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NORWAY

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**Permanent Forum on Indigenous Issues
New York, 15 – 26 May 2006**

**Item 4 C: Ongoing priorities and themes
Free, prior and informed consent.**

STATEMENT BY

**H.E. Mr. Johan L. Løvald
Ambassador
Permanent Representative**

New York, 23 May 2006

UN Permanent Forum on Indigenous Issues
New York, 15–26 May 2006

Item 4C: Ongoing priorities and themes
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Thank you, Madam Chair.

Permit me, Madame Chair, to report on some recent developments in Norway relating to consultations between the Sámi people in Norway and the Norwegian Government.

On 11 May 2005, the President of the Sámi Parliament and the Minister of Local Government and Regional Development signed an agreement on procedures for consultations between the central government and the Sámi Parliament, stating that the Sámi have a right to be consulted in matters that may affect them directly.

According to the agreement, the Norwegian Government is obliged to inform the Sámi Parliament as early as possible of the commencement of any relevant matters that may directly affect the Sámi or where Sámi interests and conditions may be affected. After the Sámi Parliament has been informed, it shall notify the Government as to whether further consultations are desired. The Sámi Parliament also has a right to request consultations on other matters that they consider will affect the Sámi.

In matters where no agreement is reached between the competent government ministry and the Sámi Parliament after consultations have been carried out, the Sámi Parliament's arguments shall be clearly stated in the final decision.

The agreement does not prevent central government agencies from also consulting other Sámi organisation and institutions in addition to the Sámi Parliament in matters relating to specific interests.

The agreement was adopted to fulfil Norway's obligations under the provisions of ILO Convention No. 169 to consult the Sámi in matters that directly affect them.

The parties to the agreement are currently in the process of drafting detailed guidelines that will ensure the uniform implementation of the agreement.

Madam Chair,

I would also like to report on developments regarding the ownership and use of indigenous lands in Norway.

Last year, the Norwegian parliament, the Storting, adopted what is known as the Finnmark Act. This Act transfers approximately 95 per cent of Finnmark county (about 46,000 km², an area approximately the size of Denmark)) to a new agency called the Finnmark Estate. The area was previously owned by the state. The Finnmark Estate will have a Board of Directors made up of six members, three elected by the Finnmark County Council, and three elected by the Sámi Parliament.

The basic principle of the Act is that the Sámi, through long-term use of land and water resources, have the right of use and ownership of the territory concerned. Recognition of these existing rights is an important element in the Finnmark Act. A commission and a tribunal will be set up for the purpose of further identifying the use and ownership of land in Finnmark. This work will be based on the principle of established custom and immemorial usage.

The rights of the coastal Sámi to lands and marine resources are not covered by the Act. Thus, this issue will have to be dealt with by the commission.