

REPORT

for the period ending 31 August 2008, in accordance with article 22 of the Convention of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

CONVENTION NO. 169 CONCERNING INDIGENOUS AND TRIBAL PEOPLES IN INDEPENDENT COUNTRIES (1989)

ratification of which was registered on 19 June 1990.

I-VI and VIII

Reference is made to previous reports.

The present report is an updating to previous reports and an answer to the Committee of experts observation, 2003.

1 Part I – General Policy

1.1 White paper No. 28 (2007–2008) *Sami Policy*

This spring, the Government presented a White Paper on Sami Policy (St.meld. No. 28 (2007–2008)). This is the fourth White Paper on this issue since 1993. The purpose is to present measures taken in order to protect and develop the Sami language, culture and civil society.

Recent years have been characterized by work on issues associated with rights, infrastructure and development of institutions in Sami society. The Government will continue this work, inter alia, through follow up of part II of the Report of the Sami Rights Commission, the draft of the Nordic Sami Convention and the Procedures for Consultations between the State Authorities and the Sami Parliament, and by initiating extensive legislative work to clarify the formal status of the Sami Parliament. In addition to this, the Government has chosen to place particular emphasis on deciding how Sami considerations are to be implemented in everyday policy. By this is meant the practical integration of Sami considerations in policy shaping and in measures in all areas of society and at all levels of administration. The provision of satisfactory and equivalent services to the Sami population requires that public agencies have knowledge of Sami matters within their own sectors. This knowledge is based on the need to strengthen Sami language and the information in the Sami language provided by public administration and services. The White Paper reflects the wish of the Government to draw greater attention to the practical expression of Sami policy objectives and established rights within the arrangements and provisions of the welfare state in such a way that Sami people can feel secure that their needs will be met.

The scope of the agreement is extensive. The consultation procedures laid down in the PCSSP 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 issues, such as legislation, regulations, specific or individual administrative decisions, guidelines, measures and decisions. The obligation to consult the Sami Parliament may include all material and immaterial forms of Sami culture, including music, theatre, literature, art, media, language, religion, cultural heritage, immaterial property rights and traditional knowledge, place names, health and social welfare, day care facilities for children, education, research, land ownership rights and rights to use lands, matters concerning land administration and competing land utilization, business development, reindeer husbandry, fisheries, agriculture, mineral exploration and extraction activities, wind power, hydroelectric power, sustainable development, preservation of cultural heritage, biodiversity and nature conservation. It is important to underline that the agreement applies in matters concerning the material basis for the Sami culture, including land administration, competing land utilization and land rights. The obligation to consult the Sami Parliament is applicable to traditional Sami areas. Matters which are of a general nature, and are assumed to affect the society as a whole, shall in principle not be subject to consultations.

Regular half-yearly meetings shall be held between the Minister responsible for Sami affairs and the President of the Sami Parliament. Other governmental ministers may attend these meetings when required. At the meetings, the situation and developmental needs of Sami society, issues of fundamental and principle importance and ongoing processes shall be discussed. Regular half-yearly meetings shall also be held at the administrative level. Among other things, information about relevant Sami policy matters shall be provided at these meetings.

The PCSSP also contains general provisions concerning the consultation procedures. The consultations shall be undertaken in good faith, with the objective of achieving agreement to the proposed measures. Furthermore, the state authorities shall as early as possible inform the Sami Parliament about the commencement of relevant matters that may directly affect the Sami, and identify those Sami interests and conditions that may be affected.

After the Sami Parliament has been informed on relevant matters, the Parliament shall notify the state authority as soon as possible as to whether or not further consultations are required. The Sami Parliament may also independently identify matters which in its view should be subject to consultation. In cases where the state authorities and the Sami Parliament agree that further consultations are to be held, they shall seek to agree on a plan for such consultations. Sufficient time shall be allocated to enable the parties to carry out genuine and effective consultations and political consideration of all relevant proposals.

