

#1 /  
2025



**THEME:**  
**Implementation of the Sámi People's Rights under International Law**

**Divided land, Denied Rights.**  
Eirik Larsen on Sámi constitutional recognition, self-determination, and the right to free, prior and informed consent.

# THE STATE OF SÁPMI



SÁMI SOCIOPOLITICAL JOURNAL #1 2025



# About the Indigenous Navigator in Sápmi

The Indigenous Navigator is a framework and set of tools for and by Indigenous Peoples to systematically monitor the level of recognition and implementation of their rights.

**Drawing on international standards** such as the UN Declaration on the Rights of Indigenous Peoples, core human rights conventions as they apply to Indigenous Peoples, key elements of the Sustainable Development Goals, and the outcomes of the World Conference on Indigenous Peoples, the Indigenous Navigator exposes important connections between these instruments. By employing its free, community-generated tools and resources, Indigenous Peoples' organizations and communities, duty bearers, NGOs, and journalists can explore how rights enshrined in these mechanisms can be turned into concrete action.

**In 2021-2023 the Saami Council**, the Sámi University of Applied Sciences and the International Work Group for Indigenous Affairs (IWGIA) conducted Indigenous Navigator national surveys for Finland, Norway and Sweden. Additionally, the partners facilitated three community surveys – one each in Finland, Norway and Sweden.

**The surveys have enabled** us to collect accurate and high-quality data on the implementation of the human rights of the Sámi people and to understand how national legislation and government policy aligns with Indigenous Peoples rights standards enshrined in international human rights instruments, and how these policies are experienced by Sámi communities on the ground. The data is implemented and published on the Indigenous Navigator website.

**During the work**, it has become clear that gathering reliable data on the Sámi population is challenging. There is generally little data available about the Sámi, as statistics based on ethnicity are not collected in Finland, Norway and Sweden. In this article, we present the findings related to the topics of the right to self-determination; consultations; and free, prior, and informed consent.

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# Recognition of the Sámi People in Constitutions, the Right to Self-Determination, and to Free, Prior and Informed Consent

*by Lásse-Ivvár Erke / Eirik Larsen*

The Sámi are the Indigenous People of the northern parts of Finland, Norway, Sweden, and Russia, with a longstanding presence and a distinct culture rooted in traditional livelihoods, languages, and self-governance systems. Although the Sámi are recognized as an Indigenous People under both international and national frameworks, there remains a considerable gap between this recognition and the actual realization of their rights.





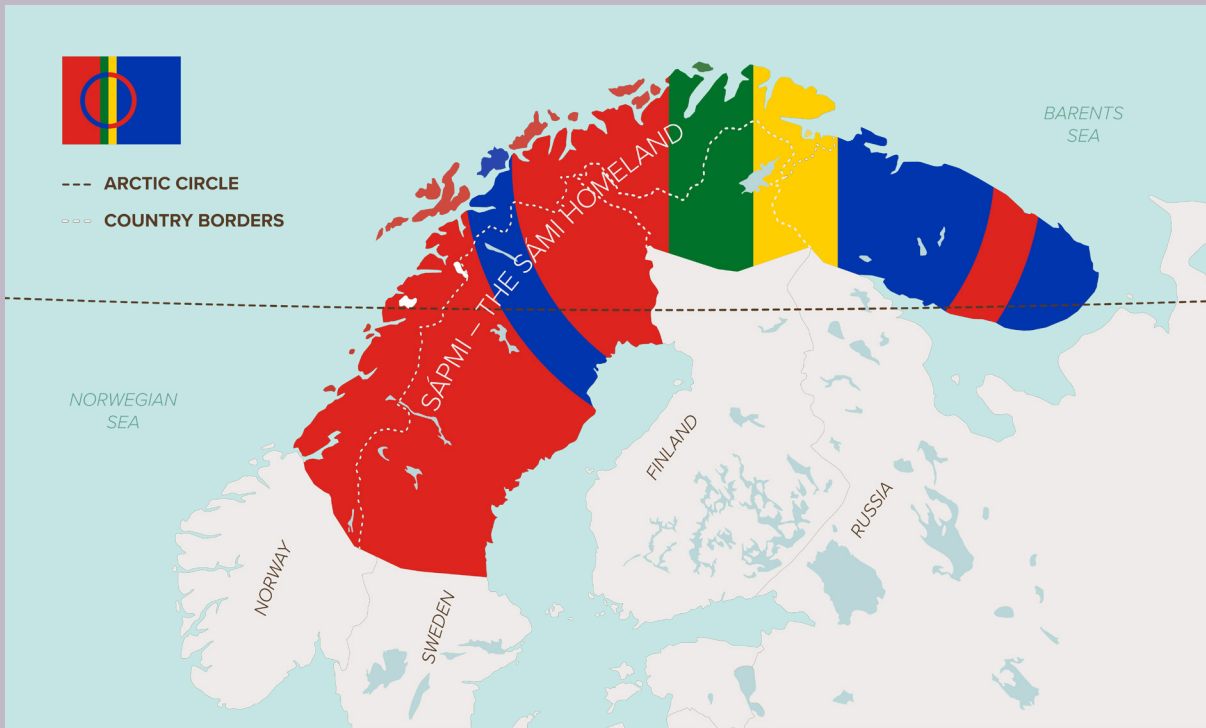
October 2023:

