



DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS
Division for Social Policy and Development
Secretariat of the Permanent Forum on Indigenous Issues

**International Expert Group Meeting on the theme
Implementation of the United Nations Declaration on the Rights of Indigenous Peoples:
The role of the Permanent Forum on Indigenous Issues and other indigenous specific
mechanisms (article 42)**

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I. Introduction

1. Arctic Indigenous Peoples organizations and institutions: Inuit Circumpolar Council - Greenland, Saami Council, Sámi Parliament of Finland, Sámi Parliament of Norway, Sámi Parliament of Sweden, and Sámi Parliamentary Council (Arctic indigenous peoples) has over the years presented and delivered several reports, studies, statements at the UNPFII, EMRIP and other meetings organized by the UN system about the implementation of United Nations Declaration of The Rights of Indigenous Peoples (UNDRIP). In this process best practices and challenges has been identified, both with a geographical and thematic focus

2. UNDRIP recognizes that Indigenous Peoples have the right to maintain and develop contacts, relations and cooperation, including activities for cultural, political, economic and social purposes, with other peoples across borders (Article 36), and that the United Nations shall establish procedures ensuring participation of Indigenous Peoples at the United Nations (Article 41). These provisions affirm that Indigenous Peoples' right to self-determination also encompasses an external dimension - their right to effective international engagement, including at the United Nations.

3. In a regional Arctic framework the Arctic governments have since mid 1990th recognised the necessity to include Indigenous Peoples' self-government institutions, Indigenous NGO and traditional indigenous communities in all levels, in bodies as the Arctic Council and the Euro Arctic Barents Council.

4. The Arctic peoples have repeatedly urged the respective governments in our region to initiate national follow-up processes, including measures called for in OP 7 and 8 of the Outcome Document. Unfortunately, we are not in a position to report about any major national level progress in this regard, with one exception, and that being in Canada. The Arctic Caucus has welcomed the commitment of the Government of Canada to true reconciliation with indigenous peoples, and its pledge to implement the Declaration. This is an important first step towards real change. We urge other governments, including those of the other Arctic States, to follow the Canadian example.

5. The Governments of Finland, Norway and Sweden met Sami representatives in December 2014 to carry out initial discussions on the follow-up of the international aspects of the World Conference Outcome Document, in particular OP28 and OP33. The Government of Finland has provided some funding for the international follow-up, enabling indigenous peoples' representatives to engage in informal discussions with Member States in Geneva, concerning the follow-up of OP28 of the Outcome Document. With regard to follow-up at the national level, the Governments of Finland, Norway and Sweden have yet not taken any concrete actions to implement the Outcome Document at the national level. The Government of Norway and the Sami Parliament of Norway have met once in order to discuss the follow-up of OP 7 and OP8 of the Outcome Document. It is anticipated that these discussions will continue.

6. A challenge for the *Sámi* and the Inuit peoples is the fact that their traditional territories are divided between different countries. The Sámi are recognized as indigenous people in Finland,

Norway, Sweden and the Kola Peninsula in the northwestern part of the Russian Federation. The *Sámi* is one people residing across the national borders of four countries, with their own distinct identity, language, culture, social structures, traditions, livelihoods, history, and aspirations. In Finland, Norway and Sweden respectively, the Sami autonomy and self-government is sought implemented through the respective Sami Parliaments. The Sami Parliaments are officially recognized as such through national legislation. The members of the Sami Parliaments are elected by and among the Sami in the respective countries.

7. In order to strengthen their capacity to address cross-border issues affecting the Sami people, the three Sami Parliaments have established a joint cooperative body, the Sami Parliamentary Council. The members of the Parliamentary Council are appointed by the three Sami parliaments from among the representatives elected to each of them through public elections, by and among the Sámi people in the respective countries. The Sami in the Russian Federation do not have their own publically recognized Sami Parliament. However, the Sami in Russia have been granted an observer and participatory status in the Sami Parliamentary Council.

8. Indigenous Peoples' self-government institutions, including the Sami Parliaments of Finland, Norway and Sweden, are currently prevented from independently participating in the work of the United Nations, beyond the annual sessions of the Permanent Forum on Indigenous Issues (UNPFII) and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) respectively. The existing UN rules for participation of non-state entities prevent Indigenous Peoples' self-government institutions to independently take part in the work of the United Nations beyond the mentioned UN bodies. It is of crucial importance that Indigenous Peoples' self-government institutions are allowed to take part in the work of the United Nations. This will also strengthen the United Nations ability to effectively address and resolve issues affecting Indigenous Peoples.

