

## REPORT

for the period ending 31 May 2013, in accordance with section 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

### **ILO CONVENTION NO. 169 concerning Indigenous and Tribal Peoples in Independent Countries**

#### **Part I – General Policy**

##### **1.1 Sami Archives/Sámi Arkiiva**

In 2009 the Sámi Archives moved into new premises in Diehtosiida, the Sámi science building in Kautokeino. By request of Sámediggi (the Sami Parliament), the Sámi Archives has been incorporated as a department of the National Archival Services of Norway from 2005.

##### **1.2 Use of public sector tenancy arrangement for Sámi cultural buildings**

The Directorate of Public Construction and Property (Statsbygg) acts as building commissioner on behalf of the Norwegian Government, and builds and leases buildings to Norwegian public sector in a tenancy arrangement, "husleieordningen i staten". The investment costs of the projects are initially covered by Statsbygg, but are reflected in the rent the user later pays to lease the building.

In the White Paper No. 28 (2007-2008) *Sami Policy*, the Government proposed that as a rule the tenancy arrangement be applied in state financing of new Sami cultural buildings given priority by Sámediggi, and that Sámediggi be given full responsibility for prioritizing between relevant cultural building projects. Sámediggi and the Ministry of Culture have held consultations establishing procedures for the application of the tenancy arrangement for Sami cultural buildings. Projects that will require additional grants to cover the leasing costs, must be presented to and approved by the Storting (the Norwegian Parliament).

##### **1.3 Convention for the Safeguarding of the Intangible Cultural Heritage**

In 2007 Norway ratified the UNESCO convention of 17 October 2003 for the Safeguarding of the Intangible Cultural Heritage. On behalf of the Ministry of Culture, the Arts Council Norway is the responsible body for implementing the Convention in Norway. Considerable attention is given to intangible cultural heritage among indigenous people, minorities and marginalised groups. Sámediggi, Sami museums and Sámi allaskuvla (Sami University College) are involved in the implementation process.

## **1.4 Follow-up to the Committee's previous comments on consultations**

In Norway, the right of indigenous peoples to participate in decision-making processes was formalised in 2005 by an agreement on procedures for consultations between the state authorities and Sámediggi. The agreement is a tool to ensure that work on matters that may affect the Sami is carried out in a satisfactory manner. Central Government authorities may also be obliged to consult with other Sami interest groups besides Sámediggi. This applies in particular to matters that directly affect Sami land use such as reindeer husbandry. For more information on The Procedures for Consultations, reference is made to Norway's previous report (2008).

As a consequence of these procedures, 30-40 formalised consultations take place every year. In our experience, the numerous consultations have strengthened Sámediggi as a representative voice for the Sami people, and enhanced the awareness and knowledge of Sami issues in Government ministries and agencies. Consultations must be conducted in good faith on the part of both parties, and with the objective of achieving an agreement. This does not mean that Sámediggi and the Government reach an agreement in all consultations. However, the mechanism of consultation ensures that decision-makers are well acquainted with the views of Sámediggi.

## **1.5 Elections**

Sámediggi (The Sami Parliament) was established in 1989 in order to be a representative body for the Sami people in Norway.

In 2008 the voting provisions of the Sami Act were revised. According to section 2-3 voters who are registered in the Sami electoral roll in municipalities with less than 30 voters, are only permitted to give their vote in advance. The purpose of the provision was to enable earlier announcement of the election results, which in turn should increase the attention around Sámediggi elections and thereby contribute to increased participation, legitimacy and status.

The Sami election research program (2008-2011) has documented a significant reduction in voter turnouts in constituencies which have high percentage of people who was permitted to vote only in advance, hence to the amendment of 2008. It was concluded that a likely contributing factor to the reduction, was that voters discovered too late that they only could vote in advance. The Government, in cooperation with Sámediggi, has taken action to increase the voter participation to Sámediggi elections in municipalities where the only option is to vote in advance. In these municipalities the electoral committees are now obliged to inform each voter before the election that they only can vote in advance to Sámediggi election.

## **1.6 Discrimination on the basis of ethnicity, religion, etc.**

Reference is made to Norway's previous report 1.4.

An obligation to make active effort and to report was introduced in the Anti-Discrimination Act as well as in the new Discrimination and Accessibility Act 1 January 2009.

In June 2013, the Storting (the Norwegian Parliament) adopted changes in all the existing discrimination acts and also adopted a new act prohibiting discrimination on the grounds of sexual orientation, gender identity and gender expression. The new Gender Equality Act, Anti-Discrimination Act and Discrimination and Accessibility Act are made more equal in content, structure and language. A new provision has been adopted in all the acts, giving employees a right to information on their colleagues' pay if they suspect pay discrimination.

The new Act prohibiting discrimination on the grounds of sexual orientation, gender identity and gender expression covers all areas of society except for family life and personal relationships. When it enters into force, the Equality and Anti-Discrimination Ombud and the Equality and Anti-Discrimination Tribunal will enforce the new act, along with the other equality and anti-discrimination acts.

## **1.7 Crime and punishment**

### **The Police**

The Norwegian Police Directorate has developed new guidelines for employment in Sami areas which specify that knowledge in Sami language and culture can be emphasised as a requirement in job advertisements.

In 2011 The Norwegian Police Directorate established a reference group for employees with Sami language and culture background.

The Norwegian Police University College has taken several initiatives in order to increase the numbers of applicants with a Sami background.

The computer system of the police is undergoing a major revision to prepare for the introduction of a new and revised criminal law. The long term aim is to incorporate Sami language as an option in computer management tools.

### **The Correctional Services**

Based on the White Paper "Punishment that works", (Report No. 37 (2007–2008 to the Storting: *Straff som virker*), a working group was established to make an inventory of the circumstances under which Sami offenders serve their sentence in Norwegian prisons and in the community.

The working group delivered its report on 31 December 2011. In May 2012 a collaborative conference hearing was held where the propositions made by the working group and the need

for continued collaboration with Sami service providers and administrative partners were discussed. At the same time, a process to develop a plan of action was initiated, aimed at providing quality and equality in sentence execution for Sami offenders.

Propositions for the plan of action were presented on 30 October 2012 and are at the moment being processed at the central level of the Correctional Services of Norway. The plan of action is designed to cover a period of two years. The propositions are based on the duty to respect the Sami language and culture, and have been developed in collaboration with Sámediggi.

The North regional office of the Correctional Services of Norway has been given the assignment to further follow up the work with Sami offenders. They will complete the process around the plan of action and coordinate and secure the quality of working with Sami offenders.

### **The Courts**

According to Section 3-4 of the Sami Act, everyone living within the administrative district for Sami languages has the right to use Sami languages before the court. This includes pleadings, oral contact with the court and hearings. There are three district courts which are affected by this provision: Inner Finnmark District Court (Sis-Finnmárkku diggegoddi), Ofoten District Court and Inntrøndelag District Court.