The parties have agreed that consultations shall not be discontinued as long as the Sami Parliament and the state authorities consider it possible to achieve an agreement. When a matter is submitted for consideration to the Government, the ministerial submission document shall clearly inform other governmental ministries about the concluded agreement with the

1.3 Elections

The Sami Parliament was established in 1989 in order to be a representative body for the Sami population of Norway.

Extensive work has been carried out in order to meet the need for greater proportionality of representation in the Sami Parliament. The voting provisions in the Sami Act (enclosure No. 2) were therefore revised in June 2008. The amendments are based on recommendations from an expert commission appointed by the Sami Parliament in agreement with the Government. Among other things, the amendments involve a reduction in the number of constituencies from thirteen to seven and changes in the distribution of seats.

The draft regulations concerning elections to the Sami Parliament were circulated for a public hearing this autumn. In the view of the Government, it is important that the Sami Parliament be heavily involved in developing election rules for the Sami Parliament.

1.4 Act relating to prohibition of discrimination on the basis of ethnicity, religion, etc. (The Anti-Discrimination Act)

The Anti-Discrimination Act was adopted by the Storting (the Norwegian Parliament) in June 2005. The Anti-Discrimination Act entered into force on 1 January 2006. The UN Convention on the Elimination of All Forms of Racial Discrimination (ICERD) has been implemented by incorporating it into Norwegian law through this Act. The Act complies with the requirements of the EU Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

The Act applies to all areas of society except family life and personal relationships. It prohibits discrimination based on ethnicity, national origin, descent, skin colour, language, religion or belief. The Act prohibits direct and indirect discrimination. It also prohibits harassment on the same grounds and instructions to discriminate or harass. The Act also prohibits reprisals against anyone who files or intends to file a complaint about violation of the Act. This protection also applies to witnesses. Furthermore, it is prohibited to be an accessory to discrimination.

Differential treatment that is necessary in order to achieve a legitimate objective that does not constitute a disproportionate intervention for the person or persons affected is not considered to be discrimination under the Act. Nor is positive special treatment that contributes to the achievement of the purpose of the Act considered to be discrimination. The Act prescribes that such special treatment shall cease when its purpose has been achieved.

There is a general rule on shared burden of proof in all civil cases pursuant to the Anti-Discrimination Act. This means that, where there are circumstances which give reason to believe that discrimination has occurred, such discrimination will be regarded as proved unless the person who committed the act substantiates that discrimination did not occur.

The Ombud is an independent public administrative agency administratively subordinate to the King and the Ministry. The Ombud shall work to promote genuine equality irrespective of gender, ethnicity, national origin, descent, skin colour, language, religion or belief in all areas of society. In the sphere of working life, the Ombud shall also work to promote equal treatment irrespective of political views, membership of an employee organisation, sexual orientation, disability or age. The Ombud shall also work to promote equal treatment irrespective of homosexual orientation in the housing sector.

The Equality and Anti-Discrimination Ombud shall also have competence in Sami issues. In order to ensure that the Ombud has permanent collaboration with the Sami community on matters of equality and diversity, the Government in co-operation with the Sami Parliament will arrange for the establishment of a post with a basis in the Sami community to work on such matters. Such work shall be carried out in co-operation with the Sami Parliament.

The Tribunal shall deal with cases that are brought before it pursuant to the Ombud's administrative decisions and/or cases that are brought up before the Ombud. But the Tribunal may not annul or alter administrative decisions made by other public administrative agencies. Administrative decisions made by the Tribunal are not binding on the King or ministries.

1.5 Crime and punishment

The Ministry of Justice and the Police passed a White Paper this September on crime and punishment (White Paper No. 37 (2007–2008)). Among other issues, the paper addresses the importance of knowledge in Sami language and culture in Norwegian prisons.

