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24<sup>th</sup> session of the Human Rights Council

**Agenda item 3: Report of the Special Rapporteur on the Rights of Indigenous Peoples**  
**Extractive Industries and Indigenous Peoples**

Thank you, Mr President.

The Saami Council warmly welcomes the report by Special Rapporteur on the Rights of Indigenous Peoples James Anaya. We concur with all of his conclusions. We place particular importance on what he infers with regard to that indigenous communities have the right to offer or withhold their consent to resource extraction in their traditional territories, and that expropriation of indigenous communities' land for commercial gain is not allowed.

Unfortunately, these standards are far from upheld in the Sami areas. I come from Vapsten Sami reindeer herding community. Vapsten has pursued traditional Sami reindeer herding on our traditional territories since time immemorial. Yet when a privately owned British mining company wants to enter the territory, it is like we do not exist. We become ghosts in our own landscape. On 22 August this year, the Swedish government decided that a mining project that lasts a maximum 20 years has priority over the Sami society and culture, although we have been there for hundreds and hundreds of years. In its decision, the government stated that;

*... even if the reindeer-husbandry is not possible to operate within the areas in question for the exploitation concessions, this will not necessarily lead to the Sami village's possibility to pursue reindeer-herding will be completely destroyed.*

In other words, the government took the decision fully aware that it may lead to the destruction of my community. The government took this decision, despite the fact that the CERD Committee has recently called on Sweden to revise its mining act to recognize Sami reindeer herding communities' right to offer or withhold their consent to mining in their territories.

For these reasons, the Saami Council has today filed a complaint with the UN Committee on the Elimination of Racial Discrimination, asserting that the Swedish government's decision to allow the mining project to proceed violates affected Sami

reindeer herders' right to property pursuant to Article 5 (d) (v) of the CERD Convention.

Mr. Chairperson,

My community is far from the only Sami reindeer herding community that is battling with mining companies at the moment. There is currently a mining boom in the Sami areas. We have in our delegation a Sami woman from Fiettar reindeer herding community in Norway as well. Two days ago, it was announced that the Norwegian government has decided to allow a mining company to construct a transformation station in Fiettar's territory, in preparation for the opening of a mine. The Saami Council pledges that if the Norwegian government allows this mining plan to proceed, we will take this issue to the UN as well.

Mr. Chairpersons,

Corporate social responsibility is a pop word these days. The Sami Council is obviously not against corporate responsibility. But our experiences show us that it can be a double-edged sword. The Nordic states now seem to rely almost exclusively on "corporate responsibility" in their mining policies. It seems that the Nordic states understands corporate responsibility as the same thing as no state responsibility. This is unacceptable. There is an obvious conflict of interest when the states rely on profit-driven subjects to solve and to provide for that international standards and law are respected. We demand that the Nordic states fulfill their obligations under international law, and revise their mining and other extractive industry legislations so to respect Sami reindeer herding communities' right to say no to industrial projects in their respective territories.

We thank you, Mr. Chairperson.