Inner Finnmark District Court (Sis-Finnmárkku diggegoddi) actively provides information to the participants of the trial. During the preparatory process the Court sends out a form where the parties are requested to register the language they wish to use. The Court will then facilitate practical aspects of the implementation of the hearing including the use of interpreters. Several of the employees at Inner Finnmark District Court, amongst them the Magistrate, speak both Sami and Norwegian.

Ofoten District Court and Inntrøndelag District Courts have a smaller Sami population than Inner Finnmark District Court and appoint Sami interpreters when this is requested.

In 2012 the Norwegian Courts Administration (NCA) asked relevant Courts – four District Courts, two Courts of Appeal, four Land consolidation Courts and three Land consolidation Courts of Appeal – in all 13 different courts about their use of Sami interpreters. Of the 13 courts, 8 replied. The replies indicate that there have been extremely few cases with interpretation in Sami during the last years, ex:

- Since 1996 the Nord-Troms Land consolidation Court has tried one case with Sami interpretation.
- During the last 30 years the Ofoten and Sør-Troms Land consolidation Court has tried two cases with Sami parties. In neither of the cases, interpretation in Sami was demanded.
- From January 1 2011 to the present day, the Hålogaland Court of Appeal has tried five cases with interpretation in Sami.

On the Norwegian Courts website ([www.domstol.no](http://www.domstol.no)), there is information in Sami concerning various topics on judiciary.

The National Courts Administration and Sámediggi had meetings in June 2012 to discuss further co-operation and information exchange between the two institutions. The contact thus established seems to strengthen the awareness of the interests of the Sami people in the daily work of the NCA.

### **1.8 The Storting's Ex Gratia Payment Scheme**

The Ex Gratia Payment Scheme is the Storting's (The Norwegian Parliament's) extraordinary compensation mechanism. Sami who lack proper schooling as a result of the World War II and the assimilation policy, are eligible for compensation under the scheme. 978 Sami and Kven had received compensation until March 2013, most of these persons are assumed to be Sami.

### **1.9 The Sami People's Fund**

In 2000, the Storting established a Sami People's fund of NOK 75 million. The returns from the fund are to be used for various measures to strengthen Sami language and culture. The fund serves as a collective compensation for the damage inflicted upon and injustice committed against the Sami people by the former assimilation policy. Sámediggi administers the fund and appoint the members of its board.

## **Part II - Land**

### **2.1 Act relating to legal relations and management of land and natural resources in the County of Finnmark (The Finnmark Act)**

#### **Amendments to the Finnmark Act**

Section 29 of the Finnmark Act was amended in 2012. The amendment, which came into force 1 January 2013, led to an expansion of the mandate of the Finnmark Commission. The amended section 29 requires the Commission to also investigate individual or collective rights to fishing spots upon request from somebody with a legal interest in clarification of such rights.

The expansion of the Commission's mandate led to a parallel expansion of the mandate of the Uncultivated Land Tribunal for Finnmark. It follows from section 36 of the Finnmark Act that disputes concerning rights that arise after the Commission has investigated a field may be brought before the Tribunal.

The amendment of section 29 was part of the package of amendments to existing legislation proposed to the Parliament by the Government following the report by the Coastal Fishing Committee, see 2.7 for further details.

### Follow-up to the Committee's previous comments on the Finnmark Commission

The Finnmark Commission issued its first report in March 2012 (the Stjernøya and Seiland field) and its second report in February 2013 (the Nesseby field).

In its report regarding the Stjernøya and Seiland field, the Commission concluded that the Finnmark Estate is the owner of all the ground in the field (about 800 km<sup>2</sup>), with the exception of an area of about 20 000 m<sup>2</sup> in Store Bekkarfjord in Seiland. The Commission further concluded that the local population has acquired certain collective rights of utilization in the field. These rights include *inter alia* rights to foresting, hunting, trapping, grazing and fishing. The Commission held that these rights are to be exercised in accordance with the legal framework established by the Finnmark Act and other legislation. The Commission also found that one person has acquired an individual right to fasten salmon fishing nets in a specific geographic area (i.e. a right of utilization).

During the investigations in the Stjernøya and Seiland field, two claims for ownership rights were brought before the Commission by actors of the reindeer husbandry industry. The first group of claimants, members of Reindeer Grazing District no. 22, held that they were entitled to ownership rights to all the ground in the field of investigation on Stjernøya. The other claimant, the Sara-group, held that it was entitled to ownership rights to parts of the ground in the field on Stjernøya. The Commission concluded that none of the claimants had acquired such ownership rights, but that they had acquired general grazing rights in the areas at stake (i.e. rights of utilization).

In its report on the Nesseby field, the Commission concluded that the Finnmark Estate is the owner of all ground in the field, except a small area west of the river Vesterelva. The Commission concluded that the local population has acquired collective rights to *inter alia* grazing in uncultivated areas, foresting, hunting, trapping and fishing. These rights must be exercised within the legal framework established by the Finnmark Act and other legislation. Furthermore, the Commission further held that reindeer herders have acquired rights to use the area in the field for reindeer herding. These rights are rights of utilization. The Commission dismissed a claim by reindeer herders in Reindeer Grazing District no. 6/5D that they had acquired ownership rights.

A common feature of the rights the Commission has recognized for the local population and reindeer herders in the two fields is that the rights are based on long-term utilization. Thus, the rights are protected against expropriation and similar procedures, and also involve certain restrictions on the Finnmark Estate's landowner rights.

The final reports of the Commission are available on the Commission's website (<http://www.domstol.no/no/Enkelt-domstol/Finnmarkskommisjonen/>). The reports are in Norwegian, with summaries in Sami.

The Commission is currently working on another four fields of investigation.

## **Follow-up to the Committee's previous comment on the Uncultivated Land Tribunal for Finnmark**

The Uncultivated Land Tribunal for Finnmark is currently under establishment. In March 2013 the Administrative Regulations regarding the Finnmark Commission and the Uncultivated Land Tribunal for Finnmark (hereafter *the Administrative Regulations*) were amended by a Royal Decree, to align the procedures for appointment of members of the Tribunal with those applying to appointment of judges to the ordinary national courts. It follows from section 36 of the Finnmark Act that all the members of the Tribunal shall be appointed by the King. Following the amendment of the regulations, it now follows from section 4 A of the Administrative regulations that vacant positions as members of the Tribunal shall be advertised by the Norwegian Court Administration, which is an independent administrative body. When the application deadline has lapsed, The Judicial Appointment Board, another independent body, will make a recommendation to the King. Sámediggi, the Finnmark County Administration and representatives of various stakeholders are entitled to be heard before the Board finalizes its recommendation. Should the Government consider not to follow the primary recommendation by the Board, both Sámediggi and the Finnmark County Municipality should be consulted before a final decision is made.

