



The 19th Saami Conference, Rovaniemi, October 29-31, 2008

- Declaration

The 19th Saami Conference, which represents the Saami Council's member organizations in Finland, Norway, the Russian Federation and Sweden, gathered in Rovaniemi 29 to 31 October 2008:

Reiterates that the Saami constitute one people, and that national borders shall not infringe on our national unity;

Emphasizes that the Saami people has inhabited its traditional homeland – Sápmi – since time immemorial and long before national borders were drawn;

Underlines that through the immemorial use of our traditional territories, we have developed a rich, living and constantly evolving culture, distinct to the Saami people;

Underlines further that it is this culture that defines the Saami as a people and gives us our collective identity, and that the states have an obligation to respect the Saami people's right to a distinct culture, language and identity and shall take effective measures to prevent any forms of assimilation and reverse the effects of past injustices;

Emphasizes that our history, culture and traditions teach us to survive harmoniously and sustainably and to adapt to changing environmental conditions;

Reiterates that as a people, the Saami have the right to self-determination, including the right to determine our economical and social development, through which our culture continues to be living and constantly enriched;

Reiterates further that through the right to self-determination, the Saami people have the right to freely dispose over our natural resources and under no circumstances shall we be deprived of our means of subsistence;

Recalls that the Saami people, as a part of the right to self-determination, have the right to maintain and strengthen our distinct political, legal, economic, social and cultural institutions;

Places particular emphasis on that traditional livelihoods and utilization of our lands, waters - including sea waters - and natural resources constitutes an integral part of the Saami culture and identity;

Underscores that have the Saami people has the right to establish and control our own educational systems and institutions, providing our children and youth with education in our own languages, in a manner appropriate to our cultural methods of teaching and learning;

Underscores further the vital roles of women and elders as custodians of and educators in Saami cultural practices and knowledge;

Emphasizes that the Saami languages hold unique cultural, historical and ecological knowledge, reflecting profound understanding of local flora, fauna, ecological relations and ecosystem dynamics in our homeland;

Welcomes the adoption by the UN General Assembly of the Declaration on the Rights of Indigenous Peoples containing minimum universal standards on indigenous - including the Saami - peoples' rights, and supported by this Declaration and the Nordic Saami Convention declare our unity on the following:



Land, waters - including sea waters - natural resources and self-determination

1. By using its traditional homeland since time immemorial, the Saami people has established ownership and usufruct rights to lands and natural resources. The states must recognize this right, and effectively implement it through national legislation and policies. This right must not be impeded by the national borders today dividing Sápmi;

2. By establishing itself as a distinct people on its traditional territory, the Saami people is further entitled to the right to self-determination, encompassing a right to freely determine over its land and natural resources, obliging the states to adopt effective measures that ensure the full implementation of Saami autonomy. The Saami people wishes to exercise this right within existing state borders.

3. The Saami people has the right to maintain and develop our political, economic and social systems and institutions, to be secure in the enjoyment of our own means of subsistence and development, and to engage freely in all our traditional and other economic activities. Saami traditional livelihoods and other cultural based utilization of lands and natural resources are fundamental to the preservation and development of the Saami culture. The states shall take effective measures to secure this right.

Saami reindeer husbandry is based on traditional knowledge and skills. It shall have legal protection in the legislation in the four states, and be provided with the possibilities to be self-subsistent. Traditional Saami reindeer husbandry is unique as bearer of important and integral parts of the Saami culture, and its traditional various practices shall enjoy protection in national legislation. To effectively implement this right, Finland and the Russian Federation shall render reindeer husbandry as an exclusive right of the Saami people in the Saami traditional territories.

4. The Russian Federation must establish a Saami parliament also on the Russian side of Sápmi.

5. State authorities and the private sector shall consult and cooperate in good faith with affected Saami communities and representative institutions and must obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures or engage in activities that may affect us. Respect for this right is particularly important with regard to industrial activities that have the potential to cause considerable harm to the environment and health, such as uranium and thorium mining.

6. The states shall provide means for the financing the Saami autonomy, including by ensuring the Saami a fair and equitable share of benefits from any industrial activity in the Saami territories, including from oil, gas and mining. States must provide Saami representative bodies and organisations with extra financial resources – independent of current compensation schemes based on already existing encroachments (e.g. Samefonden or The Saami Fund in Sweden) - so that Saami people are able to develop appropriate and strategic responses to increasing industrial activities. Such remuneration will also partly compensate the Saami for past extraction of natural resources from the Saami traditional territories, taken without the consent of or benefits being shared with the Saami.

7. Court proceedings concerning Saami rights to land as well as in land demarcation processes must respect and recognize that Saami traditional land use often leave no permanent traces in the environment. In cases of conflict between Saami and non-Saami laws, norms and protocols, Saami perspectives shall prevail. The states are obliged to provide the Saami with adequate financing, ensuring a fair and due process in cases concerning Saami rights to land.

8. States must pass/clarify national environmental legislation so that environmental and social impact assessments for proposed natural resource developments in Sápmi are undertaken in accordance with international standards, such as those developed by the World Bank, IFC, and as enshrined in Akwé Kon Guidelines.



