

**Human Rights Council 12th Session. Item 3: Interactive dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
Statement by Norway, 28 September 2009.**

Chair,

Norway commends the work of the Special Rapporteur, including his active role in responding to alleged violations of the human rights of indigenous peoples and the emphasis on the promotion of good practices.

In the annual report (A/HRC/12/34), the Special Rapporteur has put particular emphasis on the State's duty to consult. In para 42 the Special Rapporteur points out that, as a general matter, decisions of the State should be made through democratic processes in which the public's interests are adequately represented. At the same time, special, differentiated consultation procedures are called for when State decisions affect the particular interests of indigenous peoples. While the duty to consult does not amount to according a veto power, consultations must be carried out in good faith, and "with the objective of achieving agreement or consent". These principles are contained both in article 6 in the ILO-Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and throughout the UN Declaration on the Rights of Indigenous Peoples.

In 2005, the Government of Norway and Samediggi, the Sami Parliament in Norway, agreed on specific procedures as to how consultations between Samediggi and state authorities are to be carried out. The procedures have led to increased awareness of the duty to consult, throughout the state apparatus. From January 2008 through May 2009, formalized consultations have taken place in 40 different cases, resulting in an agreement in all but a few.

In the annex to the report, para 330-338, the Special Rapporteur makes reference to concerns expressed to him, regarding to the new mineral act in Norway, in particular to the fact that some provisions regarding Sami interests only applies in the county of Finnmark. Samediggi did not give its consent to the mineral act. Proposals for legislation concerning Sami land rights and resources outside of Finnmark County will soon be under consideration, and the Norwegian government intends to engage in further consultations with Samediggi regarding these issues.

In conclusion, Norway will commend and support the particular emphasis the Special Rapporteur places on developing a regular cooperative dialogue with all relevant actors, and welcomes further dialogue between our government and the Special Rapporteur.

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