A coalition of Sámi and environmental youth organizations gathers outside the Norwegian parliament to protest the government's inaction following the landmark judgment of the Norwegian Supreme Court in the Fovse case.

*Photo: The Saami Council / Piera Heaika Muotka*

**Over the past two decades**, instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) have affirmed the rights of Indigenous Peoples to self-determination and to free, prior and informed consent (FPIC). These rights are meant to ensure that the communities of Indigenous Peoples maintain control over their lands, cultures, and futures. However, despite formal endorsement of these standards, the Nordic states have yet to fully meet their obligations in practice.

**This article provides an overview** of how the Sámi People are recognized in the constitutions of Finland, Norway, and Sweden, and examines the implementation of their rights to self-determination and FPIC. By drawing on legal analysis, international standards, and community-based data, the article identifies persistent gaps in domestic implementation and outlines the reforms necessary to ensure that Sámi rights are fully respected, protected, and fulfilled.



# 1.0 Sápmi

Sápmi is the Sámi People's own name for their traditional territory. The Sámi People are the Indigenous People of the northern parts of Finland, Norway, Sweden, and large parts of the Kola Peninsula in Russia.

**Traditionally**, livelihoods such as reindeer herding, fishing, hunting, gathering, agriculture, and handi-crafts are central to Sámi culture. There is no reliable information on the population of the Sámi people; they are, however, estimated to number between 50,000-100,000 people.

**Politically**, the Sámi People in Finland, Norway, and Sweden are represented by their respective Sámi parliaments, while on the Russian side they are organized into NGOs. The Saami Council is a central Sámi organization representing nine large national Sámi associations in all four countries. Furthermore, there are other important Sámi institutions, *inter alia*, the Sámi University of Applied Sciences, which is a research and higher education institution dedicated to the Sámi society's needs and where the Sámi languages are used throughout the academic system.

**Finland, Norway, and Sweden** all voted in favour of the UNDRIP in September 2007, while the Russian Federation abstained. However, in 2014, the Russian Federation, together with Finland, Norway, and Sweden, voted in favour of the Outcome Document of the World Conference on Indigenous Peoples, which is considered as an acknowledgement of the UNDRIP. Norway is the only country of the four that has ratified International Labour Organization (ILO) Convention No. 169 on Indigenous and Tribal Peoples, which it did in 1990. While there have been discussions in Sweden and Finland, these have not resulted in ratification.

**Despite international commitments**, significant gaps remain in the implementation of the rights of the Sámi People under international law. While the Sámi are recognized as an Indigenous People, domestic legal frameworks often fall short in implementing the rights of the Sámi.

