



Norgga Boazosápmelaččaid Riikkasearvi
Norske Reindrifsamers Landsforbund
Sami Reindeer Herders' Association of Norway

Office of High Commissioner for Human Rights
United Nations Office in Geneva
1211 Geneva 10
Switzerland

**The International Convention on the Elimination of All Forms of Racial
Discrimination (ICERD) – Comment and Supplement to Norway's 17th/18th
Report**

Sami Reindeer Herders' Association of Norway (NRL) has given a comment and supplement to
Norway's 17th/18th Report on ICERD, enclosed in Norwegian with English translation,

Tromsø 13th September 2005,

Anne Cathrine Rørholt

Anne Cathrine Rørholt, leader of secretariat of NRL

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The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) - draft for Norway's 17th/18th report.

In reference to the Ministry's submitted draft for Norway's 17th/18th report to the UN Committee on the Elimination of Racial Discrimination, dated 22nd June 2005, ref. 05/310-17 ALT.

The report focuses on the aspects which have recently been implemented. However, the aspects which have not been adequately addressed in the report do not emerge. In this connection, the Sami Reindeer Herder's Association of Norway would like to mention the following issues:

Treatment of the Law of Reindeer Husbandry

A committee was appointed in order to examine the Law of Reindeer Husbandry of 9th June 1978 no. 49, with the aim to change those regulations relevant to the control and administration of reindeer husbandry, and the internal conditions of reindeer husbandry, including the legal status of the individual reindeer herder.

The committee submitted its report on 15th March 2001, after having worked according to a strict deadline. The Sami Reindeer Herder's Association of Norway has mainly given its support to the committee proposal. The authorities have failed to act upon the committee proposal to a satisfactory degree, and have continually promised an active approach to the matter, as well as promising discussions with the Sami Reindeer Herder's Association of Norway in connection with possible problems regarding presentation of the proposals to the Norwegian Parliament, without standing by the promises. The Sami Reindeer Herder's Association of Norway wants to emphasise the need for a Law of Reindeer Husbandry which to a greater degree enables the reindeer herding Sami to regulate internal affairs and organise the daily administration in accordance with Sami reindeer herding customs, traditions and concept of justice, and before new "*non-reindeer herding Sami*" customs gain a foothold. The Sami Reindeer Herder's Association of Norway believes that the authorities, through passivity, are delaying the process of stemming the norwegianisation progress in reindeer husbandry.

Protection of reindeer grazing areas

The reindeer husbandry areas have been under heavy pressure from other users. Particularly in the past 50 years, construction and development in reindeer herding areas has accelerated. The Barents region is the most developed region in the circumpolar North, and Norway represents one of the most developed areas in the Barents region (UNEP 2001). A framework for ensuring that other users act in accordance with the reindeer herding in order to minimise the harm caused, has been implemented only to a small degree. Should the development observed today continue, UNEP scenarios have concluded that in 50 years the existence of reindeer husbandry will be under heavy threat if reindeer husbandry areas fail to be granted improved protection. Without such protection, drastic reductions may be expected in the distribution of the reindeer herding industry in the next decades. No programme exists to safeguard or attempt to curb the present development in reindeer husbandry areas, despite warnings from the reindeer husbandry community and from researchers. The reindeer herding industry has also not been made capable of actively looking after its area interests as seen in relation to other kinds of usage. Securing grazing areas in order for the areas to continue to be used for reindeer husbandry by reindeer herding Sami is, in the view of the Sami Reindeer Herder's Association of Norway, the central challenge for Norway regarding the future of the Sami in Norway. The Sami Reindeer Herder's Association of Norway is pleased with the changes made in the consequence report provisions, but misses, moreover, a follow-up to the Government's own analyses in White Paper no. 33 (2001-2002) On Sami Politics and the Parliament Management thereof.