9. The Sami Parliaments are fundamentally different from non-governmental organizations, including as far as constituency, purpose, mandate and organization are concerned. In the Arctic region, there are also a number of indigenous non-governmental organizations, including the Inuit Circumpolar Council and the Saami Council, which both are in consultative status with the UN Economic and Social Council. These two organizations have been among the key Indigenous Peoples' actors at the United Nations for several decades. They will continue to be proactively involved in the future work of the United Nations, but there is also a need for opening up the United Nations for the independent participation of our self-government intuitions.

10. Beyond the annual sessions of UNPFII and EMRIP respectively, Indigenous Peoples' self-government institutions, including the Sami Parliaments, can only participate in the activities of the United Nations as part of the respective State delegations. In some instances this excludes the Sami Parliaments from taking part in the work of the United Nations in matters affecting the Sami people, including in situations where the Sami Parliament concerned has not received an invitation to be part of the governmental delegation, and in situations where the Sami Parliament concerned, due to various reasons, including substantive and/or political disagreement, have decided not to be part of the governmental delegation. This unacceptable situation will remain for the Sami Parliaments, and other Indigenous Peoples' self-government institutions, unless the

United Nations makes its rules for participation compatible to the rights and reality of Indigenous Peoples worldwide

11. The Arctic Indigenous Peoples' have over the years emphasized that the realization of Indigenous Peoples' right to participate in decision-making at the multilateral level is of crucial importance; it is a fundamental right by itself, and vitally important for their enjoyment of other human rights. At the practical level, multilateral decision-making processes are more important for Indigenous Peoples than ever before, because of the increasingly interconnected and globalized world, where multilateral decisions have immediate and direct impact on Indigenous Peoples and their communities.

12. In this context the Indigenous Peoples' in the Arctic have viewed that it is extremely difficult, if at all possible, to reach acceptable substantive outcomes in multilateral decision-making processes affecting Indigenous Peoples, in the absence of a due process that fully involves Indigenous Peoples' self-government institutions. An important lesson learned from the negotiation process on the Declaration, adopted in 2007, and the Outcome Document of the World Conference on Indigenous Peoples, adopted in 2014, is that participatory rights and substantive outcomes are inextricably intertwined. These experiences also demonstrate that the inclusion of Indigenous Peoples, beyond indigenous non-governmental organizations, can lead to exceptionally positive results, when the aims and purpose of the participants are in conformity with the spirit, purposes and principles of the United Nations.

14. The Arctic indigenous peoples has therefor strongly argued that the United Nations should build upon these positive experiences, by adopting permanent accreditation procedures for Indigenous Peoples' self-government institutions, which are consistent with the standards established by the United Nations for acknowledging and respecting the rights of Indigenous Peoples, including Indigenous Peoples' right to self-determination. .

15. The Arctic indigenous peoples has over and over underlined that the operative Paragraph 33 of the Outcome Document of the World Conference, and subsequent resolutions in the General Assembly, including 3rd Committee resolution A/RES/70/232 (OP 19), provide the General Assembly with an excellent opportunity to prove in practice that it is able and willing to implement one of the underlying principles of the Declaration, by establishing a permanent accreditation system for Indigenous Peoples' Self-government institutions, without prejudice to those Indigenous Peoples' organizations that are organized and/or accredited as non-governmental organization under the relevant ECOSOC rules.

16. The Arctic indigenous peoples has also in this context clearly expressed that new accreditation procedures for Indigenous Peoples' self-government institutions should not be construed as diminishing or extinguishing rights Indigenous Peoples have now or may acquire in the future, or adversely affect rights of Indigenous Peoples, as distinct peoples and nations, pursuant to international instruments, including international conventions, recommendations or customs, or pursuant to treaties, agreements and other constructive arrangement

II. Review of developments in the Arctic, with a focus on Finland, Norway and Sweden

17. Sweden, Finland and Norway has over the years been criticized by different UN treaty bodies and other international treaty bodies for its shortcomings and direct violation of the human rights and freedoms of the Sámi people. This has also been repeatedly reflected in the Universal Periodic Reports (UPR).