Sámediggi was consulted before the new procedures for appointment of members of the Tribunal was finally decided upon. The consultations led to agreement.

The Norwegian Court Administration is currently under establishment.

## **2.2 The Finnmark Estate – appeals**

Reference is made to Norway's previous report (2008) for more information about the Finnmark Estate.

The Finnmark Estate is an independent legal entity, with its seat in Finnmark, which shall administer the land and natural resources as an owner and in compliance with the purpose and other provisions of the Finnmark Act. The Finnmark Estate is governed by a board of six persons, and the board is responsible for management of the Finnmark Estate.

The Finnmark Act Chapter 3 Renewable resources on the Finnmark Estates and have a set of principles on how the Finnmark Estate shall manage the resources among the different users (person resident in municipalities, person resident in Finnmark County, person resident outside of Finnmark County). The rights of the three different groups are mostly regulated by law. However, for specified areas the Finnmark Estate may lay down restrictions on access to exploit renewable resources if due consideration for any such resources so indicates. Finnmarkseiendommen's decisions concerning restrictions may be appealed to the Ministry of Government Administration, Reform and Church Affairs pursuant to the provisions of the Public Administration Act chapter VI. Four administrative decisions by the Finnmark Estate have been appealed since 2005. The decision of the Ministry may not be appealed.

### **2.3 Sale of Statskog properties in traditional Sami areas**

The sales criteria laid down by Statskog's General Meeting stipulate that in connection with sales in areas covered by the Sami Rights Committee's reports NOU 2007:13 and 2007:14 (SRU2) it shall be made clear to purchasers that any existing rights to forest land will not be affected by the sale, and that Statskog SF, the Norwegian state-owned land and forest enterprise, cannot accept responsibility for any disadvantage this may cause for purchasers in the future. There have been separate meetings between Statskog SF and Sámediggi and the Sami Reindeer Herders' Association of Norway (NRL) concerning local relocationsales.

Sámediggi and the relevant reindeer husbandry administrations are notified of all properties located in municipalities within the mandate of SRU2 that are to be sold.

### **2.4 The Natural Diversity Act**

The Natural Diversity Act was passed by the Storting in 2009. The purpose of the Act is to protect biological, geological and landscape diversity and ecological processes through conservation and sustainable use, and in such a way that the environment provides a basis for human activity, culture, health and well-being, now and in the future, including a basis for Sami culture.

The Act applies to Norwegian land territory, including river systems, and to Norwegian territorial waters.

During the preparation of the Natural Diversity Act, the Ministry of the Environment consulted Sámediggi on matters concerning the Sami. Several consultations were held at both political and administrative level. Protocols were made from all these meetings, and the consultation process is described in Proposition No. 52 (2008–2009) to the Storting. In the consultations, priority was given to find solutions upon which Sámediggi and the Ministry could agree.

The Natural Diversity Act contributes to the fulfilment of Articles 6, 7 and 15, cf. 13, of ILO Convention No. 169. The Act contains a wide range of general measures designed to protect and preserve the environment in which the Sami live, depending on the potential threats, the specific type of habitat and the interests of the community, including Sami customs. There are general provisions concerning sustainable use and species management and objectives concerning protected areas and selected habitat types. There is also a set of rules for the management of alien organisms and access to genetic material.

Additionally, there are special measures for taking Sami interests into consideration in the application of the Act. The Government shall attach importance to knowledge based on generations of experience, including traditional Sami use. This knowledge can contribute to sustainable use and protection of natural diversity, cf. section 8. The importance of nature as a part of the Sami culture shall be taken into consideration when decisions that may affect their interests, are made, cf. section 14. Cf. section 58, the interests of indigenous people shall



be taken into account in the exploitation of genetic materialImplementation of the Act – work on conservation plans in traditional Sami areas.

In the period from 2008 and up to the present, resolutions have been made to establish five national parks and five large landscape conservation areas in Sami areas. In all the ten cases, there were consultations with Sámediggi until agreement was reached. Decisions on forest conversation have also been adopted, through both voluntary conservation processes and conservation of forest on state-owned land. In cases where these conservation measures affected Sami areas, there were also consultations until agreement was reached with Sámediggi. Agreement has also been reached with Sámediggi on the announcement of initiation of a conservation plan for marine resources.

A new model has been established for local management of national parks and other large protected areas. Management authority has been delegated to the boards of the respective national parks and protected areas. The boards shall consist of mayors or other persons elected by popular vote who represent the municipality in question and politically appointed representatives from the county authority. In cases where Sami interests are affected, representatives appointed by Sámediggi will also be members of the board. The number of Sami representatives in the various boards depends on how important the protected area is for the Sami culture. At present there are Sami representatives on the boards of all national parks where Sami interests are affected, which currently number twenty. The number of Sami representatives on these boards was also reached through consultations and agreement with Sámediggi.

## **2.5 Changes in the public administration of reindeer husbandry**

The Act relating to Reindeer Husbandry of 15 June 2007 No. 40 (the Reindeer Husbandry Act) was amended in June 2013. The amendment will enter into force on 1 January 2014. The amendment implies discontinuing the system of area boards, and transfer of the responsibilities of the area boards to the county governors. The Reindeer Husbandry Board will continue as it is today with the aim of ensuring Sami participation in the public administration of reindeer husbandry.

The area boards have been a part of the public administration of reindeer husbandry in Norway since 1979. The boards have had five or seven members, appointed by the county council and Sámediggi pursuant to the Reindeer Husbandry Act Section 72, cf. Section 71 second subsection. A particular challenge presented by the current administration system is that the Reindeer Husbandry Administration is relatively small, and not associated with any other public administration. This has over time created problems with respect to impartiality and accumulation of expertise. The purpose of the amendments is to bring about a clearer and more efficient administration.

The transfer of the area boards' authority to the county governors will take place at the same time as the administration of the area offices is transferred to the county governors. The

county governor will thereby become the state regional authority in the public administration of reindeer husbandry. At present, the county governor has a similar role in the areas of agriculture in general and in environmental issues. The offices will remain in their present locations. However, processes will take place on a county basis, and depending on the circumstances, other solutions may be allowed if it is agreed that this will be most effective and appropriate.

Head of the Reindeer Husbandry Administration in Alta is to remain unchanged, now under the name Norwegian Reindeer Husbandry Administration.

The Reindeer Husbandry Board, is a collegial body (like the area boards) to which the Ministry of Agriculture and Food today appoints four members and Sámediggi appoints three members. The Ministry of Agriculture and Food will continue to have the final functional responsibility for the public administration of reindeer husbandry. Sami participation and knowledge of reindeer husbandry will also be important in a new administrative system. The Ministry will invite Sámediggi and the Sami Reindeer Herders' Association of Norway (NRL) to be involved in developing the framework for Sami and reindeer husbandry participation in a new regional administration.

