

Report of the Sámediggi/Sámi Parliament of Norway to the Committee on the Elimination of Racial Discrimination (CERD). Supplementing and commenting on Norway's twenty-first and twenty-second periodic reports of States parties due in 2013 (CERD/C/NOR/21-22).

Explanatory notes: according to the list of themes in document CERD/C/NOR/Q/21-22, nr. 4 Situations of Sami peoples (arts. 2 and 5) the dialogue between Norway and the Committee will focus on three themes (a), (b) and (c). Relevant paragraphs from this report of the Sámediggi are: (a): 31-33 & 46-53, (b): 20-22 and (c): 7-9 & 23-30.

The Sámediggi

1. Established in 1989, the Sámediggi is the elected national assembly for the Sámi in Norway. Thirty-nine representatives are elected by seven constituencies every fourth year.
2. Anyone who perceives themselves as Sámi and who either has Sámi as their home language, or who has a parent, grandparent or great-grandparent with Sámi as their home language, can register on the Sámediggi electoral roll.
3. The Sámi people are a nation, and the Sámediggi is their national parliament in Norway. The Sámediggi deals with any matters considered to involve the Sámi people.
4. Since 1989, the Sámediggi has been granted decision-making authority in several areas. These include the compilation of Sámi teaching plans, questions linked to the Sámi language, the administration of cultural artefacts and a number of schemes linked to the funding of Sámi institutions and subsidy schemes. Please note that there are several variants of the Sámi language, e.g. North Sámi, South Sámi, Lule Sámi, Skolt Sámi and others. This is why there are references in this document to "Sámi languages".
5. The Sámediggi also has the authority to file objections related to land planning issues when these run counter to Sámi interests.
6. The Sámediggi is also the supreme electoral authority for elections to the Sámi parliament, and for the Sámediggi's electoral roll.

The Action Plan for Sámi Languages

7. The Norwegian Government's Action Plan for Sámi Languages for the period from 2009 to 2013 contains a number of good initiatives and has been a useful tool in the work to strengthen and develop the Sámi language. However, the Sámediggi recognises that there is a need for a more comprehensive language policy that covers society as a whole. Through its work with the Action Plan, the Sámediggi has collaborated with some of the ministries. The different ministries should obtain more expertise in respect of Sámi conditions and Sámi languages. As the situation stands today, the central Government authorities cannot manage to put into place a comprehensive language policy for Sámi languages. It is important that the different ministries are made more accountable and given a clearer role in respect of the work to promote Sámi languages.

Sámediggi
Ávjoárgaaidnu 50
9730 Karášjohka

telefovdna: +47 78 47 40 00
www.samediggi.no
samediggi@samediggi.no

Ápningstider:
Mandag - Fredag
08:00-15:30

8. It is the view of the Sámediggi that the Ministry of Local Government and Modernisation should follow up to determine whether the 78 measures in the plan of action have been completed, who has completed what and the extent to which the individual measures have been completed. This ought to be publicised as soon as possible in a final report that includes a follow-up plan for measures that have not yet been completed.
9. The Sámediggi took the initiative to establish a public committee for Sámi languages. The committee was established by the Government after consultations with the Sámediggi, and it held its first meeting on 17 October 2014. The committee's mandate is to study current schemes, initiatives and regulations related to the Sámi languages, and to assess how they can be adapted to the current organisation of the public sector, ensuring the provision of functional and equal public services in Sámi. The committee is scheduled to submit its report by 15 February 2016.

