

Human Rights Council

Eighteenth session

Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

A/HRC/18/XX/Add.Y

Distr.: General 12 January 2011

Original: English

Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya*

Addendum

The situation of the Sami people in the Sápmi region of Norway, Sweden and Finland

6. The traditional form of organization of Sami people is structured around the *siida*, a local organization that plays an important role in the distribution of lands, water, and natural resources. Within the *siida*, members had individual rights to resources but helped each other with the management of reindeer herds, hunting, and fishing. On the basis of these structures, the Sami developed sophisticated systems for land distribution, inheritance and dispute resolution among *siida*. Although historical developments have weakened the Sami people's traditional patterns of association, the *siida* system continues to be an important part of Sami society.

19. The Reindeer Husbandry Act of 1978, as amended in 2007, recognizes that Sami have an exclusive right to herd reindeer within pasture areas, but in order to benefit from the right Sami individuals must meet the required familial linkage to a reindeer-herding family. The right to reindeer husbandry is a usufruct right that applies over certain land areas regardless of the ownership of those lands. Importantly, the 2007 amendments sought to reestablish the *siida* as an important management tool for reindeer husbandry, thereby bringing Norwegian law more in conformity with traditional Sami land management. The Sami reindeer grazing area covers approximately 40 percent of Norway and provides pasture for more than 200,000 reindeer, and about 2,800 Sami take part in reindeer husbandry in Norway.

41. Along with effective means of consultation, an essential element of indigenous peoples' self-determination is their ability to exercise autonomy or self-government over their internal and local affairs, as affirmed by the Declaration on the Rights of Indigenous Peoples (art. 4). A common concern communicated to the Special Rapporteur was the limited ability of the Sami parliaments to act independently and to make autonomous decisions over matters that concern Sami people due to the statutory parameters of their powers and functions. The Special Rapporteur understands that increasing the Sami parliaments' autonomous decision-making power may require some significant legal and policy changes at the national level. Still, the Nordic States, in consultation and agreement with Sami parliaments, should consider delimiting spheres of responsibility in which the Sami parliaments could have increased or sole independent decision-making authority, especially in matters of major importance to the Sami. This should be done along with strengthening recognition of the traditional decision-making authority of local Sami institutions, like the *siidas*.