

Agenda item 4 Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights), with reference to the UNDRIP, the outcome document of the WCIP and the 2030 Agenda for Sustainable Development

This is a joint Sámi intervention of the Saami Council and the Sámi parliaments of Sweden, Finland and Norway.

Luckily, it is not only bad news that we get to share with you. In Sápmi, there are three recent Supreme Court decisions that recognize Sámi Indigenous rights. Namely, the Girjás case in Sweden, Fovsen ruling in Norway, and the very recent Veahčak & Ohcejohka fishing rights cases in Finland.

It is indeed very welcomed progress that the three Nordic Supreme Courts have in these cases finally recognised Indigenous Sámi rights to our ancestral territories and traditional practices and resources. Nevertheless, plenty of work remains in implementing and mainstreaming these decisions.

Both in Fovsen and Ohcejohka cases the Supreme Courts found out that the state officials or legislators have been violating the International Covenant on Civil and Political rights (ICCPR) article 27: the right to culture.

According to the Supreme Court decision in the Fovsen case, the license to construct the power plants, as well as the expropriation permit, were invalid, as the decisions made by the Norwegian Government violate the rights of the reindeer herding Sámi communities to practice their culture.

In Veahčak case the Supreme Court concluded that the Sámi were practically denied their right to fish salmon in their home river, which was in conflict with a fundamental right protected for the Sámi in the Constitution.

However, implementation of the Girjas ja Fovsen decisions has not progressed as expected. Similarly, the implementation of the Ohcejohka rulings had an unfortunate start, as the Ministry of Agriculture and Forestry did not take into account the key legal aspects of these rulings, and proposed to continue the total ban on salmon fishing in the river Deatnu for the upcoming summer.

The implementation of the Supreme Court decisions means both remedying the violations and amending the laws in question, to prevent future violations. We ask for the Permanent Forum to advice and encourage the states on mainstreaming the principles of these critical rulings in their legislative processes.

Thank you for your attention.