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| Submission from theSámi Parliament in Swedento the report of the Special Rapporteur on Human Rights and Environment on  *Healthy Ecosystems and Human Rights Sustaining the Foundations of Life* |
| 29 May 2020 |



# About the Sámi Parliament in Sweden

The Sámi[[1]](#footnote-1) Parliament in Sweden, established through the Sámi Parliament Act in 1993 is the popularly-elected representative body of the Sámi people in Sweden. The Sámi Parliament also functions as a government agency on Sámi issues.

The overall task is to advocate, promote and protect Sámi rights and interests in order to ensure their economic, social and cultural development. The activities carried out by the Parliament cover a wide range of areas such as Sámi economic development; including traditional livelihoods, reindeer husbandry, hunting and fishing, strengthening and revitalizing the Sámi languages, promoting and protecting Sámi cultural expression, cultural heritage and traditional knowledge.

The Sámi Parliament thanks the Special Rapporteur for the opportunity to contribute to his report and would like to provide the following input.

# Adverse impacts

### Q: Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water, food, culture, non-discrimination, a safe, clean, healthy and sustainable environment, and Indigenous rights.

Biodiversity and healthy ecosystems are crucial to our livelihoods, health and culture. Nature is fundamental to our livelihoods, culture and languages; to our environment, kinship, intergenerational transmission of our knowledge, well-being, food systems and spirituality.

The loss of lichen (see attached research article) and green infrastructure, the decrease of habitats, flora and fauna, invasive species such as the contorta pine used in large scale forestry are some of the impacts affecting Sámi livelihoods, food security and culture and related rights. Especially visible are the impacts of biodiversity loss on reindeer herding, hunting and fishing as important parts of Sámi culture and sustenance.

It is important to highlight that it is not the declining biodiversity and degraded ecosystems *per se* that adversely impact the rights of the Sámi people. It is rather the drivers (as identified by the IPBES) of land use change and climate change causing this harm to nature that constitute the tangible threats to our rights as set out in the UN Declaration on the Rights of Indigenous Peoples.

# Good practices

### Q: Please provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems. These examples may occur at the international, national, sub-national, or local level.

## Reindeer management plans

Reindeer management plans document the different ways land is used in reindeer husbandry. These include grazing grounds, migration routes, resting lands, difficult passages, and more. In addition, they describe external factors and land use (forestry, mines, wind and water power, other infrastructure, agriculture), climate and weather, natural environment. The documentation is often combined with information from GPS-fitted reindeer. The management plans illustrate the land use and green infrastructure of reindeer husbandry based on the reindeer herders’ traditional knowledge and is used i.a. as a tool in land use planning and in environmental permitting processes (see additional information attached).

## Policy document Eallinbiras

We consider our “*Living environment programme – Eallinbiras”* (attached) as a good practice for outlining guiding principles that recognizes the importance of living in harmony with nature.

In Eallinbiras we have a vision of a resilient and sustainable living environment for all. In a Sámi context this vision expresses our wish to live in a resilient Sápmi which is rooted in both a healthy nature and a thriving Sámi culture. Where people and nature have long term capacity to renew themselves and to sustainably evolve even in times of significant change. And where both nature and culture enrich the surrounding world. The tree pillars or sub-goals – to use modern terminology – of this vision are

* Ealli eallinbiras juohkeaktii – Nature as a vital habitat and living environment. Where what we take from nature is in balance with what it can give.
* Arbevirolas máhtu – Traditional knowledge. Where our indigenous knowledge and knowledge systems are equal to science.
* Dássálas ovdanahttin – Balanced development. Where we lead a sustainable lifestyle and high quality of life without causing negative impacts on nature and environment.

## Customary sustainable use through reindeer husbandry

Reindeer husbandry is key to maintain and increase the biodiversity in the mountainous and boreal areas. For example, mountainous birch forest grazed by reindeer are brighter and less dense which support the diversity of herbs and other species. Increasing temperatures moves the tree line further up the mountains and thus decreases the space and habitat for alpine species. Reindeers help mitigate these effects by grazing the bushes and plants and thereby receding the tree line and the open grazed spaces reflect more heat which helps reduce global warming.

## Increasing the implementation of CBD and recognition of indigenous knowledge

Indigenous Peoples are in a unique position to lead transformative change and restore harmony with nature and all life forms. The reason for this being our knowledge systems and holistic understanding of interlinkages between nature and culture and our ways of living reciprocally with our lands, territories, and resources.