## **2.6 Compliance with the Reindeer Husbandry Act of 2007**

The Reindeer Husbandry Act of 2007 is to provide a basis for an appropriate internal organisation and administration of the reindeer husbandry. Pursuant to the Act, the reindeer husbandry industry shall also, through internal self-governance, play an active part itself and be responsible for ensuring that reindeer husbandry is sustainable. The usage rules are a central instrument in this respect. For the past three years, the work of the authorities has taken the form of assistance and close follow-up of the industry's work in drawing up usage rules. The usage rules shall include separate provisions to regulate pasture usage and the number of reindeer in the districts.

Where the number of reindeer in the reindeer herding community (siida) is higher than the stipulated number, reindeer numbers must be reduced in accordance with Section 60, third subsection of the Reindeer Husbandry Act. If the siida does not succeed in drawing up a reduction plan within the time limits set by the Reindeer Husbandry Board, or do they not succeed in implementing the plan, the provision in Section 60, third subsection, second sentence, on proportional reduction will apply. The Reindeer Husbandry Board is responsible for ensuring that such a reduction is brought about.

At the end of 2011, the usage rules for the summer and year-round pasture districts had been approved. This applied to both the area boards' approval of the usage rules and the Reindeer Husbandry Board's establishment and stipulation of the number of reindeer to be held by the individual siida. Final decisions in a number of appeal cases were reached in 2012. According to approved usage rules, reindeer numbers must be reduced by just under 40 000. Almost all districts in West Finnmark and some districts in East Finnmark have to reduce the number of reindeer. Twelve districts are required to reduce numbers by 30-49 per cent. Very few of these

siidas agreed on a reduction plan in accordance with the Act. As a result, the Reindeer Husbandry Board despatched a warning in autumn 2012 that proportional reduction of reindeer numbers would take place.

The majority of the Reindeer Husbandry Board, with the exception of Sámediggi's representatives on the Board, reached a decision regarding deadlines for reducing reindeer numbers in several of the districts/siidas in Finnmark. The full reduction is to be carried out in the course of 1 to 3 years, depending on the number of animals by which the individual district is required to reduce. The work of adjusting reindeer numbers has been challenging. Recent challenges have mainly concerned allegations from various parties that the authorities have committed a number of infringements in the process of adjusting reindeer numbers.

An account is given below of some of the issues that have been raised.

### **Adjustment of reindeer numbers and international law**

Norway has an international commitment to protect the basis for Sami reindeer husbandry. The rules of international law imply a responsibility for ensuring sustainable use of resources. In other words, Norway is responsible for ensuring that pasture land is managed and used in a sustainable manner. This special responsibility for pasture resources is a prerequisite for fulfilling the authorities' obligation under international law to ensure that the Sami reindeer husbandry culture can be maintained in the future. The object of adjusting reindeer numbers is precisely to preserve the pasture resources for future generations of reindeer herders, and thereby ensure the survival of the Sami reindeer husbandry culture.

Adjustment of reindeer numbers conducted in accordance with the Reindeer Husbandry Act does not imply denying the reindeer herding Samis the right to engage in their reindeer herding culture, nor does it mean that the authorities deny any individual herders the right to engage in reindeer husbandry.

The Reindeer Husbandry Act adopted by the Storting in 2007 describes how the process of adjusting reindeer numbers is to take place. The authorities have complied with the Act in their work of adjusting reindeer numbers, and the process has been planned in accordance with the provisions of the Act. Adjustment of reindeer figures is not in conflict with international law; on the contrary, it is intended to help to protect pasture resources for future reindeer herders.

### **Decision on time limits for proportional reduction**

The Reindeer Husbandry Board has taken a decision regarding time limits for proportional reduction in accordance with the provision in the Reindeer Husbandry Act (Section 60, third subsection). Any failure to observe these time limits may be sanctioned pursuant to the provisions of the Act regarding sanctions. Sanctions are initially expected to be financial sanctions, such as an enforcement penalty.

### **The legality of decisions regarding reindeer numbers**

The reindeer husbandry authorities have followed the process of adjusting reindeer numbers in accordance with the provisions of the Reindeer Husbandry Act. The general rule is that the

number of reindeer is set on the basis of the summer siida's pasture area, not the winter pastures; see Section 60, first subsection. However, this fixing of numbers takes account, as required by the Act, of pasture resources for the other seasons, including the winter pastures, by applying the criteria for an ecologically sustainable number of reindeer.

Stipulating the number of reindeer for the winter pastures in West Finnmark would have caused the process of adjusting reindeer numbers to take longer. This is related to the situation of rights to the winter pastures. In its administrative audit of sustainable reindeer husbandry in Finnmark, the Office of the Auditor General pointed out the importance of stipulating reindeer numbers on the basis of all the seasonal pastures. In view of the time aspect and the need for a rapid reduction in reindeer numbers, the Office of the Auditor General endorses the Ministry's process, while pointing out that the usage rules of the next generation must take more account of all the seasonal pastures.

### **The reindeer husbandry industry's contribution to and involvement in adjusting reindeer numbers**

The reindeer husbandry industry has been involved throughout the process, as stipulated by the Act, both in fixing the number of reindeer and in drawing up reduction plans. According to the Act, it is the industry that is responsible for ensuring that reindeer numbers are consistent with what is laid down in the usage rules. Where actual reindeer numbers exceed the number stipulated in the rules, they must be reduced until they are in accordance with the numbers in the usage rules. The Act aims primarily for greater internal management by requiring that the summer siida draw up a reduction plan whereby they themselves can determine how the reduction down to the stipulated number of reindeer is to take place in their siida. Thus they can distribute the reduction in the manner that they consider to be appropriate, and take account of the herders they will protect, for example newly established young people, small siida units, families etc. The reindeer husbandry industry did not draw up these reduction plans by the given deadline. In such a situation, the Act provides an alternative solution for continuing the process, in that a proportional reduction is required to be carried out.

### **Proportional reduction**

A proportional reduction means a percentage reduction. The size each unit in the siida must take of the reduction is therefore decided by the number of reindeer they have initially. In a percentage reduction of this kind, the siida units with the largest flocks must reduce their herds by more reindeer than those with the smallest herds.

The Reindeer Husbandry Board has decided on time limits for a proportional reduction in reindeer numbers. Each siida unit in the siidas that has to reduce its reindeer numbers has been given a time limit for reducing its herd. Those who have to reduce most in relation to the current number of reindeer have been given a time limit of three years to carry out the reduction. In 2013 they start by making 5 per cent of their reduction, the following year 47.5 per cent, and the final year 47.5 per cent.

### **Proportional reduction and earlier decisions regarding reindeer numbers**

It has been maintained that reindeer owners who have complied with earlier decision on reindeer numbers are penalised, and that reindeer owners who have increased their numbers gain on the decision regarding proportional reduction. However, after the previous Reindeer Husbandry Act, no upper limit was imposed for the number of reindeer possessed by individual herders; the limit applied only to the summer pasture district. Those summer siidas that now have to reduce their reindeer numbers largely correspond to the summer pasture districts that had too many reindeer according to earlier decisions.