Recommendation No. 18: Sami rights

International law obligations in the management of salt water fishing

10. Amendments in fisheries legislation (the Marine Resources Act, the Fisheries Participation Act and the Finnmark Act) regarding the rights of Sámi and others to fish in the ocean off the coast of Finnmark County were adopted in 2012. The legislative amendments entail provisions relating to the right to fish from smaller boats in traditional Sámi areas, emphasis on Sámi fishing and its importance for local communities, the identification of fishing grounds by the Finnmark Commission when claims are filed for same, and that a Fjord Fishing Board be established and that 50 per cent of its members be appointed by the Sámediggi and be charged with improving fishing along the coast and in the fjords. Moreover, regulations were stipulated to govern a ban on fishing from vessels of more than 15 metres in length on the fjords to ensure that the smaller fjord fleet is not outcompeted and forced away from its traditional fishing grounds.
11. The Sámediggi endorsed the amendments to the fisheries legislation, at the same time as it pointed out clearly that the Sámi have established rights to fisheries and other renewable marine resources in the Sámi coastal areas. These rights are based on the Sámi's presence as well as on the historic usage of their traditional territories and rules of international law regarding indigenous peoples and minorities, (cf. ILO C169, Articles 15 and 13, cf. ICCPR, Article 27, and the Lapp Codicil of 1751, as well as the Land Acquisition Decree of 1775). This was not fully recognised in the Act. Accordingly, the Sámediggi's endorsement of the amendments to the fisheries legislation does not encompass the Norwegian Government's interpretation of the legal grounds for the rights of the Sámi and others to fish in Sea Sámi areas. This is a very serious matter indeed, since in actual practice, it does not recognise the Sea Sámi's right to their culture's material subsistence, which is at variance with ILO C169 and the Declaration on the Rights of Indigenous Peoples. The fact that local rules of customary law and proven historical use of fjord and coastal areas establish rights in coastal waters and at sea was further confirmed by the Norwegian authorities' victory against Great Britain in the International Court of Justice in The Hague, where this was decisive for Norway's assertion of sovereignty.
12. The Sámediggi refers to its decision on Item SP 19/12 on Prop 70 L (2011-2012) the Coastal Fishing Committee, which ascertains that the Sámi have established rights to fishing and other the marine resources along the coast off Sámi areas. The Sámediggi maintains that Sámi and others living along the coast are entitled to fish based on immemorial usage and local customs. The rules of international law in respect of indigenous peoples and minorities also grant the right to fish on an independent basis. It is underlined that the legislative amendments ensuing from Prop 70 L (2011-2012) cannot be understood as being

contradictory to established fishing rights. The Sámediggi will strive to ensure full statutory recognition of fishing rights for coastal and fjord residents in Sámi areas.

13. Sea salmon fishing is a Sámi industry, and it is an important bearer of language and culture. When the Finnmark Commission deals with claims to rights, it must take into account the rights to traditional sea salmon fishing grounds in the areas in question. This must be considered before any permits are granted for the establishment of fish farms. The Sámediggi has noted the formidable decline in traditional sea salmon fishing, in terms of both the number of fishing grounds and the number of fishermen.
14. In November 2010, the Sámediggi and the Ministry of the Environment concluded a framework agreement intended to ensure that the rightsholders were involved along with the Sámediggi in the work to regulate salmon fishing in Nord-Troms County and Finnmark County. Pursuant to the agreement, a broadly comprised Working Committee chaired by the Directorate for Nature Management was established in February 2011. The Working Committee was to establish a common platform for consultations between the environmental authorities and the Sámediggi regarding the regulation of salmon fishing in Nord-Troms County and Finnmark County as from 2012. The Working Committee put forward a broadly anchored proposal for specific regulation projects in addition to advice regarding the continued inclusion of all parties in the processes going forward.
15. During the consultation process in 2012, the Norwegian authorities departed from the negotiated proposal. In the light of this, the Sámediggi has withheld its endorsement from the current fishing regulations. The Sámediggi has asked the Norwegian Government to amend the fisheries regulations as soon as possible by consulting the Sámediggi and the rightsholders who are affected. This has not been followed up. Instead, the Norwegian authorities placed further constraints on fishing in two regions in 2013 through so-called extraordinary regulations, without consulting either the Sámediggi or affected rightsholders. The Sámediggi is not satisfied with the basic facts put forward in connection with the extraordinary regulations.
16. The Sámediggi finds today's salmon regulations to be so restrictive that they threaten the very existence of sea salmon fishing. This has been the situation since 2008. The Sámediggi strongly underscores the urgent need to implement special measures for sea salmon fishing.

Implement active measures to enable the Sami people to preserve their cultural identity, and monitor and combat all forms of discrimination against Sami persons

17. The visibility of Sámi languages and Sámi institutions is important to confirm and support the Sámi identity and presence. Despite its historic presence, the Sámi population is being rendered invisible, due not least to an aversion towards rendering Sámi place names visible (Report Sámi Figures Relate No. 6 2013.)

