

# Sami group wins case for rights to hunt, fish

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**Sami Radio's Jörgen Heikki: "Who has the right to decide over the hunting and fishing licenses?"**

(2:46 min)



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Joy after the court's decision. Photo: Anne-Ravna Allas/ Sameradion & SVT Sápmi

**The Gällivare District Court has awarded the Girjas Sami association in Norrbotten County the right to control hunting and fishing permits on their reindeer herding land, which is owned by the Swedish state.**

"It's a joy. It's almost impossible to explain. I feel like a weight has been lifted from my shoulders. And great joy for the Sami village members who have been fighting hard for this for eight years," said Matti Berg, chairman of Girjas Sameby after he read the court verdict.

The case involves the "Girjas sameby." A "sameby" translates to "Sami village" and is a legal entity of indigenous Sami people that is granted a special juridical status that allows members some rights over the grazing areas used for reindeer husbandry.

Members of the Girjas Sami community argued they should control who fishes and hunts small game in the community's reindeer herding area in the Gällivare mountains. The state currently manages hunting and fishing through local county administrative boards. But a Gällivare district court ruled in favor of the Sami Wednesday.

The case dates back to 2009, when the Girjas Sameby and the Svenska Samernas Riksförbund sued the state for control over the rights to hunt and fish. During the five-week trial, Girjas litigants argued that the Sami's long presence in the area give them those rights. They refer to their "urminnes hävd," which is analagous to a concept from civil law called usucaption, by which ownership rights are gained by long possession.

**The Gällivare district court accepted the Sami's argument**, saying their people had lived in the area for at least the last thousand years and not in small part for the hunting and fishing there.

"The Girjas Sami association, in relation to the state, has the exclusive right for small game and fishing within the Girjas Sameby area. And that the state shall not grant hunting and fishing permits in the area. And that the Girjas Sami association is entitled, without the state's consent, to grant permits for hunting small game and for fishing," said Niklas Lind, the Judge in Gällivare district court Wednesday.

The state was represented by the Office of the Chancellor of Justice. The Chancellor, Anna Skarhed, indicated that the state will appeal the court ruling.

"It's about issues that are fundamentally important. If this ruling is going to last it's important that it's made by a body that is precedent-setting," said Skarhed.

**"The court was quite brave.** I think they've set the law aside in order to arrive at this judgement. You set the modern legislation aside, put simply, because there is a right that the Sami have according to usucaption," said Skarhed.

If the ruling were appealed and upheld, many commentators say it could significantly affect those who would hunt and fish in any of the country's 30 Sami herding grounds.

"If the ruling is appealed, then this is a bigger issue, but of course the ruling has raised concern among many hunters and fishermen today," said Hans Geibrik, who works with mountain hunting for the Swedish Association for Hunting and Wildlife Management.

Swedish Radio had reported that the District Court proceedings in the spring were sometimes heated as the Sami side has painted the case as a debate about rights.

"Even if there is a legal process, there's been a touch of politics both through the actions of the state but also because we're highlighting Sami rights issues," said Jenny Wik-Karlsson, legal advisor at the Swedish Sami Association, SSR, speaking with Swedish Radio. "That's basically why we decided to file a lawsuit, the state's unwillingness to clarify their legal position."

Hans Forsell, the state's representative from the Office of the Chancellor of Justice, had argued that the state owns the land and therefore must have a decisive influence on hunting and fishing.

"I ask myself how the Sami community got the notion that they have an exclusive right in relation to the state from the material presented in the case," said Forsell during the proceedings.

Quelle:

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