



**Sámediggi
Sámedigge
Saemiedigkie
Sametinget**

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To

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of human rights and fundamental freedoms of indigenous people
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Theme 1: Self-determination

The Sami People and the State

The Sami is the only recognized ethnic minority in Sweden that also is recognized as an indigenous people. The Sami are not immigrants, having lived in their settled areas long before the borders were drawn for today's nations. In 1977, the Swedish Riksdag recognized the Sami as an indigenous people in Sweden.

Inaugurated in 1993

In 1982, an official investigation was set up, called the Samerättsutredningen (the Sami Rights Investigation). The Investigation was completed in 1989, and one of the suggestions was to establish a popularly-elected Sami body in Sweden. At the time, Finland had already had a Sami institution since 1973, and Norway inaugurated their Sami Parliament in 1989. The Sami Parliament in Sweden was inaugurated in 1993. The 31 members of the Sami Parliament Plenary Assembly are appointed through general elections every fourth year. Almost 8000 of Sweden's presumed 20 000 Sami are now registered in the Sami Parliament electoral register.

Motive for the establishment

One motive for the establishment of the Sami Parliament was to recognize the status of the Sami as an indigenous people. If the Sami were to participate in the political life, there was a need for a representative body for the entire Sami population. The Sami as a relatively small minority in Sweden have difficulty reaching the regular democratic assemblies that are based on a majority democracy. As an example, there is no Sami representation in the Swedish Riksdag.

Parliament and Agency

The Sami Parliament is a blend of a popularly elected parliament and a State administrative

agency with limited and legally regulated tasks. There is therefore a built-in conflict between the Sami's desire for increased independency and the government's restrictiveness and agency regulation.

Double and conflicting rolls

The popularly elected Sami politicians have placed greater emphasis on the Sami Parliament as an independent popularly-elected body, than as a State administrative agency. This has been emphasized through the Parliament's political work. It is not completely without problems that the Sami Parliament, in its capacity as a State agency, shall carry out the politics and the decisions that are made by Riksdag and government, since the Sami Parliament's elected members have been elected through party programs and election promises that are often directly contrary to the politics expressed by the government and Riksdag. The double rolls have often resulted in the Sami Parliament politicians feeling paralyzed and limited by the regulation and grant steering that follows since the Sami Parliament is an agency, placed under the government.

Formally an agency

In the government's bill about the Sami Parliament from 1992, it's clearly stated that "despite the designation 'TING' (meaning 'Parliament' in the word Sameting), there is no question of it being a body for self-determination that shall act instead Riksdag or the municipal council, or in competition with these bodies." The Sami Parliament Act doesn't either give any room for any other interpretation. The Sami Parliament's formal status is stated in the first paragraph: "This Act gives provisions for a special agency– the Sami Parliament – with the primary task of monitoring issues concerning the Sami culture in Sweden. "

Popularly elected leadership

The right to vote to the Sami Parliament gives voters the right to elect a popularly elected leadership to the State administrative agency. The Plenary Assembly appoints a board, who in turn appoint the head of the agency. Constitutionally, there is no doubt that the Sami Parliament is a State administrative agency. But when one considers the purpose of this agency, the Sami Parliament still has a great deal of freedom in finding their working methods.

Special status

When it comes to State agencies, the norm is that the government has the right to stipulate directives for the operations, and the agency shall then act on the politics of the government. The government's directives are formed through a special ordinance or instruction. Through their organization and objective, the Sami Parliament has a special status. The tasks of the Sami Parliament are written in an act, the Sami Parliament Act, and not in a government ordinance. The basic idea itself with a popularly elected body is that the Sami can independently take care of certain own concerns.

Increased self-determination

According to the Swedish Government at the time, the decision to make the Sami Parliament a central administrative agency for reindeer husbandry was a step along the way to increase self-determination. Certain administrative tasks were therefore transferred from County Administrative Boards and the Ministry of Agriculture to the Sami Parliament as of 2007 through a bill on greater Sami influence. Still, the politicians of the Sami Parliament thought that the decision was not considered enough and therefore it was ethnically discriminating. The Sami Parliament in Sweden is for now not a body for Sami self-determination. But ever since the Parliament was established, the legal standing of the indigenous peoples has strengthened in international law. "It is now indisputable that the Sami have a right to cultural autonomy and this requires a certain degree of self-determination", was stated in the Sami Parliament Investigation in considering the roll of the Sami Parliament in Swedish democracy 2002.

Sami Parliaments comments:

Sweden have produced several numbers of statements in accordance with the rules of proceedings of the already ratified conventions. To be named is the fifth periodical report to the ESC-committee (S2006/1910/SK) where Sweden stated that according to article 1 in ICESCR & ICCPR the Sámi people has the right to self-determination as all peoples.

Sweden do in this statement recognise the sami peoples rights to self-determination, our right to take part in decision making processes when the decisions contains our territories and our affairs. Regarding the possibilities of a ratification of the ILO-konvention no 169 has Sweden stated that they have an "intention to adopt the ILO-konvention no 169 when its possible to do so". It is not mentioned any timelimits when any decision will be delivered from the Swedish representatives. '

The Swedish government and parliament has under a long time executed various numbers of public investigations. Despite of all the work that's been done, have not any final decisions regarding these investigations or any government bills come from the government. During the current term of office the government made it clear that the ambitions was that a bill would be produced before the end of the term but it will not be realised.

The Swedish government presented in december 15:th a 2009/10:80, a new Constitutional Law. During the investigation prior to the suggested changes the Sami Parliament presented a investigation, Sveriges grundlagsanpassning till gällande folkrätt (SáOU 2009:3) with suggestions on how the status and role of the Sami Parliament should be recognized in the constitutional law of Sweden. Unfortunately the Swedish government is not presenting any changes regarding the Sami Parliament.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted by the UN General Assembly, September 13th 2007 was a major step towards the recognition of the right of Indigenous Peoples. The declaration is not a legally binding document, but as such it gives states strong obligation. Sweden has so far done little to inform about the declaration generally and even less to analyse if Sweden full fills the demands and requirements in the declaration. The Sami Parliament comment is that it is not in accordance with the UNDRIP to organize the Samiparliament as a State administrative agency with limited and legally regulated tasks placed under the Swedish government.