Norwegian legislation does not permit documentation of the ethnicity of offenders in criminal records. The criminal justice system has therefore no statistics on the number of Sami persons convicted of criminal offences. However, article 110 a of the Norwegian Constitution and the Sami Act, together with international law, provide a right for Sami offenders to use their native tongue.

The criminal justice system has prisons in both Troms and Finnmark Counties, where inmates can use their native tongue among other Sami inmates and relatives. The right to use their mother tongue also applies when serving community sentences and programs aimed at rehabilitating offenders, such as treatment for drug abuse. Offenders also have the right to use Sami language in dealings with the criminal justice system. The criminal justice system therefore needs to have employees who are proficient in the Sami language and have knowledge of Sami culture. In some cases, interpreters have been used, but the Government is not satisfied with this solution. The Government holds the view that correct communication is important and that interpreters are not capable of safeguarding this public interest in a satisfactory manner.

In order to meet the above-mentioned needs, an education programme has been established to provide prison officers with knowledge of Sami language and culture. Owing to recruiting difficulties, the education programme has been made available for

2 Part II – Land

2.1 Act relating to legal relations and management of land and natural resources in the county of Finnmark (The Finnmark Act)

The Finnmark Act was adopted by the Storting in June 2005. The Act came into force on 1 July 2006. A translation of the Act is attached as enclosure No. 3. The work on the Finnmark Act is based on the need to clarify the state's relationship to the Sami people and the need to recognize the Sami people's right to use and exploit natural resources in accordance with their culture. This work has been in progress since 1980, when the Government appointed the Sami Rights Committee. Over the years, this Committee has presented several comprehensive reports on the legal status of the Sami people in national and international law, on the natural resource base for Sami culture and on Sami land and water rights in Finnmark. These reports have laid an important foundation for the Government's work on the Finnmark Act.

Consultations with the Sami Parliament

The Government presented its draft of the Finnmark Act to the Storting on 4 April 2003. In the two years during which the Storting's Standing Committee on Justice worked on drafting the statute, the Committee held open hearings in June 2003 and visited Finnmark in the autumn of 2003. The Committee also held four formal consultations with the Sami Parliament and the Finnmark County Council to discuss the Government's Bill, and the committee received several rounds of written comments from these two bodies. Never before has there been so much transparency in connection with the preparation of a Bill by one of the Storting's Standing Committees. Furthermore, the final Bill prepared by the Standing Committee on Justice was sent to the Sami Parliament and the Finnmark County Council for comment. A unanimous Sami Parliament and a large majority of the Finnmark County Council endorsed the Bill prepared by the Standing Committee on Justice, which was then finally adopted by the Storting. In the Government's opinion, the process mentioned is a clear indication that the Finnmark Act does not entail any limitation of the control and decision-making powers of the Sami population over the management of land and natural resources in Finnmark County.

The Finnmark Act in accordance with the Convention

Section 1 of the Finnmark Act establishes the purpose of the Act, which is to create the necessary conditions to ensure that land and resources in Finnmark County are managed in a balanced and ecologically sustainable way in the best interests of the population of the county, and particularly as a basis for Sami culture, reindeer husbandry, the use of uncultivated land, the exercise of commercial activities and social life.

Under section 3 of the Act, the statute applies with such limitations as follow from ILO Convention No. 169. It is also to be applied in accordance with the rules of international law regarding indigenous peoples and minorities and the provisions of treaties with foreign states concerning fishing in boundary watercourses.

Before decisions are made regarding a change in the use of uncultivated land, both public authorities and the Finnmark Estate (see below) must assess the significance of the change for

decision of the board be final. Provisions have also been made to protect the interests of the majority in such cases. If the minority demands that the case be brought before the Sami Parliament, and the latter does not approve the majority's decision or does not deal with the case within a reasonable period of time, a collective majority of the board members may demand that the Finnmark Estate submit the case to the King. The King then decides with final effect whether the decision of the board majority is to be approved. In this way, a balance has been created between the rights of the majority and those of the minority, while ensuring that Sami interests are safeguarded in cases that may have great significance for their interests.

