

Text of the Convention in English

NORDIC SAAMI CONVENTION

The Governments of Finland, Norway and Sweden,

affirming

- that the Saami is the indigenous people of the three countries,
- that the Saami is one people residing across national borders,
- that the Saami people has its own culture, its own society, its own history, its own traditions, its own language, its own livelihoods and its own visions of the future,
- that the three states have a national as well as an international responsibility to provide adequate conditions for the Saami culture and society,
- that the Saami people has the right of self-determination,
- that the Saami people's culture and society constitutes an enrichment to the countries' collected cultures and societies,
- that the Saami people has a particular need to develop its society across national borders,
- that lands and waters constitute the foundation for the Saami culture and that hence, the Saami must have access to such,
- and that, in determining the legal status of the Saami people, particular regard shall be paid to the fact that during the course of history the Saami have not been treated as a people of equal value, and have thus been subjected to injustice,

that take as a basis for their deliberations that the Saami parliaments in the three states

- want to build a better future for the life and culture of the Saami people,
- hold the vision that the national boundaries of the states shall not obstruct the community of the Saami people and Saami individuals,
- view a new Saami convention as a renewal and a development of Saami rights established through historical use of land that were codified in the Lapp Codicil of 1751,

- emphasize the importance of respecting the right of self-determination, that the Saami enjoy as a people,
- particularly emphasise that the Saami have rights to the land and water areas that constitutes the Saami people's historical homeland, as well as to natural resources in those,
- maintain that the traditional knowledge and traditional cultural expressions of the Saami people, integrated with the people's use of natural resources, constitutes a part of the Saami culture,
- hold that increased consideration shall be given to the role of Saami women as custodians of traditions in the Saami society, including when appointing representatives to public bodies,
- want that the Saami shall live as one people within the three states,
- emphasize the Saami people's aspiration, wish and right to take responsibility for the development of its own future
- and will assert the Saami people's rights and freedoms in accordance with international human rights law and other international law,

that have elaborated this convention in close cooperation with representatives of the Saami,

deeming it to be of particular importance that the Convention, before being ratified by the states, be approved by the three Saami parliaments

and that commit themselves to secure the future of the Saami people in accordance with this convention,

have agreed on the following Nordic Saami Convention.

Chapter I

The general rights of the Saami people

Article 1

The objective of the Convention

The objective of this Convention is to affirm and strengthen such rights of the Saami people that are necessary to secure and develop its language, its culture, its livelihoods and society, with the smallest possible interference of the national borders.

Article 2

The Saami as an indigenous people

The Saami people is the indigenous people of Finland, Norway and Sweden.

Article 3

The right of self-determination

As a people, the Saami has the right of self-determination in accordance with the rules and provisions of international law and of this Convention. In so far as it follows from these rules and provisions, the Saami people has the right to determine its own economic, social and cultural development and to dispose, to their own benefit, over its own natural resources.

Article 4

Persons to whom the Convention applies

The Convention applies to persons residing in Finland, Norway or Sweden that identify themselves as Saami and who

1. have Saami as their domestic language or have at least one parent or grandparent who has or has had Saami as his or her domestic language, or
2. have a right to pursue Saami reindeer husbandry in Norway or Sweden, or
3. fulfil the requirements to be eligible to vote in elections to the Saami parliament in Finland, Norway or Sweden, or
4. are children of a person referred to in 1, 2 or 3.

Article 5

The scope of the State's responsibility

The responsibilities of the state pursuant to this Convention apply to all state bodies at national, regional and local levels. Other public administrative bodies and public undertakings also have such responsibilities. The same applies to private legal entities when exercising public authority or performing other public duties.

In applying this Convention, the Saami parliaments and other Saami bodies, regardless of their legal status under national or international law, shall not be deemed to fall under the concept state, except when exercising public authority.

Article 6

State measures with respect to the Saami people

The three states shall effectively establish conditions enabling the Saami people to secure and develop its language, its culture, its livelihoods and its society.

