

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection of
Minorities

Working Group on Indigenous Populations

Fifth session
3-7 August 1987

WGIP 87/CIR/2

Item 4

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION
AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
OF INDIGENOUS POPULATIONS

Submitted by the Nordic Sami Council

Lars Anders Baer

Madame Chair

We want to express our gratitude of again having the opportunity to adress you Madame Chair and the other distinguished members of this UN-working group on Indigenous Populations.

As you know from our meeting in the spring of 1958, we felt very concerned about the cancellation of last years sessions of the Working Group and the Sub-Commission, and on an early stage after the General Assembly decission, tried together with you and other dedicated individuals to arrange for alternatives so the process of the Working Group, specially the drafting procedure could continue without breaks.

We appreciate your personal efforts and active role during the NGO Workshop arranged here in Geneva in September last year.

We want to contribute to the Working Groups review of development concerning indigenous people by submitting this report on the latest developments in the Nordic countries relating to our people, the Sami.

Madame Chair

After many years of political activities, active lobbying and finally, political demonstrations related to the decission to build a dam for hydro-electrical production in one of the most central parts of the Sami area in Northern Norway, the Norwegian government in 1980 decided to establish a Sami rights commission.

The Sami Rights Commission was given the mandate to examine the legal and political position of the Sami people in Norway, and to present proposals deemed necessary to give the Sami people the political and civil rights guaranteed in national as well as international legislation. The mandate also included proposals for constitutional protection for the Sami and the establishing of an own elected representative body.

Secondly, the Commission is to consider the economic rights including particular Sami rights to natural resources such as land and water.

A similar commission with a similar mandate was set up by the Swedish government in 1982.

A similar smaller commission was set up in Finland already at the end of 1970:s. The commission had to clarify the Sami rights also on the basis of legal history. This smaller commission is continuing the work of the Sami Committee which was set up by the Finnish government in 1971. The report of that committee in 1973 resulted in the establishing of the Finnish Sami parliament elected by Sami people.

The Norwegian Sami Rights Commission presented its first report in June 1984. This report presents a proposal to include in the Norwegian constitution a paragraph to protect the Sami culture and way of living, and to establish a representative body elected by the Samis themselves. This elected body is called the SAMETING, that means the Sami parliament.

In May 1987 the Norwegians Storting (Parliament) adopted a new law institution, the SAMETING that will be inaugurated after the first election in 1989.

The Swedish Sami Rights Commission presented its first report in May 1986. This report concentrates on the Sami peoples rights in international law. It is expected that the next report will bring forward proposals for a similar elected Sami body as in Norway.

There have been an extended exchange of information and studies between the three Sami Rights Commissions.

The Norwegian governmental Sami Culture Commission presented two reports in June 1985. The two reports presented proposals for legal and political measures to strengthen the Sami rights to both primary and higher education. A central element in the proposals put forward, is the right to receive education in Sami language. A Sami highschool is likely to be established in Guovdageadnu within few years.

The Sami Parliament in Finland has prepared and presented a proposal for a special law to protect and strengthen the legal and practical position of the Sami language within Finland. If adopted, the law will guarantee the rights of the Sami to present and receive all official communications particularly from local and regional authorities, but also from governmental offices that are handling special Sami matters.

Because of lack of Sami speaking personel, where it is necessary, the communications will be passed through a special translating service established by the Sami Parliament. To raise the number of Sami speaking office personel, there is proposed a costfree educational program in Sami language and to accept special merits to Sami speaking applicants to official services.

These actions and programs forwarded by the governments in the Nordic countries where the Sami are the indigenous people, are generally welcomed by most of the Sami people, though still subject to some internal disputes because of differences in priorities and timing. The results are, however, obtained because of a common political will of all the Sami organisations to work for better legal and political protection of the Sami people and the resources of the areas where the Sami live.