

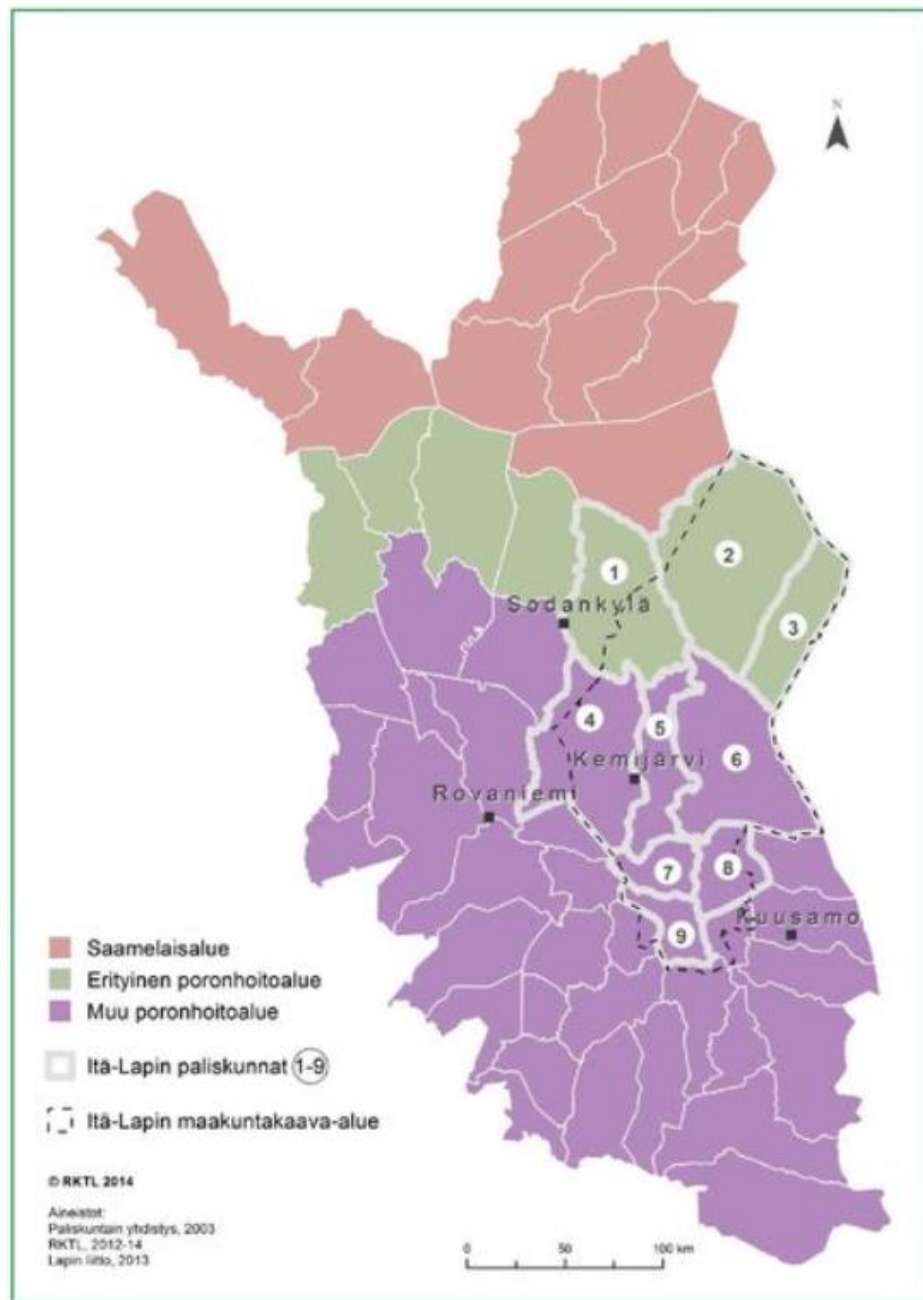
Community relations, mining data and the Sami people

Mining Act is proactive, but is it enough?



