

UN Permanent Forum on Indigenous Issues

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Agenda item 7a

*Statement by the Sami Parliament of Norway,
Mr. Runar Myrnes Balto, Political Adviser*

Thank you, Madam Chair

I speak on behalf of the Sami Parliament of Norway.

Let me first express our support of the Sámi Parliament of Finland's demand that Finland should ratify ILO 169, something that Norway did already in 1990.

The realization of indigenous peoples' right to self-determination is a prerequisite for their enjoyment of all other human rights, be they civil, political, cultural, economic or social rights. The right to self-determination is the foundation upon which the provisions of the UN Declaration on the Rights of Indigenous Peoples are based.

For instance, the duty of States to obtain indigenous peoples' free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect indigenous peoples, and prior to the approval of any project affecting their lands, territories and resources, is a manifestation of the exercise of their right to self-determination.

The Declaration contains a number of provisions requiring the free, prior and informed consent of indigenous peoples in the context of decision-making processes affecting them. UN human rights treaty bodies, including the Committee on the Elimination of Racial Discrimination, and the Committee on Economic, Social and Cultural Rights, have also clarified that the free, prior and informed consent is required in accordance with State obligations under their corresponding treaties.

Over the years, Norwegian governments have repeatedly stated that the Sami people's right to self-determination should become subject to comprehensive consultations; yet there has not been established a national procedure or mechanism for the clarification of the scope and content of Sami self-determination, including with regard to fiscal matters and financing of the autonomous functions of the Sami Parliament.

The national follow-up of the outcome of the World Conference provides an excellent opportunity to establish a comprehensive process for the development of strategies and measures for the implementation of the rights enshrined in the Declaration, including the right to self-determination and the principle of free, prior and informed consent.

Madam Chair,

In 2005, the Government of Norway and the Sami Parliament agreed on procedures for consultations between State authorities and the Sami Parliament. The rationale for the consultation procedures is grounded in the right of indigenous peoples to be consulted on matters that may directly affect them, as proclaimed in article 6 of the ILO Convention. The procedure is a valuable mechanism, and it has significantly improved the dialogue between the Government and the Sami Parliament.

However, our consultations with the Government have not always brought about positive results, in particular on issues which the Sami Parliament regards being of fundamental importance for the future of the Sami society, like mineral extraction, coastal fishing rights in Sami areas, and recent administrative and economic measures imposed on Sami reindeer owners in Finnmark county.

For the national consultation procedures to be effective, it is required that the Government fully recognizes that it is duty-bound to seek the free and informed consent of the Sami people on issues of importance to the Sami, prior to the approval of any project affecting our lands and recourses, and before adopting and implementing legislative or administrative measures that affect the Sami people.

In conclusion, the Sami Parliament welcomes the fact that the joint Nordic Baltic Position of February 2015, on the World Bank's Safeguard policies, promotes the inclusion of free, prior and informed consent for affected indigenous peoples. We look forward engaging in discussions on how this principle should be implemented back home, and we urge the Special-Rapporteur to raise this issue with the Norwegian Government as part of her ongoing dialogue with the Government of Norway.

Thank you, Madam Chair.