In instances where a case concerning a change in the use of uncultivated land *only* has significance for areas in either inner or outer Finnmark, special rules also apply. Such cases must be dealt with at once in accordance with the rules for voting on cases regarding a change in the use of uncultivated land as described above. If only three board members vote in favour of the change, three members may demand that the case be dealt with one more time. The second time only five board members take part in the voting. If the case only concerns areas in inner Finnmark, one of the members appointed by the County Council does not participate. Conversely, if the case only concerns areas in outer Finnmark, one of the members appointed by the Sami Parliament does not participate. The same minority and majority guarantees as mentioned above also apply in such cases.

All the inhabitants of Finnmark are entitled to exploit the natural resources on the land of the Finnmark Estate, through activities such as hunting, fishing or cloudberry picking (Chapter 3). The extent of each person's right depends on how closely linked he or she is to the resource. For instance, persons have a greater right to exploit natural resources in the municipality in which they are resident. The Act gives the local population, without treating inhabitants differently on the basis of ethnicity, greater rights to exploit renewable resources in the county than is the case at present. At the same time, it assures those residing outside the county the same right to exploit natural resources as they have traditionally held on state land in Finnmark, i.e. to hunt and trap small game, fish and pick cloudberries for their own household.

The Finnmark Act contains no provisions on sea fishing. In June 2005, the Storting therefore adopted a resolution requesting the Government to carry out a study as soon as possible of the rights of Sami and other people to fish in the sea off the Finnmark coast, including a minimum quota for boats under ten meters in length, and to present a follow-up case on this issue to the Storting. (See below for more information on this work.)

The Finnmark Commission

In the autumn of 2007 and winter of 2008 the Ministry of Justice held consultations with the Sami Parliament and the County Council of Finnmark regarding the composition of the Finnmark Commission. The Commission was appointed by Royal Decree of 14 March 2008. Chapter 5 of the Finnmark Act ("Survey and recognition of existing rights") entered into force on the same day.

parties to request that the case shall be reviewed by the Tribunal. The Tribunal will only consider disputes concerning rights to the land of the Finnmark Estate. Judgments of the Uncultivated Land Tribunal may be appealed. In such cases, appeals are made directly to the Supreme Court.

The Uncultivated Land Tribunal for Finnmark

According to section 36 of the Finnmark Act, a special court (the Uncultivated Land Tribunal for Finnmark) shall be established, which shall consider disputes concerning rights that arise after the Finnmark Commission has investigated a field.

The members of the Uncultivated Land Tribunals shall be appointed by the King. The Uncultivated Land Tribunal shall consist of a chairman, a vice-chairman, three permanent members and two deputy members. The chairman, the vice-chairman and one of the other members shall fulfil the requirements of the Courts of Justice Act regarding Supreme Court judges. The same applies to one of the deputy members, who shall function as a deputy for these three members.

Matters pertaining to the jurisdiction of the Uncultivated Land Tribunal, may not be brought before the ordinary courts or the Land Consolidation Court unless the Uncultivated Land Tribunal has rejected a case pursuant to section 40 or the limit for instituting legal proceedings pursuant to section 38, first paragraph, has expired, and the Uncultivated Land Tribunal shall not consider the case pursuant to section 38, second paragraph.

However, the Uncultivated Land Tribunal for Finnmark has not yet been appointed, since no disputes can be brought before the court before the Commission has issued its first report on existing rights. It will be established in due course.

There are several characteristic aspects of this tribunal. First of all, according to section 43, first paragraph, the state shall cover the costs of the Uncultivated Land Tribunal's own activities. The state shall also cover the necessary costs of the parties in cases concerning claims for rights opposed by the Finnmark Estate. Secondly, decisions of the Uncultivated Land Tribunal may be appealed to the Supreme Court. Thirdly, the Uncultivated Land Tribunal shall of its own motion obtain the report of the Finnmark Commission and use this as a basis for its consideration of the case. However, the parties are responsible for giving an account of the actual circumstances and evidence significant for deciding the case.