Moreover, many units have adjusted to a previous upper limit in order to receive a subsidy under the reindeer husbandry agreement for 600 animals. The instruments of the reindeer husbandry agreement were also intended to have an income-equalising effect, and the parties to the agreement did not regard it is appropriate to allow those with more than 600 reindeer to receive a subsidy under the reindeer husbandry agreement. It must be stressed here that this upper limit for subsidies was not set pursuant to the provision regarding an upper limit for reindeer numbers, nor did it have any other legal basis in the Reindeer Husbandry Act.

A survey reveals that since 2005 it is very largely reindeer owners who are in permanent employment, and who hold reindeer through another person's siida unit, who have increased the number of their reindeer. It turns out that if these owners reduce their herds to 10 animals each on average, they will account for 82 per cent of the necessary reduction in East Finnmark and 74 per cent in West Finnmark; cf. a report submitted in November 2012 by a working group with representatives of the different parties who have examined the consequences and measures for reducing reindeer numbers.

### **Future income given lower reindeer numbers**

Production in the districts that are to reduce their reindeer numbers is very low because of low weights, few calves and high losses. As a result of the current situation with low production and low income, with their present reindeer numbers many reindeer herding families are dependent on other income. Research shows that this low production is largely due to high reindeer densities and that there is a strong potential for increased production with fewer reindeer. An adjustment of reindeer numbers in line with the figures stipulated by the Reindeer Husbandry Board will rapidly lead to increased production and higher income for all reindeer herders, including small owners.

### **Instruments for those who choose to leave the industry**

Instruments for those who choose to leave the industry were discussed during the negotiations on the reindeer husbandry agreement. The report of a working group that has examined measures for reducing reindeer numbers and the consequences it will have formed the basis for these discussions. One of the working group's conclusions is that there are instruments today that can be used for those reindeer owners who wish to discontinue reindeer husbandry, but that these must be used and adjusted to the target group. The parties to the agreement agreed that those who wish to leave the industry should be able to avail themselves of existing means. The Ministry of Agriculture and Food will discuss this issue as soon as possible with the Ministry of Labour. During this year's negotiations on the Reindeer

Husbandry Agreement, the parties also agreed to reduce the age limit for early retirement from reindeer husbandry from 62 to 57 years old.

## **2.7 The Coastal Fishing Committee**

The Coastal Fishing Committee presented its recommendation in Norwegian Official Report NOU 2008:5 on fishing rights in the sea off Finnmark on 18 February 2008. Sámediggi and the Government concluded its consultations on the report in May 2011. The parties had different views on the interpretation of certain aspects of international law and what this should lead to regarding fisheries in Norway. However, the parties successfully came to an agreement on several measures that will contribute to securing access to natural resources, which is the basis of Coast Sami.

One of the measures is a right established by law to fish, on certain conditions for all inhabitants of Finnmark and Northern Troms, and municipalities in the rest of Northern Norway with Coast Sami areas. Furthermore, the Finnmark Commission has the authority to investigate individual or collective rights to fishing spots in the sea outside Finnmark upon request from somebody with a legal interest in clarification of such rights.

In addition, the Marine Resources Act has been amended in order to include a provision on the importance of emphasizing Sami culture considerations in regulations pertaining to fishing and in the management of fishing. Furthermore, the Participation Act has been amended to include a provision stating that the law is to be applied in accordance with principles of Public International Law on indigenous people and minorities. The changes were implemented on 1 January 2013.

Another measure includes the establishment of a local fjord fishing advisory board that will have an important advisory role in the management of fish resources in the northern fjords. The board will consist of three members from Sámediggi and three members from each of the three northern counties. The Ministry of Fisheries and Coastal Affairs and Sámediggi are in a consultation process regarding the board's mandate and the establishment of guidelines on consultation procedures for the management of fisheries. These guidelines will be a further specification of the Procedures for Consultations between the State Authorities and the Sami Parliament of 11 May 2005.

## **2.8 Salmon fishing**

Consultations with Sámediggi on regulations for salmon fishing in Nord-Troms and Finnmark were held in 2012, but full agreement was not reached. The regulations were based on an assessment of the salmon stock situation and the interests of Sami practice of culture and the culture of the coastal population. Emphasis was also placed on the recommendations of a working committee that was appointed in accordance with a framework agreement between the Norwegian Ministry of the Environment and Sámediggi, although the

committee's recommendations were not taken up in their entirety. Furthermore, emphasis was placed on the introduction of new fish conservation measures in the Tana River.

Sámediggi is represented in the delegation that is negotiating with Finland on a new agreement on fishing for salmon etc. in the Tana River. The primary aim of the negotiations is to reduce fishing to a sustainable level. It is intended that new fishing regulations will be in place with effect from the 2015 fishing season.

## **2.9 Duck-hunting in the spring**

In the spring of 2013, the Ministry of the Environment consulted with Sámediggi and the Sami Hunting and Outfields Association on the question of maintaining the regulations pursuant to the Wildlife Act which permit duck-hunting in Kautokeino during the spring nesting and breeding season, but full agreement was not reached. Kautokeino Municipality was also represented in the consultations. Duck-hunting in the spring is in conflict with modern game management, which is based on harvesting the surplus and avoiding hunting during the nesting and breeding season. However, the spring hunt is an age-old tradition in Kautokeino, and still has strong cultural roots in the Sami part of the local community. Following the consultations, the Ministry of the Environment has adjusted the quota on the species red-breasted merganser, mallard and tufted duck from a total of 300 to 150 drakes per year. It is no longer permitted to hunt long-tailed duck in the spring. The Directorate of the Environment can make changes with respect to quotas if the stocks change radically. Finnmark Estate and Kautokeino Municipality are also required to report every five years (in 2013 for the first time) on how the spring hunt contributes to Sami culture.

## **2.10 Follow-up to the Committee's previous comments on the Mineral Act**

A new Mineral Act was adopted by the Storting (The Norwegian Parliament) in the spring of 2009, and entered into force 1 January 2010.

In order to fulfill the obligations under international law and conventions, the Mineral Act has several provisions to ensure Sami interests, notably provisions requiring that substantial weight (significant emphasis) be given to Sami interests concerned, as well as participation from Sámediggi and other Sami organizations.

The Mineral Act stipulates that the administration and use of mineral resources should be undertaken in a way that safeguards the foundation of Sami culture, commercial activity and social life. The Act shall be applied in accordance with the rules of international law relating to indigenous peoples and minorities. These provisions generally apply to the entire country, and apply in all areas where there are Sami interests.

