

**Observation (Committee of Experts on the Application of Conventions and Recommendations (CEACR)) – adopted 2024, published 113th ILC session (2025)**

**Indigenous and Tribal Peoples Convention, 1989 (No. 169) - Norway** (ratification: 1990)

The Committee recalls that, pursuant to the wishes expressed by the Government upon ratification of the Convention, the Sami Parliament (Sámediggi), as the representative body of the indigenous Sami population of Norway, plays a direct role in the dialogue associated with the supervision of the application of the Convention. In this respect, the Committee notes the Government's report as well as the 2023 report of the Sami Parliament on the application of the Convention. It also notes the additional information sent by the Sami Parliament received on 30 August 2024, as well as the Government's reply to that information.

The Committee welcomes the adoption of an amendment to the Constitution of Norway that recognizes the Sami people as the indigenous peoples of Norway, which, according to the Sami Parliament report, was the result of consultations between the Sami Parliament and the Government. It also notes with **interest** the adoption of legislative measures aimed at ensuring that consideration of the Sami culture is taken in the context of children welfare service and educational programmes. Furthermore, the Committee takes due note of the adoption in 2021 of Act on amendments to the Sami Act etc. (consultations), the purpose of which is to create the right conditions for the Sami people in Norway to secure and develop their language, culture, and social life. According to section 1.1. of the Act, the provisions of the Act shall apply with the limitations set out in the Convention, and in accordance with the rules of international law on indigenous peoples.

*Article 3 of the Convention. Human Rights. Reconciliation process.* The Committee notes with **interest** the establishment in 2018 of a Truth and Reconciliation Commission, which was tasked with conducting an historic mapping of the Norwegian policies and activities related to the Sami people and examining their repercussions, as well as with proposing measures to contribute to further reconciliation between the Sami people and the Government. According to the Commission's report, published in 2023, the areas affected by the Government's "Norwegianisation policy" (which was endorsed towards the end of the 1800s until the mid-1980s) included language, education, and access to the land. The Commission found out that as a result of the implementation of that policy the use of the Sami languages was discouraged, the cultural specificities of the Sami culture were not considered in the national education model, and access to the land was limited to the non-Sami population. Moreover, the Commission concluded that the Sami people continue to experience discrimination. The Commission proposes various initiatives to contribute towards continued reconciliation, such as disseminating knowledge about the consequences of the Norwegianisation policy on the Sami people among the national population, promoting the use of the Sami language and cultural expertise, and adopting conflict resolution mechanisms to settle disputes involving the Sami people. The Committee notes that in its report the Sami Parliament indicates that it hopes that the reconciliation process would lead to greater knowledge and tolerance for each other's histories and different points of view.

***The Committee encourages the Government to continue taking measures to strengthen reconciliation between the Government and the Sami people, including by tackling the root causes of discrimination against the Sami people, and building long-term solutions for the negative repercussions that previous policies had on the exercise of their rights. The Committee requests the Government to continue***

***providing information on the follow-up given to the recommendations of the Truth and Reconciliation Commission, and the involvement of the Sami people in this respect.***

*Article 6. Consultations with the Sami Parliament.* The Committee recalls that consultations are regulated by the 2005 Procedures for consultations between State Authorities and The Sami Parliament. In this regard, the Committee noted that the Sami Parliament referred to the late involvement of the Sami Parliament in consultations, as well as to the exclusion of budgetary measures from consultations. In response, the Government indicated its intention to resolve these issues through dialogue with the Sami Parliament.

The Committee notes the Government's indication that consultations strengthen the Sami Parliament as the representative voice of the Sami people and increase knowledge of Sami issues among government authorities. The Government emphasizes that consultations are undertaken in good faith and with the objective of achieving agreement, but that this does not mean that there is agreement between Sami Parliament and the authorities on all matters. Consultations, nevertheless, ensure that the decision-makers are familiar with the situation of the Sami people before making decisions. In relation to the exclusion of budgetary measures from the scope of consultations, the Government indicates that state budgetary measures do not fall within the scope of the Convention, but that every year the Government is in dialogue with the Sami Parliament on the budget and receives an assessment of the budgetary needs of the Sami community.

The Committee notes that the Sami Parliament acknowledges that consultations between the Sami Parliament and the State authorities are generally good. It indicates that consultations concerning reindeer husbandry have improved because the Sami Parliament has been brought into decisionmaking processes at an earlier point in time. However, it points out that it has not been consulted on decisions made by the Ministry of Local Government and Modernisation concerning plans for land use, but that in 2023 the Ministry of Local Government admitted that the Sami Parliament should be consulted on such matters.

