reasons*. Aristotelian Justice stands ahead Utilitarian Millian Equality. What wins?

Due to the length of this paper, I must only signalise some issues that I treat as important. Particularly, this paper is to conceptualise some important issues concerning Sámi customary laws in the context of indigenous rights, constitutional law and legal pluralism as well as to propose new forms of cooperation between universities or scholars in the North in research in this field. This conceptualisation is supported by idea of legal pluralism. My background is that I am a legal philosopher,

with a lot of contributions on law and morality or legal pluralism, so my attitude to the problem is also legal-philosophical. The paper is a mostly legal analysis of the Scandinavian and Russia's national constitutional orders on Sámi (it is not about international treaties or international human rights law, but I signalise these problems as well, however I focus on the national legal orders). In addition to this, it is necessary to admit that the methodology used in conducting the research, and visible in this article, is both sophisticated and comprehensive, and includes analysis of legal acts (especially the constitutional ones) and legal doctrine, research on public opinion, studying history and politics in Finland and Lapland, interviews, observation, and scholarly intuition.

Fields and measures of cooperation between universities in the North

It seems to me that we have the three following fields of scholars' and universities' cooperation between the East and the North: 1) Sámi customary laws, 2) Rights of indigenous peoples, 3) Theory and practice: how the law really works. There are also some measures of cooperation such as: 1) Conducting the research in Sweden, Norway, Finland, and Russia, 2) Sharing results (in many ways), 3) Establishing a network about events and research, 4) Cooperating in projects, 5) Developing Sámi law networks by the University of the Arctic Thematic Network on Arctic Law. By way of addition, I propose also to implement the idea of Centre for Sámi

Customary Laws and Legal Pluralism. The Centre could be established as both a network (of universities, institutes and scholars from Norway, Finland, Sweden, and Russia) and an institute. The Centre as the first in the world in this field should also focus on the laws of nature and nations in the context of rights of indigenous peoples. It sounds like the future melody, but on the other hand, it seems necessary to found it in Finland: in the country based on the recognition of cultural diversity.

Legal pluralism and Sámi customary laws

First, we should know what legal pluralism is. What is the idea, its examples, traditions, and challenges? The situation in which there are many, at least two, normative systems binding (such as international law, state law, unofficial law, religious rules, local customary laws etc.) in one social sphere and there is no rule of recognition (in Hartian sense; Hart 1961, 92–96), that would establish which a rule is of higher validity, is called legal pluralism. Theory of legal pluralism (Griffiths 1986; Tamanaha 1993; Tamanaha 2008; de Sousa Santos 1987; von Benda-Beckman 2002; Bunikowski & Dobrzeniecki 2009) describes some tensions between laws: e.g. the tensions between state and unofficial laws (or on the other hand, international law and domestic order), and proposes some models of resolving such problems. This kind of research is also to analyse actual models of existence and recognition of customary laws in chosen states. The exemplification seems very wide (Africa, North America,

Latin America, Australia etc.). Secondly, the Sámi customary laws should be treated as a part of the Sámi culture and tradition. The only aboriginal nation in Europe was based on rules concerning reindeer husbandry and grazing, organisation in *siidas*, hunting lands, fishing waters (Ahren 2004). Sámi right to land (to public land in Lapland, Lapp-land, widely Sápmi) is still based on customary laws. Sámi rights to fish or hunt are based on Sámi customary laws concerning natural resources management, fishing and hunting. Self-government is also deeply rooted in this law that was based on the traditional (nomadic, free, non-state) way of life. Sámi traditional (customary) laws were also related to e.g. *sieidi*, natural sacred sites (NNS), especially rocks, mountains, springs, land formations as well as man-made ones as labyrinths or petroglyphs but also impressive fells or islands, as well as to worships, and offerings (Pennanen & Näkkäljärvi 2003, 156).

Traditional rules or rituals concerning the offerings were recognised as eternal natural law or customary law. In any analysis, cosmology cannot be separated from law strictly here. Nature was a mother for Sámi. Sustainable development was a part of their practical philosophy of nature. Environment, balance, and holy order were elements of the system. Going back to the case of sacred sites, the NSS are a part of the Sámi tradition, diversity, and heritage, and need the legal protection due to eventual devastation or depreciation. However, some customary laws concerning offerings, worships or shamanism, based on the cosmology and beliefs, are supposed to be (almost) dead. Problematically yet, even Sámi land rights that are related to

the NNS are still not recognised in Finland, Russia, Sweden (partly, in Norway). In terms of political necessity or respect for the Sámi tradition, only this one topic, the NSS topic seems a ground-breaking, leading, prodigious both research and issue in the North. In fact, it concerns a wider problem – the right of Sámi to their land, the right to legal pluralism and diversity of laws (compare on land rights also Niemi 1997, 80). Once again, in fact, it relates to a new natural resources management and new political governance in Lapland, what, like a bolt out of the blue, makes all the debate complicated, ambiguous, puzzling, troublesome, perplexing, and so on. Sadly, nobody politically correct wants to paw in “muddy puddles” of the bad institutional structure we detect in Sámi nowadays.

