

Permanent Forum on Indigenous Issues

**Thirteenth session**

New York, 12-23 May 2014

**Statement by the Suoma Sámi Nuorat (Finnish Sámi Youth Organization):**

**Item 4:** Human rights a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Thank you Madame Chairperson;

First, we want to congratulate you for your election as the Chair of this important Forum. We would like to thank you for your greatly appreciated efforts for the capacity building on Indigenous Rights for the Arctic Indigenous youth.

Madame Chair;

This is a joint statement of the Finnish Sámi Youth Organization and the Saami Council. When talking about implementation of the UNDRIP, let us draw your attention to the article 33.

As the article 33 clearly states, the Indigenous Peoples must have the right to determine their own identity or membership in accordance with their customs and traditions. It also states clearly that Indigenous Peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

The Sámi Parliament is the elected political and self-government body of the Sámi in Finland. The elections are regulated by the Act of Sámi Parliament. Sámi individuals who are in the Sámi Parliaments electoral register have a right to vote or run as a candidate. When defining Sámi in Finland, firstly sámi has to identify her or himself as a sámi, this is called the subjective criteria. In addition Sámi needs to fulfill at least one of the following objective criteria: Firstly an individual has to have at least one of his parents or grandparents who has learnt Sámi as his first language. A second criterion is that an individual needs to be a descendant of a

person who has been entered in a land, taxation or population register as a mountain, forest or fishing Lapp. Let us also state that Sámi Parliament has clearly stated that the second criterion is not acceptable because it does not show any connection to the Sámi culture. Let us note that solely on the bases of taxation records you can't define who is a Sámi as the register is based solely on livelihoods, not ethnicity. This is a timely issue as the law reform of the Sámi Parliament Act is ongoing.

Let us draw your attention to the decision made by the Finnish Supreme Administrative Court in 2011.

In the ruling, the Court overruled the Sámi Parliament's Election Board's decision not to add four applicant individuals to the electoral register of the Sámi parliament. Overruling the decision by the Sámi Parliament, the Court claimed that evidence of an ancestor entered into a Lapp register as far back as 1763 still can be significant for an individual self-identifying as a Sámi and should be considered in an overall assessment of the matter.

The rulings open up the electoral register to the Sámi parliament to a large number of Finnish persons, including to the vast majority of the population of Northern Finland. Today in the electoral register there is approximated 5-6 000 individuals and the Finnish Sami Parliament numbers estimate that there is approximately 10 000 Samis living in Finland. If the Sámi lose control over the body supposed to govern our cultural autonomy, the Sámi culture is in imminent danger.

We would like to raise our concerns regarding some of the key elements of this issue. We as indigenous youth fear that neglecting indigenous people's own ways of deciding the identity and membership of that people leads to a forced assimilation into major society and undermines the autonomy of their institutions. Furthermore, it violates the indigenous peoples' right to self-identification. We are concerned also that the highest complaint instrument on defining who is a Sámi is part of Finnish governmental administration, and therefore it is difficult to see how this is in line with the UNDRIP articles 3 and 33.

We want to reiterate Special Rapporteur on the Rights on Indigenous Peoples recommendation to Finland in which he urged "the Government to take the measures necessary to comply with relevant provisions of the United Nations Declaration on the Rights of Indigenous peoples.", referring to article 33.

We are also recalling CERD's Concluding Observations for Finland, according to which "The Committee recommends that, in defining who is eligible to vote for Members of the Sámi Parliament, the State party accord due weight to the right of the Sámi people to self-determination concerning their status within Finland, to determine their own membership, and not to be subjected to forced assimilation."

We recommend that the Permanent Forum call upon the member states to respect in their national legislation the Indigenous People's right to determine the membership of its own group as an integral part of Indigenous people's right to self-determination.

We thank you, madam chair.