The Mineral Act establishes special rules to ensure the basis for Sami interests in Finnmark. The rules include a duty to give notice before prospecting and exploration begin. The

searching or exploring party shall give written notice to Sámediggi, the Finnmark Estate where it is landowner, and the relevant area board and district board for reindeer administration.

Secondly, the Mineral Act has special procedures pertaining to the processing of applications for permits for mineral activities in Finnmark. A party that applies for a permit shall take reasonable steps to obtain information about directly affected Sami interests in the area to be explored. Furthermore, when processing the application, the Directorate of Mining shall give the landowner, Sámediggi, the municipality, and the relevant area board and district board for reindeer administration an opportunity to comment. These rules ensure that the authorities have an optimal knowledge before making a decision. If Sámediggi or the landowner opposes the granting of an application, the Ministry of Trade and Industry shall decide the application.

In the assessment of whether a permit shall be granted, special consideration shall be given to the interests of Sami culture, reindeer management, commercial activity, and social life. A permit may be refused if granting the application would be contrary to Sami interests. If the application is granted, conditions may be imposed to safeguard these interests.

A party that is extracting a deposit of minerals owned by the State shall pay the landowner an annual fee of 0.5 per cent of the sales value of that which is extracted. In the case of land owned by Finnmarkseiendommen (95 per cent of the area in Finnmark County), an increased landowner fee of 0.25 per cent shall be paid in addition to the ordinary landowner fee. Finnmarkseiendommen is managed by a board of directors with six members, three of whom are appointed by Sámediggi, and three by the Finnmark County Council.

The Government is in the process of following up the report from the Sami Rights Commission 2 in NOU 2007:13 The new Sami law. The Commission has proposed amendments to the legislation regarding mineral legislation and several other sector acts. In addition, the Commission has proposed a new case management and consultation act. The Ministry of Justice and Public Security and the Ministry of Government Administration, Reform and Church Affairs have primary responsibility for the follow-up of the proposals from Sami Rights Commission 2, but will cooperate with relevant ministries in the process. The Ministry of Trade and Industry will have primary responsibility for following up proposals for amendments to the Mineral Act.

In March 2013, the Government presented its Strategy for the Minerals Industry. The Ministry of Trade and Industry carried out two consultation meetings with Sámediggi. Sámediggi has given its approval of the chapter in the strategy about mineral activities in areas where there are Sami interests.

One of the measures in the Strategy for the Minerals Industry is that the Government will consider whether the Mineral Act should be amended with the inclusion of specific rules to protect Sami interests in connection with mineral operations outside of Finnmark. The



Ministry of Trade and Industry initiated consultations on the matter with Sámediggi and the Sami Reindeer Herders' Association of Norway in the spring of 2013.

Consideration of Sami interests in matters concerning mineral activities is also secured in other regulations. Sámediggi may object to proposals for the land-use element of municipal master plans and zoning plans in matters that are of significant importance to Sami culture and commercial activities. The municipality is the planning authority that determines whether an area should be regulated for raw materials extraction. Also at this stage, Sami interests are safeguarded.

## **2.11 Petroleum and Energy**

The Ministry of Petroleum and Energy and its subordinate agency the Norwegian Water Resources and Energy Directorate (NVE) handle matters requiring consultations with Sámediggi on a regular basis. Consultations are normally related to the licensing process of hydro power plants, wind power plants or power lines conflicting with Sami interests/areas, but can also be relevant for new petroleum projects.

An act relating to offshore renewable energy production, the Offshore Energy Act, was adopted on 4 June 2010. According to section 1-5 of the Act, Norwegian Authorities are obliged to attach due importance to the environment for Sami culture when making decisions on the basis of the Act that affect Sami interests directly.

Since 2008 the Ministry has consulted Sámediggi and/or the reindeer pasture districts in the processes of licensing for nine different energy projects: three small hydro power plants ( $\leq 10$  MW), three large hydro power plants ( $>10$  MW) and three transmission lines.

NVE has since 2008 carried out 38 consultations with Sámediggi and the reindeer pasture districts. The consultations have mainly been related to wind power, hydropower and energy transmission licence applications. In relation to hydro power, the general experience is that issues related to the reindeer pasture districts are revealed in the notification of the project, and issues are solved during the handling of the application process of the application. Accordingly, consultations have not been necessary or required, however there has been held some officially registered consultations in the final stage of the process in order to clarify certain issues and to avoid misunderstandings in the further development of the project.

On 31 March 2009, NVE and the Sámediggi signed an official agreement with the intention to embody the procedures regarding NVE's responsibilities in the process of licensing energy projects. The agreement states that NVE is obliged to offer, and if requested, carry out consultations with Sámediggi and/or other Sami stakeholders in the handling of licence applications. Primarily the agreement applies to projects of a certain size which require a full environmental impact assessment (EIA). The consultations may start as early as in the handling of the notification of an application and there may be held several consultation meetings during the process. Additionally, the reindeer herders are frequently consulted regarding the same projects as Sámediggi, though they are not comprised by the official

agreement. The reindeer herders are commonly represented by district representatives (reindeer pasture districts), and consultations may take place separately or together with Sámediggi depending on the requirements by each participant.

In general the Ministry's and NVE's experience with consulting the reindeer pasture districts is that the meetings have had a practical approach, and have been constructive and useful in obtaining viable solutions for both the districts and the developer. The consultations with the reindeer pasture districts are specifically related to issues concerning reindeer husbandry within a specific geographical area. In the ordinary handling process of licence applications, the different Sami stakeholders, also private property owners, can participate in the public hearings and have an influence on the final outcome of the process. Furthermore, they can make an objection to the notification and application.

## **2.12 Follow-up to the Committee's previous comments – Protection of Sami land rights outside Finnmark County**

### **Follow-up of the report of the Sami Rights Committee**

The Government is currently working on the follow-up of the report of the Sami Rights Committee. For further information on the Committee and its report, reference is made to Norway's previous report (2008) 2.2.

One of the proposals of the Sami Rights Committee is a new statute on administrative procedures and consultations. The Ministry of Government Administration, Reform and Church Affairs is currently working on the follow up of this proposal. The Ministry's preliminary views on this matter were presented to Sámediggi in June 2012, as a basis for the coming consultations. So far there have been two consultation meetings between the Ministry and Sámediggi on this matter. In the continued follow-up of the proposal there will also be a process to inform and seek the view of the local communities in the affected areas, especially through the affected counties and municipalities, as well as NGOs.

According to Norwegian law, rights to own and use land and water (fixed property) can be acquired in different manners. Various mechanisms and procedures have been established for clarifying and protecting rights to land and natural resources under private law in the Norwegian legal system. Disputes concerning rights of ownership and use of fixed property are brought before the ordinary courts of law. Another possibility is to bring a dispute concerning right of ownership and use of fixed property before the Land Court. The Land Court may adopt a position on boundary dispute cases or legal clarification cases. These rules are intended to be used until the ongoing processes on follow-up of the Sami Rights Committee have been elucidated.

