

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Decision adopted by the Committee under article 14 of the Convention, concerning communication No. 67/2018*, **

<i>Communication submitted by:</i>	L.J. et.al (represented by counsel)
<i>Alleged victim:</i>	The authors
<i>State party:</i>	Norway
<i>Date of communication:</i>	24 October 2018
<i>Substantive issues:</i>	Denial of the right of the Sami community to own property

1. The authors of the communication are L.J. and other representatives of the Sami community. They complain that by starting the construction of a power station on their lands, the State party violated their rights under article 5(d)(v) in conjunction with article 2(1)(a) of the Convention. The authors are represented by counsel.

2. When registering this communication on 10 December 2018, the Committee, pursuant to rule 94(3) of its Rules of Procedure, requested the State party to suspend the construction of power station in question, while the present case is under consideration by the Committee.

3. On 21 December 2018, the State party requested the Committee to lift its interim measures with immediate effect. The State party argued that the communication failed to meet obligatory admissibility criteria and the authors of the communication suffer no risk of irreparable damage. The authors submitted their response on 11 February 2019. After reviewing submissions from both parties on the subject of interim measures, the Committee, on 20 June 2019, decided to lift the interim measures.

4. In a ruling on 11 October 2021, the Norwegian Supreme Court determined that the construction of the contested plant violated Norwegian law by infringing on the rights of the authors. In the same ruling, the court found violations of article 27 of the ICCPR. While the court did not find a direct violation of article 5(d)(v) of Convention, the Committee considers that such a violation is inferred (para. 154 of the courtesy English translation of the court decision), and that the court, by its decision, has confirmed that the rights that the authors challenged before the Committee, have been violated.

5. The Committee, on 14 January 2025, invited the authors to clarify whether they have been engaged in any negotiations with the State party to implement the Supreme Court decision dated 11 October 2021. The authors informed the Committee that they have decided

* Adopted by the Committee at its 115th session (22 April – 9 May 2025).

** The following members of the Committee participated in the examination of the communication: Michael Balcerzak, Pela Boker-Wilson, Chinsung Chung, Bakari Sidiki Diaby, Régine Esseneme, Jian Guan, Ibrahima Guisse, Gun Kut, Gay McDougall, Verene Shepherd, Stamatia Stavrinaki, Mazalo Tebie, Faith Dikeledi Pansy Tlakula, Abderrahman Tlemcani and Yeung Kam John Yeung Sik Yuen.

to withdraw the communication as they reached a settlement agreement with the State party, dated 18 December 2023. The authors submit that the agreement aims to ensure the continuation of the authors' reindeer husbandry and to mitigate adverse impacts. It stipulates that the authors shall be granted access to an additional area for winter grazing outside the Fosen reindeer husbandry district. The authors further submit that the State party is responsible for securing this supplementary grazing area, which is to be made available for use during the winter season of 2026/2027.

6. The authors submit that they have agreed that the operator of the power station may continue to utilize the area in question for wind power production until the expiry of the current concession in 2045. Furthermore, it has been agreed that the authors shall hold a right of veto over any continued operation of the wind power facility beyond that date, and that the operator has undertaken financial commitments in relation to the reindeer husbandry practiced by the authors.

7. On 9 April 2025, the State party was asked to provide its position on the Supreme Court decision dated 11 October 2021. On 14 April 2025, the State party informed the Committee that it has no objection to the discontinuance.

8. In view of the fact that the 11 October 2021 Supreme Court decision addressed the claims that were subject of the authors' claims before the Committee, finding that the State party committed violations of their rights, and considering that the authors and the State party reached a settlement agreement, the Committee considers that the issue of the present communication has become moot. The Committee therefore decided at its 115th session on 5 May 2025, to discontinue the consideration of communication 67/2018.
