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## **Addressee: Member States**

**Paragraph #20 Session #8 (2009)**

### **Full Text**

The Permanent Forum calls upon those States which have granted leases, concessions and licences on indigenous peoples' territories for projects related to logging, minerals, oil, gas and water without proper consultation and without respecting the free, prior and informed consent of the indigenous peoples concerned to review those arrangements and to address the complaints raised by indigenous peoples in those territories.

### **Comments**

Finland reports (2010): As mentioned above, Section 9 of the Act on the Sámi Parliament lays down a negotiation obligation, according to which the authorities have to negotiate with the Sámi Parliament in all far-reaching and important measures which may directly and in a specific way affect the status of the Sámi as an indigenous people and which concern, for example, the use, leasing and assignment of state lands, conservation areas or wilderness areas.

The negotiation obligation also covers forest felling on state lands in situations where the felling is considered significant and far-reaching and may affect the Sámi as an indigenous people directly and in a specific manner.

Within the Sámi Homeland, as elsewhere, decision-making on the use of state-owned lands takes place as part of natural resource planning. In resource planning, decisions are made on the scope of logging activities within a certain area and the consolidation of various relevant forms of land use, such as forestry, reindeer husbandry, conservation, tourism and recreational use. Resource plans that concern the Sámi Homeland area are negotiated jointly with the Sámi

Parliament in line with Section 9 of the above Act. Similarly, questions like the practical arrangements of an individual logging activity are agreed upon with the Sámi Parliament.

As appears from above, further efforts have recently been made in order to better take into account the rights of the Sámi people and improve the operational-level grievance mechanisms also by legislative means. On 22 December 2009, the Government submitted to the Parliament a Bill for a new Mining Act and certain related Acts and on 14 January 2010 a Bill concerning the revision of the water legislation. Both of these Government Bills contain suggested provisions that intend to give effect to the rights of the Sámi as an indigenous people, as well as suggest a right of appeal to the Sámi Parliament in cases where the cultural rights of the Sámi as an indigenous people have not been sufficiently taken into consideration in relevant permit procedures.

## **Area of Work**

Human rights