

**Human Rights Council  
Universal Periodic Review of Sweden  
4<sup>th</sup> Cycle**

**Communication by the Saami Council (NGO)**

**Communicating organization**

1. The Saami Council, established in 1953, is a non-governmental organization with consultative status with the Economic and Social Council (ECOSOC) and the International Labour Organization (ILO). It is also a Permanent Participant to the Arctic Council.

2. As far as the organization's human rights work is concerned, the Saami Council has since the 1970s represented the rights and freedoms of the Sami and other Indigenous Peoples through participating in various UN processes and meetings organized under the auspices of a number of UN system organizations. By example, the Saami Council had a leading role in the deliberations leading up to the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007 and the Outcome Document of the World Conference on Indigenous Peoples in 2014.

3. The traditional land of the indigenous Sami People stretches over what today constitute Finland, Norway, the Russian Federation and Sweden. The Saami Council is an umbrella organization, with the national Sami organizations in the four countries as members. In this capacity, the Saami Council provides this input on the human rights situation of the Sami population residing within the part of the Sami land situated within Sweden.

**Previous UPR recommendations**

4. The 3<sup>rd</sup> UPR Cycle report contained 21 recommendations targeted the situation of the Sami as an Indigenous People. Some of them concerned ratification of ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries (ILO 169), but Sweden has not moved towards ratification, despite similar recommendations in the 2<sup>nd</sup> UPR Cycle in addition to several of treaty bodies. It is relevant to repeat this recommendation.

5. Sweden was also recommended to ensure the Sámi People's right to consultation and the free, prior and informed consent, including Sami communities' participation in land, water and resource rights issues. Sweden has taken no tangible steps towards acting on these recommendations either, despite of the adoption of the consultation act in 2022. The act does secure meaningful participation and has not implemented the free, prior and informed consent.

### **Generally on the human rights situation of the indigenous Sami**

#### *Just Transition*

6. Climate change is already causing significant negative effects in the Arctic, occurring at a magnitude and pace unprecedented in recent history, and at least three times faster than projected for other world regions. The consequences are higher temperatures and precipitation, permafrost thaw, changes in snow cover, loss of sea and land ice, extreme weather events, declining biodiversity, and northward shifts of species on land and in freshwater and marine ecosystems.

7. Simultaneously, there is an increased global interest in natural resource development on Sámi land, inter alia wind power, hydropower, and extractive industries such as mining. These projects are often in direct conflict with Sámi livelihoods and in areas essential for the existence of Sámi culture. It makes the Sámi People not only highly affected by the climate change itself but also by land encroachments justified by governments and companies with the urgent need for the green transition. From the perspective of Indigenous Peoples, this is referred to as green colonialism.

8. It has been pointed out that the Sámi People carry a double burden, a paradox highlighted by Sámi representatives. On the one hand, the Sámi are among the people most affected by climate change. On the other hand, the Sámi are expected to also carry the burden of mitigation and to allow land encroachments in their remaining and already limited land.

#### *Sámi reindeer herding*

9. Reindeer husbandry is an indigenous way of life; a nomadic traditional livelihood practiced by family-based communities. It is a model of sustainable management of northern terrestrial ecosystems, founded on knowledge amassed during centuries. The reindeer has been integral to the Sami as long as there has been a Sami people and identity. The Sami have distinct language, traditions, customary norms, knowledge systems etc. Reindeer husbandry is, however, paramount to preserving and developing also these aspect

of the Sami culture.

10. It follows that the most relevant UPR recommendations call on Sweden to provide the building blocks that allow the indigenous Sami to preserve and develop the keystones of its society, culture and way of life.

#### *Truth Commission*

11. In 2022, the Truth Commission began its work to map and examine the policies directed towards the Sámi People from a historical perspective and their consequences for the Sámi communities. The Sámi Council has high expectations for this work and believes it will lead to measures that advances the implementation of human rights. The Truth Commission will conclude its work in December 2025.

#### **The Mineral Act**

12. A considerable threat to Sami reindeer husbandry is loss and fragmentation of pasture lands due to industrialization, including substantial cumulative loss of reindeer pasture. A top culprit is the extractive industry, particularly in Sweden. Mineral exploitation in Sami reindeer herding areas is actively promoted; the mining industry itself ranks Sweden as one of the 'mining-friendliest' countries in the world. Lack of protection of indigenous rights contributes to this appreciation.

