

WGIP 93/CIR/1

United Nations Working Group  
on Indigenous Populations

ELEVENTH SESSION 19-30 JULY 1993

ITEM 4

STANDARD-SETTING ACTIVITIES

Statement by

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President of the Saami Council

Madame Chairperson, members of the Working Group, indigenous representatives, representatives of the Member States of the United Nations:

It is a privilege and an honour to adress the eleventh session of the Working Group on Indigenous Population today on behalf of Saami Council which represents the Saami Nation of Finland, Norway, Russia and Sweden. We welcome the proclamation of 1993 as the International Year for the World's Indigenous Peoples, and we express the hope and expectation that the International Year will serve to further the development, cooperation and respect for human rights which are necessary for indigenous survival.

The focal point of these activities continues to be the UN Working Group on Indigenous Populations under the able leadership of Madame Chairperson Erica Daes. We are now completing the drafting on a declaration on Indigenous Peoples. The discussion in the previous WGIP meetings has been done in a spirit of openness and good faith, which hopefully continues. The work done in the WGIP has been a essential part in the ongoing process of evolution of standards concerning rights of indigenous peoples. The dramatic change in policy and attitudes related to indigenous affairs in the Nordic countries under the past decade is also a part of the ongoing evolution of standards. It's easy to be dogmatic in this field - but this is not a productive and responsible approach.

Madame Chairperson, yesterday the government of Sweden expressed its views on a number of issues raised by the Draft Declaration. Although we appreciate the governments' openness and the opportunity for a public dialogue, the Sami Council has a different position on certain points.

Madame Chairperson, as speakers of the Swedish language, we sometimes have a problem with English grammar. We frequently forget to add an 's' at the end of a word when we intend to use the plural form. Apparently, the government representative forgot to add the 's' yesterday when he spoke of indigenous peoples.

The Sami are a people. We possess the same dignity and the same rights as all other peoples of the world, without qualification. We join with other indigenous peoples seeking a clear and unambiguous expression of our right to self-determination in the Declaration. We also believe that the entire instrument should reflect our right to control our societies and our destiny.

Most indigenous peoples have a relationship with one state. The Sami people have a relationship with four: Norway, Sweden, Finland and Russia. Our right to self-determination includes the right to define our relationships with these states on the basis of negotiation, agreement, and respect.

The Sami Council recommends that the Working Group adopt as the first operative paragraph, the language of common Article I of the Human Rights Conventions.

Madame Chairperson, the article on land rights in the draft declaration reflects the position among the Sami people that we possess both collective and private rights to land and our inhabitation and utilization of land, preclude any state from clai-

ming rights, land by any so-called rights of 'discovery' or 'occupation'. In accordance with Finnish, Swedish and Norwegian law and legal practice, the hereditary Saami rights are founded on the principle of continual usage from time immemorial, taxation of Saami landtitles and other legal documents.

The question of land rights and transfer of so-called public land to private land is now in a crucial stage in Russia. This matter is of great concern among the Saami people and other indigenous peoples in Russia. The protection of indigenous landrights, the transfer and demarcation of indigenous lands will hopefully be included and addressed in the new Russian Constitution.

Second, Madame Chairperson, the Swedish government advocated replacing the right to own and control our lands, territories, and resources with mere usufruct. We understand their sensitivity on the land issue.

In fact, the Sami already possess a usufructory right for reindeer grazing and migration on private land under Swedish law. The real issue is ownership of land without title in our ancestral territories - land that the government claims as crown land. Our ownership of our lands must be recognized in the Declaration and fully respected. Our relationship with these lands cannot be reduced to a use right. Similarly, the Swedish government has attempted to change our hunting and fishing rights into a usufruct. These rights are fundamental and must also be clearly stated in the Declaration.

Finally, Madame Chairperson, I want to emphasize that we need an open and public dialogue and exchange of views between government and indigenous peoples in this process to the benefit of us all.

Mr. Lars Anders Baer  
Executive Committee

SÁMIRÁDDI - The Saami Council