

# Submission by Society for Threatened Peoples

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## Sweden

### Protection of minority languages

After a long period of assimilation during which the 20.000 Sami people living in Northern Sweden were not allowed to learn reading or writing in their native language in school, Sweden finally officially recognized Sami as a minority language on 1 April 2000. Legislation enacted ensures that in so called “Sami schools” in Northern Sweden instruction is given in both Swedish and the Sami language. Some municipalities offer integrated Sami education which provides Sami children who attend municipal schools with an education focussing at least in part on Sami culture and language. Unfortunately the impact of the Minority Languages Act was limited due to decades of assimilation and denial of specific language rights. Many older Sami people had been punished in school after talking in Sami language. Under massive pressure of the authorities they became accustomed to speak Swedish. Due to psychological barriers they are even today unable to speak Sami, having only passive Sami language knowledge. Furthermore it has proven difficult in many areas in Northern Sweden to have Sami-speaking teachers for mother-tongue education, and even then there are teachers, some municipalities do not provide Sami in school arguing that it would be too expensive. There is an urgent need for more resources to implement the Minority Languages Act in Northern Sweden to enhance the use of Sami language. The Council of Europe recently encouraged the Swedish authorities to ensure more pre-school level instruction, a teachers training programme and the publication of a newspaper in Sami language.

The Minority Languages Act ensures the right to use Sami when dealing with state authorities and the court. The law applies to municipal, state, regional and local authorities in the Sami administrative area in Northern Sweden, which includes Jokkmokk, Kiruna, Gällivare and Arjeplog. This legislation gives Sami individuals the right to use their native language in all oral and written communications with authorities. Furthermore authorities are obliged to use Sami in oral communications and provide information that a written answer can be translated orally into Sami if the individuals are requesting it. Unfortunately there are still today not enough officials proficient in the language to allow its widespread use in bureaucratic settings. An expert group of the Council of Europe has urged in a report published in 2009 that public sector employees ought to be encouraged to attain higher proficiency in Sami.

### Violation of land and resource rights

The Sami culture is closely linked to the Sami’s traditional land and water areas, as well as to natural resources. The Sami are dependent for their survival on their reindeer as well as the animals they hunt and fish. As indigenous people their culture traditionally has a spiritual link to the nature, to the land and the water. For their survival as indigenous people they are relying on continued and free access to the traditional Sami livelihoods, such as reindeer herding, fishing and hunting. The Sami’s right to hunting and fishing is derived from all peoples’ equal entitlement to develop and preserve their culture. Therefore measures to support their hunting and fishing are not a positive discrimination but an important approach to ensure the respect of their rights.

The United Nations Committee on the Elimination of Racial Discrimination (CERD) has criticized Sweden for the denial of Sami land rights. CERD has urged the Government in Stockholm to provide Sami villages with legal aid in court proceedings concerning land rights and natural resources. In these legal cases the rules of evidence should be amended, so that the burden of proof no longer belongs solely to the Sami, but rather should be shared between all conflict parties. While in theory the Swedish Supreme Court acknowledges Sami land rights, in practise these rights and Sami landownership are controversial and frequently disregarded. The rise of the mining and wood industry and tourism poses a threat to traditional Sami land and resource rights.

## **New mining projects in Northern Sweden**

There is growing concern about new mining projects in Northern Sweden. Climate change will facilitate the accessibility of huge iron ore, gold, copper, zinc and silver resources. The company Northland Resources Inc. announced in September 2009 that it will launch feasibility studies to build three open-pit iron ore mines in Tapuli, Sahavaara and Pellivuoma in the Pajala area near the Finnish border. Transportation costs of the iron-ore products will be crucial to the feasibility of the project, as ore will need to be transported across the border to the port Kemi in Finland.

A new mining project in Vindelfjällen, proposed by the Canadian company Blackstone Ventures Inc, threatens the traditional way of life of the Sami and violates their basic human rights. The planned open-pit mineral mine will be situated in an area which intensively is used by reindeer herders. Despite the local protests the nickel company announced in September 2009 that they are planning to begin with test drillings in a short time. Vindelfjällen is known in Sweden as home to the largest nature reserve of the country which contributes to the preservation of Sami culture and reindeer husbandry.

