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**Subject:** Written submission of the Sámi Parliament of Finland on the actions taken or planned regarding indigenous peoples' issues

**Reference:** Letter and Questionnaire to Indigenous Peoples' Organizations received on December 15<sup>th</sup> 2015

### **Questionnaire**

1. Please provide the name of your organization and the country where it is based.

**The Sámi Parliament of Finland.**

2. What are the main objectives and goals of your organization?

**The main objectives of the Sámi Parliament is to plan and implement the cultural self-government guaranteed to the Sámi as an indigenous people. It is the supreme political body of the Sámi in Finland. The members of the Sámi Parliament are elected from among the Sámis every four years. Due to its representative nature, the Sámi Parliament expresses an official view of the Sámi in Finland on the issues concerning them.**

3. Which indigenous groups does your organization represent and what is the total number of indigenous peoples within these groups?

**The Sámi People. There are about 10 000 Sámis living in Finland.**

4. Has your Organization participated in any sessions of the Permanent Forum on Indigenous Issues? If yes, please indicate the year(s).

**Yes, many times.**

5. In what ways does the Permanent Forum on Indigenous Issues support indigenous peoples in your organization?

**It raises awareness on issues concerning the Sámi People and their situation in Finland. Furthermore, it is an important forum for networking with other indigenous peoples and share and exchange ideas. It is also a good forum to discuss issues concerning Sámi people between the state of Finland and the Sámi Parliament.**

6. At its fifteenth session in 2016, the Permanent Forum's theme will be **Indigenous Peoples: conflict, peace and resolution**. Please provide information as to whether your organization is working on issues related to conflict, peace and resolution for indigenous peoples. Where possible, please include information on the situation of indigenous women in your responses.

**There is an on-going conflict over definition of Sámi, Self-determination and elections of the Sámi Parliament in Finland. The elections of the Sámi Parliament are held every four years, and to be able to vote the person needs to be registered as a Sámi in the Sámi Parliament's list of voters. Recently, a large group of applicants have been trying to enroll, but the election committee, chosen by the Sámi Parliament Plenum among so the Sámis themselves, has rejected the applications. According to the Sámi Parliament's elections committee and the executive board, the applicants didn't meet the requirements. There is a suspicion that a large part of the applicants are trying to enroll for the hypothetical benefits to be recognized as indigenous and Sámi if Finland would ratify the ILO 169.**

**Anyhow, the complaint procedure gives the last word to the Supreme Administrative Court of Finland, thus not the Sámis, but a Finnish institution, which decides in the end the membership of the Sámi people. In 2011, the Supreme Administrative Court decided to accept four applicants, who are not seen as Sámi according to the Sámi Parliament's election commission and the executive board, thus the Sámis themselves. Therefore, the state of Finland violates and continues to violate the Sámi Peoples right to determine their own identity or membership. Furthermore, this year's elections, Supreme Administrative Court included in the list of voters 93 people against the will and decisions of the Sámi Parliament. This had a clear effect upon the results of the elections. The Supreme Administrative Court is a judicial organ of the Finnish state with no Sámi judge. It is also the final judicial instance in matters such as the current one. There are no further judicial or other domestic remedies, as there is no Constitutional Court in Finland.**

**The heated debate has escalated and could be seen as a conflict between two opposing groups. The executive board and the election committee of the Sámi Parliament and their supporters consider that the Sámis have the right to determine its membership. According the other side, on the other hand, the Sámi Parliament doesn't have the legitimacy to do so. The conflict has taken wider dimensions, and some of the members of the Parliament of Finland have taken a very dangerous and harsh attitude towards the Sámi Parliament, even suggesting the state to reconsider its willingness to support financially the Sámi Parliament (The Sámi Parliament functions under the administrative sector of the Ministry of Justice and the Ministry finances its activity).**

The atmosphere in Lapland, especially in the Sámi homeland area, is hostile, and hate speech towards Sámis has increased significantly. The Sámi Parliament believes that objecting its legitimacy is just another way of trying to decrease the Sámi people's self-determination and make more complicated the land rights issue. To strengthen this point of view is the fact that there are always the same people objecting the Sámi rights to be recognize, whether it is a matter of land rights or the right to determine its membership. With the latest decision of the Supreme Administrative Court, it is constituting a new step in the forced assimilation of the Sámi into the mainstream population through the gradual takeover of the Sámi Parliament by members of the dominant (Finnish) population resident in the northernmost municipalities of Finland.

The increasing hate speech and negative attitude towards the Sámi Parliament, the executive board, the election committee and the people who dare to support them could be seen rude and unacceptable against the Sámi women, for example the Current President of the Sámi Parliament is a 32 years old woman.