**The Sámi continue to face challenges** in securing control over their ancestral lands, as well as in exercising their rights to resources and governance. Land rights and the right to FPIC seem to be particular challenges for the States, with development projects on Sámi land frequently proceeding without the FPIC of the Sámi. This leaves the Sámi unable to exercise their full self-determination, as critical areas impacting their culture and livelihoods remain under state control.

**These gaps demonstrate** that, while the Sámi are legally recognized as Indigenous People, the lack of meaningful control over essential areas such as land, resources, and the ability to exercise their right to FPIC, prevents them from fully realizing their rights under international law. Until these implementation gaps are addressed, the Sámi's ability to exercise self-determination remains limited.

September 2007:  
The United Nations  
Declaration on the Rights  
of Indigenous Peoples  
(UNDRIP) was adopted  
by the General Assembly.  
*Photo: IPDB*



## 2.0 The Recognition of the Sámi People in Constitutions

The Sámi People are acknowledged as either a *People* or an *Indigenous People*, or both, in the constitutions of Finland, Norway, and Sweden.



April 2023:  
After the long-awaited reform of the Sámi Parliament Act failed, Suoma Sámi Nuorat mobilized 1,000 people to protest outside the Finnish Parliament.

Photo: Kukka Ranta

## 2.1 Recognition in the Constitution of Finland

**The Sámi People are recognized** as an Indigenous People under the Constitution of Finland, which also provides constitutional protection for their right to maintain and develop their own language and culture.<sup>1</sup>

**Section 17, subsection 3 of the Constitution of Finland**  
*“The Sámi, as an Indigenous People, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sámi to use the Sámi language before the authorities are laid down by an Act. [...]”*

**In addition**, the Finnish Constitution grants the Sámi linguistic and cultural self-government in the Sámi homelands, as provided by law. This provision formally recognizes the Sámi as an Indigenous People with the right to manage their own cultural and linguistic affairs through legally established mechanisms.<sup>2</sup>

**Section 12, subsection 3 of the Constitution of Finland**  
*“In their native region, the Sámi have linguistic and cultural self-government, as provided by an Act.”*

**However**, the scope of Sámi self-government in Finland remains limited and does not fully align with international standards, such as Article 3 and 4 of the UNDRIP. In practice, Finnish authorities are only required to negotiate with the Sámi Parliament on certain matters specified in the Sámi Parliament Act. While this provides a level of consultation, it does not grant the Sámi decision-making power over key issues affecting their rights, lands, and resources.

**The existing legal framework** restricts Sámi autonomy primarily to language and culture, excluding control over land use, natural resources, and governance structures that are essential to meaningful self-determination. As a result, despite constitutional recognition, Sámi self-government in Finland remains weaker and narrower than what international rights instruments prescribe.

## 2.2 Recognition in the Constitution of Norway

**The Sámi People are recognized** as a People and an Indigenous People under the Constitution of Norway. This section also protects the Sámi People's rights to their language, culture, and way of life.<sup>3</sup>

### Section 108 of the Constitution of Norway

*"The authorities of the State shall create conditions enabling the Sámi People, as an Indigenous People, to preserve and develop its language, culture and way of life."*

**Section 108 of the Constitution of Norway** states that the authorities must create conditions that enable the Sámi People to preserve and develop their language, culture, and way of life. This provision assigns the State a special responsibility to facilitate and support the necessary conditions — but it is the Sámi themselves who carry out the work of safeguarding and developing their language, culture, and way of life, as is their inherent right as an Indigenous People.

**In this way**, the Sámi right to self-determination is implicitly embedded in the constitutional provision as its realization necessarily depends on the active participation and agency of the Sámi themselves. Although this represents an objective endorsed by the authorities, significant gaps remain in ensuring the full and effective implementation of the constitutional provision.

