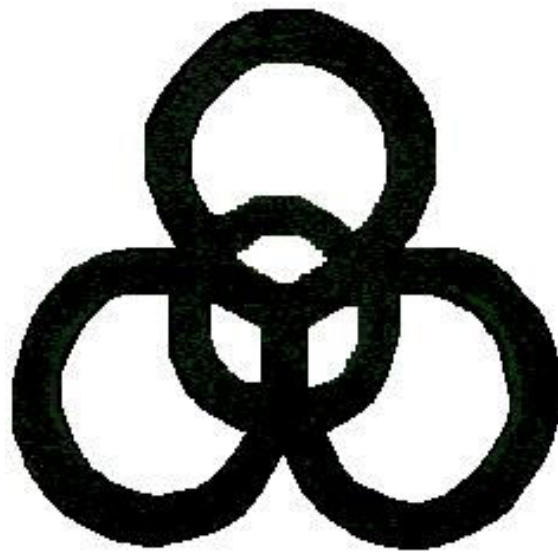


THE 18th SAAMI CONFERENCE
7 - 9 October 2004 Honningsvåg, Norway



THE HONNINGSVÅG
DECLARATION

The 18th Saami Conference, representing the member organisations of The Saami Council in Finland, Norway, Russia and Sweden, convening in Honningsvåg, Norway 6-9 October 2004,

Reiterates that we Saami are one people and that national borders shall not infringe on our community;

Emphasize that the nation states Finland, Norway, Russia and Sweden partly have been established on land and sea territories belonging to the Sami people; areas that Saami have possessed and managed from time immemorial before the formation of the states;

Repeat that the Saami of these four states are one people with common history, culture, language, traditions, civic life, trade and visions for the future and that state borders shall not violate our community;

State that the Saami have the right to self-determination as a distinct people in accordance with international law, including the Charter of the UN, International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural rights;

Emphasize that the Saami people in the capacity of possessing the right to self-determination also have the right to manage its own natural resources and other resources to the benefit of the Saami society, and under no circumstances shall the Saami be deprived their basis of existence;

State that the Saami people themselves, in accordance with the right to self-determination, have both the right and the responsibility to administer the development of the Saami society;

Accentuate the importance of participation by all parts of the Saami society in an efficient way including women and youth, in arranging and accomplishing Saami self-determination;

Emphasize that Saami children and youth are an important human resource in the development of the future of the Saami people and, that these children and youth shall be granted the opportunity to learn Saami language and be taught about the Saami culture as well as be enabled to participate in forming the Saami society;

Recognizes that Saami women and elders are bearers of fundamental values and knowledge that shall be given due consideration and, emphasize that they be given the opportunity to play an active part in developing the Saami society;

Emphasize the right of the Saami people to exercise their culture, trade and develop their community life across state borders;

Further emphasize that the Saami as an indigenous people in Finland, Norway, Russia and Sweden has inalienable historical rights to possess land and sea territories and natural resources therei, rightfully based on utilization since time immemorial. Any exploration in these areas must be subject to Saami acceptance;

Consider the ongoing work on a Nordic Saami Convention an important step in the effort to reduce the negative implications of state borders to the Saami society and likewise an important contribution in the acceptance of basic Saami rights regardless of the state border;

In this context emphasize the importance that Finland, Norway and Sweden also make effort to incorporate Russia in the development of a Saami convention to ensure that the entire Saami nation acquires legal protection through a treaty of this character;

Declare that we seek to secure that our mutual heritage from our ancestors will be managed to the benefit of current and future generations of Saami and, that our inalienable rights to land and sea territories and resources therein are preserved and respected;

Maintain further that the rights of Saami to land and sea territories and resources in Saami areas must be respected in relation to all forms of activities, including military and all kinds of economic activities;

Maintain that activities of this nature in Saami areas and, if of significant extent, must be subject to prior, free and informed consent from the Saami people;

