



STATEMENT by Director General Bjørn Olav Megard, Ministry of Local Government and Modernisation

Human Rights Council 33rd Session. Item 3 & 5 — Clustered Interactive Dialogue with: Special Rapporteur on indigenous peoples and EMRIP

20 September 2016

Check against delivery

Mr President,

The Government of Norway highly appreciates the important and valuable work of the Special Rapporteur. She visited the Sápmi region of Norway, Sweden and Finland in August 2015. We are pleased with the open and constructive dialogue during her visit .

The rapporteur raises several important issues with regards to Norway, including (1) our legislation regarding mining, (2) proposals for improved procedures for legal recognition of rights of ownership in traditional Sami areas outside of Finnmark county, and (3) our ongoing work – in partnership with Samediggi (the Sami Parliament) – to strengthen and revitalise the Sami languages.

On Sami languages, we are currently awaiting a report from an independent committee, appointed jointly by Samediggi and the Government, with proposed legal and administrative measures to strengthen the situation of the languages.

A key focus in the Special Rapporteur's report is the obligation of the states to consult with the Sami people. Norway wishes to clarify a few issues pertaining to consultations and the relevant legal framework. For more detailed comments, we refer to Norway's addendum to the report from the Special Rapporteur, which we hope will be made available online by the OHCHR shortly.

The ILO Convention No. 169 article 6 establishes a duty for the states to consult the indigenous peoples whenever consideration is being given to legislative or administrative measures which may affect them directly. The consultations shall be undertaken in good faith and with the objective of achieving agreement – or consent – to the proposed measures.

While The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is not a legally binding document, it does provide important guidelines. Article 19 declares that states should consult in good faith *in order to* obtain a free, prior and informed consent. The scope of the provision must be determined on the basis of interpretations of similar consultation obligations in other international legal instruments, such as ILO-169.

The International Covenant on Civil and Political Rights article 27 is also essential. Measures whose impact amounts to a denial of the right of a community to enjoy its own culture, would be incompatible with the covenant.

However, a *general requirement* to obtain a free, prior and informed consent – popularly referred to as a "right to veto" – cannot be derived from the international instruments.

In Norway a number of formalised consultations with the Sami parliament take place every year. Agreement is often reached, although not always. The consultations have strengthened the Sami Parliament as a representative voice for the Sami people, and enhanced the awareness and knowledge of Sami issues in national administration.

In conclusion, a question: In light of the various visits and dialogues the Special Rapporteur has engaged in, what are, in general, the key steps governments could take with regards to consultations? Are there any "low-hanging fruit", i.e. easy steps that can be taken to improve on cooperation, relationships and inclusive decision-making processes?

Thank you.