## 2.3 Recognition in the Constitution of Sweden

**Sweden recognizes** the Sámi as a People in its constitution<sup>4</sup>, and the State is obligated to promote the Sámi People's opportunities to preserve and develop a cultural and social life of their own.<sup>5</sup>

### Section 2, subsection 6 of The Instrument of Government of Sweden

*"The opportunities of the Sámi People, and ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own shall be promoted."*

**This implicitly recognizes** the Sámi as a People with collective rights. Like the Norwegian Constitution, the Sámi right to self-determination is implicitly expressed. In article 17 of the Instrument of Government of Sweden, the Sámi are however referred to as "the Sámi population".

### Section 17, subsection 2 of the Instrument of Government of Sweden

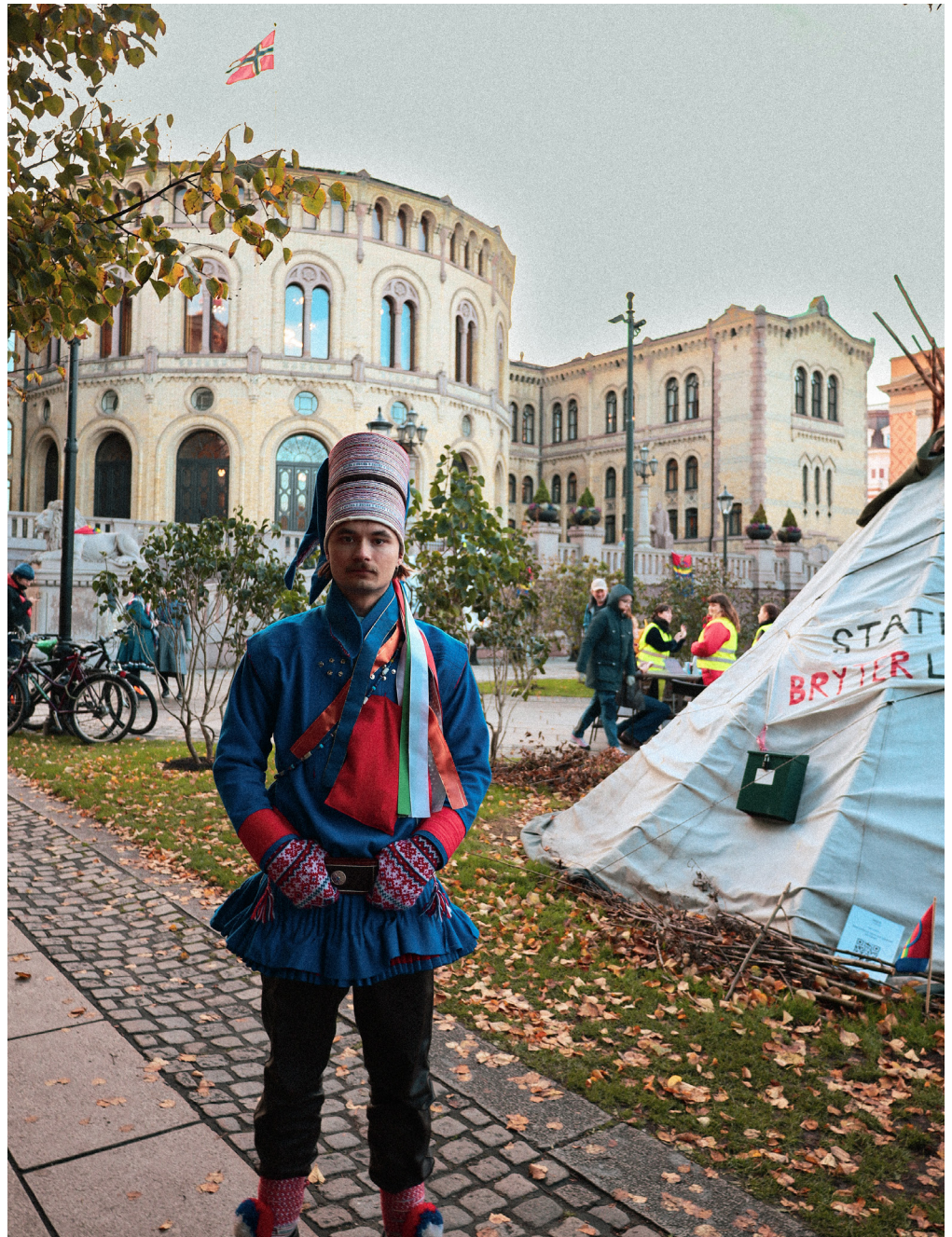
*"The right of the Sámi population to practice reindeer husbandry is regulated in law."*