The states shall create favourable conditions for maintaining and developing the local Saami communities.

To a reasonable extent, the states' responsibility to take measures pursuant to this Convention shall apply also to Saami persons who are residing outside the traditional Saami areas.

Article 7

Non-discrimination and special measures

The Saami people and Saami individuals shall be ensured protection against all discrimination.

The States shall, when necessary for the implementation of Saami rights pursuant to this Convention, adopt special positive measures with respect to such rights.

Article 8

Minimum rights

The rights laid down in this Convention are minimum rights. They shall not be construed as preventing any state from extending the scope of Saami rights or from adopting more far reaching measures than contained in this Convention. The Convention may not be used as a basis for limiting such Saami rights that follow from other legal provisions.

Article 9

Saami legal customs

The states shall show due respect for the Saami people's conceptions of law, legal traditions and customs.

Pursuant to the provisions in the first paragraph, the states shall, when elaborating legislation in areas where there might exist relevant Saami legal customs, particularly investigate whether such customs exist, and if so, consider whether these customs should be afforded protection or in other manners be reflected in the national legislation. Due consideration shall also be paid to Saami legal customs in the application of law.

Article 10

Harmonization of legal provisions

The states shall, in cooperation with the Saami parliaments, strive to ensure continued harmonization of legislation and other regulation of significance for Saami activities across national borders.

Article 11

Cooperation on cultural and commercial arrangements

The states shall implement measures to render it easier for the Saami to pursue economic activities across national borders and to provide for their cultural needs across these borders. For this purpose, the states shall strive to remove remaining obstacles to Saami economic activities that are based on their citizenship or residence or that otherwise are a result of the Saami settlement area stretching across national borders. The states shall also give Saami individuals access to the cultural provisions of the country where they are staying at any given time.

Article 12

Cooperation on education and welfare arrangements

The states shall take measures to provide Saami individuals residing in any of the three countries with the possibility to obtain education, medical services and social provisions in another of these countries when this appears to be more appropriate.

Article 13

The symbols of the Saami people

The states shall respect the right of the Saami to decide over the use of the Saami flag and other Saami national symbols. The states shall moreover, in cooperation with the Saami parliaments, make efforts to ensure that the Saami symbols are made visible in a manner signifying the Saami's status as a distinct people in the three countries.

Chapter II

Saami governance

Article 14

The Saami parliaments

In each of the three countries there shall be a Saami parliament. The Saami parliament is the highest representative body of the Saami people in the country. The Saami parliament acts on behalf of the Saami people of the country concerned, and shall be elected through general elections among the Saami in the country.

Further regulations concerning the elections of the Saami parliaments shall be prescribed by law, prepared through negotiations with the Saami parliaments pursuant to Article 16.

The Saami parliaments shall have such a mandate that enables them to contribute effectively to the realization of the Saami people's right of self-determination pursuant to the rules and provisions of international law and of this Convention. Further regulations concerning the mandate of the Saami parliaments shall be prescribed by law.

The Saami parliaments take initiatives and state their views on all matters where they find reason to do so.

Article 15

Independent decisions by the Saami parliaments

The Saami parliaments make independent decisions on all matters where they have the mandate to do so under national or international law.

The Saami parliaments may conclude agreements with national, regional and local entities concerning cooperation with regard to the strengthening of Saami culture and the Saami society.

Article 16

The Saami parliaments' right to negotiations

In matters of major importance to the Saami, negotiations shall be held with the Saami parliaments before decisions on such matters are made by a public authority. These negotiations must take place sufficiently early to enable the Saami parliaments to have a real influence over the proceedings and the result.

The states shall not adopt or permit measures that may significantly damage the basic conditions for Saami culture, Saami livelihoods or society, unless consented to by the Saami parliament concerned.