For a more detailed description of the Finnmark Act, reference is made to the enclosed translation of the Act and of Chapters 1 and 7 of Proposition No. 53 (2002–2003) to the Storting. Reference is also made to Norway's fifth periodic report to the UN Human Rights Committee under the CCPR (submitted ultimo November 2004), paragraphs 238-266 (enclosure No. 4).

2.2 The Sami Rights Committee South of Finnmark County

The Act shall contribute to protection of the Sami reindeer husbandry area as the most important resource base for reindeer husbandry. The responsibility to protect the area rests with both the holders of reindeer husbandry rights, other right-holders and the authorities.

[...]

The act shall safeguard animal welfare for domesticated reindeer both within and outside the Sami reindeer husbandry area.”

In White Paper No. 25 (2006–2007), the following has been emphasized in relation to the above-mentioned preamble:

“The law shall have its basis in Sami culture, tradition and common law. As a genuine Sami industry and way of life, it is important to emphasize that the laying down of this legal framework must be deeply rooted in reindeer husbandry and its fundamental manifestations.

The concept of sustainability is hereby understood as the prerequisite for a vital and vigorous reindeer husbandry industry over time. This relates above all to ecological, economical and cultural factors. There are also other factors which may be relevant in this connection, such as gender equality, belief in the future and safeguarding of future recruitment to the industry. In addition to this, safeguarding of the reindeer husbandry area (land use management) will be of fundamental importance, as is further described below. And finally, good animal welfare is also an important aspect.

Providing for sustainable reindeer husbandry should benefit the society as a whole. Reindeer husbandry is part of Norwegian society. Thus, a sustainable Sami reindeer husbandry industry would benefit society in general, among other things, as a consequence of good use of resources in mountain regions and outlying field areas, thereby contributing to a positive diversity. At the same time, society in general constitutes an important part of the general external conditions for the reindeer husbandry industry. This implies that the reindeer husbandry industry must be sensitive to the interests of society in general. Similarly, the latter must be conscious of and show the necessary respect for the special needs of the reindeer husbandry industry.

The Act should also provide for an appropriate organization and management to achieve the overall objectives. This involves the provision of a well functioning public management capable of handling the varied and complex problems in reindeer husbandry in a satisfactory manner.

The second paragraph of the preamble deals with the protection of the reindeer husbandry areas, which are increasingly put under pressure. Developing a general land management policy for reindeer husbandry is the biggest challenge so far for the safeguarding of sustainable reindeer husbandry in the long term perspective. If the reindeer husbandry industry no longer has access to satisfactory seasonal grazing land, the traditional nomadic reindeer husbandry will gradually disappear.

The new Act represents a good tool to safeguard the basis for a sustainable Sami reindeer husbandry industry in the future, based upon Sami culture, tradition and common law, as well as national and international commitments in relation to indigenous peoples and minorities.

2.4 The Planning and Building Act

The Ministry of Local Government and Regional Development is responsible for the building part of the Planning and Building Act. A new parliamentary Bill (Ot.prp. No. 45 (2007–2008)) was proposed in spring 2008 because the Planning and Building Act has undergone a thorough review over the last few years.

The main focus has been the structure of the Act itself, ensuring a more user-friendly system and securing the process of law. Furthermore, the new proposed Act stresses the importance of responsibility and control as a means to improving the quality of newly constructed buildings. As such, the new Act contains no amendments from the existing Act affecting the application of the ILO Convention.

The Planning part of the above-mentioned Act has, however, some significant amendments. In article 5-4, the Sami Parliament is empowered to raise objections in planning matters of importance for Sami culture and economic life. In article 3-1, it is emphasized that it is also a planning matter to secure the natural resources as a basis for Sami culture, trade and economic and social life.