Initiate an education policy to address the demands for mother-tongue instruction for Sami persons

18. The Sámediggi maintains that there should be more oversight of Sámi training, and not least of the quality of Sámi training programmes. Oversight over the training programmes in Norway is the responsibility of the county governors' offices. The Sámediggi plays no part in these processes. Oversight is carried out in accordance with the legislation that covers schools. The Sámediggi wants to play a part in the oversight of Sámi training in relation to the intensity (frequency) and the scope of oversight. The Sámediggi aspires to help determine where and how oversight is carried out.

The Finnmark act

19. The Sámediggi points out that the Storting has assumed that the main purpose of the Finnmark Act is to protect the natural resources that form the basis for Sámi culture. It is emphasised that the objects clause of the Act states that land and natural resources in Finnmark County shall be managed particularly as a basis for Sámi culture, reindeer husbandry, use of non-cultivated areas, commercial activities and social life. The Sámediggi is reminded that this main purpose shall be rendered visible and actively be taken into account in following up the individual provisions of the Act.

Cross-border East Sami culture

20. The Eastern Sámi (also referred to as Skolt Sámi) are in a highly vulnerable situation that is critical to their culture. Measures to ensure the Eastern Sámi's material cultural platform, as proposed by the Sámi Rights Council and the Sámediggi, have not yet been followed up by the Norwegian Government.
21. The Sámediggi points out that in its resolution to endorse the Finnmark Act in Item 19/05, it established that the protection of Sámi rights in East Sámi areas was one of the steps that had to be taken in the further efforts to protect rights in Finnmark County. The Finnmark Act establishes that the local population along the Neiden watercourse holds special rights to fishing on the basis of immemorial usage and local customs, and that more detailed regulations shall prescribe further rules concerning the management and exercise of the fishing. The Sámediggi emphasises how important it is for this work to be followed up, and that it be done in a manner that ensures East Sámi culture, commercial activities and social life in particular.
22. The return of parts of the skeletons of 94 individuals for re-burial in the Eastern Sámi Orthodox cemetery at Neiden in Sør-Varanger Municipality, took place on 25 September 2011. The ceremony was conducted by Archbishop Gabriel from the Orthodox Church in France. As regards the Eastern Sámi museum, the building has not yet been completed, but reconstruction began in autumn 2013 to protect the building from leaks.

The Finnmark Commission

23. The Sámediggi holds that §5 of the Finnmark Act entails a legal obligation to recognise collective and individual rights that the Sámi have acquired through immemorial usage of land and water in Finnmark County.
24. The Finnmark Commission was appointed by the King in Council on 14 March 2008. The Commission's mandate is to survey existing rights of usage and ownership that people in Finnmark County have acquired on the basis of immemorial usage. The Finnmark Commission has made studies and submitted its report in the following fields: Stjernøya/Seiland (2012), Nesseby (2013), Sørøya (2013) and the Varanger Peninsula East (2014).
25. The Sámediggi points out that in the fields the Finnmark Commission has studied, it has concluded that the local population's rights date much further back than the State's claim to ownership of the land in Finnmark County. All the same, in the fields that have been studied, the Finnmark Commission has concluded almost exclusively that the Finnmark Estate owns all the land and that there are no grounds either for recognising individual or collective rights of usage of a nature different from those already recognised pursuant to §§22 and 23 of the Finnmark Act. The Finnmark Commission justifies its conclusions by saying that the State has made such active and extensive dispositions that this precludes property rights and the

right of use for the local population. The Sámediggi is critical of the failure to find individual and collective rights. In this context, the Sámediggi considers it necessary to point out that the State's earlier dispositions as the claimant of proprietary rights in Finnmark County have largely taken place in contravention of local opinions, and been used as a policy instrument for a State policy aimed at the Norwegianisation of Sámi culture. In retrospect, the State authorities themselves have also recognised that this was derogatory and discriminating in respect of the Sámi. Such a policy and dispositions cannot be considered to create law in order to support the State's desire to own land in Finnmark County. In actual practice, this would mean that the Sámi bear the burden of proof for their rights. In recent decades, Norway has undertaken commitments under international law that are intended to protect the Sámi as a people and an indigenous people against abuse on the part of the authorities. The Sámediggi would therefore call attention to the fact that the State's dispositions of earlier years must be interpreted in the light of the protection against abuse and discrimination under international law when the subordinate rights are surveyed and recognised. The Sámediggi emphasises that these factors must be part of the statutory assessment made pursuant to §5 of the Finnmark Act and in the work of the Finnmark Commission.