Article 17

The rights of the Saami parliaments during preparation of other matters

The Saami parliaments shall have the right to be represented on public councils and committees when these deal with matters that concerns the interests of the Saami.

Matters concerning Saami interests shall be submitted to the Saami parliaments before a decision is made by a public authority.

The states shall investigate the need for such representation and prior opinions from the Saami parliaments. This must take place sufficiently early to enable the Saami parliaments to influence the proceedings and the outcome.

The Saami parliaments shall themselves decide when they wish to be represented or submit prior opinions during such preparation of matters.

Article 18

The relationship to national assemblies

The national assemblies of the states or their committees or other bodies shall, upon request, receive representatives of the Saami parliaments in order to enable them to report on matters of importance to the Saami.

The Saami parliaments shall be given the opportunity to be heard during the consideration by national assemblies of matters that particularly concern the Saami people.

The national assemblies of the individual states shall issue further regulations concerning which matters this applies to and concerning the procedure to be followed.

Article 19

The Saami and international representation

The Saami parliaments shall represent the Saami in intergovernmental matters.

The states shall promote Saami representation in international institutions and Saami participation in international meetings.

Article 20

Joint Saami organizations

The Saami parliaments may form joint organizations. In consultation with the Saami parliaments, the states shall strive to transfer public authority to such joint organizations as needed.

Article 21

Other Saami associations

The states shall respect and when necessary consult Saami villages (samebyar), siidas, reindeer herders' communities (renbeteslag), the village assemblies of the Skolt Saami (*byastämma*) and other competent Saami organizations or local Saami representatives.

Article 22

A Saami region

The states shall actively seek to identify and develop the area within which the Saami people can manage its particular rights pursuant to this Convention and national legislation.

Chapter III

Saami language and culture

Article 23

Saami language rights

The Saami shall have the right to use, develop and pass on to future generations its language and its traditions and have the right to make efforts to ensure

that knowledge of the Saami language is also disseminated to Saami persons with little or no command of this language.

The Saami shall have the right to decide and retain their personal names and geographical names, as well as to have these publicly acknowledged.

Article 24

The states' responsibility for the Saami language

The states shall enable the Saami to preserve, develop and disseminate the Saami language. To meet this end, states shall ensure that the Saami alphabet can be used effectively.

It shall be possible to use the Saami language effectively in courts of law and in relation to public authorities in the Saami areas. The same shall also apply outside these areas in disputes and cases first dealt with in the Saami areas or which in any other manner have a particular association with these areas.

The states shall promote the publication of literature in the Saami language.

The provisions of this article shall also apply to the less prevalent Saami dialects.

Article 25

Saami media

The states shall create conditions for an independent Saami media policy which enables the Saami media to control its own development and to provide the Saami population with rich and multi-faced information and opinions in matters of general interest.

The states shall ensure that programmes in the Saami language can be broadcast on radio and TV, and shall promote the publication of newspapers in this language. In cooperation with the Saami parliaments, the states shall also promote cooperation across national borders between media institutions that provide programmes or articles in the Saami language.

The provision of the second paragraph concerning the Saami language shall also to a reasonable extent apply to the less prevalent Saami dialects.

Article 26

Saami education

The Saami population residing in the Saami areas shall have access to education both in and through the medium of the Saami language. The education and study financing system shall be adapted to their background. Such education shall enable attendance of further education at all levels while at the same time meet the needs of Saami individuals to continuously be active within the traditional Saami livelihoods. The study financing system shall be arranged in such a way as to enable higher education through the medium of the Saami language.

Saami children and adolescents outside the Saami areas shall have access to education in the Saami language, and also through the medium of the Saami language to the extent that may be deemed reasonable in the area concerned. The education shall as far as possible be adapted to their background.

The national curricula shall be prepared in cooperation with the Saami parliaments and be adapted to the cultural backgrounds and needs of Saami children and adolescents.

