

The UN Building. PHOTO: TORKEL RASMUSSEN.



Norway's international obligations

NORWAY HAS ACCEPTED specific obligations under several international conventions, declarations and agreements applicable to minorities and indigenous peoples. Both sets of obligations are applicable to the Sámis as an indigenous people and minority, and establish a framework for the Norwegian Sámi policy. Some of the most important instruments are:

- The International Covenant on Civil and Political Rights, in particular Articles 1 and 27 (1966)
- ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989)
- The International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- The UN Convention on the Rights of the Child, in particular Articles 2, 17 (d) and 30 (1989)
- The UN Convention on the Elimination of All Forms of Discrimination against Women (1979)
- The Council of Europe's Framework Convention for the Protection of National Minorities (1995)
- The Council of Europe's Charter for Regional and Minority Languages (1992).

In addition to legally binding international instruments, a number of international declarations are important elements of the framework for Norway's Sámi policy, including Agenda 21 – adopted by the United Nations Conference for Environment and Development (1992), particularly Chapter 26, and the Declaration and Programme of Action from the World Conference on Human Rights (1993).

Article 27 of the International Covenant on Civil and Political Rights has been the most important international human rights provision in the development of the Norwegian Sámi policy and recognition of Sámi rights under domestic law. Article 27 states that: "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities, shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or use their own language." The Article protects minorities, and indigenous peoples, against discrimination. The State is also obliged to adopt positive measures to protect the identity of an indigenous people or minority and the rights of its members to enjoy their culture and language and to practise their religion. It requires that the rights contained in the provision are not denied.



UN Secretary-General Kofi Annan and Permanent Forum on Indigenous Issues first leader Ole Henrik Magga. PHOTO: UN LIBRARY.

With regard to the exercise of the cultural rights protected under Article 27, it is recognised by relevant United Nations bodies that culture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous peoples. That right may include such traditional activities as fishing, hunting or reindeer herding.

The ILO Convention No.169 concerning Indigenous and Tribal Peoples contains provisions dealing exclusively with indigenous and tribal people's rights. Norway was the first country to ratify the ILO Convention in 1990. The ILO Convention recognises that indigenous peoples are entitled to exercise control over and manage their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live. The Convention also contains provisions concerning indigenous people's rights to lands and natural resources. Indigenous people's access to their lands and resources are regarded as central for their material and cultural survival as distinct peoples.

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The Sámi People – a Handbook, Karasjok 2006.