26. The Sámediggi points out that in Recommendation No. 80 (2004-2005) to the Odelsting 'the Finnmark Act', the Storting's Standing Committee on Justice has stated that the ownership by the Finnmark Estate was partially intended to be of a temporary nature, cf. the Standing Committee on Justice's comments on §29 stating that: "*land which the Finnmark Estate is listed as owning, (can) in reality, be owned by others*". This approach is in keeping with the Sámediggi's position in the consultations about the Finnmark Act.
27. The Sámediggi points out that Storting has assumed that Sámi and local Sámi communities have collective proprietary rights to areas in Finnmark County, and certainly in the inner reaches of Finnmark County (cf., §§5, 9 and 10 of the Finnmark Act and the Storting's Standing Committee on Justice's memorandum of 21 March 2005). The Sámediggi maintains that this understanding is corroborated by the development of law both through Supreme Court practice and the development of understanding of Norway's obligations under international law in respect of the Sámi as a people and an indigenous people. The Sámediggi recognises that this must be given weight in the Finnmark Commission's assessment of the work to identify rights in Finnmark County. In the view of the Sámediggi, this has not been done by the Finnmark Commission thus far.
28. The Sámediggi confirms with great concern that the clarification of rights in Finnmark County under the auspices of the Finnmark Commission and the Tribunal for Finnmark County has been hard hit by the lack of funding from the State. The Finnmark Commission has had to cancel a significant percentage of its planned activities for 2015.
29. The Tribunal for Finnmark County has been in operation since 1 September 2014. The Tribunal handles disputes regarding rights that arise after the Finnmark Commission has studied a field. The scheme under which administrative costs to be covered by the State pursuant to §43 of the Finnmark Act are charged against the Tribunal's budget, ties up a significant share of the Tribunal's operating budget. In 2015, this meant that cases that had already been scheduled had to be postponed for quite some time.
30. The failure of the State to follow up the allocations for survey and recognition work is impeding the progress of the Finnmark Commission's work. This means that cases involving disputes being brought before the Tribunal for Finnmark County by issuing a writ of summons must be postponed for a very long time. The Sámediggi has requested that the Government budget set aside funding for this as a separate line item so that the Finnmark Commission and the Tribunal for Finnmark County can carry out their work in keeping with the intention of the Finnmark Act.

Sami land rights in and south of Troms county

31. The Sámediggi points out that seven years have passed since the Sámi Rights Council submitted its recommendation on land and resource rights outside Finnmark County, without significant progress being made in the consultations on the legislative follow-up work. The Sámediggi expresses its concern about the lack of progress and considers it unfortunate that the recognition of the Sámi's collective and individual rights to land and resources outside Finnmark County still remain unclarified, at the same time as there is growing pressure on space and the resource base for Sámi culture, commercial activities and social life.
32. The Sámediggi emphasises that the adoption of the Finnmark Act established important legal and political principles for recognising, securing, managing and surveying the collective and individual rights to land and resources held by Sámi and others. The establishment of the consultation procedures between State authorities and the Sámediggi by Royal Decree in 2005 entailed a corresponding clarification of principle. The Sámediggi underscores that these established principles, along with experience of the Finnmark Act, mean that the Government sets the pace for the work to follow up the Sámi Rights Council's report from 2007.
33. The cabinet minister responsible for Sámi affairs and the president of the Sámediggi agreed to initiate a follow up of the Sámi Rights Council's report in February 2011. They agreed to plan to share the work based on the Sámi Rights Council's main proposals. 2012 marked the commencement of consultations on legislation related to consultation and administrative procedures. Two consultation meetings were held on that aspect of the proposals on 30 November 2012 and 8 May 2013. The consultations subsequently came to a halt, but they resumed with a new consultation meeting on 18 June 2015. As for the remaining aspects, the status is that the Sámediggi is still waiting for the Ministry of Justice and Public Security's draft of the grounds for consultation on the proposal for an Act relating to the survey and recognition of rights to land and natural resources in traditional Sámi areas from Troms County and to the south. The same applies to the management scheme for State lands in Nordland County and Troms County. In addition, there are proposals pending for amendments to the Act relating to the exploitation of rights and entitlements in the state commons, the Reindeer Husbandry Act, the Minerals Act and the Planning and Building Act.