New mining projects in the Kiruna area are contributing to more loss of traditional land. Due to the extension of the biggest iron ore mine in the world, the city of Kiruna has to be removed some five kilometres north of the actual site. The removal will start in 2010 despite Sami protests. In the year 2023, the whole town will be removed to traditional Sami grassland. The state-owned company Luossavaara-Kiirunavaara AB (LKAB), which is managing the Kiruna mine, has been heavily criticized by the Chair of the United Nations Indigenous Peoples Forum, Ms. Victoria Tauli-Corpuz, for ignoring Sami rights. The Sami villages Gabna and Laevas are mainly affected by the removal, but LKAB refused to provide any financial compensation for their costs of consultation in the removal process. Madam Chair of the UN Indigenous Peoples Forum criticized not only LKAB for their unwillingness to pay the consultation costs, but accused the state-owned companies Vattenfall, LKAB and Sveaskog that manage nature resources in Sami areas, to take little account of the rights of the indigenous people.

LKAB announced in the year 2007 that they would enlarge their iron mine Malmberget near Gällivare. Furthermore the company is exploring three new iron deposits in the Gällivare area (Kuosanen, Mertainen, Ylipääsnjaska). In the same area is situated the Aitik copper mine which is one of the largest copper concentrate producers in Europe. The company Boliden recently decided to invest 790 Million US-Dollars in an expansion of the copper mine which will see significant increases in capacity and production. Originally it was planned to close the mine in the year 2016, after the latest extension of the mining operations Aitik will be closed not before the year 2025.

The Swedish company Lappland Goldminers AB is engaged in five gold exploration projects (Fäboliden, Knaften, Tjalmträsk, Gubbräsk, Stortjärnhobben) in the mining-rich Skelleftea area west of the town Lycksele. The company is planning to establish a central processing plant at Fäboliden to process the ores of the five mines. Fäboliden is seen as the most important deposit and one of the largest gold deposits in

Europe. On February 12, 2009, Lappland Goldminers obtained an exploitation concession of 22 hectares for Stortjärnhobben. The permit has been appealed by the Sami village of Vapsten, and is still under review by the Swedish government.

The Swedish sister company Dragon Mining Sweden of the Australian company Dragon Mining has started gold production at its Svartliden mine in Skelleftea area in March 2005. Until today 201.000 ounces of gold have been produced.

The Canadian mining company Gold-Ore Resources Ltd. operates the open-pit Bjorkdal gold mine near Skelleftea which was opened in the year 1988. In the same area the company is searching for gold in the Ronnberget project and for copper, gold, silver and zinc in the Norrliden project.

The British company Beowulf Mining PLC operates several projects in the province of Norrbotten. Thirteen kilometres northwest of the Sami village of Kvikkjokk they are exploring in the Ruotevare project for iron ore and titanium. In the close-by Kallak project 90 million tonnes of iron ore have been discovered. The Grundtask gold mining project of Beowulf Mining is situated near the town of Mala in the Skelleftea mining district. Furthermore the company has organized test drillings for gold, copper and uranium in its Ballek project near the Sami town of Arjeplog in the province Norrbotten. They are also looking to expand their exploration areas for gold and copper near the town of Jokkmokk.

## **Sami herding rights are threatened**

At least 3000 Swedish Sami still rely on reindeer herding for their living. Reindeer husbandry is regulated in the Reindeer Husbandry Act which gives the Sami the right to use land and water for their own maintenance and that of their reindeer. This right is based on tradition from ancient times and is protected in the Swedish Constitution. It may be exercised by any member of the 51 Sami villages for reindeer herding, whose inhabitants are entitled to pursue reindeer herding. According to the Reindeer Husbandry Act the Sami have customary rights to graze reindeer on private land. But the Act does not specify the exact locations for which such rights are valid. Therefore private land owners are using this lack of legislation to prohibit Sami herding on their land.