2.5 The Mining Act of Mining Claimable Minerals

In order to fulfil the obligations under article 15 of ILO Convention No. 169, the following amendments have been adopted to Act No. 70 of 30 June 1972 relating to mining, which covers claimable minerals:

In chapter 2, a new section 7 a reads as follows:

“Special provisions concerning preliminary examination of minerals in Finnmark

In connection with preliminary examination of minerals in the county of Finnmark, a person wishing to conduct such preliminary examination of minerals shall not later than one week prior to the commencement of such preliminary examination provided written notification to the Sami Parliament, the landowner and the appropriate area and district boards for reindeer husbandry. If the person wishing to conduct such preliminary examination intends to make an impact on the land, the location of such impact shall be indicated.”

In chapter 3, a new section 22 a reads as follows:

“Special provisions concerning licensed prospecting in Finnmark

Applications for licensed prospecting in the county of Finnmark may be rejected if general considerations contraindicate granting of the application. When considering such application, significant emphasis shall be placed on due consideration of Sami

Some of the main objectives of the management of wild marine resources are laid down in section 7 of the new Act. One of these main objectives is that management measures shall contribute towards sustaining the Sami culture. This represents a strengthening of this objective in relation to the Sea-Water Fisheries Act.

In contrast to the existing Sea-Water Fisheries Act, it is stated that the new Act will apply to all wild marine resources. The Sea-Water Fisheries Act has mainly been applied to resources exploited by traditional fisheries. Furthermore, the new Act will apply to both harvesting and other kinds of exploitation of the resources covered by the Act.

The new Act authorizes regulation also of other activities than the actual harvesting. Among other things, it lays down rules relating to bio-prospecting.

The new Act states that wild marine resources belong to the Norwegian Community. This does not establish state ownership in legal terms, but is a clear expression of the state's responsibility and right to manage the resources to the best of the Community. The travaux préparatoires to the Act state that the Norwegian Community consists of the Norwegian people, the Sami people and all other inhabitants of Norway.

When preparing the Act relating to wild marine resources, the Government found that it would not be appropriate to discuss international law and Norway's obligations to indigenous peoples, since the Committee on Coastal Fisheries would submit a thorough examination of these issues.

It was therefore clearly stated that, when the report from the expert committee was delivered, it would be thoroughly scrutinized, and a Bill from the Government would then be submitted to the Storting.

As a consequence, the Government clearly stated in the travaux préparatoires that, as regards international law, the new Act would provide a temporary measure, and that possible amendment to this Act or other fisheries-related Acts would be considered in the process of preparing a proposition to the Parliament on the above-mentioned matter.

Consultations with the Sami Parliament

Three rounds of consultations were carried out with the Sami Parliament before the Act was submitted to the Storting. The consultations were carried out in accordance with the Procedures for Consultations between state authorities and the Sami Parliament (PCSSP).

At the request of the Sami Parliament, the first two rounds of consultations were carried out at an administrative level, while the third consultation was held at a political level. Agreed minutes were kept of all three consultations, in accordance with the procedures.

The consultations, although an overall agreement was not achieved, were carried out in good faith. The rounds of consultations are reflected in the travaux préparatoires to the new Act. Comments from the Sami Parliament on the proposed Act and on reasons why an agreement was not achieved are also reflected in the travaux préparatoires.

The NAV office is based on an equal partnership between the state and local authorities. The office will offer one door for all NAV services. The Ministry of Labour and Social Inclusion has instructed that, on the establishment of local NAV offices in the regions with Sami population, particular attention is to be paid to the need for administrative knowledge of Sami culture and language. In order to better attend to the responsibilities of the Employment and Welfare Service concerning Sami culture and language, administrative resources in the local offices within the Sami regions in Finnmark have been strengthened.