Recommendation No. 19: Consultations with indigenous peoples

34. The Sámi, as an indigenous people, have the right to participate in important political issues through consultations (negotiations). This principle is reflected in international law as well as in the consultation agreement between the Sámediggi and the Government of Norway (2005).
35. In Norway, consultations are to take place between the Sámediggi and the Norwegian authorities. The goal is for the parties to reach agreement. This means that the Sámediggi is to have full insight into the authorities' assessments and proposals before consultations commence.
36. The implementation of the Procedures for Consultations between the State authorities and the Sámi Parliament (PCSSP) has strengthened interaction and cooperation on items that may have a direct impact on the Sámi. In the Sámediggi's experience, good consultations reduce the level of conflict and enhance the legitimacy in the Sámi community of decisions taken by State authorities. It is, however, crucial that the consultation agreement be complied with by both parties, and that the parties have a common understanding of how the consultation agreement is to be complied with in actual practice. This is the area in which we see the

greatest challenges in the interaction between the Sámediggi and State authorities.

37. The implementation of the consultation procedures has not been satisfactory in the areas of energy development projects and reindeer husbandry.
38. The Norwegian Water Resources and Energy Directorate (NVE) has not paved the way for consultations by providing full disclosure in connection with energy development projects in Sámi territories. The Sámediggi has not been given access to the Directorate's proposals for resolutions and assessments, not least with a view to how the right to natural resources is to be safeguarded under ILO C169, Article 15, cf. Article 27 of the UN's International Covenant on Civil and Political Rights (ICCPR). In most energy development matters, it has not actually been possible to reach agreement or give consent because the Sámediggi has not known what the Directorate has intended to adopt.
39. As regards energy-related items in which the Ministry of Petroleum and Energy has had decision-making authority or where they have dealt with appeals of NVE decisions, the Ministry has demonstrated a greater willingness and ability to share assessments and proposals through genuine consultations. The Ministry of Petroleum and Energy is willing to consider the legal obligations related to (1) the extent of cumulative effects of earlier and planned interventions, (2) the extent of genuine and mitigating measures, and (3) the necessity of the measure for public purposes that are proportional to the cultural and rights-constraining effects of the measure, (4) as well as the degree of adaptation required for consultations to obtain consent. Such assessments with emphasis on consideration for Sámi culture have been constructive in respect of consultations as they increase the chances of reaching agreement.
40. The Ministry of Agriculture and Food has failed to consult with the Sámediggi or with the Sámi reindeer husbandry administration on several issues concerning reindeer husbandry. When there are consultations, they are often conducted in a less than orderly manner. There have not been consultations on initiatives such as the Ministry of Agriculture and Food's decision to adjust the number of reindeer in parts of Finnmark County. This has engendered considerable uncertainty in the industry. The process of adjusting the number of reindeer has not been good enough, and most of the players in the reindeer husbandry industry have found it messy and not particularly expedient. Owing to the considerable uncertainty engendered in the industry, this process has impacted newly established players in the reindeer husbandry industry in particular. Further, the Ministry of Agriculture and Food's White Paper to the Storting regarding the amendments to the Reindeer Husbandry Act of 2013, featuring the winding up of regional administrative boards and the transfer of regional reindeer husbandry administration to the county governor, took place without the consultations taking place in good faith.
41. Reindeer husbandry is an exclusively and culture-specific Sámi industry. The Sámediggi is deeply concerned by the fact that the Government is not ensuring the implementation of its consultative obligations when decisions are taken in this area that is of such great importance to the Sámi. Reindeer husbandry is enshrined in a separate act of legislation, and reindeer husbandry's right to land is based on custom and immemorial usage. Land is a requirement for maintaining reindeer husbandry as we know it today. The greatest threats facing reindeer husbandry are growing pressure on land due to development projects and more traffic in reindeer grazing areas.
42. In the opinion of the Sámediggi, Norway's predator policy does not take adequate account of the grazing industries. This has serious consequences for the reindeer husbandry industry nationwide. The situation of reindeer husbandry in areas susceptible to predators is precarious. In recent years, growth in predator stocks has led to severe losses and dwindling

revenues, especially in the areas south of Finnmark County. A substantial reduction in the number of predators in the reindeer grazing areas is needed to ensure sustainable operations. As predator management stands at the moment, generally speaking, interests other than reindeer husbandry are deciding how the industry can reduce the consequences of having beasts of prey in the grazing areas. There is also a need to discuss how the compensation and documentation schemes can be better adapted to the situation of the reindeer husbandry industry.