18. The UN Special Rapporteur¹ on the right of indigenous peoples, James Anaya published 2011 a report about situation of the Sami people in the Sápmi region of Norway, Sweden and Finland. This was so far the most comprehensive and up to date report concerning the situation of Sámi peoples.

19. The Special Rapporteur notes that, overall, Norway, Sweden, and Finland each pay a high level of attention to indigenous issues, relative to other countries. In many respects, initiatives related to the Sami people in the Nordic countries set important examples for securing the rights of indigenous peoples.

20. Among these initiatives is the cross-border effort to develop a Nordic Sami Convention. The Special Rapporteur notes the important work already achieved toward this end, and he welcomes the commitment on the part of the Nordic States and the Sami parliaments to recommence negotiations in 2011 toward adoption of the Convention. However, more remains to be done to ensure that the Sami people can pursue their self-determination and develop their common goals as a people living across more than one State.

21. The Special Rapporteur notes that Nordic States should continue existing efforts to advance the rights of Sami people within each of the States in which they live. In his report, the Special Rapporteur pays particular attention to Sami self-determination at the national level, especially as exercised through the Sami parliaments; the rights of Sami to their lands, territories and resources; and efforts to revitalize Sami languages and provide Sami children and youth with culturally appropriate education.

22. Since he Special Rapporteur on the rights of indigenous peoples, James Anaya published the report in 2011 about situation of the Sami people in the Sápmi region of Norway, Sweden and Finland there have been some developments in this countries concerning the status of the Sámi peoples and matter related to rights to land and usufruct rights.

23. The incoming UN Special Rapporteur on the right of indigenous peoples, Mrs Vicky Tauli-Corpus² published a new country report about the situation of the Sámi Peoples in Finland, Norway and Sweden in mid 2016. Her findings was based of research and investigation carried out, including during a conference organized by the Sami Parliamentary Council in Bierke/Hemavan, Sweden, from 25 to 27 August 2015.

¹ <http://unsr.jamesanaya.org/country-reports/the-situation-of-the-sami-people-in-the-sapmi-region-of-norway-sweden-and-finland-2011>

² <http://unsr.vtaulicorpuz.org/site/index.php/en/documents/country-reports/155-report-sapmi-2016>

24. In here report the Special Rapporteur raised concerns about possible delay From the Governments in finalizing the convention. While she appreciates that there are a number of difficult questions on which to reach agreement, she hopes that the States concerned will take advantage of the opportunity to put in place positive measures designed to promote respect for their obligations to indigenous people based on their human rights obligations, including the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

25. The special Rapporteur also underlined that UNDRIP should constitute an important impetus and guide for the Nordic Sami convention. The Declaration represents a global consensus among States, including Norway, Sweden and Finland, and indigenous peoples worldwide. As a product of decades of deliberations by indigenous peoples and States Members of the United Nations, the Declaration builds on the general human rights obligations of States and is grounded in fundamental human rights principles such as non-discrimination, self-determination and cultural integrity, which are incorporated into widely ratified human rights treaties to which all three States are parties.

26. The Special Rapporteur notes in this context, in particular, the active role that all three Governments played in the negotiations on the Declaration and in ensuring its adoption by the General Assembly in 2007. In their endorsement of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, which was held in September 2014,⁵ all three States also reaffirmed their support for the Declaration and committed to upholding its principles. The Special Rapporteur appreciates that all three Nordic Governments have devoted a high level of attention to advancing the rights of indigenous peoples in international human rights forums. While she does not wish to diminish the significance of such support, it is her view that all three Governments need to explore ways to ensure that there is policy coherence between the positions they take in international human rights forums and those they take at home. The Special Rapporteur sees that the standards of the final outcome should not be lower than those to which all three States have committed in endorsing the Declaration and the outcome document.

27. The Special Rapporteur regrets in this context that the Russian Sami have not been included in the process of drafting the Nordic Sami convention, but remains hopeful that, as soon as it has entered into force, the Nordic countries will initiate discussions with the Russian Federation on how the provisions of the convention can also become a reality for the part of the Sami population that resides within the Russian Federation.

The right of self-determination

28. The right of self-determination has been a matter of great concern in the Nordic context in relation to the Aland Islands, Greenland and the Faroe Islands and lately also in the context of the rights of Sámi peoples. The implementation of this principle has been solved in similar manner by Finland and Denmark. On 21 June 2009, the Act on Greenland Self-Government (Self-Government Act) came into force. This self-government arrangement for Greenland thereby replaces the Greenland Home Rule Arrangement that was established in 1979. The Self-Government Act is based on White Paper No. 1497³ that was drawn up by the Greenlandic-Danish Self-Government Commission in 2008. The White Paper is accessible at Together with the Danish Constitution, the Self-Government Act constitutes Greenland's constitutional position in the Unity of the Realm. Two members of the Folketing (Danish

³ www.nanoq.gl.

