

# SWEDEN



## Explanation of Vote

at the Adoption of the United Nations Declaration on  
the Rights of Indigenous Peoples  
(Res. A/61/L.67)

Permanent Mission of Sweden to the United Nations

United Nations  
New York

13 September 2007

- CHECK AGAINST DELIVERY -

Mme President,

The Swedish Government is pleased that the Declaration on the Rights of Indigenous Peoples has finally been adopted by the General Assembly, and has supported the elaboration of the Declaration throughout the process. Sweden voted in favour of the adoption of the resolution. It is our hope that the implementation of the Declaration will improve the situation of indigenous peoples.

The Swedish Government firmly believes that the promotion of human rights of indigenous individuals contributes to the maintenance and development of multicultural, pluralistic and tolerant societies, as well as the creation of stable and peaceful democracies built upon effective participation by all groups of society.

The Declaration includes several references to collective rights. The Swedish Government has no difficulty in recognising collective rights outside the framework of human rights law. However, it is the firm opinion of the Swedish government that individual human rights prevail over the collective rights mentioned in the Declaration.

The Sami people are recognised as an indigenous people by the Swedish Parliament. The Swedish Government bases its relations with the Sami people on dialogue, partnership, and self-determination, with respect and responsibility for cultural identity. The Government looks forward to pursuing a dialogue with Sami representatives on the implementation of the Declaration.

The Sami and other indigenous peoples must have the right to influence the use of land and natural resources that are important for their survival. The political discussion on self-determination cannot be separated from the question of land rights. The Sami's relationship to the land is at the heart of the matter. The Government of Sweden must maintain a balance between the competing interests of different groups living in the same areas of northern Sweden.

During the negotiations regarding the Declaration, Sweden expressed the view that the Declaration must be possible to implement. The Swedish legal system has struck a delicate balance between the rights of its citizens with a Sami background and those with different backgrounds. The areas where the Sami have reindeer herding rights are often owned and used by non-Sami.

Some clarification of Sweden's interpretation of certain specific articles in the Declaration is necessary.

The right to self-determination in Article 3 should not be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principles of equal rights and self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory without distinction of any kind.

A large part of the realisation of the right to self-determination is without doubt possible to ensure through Article 19 that deals with the duty of States to consult and cooperate with indigenous peoples. Article 19 can be implemented in different ways, including through a

consultative process between institutions representing indigenous peoples and governments and through participation in democratic systems, such as in the current Swedish system. It does not entail a collective right to veto.

The issue of land rights has different connotations in different states due to historic and demographic reasons. It is the interpretation of the Swedish government that the reference to indigenous peoples' rights in Articles 26 (1), 27, and 28 plus references to ownership and control in Article 26 (2) in the Swedish context applies to the traditional rights of the Sami people. In Sweden those rights are called reindeer herding rights and include the right to use land and water for the maintenance for Sami members of reindeer herding communities and their reindeer; the right to reindeer herding; the right to build fences and slaughterhouses for the reindeer, and the right to hunt and fish in reindeer herding areas. In the Swedish context, Article 28 does not give the Sami the right to redress for regular forestry by the forest owner. Furthermore, the Swedish government is of the opinion that its present legal system meets the general requirements in Article 27 and 28 and has presently no intention to adjust Swedish legislation in this regard.

Sweden declares that the lands or territories of indigenous peoples mentioned in Article 29 (2), Article 30 and Article 32 (2) of the Declaration will be interpreted as such lands or territories that are formally owned by indigenous peoples. Sweden is furthermore of the opinion that Article 32(2) shall be interpreted as a guarantee that indigenous peoples must be consulted, not as giving them a right of veto.

It is, furthermore, the Government's understanding that nothing in Article 31 conflicts with existing international intellectual property obligations. Measures to recognise and protect the exercise of the rights enumerated in Article 31 should be established at the international level and negotiations are currently taking place *inter alia* in the World Intellectual Property Organisation's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

Thank you, Mme President.