43. PCSSP does not cover financial initiatives or budgetary measures. It is the Sámediggi's opinion that financial parameters and initiatives are of crucial importance and have a direct impact on the Sámi community. This is important, not least in the areas of Sámi art and culture, and Sámi language. This includes, for example, cultural centres and cultural institutions, museums, theatres, festivals and language centres, where initiatives are generally linked to financial instruments. In drawing up the PCSSP, there was agreement between the Government and the Sámediggi that procedures for financial instruments were to be dealt with in a separate process. This process has come to a complete halt, despite the fact that in the White Paper on Sámi Policy from 2008, the Government stated that it would facilitate regular meetings with the Minister of Finance, the Minister responsible for Sámi affairs and the Sámediggi prior to the Norwegian Government's first budget conference, and that the Government would invite the Sámediggi to consultations to frame such budgetary procedures.
44. In his report of 11 January 2011 on the situation of the Sámi in Finland, Norway and Sweden, the UN's Special Rapporteur for Indigenous Rights also pointed out the need to put into place consultation procedures for the establishment of the necessary economic parameters for the Sámediggi. The Norwegian Government has not been willing to embark on processes to do this.
45. There are no mechanisms for resolving points of contention regarding the implementation and execution of PCSSP. Nor has the Government shown any willingness to take initiatives in this area.

Mineral activities in Sámi territories

46. The Sámediggi refers to the fact that in 2009, the Storting adopted a new Minerals Act without the Sámediggi's endorsement, making it extremely challenging for the Sámediggi to carve out a clear role relative to the activities governed by the Minerals Act and the appurtenant regulations. The Sámediggi recognised at the time and is still of the opinion that the Minerals Act does not meet the State's obligations under international law in respect of the Sámi. This is related to its failure to protect the natural basis for Sámi culture, its failure to protect the Sámi rightsholders involved, the Sámediggi's legitimate participation in decision-making processes, and the lack of necessary protection of benefits for the local population of the fruits of exploitation as mineral activities commence. The Sámi Parliament sees that current legislation does not ensure predictability for all parties and allow co-existence between traditional and new industries.
47. The Sámi Parliament has ascertained that the White Paper does not fulfil the State's obligations under international law in respect of the Sámi. The Act sets the stage for discrimination of Sámi rights inside and outside Finnmark County when it comes to hearings, attaching importance to Sámi considerations and the Sámi's right to share in the fruits of exploitation, if any. Nor does the Act guarantee the Sámi's right to consultations on decisions regarding measures such as exploration rights, experimental operation and the right to extract minerals to which the State claims ownership.