Article 27

Research

The states shall, in cooperation with the Saami parliaments, create good conditions for research based on the knowledge needs of the Saami society, and promote recruitment of Saami researchers. In planning such research, regard shall be paid to the linguistic and cultural conditions in the Saami society.

The states shall, in consultation with the Saami parliaments, promote cooperation between Saami and other research institutions in the various countries and across national borders, and strengthen research institutions with a primary responsibility for such research referred to in the first paragraph.

Research concerning Saami matters shall be adapted to such ethical rules that the Saami's status as an indigenous people requires.

Article 28

Education and information about the Saami

The Saami people's culture and society shall be appropriately reflected in education outside the Saami society. Such education shall particularly aim to promote knowledge of the status of the Saami as the country's indigenous people. The states shall, in cooperation with the Saami parliaments, offer education about the Saami culture and society to persons who are going to work in the Saami areas.

The states shall, in cooperation with the Saami parliaments, provide the general public with information about the Saami culture and society.

Article 29

Health and social services

The states shall, in cooperation with the Saami parliaments, ensure that health and social services in the Saami settlement areas are organized in such a way that the Saami population in these areas are ensured health and social services adapted to their linguistic and cultural background.

Also health and social services outside the Saami settlement areas shall pay regard to the linguistic and cultural background of Saami patients and clients.

Article 30

Saami children and adolescents

Saami children and adolescents have the right to practise their culture and to preserve and develop their Saami identity.

Article 31

Traditional knowledge and cultural expressions

The states shall respect the right of the Saami people to manage its traditional knowledge and its traditional cultural expressions while striving to ensure that the Saami are able to preserve, develop and pass these on to future generations.

When Saami culture is applied commercially by persons other than Saami persons, the states shall make efforts to ensure that the Saami people gains influence over such activities and a reasonable share of the financial revenues. The Saami

culture shall be protected against the use of cultural expressions that in a misleading manner give the impression of having a Saami origin.

The states shall make efforts to ensure that regard is paid to Saami traditional knowledge in decisions concerning Saami matters.

Article 32

Saami cultural heritage

Saami cultural heritage shall be protected by law and shall be cared for by the country's Saami parliament or by cultural institutions in cooperation with the Saami parliament.

The states shall implement measures for cooperation across national borders on documentation, protection and care of Saami cultural heritage.

The states shall make efforts to ensure that Saami cultural heritage that has been removed from the Saami areas and that is of particular interest to the Saami community is entrusted to suitable museums or cultural institutions as further agreed with the countries' Saami parliaments.

Article 33

The cultural basis

The responsibilities of the states in matters concerning the Saami culture shall include the material cultural basis in such a way that the Saami are provided with the necessary commercial and economic conditions to secure and develop their culture.

Chapter IV

Saami right to land and water

Article 34

Traditional use of land and water

Protracted traditional use of land or water areas constitutes the basis for individual or collective ownership right to these areas for the Saami in accordance with national or international norms concerning protracted usage.

If the Saami, without being deemed to be the owners, occupy and have traditionally used certain land or water areas for reindeer husbandry, hunting, fishing

or in other ways, they shall have the right to continue to occupy and use these areas to the same extent as before. If these areas are used by the Saami in association with other users, the exercise of their rights by the Saami and the other users shall be subject to due regard to each other and to the nature of the competing rights. Particular regard in this connection shall be paid to the interests of reindeer-herding Saami. The fact that the Saami use of these areas is limited to the right of continued use to the same extent as before shall not prevent the forms of use from being adapted as necessary to technical and economic developments.

Assessment of whether traditional use exists pursuant to this provision shall be made on the basis of what constitutes traditional Saami use of land and water and bear in mind that Saami land and water usage often does not leave permanent traces in the environment.

The provisions of this article shall not be construed as to imply any limitation in the right to restitution of property that the Saami might have under national or international law.

