



**The UN Permanent Forum on Indigenous Issues, 10<sup>th</sup> Session**

New York, 16-27 May 2011

**Statement by the Saami Council**

**Agenda Item 4 (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and other United Nations human rights mechanisms**

Thank you Mdm Chairperson,

The Arctic Caucus wishes to thank the Special Rapporteur Professor James Anaya for his visit to the Saami area and producing an excellent Report on The Situation of the Sami people in the Sápmi region of Norway, Sweden and Finland. The report is historic, as it is the first time the Special Rapporteur produces a report not on a state – but on a people living across national borders. In his report, the Special Rapporteur demonstrates commendable insight in the situation of the Saami people. In particular, the Saami Council wishes to highlight the following observations and recommendations made by Special Rapporteur Anaya:

1. That the Special Rapporteur identifies the Nordic Saami Convention as the recent most important initiative with regard to the Saami people's right and that he will monitor the negotiations between the Saami and the majority peoples until the Convention has been adopted.
2. That the Special Rapporteur underscores that the Saami people's right to self-determination is not limited to participate in decision-making processes. On the contrary, in matters of great importance to the Saami - like land and resource rights – it might be that the Saami are allowed to determine the outcome of such processes, also against the interest of the majority population and/or the state.
3. That the Special Rapporteur affirms that the Saami hold property rights to lands traditionally used, and calls on the states to introduce mechanisms that allow the Saami to effectively realize these rights. In this context, we particularly call on Sweden – following the

Swedish Supreme Court's land-mark ruling in the so called *Nordmaling Case* - to correct past wrongs and return pasture lands to reindeer herding communities in e.g. the <sup>Region</sup> County of Härjedalen, as the Supreme Court has now affirmed that these communities were deprived of their lands in court procedures that were biased and did not provide them with a fair trial.

4. That the Special Rapporteur underlines the importance of Norway recognizing the rights of the Coastal Saami to their traditional fishing waters. We call on Norway to respect this recommendation in upcoming legislative processes.

5. Finally, that the Special Rapporteur affirms that the damage caused to reindeer herding communities by predator animals constitute a human rights issue. We request that the states with Saami population note the Special Rapporteur's call to reduce the number of predator animals to a sustainable level and fully compensate the reindeer herding communities for damages caused by predators.

Mdm Chairperson,

The Saami Council is looking forward to initiate a dialogue with the Nordic states on how the Special Rapporteur's recommendations can be implemented. We humbly ask the Special Rapporteur to make himself available in the process of finding ways to implement his recommendations in an efficient manner. If the Special Rapporteur is willing, the Saami Council will immediately consider ways in which the Special Rapporteur can be of most assistance to the Nordic states in implementing his report.

Mdm Chairperson,

As a final note, the Saami Council notes with appreciations that Finland has continued its efforts to translate relevant documents into the Saami languages, as announced also at previous Permanent Forum sessions. As the UN Declaration, the Special Rapporteur's report, among other documents, have now been duly translated, we are looking forward to Finland taking increased efforts to implement these instruments. Further, the Saami Council appreciates Sweden's aspiration to render reindeer husbandry attractive to the Saami youth. We therefore look forward to Sweden sincerely addressing Saami land rights and the lack of a serious predator animals politics in future statements to the Forum, as these are the issues that need to be solved, should Sweden succeed in its stated aspiration.

We thank you, Mdm Chairperson.