In summer the reindeer graze in the mountains, in winter they move down to the forests to find shelter and food. To ensure that reindeer survive the winter the Sami must be granted permission to access forest lands which are currently under multiple ownerships. Furthermore these forests must have a good supply of ground-growing lichens and of tree-hanging lichens. Unfortunately in most forests these conditions are not met. Monoculture plantations and soil management practices have destroyed the layer of ground lichens significantly. Modern forestry has been an impoverishing factor for both reindeer grazing and biological diversity.

## **Dispute over Sami hunting rights**

All Sami living in these villages have the right to hunt and fish on outlying land in reindeer grazing mountains and on the traditional Sami land. This right to hunt or fish applies regardless of the judicial property of the land.

In May 2009 the Swedish Sami Association (SSR) has filed a lawsuit against the Swedish government in the Gällivare District Court claiming that the state is violating the hunting rights of Sami people. They are

searching to resolve a dispute over hunting rights in mountainous land which was caused by a legal uncertainty. The Act of Reindeer Husbandry has stated that hunting rights in high mountains belong to the Sami, but since 1993 the Swedish state has exercised in practise the hunting rights in these areas. The situation was further complicated after it was decided in the year 2007, that all EU citizens have the right to freely hunt and fish in the high mountains. The Sami are very much concerned about the negative impact of free hunting. In many areas the shooting of grouse has been so high that the number of grouse has decreased massively. The hunting also disturbs wildlife and the reindeer herding.

## **Sami people are not a minority**

The Swedish State claims that the Sami are a minority, but the Sami are stating that they are not a minority but an indigenous people. The distinction is important to Sami, because as members of a minority group they are enjoying only certain rights as individuals. As indigenous people they have individual rights but also some collective rights as a people.

As Sweden has signed up to almost all United Nations conventions on human rights, it is astonishing that Stockholm has not ratified ILO Convention 169 despite the fact that internationally they supported many efforts to create the Convention and played an active role in the adoption process. Sweden claims that they don't need to ratify ILO Convention 169 because Swedish laws are adequate and ensuring an efficient protection of the rights of Sami people. But the reality is different, especially in regard to land rights and hunting and fishing rights which are massively denied. Obviously Sweden fears the impact of a ratification of ILO Convention 169 on Sami land rights, new mining projects and the forest industry in Northern Sweden. Most of these mining and forest projects have been decided without credible former consent of Sami people which would violate ILO Convention 169. Furthermore the Convention entitles indigenous peoples to share in profits from mining projects on their land. The ratification of ILO Convention 169 would ensure a better protection of Sami land rights especially in regard to climate change which will facilitate access to minerals in Northern Sweden and create a boom industry on traditional Sami land.

## **Discrimination of Sami people**

The UN Committee on the Elimination of Racial Discrimination (CERD) and the Swedish Ombudsman against Ethnic Discrimination recently presented reports documenting the discrimination of Sami people. CERD expressed concern about the denial of traditional land rights and urged the Swedish government to provide more financial support to Sami institutions to defend their legal rights in courts. The denial of basic rights of the indigenous Sami people is documented in many reports, even in official documents of the Swedish authorities. But unfortunately the long list of recommendations is not honoured and the suggestions mostly are not implemented. Therefore leading Sami representatives are complaining about a lack of commitment of the Swedish authorities to provide a better livelihood to Sami people and to ensure an effective protection of their rights. In regard to decades of assimilation and systematic denial of basic rights Sami institutions are expecting a more pro-active commitment of the Swedish state to finally implement these traditional Sami rights on the ground and to ensure sustainable development in Northern Sweden. All industrial and forest projects should rely on prior consent of the indigenous community which is concerned by the project. Sami should be entitled to share the profits of any economic activity which is based on the use of their traditional rights.

All Sami institutions should be consulted in legislative projects regarding Sami rights. In September 2009 the Sami Council in Sweden complained that they were not consulted by the Swedish government in their efforts to draft a Sami Bill which will be presented in Swedish Parliament in the year 2010. The Swedish

Minister for Agriculture Eskil Erlandsson refuted the criticism and insisted that it would be sufficient to contact the Sami Parliament in the consultation process. Regarding the plight of Sami people and their threat by climate change and new mining and forest projects, leading Sami NGO's should be included in any consultation process on new legislative initiatives to ensure a more effective protection of Sami rights.