Emphasize that Finland, Norway, Russia and Sweden are obliged to secure the rights and the future of the Saami people in line with international legal standards;

Emphasize that international treaties recognize indigenous peoples' vital role in the struggle to ensure a sustainable environmental management and development in their capacity as an indigenous people and their traditional knowledge on environment and, that the nation states bear the responsibility to guarantee that the Saami effectively are able to participate in the work towards a sustainable ecologic development in Saami areas to secure a resource basis for Saami trade and culture;

State that the program of action for the EU's the Northern Dimension, adopted at the EU Ministerial Council in September 2003, recognizes the necessity of the states to secure the interests of indigenous peoples in relation to economic activities, particularly regarding industries exploiting natural resources, to protect the inherited right to self-determination, land and cultural rights of the indigenous peoples of the affected region;

Emphasize that the traditional knowledge and traditional cultural expressions of the Saami people, including natural resources in this context, are intrinsic parts of Saami culture;

State that the European Union has recognized the Saami as an indigenous people in Europe and, that rights concerning Saami culture, language and subsistence are part of the constitution of the union;

State that Saami themselves shall represent Saami interests on national, regional and international arenas;

State that Finland, Norway, Russia and Sweden are legally responsible to secure necessary means to the development of Saami culture, language and community life across state borders;

Emphasize that it is the wish and will of the Saami people that it will carry the responsibility for the development of its own future based on the right to self-determination;

Declare consensus on the following:

Saami as indigenous people and as one nation

1. The Saami are indigenous people in Finland, Norway, Russia and Sweden possessing special rights in their own land and sea territories and, this entails particular responsibility for the states towards the Saami, nationally as well as across frontiers. The onus lies with the states to initiate coordinated and systematic efforts to secure the rights of the Saami and to ensure that the integrity of the Saami will be respected;
2. The status of the Saami as a people in respect of international law lays the responsibility on the states to recognise and respect the right of the Saami to self-determination;
3. The Saami in the 4 countries are one people, at the same time an indigenous people, settled across state borders, have the right to develop their own language, culture, ways of subsistence and their community life regardless of state borders;
4. The states are responsible to promote a full realisation of Saami civil, political, economic, social and cultural rights. Special measures must be implemented, if and when, this is deemed necessary in order to further the full realisation of such rights. The states are likewise obliged to exercise respect towards Saami social and cultural identity, customs and traditions and institutions:
5. The states shall provide and ensure that the Saami are enabled to establish necessary common institutions and organisations across state borders by contributing to a complete development of Saami initiatives and by providing required economic resources for this purpose;
6. The authorities of these four countries are considered responsible to coordinate and harmonize legal, political, administrative and economic framework prerequisites for Saami in the respective four states and thus make effort to minimize negative consequences brought about by existing state borders for the Saami as one nation in four states;
7. The Saami parliaments, organisations and institutions must ensure that all aspects of the Saami society actively manage to take part in community development. Special arrangement must take place to secure an efficient participation by elders, women and youth;
8. The ongoing collaboration between the governments and the Saami parliaments in Finland, Norway and Sweden on preparation of a Nordic Saami convention is an important and positive step forward in securing of Saami rights over state borders. Out of consideration for the needs of the entire Saami nation, the authorities in Finland, Norway and Sweden together with Saami representatives, are urged to seek solutions that in the future will make the convention benefit also Saami in Russia;

9. To guarantee an efficient conduct of Saami interests and rights in the four countries and within the EU, a specific region for indigenous peoples must be established;
10. The European Union and the individual member states are responsible to secure the rights of the Saami in accordance with the constitution of the union;
11. As a consequence of the right to self-determination the Saami people possess the right and obligation to care the needs and interests of the Saami community and thus the Saami themselves shall represent own interests and rights in national, regional and international contexts;

