



**SÁMIRÁÐÐI**  
SAMERÁDET  
SAAMELAISNEUVOSTO  
SÁMI COUNCIL  
COIY3 CAAMOB

Date 13 July 2015

Dnr.

Ark.

To the Secretariat of the Committee on the Elimination of Racial Discrimination

Att.:

Submitted via email: ghabtom@ohchr.org

## **TO THE COMMITTEE FOR THE ELIMINATION OF RACIAL DISCRIMINATION**

### **Observations by the Saami Council with regard to Norway's 21<sup>th</sup>-22<sup>st</sup> Periodic Reports to the Committee for the Elimination of all forms of Racial Discrimination (hereinafter the "Committee")**

#### **A. Briefly about the Sami people and the Saami Council**

1. Traditionally, the Sami people enjoyed a nomadic lifestyle, with hunting, fishing and gathering as main livelihoods. Later, several Sami communities took up semi-nomadic reindeer herding, while other complimented their traditional livelihoods with farming. Yet others maintained and developed fishing as their main livelihood. Still today, reindeer herding remains the most important of the Sami traditional livelihoods, and the most cardinal among the Sami cultural denominators. The Sami people inhabited, and had established its own society, in its traditional territory - covering what are today the northern parts of Finland, Norway, Sweden as well as the Kola Peninsula in the Russian Federation - well before present day states drew their borders across the Sami territory. The Sami people is hence indigenous to its traditional territory, something Norway also recognizes. And at last but not least, as the State party also states in their report draft: Norwegian policy towards the Sami is based on the recognition that the state of Norway was established on the territory of two peoples, the Norwegians and the Sami, and that both these peoples have the same right to develop their culture and language.

2. The Saami Council, established in 1953, is a non-governmental organization with consultative status with the Economic and Social Council and the International Labour Organization. It is also a Permanent Participant to the Arctic Council.

#### **A. Sami language and education**

3. The requirements for mother-tongue teaching are often not met by schools. Parents often experience that the schools have forgotten to set up or adapt Sami mother-tongue teaching to Sami pupils, and have to struggle to secure that the schools fulfill their requirements. This situation tends to repeat year after year for the in the same school. The schools also often lack materials and staffing resources to fulfill the requirements. For effective learning of Sami mother-tongue children and youth need environments where they can practice the Sami language.

- a. **The Committee recommends the State party to monitor that Sami mother-tongue teaching requirements are fulfilled and engage effective measures to fulfill requirements where monitoring reveals that those are not met.**

## **B. Sami land rights and reindeer husbandry**

3. In Norway, approximately 240.000 semi-domesticated reindeer are currently herded. Only people of Sami ethnicity may own reindeer in Norway, with the exception of a few concession areas in southern parts of the country. There are a total of 997 siida units, where 725 of these are in Finnmark, the northern most county in Norway.<sup>1</sup>

4. Norway has ratified most of the international conventions that provide legal protection for indigenous people, and unlike the other Scandinavian countries, have also ratified ILO Convention No.169 which undoubtedly safeguards traditional livelihoods such as reindeer husbandry, by securing that *the rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities.*<sup>2</sup> In spite of this, the norwegian national legislation far from recognizes the base level of Sami land rights contained in the international legal framework. There is therefore a wide gap between the provisions of the intention behind the incorporation and the actual securing of Saami reindeer herders grazing lands, which constitutes an inadequate legal protection that hinders and hampers Saami reindeer herders' quality of life greatly. The legislation regarding Sami land rights is not sufficient to comply with the right to property enshrined in Article 5 (d) (v) of the International Convention on the Elimination of all forms of Racial Discrimination (hereinafter the "Convention").

5. In today's modernized world, the reindeer herders as practitioners of a nomadic tradition-based industry are left entirely to themselves to continually fight against both modern community and industrialized development, which competes with adopting their traditional grazing lands. They are labeled as brake pads for community development, while trying to defend their pastures that provide the foundation for their own livelihood, ethnical identity and culture. With few financial resources they try still putting all their effort to defend the pastures, but lose most of the land encroachment cases against the major societal interests that are related to development projects. Reindeer grazing areas in northern Norway are currently under strong pressure with the increasing interest in natural resources and industrial development in the north following the High North efforts in Arctic regions. It is highly reprehensible that the government relate so passively in regard to clarifying the situation concerning those concerned people who due to the strong political pressure, fear that they will get their livelihoods and traditional homeland destroyed, as a result of the government's comprehensive industrial investment in the Saami areas in the north.

