



MINISTRY FOR FOREIGN
AFFAIRS OF FINLAND

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Clustered Interactive Dialogue with Special Rapporteur and the Expert Mechanism on the Rights of Indigenous Peoples.

**Statement by the delegation of Finland
20th September 2011**

Madame President,

The rights of indigenous peoples continue to be a priority area in the human rights policy of Finland. Despite increased international attention paid to the rights of indigenous peoples during the last decade, the indigenous peoples the world over continue to face enormous challenges in the realization of their rights. The indigenous agenda on both the national and international levels clearly calls for continued attention. There are also positive signs that need to be recognized, such as the important work carried out by various UN mechanisms on the rights of indigenous peoples.

Finland would like to thank the Special Rapporteur on the rights of indigenous peoples, Professor James Anaya, for his consistent work in advancing the rights of indigenous peoples. We wish to thank the Special Rapporteur for his report on the situation of the Sámi people in the Sámi regions of Norway, Sweden and Finland. In the case of my country, Mr. Anaya's visit last year was organized in good cooperation with the Finnish Government, and his report provides useful guidance in the efforts to implement the rights of the Sámi people.

The Sámi people are the only indigenous people in Finland. At present, the Act on the Sámi Parliament guarantees the cultural autonomy of the Sámi as an indigenous people with respect to their language and culture. According to the Act (Section 9), the authorities shall negotiate with the Sámi Parliament in all far-reaching and important measures which may directly and specifically affect the status of the Sámi as an indigenous people and which concern matters in the Sámi Homeland as referred to in the Act. The obligation to negotiate with the Sámi Parliament applies to all levels of administration. The social welfare and health services offered to the Sámi in their own language have also been further developed over the past decade.

Madam President,

The three Nordic neighbours, Finland, Norway and Sweden, launched negotiations on a Nordic Sámi Convention last March. The next round will take place later this week in Kiruna, Sweden. This is a serious and thorough process expected to last up to five years. The Convention is expected to strengthen the rights of the Sámi in preserving and developing their language, culture, livelihoods and social life throughout the Nordic Sámi area.

In his report on the situation of the Sámi, the Special Rapporteur calls upon the Nordic Governments to ensure that the framework for these negotiations allows the Sámi parliaments to participate as equal parties. For Finland, the delegation consists of six members, three of whom are Sámi representatives. The Sámi representatives may express their opinion separately in the minutes of both national delegation meetings and during the negotiations.

With regard to the extraction of natural resources, the Finnish Parliament passed, last March, a new Mining Act and a new Water Act. Both include provisions that aim at an improved consideration of the status of the Sámi as an indigenous people. The two Acts contain, inter alia, a provision strengthening the statutory obligation to negotiate with the Sámi Parliament on various issues. Also, the Sámi Parliament is given a right to appeal in case the rights of the Sámi as an indigenous people would not have been adequately considered when making decisions pursuant to the acts. The aim of the provisions concerning Sámi matters in the two acts is to prevent projects that would weaken the rights of the Sámi as an indigenous people to maintain and develop their culture.

Legislative solutions to the organisation of the rights of the Sámi as an indigenous people relating to the land and traditional livelihoods in the Sámi Homeland have been explored for a long time. The new Finnish Government which took office in June states in its program that it aims to ratify the ILO Indigenous and Tribal Peoples Convention no. 169 during this electoral cycle.

The Finnish Government is drafting its first action plan on human rights. This process provides an excellent opportunity to take stock on human rights and review institutional structures. We have taken a careful look at the most recent recommendations issued by the UN and European human rights mechanisms, including the Special Rapporteur on the rights of indigenous peoples. These recommendations will be a key element in our work.

Let me take up a recent example of how we implement the Special Rapporteur's recommendations. A governmental working group, in collaboration with the Finnish Sámi Parliament, is currently preparing a programme for the revitalisation of the Sámi languages. The programme will assess the situation of all three Sámi languages spoken in Finland, and it will focus on education, day care, tuition, social welfare and health care services, culture and the media. In the end, the working group will gauge its proposals against the recommendations of international and regional human rights mechanisms.

The Special Rapporteur's new report, concentrating on the extractive industries operating within or near indigenous territories, contains important observations that merit a close look by governments, indigenous peoples and other stakeholders. The report identifies extractive industries as posing serious threats to indigenous peoples. The awareness and concern identified in the report about the past negative effects of extractive operations for indigenous peoples should provide a common starting point for mitigating these negative effects.

Madam Chairperson,

Finland wishes to express appreciation to the important work of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). Finland continues to support EMRIP's mandate to provide the Human Rights Council with thematic advice on the rights of indigenous peoples. We also welcome the completion of the Mechanism's new thematic study which aims at enhancing the meaningful and effective participation of indigenous peoples in decision-making.

Finland very much welcomes the launching of the UN Indigenous Peoples' Partnership (UNIPP) earlier this year, and encourages all states, indigenous peoples and other stakeholders to contribute to its work. This unique inter-agency initiative has the rights of indigenous peoples at the heart of it. UNIPP contributes to their mainstreaming in the UN system and aims to deliver tangible progress at the country level.

We would like to ask the Special Rapporteur and the Chair of EMRIP to further elaborate on existing good practices in order to ensure the full and effective participation of indigenous peoples.

I thank you.