

Questionnaire to Governments

The report of the 9th Session of the UN Permanent Forum on Indigenous Issues provides a number of recommendations within its mandated areas, some of which are addressed to Member States.

The Secretariat of the UN Permanent Forum on Indigenous Issues invites Governments to complete the attached short questionnaire on any action taken or planned in response to the Permanent Forum's recommendations. All the questionnaire responses from Governments will be compiled into one report for the tenth session of the Permanent Forum.

Please submit your completed questionnaire at your earliest convenience but no later than **31 January 2011** to:

Secretariat of the Permanent Forum on Indigenous Issues
Division for Social Policy and Development
Department of Economic and Social Affairs
Room: DC2 – 1454
United Nations Headquarters
New York, USA 10017
Telephone number 917-367-5100; fax number 917- 367-5102
Email: indigenous_un@un.org

The full questionnaire can also be completed online or downloaded in word format from <http://www.un.org/esa/socdev/unpfii/en/questionnaire.html>

Country: NORWAY

Contact person: (please include name and contact details)

Question 1

Briefly state what recommendations from the Ninth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)¹ or recommendations from previous sessions (not addressed in previous reports) were addressed by your Government.

Q1

47. Reference is made to question 9

52. Norway welcomes the efforts by Permanent Forum to actively encourage other UN mandates to contribute to the study on education.

118. The Coastal Fishing Committee completed an official report on the rights to fisheries in the sea outside Finnmark County in February 2008 (NOU 2008: 5). The Committee argues that people living by the fjords and by the coast, has a right to fishery in the sea outside Finnmark, based on historical usage and international law concerning indigenous people. Furthermore, the committee proposes to establish this right by law. It should comprise the right to fisheries for own consumption and the right to establish fishery as a trade.

The public hearing of the report has ended. The follow-up of the report is currently being subject to consultations between the Ministry of Fisheries and Coastal Affairs and Sámediggi.

¹ The following paragraphs of the Report on the Ninth Session of the Permanent Forum (E/2010/43) contain recommendations addressed to Member States: 11, 12, 14, 16, 17, 18, 26, 32, 33, 41, 44, 46, 47, 51, 52, 60, 61, 62, 63, 64, 65, 77, 78, 79, 80, 82, 83, 84, 85, 86, 87, 92, 95, 97, 98, 99, 100, 101, 106, 110, 112, 113, 118, 119, 121, 123, 147, 148, 149, 155, 158, 160, 161, 163, 164, 165, 166.

Question 2

Please provide a brief account of some of your Governments' efforts regarding indigenous peoples and the Millennium Development Goals?

Q2

Question 3

At its tenth session in 2011, UNPFII will review its recommendations in relation to (a) Economic and Social Development; (b) Environment; (c) Free, Prior and Informed Consent. Briefly state how your Government deals with these issues in regards to indigenous peoples?

Q3(a) Economic and Social Development

Annually Sámediggi receives budget allocation to various types of measures to strengthen the economic and social development in the Sami society.

There are also annual negotiated between the NGO Sami Reindeer Herders' Association of Norway and the State about an economic agreement, in order to secure economic and social development in the reindeer husbandry.

The development of rights, institution-building and the formalisation of dialogue between the authorities and the Sami people have been the main focus of Sami policy. Laws, regulations and schemes have been established to strengthen Sami languages, culture, economic and social life. The Finnmark Act and the Consultation Agreement between Sámediggi (the Sami Parliament) and State Authorities are particularly important. The Government will follow up previous and ongoing studies and arrangements relating to human rights, including the Finnmark Commission, the Uncultivated Land Tribunal, the Sami Rights Committee II, the Coastal Fisheries Committee and further work on a Nordic Sami Convention.

At the same time, the Government wishes to focus on how rights and policies are put into practice. The Government particularly stresses the importance of "everyday policy", the practical integration of Sami considerations into the formulation of policy and measures in all areas of society and administration. The Government particularly wishes to focus on Sami users' encounter with public authorities. This is important because it concerns the welfare and legal rights of Sami individuals. For instance, the State has requested in the assignment document to the regional health authorities to establish interpreting services for patients who need such services. The State also requires the regional health authorities to implement measures to improve employees' linguistic and cultural competence with respect to the Sami.