13. In late 2023, the EU passed the European Critical Raw Materials Act (CRMA), which is expected to intensify land exploitation in Sápmi. The identification of 'strategic projects' under this law poses serious threats to the Sámi People, with potentially devastating impacts on reindeer herding and other traditional Sámi livelihoods.

14. The Mineral Act takes for granted that expropriating land for mining purposes is lawful, provided that monetary compensation is provided. It is simply assumed that since monetary compensation makes taking of land legal in relation to non-indigenous right holders, the same is true also for Sami reindeer herding communities. That the Sami society, way of life and cultural identity is tied to the land is disregarded. The structurally discriminating mining legislation inflicts ongoing detrimental harm to Sami reindeer herding communities' traditional way of life and cultural identity, and by implication to the Sami People's society and culture.

#### **The Consultation Act**

15. For several years, an Act on Consultation with the Sámi was negotiated between the government and the Sámi Parliament. The Act establishes a duty and procedure for the government and its agencies to consult the Sámi People on matters affecting them. This Act came into force in March 2022. However, in the view of the Sámi Council, the Act still does not sufficiently ensure meaningful participation. Though it makes some progress on consultations, the Sámi People's consultation rights remain significantly limited. A major weakness is that the right to a free, prior and informed consent (FPIC) has not been included in the law, as required by the UN Declaration on the Rights of Indigenous Peoples, Articles 19 and 32.

16. In light of the green transition and the increasing pressure on Sámi lands, FPIC is essential not only for respecting the human rights of the Sámi but also as a tool to explore the possibility of coexistence between Sámi cultural practices and new industrial development. One of the weaknesses of the consultation framework is that the government has not provided additional funding to Sámi rights holders, the Sámi Parliament, or Sámi organizations to ensure meaningful participation in these consultations.

### **Nordic Sami Convention**

17. Following negotiations, the draft text of the Nordic Sámi Convention was finalized in 2017. A primary goal of the convention is to facilitate the preservation and advancement of Sámi culture with minimal interference across national borders. However, the current text does not align with Article 3 of UNDRIP regarding Indigenous Peoples' right to self-determination. The Sámi Council supports the demand from the Sámi Parliaments in Norway, Sweden, and Finland to reach an agreement on a convention that complies with international law, particularly concerning the Sámi People's right to self-determination. The Sámi Council urges Sweden, Norway, and Finland to make the necessary changes to the draft text to enable the adoption of the Nordic Sámi Convention.

### **Implementation of the UN Declaration on the Rights of Indigenous Peoples**

18. Sweden contributed to the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007, and also endorsed the Outcome Document at the UN World Conference on Indigenous Peoples in 2014. Consequently, Sweden has committed to developing an Action Plan for implementing the declaration, a commitment it has unfortunately not demonstrated willingness to fulfill. The Saami Council believes that Sweden should engage in systematic efforts to ensure compliance with the declaration.

### **Girjas**

19. In 2020, the Swedish Supreme Court ruled in the Girjas case, recognizing the Sámi reindeer herding community's exclusive rights to control hunting and fishing on their traditional lands. This landmark decision aligns with UN Declaration on the Rights of Indigenous Peoples Article 26, which recognizes Indigenous Peoples' rights to lands and resources.

20. The reindeer herding rights enshrined in the Reindeer Herding Act affirm that Sámi reindeer herding communities have the right to continuously access land areas historically used for their herding practices. In contrast, the exclusive property rights recognized by the Supreme Court of Sweden in the Girjas ruling have the potential to align with international law standards. By implementing legal reforms that acknowledge and protect the Sámi People's territorial rights, these standards can be effectively met.

### Proposed recommendations

21. **It is recommended that Sweden:**

- I. **Ratifies ILO Convention No. 169 on Indigenous and Tribal Peoples.**
- II. **Ensures a just green transition and reviews its legislation relevant to industrial activities in the Sami areas and makes necessary amendments to ensure that such legislation de facto conforms with the rights the Sami.**
- III. **Reviews the Consultation Act and makes necessary amendments to implement the Sámi People's right to free, prior and informed consent.**
- IV. **Revises the draft Nordic Sámi Convention to align with the UN Declaration on the Rights of Indigenous Peoples, particularly with regard to the Sámi People's right to self-determination.**
- V. **Develops an action plan on the implementation of the UN Declaration on the Rights of Indigenous Peoples.**
- VI. **Extends the principles recognized in Girjas to other Sámi reindeer herding communities, ensuring that their territorial rights are protected and that they have control over the use of their traditional lands and resources.**



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