

DECLARATION FROM THE FIRST SAMI PARLIAMENTARIAN CONFERENCE

Jokkmokk, 24 February 2005

The historic and first Sami Parliamentarian Conference, composed of representatives from the Sami Parliaments of Finland, Norway and Sweden with the participation of representatives for the Sami in Russia, gathered in Johkámohki/Jokkmokk, 24 February 2005:

Considering this assembly to be a historic milestone in the work on Sami policy, and a reminder that we Sami are one people united through our common history, culture, language and land areas, and as a confirmation that the borders of our nations shall not or cannot break our solidarity,

Establishing that the Nordic states, through the Lapp Codicil of 1751, have recognized the Sami as a people entitled to their own future, without regard to the national boundaries that were then drawn. This was accomplished by protecting the right of the Sami to use land and water, and extensive internal self-government schemes. These principles closely resemble modern international law.

Affirming that we jointly consider ourselves obliged to administer and carry on our common heritage from our ancestors in the best interests of the Sami community, and that we want to continue to protect our inalienable indigenous rights to land, water and natural resources – based on our people's use of these areas from time immemorial,

Affirming also that we are obliged, entitled and prepared to manage the development of our communities and areas in a sustainable manner, and expecting that the national states will contribute to this by wholly recognizing, respecting, ensuring and facilitating the implementation of the Sami people's right to self-determination in accordance with the rules of international law,

Emphasizing in that connection the necessity that, in accordance with the border treaty of 1751, including the Lapp Codicil and international law, the national states also recognize and respect the Sami people's right to use and manage their own natural wealth and resources in the best interests of the Sami community, and underlining that the Sami people may not under any circumstances be deprived of their means of subsistence,

Underlining the need for continued protection and development of Sami culture, language and education, Sami traditions and industries, and acknowledging in this respect our own obligations,

Expecting that the national states also fulfil their obligations in relation to protecting and developing Sami industries, Sami culture, language and

education, in cooperation with the Sami parliaments and in accordance with their international law obligations,

Considering it important that all parts of Sami society participate in the shaping of our communities, including women, children, young people and the elderly - who all in their own special way represent an important link between our history, present day and future,

Expressing great expectations of the Nordic group of experts' work on a Nordic Sami Convention, and emphasizing the importance in the long term that an attempt also be made to include Russia in the effort to recognize and protect fundamental rights across national borders,

Noting with satisfaction that the European Union has recognized the Sami as an indigenous people in Europe and that rights relating to Sami culture, language and industries are accordingly also part of the Union's constitution,

Concerned that after 20 years of work on a Universal Declaration on the Rights of Indigenous Peoples the United Nations has yet to arrive at a compromise text expressing universal minimum standards for the rights and freedoms of indigenous peoples, at the same time as the efforts of the Nordic states in this process in recent years have been recognized as an important contribution to the efforts to achieve consensus,

Recognizing the Sami Council's active participation in the negotiations on a UN Declaration on the Rights of Indigenous Peoples, particularly their integrated draft text, which the Sami Parliamentary Council has endorsed,

Proclaim agreement on the following:

1. Finland, Norway, Russia and Sweden are obliged to recognize and protect Sami indigenous rights, including historic rights to land, water and natural resources.
2. Protecting, strengthening and carrying on Sami culture, particularly traditional Sami industries such as reindeer herding, hunting and fishing and other nature-based industries, depends on the national states' recognition and effective protection of the Sami people's historical rights to land, water and natural resources, the way it was done as early as 1751. This will also be in line with the national states' respective obligations in accordance with the UN International Covenant on Civil and Political Rights – particularly Articles 1 and 27, and ILO Convention no. 169 concerning Indigenous and Tribal Peoples in Independent Countries.
3. Underlining that the national states are obliged to fully recognize and guarantee the implementation of the Sami people's right to self-determination in accordance with international law, particularly joint Article 1 in the UN International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, respectively,

4. By virtue of the right to self-determination recognized in international law, the Sami people have the right to decide their political position and advance their own economic, social and cultural development, and control their natural riches and deposits for their own purposes. Under no circumstances may the Sami people be deprived of their own means of subsistence.
5. The national states are encouraged in the strongest terms to ensure that ongoing Sami rights processes come to speedy conclusions and solutions in accordance with historical Sami rights and international law, and guarantee that final conclusions and decisions are not taken before the Sami have endorsed them.
6. The Sami right to self-determination also implies that the Sami have the right to represent their rights and interests in national, regional and international contexts, and it is expected that the national states contribute and facilitate Sami participation in regional and international contexts, including membership in regional and international organizations where such membership would be natural.
7. The Sami in the four countries are one people who have the right to develop their society, industries, institutions and visions for the future, their language and their culture across and without regard to national borders, and the national states are therefore requested to fully coordinate the political, administrative and economic conditions for the Sami in the various countries.
8. Sami women are bearers of fundamental values and know-how that must be specially emphasized. It is emphasized that they must be given equal opportunities to participate in all areas of Sami society. Special measures must be implemented to ensure effective participation in community life and social development by Sami women.
9. Sami children and young people are an important resource in the development of Sami society. They must be ensured the opportunity to be taught in Sami and learn Sami languages and culture and be given an equal opportunity to pursue a future based on their own culture. Together with the Sami Parliaments and Sami Parliamentary Council, Norway, Sweden, Finland and Russia have a special responsibility to create and coordinate an integrated policy for Sami youth, particularly in training and education. Special measures must be implemented to ensure active social participation and co-determination for Sami children and youth.
10. Work on a Nordic Sami Convention is an important process with regard to recognition, protection and coordination of Sami rights, and for the development of the Sami community across the national borders. The Lapp Codicil is deemed a particularly important foundation for this work.
11. The Nordic countries are expected to continue to be leaders in the recognition and development of the rights of indigenous peoples. It is therefore expected

