

The project - Intangible Cultural Heritage in Sápmi – short report

28.2.2021

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Summary

The project Intangible Cultural Heritage in Sápmi (Imkas) of the Norwegian Sámi Parliament in the period 10.3.2020- 9.3.2021 dealt with the use, protection and management of the Sámi cultural heritage and traditional knowledge. In the project, the subject area -and especially the intangible cultural heritage- was examined from the point of view of Sámi needs and values, rather than from external definitions. The Sámi intangible cultural heritage - for example, the Sámi traditional dress - is valuable as the maintainer and indicator of the Sámi's culturally cohesive identity, and this heritage is used according to certain traditionally clear and rather strict (social) customs. These internal norms, which also indicate and regulate the collective ownership of the Sámi resources, can and should be understood as legal principles. This collective nature of legal principles is also the reason why the policy and management concerning them should be further developed together by the political bodies.

Beside the cultural significance, these collective cultural resources of the Sámi also have a tremendous economic value, which has also been noticed by outsiders and therefore widely appropriated in the commercial environment. The project has identified that underlying need for protection and management is the need to ensure that the commercial exploitation of cultural resources relevant to the Sámi is sensitive from Sámi perspective. However, if the aim is to ensure that the Sámi themselves benefit and gain a competitive advantage in industries based on their culture, it is also important to ensure that commercial exploitation recognizes the Sámi's ownership of their cultural resources and develops a way and mechanism to respect these rights. At the end of the day question is do the Sámi people want to control how the Sámi name, reputation and culture is commercially used and portrayed.

The mapping shows that the various Sámi Parliaments have identified the above-mentioned needs for protection and, to some extent, have quite successfully met them through various policy and other measures. However, the challenge is the lack of coherent policies and actions, and in particular the lack of clarity needs and objectives of protection and mechanisms. However, commercial interest in Sámi culture only seems to be growing, and it would be important to create a coherent approach in which the various actors know who to turn to when they want to act sensitively and respect the rights of the Sámi. Also, internally, it would be important to discuss on and clarify sustainable and responsible practices in Sámi industries that are based and use cultural resources.

The collaboration of Sámi and Walt Disney Animation Studios and the issues addressed in the project show that a rights- and ownership-based approach is an effective way to ensure both sensitivity and, more broadly, respect for rights and can bring many tangible benefits to policy areas that are important to Sámi. Given the challenges posed by Covid pandemic, we recommend that the Sámi Parliament continue its national work to clarify and strengthen Sámi people intangible common cultural heritage/ resources policy and to create coherent practices and mechanisms as well. The overall goal must be to promote and develop the individual and collective intellectual property rights of the Sámi people.

The status report of the project was presented at the meeting of the Sámi Parliamentary Council parliamentarians meeting in January 2021. Section 5. has been added to this final report, which assesses the implementation of the project and presents the collected recommendations for possible further work.

Project evaluation and recommendations for future

Evaluation of the working methods and goals set in project plan

The Imkas-project has been based on SPC's action plan. The goal of the project was collective pan-Sámi intangible cultural heritage and resource management. Pre-projects result was planned to be proposal on system of protection to and management for Sámi intangible cultural heritage that has been discussed in Sámi society and is anchored to the needs of the society. Overall there were three long term goals;

- 1) Map and define joint/collective intangible cultural heritage and the legal principles applied,
- 2) Create a strategy for the protection to and management to Sámi intangible cultural heritage and the mechanism to do so and
- 3) Establishment of management of collectively owned intangible cultural heritage.

Pre-project was set to collect, define, and draft principles and to take decision on collective intangible cultural heritage and to propose applicable principles, how to manage and develop them from a Pan Sápmi perspective. Main project following the pre-project was aimed to implement the work of the pre-project.

There were several specific tasks set on the pre-project plan. The first one was the mapping and defining the subject matter and legal environment on SPR level. This is done in sections of the 1-4 and specifically on the sections 2 and 3. Second task was to collect and analyse the lessons learned (strategy, principles, and methodology) in WDAS-cooperation and this is done in section 3.7. The third task was to draft the strategy and principles to the use, protection, and management of the collective cultural resources and the fourth one was to propose how to manage intangible cultural heritage in the future could be arranged. Overall draft strategy and principles on pan-Sámi level management is suggested in section 4 of the report.