6. The main challenges in relation to reindeer herders in Norway are incomplete implementation and respect for indigenous peoples land and resource rights, infringement of the herders' fundamental civil rights due to private property and unwillingness to recognize reindeer husbandry as a legitimate part of the today's modern society.

7. The land and resources in Finnmark are owned and administrated by The Finnmark Estate (Finnmarkseiendommen) which is an independent statutory that operates pursuant to the Finnmark Act.<sup>3</sup> The Sámediggi appoints three of the six directors. The Finnmark Act requires the Finnmark Estate to consider changes in the use of uncultivated land and to adopt decisions on such changes in use pursuant to § 10 cf § 4 of the Finnmark Act. A minority can call for an item to be put before the Sámediggi. The Finnmark Estate is given permission to adopt decisions regarding changes in the use of uncultivated land, and they are currently processing applications for several major land encroachment cases in Finnmark County.<sup>4</sup>

8. The Finnmark Act<sup>5</sup> states that the population in Finnmark, collectively and individually through customary use of land and water, have earned rights to land in Finnmark County. The Act established the Finnmark Commission, which was appointed to study rights of customary use and ownership of the land that the Finnmark

---

<sup>1</sup> Reindrifftsforvaltningen, 2014

<sup>2</sup> ILO 169 art 14

<sup>3</sup> LOV-2005-06-17-85

<sup>4</sup> <http://www.fefo.no/no/Sider/start.aspx>

<sup>5</sup> The Finnmark Act was adopted by the Stortinget on 17 June 2005

Estate acquired when the Finnmark Act entered into force. The Finnmark Act also established a court of special jurisdiction, the Uncultivated Land Tribunal for Finnmark County, which was created in 2014 to deal with disputes that arise after the Finnmark Commission has studied the ownership rights of a land field. The deadline for bringing disputes before the Uncultivated Land Tribunal for Finnmark County is one year and six months after the Finnmark Commission's report is submitted. The Act stipulates that the state will cover the necessary expenses for anyone who wants to go to trial in order to claim rights in Finnmark.<sup>6</sup> The money will be taken from the Uncultivated Land Tribunals own budget, which is currently empty. According to the court leader, the entire process of identifying rights, proceeds with slow speed due to lack of money to litigations.<sup>7</sup> The Finnmark Commission also suffer reduced budget and has postponed activities on mapping of the land rights in Finnmark, because of financial difficulties. This situation represents a threat to the Finnmark populations` right to equal treatment before the tribunals according to Article 5 (a) of the Convention.

11. It should be noted that Sámi people in the middle/southern part of Norway, has not been even mentioned by the State party in their report draft. Sami reindeer husbandry has traditionally existed in the southern parts as well, and they have naturally acquired equal rights to their reindeer pastures, as the Sami in the north.

12. Reindeer herders all over Norway face increasing pressure from infrastructure development on grazing land. They spend a considerable amount of time reviewing and commenting on planned infrastructure development, affecting their pastures. Many have hired professional lawyers to assist them in the struggle for protecting their traditional grazing lands from encroachment from mining, power lines, windmill parks, roads, hydro power plants and leisure cabins. It is no doubt there is deep concern for reindeer herders with the consistent pop up of new and existing plans.

13. In 2013 the Reindeer Husbandry Act was revised, and entailed that Sámi participation in the public administration of reindeer husbandry has been discontinued in large, absolutely key areas of the Reindeer Husbandry administration, including the safeguarding of land and economic subsistence. Six regional reindeer husbandry boards with members appointed by the Sámediggi were discontinued as their authority has been placed under direct State control through the County Governor.<sup>8</sup> One of the main tasks that were removed was the opposition right regarding changes in the use of uncultivated land. The Saami Council finds it difficult to see that this commensurate with the right to property enshrined in Article 5 (d) (v), or on exercising control of their own economic, cultural and social development enshrined in 5 (e) of the Convention. Neither is this in line with ILO C169, Articles 7 and 15, on exercising control of their own economic, social and cultural development and participation in the management and use of natural resources.

14. The Minerals Act of 2009<sup>9</sup> has engendered considerable unpredictability as regards safeguarding Sámi rights under ILO C169, Articles 14 and 15 and UN Declaration on the Rights of Indigenous Peoples (UNDRIP) Article 26. The minerals Act does not take sufficient account of the Saami reindeer herding communities established property rights to their traditional territories through traditional use. This has led to great concern and worry in Sami reindeer herding areas. There is concern that the parties will fail to recognize the Sami property rights, including the general rule that states must obtain indigenous peoples consent before implementing plans to extract natural resources in their traditional territories, without a properly referring in the mineral Act.