9. States must clarify national planning legislation so that the cumulative impacts of industrial developments on Saami communities are taken into account in strategic planning at a local, regional and state level. Furthermore, the states must co-ordinate cross-border planning so that the cumulative impacts of industrial developments across the Saami homeland as a whole can be assessed and managed in co-operation with Saami representative bodies.

10. State's climate change adaptation strategies must also be based on the traditional knowledge of the Saami, recognizing its equal value with other forms of science.

11. Attempts to mitigate the effects of climate change, such as the establishment of windmills, must not be used as an excuse to further exploit the Saami traditional territories, without our consent.

12. The Saami people must be entrusted with the managing of predator animals in their traditional territories;

The cultural heritage

13. The Saami people has the right to own, control and develop its cultural heritage, both tangible and intangible, including its genetic resources, traditional knowledge and traditional cultural expressions. The states shall respect this right, and implement it through national legislation and policies. Such legislation shall demarcate the sphere of the Saami cultural heritage, and direct any non-Saami that wishes to utilize elements of the Saami culture to relevant Saami institutions identified by the Saami ourselves. To further this right, the states shall also ensure that its own practices and the private sectors' practices which can potentially affect the Saami culture are only pursued following thorough assessments of the impacts on this culture.

14. The private sector shall also respect the Saami people's ownership right over its own culture, and shall not use elements of the Saami culture without obtaining the Saami people's free, prior and informed consent. The private sector, including the tourism industry, shall particularly refrain from derogatory uses of the Saami culture, since it constitutes an imminent threat to the Saami cultural identity, and is especially harmful to the Saami youth.

15. The intention is not to establish absolute exclusivity to the Saami culture. The Saami are proud to share many elements of our culture, provided that we have consented to such sharing and that it is on our own terms.


16. The Saami cultural heritage is a living culture and exists primarily in the Saami people's traditional livelihoods and use of land and natural resources. The states shall respect that through securing the means by which the Saami people can preserve and develop Saami traditional land based activities.

17. Measures to protect the Saami cultural heritage shall respect that the Saami culture is a living, integral part of the Saami identity. It is first and foremost a cultural asset, and must never be frozen in any particular period of time.

18. Important parts of the Saami cultural heritage vest in the Saami people as a whole. Consequently, no national Saami representative institutions may unilaterally take decisions on such parts of the Saami cultural heritage without consulting the Saami people as a whole.

19. The tourism industry must not portray the Saami cultural landscape as a picture that does not concur with reality. It must in no instance stereotype the Saami culture. It must respect that the Saami are a people and not a commercial product. The Saami culture shall first and foremost be presented through the living local Saami communities, and not in museums.

20. The Saami traditional dress – in its various forms - is an integral part of the Saami people's collective identity as well as the identity of Saami individuals. It must therefore never be worn by non-Saami in violation of Saami



protocols for such use. The tourism industry, in particular in Finland, must immediately stop any further misappropriation of the Saami traditional dress.

21. States and their cultural institutions, such as museums, must be aware of and acknowledge the secret, sacred, spiritual and cultural meaning of Saami artefacts in their collections, such as interviews containing Saami storytelling, traditional music etc. Such objects should further be returned upon the Saami's request. If the objects remain in the collection, they must be displayed in a culturally appropriate manner in accordance with the Saami people's norms pertaining to such objects.

22. Whenever elements of the Saami culture are used for commercial purposes, the Saami shall be entitled to a share in the benefits from such activities.

23. The states can learn much from the Saami culture, particularly in the context of environmental management. Traditional Knowledge must be treated equally with western science in the formation of regulations, laws and policies and decision-making on the environment and natural resource management;

24. The Saami languages hold unique cultural, historical and ecological knowledge, reflecting deep understanding of local flora, fauna, ecological relations and ecosystem dynamics in Sápmi. Hence, the states must provide the Saami people with the opportunity to preserve and develop the Saami language, including the lesser used dialects, as a prerequisite for preserving Saami traditional knowledge and other parts of the Saami cultural heritage. For the same purposes, the states also have the responsibility to ensure that means are available for the Saami to preserve and establish their own educational institutions.

25. The Saami people's right to use their language and develop and transmit their language to future generations must be recognized and effectively implemented by the states. The Saami language shall be recognized as an official language in the entire Saami area. Saami children and youth must be provided with education in and on the Saami language, in a manner adjusted to their cultural background and enabling to continuously be active in the Saami traditional livelihoods.

Implementation

26. The states are obliged to provide the Saami with resources so that all the rights contained in this Declaration can be effectively implemented, without further delay.

27. To further the realization of the rights in this Declaration, Finland, Norway and Sweden must ratify the Nordic Saami Convention. These countries must also, jointly with Saami representatives, find solutions through which the rights in the Saami Convention can also be realized on the Russian side of Sápmi. Finland, the Russian Federation and Sweden must ratify the ILO Convention No. 169. Norway must comply with its provisions.

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The Saami Council's member organizations confirm their membership in the Saami Council by ratifying this Declaration by their highest representative bodies.