



## STATEMENTS

## Implementation of the United Nations' Declaration on the Rights of Indigenous Peoples

**State Secretary Raimo Valle addressed the UN Permanent Forum on Indigenous Issues Thursday May 21, and shared the Norwegian government's experience and challenges in implementing the UN declaration.**

21/05/2009 :: Madam Chair,

It's an honour to address the Permanent Forum on behalf of the Norwegian Government and report on some recent developments when it comes to Sami Policy in Norway. I want to thank the Forum for visiting the Sami Parliament and Norway for your pre-sessional meeting. I hope you got a clearer picture of the challenges we face regarding implementation of the UN Declaration on the Rights of Indigenous Peoples in Norway.

The Government submitted to the Norwegian Parliament a white paper on policies towards the Sami in May 2008 (St.mld. nr. 28 (2007-2008)). The key focus is how all levels of public administration implement the Sami perspective in policy-making. We have taken a systematic approach regarding appropriation documents in various sectors within public administration. One of these areas is the specialized health sector. Another area is the welfare services sector. The agencies working within different areas are obliged to systematic planning regarding Sami rights. In addition, they are obliged to report on the actual implementation. This gives the different ministries the opportunity to adjust policies. Close cooperation with the Sami Parliament is of course essential.

At the regional level in traditional Sami areas there are now voluntary agreements on cooperation between the Sami Parliament and the county councils covering the responsibilities of the regional level. In the white paper mentioned, we have expressed concerns about the Samis not enjoying their rights at the local and municipal level in many districts. Cooperation between the Norwegian association of local and regional authorities, the Sami Parliament and the Government has been established in order to identify ways to improve this situation.

In the UN Declaration the principle of consultation is reflected in article 19. Consultations between state authorities and the Sami Parliament in Norway are conducted according to an agreement on Procedures for consultations between the Government and The Sami Parliament.

Madam Chair, the obligation to consult the Sami Parliament is an important element in this systematic discussion on implementation of Sami rights in Norway. Let me mention some of the specific consultation processes that have been done recently.

The procedures for consultations are maybe the most important tool for the involvement of the Sami Parliament in decision-making today. My view is that these procedures have, in a positive way, helped strengthening the Sami Parliament's role in the Norwegian political system.

The procedures for consultations were adopted to fulfil Norway's obligations



State Secretary, Raimo Valle  
Photo: Siv Helén Strømland/MFA

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under the provisions of ILO Convention No. 169. According to article 6 the Government is obliged to consult the Sámi in matters that directly affect them.

The scope of the consultation procedures is extensive. The procedures apply to the Government and its ministries, directorates and other subordinate state agencies or activities. Furthermore, they apply in all matters that may affect Sami interests directly.

The substantive scope of the consultations may include various issues, as

- legislation
- regulations,
- specific or individual administrative decisions,
- guidelines,
- measures
- and other decisions.

The obligation to consult the Sámi Parliament may include all material and immaterial forms of Sámi culture.

It is important to underline that the procedures applies in matters concerning the material basis for the Sámi culture. This includes land administration, competing land utilization and land rights. The obligation to consult the Sami Parliament is applicable to traditional Sami areas in the whole of Norway.

It is stated in the procedures that the consultations shall be undertaken in good faith. The objective is to achieve an agreement to the proposed measures.

According to the procedures, state authorities are obliged to inform the Sámi Parliament as early as possible of the commencement of any relevant matters that may directly affect the Sámi or where Sámi interests and conditions may be affected.

In cases where the State authorities and the Sámi Parliament agree that consultations are to be held, they shall seek to agree on a plan for such consultations. Sufficient time shall be allocated to enable the parties to carry out effective consultations.

The parties have agreed that consultations shall not be discontinued as long as the Sámi Parliament and the State authorities consider it possible to achieve an agreement.

However, in matters where no agreement is reached, the Sámi Parliament's arguments shall be clearly stated in the final decision. This is an important part of the procedures.

In 2008, several consultations were held between the Sami Parliament and the Government concerning the Nature Diversity Act. Both the Government and the Sami Parliament were satisfied with the process and the result. During the consultation process, the Sami Parliament got acceptance for many of their claims. In a plenary session in November 2008 the Sámi Parliament endorsed the Act.

I want to highlight one aspect of this Act.

The Act states that the exploitation of genetic material from animals, plants and microorganisms shall benefit the environment and human beings both in a national and an international perspective. An appropriate distribution of the benefits by the use of genetic material must be emphasized in a way that indigenous and local communities' interests are taken care of. The Act provides the possibility to draft regulations requiring permits for access to Norwegian genetic resources, rules on benefit-sharing, and information on the use of traditional knowledge.

Article 16 of the UN declaration on the Rights of Indigenous Peoples relates to media. An important achievement in 2008, also after consultations with the Sami Parliament, is that we have two Sami newspapers in Norway which are published five days a week. One of them is in Sami language and the other in

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the Norwegian language. This is important from both a democratic point of view and from a language development perspective.

Language rights are an important aspect of UN declaration on the Rights of Indigenous Peoples. The government aims at presenting an action plan on Sami languages later this month. The action plan has been developed in close dialogue with the Sami Parliament. The aim is to take steps in various sectors in order to ensure that Sami languages (North-, Lule- and South Sami languages) will be languages in current use in Norway.

In most consultation processes state authorities and the Sami Parliament find a common solution, but sometimes it is not possible to reach a full agreement. One example of this is the consultations on a new mineral act.

Consultations concerning the Act took place in the period of 2007 – 2008 between the Government, The Sami Parliament, and the Sami Reindeer Herder's Association of Norway. However, an agreement between the parties could not be reached. Consultations on the topic have therefore been concluded.

The Proposition to the Norwegian Parliament was submitted earlier this spring. The view of the Sami Parliament is reflected in the Proposition, so that the Norwegian Parliament can take the Sami positions into consideration before adopting the Act. I will also mention that regulation of mineral activities south of the county of Finnmark, will be the objective of new consideration as part of an upcoming discussion on the rights to land and resources in this area.

This demonstrates that consultations differ from case to case, and that we still have challenges.

Article 36 of the UN declaration on the Rights of Indigenous Peoples relates to indigenous peoples divided by international borders. An expert group presented a draft on a Nordic Sami Convention in 2005. Since then, the draft has been the object of broad hearings and analysis work at national level, also in cooperation with the Sami Parliament. It is my sincere hope that the states of Norway, Finland and Sweden and the three Sami Parliaments, can reach an agreement this year on how to proceed with negotiations about a Nordic Sami convention.

To conclude, I will once again underline what I consider as important elements when it comes to implementing the UN Declaration on the Rights of Indigenous Peoples. It is essential to integrate the Sami perspective in all levels of public administration, including regional and local level. Special measures in order to protect and develop Sami culture, shall be carried out in cooperation with the Sami Parliament, and the Sami Parliament must be consulted before adopting and implementing measures that may affect the Sami people.

I thank you for your attention.