

doCip
ARCHIVES

CHECK AGAINST DELIVERY

WGIP 93 GOV/EUR.FIN/3

UNITED NATIONS
WORKING GROUP ON INDIGENOUS
POPULATIONS
ELEVENTH SESSION
19 - 30 JULY 1993

REVIEW OF DEVELOPMENTS

STATEMENT BY
THE OBSERVER DELEGATION
OF THE GOVERNMENT OF
FINLAND

MR. PEKKA AIKIO

Madam Chairperson,

As the president of the Finnish Sámi Parliament I was offered the opportunity on behalf of the Finnish Government to present a review of developments of the legal position of the Sámi in Finland during the past year.

According to the program of the Government in office the Finnish Government will support the vitality of the Sámi culture and safeguard the own cultural administration of the Sámi minority. During the past year several legislative projects to amend the Constitution and other legislation on issues, which are of greatest importance for the Sámi people, have been brought up and forwarded. Also the Constitutional Commission of the Finnish Parliament has during the past year emphasised the rights of the Sámi to participate in the legislative process especially concerning the Sámi. Since 1991 there has been in force an amendment to the Parliament Act, according which the Finnish Parliament shall hear representatives of the Sámi before deciding on matters affecting closely the Sámi people. When the Bill concerning the amendment of the Reindeer Herding Act had not been prepared in the spirit of the Parliament Act, the Constitutional Commission of the Parliament in November 1992 interrupted the reading of the Bill and gave the Ministry of Agriculture and Forestry a new opportunity to hear the representatives of the Sámi.

The aim of the government is to prescribe on the position of the Sámi in the administration of the country in the Finnish Constitution. In May 1993 the Ministry of Justice has set up a Working Group of senior officials to prepare a Bill on the amendment of the Constitution concerning the basic elements of the Sámi administration. It is the task of the same Working Group to prepare a Bill on the Sámi Parliament and on the election of the members of this body. The intention of the government is through these amendments of the legislation to delegate the decision making powers from the central administration to the local level and to determine the rights and the administrative position of the Sámi as clearly as possible.

In addition to that the Ministry of Justice is preparing a proposal for the amendment of the provisions on fundamental rights in the Constitution. According to this proposal a provision stating that the Sámi as an indigenous people have the right to maintain and develop their own language and culture will be added to the Constitution Act.

The question of the rights of the Sámi to the lands and waters which they have traditionally occupied and used for their means of livelihood is not yet solved. The Sámi delegation, which is a joint body of both the authorities and the Sámi Parliament, has prepared in 1990 a proposal for a Sámi Act. Under this Act the present State forests inside the Sámi Homeland would be in each Lapp village turned into Sámi commons with ownership rights. The preparation of the Bill on these rights has not been forwarded in the Ministry of Interior as wished by the Sámi Parliament, because the Bill will be politically extremely difficult. In May 1993 the Ministry of Interior has adopted a new attitude on this issue and decided that the Sámi Parliament may continue the preparation of the Sámi Act as they had originally proposed. In this context also the questions concerning the ratification of the ILO Convention No. 169 will be clarified.

Madam Chairperson,

The Sámi Parliament has taken with pleasure note of the general election among the Swedish Sámis of their own representative body, Sámeting. In Norway such a body has already been functioning one electoral period and the intention of the Norwegian government seems to be to increase the powers of this body and to guarantee its functioning by sufficient resources.

In Finland the Sámi Parliament dates already from the early seventies. However, the powers of this body have been increased only by some administrative measures.

These new tasks of the Sámi Parliament should be reflected also in the legislation. Also the economic resources and a sufficient staff should be guaranteed. At present the position of the Sámi Parliament to fulfil its tasks is weak.

The Sámi in the Nordic Countries are worried about the consequences of the European integration. The governments of Finland, Norway and Sweden have applied for the membership of the European Community. As a result of the integration process the Nordic Countries shall amend their legislation so as not to be contradictory with the EC legislation, which e.g. forbids any kind of discrimination based on the nationality.

The Finnish Sámi have not had any special right to the reindeer herding which is an inherent part of their culture. This livelihood has been open to practice for all Finnish citizens. To avoid the discrimination forbidden by the EC the Finnish Parliament has adopted in June 1993 an amendment of the Reindeer Herding Act, according to which every citizen of the member countries of the European Economic Space (EES) has the equal right to the Finnish citizens to own reindeer.

Finland has not yet ratified the ILO Convention No. 169 concerning indigenous peoples, because the Finnish legislation on the land rights of the Sámi is not in harmony with the provisions of the convention. Following the opinion of the Social Commission of the Finnish Parliament the objective of the Finnish Government will, however, remove the obstacles for the ratification of the convention. In May 1993 the Ministry of Interior has asked the Sámi Parliament to clear this question.

Madam Chairperson,

The International Year for the World's Indigenous People has been celebrated in Finland in many ways coordinated by a special commission. It is quite natural that also the recommendation of the World Conference on Human Rights for the General Assembly of the United Nations to proclaim an International Decade of the World's Indigenous People to begin from January 1994 has been noted with a particular pleasure by the Finnish Government and the Sámi Parliament.

Thank you, Madam Chairperson.