15. In March 2013, the government presented its Strategy for the Mineral Industry based on the Minerals Act, which sets out the clear aim to increase profitability and growth in the Norwegian mineral industry in the northern part of Norway.<sup>10</sup> During the period 2010-2014 the government allocated 100 million kroner (approximately 12 million euro) for mapping mineral resources in northern Norway. Meanwhile the reindeer herding districts that are greatly affected by those activities did never get allocated any money to defend their interests under these circumstances. The mineral strategy says however that the mineral activities will be operated in coexistence 'based on good dialogue and a shared understanding and balanced coexistence with reindeer husbandry and other Sámi interests', according to the

---

<sup>6</sup> LOV-2005-06-17-85 § 43

<sup>7</sup> <http://www.nrk.no/finnmark/vitnene-kan-do-for-saken-kommer-for-retten-1.12388494>

<sup>8</sup> Report No. 9 (2011-2012) to the Storting: "The Government has decided that there will be extensive changes made in the organisation of the public administration of reindeer husbandry. The aim is to simplify the administrative structure by discontinuing the regional boards. In addition, there will be an administrative transfer of the regional offices to the five northernmost county governors".

<sup>9</sup> LOV-2009-06-19-101

<sup>10</sup> [http://www.regjeringen.no/pages/38262123/strategyforthemineralindustry\\_2013.pdf](http://www.regjeringen.no/pages/38262123/strategyforthemineralindustry_2013.pdf)

Ministry of Trade and Industry. In other words, the plan will be carried out in the traditional lands of Sami people - with or without them offering their free, prior and informed consent to such activities - as the plan opens for no other option for the reindeer husbandry but to accept coexistence.

16. Nussir ASA case can serve as an example on how the reindeer herders have been ignored in the processes concerning their livelihood: In March 2014, The Ministry of Local Government and Modernisation (KMD) approved<sup>11</sup> - with the support of (LMD) - the plan for copper extraction within Fiettar traditional reindeer pasture in Kvalsund Municipality in Finnmark, as the first extraction plan to be approved after the adoption of the mineral strategy. EIA for reindeer husbandry shows that the mine will have major negative consequences for reindeer herding, in that they will lose summer grazing land, calving land and migration routes, and it may reduce the number of livelihoods of herders.<sup>12</sup> Reindeer herders have in vain objected to the plans, but their withhold of consent to such activities in their traditional lands have not been taken into account during the processes.

17. The announcement recognized that the planned activities would occupy and impact key grazing areas and migration routes, but the Ministry of Local Government and Regional Development, argued that the benefits of economic growth and development in Kvalsund, outweigh those impacts. Pursuant to the Planning and Building Act § 12-13 second paragraph, the plan was therefore approved by the Ministry of Local Government and Regional Development. In the conclusion they however added that it is assumed that the developer in consultation with the reindeer herders reaches mitigation measures that lay the foundation for continuation of reindeer husbandry in the area.<sup>13</sup> This must happen before the measure is implemented. The mining company and the reindeer herding districts (Fiettar and Fálá reindeer herding districts) conducted negotiations on mitigation measures in autumn 2014, but did not come to any agreement on remedial measures. After this, there is still an open question whether the government takes into account the reindeer husbandry rights in the area, but the administrative process has continued on. So far in the case - July 2015 - the reindeer herders in Fiettar and Fálá reindeer herding districts have not been consulted by any of the governmental institutions who have made decisions on any of the stages in the case.<sup>14</sup>

18. Given Norway's failure to fully fulfill its obligations in regard to the Sami peoples' rights to land and resources in their traditional territories, the Sami Council is concerned that without the land rights being satisfactorily settled within the national legislation, that various projects and activities such as mining, windmills and leisure cabins etc., continue to be carried out in the reindeer herding areas, without the Sami communities being given their right to offer or withhold their consent before such activities enter their territories. We would respectfully like to draw the Committee's attention to the Concluding Observations of the gradually increasing volume of cases, where it has recommended the State party to halt the project until the rights are adequately implemented.<sup>15</sup>