In order to ensure that the Sami people have full access to important rights within the National Insurance Scheme in Norway, administrative steps have been taken to enhance the publication of information concerning welfare benefits in the Sami language. The Employment and Welfare Service is responsible for the translation and publication of important statutes and regulations within its area of responsibility and, in the Letter of Allotment, is encouraged to ensure that information in greatest demand is also available in the Sami language on its web pages.

4 Part IV – Vocational training, handicrafts and rural industries

One element that characterizes indigenous peoples is the link between the indigenous peoples and their traditional land areas. In former ILO Reports, the Government has underlined that it is essential for sustaining Sami culture that the Sami people is able to retain its form of affiliation with the relevant land areas. The Government and the Sami Parliament has from 2008 implemented a programme on generating values in Sami districts, where people combine different sources of livelihood as part of the provisions safeguarding Sami language, culture and community life.

The Government and the Sami Parliament have held consultations concerning the programme. The Government has acknowledged that the Sami Parliament must have an important role in the programme. The parties shall in cooperation develop the content of the programme as well as the procedures for administering the programme.

In order to foster Sami culture and way of life, the main goal of the programme is to promote the way of living combining different modes of livelihood that has traditionally been prevalent in the northern rural areas. One important goal is to promote the development of tourism and small-scale entrepreneurship rooted in and based on local Sami culture.

The programme is thus intended to help boost the development of business and industry in Sami areas in order to promote and support Sami culture and way of life by producing and offering to the public products and services that are of importance to, or are related to, Sami culture.

The programme is to promote entrepreneurships, newly-founded and small and medium-sized enterprises that seek to grow. One important goal is to link customer enterprises to know-how and to help in building networks for innovation projects. As part of the programme, the Sami Parliament will provide funding in close cooperation with other agencies working in rural areas of Norway.

needs of the Sami population, it is important that the RHA for northern Norway in particular ensures that its health personnel have sufficient knowledge of the Sami language and culture.

The Government has also established a web page that aims to simplify electronic contact with the public sector. The web page provides public information concerning health and other topics in the users' native language.

5.2 Act relating to Place Names

With effect from 1 January 2006, Act No. 11 of 18 May 1990 relating to Place Names was amended. Consequently, the regulations to the Act were also amended, with effect from 1 January 2007. The purpose of the amendments was to provide for the right of individuals and local communities to be heard in the decision process relating to the spelling of place names. At the same time, linguists' assessments concerning the spelling of the names in question are to be taken into account.

The amendments include a new objects clause that specifically addresses minority rights, outlining in particular the special duty of safeguarding Sami and Kven place names in compliance with national statutory law and international treaties. Likewise, the amendments include a clause regarding the application of place names in minority languages, the purpose of which is to ensure that names adopted in compliance with statutory rules are applied in a public context.

Place names are an important part of the Norwegian intangible cultural heritage. From a cultural policy point of view, it is therefore important that the legislation pertaining to this field serves the objective of preserving the authentic place names as a conveyor of intangible cultural heritage, and also provides guidelines as to the public application of such names.

Consultations with the Sami Parliament

In connection with the Ministry of Culture and Church Affairs' work on a White Paper to the Storting on scenic art, the Ministry has consulted and reached an agreement with the Sami Parliament.

In connection with the draft amendments to the Cultural Heritage Act concerning export and import of cultural objects, consultations have been held with the Sami Parliament. In some questions, agreement has not been reached between the Government and the Sami Parliament. An account of the Sami Parliament's point of view has been given in the Bill.

In May 2008, the Ministry of Culture and Church Affairs consulted the Sami Parliament about draft amendments to the regulations on press subsidies for Sami newspapers. The background for the proposed amendments was the increase in the budget for press subsidies and the merger of two of the three newspapers receiving such subsidies.

6 Part VI – Education and Means of Communication

According to Article 28 No. 3, measures shall be taken to preserve and promote the development and practice of the indigenous language.

process has been the inclusion of knowledge of the traditional minorities in Norway, their language, culture and social life.

