

2018-07-09



Sámediggi
Sámedigge
Saemiedigkie
Sametinget

Statement under agenda item 4: Study and advice on free, prior and informed consent

Mr/Madame Chair,

I am speaking in my capacity as the President of the Sami Parliament in Sweden on behalf of the Sami Parliaments in Sweden, Finland and Norway, the Sami Parliamentary Council and the Sami Council.

Finland, Sweden and Norway all voted in favor of the adoption of the UN Declaration on the Rights of Indigenous Peoples. The Sámi are recognized as indigenous people in the constitutions of these states and therefore have the right to self-determination and right to influence decision-making.

We welcome that the draft study underscores the foundation and understanding of FPIC deriving from the right to self-determination and non-discrimination. Furthermore, that it clarifies the distinction between FPIC and mere consultation. However, we would encourage EMRIP to further elaborate on the meaning of consent and what the consequences might be when states ignore obtaining consent from Indigenous Peoples.

As mentioned in the EMRIP draft study, an argument often used by states to ignore the content of the Declaration and its implementation is that it is not a legally binding instrument. However, the draft study reminds us that the rights outlined in the Declaration reflects not only content of other legally binding human rights instruments but also international customary law and *opinio juris*. As such its validity and the rights it enshrines cannot be questioned anymore. We remind all states of their commitment of implementing the Declaration by adopting the Outcome Document of the World Conference on Indigenous Peoples.

We would like to express our disappointment and frustration that the Consultation Act, which has been negotiated between the Government of Sweden and the Swedish Sami Parliament for

several years, intended to be agreed upon this summer, has now come to a halt. We expect the Swedish Government to address this matter urgently and follow the examples of Norway and Finland.

Regarding the previous statement by the Nordic states we want to clarify that the Sami Parliaments have not yet “ratified” or “approved” the text in the draft Nordic Sami Convention. The Sami Parliamentary Council has approached the Governments with amendments which are awaiting response from the Governments. We will not accept a convention where the autonomy and self-governing authority of the Sami Parliaments is not ensured, nor a convention that is not in line with the Declaration.

To conclude, we welcome the study undertaken by EMRIP and hope it can bring the Nordic and other states to review its understanding of FPIC and related articles. We also expect it to guide cooperation in good faith between indigenous peoples and states in fully implementing the Declaration at a national level.

Thank you for your attention