



Expert Mechanism on the Rights of Indigenous Peoples

Eleventh Session, 9 – 13 July 2018

Agenda item 7: United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned

Wednesday 11 July 2018

Mr. Tuomas Aslak Juuso

2nd Vice-president

Sámi Parliament in Finland

Madame Chair,

During the Adoption of the Declaration, Finland affirmed The Declaration is an important tool in underscoring the full participation of indigenous peoples in decision-making processes. Its adoption would strengthen the rights of indigenous peoples worldwide and serve as a comprehensive framework for cooperation in implementing new minimal international standards for indigenous people's rights.

At the national level, the Sámi Parliament have constantly questioned the Government on the implementation of the Declaration. The Government has stated it pursues the objectives of the UN Declaration on the Rights of Indigenous Peoples, for example, through a second National Action Plan on Fundamental and Human Rights to be adopted in early 2017.

However, the Sámi Parliament sees this is not an Action Plan to implement the Declaration and have requested developing a national action plan to achieve the ends of the Declaration, but the government has not responded to Sámi Parliament's request. In Our point for view, the National Action Plan should include clear objectives and strategies to achieve them.

By adopting the Outcome Document Finland committed to take specific actions at the national and local levels to implement those rights through the development of legal, policy and administrative measures. The Sámi Parliament has decided to move forward with the national action plan, regardless the unwillingness of the Government, and decided to develop an action plan of its own. The

Sámi Parliament hopes Finland would join us so we could walk this road together to achieve the ends of the Declaration. As Finland and Sámi Parliament are currently negotiating to establish a process of Truth and Reconciliation, also discussed here yesterday and therefore, in the spirit of yesterday's discussion, we see the foundation for the reconciliation should be built on the Declaration.

Finally, Finland has incorporated the Article 27 of the Convention on Civil and Political rights into its national legislation. So called "prohibition to undermine Sámi culture" is laid down in different Acts concerning the Sámi. However, the state of Finland hasn't been able to implement the "prohibition to undermine the Sámi culture" in a proper way.

The difficulty is the lack of proper procedures to recognize and define different types of impacts to the Sámi culture and traditional Sámi livelihoods that would undermine the Sámi culture. This is possible due the wording of the Acts, and in particular the wording "significant harm" or "significantly hinder". The Sámi and the Government of Finland have different understanding of what for instance "significant harm" means. The Sámi Parliament asks the Panel and the mechanism clarify how the "significant" harm should be determined and who determines it?

Thank you for your attention.