Fourth task was to hear and discuss the subject matter with the Sámi society. Project group decided that the wider discussion would start within parliaments, and it would cover both the administration and political level to build understanding before starting to reach out to the other parts of the Sami society. It was also planned that the project group would travel to meet the other parliaments to get the project going. The plan was also to have three different webinars, with the two first ones to the staff of the parliaments and the third one to the politicians. But because of the lock down and closed borders physical meetings were impossible to arrange, and it had a negative impact on the Pan-Sámi goals and on the collective nature of the project. Instead of traveling and discussing issues, mapping needs, and serving the needs of all parties and building understanding, the project group had to try do planned issues online and remotely.

Pre-Project plan was ambitious and just when the project started in March 2020 the covid pandemic spread and there was no information on how long the pandemic and lock downs and closed borders would last. In the beginning of the project the project group discussed and decided on implementation plan of the goals and tasks set. During the spring 2020 project group also decided that the original plan should be adjusted and have one more task and that would be to answer inquiries and questions coming in from external parties and Sámi themselves on the use of the cultural resources. This was because the parliaments and Saami Council had gained so much useful experience and grown understanding when dealing cooperating with WDAS. This experience would

serve the third task to draft the principles on use, protection, and management. Because of the general pioneer nature of the work, it was decided that the best way would be to test the principles and learn on how to deal with the questions was by dealing the questions one by one.

Even though decision to take the sixth task project period had to be extended, it was a good decision. The project group dealt or assisted approximately with 15 different issues and has produced a separate summary document on the principles and methods used in inquiries and questions dealt in pre-project and appendix where these issues are introduced. On average, the project group had meetings every second week. In these meetings the group discussed the progress of the project, and a lot of time was also spent on handling inquiries and questions related to the use of these resources.

The project was introduced in the SPC board in May 2020 and the plan was discussed there. It became clear that Sámi parliaments had different understandings on for instance who has the mandate to decide on these issues and how the pre-project should be steered. Because of the different understandings, SP Norway proposed that the pre-project would not have a steering group and that the pre-project would bring suggestions on the steering group issues on the main project plan. SP NO asked the SPC board to think though how to solve the inquiries and questions coming both from external partners and Sámi parties on the use of Sámi cultural resources.

The first two webinars intended to the staff of all three parliaments, was arranged in May and at the beginning of June and had mostly participants from SP Norway. To better understand the different starting points and goals of three parliaments on how to reach the goals set in SPC action plan and to solve the different understanding of issues, it was decided that third webinar, originally intended for all the politicians of three parliaments, should be a one-day workshop to think and discuss the SPC action plan and over all goals, aimed for the leadership and few members of staff from each parliament. In this workshop the participants also thought of how to arrange a temporary mandate for the presidents in decisions of urgent matters on the use of cultural resources.

Over the summer the project group together with the parliaments, continued to develop a solution on general temporary management. However, it turned out to be difficult to arrange due to legal issues and it was decided that the project group was to raise issues if necessary to the different boards of the parliaments as they came in. In the autumn, the project group had several meetings with Sámi parliament staff to have assistance to the mapping of the policies and mechanisms of the parliaments to reach the pre-project goals of mapping.

The status report of the pro-project was introduced in SPC's parliamentary online meeting in January 2021. Discussion of the parliamentarians signalled the importance as well as the plan to continue the work continued to the new action plan of SPC 2021-2022. However, the parliamentarians expected more communication with different political levels of each parliament to get the support and to properly plan the jointly owned and managed main project of three parliaments. It appears to be a lot of work to plan the funding and the structures of the Pan-Sámi project, and it might be challenging in the current situation with Covid pandemic with the lock downs, to take the required steps on the main project.

When evaluating the pre-project work in completing the tasks and goals set in pre project plan and work, 5/6 were completed. Above mentioned task to have a wider discussion on these matters was hard to meet because of the covid. In the future, more resources and planning should be used to the communication plan of the project; both on spreading information on the project but also to reach

the contextual goals of wider discussions in the society. Considering the complexity of the matters and the covid situation, over all the project goals were met on a satisfactory level.

Budget and costs

The original project period was 9.3.2020 – 31.12.2020 but the project was extended until 9.3.2021. According to the project plan, the budget for the original period was 1,2 million NOK. When comparing the budget planned and costs, it seems that the project stayed under the budget, even after extension of the period of the project. This obviously can be explained by of the low costs on traveling due to the lock down.

