



SÁMEDIGGI
SAMETINGET

Poastačujuhuse/adresse Tel: 78 47 40 00
Poastaboksa/postboks 3 Org.nr: 974 760 347
9735 Kárášjohka/Karasjok [várdde oktavuoda/ta kontakt](#)
Áššemeannudeadji Silje Karine Muotka
saksbehandler
Tel:

Mr. Francisco Calí Tzay

Mandate of the Special Rapporteur on the rights of indigenous peoples,
OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneve 10, Switzerland
Email:hrc-sr-indigenous@un.org

ÁŠŠI/SAK
21/4924 - 88

MIN ČUJ./VÅR REF.
23/8869

DIN ČUJ./DERES REF.

BEAIVI/DATO
28.02.2023

Update on the ongoing human rights violation in Sør-Fosen sijte and Nord-Fosen siida, Sápmi, Norwegian side. Country: Norway. Violation of the rights of Sámi reindeer herders according to the UN Convention on Civil and political Rights (ICCPR) article 27

References:

1. Supreme Court of Norway. Licenses for wind power development on Fosen ruled invalid as the construction violates Sámi reindeer herders' right to enjoy their own culture. Supreme Court judgment. 11 October 2021 (HR-2021-1975-S).

The case concerned whether the construction of Storheia (80 wind turbines) and Roan (71 wind turbines) windfarms on Fosen peninsula amounts to a violation of the reindeer herders' right to enjoy their own culture under Article 27 of the International Covenant on Civil and Political Rights (ICCPR). A grand chamber of the Supreme Court unanimously found a violation and ruled the license and expropriation decisions invalid.

2. Letter 2 December 2021 to Mr. Francisco Calí Tzay from Sør-Fosen sijte and Nord-Fosen siida.

Dear Mr. Francisco Calí Tzay,

I am writing to you as the President of the Sámi Parliament in Norway. I will hereby give you the latest updates on the Fosen-case in a brief way.

The wind farms (151 wind turbines) mentioned above are established in year 2019 and 2020 and has since then produced electric energy in the recognized Sámi reindeer grazing area, without the free, prior, and informed consent from the affected Sámi reindeer herders, and from their representative institution, the Sámi Parliament in Norway. The Sámi reindeer herders affected by the wind farms are Nord-Fosen siida and Sør-Fosen sijte.

Updates:

Since last Thursday morning, 23 January 2023, a large group of Indigenous human rights defenders, together with environmentalists, has occupied the reception area and blocked the entrance of the building to Ministry of Petroleum and Energy in Oslo in protests because it has gone 500 days since the Supreme Court judgment, and the Government has done nothing to stop the ongoing human rights violation in Sør-Fosen sijte and Nord-Fosen siida. The protest has escalated during the last days and spread out to other buildings in the government quarter/square, like the Ministry of Finance. The protests are organized by the Norgga Sámiid Riikkasearvi Nuorat/Norwegian Sámi Association Youth and Nature and Youth, the largest environmentalist youth organization in Norway. The police have been involved several times to remove demonstrators from the buildings. No one has been physically injured so far. However, I am worried about the situation for our youth involved in this dispute with state authorities.

The Norwegian National Human Rights Institute (NIM) wrote a letter 1 April 2022 to the Ministry of Petroleum and Energy about their report on the ICCPR article 27, and some questions about the follow-up on the Fosen judgment. NIM concluded that the Supreme Court that the Sámi's right to cultural practice is violated through the permits for the wind power plants at Storheia and Roan, this will the violation is ongoing if the right to cultural practice according to ICCPR article 27 cannot fulfilled. NIM stated that the national authorities are responsible for securing the rights in ICCPR, both as a state party to the convention and through the provisions of the Human Rights Act in Norway. NIM requested the ministry to follow up the judgment quickly and effectively measures that will remedy the ongoing violation.

I will participate in consultations about the Fosen-case with the Minister of Petroleum and Energy, Mr Terje Aasland. The appointment for consultations is this Thursday in Oslo, 2 March 2023. I will also discuss the Fosen-case with Prime Minister of Norway, Mr Jonas Gahr Støre, during our session in the Sámi Parliament in Kárášjohka/Karasjok next week. The Prime Minister will visit the Sámi Parliament on 9 March 2023.

I hope you receive my information and concerns on the ongoing violations of the rights of Indigenous Peoples in a good faith, and I am happy to fill in more detailed information on a later stage when the Fosen-case proceed. My position is that the state must immediately stop the ongoing violations of the Sámi reindeer herders' human rights and take measures to reparation to redress violations of human rights. The windmills must be demolished, and the area restored to reindeer grazing land.

Finally, I hope you can consider communicating with the Norwegian government about the matter, either asking for information from them or expressing concern about the Fosen-case.

Dearvuodaiguin/Med hilsen/Kind regards

Silje Karine Muotka
Sámeddiggepresidenta/Sametin
gspresident/President

*Dát reive lea elektrovnnalaččat dohkkehuvvon ja sáddejuvvo vuolláičállaga haga./
Dette dokumentet er elektronisk godkjent og sendes uten signatur.
This document is electronically approved and sent without a signature.*

Mielddus / Vedlegg:

Update on the ongoing human rights violation in Sør-Fosen sijte and Nord-Fosen siida, Sápmi, Norwegian side. Country Norway. Violation of the rights of Sámi reindeer herders according to the UN Conve