**STATEMENT
EMRIP 17th Session,**

**Expert Mechanism on the Rights of Indigenous Peoples.**

**Item 3 - Study on Constitutions, laws, legislation, policies, judicial decisions, and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with Article 38 of the Declaration.

Statement delivered by Mr. Bjørn Olav Megard, Director General, Ministry of Local Government and Regional Development, Norway.**

 Check against delivery

08 July 2024

Thank you, Chairperson,

We commend the Expert Mechanism for the efforts made in preparing this report.

We will mention some relevant elements of the Sami policy in Norway even though they were (mostly) implemented before UNDRIP was adopted.

Through the Human Rights Act of 1999, several core conventions were incorporated into Norwegian law, such as ICCPR. Section 3 of the act states that if national legislation conflicts with provisions in the human rights conventions incorporated by the Act, the latter shall prevail.

An example of ICCPRs strong position in the Norwegian legal system, is the Supreme Court’s ruling in the Fosen case, in 2021. With reference to case law from the UN Human Rights Committee, the Supreme Court held that there would be a violation of the rights under Article 27 ICCPR if the interference by competing land development has significant negative consequences for the possibility of cultural enjoyment. Hence, in this instance, the Supreme Court unanimously concluded in favour of the Sami reindeer herders.

Since 1988, the rights of the Sami are explicitly protected in a separate Section of the Constitution of Norway. While general in its wording, the constitutional provision is a relevant factor when interpreting other laws, and that does strengthen Sami rights.

In 2023 the wording in the section was updated, by explicitly referring tothe Sami as an indigenous *people*. The legal obligation remains the same, but the updating of the wording was still significant, and requested by the Sami parliament.

The Sami Act specifies the rights of the Sami, and established the Sami Parliament, in 1989.

The procedures for consultations were established by agreement, and then Royal Decree, in 2005 and adopted as a new chapter 4 in the Sami Act in 2021.

We hope these examples are seen as relevant input in discussing the study, today, and going forward.

Thank you, chair.