that a Nordic Sami Convention will represent an historic step forward in the recognition of the rights of indigenous peoples, and that the Convention will uphold, ensure and strengthen existing international law norms for rights of indigenous peoples,

12. The expert group for the Nordic Sami Convention, which is expected to submit its recommendation in November 2005, has a composition and expertise that has generated high expectations for their draft Sami Convention.
13. It is expected that the Sami Parliaments will be given an opportunity to participate as equal partners in the intergovernmental negotiations on a final Convention text. It is an absolute requirement on the part of the Sami that a Convention text cannot be approved and ratified without the endorsement of the final text by the Sami Parliaments.
14. After the Nordic Sami Convention enters into force, Finland, Norway and Sweden are also requested to try to include Russia in binding and convention-based cooperation on Sami conditions and rights.
15. The European Union's constitutional recognition of the Sami as an indigenous people in Europe obliges the Union to implement special measures to protect the rights of the Sami, including in relation to industries, culture and language.
16. Nordic states that are members of the European Union are requested, on the basis of the Union's constitution, and Protocol 3 on the Sami people, to initiate a process with the objective of developing a separate Union policy for indigenous people.
17. The latest developments within the European Union strengthen the need for Sami participation and representation in relation to the Union's institutions and bodies.
18. Finland, Russia and Sweden are requested to quickly ratify ILO Convention no. 169 concerning Indigenous and Tribal Peoples in Independent Countries, while Norway is encouraged to fully implement its obligations pursuant to the ILO Convention.
19. The ongoing process in Norway of enacting an Act on Finnmark must find its solution within indisputable international law norms. Sami property and possession rights in Finnmark County must be identified and recognized and the Sami must have sufficient influence in resource management.
20. Questions must be raised about the Finnish State's ownership rights to forest areas to which the Sami have historically had ownership rights. The use of Sami areas by others represents a threat to traditional Sami industries, particularly reindeer herding. Furthermore, their use by others represents a threat to Sami culture, language, traditional way of living, and, ultimately, Sami identity. In cooperation with the Sami, the government of Finland must work to resolve the

land rights issue. The Sami must be given the right of self-determination over their own natural resources. Before the land rights issue is resolved, Finland must refrain from taking initiatives that may negatively impact natural resources.

21. Access to traditional hunting, fishing and reindeer grazing areas is a precondition for preserving and developing Sami culture. It is unacceptable that Swedish courts practice rules for circumstantiation designed for Swedish non-nomadic use of land. The result is that Sami parties, under current law, in practice lack the opportunity to win court cases on rights to land and water they use and the land on which they paid taxes. Moreover, the Sami must be provided the necessary resources so that they have the opportunity to test their rights to land and water in the courts.
22. Saltwater fishing and combinations of industries along the coast are a key part of Sami culture. It is a fact that Sami fishing is currently threatened and that an increasing number of Sami fishermen have lost and are steadily losing their right to fish. The national states are obliged to provide clear legal provisions on the Sami people's right to participate in saltwater fishing and other utilization of marine resources, and the right to participate in the management of these resources. These must reflect the need that Sami culture as a whole has for special means to be able to survive as a separate culture.
23. It is regarded as crucial for the UN negotiations on a Universal Declaration on the Rights of Indigenous Peoples that the Nordic countries, together with other like-minded states and indigenous people, carry on the work of arriving at a compromise text. It is expected that the national states contribute to the Sami Parliaments' fulfilment of their obligations to the Sami people by facilitating the Sami Parliaments' continued active and effective participation in UN negotiations on an Indigenous Peoples' Declaration.
24. It is expected that the Sami Parliaments, Sami organizations and the respective national states continue to actively participate in the UN Permanent Forum on Indigenous Issues, with the goal of promoting and protecting the rights of indigenous peoples. The national states are also requested to contribute necessary economic means to implement the second UN International Decade for the World's Indigenous People.
25. It is vital for transboundary cooperation on Sami policy that the Sami Parliamentary Council be given a predictable and permanent financial basis for its activities. In cooperation with the Sami Parliaments and Sami Parliamentary Council, the national states are requested to find permanent financial solutions for the activities.
26. It is also regarded as very important for transboundary cooperation on Sami policy that the Sami Parliaments' elected representatives be given the opportunity to meet to discuss transboundary issues and challenges, and it is hereby decided that a conference for Sami parliamentarians (Sami

Parliamentarian Conference) be held every three years. The Sami Parliamentary Council is responsible for organising and holding such conferences for gathering the Sami Parliaments' elected representatives.

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