48. The Sámediggi ascertains that the State is required to follow up its obligations under international law. The State cannot disclaim its responsibility by leaving it up to private players to ensure compliance with international law when planning initiatives. The Sámediggi therefore states that it cannot grant consent for new initiatives pursuant to the Minerals Act before the Act has been amended and made fully commensurate with international law.
49. In 2014, the Sámediggi asked the Government to promptly take the initiative for consultations with a view to amending the Minerals Act so that it indisputably falls within international law and the above-mentioned conventions. The Minerals Act must be amended to ensure genuine consultations, to ensure that Sámi considerations, interests and rightsholders throughout the Sámi area are taken into account, and to introduce incentive schemes that would allow the utility value generated by mining operations to benefit the Sámi community and rightsholders.
50. The company Nussir ASA is planning a copper mine in Kvalsund Municipality in Finnmark County. On 13 September 2011, the Sámediggi submitted an opposition pursuant to the Planning and Building Act to the zoning plan for Nussir and Gumpenjuni (Ulveryggen/The Wolfridge) in Kvalsund Municipality. The zoning plan paves the way for mining activities which, collectively, will have negative effects on reindeer husbandry, the environment, fishing and Sámi cultural and social life. The Sámediggi's opposition was related to the impact on reindeer husbandry. Kvalsund Municipality adopted the development plan on 8 May 2012. The Ministry of Local Government and Modernisation approved the zoning plan for Nussir and Gumpenjuni on 20 March 2014. The decision assumes that the developer, in consultation with the reindeer husbandry industry, will arrive at mitigation initiatives that will allow the continuation of reindeer husbandry in the area. This must be done before the measure is implemented.
51. The Sámediggi was not consulted in connection with the Ministry of Local Government and Modernisation's final treatment of this opposition case, which was dealt with as a one-off case. The Ministry is of the opinion that there should not be consultations in addition to the opposition process in planning matters. The Sámediggi has objections to details of the current opposition practice, including the Ministry of Local Government and Modernisation's final treatment of planning matters. The Sámediggi maintains that there can be no doubt that the obligation to consult applies to all stages of a matter, and that this must obviously also apply to opposition cases that are ultimately dealt with by the Ministry. Accordingly, the Sámediggi has every right to consult with the Ministry in connection with its final treatment of a matter. This is followed up in consultations on consultation and administrative procedure legislation.
52. On 27 April 2015, the Sámediggi had a meeting with Feittar, the directly involved reindeer grazing district. The reindeer grazing district stated that they had a meeting with Nussir ASA on 28 August 2014. The meeting did not include any local mitigation initiatives that would make it possible to continue reindeer husbandry in the area. Nussir had nothing to offer but proposals for measures of a compensatory nature. Consequently, there were no mitigation measures introduced that could facilitate the continuation of reindeer husbandry and the commencement of mining operations in keeping with the assumption made by the Ministry. Feittar experienced that the developer had little grasp of the true consequences of mining operations on reindeer husbandry. They consider the negotiations with Nussir ASA to be completed.
53. The Sámediggi is in consultations (2014-2015) with the Norwegian Environment Agency on the treatment of the application submitted by Nussir ASA for permits for sea waste disposal, etc. pursuant to the Pollution Control Act.

Crime and punishment

54. Following consultations with the Sámediggi, the Correctional Services, Region North, have drawn up a plan for good and equitable execution of sentences for Sámi inmates and convicts. The Sámediggi has found the process with the Correctional Services to be constructive and useful, and the Sámediggi is satisfied with the drafting of an action plan.
55. On 28 November 2012, the Sámediggi asked the Ministry of Justice and Public Security to consult with the Sámediggi on the follow up of Sámi inmates' and prisoners' execution of sentences, based on the action plan that has been drawn up and the agreement achieved with the Correctional Services, Region North.
56. The Sámediggi had a dialogue meeting with the Directorate of Norwegian Correctional Services, Region North, to follow up the action plan for equal prison conditions for Sámi prisoners and inmates on 22 January 2015. The Sámediggi was informed of a pending reorganisation of the regions and future target areas to strengthen the language and cultural work done by the Directorate. The Sámediggi will strive to ensure that the rights of Sámi prisoners and inmates under the action plan are safeguarded in connection with the reorganisation. This refers to language rights, quality of everyday life in prison and during the execution of sentences in the community and the recruitment of employees to the correctional services with expertise in Sámi culture and language, as well as more use of Conflict Counselling Boards in the execution of sentences.

Domestic violence

57. Recently published research on violence in close relationships in the Sámi population indicate that the Sámi population reports a higher incidence of violence in close relationships than is the case among the Norwegian population. The Sámi population has reported a higher incidence of violence and abuse compared with the non-Sámi population (45% compared with 29.6%). Sámi women report a higher incidence of all types of violence than non-Sámi women (49.1% compared with 34.7%), and also compared with men (Sámi men 39.7%, non-Sámi men 23.2%). As in other surveys, women are generally more susceptible to sexual violence than men (16.8% compared with 4.2%). 16.8% of Sámi women reported childhood sexual violence, compared with 11.5% of the non-Sámi female population in the same areas. The corresponding figure for men, regardless of ethnicity, is 3.9%. In most cases, the assailant is someone known to the victim. In collaboration with the Government, the Sámediggi has initiated a research project entitled: Violence in close relationships in Sámi territories. The project will examine what expertise the support system has for dealing with Sámi who are subjected to violence and whether there are intrinsic and extrinsic factors in the Sámi community that impact the incidence of violence. The project is scheduled for conclusion in 2016.