7. In the outcome document of the World Conference on Indigenous Peoples (A/RES/69/2), member States committed themselves to "taking, in consultation and cooperation with indigenous peoples, appropriate measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the Declaration..." (paragraph 7) on the Rights of Indigenous Peoples and that the action plan be developed in consultation with Member States, Indigenous Peoples and the Inter-Agency Support Group on Indigenous Issues.

In relation to the outcome document of the World Conference on Indigenous Peoples, please outline the following:

(i) Has your organization been involved in any State-led measures to implement the UN Declaration on the Rights of Indigenous Peoples? Please provide details on the level of your participation.

Although Finland has not developed a national implementation plan for the Declaration, some initiatives have been made to implement the Declaration. For instance, the Sámi Parliament has been involved in the drafting of legislation concerning them according to the art 19 of the Declaration. Anyhow, the participation of the Sámi Parliament has often been superficial rather than effective with real possibility to have an influence on the results. Furthermore, the Sámi Parliament and the state authorities don't always agree whether the law in question concerns the Sámi people or not, even though the Sámi Parliament would see the law important for the Sámi People.

Some of the greatest concerns of the Sámi Parliament during the recent years have been put into two significant legislation projects, new Act on the Sámi Parliament and the ratification of the ILO Convention no. 169, which were on end phase of preparation work during the year 2014. The Sámi Parliament approved and gave its free, prior and informed consent to the content of the government bills concerning the new act on the Sámi Parliament and the ratification of the ILO 169 Convention. Sámi Parliament did a lot of work with preparation and negotiations with the state of Finland in order to draft the content for the new Act on the Sámi Parliament and about the measures to be taken in national legislation in order to fulfill the

requirements of the ILO 169 convention. These two projects would have advanced the most essential legislation concerning the rights of the Sámi People in Finland if they'd come true.

In addition, the final draft of the act on the Sámi Parliament contained some elements which would have brought the national legislation closer to some of the main principles of the Declaration concerning the rights of indigenous peoples. For example the “duty to co-operate” with the indigenous people in matters which may have some affections to indigenous peoples lands and rights was implemented in the draft of the new act on the Sámi Parliament, and it would have brought Finnish legislation closer to commonly acknowledged principle of FPIC (free prior informed consent).

In the autumn of 2014, government submitted to parliament the government bill for the amendment of the Act on the Sámi Parliament (government bill 167/2014) and the government bill for the ratification of the ILO convention no. 169 (government bill 263/2014). Both bills were supported by the prior and informed consent given by the Sámi Parliament. Unfortunately neither one of the bills became approved by the Parliament of Finland.

Furthermore, amendments are proposed to the Act on the Finnish Forest and Park Service. The Act would be supplemented with provisions on planning the management and use of the State owned lands and waters located in the Sámi Homeland, and on a prohibition to undermine Sámi culture. So-called prohibitions of regression of the Sámi culture were included to the bill, but were later cancelled from the final draft.

(ii) What are the major successes as well as the remaining obstacles for the implementation of the UN Declaration on the Rights of Indigenous Peoples for the people that organization represents?

See the answer for the 7(i).

(iii) Is your organization involved in the collection and dissemination of disaggregated data or culturally relevant data on indigenous peoples?

During the elections of the Sámi Parliament some data of the Sámi People is collected (languages spoken etc.). In 2015, The Sámi Parliament received co-funding from the Development Fund Agriculture and Forestry (MAKERA) to collect, analyse and publish information (in North Sámi, Inari Sámi, Skolt Sámi and Finnish) on the status and trends in Sámi languages and traditional Sámi livelihoods. The election committee of the Sámi Parliament sent out a survey form to all Sámi People entitled to vote together with the notice of the vote. The first part of the survey focused on defining the numbers of the Sámi language speakers (linguistic indicator) and the other part dealt with the state of the traditional Sámi livelihoods by requesting information concerning the livelihoods of the respondent's family and the livelihood structure of the Sámi People. The results of the survey will be ready in 2016.

8. How does your organization implement the UN Declaration on the Rights of Indigenous Peoples at the community level?

9. Does your organization provide regular or ad hoc capacity-building programmes on indigenous peoples' rights for staff and members of the community, or planned capacity-building activities in this area?

10. Does the United Nations support your organization's work on indigenous peoples' issues?

**Yes.**

11. Please provide information of conferences and other meetings organized or supported by your Organization for 2016 and 2017.

Inari, December 23<sup>rd</sup> 2015

Tiina Sanila-Aikio  
President

Inka Saara Arttijeff  
Advisor

The President decided upon the reply on 23<sup>rd</sup> December 2015