*Proposed draft recommendations for the Committee's consideration*

**b. The Committee recommends that the State party revise the Finnmark Act and the Mineral Act, to ensure that the rights of Sami people in their traditional land are consistent with indigenous peoples land rights, including the right to free prior and informed consent**

**c. The committee recommends that the State party take appropriate measures to protect the Sami traditional livelihood of reindeer husbandry, by halting new establishments of industrial activities in all reindeer grazing areas, until the Sami land rights are adequately acknowledged within national legislation.**

**C. Governmental claim on reduction of number of reindeer**

20. After a decades-long process with failed attempts, Agriculture and Food (LMD) and the Reindeer Board (government appointed) - which are governmental management institutions for reindeer husbandry - in 2011 at last succeeded in deciding proportional reduction of the number of reindeer for siida units in the reindeer herding areas of

<sup>11</sup> <http://www.regjeringen.no/nb/dep/kmd/pressecenter/pressemeldinger/2014/Reguleringsplan-for-Nussir-og-Ulveryggen.html?id=753353>

<sup>12</sup> Nellemann, C., & Vistnes, I. (2011). Foreslått utbygging av Nussir gruver i reinbeitedistrikt 22 Fiettar - konsekvenser for reindriften i 22 Fiettar og 20 Fálá (Vol. 2011:2): Norut Alta – Áltá.

<sup>13</sup> <http://www.regjeringen.no/nb/dep/kmd/pressecenter/pressemeldinger/2014/Reguleringsplan-for-Nussir-og-Ulveryggen.html?id=753353>

<sup>14</sup> <http://www.nrk.no/sapmi/folger-ikke-ilo-konvensjonens-krav-1.11965704>

<sup>15</sup> CERD/C/CAN/CO/19-20, 9 March 2012, para 20 (a)  
CERD/C/FIN/CO/20-22

Finnmark.<sup>16</sup> All siida units that were not within the specific stipulated numbers by 31 March 2015, was imposed a coercive fine submitted by the Reindeer Board.<sup>17</sup> The process will be initiated after the county governor finishes processing of the submitted reports on reindeer (melding om reindrift), about mid-August 2015. It was announced on 9 July 2015 that the Reindeer Board has determined coercive rate of NOK 2, - per day per reindeer, for the number of reindeer above the stipulated number decided for the siida unit.<sup>18</sup> This rate will be used in connection with the sanctioning of all siida units who have failed to follow the Reindeer Boards imposed reduction plan, for the decided number of reindeer. In one year the rate will amount NOK 730 per reindeer. Many of the herders have been imposed to reduce several hundred of reindeers and they risk now to get a coercive rate for several hundreds of thousands NOK per year.<sup>19</sup> Understandably there is great turmoil and despair in reindeer herding community. Some have engaged lawyers to look into the matter, and over 600 herders joined forces and established the foundation "Zorro" which is in the process of preparing legal proceedings to get the decisions annulled by the courts.<sup>20</sup> Currently, the Foundation does not have enough money to sue the State.

21. The herders were, however, given an opportunity to make internal reduction plans by themselves within a given deadline set by the Reindeer Board, according to the Reindeer herding Act.<sup>21</sup> Most of the reindeer districts did not produce those plans and only a few did, but none of the plans that were made, were approved by the authorities. This resulted in that the authorities themselves had to make the plans on behalf of the majority of herders in Finnmark, according to the Reindeer Act § 60.

22. Reindeer are private property of reindeer-herders, and thereby protected by general rules on civil rights and possession of property rights, as well as reindeer husbandry is covered by legislation that protects indigenous livelihood. On this basis, Article 5 (d) (v) (e) (vi) and Article 6 of the Convention apply to this case.

23. The governmental reduction decision is justified with arguments of necessity for the reduction due to some research showing that the entire reindeer grazing area in Finnmark is overgrazed, which they claim leads to a the "tragedy of the commons"<sup>22</sup> theme, in which some researchers state that the open access grazing encourages overgrazing. This, the authorities claims to legitimate the reduction in the name of an ecologically sustainable reindeer husbandry, increase in efficiency of meat production and safeguarding of the Sámi traditional livelihood for the futhur generations.<sup>23</sup> To this Saami Council will point out that the research the state refers to, is highly disputed as other researchers have denied the "tragedy" model, suggesting that the real culprit since the 1970s has been governmental reindeer policy, most especially the state-led administration modernization of reindeer husbandry that was intensified in 1976 with the introduction of public investments to maximize meat production and herders' income.<sup>24</sup> Their central concept is that with these policies, the state has taken over the herders responsibility and self government, leaving herders external to the central issues of their livelihoods.<sup>25</sup> Several of the factors that have been identified as influencing the herd numbers includes mechanization of herding practices, weather and climatic depending grazing, supplemental feeding, calf harvesting, anti-parasite treatments, market disruptions (such as the Chernobyl incident). There are also research results showing that the pastures are not overgrazed, but that the climate and landscape are always in change and that there.<sup>26</sup>

