

UPR pre-sessions 47 – Norway

30 August 2024, Geneva

Statement by Mr. Eirik Larsen, Saami Council

Thank you Chair,

The Saami Council is a Non-Governmental Organization with Sámi member organizations in Finland, Russia, Norway, and Sweden. Since our founding in 1956, the Saami Council has been promoting the rights of the Sámi People and other Indigenous Peoples.

In my presentation I will focus on some of the issues from our written submission, specifically:

1. The implementation of the UN Declaration on the Rights of Indigenous Peoples, including free, prior and informed consent.
2. Ensuring a just transition and discontinue the pre-permitting of construction in cases involving land encroachment that may violate the Sámi People's Human Rights.
3. The urgent need for the government to follow up proposed legislation on safeguarding the Sami People's Human Rights.

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I would like to start with reminding us that Norway played a significant role in the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007, and that Norway has committed to develop an Action Plan for implementing the declaration, a commitment it has unfortunately not demonstrated willingness to fulfill.

Norway has received numerous recommendations to ensure adequate and meaningful consultations with the Sámi people. Although the adoption of a new consultations act in 2021 marks some progress, it falls short of implementing the Sámi People's right to free, prior, and informed consent. As a result, agreements or consents are rarely reached in the most crucial issues for the Sámi people.

The need to implement free, prior, and informed consent is even more pressing due to climate change, which has significant negative effects in the Arctic. At the same time, global interest in natural resource development on Sámi land is increasing. These projects often conflict with Sámi areas vital to the Sámi culture. The Sámi People are therefore not only deeply affected by climate change but also by land encroachments justified by the need for a green transition.

The Fosen case illustrates this issue. It centers around a wind power plant on the Fosen peninsula, one of Europe's largest onshore wind projects. The government's decision to permit the wind facilities was challenged in court by Sámi reindeer herders, citing violations of Article 27 of the UN Covenant on Civil and Political Rights. Despite this, construction was permitted resulting in construction of the wind power plant even before the legal dispute was resolved.

In 2021, the Norwegian Supreme Court unanimously ruled that the wind power facilities violated the reindeer herders' Human Rights.

This case underscores the need to implement the Sámi People's right to free, prior, and informed consent, and to discontinue pre-permitting of construction in cases of land encroachment that may violate the Sámi People's Human Rights.

Finally, The Saami Council also urges recommendations to Norway on the follow-up of proposed legislation on safeguarding the human rights of the Sámi people. I will mention two key legislative proposals.

In 2008, the government-appointed Coast and Fishery Commission submitted its report on the right to fish in the sea outside Finnmark County. However, the government has yet to follow up on the recommendation to recognize Sea Sámi fishing rights in legislation, which is crucial for safeguarding Sea Sámi culture.

In 2007, a government-appointed Sámi Rights commission delivered a report on Sámi land rights from Troms County southwards. The commission recommended several legal measures in order to implement the Sámi people's land rights in accordance with international law, such as ILO Convention No. 169 and the Declaration on the Rights of Indigenous Peoples.

The Saami Council's recommendations:

1. Develop an action plan on the implementation of the UN Declaration on the Rights of Indigenous Peoples.
2. Incorporate the Sámi People's right to free, prior, and informed consent into legislation.
3. Discontinue pre-permitting of expropriation for cases concerning land encroachment that may impact traditional Sámi areas or Sámi traditional livelihoods.
4. In order to safeguard Sámi Right holders:
 - a. Follow up the Coast and Fishery Commission's report, NOU 2008: 5 The Right to fish in the sea outside of Finnmark County.
 - b. Follow up the Sámi Rights Commission's report, NOU 2007: 13 The Rights to land and water in Sámi areas from Troms County and further south.