

QUOTES FROM NOU 1997: 4 CHAPTER 7 REGARDING THE EAST SAMI
PEOPLE IN NEIDEN

Page 338 The Neiden Sami – or East Sami – are the original inhabitants of Sør-Varanger municipality and are a minority in the Sami ethnic group.

Settlements in the Neiden siida area have been proven as far back as in older periods of the Stone Age. Archeological and ethnological surveys indicate a cultural continuity from around 8-900BC, ie for around 3,000 years. The settlement structure and material culture of those who lived here in pre-historic times were very similar to those of the East Sami.

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The traditional way of life of the East Sami has been based on the use of the area's natural resources – fishing for salmon in the Neidenelva [*River Neiden*] and Munkelva [*River Munk*], fishing at sea (for salmon, cod, coalfish, herring, etc), hunting and fishing, picking berries and lichen and herding reindeer.

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Since being Christianised by Russian missionaries in the 16th century, the East Sami have been members of the Russian Orthodox Church. It is important to stress the East Sami's religious attachment. In a historical perspective, this attachment is a result of the division of the Roman Empire in the 4th century, which resulted in Constantinople becoming the secular and ecclesiastical capital of the east.....

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Page 339: The East Sami are different from the other Sami in a number of ways. Their *language* is very different from that of the North Sami, and is therefore recognised by the Nordic Sami Language Council as one of the "main Sami dialects". The East Sami *alphabet* is the "Cyrillic" one, ie a Russianised version of the old Greek alphabet that the missionaries from the Greek speaking Constantinople started to use as a way of spreading Christianity among the Slav peoples. In the same way, western and central Europe came under Rome, ecclesiastically speaking, which is why the "Latin" alphabet is used here. One must therefore be very careful about assuming that the East Sami could not read or write because they did not know the western alphabet.

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However, the most important thing is that the East Sami in Norway are few in numbers and that their culture, as a result of discrimination and a hard-handed

assimilation policy, is disappearing. In that sense, the East Sami are now the weakest group among the Norwegian Sami, as well as being a small minority in their traditional land area.

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The East Sami in Neiden have never been a very numerous group. Their number has varied a lot, from 3-4 families to 30 families at the beginning of the 18th century. The number of people was normally 25-50, with 100 as the highest number at the start of the 18th century. When the boundaries were fixed in 1826, there were five families in the Neiden siida area.

In Neiden and the Sør-Varanger municipality otherwise, there are now between 30 and 50 people who count themselves as direct descendants of the East Sami who became Norwegian citizens following the boundary-setting in 1826. However, it is assumed that far more, both in and outside Sør-Varanger municipality, can trace their genealogy back to the East Sami. Many people have, as a result of the assimilation policy, denied their origins, while others have moved, for instance to get work. A revitalisation of the East Sami culture in line with the committee's proposals may, however, lead to a strengthening of the East Sami as a people, as has happened with the East Sami in Finland, who are now far more numerous than they have ever been.

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Page 341: Up until the 20th century, the East Sami were often characterised as a hunting and fishing people. Hunting and fishing have been key elements in the East Sami commercial adaptation, it is true, but they still did not have a pure culture of hunting and fishing. The East Sami had some sheep that gave them milk, meat and wool. They took these animals with them when they moved. They also had a considerable number of reindeer by the standards of that time. The reindeer were used both to pull loads and for food and skins. The East Sami were also linked to the market economy through trade with Russian and Norwegian merchants and other West Europeans who came on ships to the "Eastern" markets. The East Sami utilised the Neiden-siida area's many resources effectively and in an ecologically-friendly manner. However, their way of working meant that the area had to be relatively large, the population small and that they had to have full possession and control of the area's land and resources.

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Page 342: The East Sami formerly had no private rights of ownership of land or water - the entire Neiden-siida area's resources were the collective property of the community's members (commune bonum). The utilisation of some resources could be exclusive to one individual family (fishing in lakes and the sea), while in other cases, the catch was split equally or belonged to the community's joint funds (shared hunting trips, salmon fishing in rivers and waterfalls).

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Page 345:Other use of their land areas often took place in return for payment in some form or other. Einar Niemi demonstrates, in his report in NOU 1994:21, page 321 et seq. that other people respected for a long time that the East Sami were the ones who had the right to such things as salmon fishing in the Neidenelva [*River Neiden*]. Sverre Tønnesen says the following, inter alia:

"And as regards the utilisation of the area that was really important to the Skolte Sami (*another name for East Sami*), ie hunting for wild reindeer and salmon fishing, the situation was quite clear – the Skolte had the sole rights, allowed no outsider to participate and even complained to the Norwegian authorities if necessary."

Although the East Sami as individuals originally had no right of ownership of the land, they had a clear perception that they "owned" the areas in common, ie that they had the sole right to exploit the area's resources and actually also the right to refuse others the right to settle in their land area. The latter is very important in this regard, and shows that the East Sami, in their own opinion, had strong rights to their land area. The siida system [*a democratic system in which various hunting groups together formed the basis for larger units, the siidas*] – with clearly defined land areas for the exclusive use of the siida – shows that the various Sami groups had split up the land areas in the north long before the various government authorities were established and showed an interest in the East Sami and their land areas.

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Page 349: Based on what is documented, there must be a basis for saying that the East Sami's centuries-long exclusive use of the area at least gives them a strong collective right of usage regarding all the resources they have utilised. There is also a basis for saying that this right of usage was of such a nature that it can be compared with our present-day right of ownership.

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Page 361: One characteristic feature of the East Sami is that there are very few of them. The East Sami as a group consist of a few tens of people, who have had problems in making their views known – not only to the Norwegian authorities but also within the Sami ethnic group. This has led to the East Sami's struggle for its rights taking place alongside and separate from that of the Sami organisations.