### **Preserving land for reindeer husbandry**

The Ministry of Agriculture and Food has the ultimate responsibility for the Sami reindeer industry, and consequently aims to ensure that land for reindeer husbandry is preserved. An account is given below of the most important aspects of this work.

Access to land is essential if reindeer husbandry is to be able to continue with the nomadic mode of operation. This mode of operation forms the basis for ecologically sustainable pasture usage, and the authorities will therefore continue to prioritise efforts in this area.

A number of acts have now established new instruments that pave the way for pursuing national objectives of preserving the material basis for Sami reindeer husbandry.

It will be important going forward to ensure that these instruments are used actively. When the instruments are used, it is crucial that the various parties have a common perception of reality which provides a basis for good interaction and good solutions. It is crucial that politicians and authorities have a good knowledge of reindeer husbandry's right to land and the use thereof. The Ministry of Agriculture and Food will continue the work of providing information about reindeer husbandry's land usage and rights.

The Planning and Building Act is the central legislation applying to administration of land in the reindeer pasture areas. It is important that the Act be used to ensure satisfactory land management within the land resources of the district as a whole, to ensure the necessary predictability for the district, and also to enable an overall assessment of different measures within the district boundaries. Overall plans will also create less work for the district because it will not be necessary to deal with part-plans. The Planning and Building Act also allows planning guidelines/rules to be drawn up for the areas of land that are of particular importance to sustainable reindeer husbandry. The Ministry of Agriculture and Food is in the initial phase, together with the Ministry of the Environment, of establishing planning guidelines/rules for the reindeer husbandry areas. The Ministry of Agriculture and Food will also pave the way for the Sami Reindeer Herders' Association of Norway (NRL) to be an active partner in this work.

### **Clarification of internal rights in reindeer husbandry**

In Report No. 9 (2011-2012) to the Storting, the Ministry of Agriculture and Food proposed also giving the Land Consolidation Court the competence to clarify internal rights in reindeer husbandry in connection with the identification of rights.

In the view of the Ministry, it would have been possible in the spring of 2013 to submit to the Storting a Bill empowering the Land Consolidation Court to deal with rights clarification cases internally in the reindeer husbandry industry. However, neither Sámediggi nor the Sami Reindeer Herders' Association of Norway (NRL) wished to make this change now. The reason for this is that they wanted a thorough review of the use of the Land Consolidation Court in internal matters in reindeer husbandry. A central aspect of such a review was how to increase the Land Consolidation Court's knowledge of reindeer husbandry.

The Ministry supports the importance of the Land Consolidation Court having sufficient knowledge of reindeer husbandry if it is to be given the competence to make decisions on internal reindeer husbandry matters. On the other hand, in the view of the Ministry an identification of rights to clarify the legal situations among siidas is not very different from the clarification of rights currently being conducted by the Land Consolidation Court. Despite this, the Ministry has decided after an overall evaluation to meet Sámediggi and NRL, and not to submit the amendments mentioned above at the present time.

The Ministry will continue work to ensure that NRL is consulted on land issues in the same way as Sámediggi. The Ministry will also take the initiative for a review of possible challenges to the access of reindeer husbandry to land and operations as a result of the conservation plans that have been implemented in the last couple of years.

### **Part III**

### **Part IV**

### **Part V – Social Security and Health**

#### **5.1 Study on Sami Health II**

The Centre for Sami Health research is conducting a health study in 25 municipalities in the three northernmost counties during 2012-2014, called *Saminor II*. This is a follow-up of an earlier study (Saminor I) which was undertaken in 2003-2004. The Centre is primarily financed by the Ministry of Health and Care Services. The study contributes to increasing the knowledge of the health state of Sami people and of their use of public health and care services. Feedback so far indicates substantial participation in the study. The results will contribute to better targeted preventive actions.

#### **The Specialised Health Services**

In the annual letters of instruction from 2009 to 2013 The Ministry of Health and Care Services has given the four Regional Health Authorities in Norway the following task:

”The Sami patients’ rights and needs to have adapted services shall be demanded and made visible in planning, reports and when decisions are made.”

In the annual letter of instruction for 2011, the regional Northern Norway Health Authority was given the task to finance and carry out an interpretation project to improve the interpretation services to the Sami people. Sámediggi has been involved in working out the mandate for the interpretation project. The project was completed in April 2013.

## 5.2 The Health Service Reform

The main objective of the Health Service Reform (Samhandlingsreformen) is to provide all citizens with a holistic and coherent health service with a high quality and adapted to individual needs. Through bilateral agreements, the cooperation between municipalities and hospital trusts has been strengthened, and a better equilibrium between municipalities and the specialised health services has been achieved. All involved parties agree that it will be necessary to invest more in prevention activities and in strengthening the capacities at municipal level. The reform represents a long-term adjustment of health care service delivery, and the Ministry follows its development carefully, so that measures may be adjusted based on experience.

The Health Service Reform was initiated to address three goals:

- to improve the coordination and interaction between the different administrative levels providing health services to the Norwegian population;
- to prevent the development of physical and mental illness; and
- to strengthen public health work and health promotion.

The reform entered into force last year, and the results are so far in line with its objectives. Patients are to a lesser degree remaining in hospital after treatment, and the health services at municipal level have been improved in quality and quantity.

During autumn 2010 and spring 2011 consultations with Sámediggi were held concerning the Health Service Reform; on the *Report to Parliament No. 16 (2010-2011) National plan for health and care*, *Proposition 90 L (2010-2011) Public Health Act* and *Proposition 91 L (2010-2011) Municipal Health and Care Services Act*.

The input from Sámediggi has been integrated in the proposition. Their input includes a description of the relationship between the Public Health Act and the Municipal Health and Care Services Act on one hand, and the Sami Act on the other. The need for knowledge on the health state and health determinants of the Sami population are described, as well as the principle of participation and mechanisms for involving the population or population sub-groups in decision-making processes. Furthermore, the Public Health Act requires that municipalities should plan their activities on health promotion to reach out to target groups with different cultural background.

During spring 2012, Sámediggi was consulted on the *Regulation on Public Health Surveillance*. An agreement was reached that the Regulation should include a requirement that in municipalities where the Sami population is expected to have particular public health challenges, these should be taken into consideration.

## 5.3 White Paper on Public Health

Two meetings were held at administrative level during spring 2013 with Sámediggi on *Report to the Storting No 34 (2012-2013) The Public Health Report. Good health – a*

*common responsibility*. The input from Sámediggi led to an agreement on concrete texts in the final report. A separate description of the health state in the Sami population is included. Special attention is given to living conditions and social issues, discrimination and mental health. Except from this, challenges related to the Sami population are not mentioned as a separate subject, but are integrated in the description of challenges and approaches where this is deemed relevant.

