

## **The Saami Parliamentary Council's proposal for the European Union target for biodiversity by 2020**

### **1. Introduction**

The Saami are the only indigenous people in the European Union, whose legal status has been acknowledged in the Accession Treaty of Sweden and Finland. The Saami live in Finland, Sweden, Norway and Russia. The total Saami population is estimated to be between 75,000 and 100,000 depending on the method of calculation. The Saami people's Rights of Indigenous People are an integral part of European Union's internal and external policies. In Sweden, Norway and Finland, the Saami are represented by the elected Saami Parliament. In Russia, there is no elected body, but the Saami are represented by Saami organisations. The Saami Parliamentary Council (SPC) is a co-operational body for the Saami Parliaments of Finland, Sweden and Norway, established to secure the legal position of the Saami especially regarding international issues. Russian Saami organisations participate as spectators.

The United Nations Convention on Biological Diversity (CBD) was opened for signature at the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro. Finland, Sweden and Norway have ratified the convention. The goal of the Convention on Biological Diversity is to promote the conservation of ecosystems, plant and animal species and their genetic diversity, the sustainable use of natural resources, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources. The European Union participates in the execution of the Convention on Biological Diversity.

Articles 8 (j), 10 (c) and 15 of the convention refer to the rights of indigenous peoples. Article 8 (j) obliges the parties to protect traditional knowledge, innovations and practices related to the biological diversity of indigenous peoples. <sup>i</sup>Article 10 (c) obliges the parties to protect and encourage the customary use of biological resources in accordance with traditional cultural practices compatible with conservation and sustainable requirements<sup>ii</sup>. Article 15 obliges the parties to encourage the equitable sharing of the benefits arising out of the utilization of genetic resources.<sup>iii</sup>

The European Commission has communicated options for an EU vision and target for biodiversity beyond 2010 to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. The Saami Parliamentary Council was not invited to participate in the preparation of this communication.

### **2. The Saami Parliamentary Council's proposal**

On 20 November 2008, the Commission's Communication on the European Union and the Arctic Region was approved. In its Communication, the European Union commits to uninterrupted dialogue with the indigenous peoples of the Arctic Region.

In 2007, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples<sup>iv</sup>. All EU Member States and Norway voted in favour of the Declaration. The Declaration guarantees indigenous peoples the right to self-determination<sup>v</sup> and the right to participate in decision-making in matters affecting them.<sup>vi</sup> The Saami Parliamentary Council is of the opinion that the European

Union is to implement the declaration on the rights of indigenous peoples in its internal and external policies, and to ensure that the Saami can influence the decision-making processes regarding the convention on biodiversity to the extent intended by the declaration on the rights of indigenous peoples. The SPC emphasises Article 31 of the Declaration, in particular, which guarantees the Saami people the right to their cultural heritage, genetic resources and traditional knowledge<sup>vii</sup>. The Article complements the obligations laid down by the CBD.

The Saami Parliamentary Council insists that the European Commission enters into uninterrupted dialogue with the Saami Parliamentary Council in accordance with the Commission's Communication and the Declaration on the Rights of Indigenous Peoples concerning the preparation of the EU target for biodiversity. The SPC further insists that the EU negotiates with the Parliamentary Council when EU opinions are being formulated in the meetings of different parties. The Saami Parliamentary Council would like to point out that the EU and EEA Member States as well as the Commission are obliged to ensure indigenous peoples have influence over decisions concerning themselves.

The Saami Parliamentary Council suggests the following items be considered in the EU target for biodiversity:

- The European Union will commit to stopping the loss of biodiversity and ecosystem services in the EU by 2020. Furthermore, the EU shall revive endangered ecosystems through its internal and external policies by securing guidance and financing and by participating in international decision-making on preserving natural biodiversity. Executing the Convention on Biodiversity will penetrate all EU actions.
- In its 2010 biodiversity target, the EU shall take into consideration the rights of indigenous peoples in accordance with the CBD and UN Declaration on the Rights of Indigenous Peoples, and promote these rights in its internal and external policies.
- The EU shall enter into continuous dialogue with the Saami Parliamentary Council regarding actions concerning biodiversity, secure the Saami the opportunity to have influence over decisions concerning themselves, and advise its Member States to secure the rights of indigenous peoples in their respective actions aimed at preserving biodiversity.
- The EU establishes a dedicated unit to execute and coordinate the Convention on Biological Diversity and nominates the coordinators to promote the execution of Article 8 (j) as per decisions made in the COP-10.
- The EU secures sustainable financing of actions aimed at preserving biodiversity. Financing is to secure the implementation of Articles 8 (j), 10 (c) and 15, in particular, and the Saami language and traditional lifestyles as carriers of traditional knowledge. To preserve biodiversity, the EU financing tools are to take notice of securing and protecting traditional knowledge linked to biological natural resources.

The Saami Parliamentary Council is particularly concerned about the situation of the Saami languages. The Saami language conveys traditional knowledge from one generation to the next. Thus, the vitality of the language is essential for the preservation of traditional Saami knowledge. The Saami Parliamentary Council ascribes the duty to secure the future of the Saami language in part also to the European Union and suggests the issue be integrated into the EU target for

biodiversity. The Saami Parliamentary Council trusts the Commission and EU Member States will take the proposals of the Saami Parliamentary Council into consideration and will secure the rights of indigenous peoples. It is the wish of the Saami Parliamentary Council that following this the EU, its Member States and the Saami Parliamentary Council will engage in close co-operation to preserve the nature's biodiversity and to promote the rights of indigenous peoples. The Saami Parliamentary Council expects to receive your reply at your earliest convenience. The Secretariat of the Saami Parliament will be happy to provide additional information.

Inari, 9 September 2010

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Distribution:  
European Commission  
Finnish Ministry of the Environment  
Norwegian Ministry of the Environment  
Swedish Ministry of the Environment

Appendices:  
The Saami Parliamentary Council's Climate Policy Strategy

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- i 8(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;
- ii (c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.
- iii 1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.  
2. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention.  
3. For the purpose of this Convention, the genetic resources being provided by a Contracting Party, as referred to in this Article and Articles 16 and 19, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties that have acquired the genetic resources in accordance with this Convention.  
4. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article.  
5. Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party.  
6. Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties.  
7. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 and, where necessary, through the financial mechanism established by Articles 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development

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and the benefits arising from the commercial and other utilization of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

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Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

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Article 18:

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

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Article 31:

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.