Article 35

Protection of Saami rights to land and water

The states shall take adequate measures for effective protection of Saami rights pursuant to article 34. To that end, the states shall particularly identify the land and water areas that the Saami traditionally use.

Appropriate procedures for examination of questions concerning Saami rights to land and water shall be available under national law. In particular, the Saami shall have access to such financial support that is necessary for them to be able to have their rights to land and water tried through legal proceedings.

Article 36

Utilization of natural resources

The rights of the Saami to natural resources within such land or water areas that fall within the scope of Article 34 shall be afforded particular protection. In this connection, regard shall be paid to the fact that continued access to such natural resources may be a prerequisite for the preservation of traditional Saami knowledge and cultural expressions.

Before public authorities, based on law, grant a permit for prospecting or extraction of minerals or other sub-surface resources, or make decisions concerning utilization of other natural resources within such land or water areas that are owned or used by the Saami, negotiations shall be held with the affected Saami, as well as with the Saami parliament, when the matter is such that it falls within Article 16.

Permit for prospecting or extraction of natural resources shall not be granted if the activity would make it impossible or substantially more difficult for the Saami to continue to utilize the areas concerned, and this utilization is essential to the Saami culture, unless so consented by the Saami parliament and the affected Saami.

The above provisions of this article also apply to other forms of natural resource utilization and to other forms of intervention in the nature in such geographical areas that fall under Article 34, including activities such as forest logging, hydroelectric and wind power plants, construction of roads and recreational housing and military exercise activities and permanent exercise ranges.

Article 37

Compensation and share of profits

The affected Saami shall have the right to compensation for all damage inflicted through activities referred to in Article 36, paragraphs two and four. If national law obliges persons granted permit to extract natural resources to pay a fee or share of the profit from such activities, to the landowner, the permit holder shall be similarly obliged in relation to the Saami that have traditionally used and continue to use the area concerned.

The provisions of this article shall not be construed as to imply any limitation in the right to a share of the profit from extraction of natural resources that may follow under international law.

Article 38

Fjords and coastal seas

The provisions of Articles 34–37 concerning rights to water areas and use of water areas shall apply correspondingly to Saami fishing and other use of fjords and coastal seas.

In connection with the allocation of catch quotas for fish and other marine resources, as well as when otherwise regulation such resources, due regard shall be paid to Saami use of these resources and its importance to local Saami communities. This shall apply even though this use has been reduced or has ceased due to the fact that catch quotas have not been granted or owing to other regulations of the fisheries or other exploitation of resources in these areas. The same shall apply if the use is reduced or has ceased owing to a reduction of marine resources in these areas.

Article 39

Land and resource management

In addition to the ownership or usage rights that the Saami enjoy, the Saami parliaments shall have the right of co-determination in the public management of the areas referred to in Articles 34 and 38, pursuant to Article 16.

Article 40

Environmental protection and environmental management

The states are in cooperation with the Saami parliaments, obliged to actively protect the environment in order to ensure sustainable development of the Saami land and water areas referred to in Articles 34 and 38.

Pursuant to Article 16, the Saami parliaments shall have the right of co-determination in the environmental management affecting these areas.

Chapter V

Saami livelihoods

Article 41

Protection of Saami livelihoods

Saami livelihoods and Saami use of natural resources shall enjoy special protection by means of legal or economic measures to the extent that they constitute an important fundament for the Saami culture.

Saami livelihoods and Saami use of natural resources are such activities that are essential for the maintenance and development of the local Saami communities.

Article 42

Reindeer husbandry as a Saami livelihood

Reindeer husbandry, as a particular and traditional Saami livelihood and a form of culture, is based on custom and shall enjoy special legal protection.

To that end, Norway and Sweden shall maintain and develop reindeer husbandry as a sole right of the Saami in the Saami reindeer grazing areas.

Acknowledging Protocol No. 3 of its Affiliation Agreement with the European Union concerning the Saami as an indigenous people, Finland undertakes to strengthen the position of Saami reindeer husbandry.

