



NORWAY

PERMANENT MISSION OF NORWAY TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANISATIONS IN GENEVA, 58, RUE DE MOILLEBEAU, 1209 GENEVA. TEL. 34 97 30.

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STATEMENT BY

THE OBSERVER DELEGATION OF

NORWAY

TO THE FIFTH SESSION

OF THE UNITED NATIONS WORKING GROUP

ON INDIGENOUS POPULATIONS.

Madame Chairman.

The Norwegian government attaches great importance to the work which is now under way in the Sub-Commission's Working Group on Indigenous Populations. As a member of the Commission on Human Rights since January 1986, Norway has initiated resolutions with regard to the Working Group. In these resolutions the Commission has expressed its appreciation of the work of the Working Group and has urged it to continue and intensify its efforts in elaborating international standards pertaining to Indigenous Populations. Resolution 1987/34 of the Commission on Human Rights was adopted by consensus at its forty-third session. It is, in our view, noteworthy that, for the first time, the resolution was cosponsored by states from all geographical regions.

Norway has, furthermore, taken an active part as an observer in the Working Group's past sessions. We therefore regret that the 1986 Session of the Group could not take place as scheduled due to austerity measures taken by the United Nations. In this connection we would like to express our appreciation to the members of the Working Group and other participants, in particular those representing indigenous organizations and communities, who met informally in Geneva last September to further the standardsetting work of the Group. We are confident that this has contributed to maintaining the momentum with regard to the Working Group's two-fold mandate:

First, to review developments pertaining to the situation of indigenous populations in all parts of the world. Secondly, to draft international standards aimed at securing the rights of and eliminating discrimination against such populations. In the light of the heavy and lasting pressure which indigenous populations are subject to in large parts of the world, it is necessary that the Group's work proceed according to plans, in spite of the economic

cutbacks in the UN system. It is of special importance to ensure the continued active and sufficient support by the Secretariat to the Working group, thus enabling it to discharge its tasks in a satisfactory manner.

Madame Chairman,

At its fourth and last session, the Working group made good progress in its work on the second part of its mandate related to standard setting. The report of the fourth session of the Group thus contains several draft principles on indigenous rights. This constitute the first step towards a declaration on such rights, which may, in due course, be proclaimed by the General Assembly.

I shall refrain from commenting on the seven draft principles drawn up so far, as my Government has already done so in a note to the Centre for Human Rights. Let me, however, stress the view of the Norwegian government that, in the effort to protect the rights of indigenous populations, it is natural to take as a point of departure the need to preserve cultural identity. At the same time, as the members of these populations become more conscious of their cultural background and heritage, the pressure towards cultural assimilation must be reduced. The cultures of indigenous populations are an inalienable part of the world's cultural heritage. Safeguarding the living conditions of these populations thus serves not only to protect their human rights, but also contributes to the cultural and social diversity necessary to the further development of mankind.

The Working Group in its work pertaining to the development of standards on indigenous rights, should take due account of the international instruments already existing on this subject within the United Nations system, particularly those which make up the International Bill of Human Rights. The analytical compilation of existing legal instruments and proposed draft standards relating to indigenous rights issued by the Secretariat seems to be a very useful tool for the drafting process. The Working Group could also benefit from the ongoing revision of ILO

Convention no. 107. It is gratifying to note that this question has been inscribed on the agenda of the International Labour Conference next year. At the same time the Working Group must continue to take into account comments and opinions advanced by governments, indigenous organizations and other NGOs.

Madame Chairman,

By resolution 40/131 of 13 December 1985 - which was unanimously adopted - the General Assembly decided to establish a voluntary fund to facilitate the participation of representatives of indigenous communities and organizations in the deliberations of the Working Group. Norway attaches great importance to securing the broadest possible participation of indigenous representatives in the work of the Working Group, and has so far granted a contribution of 20.000 US dollars to the fund. We note with satisfaction the appointment this year by the Secretary General of a Board of Trustees of the fund. It is the intention of my Government to announce another contribution to the fund in the near future.

Madame Chairman,

Let me now turn to recent developments regarding the Sami People in Norway. In March this year, the Government of Norway presented to the Parliament a bill concerning the establishment of a Sameting (Sami Parliament) and other legal matters concerning the Sami population. The intention of the Sami Act will be to ensure that the Sami population of Norway can perpetuate and develop its language, culture and community life.

The bill deals with the principles which, in the opinion of my Government, ought to be included in the future formulation of Sami policy measures. It is pointed out that the Sami culture must be maintained and further developed. The previous policy of assimilation no longer applies. Today the Sami culture is a threatened one. Active initiatives are required to ensure the

continued survival of this culture. It is a national responsibility for the authorities to ensure that the Samis are given the means necessary to maintain and further develop their culture so that they can continue to live as a separate ethnic group.

A preservation and strengthening of the Sami culture cannot be achieved through the efforts of the authorities alone. It is primarily the Sami people itself who must point out its needs, formulate measures and generally assume responsibility for the protection of the Sami culture. This means that measures have to be taken to ensure Sami participation in issues of importance for the Sami culture. Against this background the Government proposes that a Sameting be established by and among the Norwegian Samis. The Sameting will replace the present Norwegian Sami Council. The sphere of work of the Sameting will comprise all matters affecting the Sami population. The Sameting will take over the advisory authority presently held by the Norwegian Sami Council, and it will otherwise have authority as decided by statute or other means. The Sameting shall be elected by direct elections held among the Samis who have registered in a separate electoral register. Samis from all parts of the country are entitled to participate in this election.

One major goal of this reform is to see that the members of the central Sami body be elected in a way which would be more representative of the Norwegian Sami population than what the Norwegian Sami Council is today. Presently, members of the Norwegian Sami Council are appointed by the Government.

The Norwegian Government further proposes a provision which would stipulate a fixed procedure as regards the preparation of guidelines for the Government's Sami policy. According to the bill, at least once during each term of the Norwegian Parliament the King shall present guidelines for the measures which need to be instituted to fulfil the intentions of the Sami Act.

Madame Chairman,

Protecting the Sami culture is not only a national responsibility. Norway also has an international responsibility based on commitments undertaken in relation to international law. Today the right of an ethnic group to practise its culture is one of the basic human rights. The Government supports the interpretation of the International Covenant on Civil and Political Rights of 1966 which implies that states accept the responsibility to contribute positively to enabling ethnic minorities to maintain and advance their language and culture. It is the conviction of my government that the proposed Sami Act is in accordance with Norway's international obligations as well as with our common objectives with regard to the work of the Working Group.

Thank you, Madame Chairman.