

Sami Conference

Rovaniemi, Finland 15-16 April 2010

Opening Statement of the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, Professor James Anaya

15 April 2010

Thank you for the opportunity to participate in this conference on human rights issues affecting the Sami people throughout the Nordic region. I would especially like to thank the organizers of this conference, the Sami Parliaments of Norway, Sweden, and Finland, as well as the representatives of the Nordic governments present. I know that many of you have traveled long distances to attend this conference. It is an honor to be here among such a distinguished group, including many friends and colleagues whom I have known for many years.

Looking around at this group, I cannot help but recall the early days of our work at the United Nations and internationally, and I note with a good deal of satisfaction the progress that has been made in advancing the human rights of indigenous peoples at the global level. The Sami people and the Nordic countries took a leading role in developing international standards and programs concerning indigenous peoples, including in the drafting of the United Nations Declaration on the rights of indigenous peoples, which was finally adopted by the UN General Assembly in September 2007. It is important to note as well, in this connection, that Norway was the first country to ratify International Labour Organization Convention 169 on Indigenous and Tribal Peoples, setting an important example for other states to follow. These efforts have played a crucial role in promoting and protecting the rights of indigenous peoples, while contributing to the development of a common understanding about the minimum content of these rights.

Among the major international developments of the last several years, in addition to the adoption of the Declaration and ILO Convention 169, is the establishment of the three United Nations mechanisms that are specifically focused on indigenous peoples' concerns. These, of course, are the Permanent Forum on Indigenous Issues, which meets for its 9th session in New York next week; the Expert Mechanism on the Rights of Indigenous Peoples, which is entering its third year of operation year by examining the issue of the right of indigenous to participate in decisions affecting them; and the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, which is the position that I am honored to currently hold.

Back in 2001, the Commission on Human Rights first established the mandate of the Special Rapporteur on indigenous peoples with the authority to “gather, request, receive and exchange information and communications from all relevant sources” concerning human rights violations against “indigenous people themselves and their communities and organizations”, as well as to “formulate recommendations and proposals ... to prevent and remedy” such violations. This mandate was extended by the Commission on Human Rights in 2004 and by the Human Rights Council in 2007. In doing so, the Human Rights Council refined the mandate to promote collaboration between the Special Rapporteur and other United Nations agencies, states, indigenous peoples and non-governmental organizations, to eradicate barriers to the enjoyment of human rights by indigenous peoples, and to identify best practices. The Council furthermore called upon the Special Rapporteur to promote application of the United Nations Declaration on the rights of indigenous peoples.

This conference represents an important part my work as Special Rapporteur. Since assuming my mandate in May 2008, I have carried out visits to several countries to assess the

situations of indigenous peoples either on a countrywide basis or in regard to particular cases of alleged rights violations. My reports on these country situations include conclusions and recommendations aimed at strengthening good practices, identifying areas of concern, promoting corrective measures where indigenous peoples rights are being violated or are not adequately protected, and in some cases following up on the recommendations of my predecessor, the distinguished Rodolfo Stavenhagen. Since assuming the mandate of Special Rapporteur in 2008, I have visited Ecuador, Brazil, Nepal, Panama, Chile, Botswana, Peru, Australia, Colombia and the Russian Federation.

However, this conference is the first time that a Special Rapporteur on indigenous peoples—either my predecessor or me—will examine issues concerning one indigenous people living across several State borders. This is a novel approach for looking at the human rights situation of a specific indigenous people, and I hope that it will be regarded as a good practice for addressing the human rights concerns of indigenous peoples that continue to live in their traditional territories spanning the formal boundaries of States.

I hope that the dialogue in which we engage during the next two days will assist the governments, as well as the Sami people, in meeting the challenges related to the domestic implementation of international human rights norms. I look forward to the opportunity to examine key issues affecting Sami people across the Sápmi region, including in relation to their right to self-determination; rights to land, water, and natural resources; and issues involving children and youth, including education and language. Following this visit, I will examine the information received and will draft a report with my observations and recommendations on the central issues, which I hope will help advance solutions to ongoing challenges, while building on relevant progress and good practices already achieved.

I hope that this conference and my eventual report will mark part of an ongoing process of cooperation and collaboration among the Nordic governments, the Sami people, and the United Nations system to advance the rights indigenous peoples. It is my hope to see that the Nordic governments and Sami people together will build upon the legacy of progressive advancement of indigenous rights that have occurred at the international level and within the Nordic countries, especially in recent years, in order to continue along the path of achieving justice for the Sami people, in the face of historical injustice, and setting important examples that can be looked upon by other States and indigenous peoples of the world. As I have interacted with governments in various parts of the world I have often referred to developments in the Nordic countries as good practices of steps toward implementing international standards of indigenous rights.

Still, the challenges ahead in Sapmi are no doubt significant, and to meet them requires serious commitment, political will, and hard work. This is evident from the many materials that the Sami parliaments and organizations have submitted to me in advance of this conference pointing to many problems that remain to be adequately addressed. I'd like to express my gratitude for these materials and to those who prepared them.

I am pleased to learn of the agreement in principle among the Nordic governments and the Sami Parliaments to restart negotiations on the proposed Nordic Sami Convention. This development provides encouragement for the efforts to meet the challenges a head, and I look forward to positive steps in the renewed negotiations.

Finally on a personal note, let me say that I look forward to the opportunity to deepen my friendships and with the Sami people and representatives of the Nordic governments, and to

develop new friendships and collaborative relationships, as we continue this work within the Sápmi region and internationally.

Once again, I would like to thank the organizers for arranging this important initiative. I am sure that our next days together will be very fruitful.