Project books for 2020

Konto	Konto (T)	Koststed	Aktivite	Aktivite (T)	Beløp
3980	inntekt fra bruppeliv (ikke-betalende)	9020	41001	Felles Kulturarv	-1 500
5100	Midletidige ansatte	9020	41001	Felles Kulturarv	581 660
5150	Overtid midlertidige ansatte	9020	41001	Felles Kulturarv	1 112
5180	Feriepenger midlertidige stillinger	9020	41001	Felles Kulturarv	69 933
5250	Gruppelivsforsikring	9020	41001	Felles Kulturarv	1 500
5290	Motkonto annen fordel i arbeidsforhold	9020	41001	Felles Kulturarv	-1 500
5420	Pensjonspremie til SPK	9020	41001	Felles Kulturarv	74 337
5920	Gruppelivsforsikring	9020	41001	Felles Kulturarv	1 500
6300	Leie lokaler	9020	41001	Felles Kulturarv	26 106
6730	Andre konsulenttjenester	9020	41001	Felles Kulturarv	1 125
6781	Konsulent oversettelse/tolking	9020	41001	Felles Kulturarv	74 208
6870	Deltageravgift ved kurs og konferanser	9020	41001	Felles Kulturarv	14 762
6871	Kompetanseheving og utdanning	9020	41001	Felles Kulturarv	5 997
6903	Elektronisk kommunikasjon	9020	41001	Felles Kulturarv	716
7132	Reisekostnad, ikke oppgavepliktig	9020	41001	Felles Kulturarv	11 214
			41001	Felles Kulturarv	861 169

Project books for 2021 (until the middle of February)

Konto	Konto (T)	Koststed	Aktivite	Aktivite (T)	Beløp
3980	inntekt fra bruppeliv (ikke-betalend	9020	28702	Kulturarv i Sapmi	-409
5100	Midletidige ansatte	9020	28702	Kulturarv i Sapmi	159 910
5180	Feriepenger midlertidige stillinger	9020	28702	Kulturarv i Sapmi	19 189
5250	Gruppelivsforsikring	9020	28702	Kulturarv i Sapmi	409
5290	Motkonto annen fordel i arbeidsfor	9020	28702	Kulturarv i Sapmi	-409
5420	Pensjonspremie til SPK	9020	28702	Kulturarv i Sapmi	19 202
5920	Gruppelivsforsikring	9020	28702	Kulturarv i Sapmi	409
6300	Leie lokaler	9020	28702	Kulturarv i Sapmi	10 319
			28702	Kulturarv i Sapmi	208 621

Recommendations for future work

Taking into consideration the work that has been performed during this project as well as the challenges that were faced in addition to the results that the pre-project was able to achieve, there are several recommendations the pre-project suggests being initiated to create a foundation for the future. Many of these concerns to strengthen the structures and the understanding at a national level which would then provide the support necessary for pan-Sápmi approaches.

1) First and foremost, there is a necessity for a clear political position and policy on Sámi intangible cultural properties. The pre-project suggest that this is built from the principles integrated into the Sámi-WDAS collaboration agreement, specifically the 'Sámi position' articulated in the preamble of the agreement.

- 2) The pre-project suggest that a structure is built, and procedures are developed for dealing with inquiries that are received that concern the intangible cultural properties of the Sámi people. The pre-project has experienced both internally and externally, that there is confusion on whom to contact, who is to present statements, and who can make decisions concerning these properties.
- 3) The development of procedures must also be reflected in the internal structures of the parliament. The pre-project has experienced that there is also confusion within the parliamentary and Sámi governmental structures about who can, and how to, deal with questions of Sámi intangible cultural property.
- 4) Dedicated funding and staff should be allocated to this topic area, including the development of structures, working methods, and handling of matters. This is work that requires staff with expertise and specialisation. It is also a valuable area by itself that must be treated as such. To gain and retain the expertise necessary, and achieve the desired results, the work must be supported, and the staff dedicated to it. This also allows to centralise experience, expertise, and knowledge in a way that is much more efficient and effective.
- 5) There should be coordination of the Sámi People's political negotiation position when it comes to international instruments and national legislation. It should be ensured that there is a mechanism to develop and enforce any national legislation that implements the Sámi perspective and rights. Specifically, the Sámi have a strong position in the national implementing laws for f. i. the Nagoya Protocol, but the use and enforcement of those laws needs to be developed. This also concerns other instruments and mechanisms, such as developing relationships and networks with the Intellectual Property offices to further the Sámi perspective in those offices working methods.
- 6) In parallel with the national based work, there needs to be a continuation to strengthen and develop the communication, coordination, and structures between the Sámi Parliaments with a collective properties approach at a collective and a coordinated level.
- 7) The project aims to provide structures and mechanisms to support and monitor established relationships, as well as complete the issues and initiatives started on or reacted to during the pre-project period and continue and develop the work as explained in the appendix.
- 8) The project shall study how structures and funding for a longer-term follow-up on the project can be established and secured to assist and continue the recommended work.