25. Which research results that have the most credibility, is still not the deciding issue here. What matters is that the government decisions on coercion imposed reduction of reindeer are based on general considerations about the need for protection of Finnmark reindeer grazing areas. Reindeer grazing areas in Finnmark belongs to reindeer herders in Finnmark, and it is thus not sufficient legitimacy behind the requirement to call it social interest to

---

<sup>16</sup> Claims of overgrazing in Finnmark has been promoted repeatedly over time, for instance there's evidence from 1857 in 1959 and 1976. By 1974 the number of reindeer very low after a series of bad years, but even then it was submitted a claim for the reduction of reindeer in Finnmark.

<sup>17</sup> <http://www.reindrift.no/?id=6677&subid=0>

<sup>18</sup> [http://www.reindrift.no/asset/6843/1/6843\\_1.pdf](http://www.reindrift.no/asset/6843/1/6843_1.pdf)

<sup>19</sup> <http://www.nrk.no/sapmi/truer-med-millionbot-for-a-fa-reineiere-til-a-slakte-1.12053204>

<sup>20</sup> <http://www.nrk.no/sapmi/zorrostiftelsen---skal-hjelpe-de-svake-1.12159576>

<sup>21</sup> LOV-2007-06-15-40 §§ 57- 60

<sup>22</sup> Hardin, Garrett. (1968). The tragedy of the commons. *Science*, 162, 1243-1248

<sup>23</sup> [http://www.reindrift.no/asset/6386/1/6386\\_1.docx](http://www.reindrift.no/asset/6386/1/6386_1.docx)

<sup>24</sup> Hausner, V. H., Fauchald, P., Tveraa, T., Pedersen, E., Jernsletten, J. L., Ulvevadet, B., Brathen, K. A. (2011). The Ghost of Development Past: the Impact of Economic Security Policies on Saami Pastoral Ecosystems. *Ecology and Society*, 16(3). doi: 10.5751/es-04193-160304

<sup>25</sup> <http://harvardpolitics.com/world/arctics-human-voice/>,

<sup>26</sup> [http://www.grida.no/files/publications/reindeer-husbandry-barents\\_lores.pdf](http://www.grida.no/files/publications/reindeer-husbandry-barents_lores.pdf)

implement forcible reaction - with the damage and suffering it entails - the herders who are themselves users and owners of the affected pastures and which according to Norway's international obligations (eg. ILO convention nr 169) recognize indigenous peoples' right to their ancestral lands. There is therefore no legitimate social interest in inflicting losses and suffering for reindeer herders, who rule over the lands and the privately owned reindeer that the State in this case claims to protect. This conclusion is also in line with the ILO Convention nr 169 and UN Declaration on the Rights of Indigenous Peoples Article 26, that both obligate the Norwegian government.

26. To protect social interests at the expense of private property, it is nevertheless undisputed requirement that the aggrieved private party should be compensated.<sup>27</sup> Even if the conditions on compensation were met, it would be a question of whether the social interests were legitimate. The case comparable with Rt. 2008 side 1747,<sup>28</sup> where it was a nature reserve which amounted the social interest, the difference is hence that a nature reserve is a interest of many different right holders, while in this case the sami land right is a one collective right, with only one rightholder. In this case, neither the conditions for social interest nor the adequate compensation, are by close being met. The private party has here in addition to be inflicted loss, also been imposed fine. It is therefore a criminal sanction against the private party that has taken place. Reindeer herders have therefore been imposed a criminal sanction on the basis of owning their own private property - reindeer - which according to the Norwegian Reindeer Husbandry Act is been criminalized to own.

27. Saami Council will strongly argue that there is no existence of any legal basis for imposing criminal sanctions without there being evidence that it is a criminal offense to possess the given number of reindeer. It is further the State's burden of proof to prove that owning too much reindeer, is punishment justified - and not reindeer owner's burden to prove that they are innocent. Without uncontested factual basis for the restrictive measure, it is to be regarded as disproportionate interference in the private ownership, and thus in contravention of Article 5 (d) (v) of the Convention.