Saami right to land and sea territories and natural resources

12. Saami themselves shall administer their inalienable historical rights to own land and sea territories and natural resources therein;
13. In accordance with international indigenous rights and peoples right to self-determination, the states have the obligation to recognize and respect the right of the Saami to possess, manage and use own land and sea areas and utilize their natural resources;
14. The Saami have the right themselves, in line with their right to self-determination, to decide on their political, social, economical and cultural development and for own purpose to govern their own natural richness and resources. The Saami people can under no circumstances be derived their basis of existence;
15. Saami use of land, water, sea and other resources shall be recognized as a basis for our right to ownership and possession, collectively as well as individually. The demands posed on Saami use of these territories and resources therein must be accommodated to ordinary Saami use of land and sea areas and the resources encapsulated;
16. The Saami right to use land and sea territories and their resources also encompass the right and need to themselves plan and develop the exploitation of the areas and their resources in accordance with the development of the society in general;
17. The state authorities shall have the obligation to obtain prior, free and informed consent from the Saami before permission is granted to exploit or otherwise process or cultivate natural resources in Saami land and sea areas. The Saami shall have the right to receive an economic share of such activities;
18. Saami right shall be recognized to effectively take part and influence in matters concerning management and use of land and sea territories and resources in Saami areas, including settling of property with regard to reserving ranges and fields for rearing, power plant and dams, roads, holiday cabins and recreation areas, game reserves/national parks, oilfields, mining and other similar activities;

19. It is expected that the authorities in Finland, Norway, Sweden and Russia fully recognize and efficiently ensure the Saami rights to land and sea areas and the encapsulated resources;
20. Finland, Sweden and Russia have not yet ratified the ILO Convention No. 169 regarding Indigenous and Tribal Peoples in Independent Countries and, they therefore are requested to do so without further delay. Norway is urged to fully comply with the demands expressed in the ILO Convention No. 169.

Saami trade

21. Traditional Saami trade and use of land and sea resources are fundamentally important for maintenance and development of Saami culture and therefore these subjects are important parts of the material basis for Saami culture;
22. The nation states have the obligation to secure an effective legal protection of traditional Saami trades including reindeer husbandry, hunting, fisheries, handicraft and wilderness exploitation otherwise. The nation states shall by means of special positive measures with respect to political, administrative and legal actions, secure the preservation of the resource base for the most marginal traditional Saami trades;
23. The legal position of reindeer husbandry as a traditional Saami trade and bearer of Saami culture must be safeguarded. Norway and Sweden must maintain and develop reindeer husbandry as an exclusive Saami subsistence;
24. The states shall respect the right of the Saami people to maintain their customary legal perceptions including the right to exercise customary legal traditions. In case of conflict between Saami and non-Saami legal systems in Saami areas, the Saami legal comprehension must have precedence. This concerns first of all questions on Saami rights to land, water and encapsulated resources therein;
25. During legal processes on solving of conflicts between Saami trades and other kinds of land use such as forestry, mining and military activities within Saami areas, Saami trade interests shall have precedence;
26. The states shall ensure that the national legal system functions effectively and just with respect to Saami legal claims, including legal claims on land, sea and resources in Saami areas. In solving of conflicts regarding this kind of rights in Saami areas, the states shall guarantee that the court of justice honours that Saami land and sea use in most cases does not leave lasting traces in the affected environment;
27. The burden of proof shall not lie with the Saami part in conflicts regarding right to land, water and sea territories and resources in areas used and exploited by Saami;
28. Necessary economic resources shall be reserved for the purpose of lawsuit on Saami legal claims, in particular court cases regarding Saami land and sea areas and the resource basis for traditional Saami trades;

29. The international obligations of the states towards Saami, especially with respect to universal human rights, shall have precedence over other international provisions that could be in conflict with human rights. It is in this context emphasized that environment and resource management, including the management of predators that pose severe threats and damage to traditional Saami trades, must be closely adapted the needs of Saami trade interests;
30. The Saami shall be granted the right to themselves marshal and control the predator populations in Saami areas;

