

EMRIP 9th Session

Item 8: Best practices and strategies for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Statement by the Saami Council held by Inger Johanne Mudenia

I'm holding this statement on behalf of the Saami Council, as they are not able to be present at this session and hold this intervention themselves.

The Deatnu River is a border river between Finland and Norway. Fishing North Atlantic salmon is the basis for the Saami culture in the Deatnu Valley, and has provided livelihood for the local Saami's since time immemorial.

The salmon fishing in Deatnu has been regulated through bilateral agreements since 1873. The current agreement entered into force in 1990. It is called the Agreement between the Republic of Finland and the Kingdom of Norway on joint fishing regulations concerning the fishing area of the Tana River¹.

In the agreement, there are two different fishing license groups: the local and the recreational fishers. The agreement does not set forth any specific rights for the Saami people. Saami are in both of the groups of fishing licenses, depending if they have moved away from their home municipality or not. The property rights of the traditional Saami fishing have been validated in numerous judgments.

In November 2011, Finland and Norway started renegotiating the Deatnu Agreement. The purpose was to update the agreement and take into account the new local administrative body, the Deatnu River Fish Management on the Norwegian side of the River. In June 2016 the parties released a Draft Agreement that has been circulated for comments among the stakeholders. In Finland, the acceptance of the Parliament of Finland is needed in international treaties and in Norway the acceptance of Government.

It is unfortunate to say, but the principles of the UNDRIP do not appear in the Deatnu River Draft Agreement. In the preamble of the Draft Agreement, the State parties confirm that they are conscious of the Declaration. That is simply not enough. The Declaration should be reflected in the provisions of the Draft Agreement as well.

The Draft Agreement reduces by 80 % of the traditional Saami fishing. In Finland, where the fishing rights are mostly property rights of Saami, this could be stated as expropriation without compensation of any kind - and the target group of the expropriation are Saami. Also the Draft Agreement violates the right to culture, which is safeguarded in both Finnish and Norwegian Constitutions. Not to mention the disappearance of Saami traditional knowledge on fishing, [when Saami are not allowed to fish using the traditional means of fishing. The Draft Agreement prohibits completely the traditional fishing of those Saami, who have property rights in fishing and who are non-local in the Deatnu Valley in Finland.]

Mr. Chair,

The Sami society in the Deatnu Valley and elsewhere is strongly opposing the Draft Agreement. People are afraid of the consequences of the Draft Agreement to their livelihood and fishing. The Saami Council proposes that Finland and Norway take into account the principles of the Declaration in the Deatnu River Agreement, like they have done almost every time when drafting other legislative measures.

Thank you, Chair.

¹ See <https://treaties.un.org/doc/Publication/UNTS/Volume%201588/volume-1588-I-27809-English.pdf>.