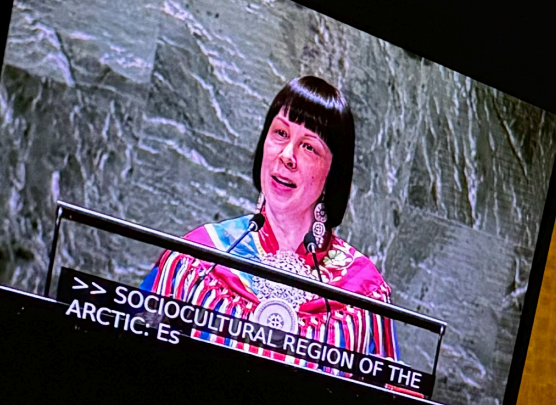
## Endnotes

- <sup>1</sup> The Constitution of Finland (731/1999), Section 17, Subsection 3. English translation by the Ministry of Justice, Finland. The Finnish and Swedish texts are the legally binding versions.
- <sup>2</sup> The Constitution of Finland (731/1999), Section 121, Subsection 3.
- <sup>3</sup> The Constitution of Norway, Section 108.
- <sup>4</sup> Sweden's Constitution, also known as its fundamental laws, regulates how the country is governed and protects democracy. Sweden has four fundamental laws: the Instrument of Government, the Act of Succession, the Freedom of the Press Act, and the Fundamental Law on Freedom of Expression. Additionally, the Riksdag Act holds a semi-constitutional status. The Instrument of Government is the most fundamental, outlining Sweden's democratic principles, governance structure, and citizens' rights and freedoms.
- <sup>5</sup> The Instrument of Government (1974:152), Section 2, Subsection 6.

The Norwegian Storting  
To protest the injustice by  
Norwegian authorities in the  
Fosen case, Mihkkal Hætta lived  
in a lávvu outside the Norwegian  
Parliament for several weeks in the  
autumn of 2023.

*Photo: The Saami Council / Piera  
Heaika Muotka*





# 3.0 Recognition of the Sámi People's Right to Self-Determination





United Nations Headquarters:

President of the Sámi Parliament in Finland, Pirita Näykkäläjärvi at the podium during the 23rd session of the UN Permanent Forum on Indigenous Issues (UNPFII). The theme of the 23rd session was “Improving the self-determination rights of Indigenous Peoples within the framework of the United Nations Declaration on the Rights of Indigenous Peoples, with a focus on the perspectives of Indigenous youth.”

*Photo: The Saami Council*

**The UNDRIP recognizes** that Indigenous Peoples have the right to self-determination, and that by virtue of that right they freely determine their political status and freely peruse their economic, social and cultural development.<sup>6</sup>

**In exercising their right** to self-determination, Indigenous Peoples have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.<sup>7</sup>

**All three Sámi Parliaments** have some degree of decision-making power. However, their ability to exercise the Sámi People’s right to self-determination, including in internal Sámi matters, remains very limited. The Sámi society also encompasses traditional governance structures, such as the reindeer herding communities and the Saa’mi siidsääbbar, the Skolt Sámi siida council (community council), which is the traditional system of self-government of the Skolt Sámi in Finland.<sup>8</sup>

### 3.1 Finland

**In accordance with** the Sámi Parliament Act in Finland, the Sámi People in Finland elect their own Sámi Parliament, which is responsible for tasks related to cultural autonomy.<sup>9</sup>

**However,** while the Sámi Parliament’s statutory mandate covers matters concerning the Sámi language, culture, and status as an Indigenous People, its actual influence within these areas remains limited. More critically, the Sámi Parliament lacks State-recognized decision-making powers over land, water, and natural resources, which are fundamental to Sámi culture and livelihoods.