Predator Politics

Norway's interpretation of the Bern Convention implies that the consideration to the reindeer husbandry Sami is set aside. 30-50% of the Sami reindeer husbandry "production" have in the past 10 years been killed by predators, and the reindeer husbandry Sami have been deprived of the opportunity to personally protect their livestock and production basis in a legal manner. The Sami Reindeer Herder's Association of Norway and the reindeer husbandry industry have attempted to reach a solution to this matter, but have failed to gain acceptance for their views.

Hygiene regulations regarding reindeer slaughter

It is completely unacceptable that the method of reindeer butchering, which enables the reindeer husbandry Sami to make use of larger parts of the animal with the aim to improve the value formation in the industry and increase the income for the individual reindeer herder, has not been arranged for. Following the industry's decision to again make use of field abattoirs/small scale abattoirs, the problems concerning regulations have become noticeable, particularly since no regulations have been made especially for such abattoirs. The present-day regulations have been designed for abattoirs with an annual production far exceeding that of the smaller scale abattoirs, entailing high expenses compared to the production of the small scale abattoirs. Certain regulations function as impediments to development for small scale production, in particular the regulations concerning waste treatment.

Present legal practice concerning the handling of damage caused by reindeer

The reindeer owner is, without regard to culpability, responsible for the damage caused by the reindeer, cp. the Reindeer Herding Law § 25. All reindeer owners in the district are in solidarity responsible for damage caused by reindeer from the district. With the exception of

damage on reaped harvest placed in outlying fields, the law does not allow for exceptions to the objective liability for compensation caused by the lack of enclosing fences from the landowner's side. The reindeer owner also has no right to erect fences to protect him-/herself against a serious liability for compensation. Fences may only be erected in collaborative understanding with the landowner.

The compensation regulations of the Law of Reindeer Husbandry are far more severe than the existing regulations according to the general principles of the Law of Damages. The general regulations of the Law of Damages of 13th June 1969 no. 26, that compensation will be lowered if the injured party has not attempted to limit the damages, see §5-1 and §5-2, have not been employed in such cases. The regulations concerning the acceptance of risk have also not been employed in these cases. The general principles of law must also be valid for the reindeer herding industry.

Determining the higher number of reindeer

Reindeer herders were not invited to partake in the work to establish the higher number of reindeer in Western Finnmark, as presupposed by the Parliament. The Sami Reindeer Herder's Association of Norway wishes again to emphasise the necessity of obtaining the knowledge and views of the reindeer husbandry industry in all matters regarding reindeer husbandry, and ensuring that decisions are not made contrary to this knowledge, without there being a comprehensive process at the highest level in which the knowledge of the reindeer husbandry industry in the case has been clarified. This case is an example of particularly extensive damage caused by not following such a process.

However, the Sami Reindeer Herder's Association of Norway is satisfied that a Resource Centre for Nature and Reindeer Husbandry Services will be established, and hopes that the enterprise will contribute to increased status and recognition for traditional reindeer husbandry knowledge.

International Centre for Reindeer Husbandry

Finally, the Sami Reindeer Herder's Association of Norway is very pleased that the International Centre for Reindeer Husbandry has been established in Kautokeino. This will contribute to the development of a larger academic community for reindeer husbandry and enables more active involvement from the reindeer husbandry community regarding useful management principles in the circumpolar regions.

Reindeer Husbandry Tax and Duty.

Tax and duty

Basic means for operation used by the reindeer husbandry industry do not receive fair treatment in the way tax and duty are determined. This is particularly true for snowmobiles and ATWs (four-wheeled motorcycle) and fuel for these vehicles, where the reindeer husbandry receives unequal treatment as compared with e.g. agriculture. The piston displacement limit, and the limitation of 1 snowmobile every other year for value added tax deduction, restricts the reindeer husbandry industry's opportunity to allow financial estimates to form the basis for the purchase of such means of operation. Tax classification and registration tax for suitable vehicles (ATW and snowmobile) used as means of operation in the reindeer husbandry industry, should not be higher for the reindeer husbandry industry than for other industries.

Sincerely,

Aslak J. Eira

President, Sami Reindeer Herder's Association of Norway