Parliament) are elected in Greenland, cf. the Danish Constitution.

29. On April 1, 1999, **Nunavut** separated from the Northwest Territories to become the newest Canadian territory. The creation of Nunavut was the outcome of the largest aboriginal land claims agreement between the Canadian government and the native Inuit people.

The Inuit, who make up 83% of Nunavut's 24,730 residents, will be one of the first indigenous peoples in the Americas to achieve self-government. Nunavut means "our land" in Inuktitut, the Inuit language. The discovery of oil in the northern regions of Canada during the 1960s and 1970s stimulated aboriginal groups to bring several land claims against the Alaskan and Canadian governments. For the politically organized Tungavik Federation of Nunavut, 13 years of intense negotiation led to the 1992 Land Claims Agreement, enacted in 1993. As part of the agreement, the Inuit insisted on the creation of a new territory.

30. In Sweden's national mid-term UPR report from 2012⁴ the revisions of the Swedish constitution is outlined. Instrument of Government, entered into force, January 1, 2011. The Instrument of Government now stipulates that the Government shall encourage opportunities for the Sami people and for Sweden's other ethnic, linguistic and religious minorities to preserve and develop their own culture and community life.

31. The change in the constitution clearly states that the Sami people in Sweden are recognised as "peoples". This is a logical development taking in consideration that Sweden in the report to UN treaty bodies in 2007 recognised both that Sámi are peoples and therefor have the right to self-determination. More over Sweden voted in favour of the UN Declaration on the Rights of Indigenous Peoples with an explanation of vote only concerning land rights. The Swedish Sami policy is in line with the spirit of the Declaration. Among other things, Sweden is working actively, alongside Norway and Finland, to negotiate a Nordic Sami Convention. The key question in negotiation is if both Finland and Norway accept the Swedish position, but this is probably solved by not accepting an open interpretation of the right of self-determination.

32. The Special Rapporteur Vicky Tauli-Corpus reiterate the former Special Rapporteurs recommendation on-going need to increase the Sami parliaments' autonomy and self-governance authority and to strengthen their ability to participate in and genuinely influence decision-making in matters that affect the Sami people (see A/HRC/18/35/Add.2, para. 37). Of particular concern is the structure of the Swedish Sami Parliament, which functions as both a State administrative agency and as a popularly elected body. Representatives of the Swedish Sami Parliament have expressed concern that its role as State administrative agency obliges it to implement policies and decisions made by the Swedish Parliament and government institutions, which are sometimes at odds with the policy preferences of the Sami people (see A/HRC/18/35/Add.2, para. 42). Concerns have also been raised about its limited decision-making power.

33. In 2005, the Sami Parliament and the Norwegian Government entered into an agreement concerning consultation procedures⁵ in matters that might affect Sami interests directly, agreeing that consultations should continue as long as the Sami Parliament and State authorities considered it possible to achieve agreement. While representatives of the Sami Parliament indicate that the agreement has strengthened cooperation, they also shared the concern that its implementation remains particularly challenging in relation to energy development projects and reindeer husbandry. In addition, representatives of the Sami Parliament expressed frustration

⁴ <http://www.regeringen.se/content/1/c6/19/99/21/1c1b0a55.pdf>

⁵ www2.ohchr.org/english/issues/indigenous/.../Norway_3.pdf

that the consultation agreement does not cover financial initiatives or budgetary measures, and that a previous agreement between the Government and the Sami Parliament that procedures for financial instruments would be dealt with in a separate process has yet to materialize. There are now talks taking place with the aim to transfer the consultation procedures into law.

In Sweden a governmental commission have just recently proposed a new consultation regime between governmental structures and the Sámi Parliament and the traditional Sámi communities.