Sámi teaching materials

58. The Sámediggi is responsible for the development of Sámi teaching materials, as specified in the allotment letters from the Ministry of Education and Research. The Sámediggi receives funding from the State to carry out this work, but these allocations are limited and do not meet the need for Sámi teaching materials. Schools that offer training pursuant to the general curricula for knowledge promotion - Sámi, do not have access to fully comprehensive Sámi teaching materials in all subjects and for all levels. The lack is most tangible relative to Lulea Sámi and South Sámi teaching materials. The right to Sámi teaching materials is not guaranteed in the Education Act, as it is for Norwegian and New Norse teaching materials.

The Gáldu Resource Centre for the Rights of Indigenous Peoples

59. On 26 March 2015, the Storting's presidency submitted Recommendation No. 216 L (2014-2015) for an Act relating to a National Institution for Human Rights in Norway and Recommendation 217 S (2014-2015) regarding Instructions for Norway's National Institution for Human Rights. On Item SR 040/15 'The Act relating to a National Institution for Human Rights', the Sámediggi Executive Council approved the recommendations. The Sámediggi Executive Council's overall assessment is that the Act and the Instructions, along with the comments from the presidency, will collectively pave the way for a national institution to be associated with the Sámediggi and that it could be an important central institution in the Sámi community and in respect of the Sámediggi in the efforts related to Sámi rights. Further, that in its comments, the presidency states that the administration of the national institution must facilitate a good process with the ministry, the Sámediggi and Gáldu regarding constructive forms of cooperation with the experts at Gáldu, where the establishment of a local office, which could also call in smaller groups of consultants, would be a relevant policy instrument. The presidency also requires that the national institution be evaluated after four years of operation. The Sámediggi Executive Council considers it natural that such an evaluation must also take into account the institution's ties with the Sámediggi and its legitimacy in the Sámi community.

Minority languages

60. In 2014, the Sámediggi submitted a separate shadow report in connection with Norway's sixth periodic report on the implementation of the European Charter on Regional or Minority Languages (The Language Charter). In the opinion of the Sámediggi, there are a number of points relating to the status of the Lulea and South Sámi languages that are unclear in the Language Charter. As we read the Language Charter and Norway's report, Lulea and South Sámi do not enjoy the same status as North Sámi. The Sámediggi aspires to ensure an effective implementation of the right to Sámi languages that will underscore and safeguard their equal status with the majority language (Norwegian). This applies to the Lulea and South Sámi languages in particular. Enhance and develop ways to garner more financial, human and technical resources to ensure full, effective implementation of language rights. It is imperative to develop a stronger model for guidance and supervision that can help facilitate Sámi language rights, ensuring the viability of all the Sámi languages.
61. A comprehensive language policy also implies good cross-border cooperation. Shared lexical and terminological development and standardisation are important for ensuring a common core for the Sámi language. It would be extremely unfortunate if the Sámi languages were to develop in different directions within each state. That could lead to communication problems across national borders. Until 2012, Nordic cooperation on Sámi language was followed up by the Sámi Language Council (SGL), a body organised under the auspices of the Sámi Parliamentary Council (SPR). The Sámi Language Council's mandate expired on 31 December 2011. There is a need for strong Nordic cooperation to facilitate discussions and promote language policy and linguistic issues. The standardisation of orthographies also depends on a functioning Nordic language body. In June 2012, the Sámi Parliamentary Council voted to fortify linguistic cooperation by establishing the EU Interreg-financed project Sámi Giellagáldu – the Nordic Resource Centre for Sámi Languages. Sámi Giellagáldu focuses on developing the Sámi languages, terminology, language maintenance and information on linguistic issues. Another goal for the period starting on 1 January 2013 and expiring on 30 June 2014 was to secure permanent funding from the Nordic countries, but this goal was not reached. Hence, Sámi Giellagáldu had to apply for more funding from EU Interreg, and was granted funding for a new three year-period from August 2015 to August 2018. The challenge is to secure sufficient resources from all involved states. The Sámediggi has great expectations that the central authorities in the Nordic countries will support this initiative after expiry of the project period.