The institutional axiology and the real axiology

While talking about axiology (value theory) that is behind the current state law in the North, I differ: 1) The institutional axiology (IA), 2) The real axiology (RA). By the IA, I mean the Constitutions, the Legislation, plus the Proposed Nordic Sámi Convention, the case law, international public law. It is the written law. By the RA, I understand concrete acts of officials, violations of law, law in action/practice (see point 9). In the next chapters, we will analyse the constitutions to see the ideas of institutional attitude to Sámi in Scandinavia, although we must remember that the constitutions are always supposed to be developed in legal acts of a lower degree or validity, such as the parliament acts or government's

decrees, or in the case law made by judges in the courts, and administrative decisions in public administration. Anyway, it seems to me that the Scandinavian idea is based on recognition of Sámi cultural autonomy and language rights only, and on some symbolic gestures towards Sámi (constitutional slogans; Sámi parliaments).

Finland's legislation on Sámi

According to Finland's Constitution of 1999, *Section 17 – Right to one's language and culture*: “(...) The Sámi, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act”. In *Section 121 – Municipal and other regional self-government*, we can read: “(...) Provisions on self-government in administrative areas larger than a municipality are laid down by an Act. In their native region, the Sámi have linguistic and cultural self-government, as provided by an Act”. According to Act on the Sámi Parliament (974/1995), *Chapter 1 – General provisions, Section 1 – Objective of the Act* (1279/2002): “The Sámi, as an indigenous people, have linguistic and cultural autonomy in the Sámi homeland as provided in this Act and in other legislation. For the tasks relating to cultural autonomy the Sámi shall elect from among themselves a Sámi Parliament.” In *Section 4*, we read:

“The Sámi homeland means the areas of the municipalities of Enontekiö, Inari, and Utsjoki, as well as the area of the reindeer owners’ association of Lapland in Sodankylä,” and that “A map showing the boundaries of the homeland shall be published in the decree or its schedule”. According to *Section 5 — General powers*: “(1) the task of the Sámi Parliament is to look after the Sámi language and culture, as well as to take care of matters relating to their status as an indigenous people. (2) In matters pertaining to its tasks, the Sámi Parliament may make initiatives and proposals to the authorities, as well as issue statements.” It is a very advisory role, without real power, I would say without using euphemisms, as the provision includes only general and flexible terms.

On the other hand, in *Section 9 – Obligation to negotiate*, it is written: “The authorities shall negotiate with the Sámi Parliament in all far reaching and important measures which may directly and in a specific way affect the status of the Sámi as an indigenous people and which concern the following matters in the Sámi homeland: (1) community planning; (2) the management, use, leasing and assignment of state lands, conservation areas and wilderness areas; (3) applications for licences to stake mineral mine claims or file mining patents; (4) legislative or administrative changes to the occupations belonging to the Sámi form of culture; (5) the development of the teaching of and in the Sámi language in schools, as well as the social and health services; or (6) any other matters affecting the Sámi language and culture or the status of the Sámi as an indigenous people.”

However, negotiations, sometimes, have one foot in the grave... and both the best literal/systemic/functional interpretation or plain meaning fail while interests of both sides are different. While going to Sámi Language Act (1086/2003) *Section 2 — Scope of application*, we can read: “The following public authorities shall be subject to the provisions of this Act: the municipal organs of Enontekiö, Inari, Sodankylä, and Utsjoki, as well as the joint municipal authorities where one or more of the said municipalities are members; the courts and State regional and district authorities whose jurisdiction covers the said municipalities in full or in part; the provincial government of Lapland and the organs attached to it; the Sámi Parliament, the Advisory Board for Sámi Affairs and a village meeting referred to in section 42 of the Skolt Act (253/1995); the Chancellor of Justice of the Government and the Parliamentary Ombudsman; the Consumer Ombudsman and the Consumer Complaints Board, the Ombudsman for Equality and the Council for Equality, the Data Protection Ombudsman and the Data Protection Board, and the Ombudsman for Minorities; the Social Insurance Institution and Farmers’ Social Insurance Institution; and the State administrative authorities that hear appeals against decisions of administrative authorities referred to above. This Act applies also to administrative procedure under the Reindeer Husbandry Act (848/1990) and the Reindeer Husbandry Decree (883/1990) in the State authorities and herding cooperatives whose jurisdiction covers the Sámi homeland in full or in part, as well as in the Reindeer Herders’ Association.”

