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CERD – briefings on Norway 5th and 6th of December - statement by Political Advisor Eirik Larsen, Sámi Parliament of Norway

Ollu giitu – Thank you, Mr. Chair,

Allow me first to thank the Committee on the Elimination of Racial Discrimination 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 the Convention.

I will start by referring to the situation in our Sámi industries where we in particular are being exposed to ever 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.

For instance, the reindeer herding community Áerjel Njaarke Sitje has, due to already existing exploitations, just four winter pasture areas left, Storheia being the most important. Now, an additional Power Plant located to exactly Storheia are being authorized by the Norwegian Government. I fear the impact this will have on the reindeer herding community in the area. This case has recently been brought to CERDs attention through individual communication.

Further, I underline the severity of the situation, and want to draw attention to, the urgent need for special measures for sea salmon fishing and spring duck hunting in Norway. The Sámi Parliament finds that the current regulations to be very strict.

Regarding the sea salmon fisheries, the authorities have repeatedly reduced the fishing seasons, seriously jeopardizing the very existence of sea salmon fishing, including the opportunity to sustain the Sea Sámi culture. At the same time most of the fjords in Norway now, also in Sámi areas, are subject to a vast increase in salmon farming.

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 established by law and concludes in the same report that the current regulations are not sufficient to safeguard the Sea Sámi's human rights. The recommendations have not yet been followed up by the Government.

Mr. Chair,

I am deeply concerned about the development in Norway now seems to lead to a reduction of the right of effective participation in form of consultations.

In November and December last year, the Norwegian Supreme Court issued two judgments that did not put any emphasis on the need for effective participation in decision-making processes other than the Sámi people's views had been heard. In none of these cases consultations were in fact conducted in terms of the requirements for effective participation.

In the judgement from the Supreme Court majority, the reindeer population reduction case of a young Sámi, Jovsset Ante Sara – the Court states that the denial of a reindeer owner's culture and livelihood is justified in the interests of the Sámi people themselves. Despite the fact that this case was sent to the Human Rights Council in July this year seeking to be handled under the complaint procedure – the Government have last week demanded that Jovsset Ante Sara has to reduce his reindeer herd to 75 animals before New Year's Eve, otherwise be submitted to forced slaughter of

his animals. I am deeply concerned that Norway is proceeding with such substantial intervention before the case has been considered by the Human Rights Council.

The Sámi Parliament finds that the Supreme Courts judgments and the Norwegian Governments actions seriously undermine the Sámi people's right and opportunity to, by ourselves, protect and develop our culture, languages, traditional livelihoods and social life. Furthermore, the Supreme Court judgments in particular gives the state the right to exercise direct paternalism over the Sámi people, which clearly contradicts the very purpose of effective participation in the form of consultations. These cases must get attention on the international legal arena, so that the assessments of international law made by the Supreme Court in Norway can be reviewed.

Further, Mr Chair,

The Government and the Sámi Parliament have agreed on a new legalization of consultation rules in the Sámi act. We expect that the law proposal, which is sent to the Norwegian Parliament, to be adopted.

The Sámi Parliament believes that effective participation means that process and content must be fully viewed in context and that 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 concept of consultation: to obtain *Free Prior and Informed Consent*, or FPIC, as stated in the United Nations Declaration on the Rights of Indigenous Peoples, especially Articles 19 and 32 that reflect principles of international law.

The Sámi Parliament expects that the new law will clarify the rules on consultations and ensure consultations in order to obtain FPIC and in accordance with the right to effective participation.

Finally, Mr Chair,

The situation of the Sámi languages are in a critical phase. In the light of next 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*.

Giitu – Thank you for your attention.