In addition, their culture has almost been eradicated, for one thing as a result of a more or less deliberate policy on the part of the Norwegian authorities. The current situation is that they have lost their original rights to practise their trades in their old habitats, and that they, as a result of their permanent minority position, also in Neiden, have not been able to uphold their rights with the majority in the village either. This has meant that their language has, in practice, been lost and that cultural expressions, such as clothing, etc, are no longer used. However, there are still some East Sami cultural features remaining – not least a strong awareness of their own history and legal tradition, and knowledge of specific work traditions, such as salmon fishing in rivers and, to a certain extent, reindeer herding.

They have also lost strong rights to such things as reindeer herding and salmon fishing. The situation for reindeer herding is that today's reindeer-herding legislation and administrative practices hinder them from taking up this work again, even though they have the formal right to herd reindeer. Salmon fishing in Neiden is, to a great extent, based on tourist fishing, and the income from this is divided among those who are members of "Neidenelvans Fiskefellesskap" [*The River Neiden Fishing Cooperative*]. The former East Sami casting-net fishing (Ijvelak fishing) has to a great extent been taken over by the remaining population that moved into the area (of Finnish descent and Norwegians) and has become a shared form of fishing for those who own and cultivate land in the Neiden valley.

The committee's basic view, of item 3.3.5, is that no schemes should be established giving Sami rights to land, water or to exploit resources on an individual ethnic basis, even though statutory rights on an ethnic basis already exist, of the right to herd reindeer pursuant to the Reindeer Herding Act, section 3.

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Page 362:

The majority of the committee's members – everyone except for Johansen, Johnsen, Kristensen and Rørholt – would like to point out, however, that the East Sami's particularly exposed and weak position demands extraordinary and specific measures. The committee's majority viewpoint cannot be implemented fully as regards the East Sami if the goal of rebuilding the East Sami culture is to be achieved. The majority refer in this connection to the historically strong position the East Sami have had as regards land and sea in this area and that we are only talking about returning a small part of the rights the East Sami have held in this area. At the same time, Norway's international law obligations must be emphasised.

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..... The proposals of the majority apply to reindeer herding and salmon fishing in the River Neiden and the sea. The proposals will, to a greater or lesser extent, affect other people and groups who, for a shorter or longer period of time, have exploited the natural resources in the old Neiden-siida area. For the committee's minority, this is so important that they do not want to help put forward special proposals to strengthen the East Sami culture. However, the majority is of the opinion that the wrongs which the East Sami have been subject to for so long should cease. The Norwegian authorities also have a legal duty to ensure the East Sami people a material basis for maintaining and developing their culture and way of life. This obligation is stated in both section 110 of the Norwegian Constitution and international conventions, particularly article 27 of the UN convention of 1966 on civil and political rights and the ILO convention no 169. In the opinion of the majority, the Norwegian government also has, independently of this, a moral duty to recompense the East Sami for the wrongs committed against them, and to ensure that this minority among the Sami is allowed to keep its traditions and culture.

In so far as others are disadvantaged or harmed as a result of the fact that room must be found for the East Sami to carry out their trades, for example by the redistribution of the grazing grounds and expropriation of the rights or pre-emptive rights to various natural resources, satisfactory compensation for the disadvantage or harm will have to be made. The expropriation of rights in favour of minorities is not unknown in other parts of the world. Out of consideration to those who may be affected by these proposals, the Norwegian government should rapidly clarify the compensation offered. A compensation settlement that is acceptable to them will also form the basis for a necessary acceptance of the proposals by the remaining population.

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Page 363:Attempts must be made to repair in so far as possible the harm caused to the East Sami people and their culture as a result of the fact that no old rights were accepted when the Neiden-siida area became a part of Norway. Old wrongs must be righted, so that the East Sami can strengthen their self-respect and renew contact with their traditional culture and customs.

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The East Sami culture is characterised by its close association with and use of the natural resources in the Neiden siida area. Their traditional siida system functioned long after similar systems no longer existed in the other Sami areas, but had to cease as a result of the boundaries drawn up in 1826, the increasing immigration to the area and the authorities' assimilation policy regarding the East Sami.

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Page 373:the present state of the law is unreasonable with regard to the area's original inhabitants, in that it has helped and still helps to eradicate the East Sami culture. If a foundation is to be laid for the East Sami culture and way of life to be re-created and developed, a material basis for this must be created. This applies particularly to salmon fishing in the River Neiden. Current conditions are based on a historical wrong that has been done to the East Sami that should now be rectified.

Based on the East Sami's history, rules contained in section 110 a of the Norwegian Constitution and Norway's international law obligations, the East Sami have a reasonable claim to establish a material basis for their culture.

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.....The majority has agreed on a proposal to transfer the livjelak fishing (casting-net fishing) in Skoltefossen [*the Skolte waterfall*] to the East Sami who live permanently in Neiden, and propose giving everyone who permanently resides in the village the right to catch fish using a rod

Page 380: Throughout the ages, salmon fishing in the fjords in the former Neiden-siida area has been very important to the East Sami. The Neiden Sami have fished

for salmon at sea in the Neiden fjord, the Kors fjord and particularly the Kjøl fjord. Immigration to the area and the fact that the East Sami are now a minority in the Sør-Varanger municipality have contributed to the East Sami losing their former sole right to fish for salmon at sea in this area a long time ago.

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The majority propose that a limited number of sea-salmon fishing sites in the Kjøl fjord and Neiden fjord be administered by the East Sami in Neiden.