## **Part VI – Education and means of communication**

For more information on the Norwegian government's policy and measures regarding Sami languages, reference is made to Norway's fifth periodical report on the implementation of The European Charter for Regional or Minority Languages (enclosed).

### **6.1 Pre-school Education**

Since the previous report there have, in addition to the consultations, been established regular administrative meetings between Sámediggi and the Ministry of Education and Research, and the Directorate for Education and Training usually participates. In general there are four meetings a year, with discussions about Sami education.

The Norwegian Government's objective for its kindergarten policy is the provision of kindergarten services of high quality and at a low price. Kindergartens shall provide children with good opportunities for development and activity in close understanding and collaboration with the children's homes.

The Kindergarten Act states that the kindergartens must take account of children's social, ethnic and cultural background, including the language and culture of Sami children. Further, kindergartens for children in Sami districts must be based on the Sami language and culture. In other municipalities steps must be taken to enable Sami children secure and develop their language and their culture. This legislation relates to the ILO's Convention No. 169 concerning Indigenous and Tribal Peoples.

Sámediggi has special grants to establish informative material and information to and about Sami kindergartens.

According to Sámediggi there are 23 Sami kindergartens. 7 Norwegian kindergartens have a Sami department and 31 Kindergartens offer training in Sami language.<sup>1</sup> Most kindergartens with Sami children are in the northern Norway (70 percent in Finnmark).

The Norwegian Government recently presented a White Paper to the Parliament (Meld. St. 24 (2012-2013) Framtidens barnehager) focusing on the future of the kindergartens and on basic

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<sup>1</sup> Official figures 2012

education. The Sami perspective is integrated in the White Paper. The Government proposes several measures to accommodate the challenges in Sami kindergarten and education.

The White Paper was considered by the Parliament in June 2013.

## **6.2 Education programs**

Though the strategic plan for production of textbooks etc. has been efficient, there is still scarceness of Sami teaching materials. In addition to the paper editions there is production of digital teaching materials. Reports state that Sami pupils occasionally do not get have the education to which they are entitled. The Directorate for Education and Training is completing a plan for Sami distance education.

From the school year 2013-2014 there will be a revised curricula in different subjects, including subjects for Sami pupils. In addition Sámediggi and the Ministry of Education have discussed and concluded on changes in the distribution of subjects and lessons for pupils with Sami subjects. These changes will also be carried out from the next school year.

The Sami University College in Kautokeino offers Sami teacher education. The national curriculum is set by the Ministry of Education and Research and provides the overarching framework for Sami teacher education in Norway.

The Sami University College is the only higher education institution that offers a research based and integrated Sami teacher education. A separate curriculum for Sami kindergarten teachers is also developed.

The Ministry of Education and Research established a special teacher training region for Sami teacher education in June 2010. The region was established to strengthen and coordinate the national effort in Sami language education. The region consists of Sami University College, Finnmark University College, The University of Tromsø, The University of Nordland, and The University College in Nord-Trøndelag.

The Ministry of Education and Research has also been implementing a strategy to improve the recruitment of students to studies in Sami languages. The strategy is called “The national recruitment strategy for Sami higher education”. The strategy started in 2011 and will be completed and evaluated in 2014.

## **6.3 Plan of Action to strengthen Sami languages**

The Government’s Plan of Action on Sami languages was presented in 2009. The plan was made in dialogue and consultations with Sámediggi.

The principal focus of the plan is to create the right conditions to increase the number of people actively using the Sami languages – North Sami, South Sami and Lule Sami. This will be done through measures which aim to boost the instruction of Sami in kindergartens,

primary and secondary education and training. Arrangements will also be made to establish more domains in which the Sami languages can be used. Stronger effort will be made to recruiting people to Sami speaking educational programmes, and programmes that have Sami included in the subject range. One of the main focuses of the action plan is to boost the use of Sami languages within the public administration and health services. The Action Plan has special focus on the Sami minority languages – Lule and South Sami.

The first report on the Action Plan was presented in 2011 and the second report will be presented in September 2013.

#### **The Sami language survey in 2012**

Nordland Research institute conducted in spring 2012 a survey on the use of the Sami languages – North Sami, Lule Sami and South Sami. The survey was conducted on behalf of Sámediggi and funded by the Ministry of Government Administration, Reform and Church Affairs, The Ministry of Education and Sámediggi. The aim of the study was to look at skills in the Sami languages, and the use of Sami languages in different venues and among different groups of people. The survey is based on a sample of persons registered in the Sami electoral roll.

The results of the survey were presented in June 2012. The survey indicates a positive development in the use and skills in Sami languages among young people, particularly among the South and Lule Sami speakers.

#### **Review of the language provisions in the Sami Act**

The Ministry of Government Administration, Reform and Church Affairs has undertaken a review of the language provisions in the Sami Act. The review assesses the language provisions in the Sami Act in the light of national and international commitments regarding Sami languages. The Ministry of Government Administration, Reform and Church Affairs has submitted this review to Sámediggi as a common ground for future consultations on questions relating to the language provisions.

#### **Sami language in emergency call centers**

Since the previous report on ILO No. 169, the Norwegian Ministry of Justice and Public Security has held three consultative meetings with Sámediggi, regarding Sami language in emergency call centers. The purpose of the meetings has been to find appropriate ways to implement Sami language as an operating language in five municipalities in Finnmark County in a satisfactory manner. This process is ongoing.

## **Part VII – Contact and Co-operation across borders**

### **7.1 Center for Northern Peoples - Davvi álbmogiid guovddáš**

The Center for Northern Peoples works to develop, protect and promote Sami, Indigenous and Northern peoples' cultures, with particular emphasis on the Coastal Sami culture. In the period 2007–2010 grants of a total of 22 million NOK were allocated from the Ministry of Culture to finance an expansion of the existing center to include a museum for northern



peoples and a Sami library. The Center's new premises opened to the public in 2011. The Center, formerly known as Ája, is situated in the municipality of Kåfjord in the County of Troms and has historical roots to the Sami revitalization process in the 1970s.

## **7.2 Negotiations on Nordic Sami Convention Draft**

Reference is made to Norway's previous report (2008) for more information about the background and scope of the Draft Nordic Sami Convention.

The Nordic countries together with the three Nordic Sami Parliaments have started negotiations on the Nordic Sami Convention. The Norwegian delegation was appointed in March 2011. The first negotiation meeting was held in Sweden, and the aim is to conclude the negotiations within five years. The Norwegian delegation consists of five members. The head of delegation and two members were appointed by the Government, and two members were appointed on the proposal of Sámediggi. Sámediggi will be consulted throughout the negotiations. Norway is hosting the negotiations in 2013.

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This report has been forwarded to the Social Partners represented in the Norwegian Tripartite ILO Committee .We have not received any comments from the social partners.

## **APPENDIX**

Norway's fifth periodical report on the implementation of The European Charter for Regional or Minority Languages