



Finland to the UN Security Council in 2013-2014

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Statement by

**H.E. Mr. Jarmo Viinanen
Permanent Representative of Finland to the United Nations**

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(check against delivery)

Distinguished Chair, members of the Permanent Forum, participants of the eleventh session,

Let me begin by expressing the appreciation of my Government to the valuable work that this Permanent Forum delivers. Finland wishes to express its continuous support to the Permanent Forum's mandate to provide expert advice and recommendations on indigenous issues.

Despite their rich cultures and identities, indigenous peoples are often among the most marginalized groups in society, deprived of participation in decision-making processes that affect their lives and future. The participation of indigenous peoples in decision-making is of crucial importance to the enjoyment of their human rights, their survival and dignity. Therefore we welcome the new study on Indigenous participatory mechanisms in the Arctic Council, the Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat and the Laponia management system (E/C.19/2012/10) presented today. We thank Ms. Dalee Sambo Dorough, for providing us with an analytical and critical overview of some good, sometimes potential, practices in the selected regions and within the selected spheres of activities. Her conclusions and recommendations give us as a signal that there is still much to do in our respective countries.

The study is a good supplement to the previous studies and reports published on the status of indigenous peoples. In particular, we would like to encourage all interested parties to examine the recent study on Indigenous peoples and the right to participate in decision-making (A/HRC/18/42) prepared by the Expert Mechanism on the Rights of Indigenous Peoples. The Expert Mechanism is currently building on this study with a focus on extractive industries.

With regard to paragraphs 38-39 of the study at hand, we would like to provide the following comments. The Constitution of Finland guarantees the inviolability of human dignity and the fundamental rights and freedoms of each individual, including indigenous individuals, on an equal basis. Furthermore, the status of the Sámi as an indigenous people has been recognized in the Constitution. The Sami have a constitutionally protected right to collectively maintain and develop their own language and culture. One of the objectives of the fundamental rights reform carried out in the 1990s was to increase the direct applicability of human rights and basic liberties by courts and other authorities in their decisions. Thereafter they have clearly referred increasingly to these rights in the reasoning for their decisions. This also applies to the decision-making concerning indigenous issues.

The Act on the Sámi Parliament guarantees the cultural autonomy of the Sámi as an indigenous people in respect to their language and culture in Finland. The obligation to consult with the Sámi Parliament applies to all levels of administration 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.

Lately, legislative amendments have been made to improve the consideration of the status of the Sámi as an indigenous people and their opportunities to participate in decision-making. The new Mining Act and Water Act, adopted in March 2011, prohibit measures that impair the opportunities of the Sámi as an indigenous people to engage in their culture and related traditional livelihoods. They also include provisions on hearing the Sámi Parliament, and on the right of the Sámi Parliament to appeal against decisions made pursuant to these laws.

Finland's first National Human Rights Action Plan, adopted by the Government in March 2012, includes projects that seek to improve the rights of the Sámi by clarifying legislation on their right to participate in policymaking and planning concerning the use of State lands and waters in their homeland.

I look forward to a lively discussion on the study's conclusions and recommendations today.

Thank you.