The whole provision means a possibility of using the Sámi language in procedures and applications in Finnish public administration, judicial system, and state institutions. It is mostly territorially restricted, having concerned the Sámi municipalities, with some justified exceptions.

Sweden's constitutional rules on Sámi

In Sweden's The Instrument of Government of 1974, Art. 2 establishes: "(...) the opportunities of the Sámi people and ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own shall be promoted." It is a very similar provision to this relevant one that exists in the Finnish Constitution, and both are only about the so called cultural autonomy and cultural rights of indigenous peoples (mostly, language rights). There is nothing about political autonomy or a special position of the Sámi people in both Sweden and Finland (except *Section 121* in the Finnish Constitution – *lex specialis*).

Norway's Constitution on Sámi

In Norway's Constitution of 1814 (amended in 1987), Article 110a sounds: "It is the responsibility of the authorities of the State to create conditions enabling the Sámi people to preserve and develop its language, culture and way of life." Then, it is developed e.g. by The Sámi Act of 1987 etc. In fact, self-government of Sámi people and land rights are best recognised

by Norway while in Scandinavia, although it is still far away to the ideal of political autonomy, not only of the cultural one.

Conflicts of laws – Sámi laws v. national laws and interests

Finally, I have found the following conflicts of Sámi laws and state laws (both laws and interests): 1) Oil and gas law and policies v. environmental law and customary laws, 2) Sámi customary laws, and actual and potential conflicts with oil and gas law or other state policies e.g. water and energy policies or public infrastructure and tourism policies, 3) Sámi land rights v. constitutional law, 4) Sámi cultural rights v. the current natural resources management and reindeer herding organisation, 5) The closing of the borders in the 19th century, and the educational systems by 1990 in the North (both in Scandinavia and Russia).

The Canadian project on multiculturalism – how to evaluate the Nordic countries?

In the Canadian project from Queens' University, Kingston, we can ascertain the answer for the question how to evaluate the Scandinavian countries. The authors took some criteria concerning indigenous rights (I add a note whether each, and to which extent, is recognised in Scandinavia) as the following: 1) recognition of land rights/title – NO or only partially, 2) recognition of self-government rights

– PARTIALLY, 3) upholding historic treaties and/or signing new treaties – NO, 4) recognition of cultural rights (language; hunting/fishing) – YES, 5) recognition of customary law – NO, 6) guarantees of representation/consultation in the central government – YES or only partially, 7) constitutional/legislative affirmation of the distinct status of indigenous peoples – YES or only partially, 8) support/ratification for international instruments on indigenous rights – NO or only partially, 9) affirmative action – NO (*Multiculturalism Policy*, Queen's University, Kingston).

Euphemistically speaking, the results are not breath-taking, and the general evaluation of Scandinavian states in the field of recognition of indigenous (I mean Sámi) rights is quite weak. Anyway, according to the data provided in the project, Norway seems the best, having five points in 2010, but in 2000 four, and in 1980 only 0,5, while Finland and Sweden had, respectively, 4 (3,5; 3,5) and 3 (1; 2) points. Norway carried out a great revolution in the process of recognition of Sámi rights since the 1980s, while Finland's attitude towards Sámi is quite restraint (evolution of recognition of rights), and Sweden's policy is the most conservative (however, in 2007, the Sámi Parliament took over responsibility for the management of the reindeer industry from the government). The important factor remains that Norway is the country with the biggest population of the Sámi people (about 40,000). Skipping the Sámi case, I must add that, among Scandinavians, Denmark is the leader in the recognition of indigenous peoples' rights (the people of Greenland), holding 7 points (6; 6). Taken for granted a people

pursuant to international law with the right to self-determination, Denmark appreciated the Inuit of Greenland. It was not the case of Sámi in Scandinavia.

That is a gap that makes the difference between the two approaches: the North Scandinavian (paternalistic, legal-positivistic and nationalistic) and the Danish (liberal, legal-pluralistic, multicultural). It must be said clearly that the second one has also own real problems such as dilemma of a real political self-responsibility in Greenland and of both economic dependency and demoralisation by the welfare state (i.e. people *addicted* to social benefits, and as a parallel process, the country dependent on state subventions from Copenhagen), as well as old known reasons of the official policy as a result of pangs of conscience towards the Inuit.