Article 43

Reindeer husbandry across national borders

The right of the Saami to reindeer grazing across national borders is based on custom.

If agreements have been concluded between Saami villages (samebyar), siidas or reindeer grazing communities (renbeteslag) concerning the right to reindeer grazing across national borders, these agreements shall prevail. In the event of dispute concerning the interpretation or application of such an agreement, a party shall have the opportunity to bring the dispute before an arbitration committee for decision. Regarding the composition of such an arbitration committee and its rules of procedure, the regulation jointly decided by the three Saami parliaments shall apply. A party who is dissatisfied with the arbitration committee's decision of the dispute shall have the right to file a suit on the matter in a court of law in the country on which territory the grazing area is situated.

In the absence of an applicable agreement between Saami villages (samebyar), siidas or reindeer grazing communities (renbeteslag), if a valid bilateral treaty regarding reindeer grazing exists, such a treaty shall apply. Notwithstanding any such treaty, shall a person asserting that he or she has a reindeer grazing right based on custom that goes beyond what follows from the bilateral treaty, have the opportunity to have his or her claim tried before a court of law in the country on which territory the grazing area is situated.

Chapter VI

Implementation and development of the Convention

Article 44

Cooperation Council of Saami ministers and presidents of Saami Parliaments

The ministers in Finland, Norway and Sweden responsible for Saami affairs and the presidents of Saami Parliaments from each of these countries shall convene regularly.

The said cooperation shall promote the objectives of this Convention pursuant to Article 1. The meetings shall consider relevant Saami matters of common interest.

Article 45

Convention committee

A Nordic Saami Convention Committee shall be established to monitor the implementation of this Convention. The committee shall have six members serving in their independent capacity. Each of the three states and each of the three Saami parliaments appoint one member each. Members shall be appointed for a period of five years.

The committee shall submit reports to the governments of the three countries and to the three Saami parliaments. It may submit proposals aimed at strengthening the objective of this Convention to the governments of the three countries and to the three Saami parliaments. The committee may also deliver opinions in response to questions from individuals and groups.

Article 46

National implementation

In order to ensure as uniform an application of this Convention as possible, the states shall make the provisions of the Convention directly applicable as national law.

Article 47

Economic commitments

The states shall provide the financial resources necessary to implement the provisions of this Convention. The joint expenses of the three countries shall be divided between them in relation to the Saami population in each country.

In addition to situations referred to in paragraph 2 of Article 35, it shall be possible for the Saami to receive the necessary financial assistance to bring important questions of principle concerning the rights contained in this Convention before a court of law.

Chapter VII

Final provisions

Article 48

The approval of the Saami parliaments

After being signed, this Convention shall be submitted to the three Saami parliaments for approval.

Article 49

Ratification

This Convention shall be subject to ratification. Ratification may not take place until the three Saami parliaments have given their approval pursuant to Article 48.

Article 50

Entry into force

The Convention shall enter into force thirty days after the date that the instruments of ratification are deposited with the Norwegian Ministry of Foreign Affairs.

The Norwegian Ministry of Foreign Affairs shall notify Finland, Sweden and the three Saami parliaments of the deposit of the instruments of ratification and of the date of entry into force of the Convention.

The original of this Convention shall be deposited with the Norwegian Ministry of Foreign Affairs, which shall provide authenticated copies to Finland, Sweden and the three Saami parliaments.

Article 51

Amendments to the Convention

Amendments to this Convention shall be made in cooperation with the three Saami parliaments, and with respect for the provision in Article 48.

An amendment to the Convention enters into force thirty days after the date that the parties to the Convention notify the Norwegian Ministry of Foreign Affairs that the amendments have been approved by them.

In witness whereof the representatives of the parties to the Convention have signed the present Convention.

Which took place at on 20.... in a single copy in the Finnish, Norwegian, Swedish and Saami languages, all texts being equally authentic.