34. The special Rapporteur conclude that despite the strong statutory affirmations of the Sami Parliament Act and the Skolt Act, the Finnish Sami Parliament and the Skolt Sami Village Council have limited decision-making power, in particular with respect to land and resource rights. Representatives of the Finnish Sami Parliament reiterated the concern they had shared with the previous Special Rapporteur that most of their proposals and comments to the State went unanswered by the Government. A highly vexed question is that of the electoral register of the Sami Parliament in Finland. The Sami Parliament Act establishes several criteria that a person has to meet to qualify as Sami for the purpose of voting. According to reports received, the criteria were decided on without the consent of the Sami Parliament and they have recently become the subject of contentious interpretations by the Supreme Administrative Court. In the course of the two recent elections, the Sami Parliament rejected a group of applicants to the electoral register on the basis that they did not meet the objective criteria established by the Sami Parliament Act.

3. Land rights

35. In 2012 the Swedish Supreme Court delivered its ruling in the Nordmaling Case,⁶ in a true landmark case on Sámi land rights. Breaking with Swedish law's conventional position, the Supreme Court accustomed the test on whether Sámi reindeer herding communities had established grazing right to land to the Sámi culture. The Supreme Court based its ruling on what constitute customary practices in reindeer husbandry, rather than on Swedish real-estate law and the prescription from time immemorial. With this new approach, the Court found that the communities had established property rights to an extensive land-area. The ruling sets a fundamental precedent, as it indicates that Sámi reindeer herding communities hold property rights to all the Sámi traditional territory in Sweden. Later a pending court case in the same matter in the county of Jämtland was closed down by parties concerned.

36. In May 2009 the Girjas Sámi Villages filed a lawsuit against the Swedish government in the Gällivare District Court claiming that the state is violating the hunting and fishing rights in their traditional lands in Girjas Sámi community. They are searching to resolve a dispute over hunting and fishing rights in Sámi territory, which was caused by a legal uncertainty. The Act of Reindeer Husbandry has stated that hunting rights in Sámi territory belong to the Sami, but since 1988 the Swedish state have started to claim to the they also have hunting rights as landowner. Lawyers for the state claimed that the indigenous status of the Sámi was irrelevant to the case and Sweden has no international obligations to recognise special rights of the Sami people, whether they are indigenous or not. The situation was further complicated after it was decided in the year 2007, that all EU citizens have the right to freely hunt and fish in the high mountains. The Sami are very much concerned about the negative impact of free hunting. The hunting also disturbs wildlife and the reindeer herding. The court proceedings at Gällivare District Court took place in

⁶ <http://www.hogstodomstolen.se/Domstolar/hogstodomstolen/Avgoranden/2011/2011-04-27%20T%204028-07%20Dom.pdf>

June 2015. The court ruling became public February 3⁷, 2016. The decision in Gällivare district court granted the Sámi village of Girjas, exclusive rights to control hunting and fishing in the disputed area. The Swedish state has appealed to Court of Appeal and the court proceeding's starts in November 2017.

37. The court proceedings at Gällivare District Court created a lot of public attention in Sweden, mainly because of the way Swedish state defended there position and the use of “colonial rhetoric”. Before the case was admissible the Swedish state argued that Girjas Sámi Community could not represent the claims, because they were not the right holders. The court ignored these views. In court proceedings the State question if the Sámi were the indigenous peoples in the disputed are. In the proceeding the State use the term “lapp/lappar”, when the talked about the Sámi peoples. This terms “lapp/lappar” have colonial and racial connotation's and were used without any elaboration. The State also argued the Sámi claims were political and not judicial, because the concept of Sáminess and following rights is an illusion or a misconception.

Natural Recourses

38. During the Special Rapporteur Vicky Tauli-Corpus visit to Sápmi she observed that the natural resource extraction currently under way in the Sápmi region has created an unstable atmosphere of social conflict. That is acknowledged not only by the Sami communities that are affected, but also by public authorities and extractive companies themselves. The tension between the competing interests of the Sami people and business activities that are being pursued on their lands is likely to inform the dynamics of indigenous issues in the Nordic countries and should, as a matter of priority, be addressed by the Governments concerned.

37. A point of contention in the Special Rapporteur's discussions with representatives of the Sami people and the Governments concerned has been the scope and content of the State duty to consult the Sami people and the need to obtain their consent for natural resource investment projects on their traditional territories. Through traditional use, the Sami people have established property rights to their lands and resources and to property in the form of rights to continue to pursue their traditional livelihoods. The States' obligation to respect property rights on the basis of customary land tenure is grounded both in multilateral human rights treaties that are binding upon the Governments concerned, including the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and the United Nations Declaration on the Rights of Indigenous Peoples.

