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**Human Rights Commission**  
**Sub-Commission on the Promotion and Protection of Human**  
**Rights**  
**Working Group on Indigenous Populations**  
**Twenty-third session, 18<sup>th</sup> to 22<sup>nd</sup> July, 2005, Geneva, Switzerland**  
**Agenda Item 4 (a) "General Debate"**

- Statement by the Saami Council -

Thank you Mr. Chairperson,

*Congratulate* / *in our area*

At the 4<sup>th</sup> session of the Permanent Forum, the Saami Council raised a very unfortunate recent development, constituting a <sup>potential</sup> ~~direct~~ threat to the Saami culture. It saddens us to report that the situation of the Saami reindeer herding communities in the southern part of the Saami areas in Sweden has worsened since May.

*have* ~~In 1990,~~ A number of Swedish landowners in *Härjedalen County* initiated a number of court proceedings, claiming that the Sami villages in *Härjedalen* do not have reindeer grazing rights on lands to which the landowners hold title following the colonization process. Reindeer herding has been, and continues to be, the main occupation of the inhabitants of these Saami villages in ~~these areas~~ since time immemorial. Regardless, Swedish courts agreed with the land-owners, robbing the Saami villages of substantial parts of their winter grazing lands. The ruling constitutes discrimination based on race. Even though courts of law formally tried the issue, it was clear from the outset that the Saami villages had no chance to win the case.

The Saami villages were faced with a burden of proof virtually impossible to fulfil. Swedish rules on evidence are designed for the Swedish population's permanent use of land. Even though Sweden acknowledges Saami reindeer herding rights on lands traditionally used, Sweden has failed to amend its rules of evidence adopted during a social-Darwinist era, <sup>racist,</sup> ~~which hold that inferior nomadic people cannot have rights to land that interfere with the~~

~~supreme Swedish race~~. As a result, still today it remains virtually impossible for reindeer herders to win any dispute over right to land. That is so, even though it is an undisputed fact that the Saami population was the first to inhabit and control the areas in question. In a fair trial, the Saami parties should thus have the upper hand in any conflict with non-Saami parties as to the right to land.

The Swedish courts acknowledged that there has been a Saami - and reindeer - presence in the *Härjedalen County* for hundreds, or *even* thousands, of years. Naturally, reindeer herders seek the best grazing areas available for their animals. The grazing areas in dispute are among the best in the region. It should thus <sup>be</sup> self-evident that reindeers have grazed the lands in question. Still, the courts demanded specific, preferably written, evidence on reindeer having grazed each areas in question on a regular basis. Obviously, it is not possible for a culture aiming to live in harmony with the land, and to leave no traces thereupon, to prove its presence in a particular land area in such a manner.

The Swedish courts ruled against the law of nature. When the snow comes, the reindeer will roam down from the mountains and into the forest areas for lichen. It always has, and always will. Still, the Swedish courts ruled that the reindeers have not traditionally entered these forests. They might as well have ruled that there are no documents evidencing that the sun rise in the east ...

Sweden has essentially failed to address the situation in *Härjedalen* since we brought this issue up in May. Meanwhile, the land-owners increasingly demand that the reindeer herders decrease their reindeer herds and keep them off their land. Reduced herds would inevitably result in reindeer herders having to give up the livelihood and life-style of their forefathers. The title-holders have further declared that they will sue the reindeer herders if their reindeer roams into forests in which they have grazed since time immemorial, but to which the Swedish population hold title due to the colonization process. The outcome of *Härjedalen* cases thus potentially prevents the Saami people from pursuing their traditional livelihoods, a fundamental part of our culture.

The ruling will have far-reaching consequences also outside the *Härjedalen County*. All over the Saami people's traditional territories, title holders are preparing to sue reindeer herders to deprive them of their winter-grazing

If cases continue, the  
end conclusion of the  
Swc courts might very  
well be that reindeer  
herding never existed

areas. This is no surprise, given that it is apparently basically enough that a land owner claims that there are no right to reindeer pasture on his land for the reindeer owner to be forced to keep his reindeer off the area.

WRHA proposal on study on reindeer herding.

The Saami Council has prepared a briefing note on this issue that we can distribute to any interested participant.

Thank you Mr. Chairperson.

that further  
elaborates

even though  
everyone know that  
about 30-40% is traditional  
reindeer herding land.