Ministry of Economic Affairs
and Employment of Finland

Sami Homeland



Mining Act 621/2011



The activities referred to in this Act shall be adapted in the Sami Homeland, referred to in the Act on the Sami Parliament (974/1995), so as to **secure the rights of the Sami as an indigenous people.**

This adaptation shall pay due attention to the provisions of the Skolt Act (kolttalaki 253/1995) concerning the **promotion of the living conditions of the Skolt population and Skolt area**, opportunities for making a living, and the preservation and promotion of the Skolt culture.

38§



Procedure to be applied in the Sami Homeland, Skolt area, and special reindeer herding area

In the Sami Homeland, the permit authority shall – **in co-operation** with the Sami Parliament, the local reindeer owners' associations, the authority or institution responsible for management of the area, and the applicant – **establish the impacts caused by activity** in accordance with the exploration permit, mining permit, or gold panning permit on the rights of the Sami as an indigenous people to maintain and develop their own language and culture and shall consider **measures required for decreasing and preventing damage.**

50§ 1/2



Obstacles to granting of a permit in the Sami Homeland, the Skolt area, or a special reindeer herding area

An exploration permit, mining permit, or gold panning permit must not be granted if activities under the permit:

1) alone, or together with other corresponding permits and other forms of land use would, in the Sami Homeland, **substantially undermine** the preconditions for engaging in traditional Sami sources of livelihood or otherwise to maintain and develop the Sami culture;

50§ 2/2



- 2) would **substantially impair the living conditions** of Skolts and the possibilities for pursuing a livelihood in the Skolt area;
- 3) in a special reindeer herding area, would cause **considerable harm** to reindeer herding.

However, a permit may be granted regardless of an impediment referred to in subsection 1 if it is possible to remove such an impediment through **permit regulations**.

Challenges



- **The wording leaves room for interpretation**
- **Mining authority and the Sami Parliament have rather dissenting opinions on the meaning**
- **Supreme Administrative Court has confirmed that Mining authority has provided sufficient information to Sami Parliament in order for them to evaluate the impacts of activities**
- **The ministry facilitated a two year working group in order to find a common solution to the dispute**
 - Sami Parliament
 - Metsähallitus, state forest
 - Regional council, land use planning
 - Environmental authority, supervision
 - Reindeer herders' association
 - Gold panning association (activities in the Sami area)
- **Even Sami community has varying interests:** some do gold panning, transport services to gold panners, gold panning tourism

Cultural issues



- **In order to avoid harmful effects – regulations in the permit**
- **For defining regulations, detailed effects of the specific permit application are needed**
- **Sami culture, oral tradition, and they do not want to reveal their culture to outsiders**

➤ **conflict**

- **The opposing of mining is on principal grounds**
 - Land ownership
 - Ratification of ILO 169, the rights of the indigenous people
 - Who is a Sami?
 - Question of financial compensation and the right to it (traditional right to use of land)
 - Veto right, right to decision making
 - Fear of ever diminishing access to land as tourism and other activities increase

Network of Sustainable Mining



- **Sami Parliament participation in construction phase**
- **Left the network after that, shortage of resources**
 - Got already their requirements in to the principles of the network
- **Would have been nice to have them on board, but a voluntary network**



Where do we go?

- **The anti-mining attitude is not dependent on the lack of knowledge or information**
- **Openly admitted attitude: no mining in Sami area**
- **The willingness to compromise for mutually beneficial solutions is lacking on all parties involved**
- **Will the systematic appeal stop?**
 - It is a tough and costly administrative burden
- **Suggestion on yet another impartial authority – to evaluate the impacts for sami culture (by Sami Parliament)**
 - The trend is towards fewer authorities, not increase of them
 - Mining authority is to be impartial, the ministry cannot force the authority to employ a sami person
- **Permanent Secretaries meet Sami Parliament next week, so ...**



To be continued

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