Russia's laws and Sámi problems: the Ponoï case

In the 1993 Constitution, Article 69 states: "The Russian Federation guarantees the rights of small indigenous peoples in accordance with the generally accepted principles and standards of international law and international treaties of the Russian Federation". It was followed by the laws of 2001 – but the question is how the law works. Having a look at regional law, the Code of the Murmansk Oblast precisely, we should notice Art. 21 par. 3 that establishes: "In historically established areas of habitation, Sami enjoy the rights for traditional use of nature and [traditional] activities". So now we are turning to analyse the Ponoï case in order

to explain what the gap is between what is written on the paper but is a dead letter and what is a law in action. The pertinent facts are as follows: in the Sámi homeland on the Kola Peninsula in Northwest Russia, regional authorities closed a fifty-mile (eighty-kilometre) stretch of the Ponoj River (and other rivers) to local fishing and granted exclusive fishing rights to a commercial company offering catch-and-release fishing to sport fishers largely from abroad. The Sámi must pay for licenses to catch a limited number of fish outside this area (Osherenko 2001). Osherenko wrote also that “in the Russian North today, indigenous peoples face threats from mineral, oil, and gas development, timber cutting, commercial fishing, and tourism. The life ways and economy of indigenous peoples of the Russian North are based upon reindeer herding, fishing, terrestrial and sea mammal hunting, and trapping. Yet the indigenous movement in Russia has not followed the lead of indigenous leaders in North America, New Zealand, Australia, and elsewhere, who have sought to secure title to lands and waters through the courts when competing industrial interests threatened the livelihood of their people” (Osherenko 2001).

Seemingly, the situation of indigenous peoples in Russia is worse than in Scandinavia, and in Scandinavia it is worse than in the Anglo-Saxon world (I am not so sure about Australia still and right now). It sounds like a hasty generalisation, but it might be a lot of the truth in this statement, however, I think that, for instance, the lack of Sámi Parliament cannot be a litmus paper of a pro-indigenous state policy (there is no such body in Russia, what is an

exception in the northern states Sámi live in). If it is a body with a symbolic respect and prestige but without a real power, what is a reason to establish that body. We know the so called Alta controversy happened in Norway in the late 1970s and 1980s, not in Russia.

It is clear also that Sweden does not want to recognise Sámi land rights in practice deliberately, in spite of the Taxed Mountains case of 1981 in the Swedish Supreme Court, and despite the judgment of the European Commission (later, Court) of Human Rights in the *Könkämä* and 38 other Sámi villages against Sweden case of 1996. We also know that recognition of land rights, ratification of the ILO 169 or just only correct protection of *sieidi* (natural sacred sites) still are a big problem in Finland, too. While in Scandinavia, we are still talking about secular egalitarian societies and very democratic welfare states based on human rights. But there is the problem with *Sámi human rights* and *historical justice*. Thus, Russian problems concerning Sámi or “small (indigenous) nations” are, maybe paradoxically, similar to the Scandinavian ones, what is important while speaking of the Arctic issues and cooperation in the North.

Russia respects Sámi cultural rights nowadays. Collectivisation is not a trouble anymore – it was so, without doubts, in the Soviet Union, as now a bit more economic expansion of energy companies and tourism in the North might be a problem for the Russian Sámi, who should participate more in the economic development (benefits from this process; CSR; cultural development, employment etc.). Russian scholars are interested in

these issues, as I remember from my teacher exchange in Petrozavodsk (February 2014). Anyway, all the gaps, holes, inconsistencies between the IA (slogans) and the RA (practice) are perceptible in concrete cases as well. It happens in Russia, but the inconsistencies happen in Scandinavia, too. All the mentioned countries in the North (except Norway, partially, and only to some extent) do not want to go behind cultural rights or cultural autonomy of Sámi. The deliberate policy of the governments is still to retain a political *status quo*: the constitutional rules based on unitary state ideology (Scandinavia) or centralisation of power (Russia). Simply said, no land rights for Sámi and no autonomous state/s for them within the actual states or, shortly, no a federal union of Sámi persons beyond those states.

