

Violation of Saami land rights

Joint submission by Uniting Church in Sweden and the Baptist World Alliance

Executive summary.

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Sweden has violated the indigenous Saami peoples land rights several times by granting permission for mining on Saami traditional lands. In one case, the government explicitly decided that the mineral interest has to go before the traditional reindeer husbandry interest. The way this was handled contradicts indigenous rights as formulated in UNDRIP and ILO 169. The present legislation on mineral extraction does not provide sufficient protection for indigenous land rights.

1. The Uniting Church in Sweden was established in 2011 as a continuation of the Mission Covenant Church of Sweden, the Baptist Union of Sweden and the Swedish Methodist Church, all founded in the 19th Century, together. UCS and its constituent parts, have during many years worked with both Saami church life and in various ways tried to give a voice to Saami and other indigenous peoples rights. There is also a long tradition of working with human rights in general. For example a number of years ago, when the Church asked the government to work for the return of Saami skeletal remains from different institutions, through actively fighting discrimination of Saami in society, through officially denouncing the Doctrine of Discovery and through protesting against the decision to let the interests of mineral extraction prevail above reindeer husbandry in the case mentioned below.

2. The Baptist World Alliance, formed in 1905, is a global fellowship of 228 associations, conventions, and unions forming a global Baptist community in 121 countries and territories comprised of 42 million members in 177,000 churches. The BWA is organized in six regions; Latin America, North America, The Caribbean, Africa, Asia, and Europe. As a central aspect of its core values promoting the Christian faith, the BWA works for human rights, freedom of religion and belief for all, peace and reconciliation, relief, and development aid. The BWA is a non-governmental organization in consultative status with the United Nations Economic and Social Council. It is also affiliated with the UN Department of Public Information (DPI), and is a member of the Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations (CoNGO).

3. Saami are recognized in the Swedish constitution as an indigenous people. The traditional land use of Saamis in Sweden is reindeer husbandry. Even if not all Saami are reindeer herders, reindeer husbandry is very central to Saami culture for all Saami people.

4. Reindeer husbandry demands huge areas for grazing, since the reindeer are migrating to different areas in different seasons. Land use for reindeer husbandry is however continuously under pressure and forced to make way for all kinds of other more intensive use of lands, such as infrastructure, different industries, hydropower projects, wind energy projects etc. Also forestry is many times conflicting with traditional Saami land use.

5. Traditional indigenous culture and land rights are protected through ILO Convention 169, which is still not ratified by Sweden, and through the UN Declaration of the Rights of Indigenous Peoples (UNDRIP), which Sweden has signed. Sweden has also recognized reindeer husbandry as a “National Interest” and recognizes Saami right of land use based on traditional use since times immemorial.

6. However, in practice Saami land rights are frequently violated. During the last few years, especially the exploitation of mineral resources has been in conflict with reindeer husbandry. Also, mineral exploitation is seen as a “National Interest”.

7. Three concessions for mineral extraction at Rönnbäcken were granted to IGE Nordic AB in 2010. After an appeal to the government by the Saami organization Vapsten Sameby, the government confirmed the concession. Vapsten Sameby meant that the government should have an oral discussion with Saami as well as ask the opinion of the Saami Parliament, which the government decided not to do. Here the government violated UNDRIP Art 27 as well as ILO 169 Art 15 §2. Vapsten Sameby took the case to the Supreme Administrative Court, which revoked the decision of the government in 2012, arguing that the government had failed to weigh the both national interests of reindeer husbandry and mineral extraction against each other in the light of the Environmental Act 3 §10. On Aug 22, 2013 the government has decided that the interest of mineral extraction shall have priority over the interest of reindeer husbandry and approved the concessions.¹

8. Another conflict which was going on at the same time was about the investigation concession granted to Jimab AB for an important area for reindeer husbandry at Gállok (Jokkmokk). Even here Saami protests have not given results. A third conflict is located in Kiruna. There, two Saami organizations have appealed to the UN Committee on the elimination of racial discrimination, against Hannans Reward Ltd, planning exploitation of parts of their reindeer grazing grounds.²

9. There are many more examples of mineral extraction violating Saami rights. Therefore the Saami Parliament issued a statement on Aug 29, 2013 at Gállok, demanding the Swedish government to stop all further prospecting and to see over the laws and regulations first. The statement also declares that the present strategy on mineral extraction is building on ongoing colonization of the Saami traditional lands.³ In its Mineral Extraction Policy from Febr 21, 2013 the Saami Parliament demands the ultimate right of decision for any exploitation within the Saami lands.⁴ Among many others, also Uniting Church in Sweden has published a statement against the decision on the Rönnbäck case, demanding a review of the Minerals Act.⁵

10. Recommendations:

¹ Regeringsbeslut 12, 2013-08-22; Appendix 1

² Appendix 2, 3

³ Appendix 4

⁴ Sametingets gruv- och mineralpolicy, adopted by Plenum 2013-02-21

⁵ Appendix 5

1. Review the Minerals Act in the light of Saami rights
2. Secure the rights as formulated in UNDRIP and even in ILO 169 especially concerning indigenous peoples land rights
3. Involve Saami organizations at the earliest possible states when any exploitation of traditional lands are planned and give the Saami Parliament authority to influence processes when conflicts around land rights arise
4. Ratify ILO Convention 169