

Comments to «Study on impact..» by attorney at law Anja Jonassen, Sami Council

Thank you mr/madam Chairman. I would also like to give thanks to Association of World Reindeer Herders, UArctic EALAT Institute, International Center for reindeer Husbandry and GRID Arendal.

I am happy to be here and share my opinion on the report.

I would like to keep my mind on the importance of the judicial system as a developer of the rights and protection of the individual reindeer herder.

I will use my own my home country, Norway, as an example.

The Norwegian Supreme Court has from the year of 2006, with certainty, recognized that reindeer livelihood shall be protected as a "property" in a legal term by the Constitution article 105 and also in accordance with the incorporated European Human Rights article 6 that refers to "property" protection.

Anyhow, even if this is a progress in national legislation, the reindeer herder does not in practical life enjoy the same protection as any other land owner of the nation. Reindeer herders experience that their livelihood is being denied by companies and the government itself because they want to use their land in a commercial interest, for example to put up windmills, mines, build roads, waterfalls and so on.

The harsh reality is that there is little useful land for reindeer left, and what is left is subject to further increase. Further, the government wants to decrease numbers of reindeer herder.

The Norwegian Expropriation Act 23rd of October 1959 no 3 Article 6 authorize that if a reindeer herder is being expropriated from his land he can be given other land that is as good as the first land as an compensation. New land is also the primary compensation method in accordance with the ILO convention 169 article 16 number 4.

But, neither the companies nor the government want to give an account of such solution.

Furthermore, to achieve proper compensation and protect the sami livelihood the reindeer herders must be given the opportunity to try out their legal claims in the court system. A single reindeer herder is not financially strong enough to bear the economic expense of a trial in court that might go through national and international courts before a solution is given.

I will point out that legal aid is essential for the reindeer herders to protect their livelihood as a "property" as other land owners of the nation.

I recommend that all the countries recognized that reindeer livelihood shall be protected as "property" and shall fall under legal international term of "property".

I recommend, to realize the recommendations in the report, specially paragraph 44, 48, 51, 53 and 55, that the reindeerherders shall be given legal advice and aid without being stopped by costly processes in the judicial system.

I will be brief, and therefore thanks for my comments.