28. Mattilsynet ("Food Administration") has documented some reindeer of poor quality - delivered to slaughterhouses in autumn 2014 - this has been frequently raised in the media and been used as an argument for there being too many reindeers in Finnmark. But even Mattilsynet themselves admitted through media that this is not the overall picture for reindeer husbandry in Finnmark, as 2/3 of the reindeer delivered to the slaughterhouses in 2014 were of excellent quality.

29. By all means, Sami Council thus acknowledges that not all the reindeer, or grazing land for that sake, are of the high peak quality at any given time, but as long as herders are both the users and owners themselves, then there is no legally valid reason to not allow reindeer herders to determine for them self what is best for their future in terms of sustainability of culture, traditions, economy and ecology in the reindeer husbandry - in regard of fully participating in the decision making of the practical and administratively sides of their work- and everyday life, according to both ILO 169 convention and UNDRIP.

30. While reindeer herders emphasize land encroachment by competing land-use interests such as industrial activities as the largest threat to pastures and a sustainable development of reindeer husbandry, authorities stress the need for reducing the number of reindeer as the most important measure to conserve the reindeer pastures. Herders point to the paradox in that the number of reindeer in Finnmark has to go down in order to preserve the pastures, while at the same time the authorities are encouraging mineral industry and other industrial activities in the middle of their grazing land. At the same time as the State is in a process of enforcing reindeer reductions to conserve the pastures of Finnmark, the same State promotes the same lands as a potential industry treasury with plenty of natural resources as oil, gas, wind and minerals.<sup>29</sup> As an illustration: LMD has decided that Fiettar reindeer district must reduce their reindeer herd with 45% per cent by 2015, while KMD at the same time has accepted both the entry of new additional kV 420 power line across their grazing pasture and Norway's greatest mining activities that will result in them losing land for calving.

31. Reindeer herders who refuse to comply with the state's decision on reduction plan will in addition to be fined, not be eligible for funding to fixed rates on grants and they will not receive compensation for the undocumented

---

<sup>27</sup> In regard to both Norwegian Constitution and EHCR

<sup>28</sup> Rt. 2008-1747 (Hopen)

<sup>29</sup> [http://www.regjeringen.no/en/dep/ud/campaigns/the-high-north/naeringsutvikling\\_verdiskapning/new\\_growth.html?id=732073](http://www.regjeringen.no/en/dep/ud/campaigns/the-high-north/naeringsutvikling_verdiskapning/new_growth.html?id=732073)  
,  
[https://www.regjeringen.no/no/aktuelt/arktis\\_norge/id2422677/](https://www.regjeringen.no/no/aktuelt/arktis_norge/id2422677/)

losses for predator compensation. It will sting not to comply with the requirements coming from the government, said Agriculture Minister Sylvia Listhaug, referring to herders who choose to ignore the orders of reducing the number of reindeer.<sup>30</sup> Sami Council is of the opinion that this further indicates that the sanction for reindeer herders is neither reasonable nor proportional with the alleged crime.

*Proposed draft recommendations for the Committee's consideration*

- d. **The Committee recommends that the State party withdraws enforcement measures related to reducing the number of reindeer, including sanctions with fines and taxes aimed at reindeer herders.**
- e. **The Committee recommends the State party to assure remedies, adequate reparation or satisfaction for any damage suffered as a result of such discrimination, cf. Article 6 of the Convention.**
- f. **The Committee recommends the State party to revise the Reindeer herding Act, to enhance the decision making powers for the Sami reindeer herders with regard to:**
1. **Peaceful enjoyment of his possessions (P1-1) cf. enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination (ILO art 3) and Article 5 (d) (v) (e) (vi) of the Convention.**
  2. **Right to participate in the use, management and conservation of natural resources pertaining to their lands (ILO art 15).**
  3. **Right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programs for national and regional development which may affect them directly (ILO art 7).**
  4. **In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws (ILO art 8).**

Yours Sincerely,  
Aile Javo  
President of the Saami Council

For questions and further information, please contact Ragnhild Marit Sara, Legal adviser of the Saami Council's Human Rights Unit, +47 917 917 28, or [ragnhildsara@gmail.com](mailto:ragnhildsara@gmail.com)

---

<sup>30</sup> <http://www.nrk.no/sapmi/flytter-heller-inn-i-lavvo-enn-a-betale-bot-1.12055850>