

RIGHTS OF THE SÁMI PEOPLE



The Sámi people are recognized as the indigenous people of Norway, Sweden, and Finland, and also recognized as one of several small-numbered indigenous peoples of the North, Siberia and Far East of the Russian Federation. An intrinsic link to an identifiable traditional territory is the characteristic that most clearly distinguishes indigenous peoples from minority groups.

The Nordic States have ratified all major United Nations human rights treaties. Only Norway has ratified the ILO Convention No 169 on Indigenous and Tribal Peoples (ILO169). All three Nordic countries, and the EU, voted for the adoption of the UN Declaration on the Indigenous Peoples Rights (UNDRIP). The Russian Federation, however, did not endorse the Declaration. The Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages apply in all three Nordic States. The gap between endorsement of human rights in the international arena and the lack of change in political practice on a nation-state level is one of the biggest challenges the Sámi people are facing.

THE RIGHT TO SELF-DETERMINATION

According to UNDRIP Article 3, indigenous peoples have the right to self-determination. By virtue of that, the Sámi people freely determine their political status and freely pursue their economic, social, and cultural development. The right to self-determination awards the Sámi people a right to represent themselves on the international level. Further, the right to self-determination also includes a right for Sámi people to represent itself in relation to other people. In Sápmi, the three Sámi parliaments (Norway, Sweden, and Finland) are elected for, and by, the Sámi people, to represent the people.

Saami Council recommends that:

- The EU should ensure the Sámi peoples' full and effective participation in decision-making on legislative or administrative measures or proposed projects that may affect us directly
- The EU should consult the Sámi people to obtain our free, prior and informed consent (FPIC) before taking or approving any measures that may affect our land, territories or resources, on the basis of access to all relevant information in understandable and accessible forms

THE RIGHT TO PROPERTY

Access to land and water is fundamental for the Sámi people. The pressure on Sámi territory by extractive resources, as well as renewable energy projects and climate change, challenges the traditional way of life, including reindeer husbandry. According to international law, the Sámi people have property rights over their traditional territories. used to follow from a contemporary understanding of the right to equality. Also, the European Court on Human Rights has accepted that indigenous communities' traditional land use establishes property rights. It is the users of the land that are considered as right-holders.

Saami Council recommends that:

- The EU should carry out prior assessments of the environmental and social impacts of proposed measures in accordance with international human right treaties



Foto: Emma-Sofia Olsson



The Sweden's Supreme Court ruled in 2020 that a Sámi reindeer husbandry community, Girjas sameby, has the sole right based on possession since time immemorial to decide on small game hunting and fishing in the disputed area.

THE RIGHT TO LANGUAGE AND CULTURE

The Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages are the only legally binding treaties that exclusively have provisions on indigenous languages. The Framework Convention and the Charter seek to promote the full and effective equality of national minorities by creating appropriate conditions enabling them to preserve and develop their culture and to retain their identity as well as to enable speakers to use them both in private and public life.

DRAFT NORDIC SÁMI CONVENTION

In 2005 an expert group of the governments of Norway, Sweden, and Finland, and the Sámi parliaments of these countries agreed upon a draft text of a Nordic Sámi Convention. Key parts of the text deal with the recognition of Sámi land and water rights. As of May 2020 the work on ratifying the Nordic Sámi Convention is still pending.

Saami Council recommends that:

- The EU implements the two legally binding treaties also towards the Sámi languages and culture



ABOUT THE SAAMI COUNCIL

The Saami Council, the first pan-Sámi institution, was established in 1956 as a coalition of Sámi national organizations in the various countries. The Saami Council is one of the oldest, still operating, indigenous peoples' organizations in the world. The Saami Council has nine member organizations from Norway, Sweden, Finland, and Russia. The Saami Council headquarters is located in Karasjok, Norway, but has regional offices in all four countries.

The Saami Council is mandated to promote and protect the Sámi people's rights. Healthy and productive ecosystems, both on land and water, are the basis of Sámi culture and identity. The basis of Sámi culture must be secured and strengthened through the sustainable management of natural resources. The Saami Council promotes the use of Sámi traditional knowledge as a knowledge system that should be equally valued with science and should be the basis for the management of natural resources. On an international level, the Saami Council works through the Arctic Council as a Permanent Participant, the EU, and various UN fora to secure Sámi peoples' rights.