The Committee notes that new statutory provisions on consultation came into force in July 2021, which were incorporated into the Act relating to amendments to the Sami Act. According to the Government, these provisions are a continuation of the 2005 Procedures for consultations. Section 4.2 of the Act recognizes the right of the Sami Parliament and other representatives of affected Sami to be consulted regarding legislation, regulations and other decisions or measures that could affect Sami interests directly. The obligation to undertake consultation lies with the Government, State enterprises as well as private legal entities exercising authority on behalf of the State (section 4.3). Pursuant to section 4.6 of the Act, consultations shall begin so early that the parties have a real opportunity to reach agreement on the decision and shall continue so long as the parties believe that an agreement on the matter can be reached. The Act excludes from the scope of consultations matters of general nature which may be assumed to affect society as a whole in the same way, as well as matters relating to the national budget (section 4.1).

***Considering the well-established practice in undertaking processes of consultations with the Sami Parliament, the Committee encourages the Government to continue to foster an environment that enables the Sami people and the Government to reach agreements on the measures consulted. In this regard, the Committee requests the Government to provide examples of consultations undertaken with the Sami parliament, including with respect to the use of the Sami traditionally occupied lands and reindeer husbandry issues, and to indicate the cases where agreement has not been reached.***

*Article 14. Land rights.* The Committee recalls that the Act relating to legal relations and management of land and natural resources in Finnmark (so-called Finnmark Act), aims to benefit all the residents, which include a large Sami population. The Finnmark Act establishes the Finnmark Estate as an independent legal entity in charge of the administration of the lands in that county. It also creates the Finnmark Commission as the body in charge of investigating the rights of ownership and use of the land and water in Finnmark, and the Uncultivated Land Tribunal for Finnmark which is tasked with considering disputes concerning land rights.

In reply to the Committee's request for information on the recognition of land rights of indigenous peoples in Finnmark, the Government indicates that the Finnmark Commission has completed the mapping of rights in field 1 Stjernoya/Seiland, field 2 Nesseby, field 3 Soroya, field 4 Karasjok, field 5 Varangerhalvoya east and field 6 Varangerhalvoya west. Mapping work is ongoing in field 7 Tana and Tanafjorden, field 8 Kautokeino, field 9 Porsanger and field 10 Nordkyn/Svaerholtalvoya. The Government adds that, following the report of the Finnmark Commission in field 4 Karasjok, questions about land rights were brought before the Uncultivated Land Tribunal. The tribunal issued a decision in April 2023 recognizing that most of the land in Karasjok Municipality is collectively owned by the local population of Karasjok (including the Sami population). The Committee observes that, in its judgement, the tribunal affirmed that, in light of the Convention No. 169, land rights are essential for the continued existence of indigenous peoples and acknowledged that the land rights of others (non-Sami) that are built up and maintained in community must also be protected. The judgement was reviewed in May 2024 by the Supreme Court of Norway, which ruled that the local population is not the collective owner of the land in Karasjok. In its judgment, the Supreme Court concluded that the population's use of the land has taken place in individual villages and reindeer herding siidas and that the local Sami custom does not justify that the population collectively has acquired property rights to the entire disputed area. On this point, the Government emphasizes that, even though the Supreme Court decided that no collective ownership over the entire land could be established, it has not given a final ruling on the allocation of ownership rights on the lands in Karasjok as it referred the case back to the Land Tribunal for further proceedings. In the Government's view it is premature to infer that the ownership over the uncultivated lands in Karasjok has been decided by the courts.

***The Committee requests the Government to continue taking measures to ensure that the rights of collective ownership of the Sami people over their traditionally occupied lands are formally recognized. In this regard, it requests the Government to continue providing information on the progress made towards the process for titling the lands traditionally occupied by Sami population in Finnmark, including information on the surveys conducted by the Finnmark Commission as well as on the decisions taken by the Uncultivated Land Tribunal in relation to any dispute brought before it in this regard. It also requests the Government to provide information on the implications of the ruling of the Supreme Court in the Karasjok case in terms of recognition of land rights of the Sami population in that municipality. Lastly, the Committee requests the Government to provide information on lands that have been recognized as property of the Sami people outside Finnmark.***

The Committee is raising other matters in a request addressed directly to the Government