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UN Permanent Forum on Indigenous Issues

11th session, New York

Tuesday, 15 May 2012

Agenda Item 4:

Human Rights

(a) Implementation of the UN Declaration on the Rights of Indigenous Peoples

Sami Parliament of Norway

President Egil Olli

Mr. Chairman,
Distinguished Members of the Permanent Forum,
Distinguished Representatives of Indigenous Peoples and Governments,
Ladies and Gentlemen,

I will be addressing sub-agenda item 4 (a) – the implementation of The United Nations Declaration on the Rights of Indigenous Peoples.

The General Assembly's adoption of the United Nations Declaration on the Rights of Indigenous Peoples, in September 2007, has rightly been hailed as a triumph for justice and human dignity.

The Declaration represents the world community's commitment towards redressing the historic injustices faced by indigenous peoples. The Declaration provides us with the normative framework for the promotion and protection of the rights of indigenous peoples, including remedies for infringements of indigenous peoples' collective rights.

The Declaration does not diminish or extinguish the rights indigenous peoples have now, or may acquire in the future, including rights and benefits which they may have pursuant to other international instruments, customs and agreements.

The Declaration has binding force. It is firmly based on existing human rights norms, general principles of international law and customary international law. The Declaration elaborates upon existing fundamental rights in the specific cultural, historical, social and economic circumstances of indigenous peoples.

The main challenge facing us today is the implementation of the Declaration. Putting it into practice may require the adoption of new laws, or the amendment of existing national legislation, including constitutions. Article 38 of the Declaration identifies the adoption of appropriate legislation as a way to achieve the ends of the Declaration. This provision establishes a duty on States to take appropriate measures, including legislative measures, in consultation and cooperation with indigenous peoples, to achieve the ends of the Declaration.

In many countries around the world, indigenous peoples do not enjoy the recognition of their existence and their rights.

Mr. Chairman,

I note with pleasure the statement of the Norwegian Government under agenda item 3, in which the Government reaffirms that Section 110 A of the Norwegian Constitution is based on the recognition that Norway is established on the territory of two peoples – the Norwegian people and the Sami people. I fully agree that this implies that both people – the Norwegian and the Sami peoples respectively – have the same right to develop their culture and languages.

However, the equality of the two peoples – the Norwegian and the Sami - cannot be limited to linguistic and cultural rights. True equality needs to be respected in all aspects, including the resource dimensions of the right to self-determination. There is currently an ongoing process to revise the Constitution of Norway. We are confident that equality, a fundamental international legal principle, will be fully captured in the amended Constitution of Norway.

Thank you!