Problems and solutions: behind the current state of affairs

I observe the following problems or solutions in the narrative on Sámi rights in the North: 1) The right of indigenous peoples to their own customary law (as it was recognised in the 18th century; looking at the legal history, one can notice that Sámi laws were implemented in Sámi courts by “Lapp lensman” and his jurors; it was “personal” law concerning “disputes occurring between Lapps from the same side” and “minor matters” concerning “the customs of the Lapps” – compare e.g. Art. 22 of the First (Lapp) Codicil of 1751, 2) Considering the right to self-determination as a basis of Sámi claims,

3) Treating Sámi as “people”, “nation”, not “ethnic minority” – in terms of international law; it means that they would be treated like “the First Nations” in Canada, e.g. the Innu, the Nisga’a, with the right to self-determination. In Norway, Finnmark is a land that belongs to the Sámi, the Norwegians, and the Kvens, according to the law. This seemingly linguistic change in public debates or in the law in Finland and Sweden would be necessary from the point of view of the aboriginal nation. Then, they would be understood not as a subject anymore, but as the sovereign, an object.

Furthermore, I see also the following factors behind the current state of affairs in Scandinavia: 1) Political factor. The liberal nation state related to the concepts of sovereignty (taken straight from Hobbes and Locke) as well as modern nationalism, 2) Ideological factor. The New Wild West in the North: colonialism (colonisation) in the name of Norwegianisation, Finnicisation, and settlement as a chance for a better life in new territories (“gold fever” or *Lebensraum*), while destroying existing languages, culture, land rights there, 3) Religious and educational factor. The role of Protestantism/Lutheranism (moral, religious and political conservatism) and of Enlightenment ideas of progress and education dedicated to so called “dark”, “dirty” people in backward Lapland (by the Church and state), 4) Economic factor. The special role of commerce, farmers, merchants, and of economic interests in settlement in Lapland and in natural resources management, 5) Cultural factor. Social Darwinism and theories of hierarchy of cultures.

Instead of the conclusions

The last question is: where is the room for a good understanding of Justice (towards Sámi people in Finland) as a certain value in the state based on the rule of law and democracy based on human rights? To recognise legal pluralism and Sámi indigenous right to land and political autonomy means to change a paradigm of legal positivism, what is difficult, as Finnish lawyers like saying that there are no customary laws anymore, so there is nothing to be recognised, and the Sámi Parliament means a Sámi autonomy. There are no pangs of conscience due to the past (colonisation, discrimination, cultural eradication) and the actual policy (no land rights, no real self-government). There are many national (informal) stories and excuses (like this one that “Finns were also occupied”). On the other hand, one may feel impressed by young people from Inari or Karasjok, who say: “I am Sámi”, “I have no reindeer but I am Sámi”, “I feel free here, I will never go to live out this country” (i.e. Lapp-land). This way goes to nowhere, because here are still the two independent narratives about the same problem (the state version, the Sámi version).

If you talk to ordinary people in Inari or Karasjok, you hear a strong feeling of injustice among Sámi due to the awful state discrimination towards Sámi in the past and the lack of “compensation” (like recognition of land rights and real self-government, or like reindeer husbandry, only for Sámi-policy etc.) nowadays. In objective terms, indigenous rights, including Sámi rights to land and political self-government, should be better recognised in

the North. It is still a paradox in the liberal societies, which are supposed to be sensitive in the field of human rights and protection of cultural diversity, that we wish it had happened so far. But that seems a price of the modern liberal nation state ideology, strong Lutheran religion in the states (or particularly, Finnish Cultural Protestantism nowadays), the Enlightenment in the *Scandinavian civilisation*, the equality principle taken straight from the constitutions, and is also a kind of the cost we must pay for both mostly unitary character of the states and homogenous character of the societies – in the North.

Many processes had thrown Sámi independence, rights, customary laws, and the traditional way of life to the bucket. Due to modernisation, globalisation, social-economic factors as unemployment and the lack of equal opportunities, social atomisation and nuclear family model, and technological civilisation or new technologies, new rules of behaviour obviously changed the Sámi world as well. Moreover, it is not a black-white world of the bad (Finns) and the good (Sámi) – it is a little complicated, sophisticated phenomenon of attempts of going back to the origins and traditions in order to find out some inspirations for the future. Customary laws or legal pluralism are such the inspirations for seeking new forms of political organisation of the Sámi people in Scandinavia, especially in Finland, and maybe in Russia. Finally, I agree with Svensson that “(...) we can predict that the customary law discourse will continue as a dynamic cultural force” (Svensson 2002, 35). The fact that we do not talk about it means as much as a taboo, or “tattoo”

of political correctness, or just a will of retaining the nation state unchangeable forever. Nevertheless, it seems to me Sif's work to handle the current state of affairs in this way nowadays. It is a hard nut to crack for the nation states.

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