Q3(b) Environment

EALÁT is a Reindeer Herders Vulnerability Network Study and is a project that examines reindeer pastoralism in the light of climate change. EALÁT focuses on the adaptive capacity of reindeer pastoralism to climate variability and change and, in particular, on the integration of reindeer herders' knowledge in the study and analysis of their ability to adapt to environmental variability and change. The Ealát project is Project Number 399 in the International Polar Year Scheme. For further information: <http://icr.arcticportal.org>

Q3(c) Free, Prior and Informed Consent

Participation in decision-making processes is of fundamental importance and precondition for the realization of a vast number of indigenous peoples rights. In our own national experience, the establishment of Sámediggi, the Sami Parliament of Norway, has significantly improved the implementation of the rights of the indigenous peoples.

The Norwegian Government and Sámediggi agreed on Procedures for Consultations between the State Authorities and Sámediggi in 2005. The consultation procedures apply to the Government and its ministries, directorates and other subordinate state agencies or activities. Furthermore, they apply in matters that may affect Sami interests directly. The substantive scope of the consultations may include various types of matters, such as acts, regulations, individual decisions, guidelines, measures and decisions (e.g. in Reports to the Norwegian Parliament). The consultations shall be undertaken in good faith, with the objective of achieving agreement to proposed measures. The procedures have led to increased awareness of the duty to consult in Government ministries and agencies.

Question 4

What are some of the obstacles your government has encountered in implementing the recommendations of the Permanent Forum?

Q4

Reference is made to question 9.

Question 5

What are some of the factors that facilitate your government's implementation of the recommendations of the Permanent Forum?

Q5

Norway has, together with Sámediggi (The Sami Parliament), developed a functional system of communication, for instance regular half-yearly meetings shall be held between the Minister responsible for Sami affairs and the President of Samedigge.

There are annual budget allocations to Sámediggi and to various other Sami measures.

Question 6

Please list specific laws and/or policies that address indigenous peoples' issues in your country?

Q6

In 2009 launched Norway a Plan of Action to strengthen Sami languages. In 2011 a follow-up report of the Action Plan is published. The focus area of the follow-up is to identify measures that can encourage even more Sami people to regain their first language.

Norway has several laws that address indigenous peoples' issues. Below the most central acts are listed;

- The Sami Act – provisions concerning Sami language, organization of Sámediggi
- The Education Act – provisions concerning Primary and Secondary Education and Training
- Reindeer Husbandry Act
- Finnmark Act
- Planning and Building Act - provisions concerning Sámediggi's authority to oppose in planning matters
- Mining Act of Mining Claimable Minerals
- Act relating to Wild Marine Resources

Question 7

Does your Government have a national institution (ministry, department, ombudsman, etc.) on indigenous peoples' issues?

YES

NO

If "Yes", please provide the names and contact details of the focal point on indigenous peoples' issues?

Q7

Norwegian Ministry of Government Reform, Administration, Reform and Church,
Department of Sami and Minority Affairs

Question 8

Does your Government have any formal or ad hoc capacity-building programmes on indigenous peoples' issues for civil servants?

YES

NO

If "Yes", please provide a brief description of these programmes.

Q8

A course package for health and social services personnel is currently being prepared at the Sami University College in Finnmark. The package will include subjects such as Sami language and culture, Sami rights, and simple concepts and terms that can facilitate communication between Sami patients and the health service.

Question 9

Please list information on how your Government currently promotes and/or implements the U.N. Declaration on the Rights of Indigenous Peoples.

Q9

In general, the rights laid down in the U.N. Declaration on the Rights of Indigenous Peoples have already been implemented in Norway, for instance, through the Finnmark Act and the Procedures for Consultations between the State Authorities and Sámediggi (the Sami Parliament) of 11 May 2005. Reference is made to the Explanation of the vote given by Norway at the time of adoption (enclosed).

The Government has translated the U.N. Declaration on the Rights of Indigenous people into Norwegian, in order to make it more accessible to public agencies, the civil society and others. A translation into North Sami is currently being made.