



**SÁMEDIGGI**  
SAMETINGET

## Notáhta • Notat

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### **Pre-session Universal Periodic Review (UPR) Norway – Thursday, 4 April 2019 – statement by Political Advisor Eirik Larsen, Sámi Parliament in Norway**

Bures, ja ollu giitu – Thank you, Mr/Ms Chairperson,

First of all, allow me to thank the organizers for providing me, on behalf of the Sámi Parliament, the Sámi people's elected body in Norway, the opportunity to address the situation of the Sámi people connected to the human rights related to this Pre-session before the Universal Periodic Review (UPR) of Norway on 6<sup>th</sup> of May this year.

The State of Norway is built on the territory of two peoples, Sámi and Norwegians. The Sámi people lives close to and in Norwegian societies. In most cases, the Sámi are at the mercy of the State of Norway to take them into consideration, so that measures, programmes and public services are adapted to also include the Sámi. At the same time, the Sámi Parliament depends on the State of Norway to pave the way for the Sámi Parliament by providing good financial and legal parameters for promoting the development of the Sámi community. For us, it is a daily struggle to secure respect for our right to self-determination, the established Sámi rights and Sámi customs.

I will start by referring to the situation in our Sámi industries, such as reindeer herding, fishing hunting and agriculture. In particular, we are being exposed to increasing outside pressures involving plans for encroachments by new industries and infrastructure. Our collective industrial resource bases, the grazing grounds, harvesting areas and fishing grounds, are at risk. The government are giving permits and authorization to new mines and windpower industries that effects the use of our lands, territories and resources. This happens at an increasing pace, and in many cases without the Sámi Parliament's will, and without the free, prior and informed consent of concerned Sámi right holders.

For instance, the reindeer herding community Åerjel Njaarke Sitje has, due to already existing exploitations, just a few winter pasture areas left. Nevertheless, the Norwegian government is authorizing an additional Power Plant in the remaining and crucial area. I fear the impact this will have on the reindeer herding community in the area. This case has been brought to The Committee on the Elimination of Racial Discrimination (CERD) attention through individual communication (Communication no. 67/2018 Leif Jåma et al. v. Norway). Norway is requested to suspend the construction of the power station while the case is under consideration by CERD, but Norway has responded negatively on the request.

Unfortunately, it is not the only case the Government ignores international complaint procedures. In a reindeer population reduction case of a young Sámi, Jovsset Ante Sara, the case is brought to the Human Rights Committee. Despite of this, the Government have demanded forced slaughter of his reindeers even before the Committee has considered the complaint. I am concerned that this may express a new attitude from Norway where international complaint procedures are not respected.

The Sámi Parliament are critical to the status of implementation of recommendation 131.185 about mining to Norway in the second UPR cycle. Norway says the recommendation are fully implemented because there has been no state-run mining activity since 2014. It is a fact that the government has approved a zoning plan by a decision 20<sup>th</sup> of March 2014 for the Nussir copper mine in Finnmark County. The 19<sup>th</sup> of December 2016, the Nussir ASA Company got emission permit for landfill of waste masses in the sea in Repparfjord. Also, on the 14<sup>th</sup> of February this year, the government gave the company an operating license for the extraction of copper. In another disputed mining

project, the Nasafjell quartz deposit in Nordland County, the government has approved the zoning plan for Nasafjell quartz deposit by a decision of 16th of February 2016. It is the Sámi Parliament's view that the state of Norway has a significant role on allowing companies to start up mining and windpower projects in the Sámi area without the consent of the Sámi people.

Mr/Ms Chairperson,

The Sámi Parliament is concerned about the violence indigenous women and children are exposed for, including in Sámi communities. Several recommendations have been made to Norway by convention-based UN committees and by the Norwegian National Human Rights Institution about drawing up a plan of action to combat the violence.

Further, Mr/Ms Chairperson,

The Government and the Sámi Parliament have reached agreement on a legalization of consultation rules in law. The law proposal is sent to the Norwegian Parliament for adoption. However, we are concerned of the lack of progress in the Norwegian Parliament.

The Sámi Parliament believes that effective participation means that process and content must be fully viewed in a context. In cases that are highly interfering in internal Sámi relations or in the resource base of Sámi culture in an area, consent must be obtained. Without such an understanding, it becomes very difficult in practice to achieve effective participation in the form of consultations. In this context, I also find reason to refer to the principle of *Free Prior and Informed Consent*, or FPIC, from The United Nations Declaration on the Rights of Indigenous Peoples, especially Articles 19 and 32 that reflect principles of international law, for instance the Human Rights Committee jurisprudence.

The Sámi Parliament is of the opinion that the UPR WG must urge Norway to secure adoption of the proposed legislation on consultation rules, so that the right to effective participation is ensured.

Mr/Ms Chairperson,

The Norwegian Institution on Human Rights published a report in 2016 on the Sea Sámi's right to fish in the sea, recommending the right to fish to be recognized in law and concludes in the same report that the current regulations are not sufficient to safeguard the Sea Sámi's human rights. The recommendation has not yet been followed up by the Government.

Finally, the situation of the Sámi languages are in a critical phase. In the light of this year being the UN International Year of Indigenous Languages, we therefore ask you to consider a recommendation for Norway to fast follow-up of the measures and law-proposals in the Sámi language Committee report from 2016, *The language of the heart*.

Ollu giitu – Thank you for the attention!