**Category: Obligations Relating to Those in Vulnerable Situations**

**Sub-Category: Indigenous Peoples**

Name of Practice: Norway’s Finnmark Act

Implementing Actors: National Legislature: Norwegian Parliament

Location: Norway

Key Words: Indigenous, Conservation, Protected Areas, legislation

Description: Article 110a of the Norwegian Constitution recognizes “the responsibility of the authorities of the State to create conditions enabling the Sami people to preserve and develop its language, culture and way of life.” The county of Finnmark, located in the northeast of the country, is the ancestral land and home of Norway’s indigenous Sami people. After many years of legal uncertainty about the management and use of natural resources in Finnmark, the Norwegian Parliament adopted the Finnmark Act in 2005, through a process of consultation with the Sami Parliament. Prior to the Act, approximately 95 per cent of land in Finnmark was managed by a state-owned enterprise. The Act transferred this ownership to a new entity, “Finnmarkseiendommen,” which serves as the custodian of the land. It is governed by a board consisting of six persons: three board members appointed by the Sami Parliament and three by the Finnmark County Council.

The purpose of the Act is to “facilitate the management of land and natural resources in the county of Finnmark in a balanced and ecologically sustainable manner for the benefit of the residents of the county and particularly as a basis for Sami culture, reindeer husbandry, use of non-cultivated areas, commercial activity and social life.” The Act further recognises that “through prolonged use of land and water areas, the Sami have collectively and individually acquired rights to land in Finnmark.” The Act also recognises that other residents of Finnmark may also have acquired such rights, and establishes a commission whose members are to be appointed by the King to survey these rights. The Act also creates a special court to decide disputes concerning such rights. The Act provides that all residents of Finnmark, no matter what ethnicity, will be given the right to exploit natural resources on Finnmarkseiendommen’s land, including hunting, fishing and cloudberry picking. The extent of such rights is dependent on how closely one is associated with the resources. In matters concerning changed use of uncultivated land, both the public authorities and Finnmarkseiendommen shall assess the significance of the change for Sami interests. The Sami Parliament may issue (non-binding) guidelines to be followed in making this assessment.

.Further Information: The Finnmark Act is available at: <http://www.wipo.int/wipolex/en/text.jsp?file_id=244972>; a summary of the Act is available from the Ministry of Local Government and Regional Development: <http://www.galdu.org/govat/doc/brochure_finnmark_act.pdf>.