



**Statement by Sweden in the
interactive dialogue with SR Anaya on indigenous
peoples**

Madam President,

Sweden appreciates this opportunity to have an interactive exchange with the Special Rapporteur James Anaya, in particular regarding his visit last year to the Sapmi region.

The Swedish assessment is that the report by the Special Rapporteur is good, solid and constructive.

The Rapporteur is particularly concerned about the need to increase the Saami parliaments autonomy and self governance authority, as well as to strengthen their ability to participate in and genuinely influence decision making in matters that affect Saami people.

In Sweden, a consultation process has been proposed to be included in the proposed Bill on Saami people in order to strengthen the Saami Parliaments influence in law-making processes and other areas. This bill is still being negotiated. Sweden would also like to remind that a basic element of Swedish Saami policy is to support and promote Saami self determination on issues directly affecting Saami people.

The Saami parliament was recently given new responsibilities in regard to reindeer herding issues as well as Minority policy. The Government and the Saami parliament maintains a close dialogue on matters related to structure, organisation and functioning of the Parliament in order to increase the abilities and decision-making of the Parliament. Last year the Swedish Constitution was amended with the result that the Saami now are being recognised as a people.

The Rapporteur also expressed concern about the lands rights situation in Sweden and the fact that reindeer grazing areas have not been officially demarcated. Also that the Swedish courts place the burden of proof on Saami claimants for demonstrating land ownership and the fact that the legal aid system in Sweden does not provide financial support for the Saami collective herding system known as Saami villages. The issue of burden of proof and legal aid have recently been tried by the European Court of Human rights in the so

called Härjedalen case, where the Court found that the Saami villages were afforded reasonable opportunity to present their case effectively before the national courts. It was considered legitimate and reasonable that the burden of proof was placed with the Saami villages being the claimants to the right to such grazing. The report from the Boundary Committee regarding the reindeer grazing areas constitutes a good base for the future, should disputes on time immemorial arise on a certain area.

Regarding recommendations pertaining to the draft Nordic Saami Convention, the effects of climate change on the Saami people and the number of reindeer being killed by predator animals, Sweden wants to underline that the Swedish Government has supported the process with a Nordic Saami Convention, and taken an active role in bringing the process forward. The Government is pleased that the process has been brought this far, and has supported the elaboration of a draft convention throughout the process. Sweden has also acted as a host for the first meeting with the negotiating bodies of the three countries and will continue to do so throughout this year. Two more meetings will be held in Sweden during 2011.

A bill on predation policy has facilitated local and regional decision making aiming at more expeditious and effective decisions in this area. The Saami Parliament receives governmental compensation for losses inflicted by predator animals. A study on the effects of predation on reindeer is being carried out by the Swedish University of Agricultural Sciences in cooperation with the Saami Parliament.

The Reindeer herding will most likely be effected by the climate change. The Saami Parliament has been provided with additional means for adjusting to the climate change amounting to 1 million euro 2009 and consecutively.

Thank you, Madam President