38. In the light of the international human rights obligations and commitments that Norway has assumed with respect to the Sami people, including the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Minerals Act, the Special Rapporteur raises doubts about the State's ability to respect, protect and fulfil human rights in the context of extractive activities It also raises doubts as to whether the State is setting out clearly the expectation that all business enterprises respect human rights throughout their operations. From a business perspective, a deficient regulatory framework also creates barriers for businesses to carry out their operations in a manner consistent with international expectations regarding the rights of indigenous peoples. As much has also been made clear by the Norwegian mineral industry which, in an open letter addressed to the Government in December 2014, requested that the Minerals Act be revised and clarified with respect to the Sami people and their rights. The conflict between the Government

⁷ <http://www.wsa.se/wp-content/uploads/2016/02/Gällivare-TR-T-323-09-Dom-2016-02-03.pdf>

and the Sámi Parliament has recently increased due a decision made by the Government to allow mining landfill in a fjord in Northern Norway.

39. The Coast Samis have been living in the region long before the Norwegian State was established, before they were outnumbered by ethnic Norwegians who moved into the area. The Coast Samis practice of harvesting marine resources in a sustainable way did not fetch them any special rewards when new regulations were introduced or when quotas were allotted. The structures of power within Norwegian fisheries did not favour fishermen with vessels adapted to inshore or fjord fisheries. Thus it has been more and more difficult to continue the traditional Coast Sami way of living, combining small-scale fishery with husbandry, or other local industries. In 1990, a report from one of the most outstanding legal experts in Norway, Carsten Smith (former member of UNPFII)Justice), pointed out that the Norwegian State, by internal and international legal standards, is obliged to take Sami interests into account when regulating the sea fisheries in Coast Sami areas. Even though in 1992 the national Parliament of Norway expressed itself in favour of such legislation, no significant changes occurred. Then, after many setbacks, in 2008 the high-ranking Coastal Fisheries Committee for Finnmark, with Carsten Smith as chairman, formulated an indigenous and regional rights approach⁸ to small-scale fisheries, but the Government rejected the proposal.

Regional cooperation's and emerging policies

40. In an early proposal by the Canadian federal government regarding the structure and organization of the Arctic Council⁹ in 1992, it was suggested "in addition to the representatives of the governments of the eight arctic countries, there should be present, as participants, representatives of international arctic based indigenous organizations." The Canadian proposal included three categories of membership: 1) the representatives of the governments of the eight arctic countries; 2) a role and status for the representatives of international arctic-based indigenous organizations; and 3) representatives of non-governmental organizations, non-arctic national and sub-national governments as observers.²⁶ When the Arctic Council was established in Ottawa 1996 the indigenous organizations as RAIPON, Inuit Circumpolar Conference and the Saami Council was invites as "permanent participants". The rule is that permanent participation "is equally open to other arctic organizations of indigenous peoples with a majority of arctic indigenous constituency representing a) a single indigenous people resident in more than one arctic state; or b) more than one arctic indigenous peoples resident in a single arctic state."³² The establishment of the Council continues to be an exercise in the use of power, one element of which is defining the relationship between states and indigenous peoples at the international level in the Arctic. In the framework of Arctic Council an indigenous peoples secretariat established in late 1990.

40. Arctic Council implemented many of the key-elements in UNDRIP many years before UNDRIP was adopted by the UN general Assembly in 2007. The Arctic council is was early Identify as best practices in cooperation between states and indigenous peoples. The governments have also committed themself to make funds available, to make indigenous

⁸ <http://www.icsf.net/en/samudra/detail/EN/3245.html>

⁹ <http://www.arctic-council.org/index.php/en/>

participation possible in all levels in the cooperation.

41. Cooperation in the Barents Euro-Arctic Region¹⁰ was launched in 1993 on two levels: intergovernmental (Barents Euro-Arctic Council, BEAC), and interregional (Barents Regional Council, BRC), with sustainable development as the overall objective. The region was an area of military confrontation during the Cold War. The underlying premise was that close cooperation secures political long-term stability and reduces possible tensions. This objective has already been successfully achieved. The Barents cooperation has fostered a new sense of unity and closer contact among the people of the region, which is an excellent basis for further progress. The members of the Barents Euro-Arctic Council are Denmark, Finland, Iceland, Norway, Russia, Sweden and the European Commission. The chair of the Barents Euro-Arctic Council rotates between Finland, Norway, Russia and Sweden. Russia holds the chairmanship for the period 2015-2017. Thirteen counties or similar sub-national entities form the Barents Regional Council (BRC). Kainuu, Finland, is the chair of the BRC for the period 2015-2017.