Environment and sustainable development in Saami areas

31. The Saami possess historical and particular relationship to own land and sea areas. Preservation and promotion of our own Saami culture is subject to a development founded on respect for existing ecological and environmental conditions and, that development gives consideration to our traditional livelihoods and our own priorities in development processes;
32. In the capacity of having the right to decide on own political, economic, social and cultural development, the Saami people also have the right to effective participation in shaping, implementing and evaluation of national and regional development schemes and programs that could create direct consequences to the Saami;
33. The Saami demand that authorities respect Saami values, traditional knowledge and resource management and, that due consideration in all relevant relations is given to Saami traditional and direct dependence on natural resources in own areas;
34. State authorities have the obligation to secure Saami participation and effective influence in working with environment problems and sustainable development in Saami areas. The Saami in collaboration with other indigenous peoples, are responsible to take part in promoting the work on sustainable and environmentally sound development and this in the prolongation of the ongoing processes. In this context it is specially referred to the Rio 1992 conference foremost to Agenda 21, Johannesburg 2002 WSSD conference, the climate policy following Arctic Council ACIA report on climate change and convention on biodiversity (CBD).

Saami language, culture and education

35. The survival of the Saami language is a paramount Saami responsibility that must be managed on individual, organisational and official Saami authority level. A vital Saami language requires a vivid Saami community and public arena coloured by trades and other activities including cultural as bearers and promoters of the language;

36. The states shall admit the Saami to develop their own culture based on Saami spiritual conception, traditional knowledge and competence;
37. The states have the responsibility to inaugurate necessary legal, administrative and political initiatives in order to secure that the Saami in mutuality can exercise, maintain and develop Saami culture and language;
38. Saami culture, cultural expressions and language are in a continuous development process in line with the surrounding societies. The state must guarantee that even new cultural expression forms are being incorporated and given room for development;
39. The right of the Saami to use their language entailing also use in legal and other official forums and, and the right to develop and pass it on to coming generations, must be acknowledged and implemented fully by authorities of the four states. Saami must be recognized as an official language all over the Saami area;
40. The states have a special responsibility to safeguard the least widespread and most vulnerable dialects by developing needed education plans, teaching materials and economic means to teaching exercises;
41. The Saami shall have the right to establish, manage and develop own common education institutions for all levels and schemes in accordance with their culture and traditions. In order to make this aim a reality, the states will have to harmonize their legislations on education;
42. Saami research must be strengthened and developed across state borders based on Saami own needs and goals. The states concerned shall secure the contribution of economic means to this purpose;
43. The Saami language is an important part of Saami individual and collective identity. Saami children and youth shall be given real admittance to teaching in and learning Saami in a manner suitable to their cultural background and the conditions attached and thereby be given the possibility to enhance and develop own Saami identity. The preservation and further development of small Saami schools is particularly important to ensure this education for the future;
44. Saami who previously was deprived the possibility to learn the Saami language, shall be given real opportunity to learn verbal and written Saami. The states are obliged to contribute with accessible economic resources for the purpose of offering education in Saami to all Saami individuals;
45. The states have the obligation to ensure that the Saami are given a satisfactory health service that gives due consideration to the lingual and cultural background of the Saami;
46. The states are obliged to secure necessary economic means to these purposes.

Traditional Saami knowledge

47. The states must respect the Saami peoples' right to manage and control their own customary knowledge including natural resources encompassed, genetic resources and own traditional cultural expressions, and contribute to the development, conservation and protection of these;
48. The states are in particular obliged to protect Saami culture and cultural expressions against offensive and abusive use and misleading use pretending to have Saami origin;
49. The states shall carry out measures in order to prevent the Saami culture from being commercially exploited by others than Saami without the consent of the Saami and, to prevent that other than Saami obtain copyright protection to elements of Saami culture. To the extent that the Saami culture nevertheless is being commercially benefited by others, the states must ensure that Saami are allowed to influence on such activities and that Saami gets share of the economic profit arising from such use of Saami culture.

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