

To the Pre-sessions team, OHCHR

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**STATEMENT OF THE SAAMI COUNCIL
AT THE PRE-SESSION OF THE UPR OF NORWAY
Thursday, 4 April 2019, Palais des Nations, Geneva
By Magne Ove Varsi, Head of Human Rights Unit, Saami Council**

Buorre beaivvi ja giitu! (Good morning and thank you.)

Ms./Mr. Chairperson, thank you for giving me the opportunity to speak on behalf of the Saami Council, which is an umbrella organization with the major national Sami associations in the four countries where the Sami reside.

The Sami people has inhabited its traditional territory - Sápmi - covering what today constitute the northern parts of Finland, Norway, Sweden and the Kola Peninsula in the Russian Federation – since well before the present-day states drew their borders across the Sami territory. The Sami have their own culture, livelihoods and language, distinct from the cultures of the non-Sami population. The Sami people is hence indigenous to Norway, the state with the largest group of Sami.

Ms./Mr. Chairperson, in Norway, a relatively large segment of the Sami population is the so-called coastal Sami population. It lives along the fjords in northern Norway. The coastal Sami's main traditional livelihood is salt water fishing, although agriculture also plays an important role in these Sami areas.

The requirement of the coastal Sami people to establish their historical rights to sea fishing through national legislation that is in line with international law, has been high on the agenda of Sami organizations for many decades. It is also an issue raised repeatedly by the Sami Parliament since its entry into operation in 1989. The right of

the coastal Sami people to fishing in the sea, based on their historical rights and international law, is vitally important for the survival of coastal Sami culture in Norway.

In 2016, Norway's National Institution for Human Rights (NHRI) recommended that the rights of the coastal Sami people to fishing, as a part of their cultural practice and based on their historical fishing, should be statutory. The same applies to the right to a positive differential treatment in the allocation of quotas and the equivalent, if this is necessary for the protection of the coastal Sami people's material cultural foundation.

Against this backdrop, it is disappointing that the Norwegian authorities have closed the case and it is urgent that the Norwegian authorities take concrete steps to legislate the rights of the coastal Sami to fishing in saltwater based on historical rights and international law.

The Saami Council would like to propose a *draft recommendation for consideration* as follows:

The State party reviews the Norwegian fisheries legislation and ensures that it fully recognizes the Sami fishing rights in saltwater based on immemorial usage and local customs.

Ms./Mr. Chairperson, Deatnu (Tana River) today constitutes a state border between Norway and Finland, and the river, along with its many tributaries, has sustained a significant Sami settlement in the Deatnu Valley and has provided livelihood for the local population since time immemorial. Salmon fishing is considered the lifeblood of Sami culture in the area.

The salmon fishing in Deatnu has been regulated through bilateral agreements since 1873. In 2016, the governments of Norway and Finland signed a new bilateral agreement on fishing in the Deatnu (Tana) Watercourse. Sami and other stakeholders have strongly criticized the dealings for procedural and material deficiencies. However, in 2017 the Norwegian Parliament (Storting) and the Finnish Parliament (Eduskunta) ratified the agreement on fishing in the Deatnu Watercourse and associated regulations. The Tana Agreement was passed through against unanimous

protests from the Sami Parliaments in both states, as well as the Tana Watercourse Fisheries Administration, all the affected municipalities, and all rights organizations.

Through the new Tana Agreement, a new group of rights holders in the Deatnu Watercourse was established, namely southern Finnish holiday homeowners who were granted new rights at the expense of the Sami rights holders. This was done despite that the European Court of Human Rights has, in the *Taivalo v. Finland* case in 2006, concluded that Finnish cabin owners do not have fishing rights in line with the local population.

According to the wording of the Tana Act, the law is to be applied in accordance with international law on indigenous peoples. The Saami Council believes that it is vitally important for the survival of the river Sami culture that the Tana Agreement is renegotiated. The Agreement must safeguard the rights of the local population in the river basin, so that the agreement is perceived as legitimate and fair by the traditional rights holders (ILO Convention no. 169, articles 14 and 15 (1) cf. Articles 6, 23 and 35).

The Saami Council would like to propose a *draft recommendation for consideration* as follows:

The State party takes swift steps to renegotiate the Tana Agreement with Finland with the aim at safeguarding the rights of the local population in the river basin so that the Agreement is perceived as legitimate and fair by the traditional rights holders.

Giiitu fuopmášumis! Thank you for your attention!