The Sámi Parliament has a special mandate to report on the considerations of traditional knowledge and the implementation of Articles 8(j) and 10(c) of the CBD in Sweden. In 2018, based on a joint government assignment, the Sámi Parliament and the Environment Protection Agency (EPA) presented proposals on further measures on how to strengthen and improve the implementation of article 8(j) and related provisions in a long term perspective. As a result of the proposals there are ongoing discussions with the Swedish Ministry for Environment on designating the Sámi Parliament as the national focal point for 8(j)-related issues regarding Sámi traditional knowledge.

## Establishment of protected areas

In consultation with Sámi representatives the Swedish EPA has developed new guidelines on how government agencies and local governments should conduct consultations and ensure full and effective participation of affected Sámi and Sámi reindeer herding communities when establishing nature reserves.

# Challenges to a rights-based approach

### Q: Please identify specific gaps, challenges and barriers that your government, business, or organization has faced in attempting to employ a rights-based approach to preventing, reducing, or eliminating harm to biodiversity and ecosystems.

## Lack of data and knowledge

There is no official statistical data on Sámi wellbeing, economic development social status etc. This lack of data makes it challenging to present a comprehensive picture of the impacts of biodiversity loss on livelihoods, well-being and health, culture and social development, rights recognition, etc. and the nature of change over time.

The Sami Parliament is responsible for the production of some data collection (e.g. statistics on the reindeer industry), but has limited resources and mandate with which to develop and monitor indicators in relevant areas. While the Sami Parliament has an electoral roll which could be a useful source of data, it cannot use this to produce statistics due to the legislative prohibition of government agencies collecting data on ethnicity. Even collection of such data on voluntary basis is prohibited by law.

## Conflicting interest

Applying a rights-based approach, in environmental policy, that effectively respect human rights and indigenous rights means other commercial interests/industry (mining, forestry etc.) have to adapt or give way. As many countries are dependent on these industries for financial growth and export they tend to be prioritized ahead of environmental or human rights considerations.

In a Sámpi context the implementation of the Sustainable Development Goal (7) and the Paris Agreement have led to additional conflicts of interest between the Sámi rights and the efforts of increasing renewable energy through wind and hydro power.[[2]](#footnote-2)

### Q: Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems (e.g. women, children, persons living in poverty, members of Indigenous peoples and local communities, older persons, persons with disabilities, ethnic, racial or other minorities and displaced persons). How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?

## Ensuring self-determination and the full and effective participation

The right of the Sámi people to meaningful participation and influence in decision-making on matters affecting them, including policy, legislation and management of biodiversity and sustainable is key to protect and restore declining biodiversity and degraded ecosystems.

In a Swedish context the adoption of an Act on Consultation currently negotiated and increasing responsibilities, mandate and resources of the Sámi Parliament are ways of empowering the Sámi.

Other important tools in this work is the implementation of the various voluntary guidelines and other resources adopted within the CBD and the Working Group on Article 8(j) (such as the Akwe: Kon Guidelines, Plan of Action on Customary Use etc.)

## Recognition and protection of land rights and expanding the understanding of protection

With reference to the draft study on the R*ight to land under the United Nations Declaration on the Rights of Indigenous Peoples: a human rights focus* of the Expert Mechanism on the Rights of Indigenous Peoples[[3]](#footnote-3) as well as the IPBES findings, increased protection and recognition protection of indigenous peoples land tenure rights are fundamental to the protection and sustainable use of biodiversity and ecosystems.

For indigenous peoples, land is not only, or even primarily, an economic asset. It is the defining element of their identity and culture and their relationship to their ancestors and future generations. Land rights are transgenerational and thus carry an obligation of stewardship for the benefit of present and future members of the community and the basis of their continued existence as a people. In the understanding of land and nature among indigenous peoples the rights to use the land is inseparable from the obligation of caring for the land. This illustrates the reciprocal and symbiosis relationship between nature and people: The customary sustainable use of the land, nature and biodiversity thus becomes a way of protecting the same. Recognition of indigenous peoples’ rights – including land tenure rights – (through legislative, administrative or other measures) means protection of nature. Focus need to be shifted from conservation and traditional regimes of national parks and strict protected areas to other concepts of protection, such as customary sustainable use and Indigenous and Community Conserved Areas.

**Attachments:**

1. Article “On the decline of ground lichen forests in the Swedish boreal landscape: Implications for reindeer husbandry and sustainable forest management”
2. Information about Reindeer Management Plans
3. Policy document Eallinbiras
1. The Sámi are the indigenous people of Sápmi (stretching over Norway, Finland, Sweden and Russia). This submission focuses on the situation of the Sámi in Sweden. [↑](#footnote-ref-1)
2. As was reported by the special rapporter after his mission to Norway the situation is very much the same on the Swedish side of Sápmi <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25032&LangID=E> [↑](#footnote-ref-2)
3. A/HRC/EMRIP/2020/2 [↑](#footnote-ref-3)