All upper secondary schools in the county of Finnmark and some schools in the counties of Troms and Nordland offer Sami as a separate subject. Even some pupils in the south of Norway have special courses in Sami in the upper secondary education. In Sami primary schools and the two Sami upper secondary schools, most subjects are taught in Sami and the pupils follow the Sami subject curricula in these subjects.

A new Sami curriculum: Knowledge Promotion – Sami

Parallel to Knowledge Promotion and built on the same principles, a new curriculum for Sami pupils called *Knowledge Promotion – Sami* has been developed and introduced in the Sami areas within the administrative area for Sami language. Seventeen parallel subject curricula or subject curricula for specific Sami subjects have been developed. This is a result of close cooperation between the Sami Parliament, the Norwegian Directorate of Education and Training and the Ministry of Education and Research. Most of these subject curricula are now in use at Sami primary- and lower secondary and upper secondary schools. Among them are the language subject curricula for Sami as a first language and Sami as a second language, which according to the Act of Education article 6-4 have been issued by the Sami Parliament. The latter is a level-based syllabus with elements from the Common European Framework of Languages, CEFR.

The other subject curricula in *Knowledge Promotion – Sami* are the common core subjects for primary and lower secondary level: Sami Food and Health, Sami Music, Duodji (handicraft), Sami Natural Science, Sami Social Studies, Sami Christianity, Religion and Ethics and Norwegian for pupils with Sami as their first language. For the upper secondary level the following common core subjects have been developed: Sami History, Sami Geography and Sami Religion and Ethics.

All the subject curricula mentioned above are parallel subject curricula issued by the Ministry of Education and Research. In addition, the Sami Parliament has issued the following curricula for specific Sami subjects: Sami History and Society, Sami Music and Drama and Sami Visual Culture in the programmes for general studies and Design and Duodji and Reindeer herding for vocational programs.

A new reform with many new subject curricula creates a natural demand for new teaching materials and further teacher training. This is a challenge for the whole Sami community. The Sami Parliament is responsible for the development of teaching materials in Sami in all Sami subjects in *Knowledge Promotion – Sami*. The Sami Parliament is therefore developing a strategic plan for the production of textbooks and other materials – both electronic and printed – in the subjects of *Knowledge Promotion – Sami*. At the moment, the possibilities of translating Norwegian teaching materials for Knowledge Promotion into Sami are subject to discussion. A strategic plan is presented by the Sami Parliament to the Ministry of Education and Research for the period 2009–11.

The Government has also initiated a plan of action concerning the Sami language. The Government has invited the Sami Parliament to participate in the framing of the plan. The Government and the Sami Parliament will seek to identify the most important target areas, thus securing the Sami language as a dynamic cultural bearer.

United Nations Declaration on the Rights of Indigenous Peoples

The UN General Assembly adopted a joint declaration on indigenous peoples on 13 September 2007. The declaration was drawn up in close collaboration between states and various indigenous groups. The declaration contains important guidelines for further work on understanding the rights of indigenous peoples, although it is not a binding document in international law. It contains both provisions concerning fundamental needs such as food, health and education and provisions concerning the use of traditional resources and land areas.

The Norwegian authorities have played an active part in the work on the declaration since it started in 1984. The Government's goal has been to arrive at a declaration that can help strengthen the legal protection afforded to the world's indigenous peoples. In its work, the Government has cooperated closely with the Sami Parliament, which has been represented at all times within the Norwegian delegation to the negotiations on the Declaration on the Rights of Indigenous Peoples in the UN.

The Declaration is an important document, even if many of the obligations in the Declaration are already implemented, such as the Finnmark Act and the PCSSP. The Declaration indicates that states shall recognize the importance of indigenous rights.

8 Final Comments

Reference is made to previous reports on articles that have not been mentioned in this report.

This report will be published on the Governments web pages.

VII

This report has been communicated to the Social Partners represented in the Norwegian Tripartite ILO Committee. The Social Partners will submit any comments to the report to ILO directly.

Oslo,

2008