42. The representatives of the three indigenous peoples, the Sámi, the Nenets and the Vepsians, cooperate in the Working Group of Indigenous Peoples (WGIP)¹¹. It has an advisory role in both the BEAC and the BRC which means that their participation is welcome in all Barents Working Groups, that the WGIP Chair is a member of the Committee of Senior Officials (CSO) and the Barents Regional Committee, and that they are always represented at the BEAC Ministerial Sessions and the Barents Regional Council meetings. As of a CSO decision in February 2011, all three indigenous peoples of the Barents Region can participate individually in the CSO, without a formal invitation.

43. According to an EU Commission document¹², published 17.10.2016 the EU will continue to engage with Arctic indigenous peoples and local communities to ensure that their views and rights are respected and promoted in the EU policies affecting the Arctic, in the context of its Arctic Policy. The paper also recalls the commitment to advancing consistency between the EU's internal and external policy towards indigenous peoples. The EU Arctic Policy was adopted in June 2016.

44. The EU Joint Staff Working Document¹³, published 17.10.2016, titled 'Implementing EU External Policy on Indigenous Peoples,' final focuses on the EU's external policies and development cooperation. It provides an overview of actions supporting indigenous peoples, in relation to the developments within the UN and its instruments such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Outcome Document of the World Council of Indigenous Peoples (WCIP). The paper identifies ways to improve the implementation of EU action for the benefit of indigenous peoples, including: systematically include indigenous peoples issues, including implementation of the UNDRIP, in all political and human rights dialogues

¹⁰ <http://www.beac.st/en>

¹¹ <http://www.beac.st/en/Working-Groups/Working-Group-of-Indigenous-Peoples>

¹² http://eeas.europa.eu/archives/docs/arctic_region/docs/160427_joint-communication-an-integrated-european-union-policy-for-the-arctic_en.pdf

¹³ http://www.un.org/esa/socdev/unpfii/documents/2016/Docs-updates/JOINT_STAFF_WORKING_PAPER_EN_V2_P1_865982.pdf

with countries and regional organizations where the issue is relevant, in particular in Africa and Asia; explore the possibility of conducting regular High-Level EU-Indigenous Peoples dialogues to inform and underpin EU external action policy and its implementation on matters affecting indigenous peoples worldwide; ensure the participation of indigenous peoples' representative organizations in the Policy Forum on Development (PFD), the EU's multi-stakeholders' space for dialogue on development policies; and systematically include references to indigenous peoples in policy documents such as the Human Rights and Democracy Country Strategies and the Road Maps for EU engagement with civil society.

45. The document also recommends the use of the EU's rights-based approach to development (RBA) as the main vehicle to integrate the rights and issues of indigenous peoples in the EU's implementation of the 2030 Agenda for Sustainable Development¹⁴, notably by ensuring their full participation and free and prior informed consent (FPIC) in a meaningful and systematic way in EU-funded programmes and projects.

46. The overall policies decisions tabled by European Union can also be reflected and implemented in other EU bodies. On 24 November 2016, the European Parliament adopted resolution 2016/2991(RSP)¹⁵ on the situation of the Guarani-Kaiowá in the State of Mato Grosso do Sul in Brazil. The resolution – supported by Members of Parliament representing seven of the eight political groups – expresses concerns about a “disturbing absence of progress” in the implementation of agreements and resolutions protecting the rights of indigenous peoples. Issues of particular concern are violence inflicted upon indigenous communities and their leaders, delays in the homologation of indigenous territories, and the inadequate provision of services such as health care and education. The situation in Mato Grosso do Sul regarding these issues is especially precarious. The resolution further points towards a number of initiatives to reform the Brazilian Constitution which could put indigenous rights at risk, most notably the proposed constitutional amendment 215/2000 (PEC 215). The European Parliament urges the Brazilian Government to “take immediate action to protect indigenous people's security” and to honour their responsibility to maintain and apply the rights of indigenous and other minorities as provided in the Brazilian Constitution.

¹⁴ <http://sdg.iisd.org/news/eu-identifies-policy-actions-on-indigenous-peoples/>

¹⁵ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0445+0+DOC+XML+V0//EN>