**Originally,** Finnish legislators intended Sámi self-government to be dynamic and evolving, allowing the Sámi Parliament’s authority to gradually expand through legislative development. This process was meant to be guided by the Sámi themselves, respecting their cultural perspectives. However, this vision has not been realized, as Finland has failed to develop the Sámi Parliament Act or other relevant legislation to strengthen the Sámi People’s right to self-determination.<sup>10</sup>

**Recent efforts** to reform the Sámi Parliament Act in Finland have focused on revising the electoral roll criteria. The current Act has faced criticism for violating international human rights standards, as it allows non-Sámi individuals to be included in the electoral roll, undermining the Sámi People's right to self-determination.<sup>11</sup> It has been emphasized that the Sámi should have the final say in determining their community membership, a stance supported by international human rights bodies.

**In response to these concerns**, the Finnish government has proposed reforms to the Sámi Parliament Act. Despite these proposed reforms, opinions remain divided as to whether the government's draft law is sufficient. As of now, no changes to the law have been made.

### 3.2 Norway

**The Sámi Parliament in Norway** was established in 1989 as the elected body for the Sámi People. The Parliament serves as the main political institution for the Sámi in Norway and is responsible for addressing matters concerning Sámi interests, language, culture, and rights.

**The Parliament's position and mandate** are defined in the Sámi Act, which formally recognizes the Sámi People's right to preserve and develop their language, culture, and way of life.<sup>12</sup> The Act also states that the Sámi have the right to their own parliament, elected by and among the Sámi People. While the Parliament has the authority to express Sámi perspectives on issues affecting them, its role is primarily advisory, and its decision-making powers remain limited.

**In addition to the national Sámi Parliament**, Norway recognizes local Sámi self-determination through reindeer herding *siidas*, which operate under the Reindeer Husbandry Act. The *siidas* function as traditional governance structures within reindeer husbandry, ensuring that Sámi communities maintain control over their livelihoods. These local structures provide an additional layer of Sámi governance.<sup>13</sup>



### 3.3 Sweden

**Sweden has established the Sámi Parliament** as the representative body for the Sámi People.<sup>14</sup> Over time, the Parliament has evolved to serve as an institution aimed at implementing the Sámi People's right to self-determination. However, this right remains largely symbolic, as the Parliament's mandate is mainly advisory rather than decision-making, leaving critical issues such as land, resources, and governance under State control.

**The Sámi Parliament's mandate** is limited, functioning primarily in an advisory capacity rather than as an independent decision-making body. The Swedish State retains authority over key areas that

directly affect the Sámi, including land use and resource management, restricting the Parliament's ability to influence policies that impact Sámi communities. This dynamic results in a situation where Sweden equates the right to self-determination with the right to consultation, rather than offering genuine political autonomy.<sup>15</sup>

**An important aspect** of collective rights in Sweden is found in the Reindeer Husbandry Act<sup>16</sup>, which recognizes the Sámi People's right to engage in reindeer husbandry, which is one of the fundamental traditional livelihoods of the Sámi People, and acknowledges rights based on longstanding customary law.



#### Kárášjohka:

The Sámi Parliament in Norway is situated in Kárášjohka / Karasjok. While the institution was established in 1989, the dedicated parliament building was completed in the autumn of 2001.

*Photo: Anne Henriette Nilut*

### Endnotes

- <sup>6</sup> UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Article 3.
- <sup>7</sup> UNDRIP, Article 4.
- <sup>8</sup> For more information on the governance structures of Sámi reindeer herding, see Ole-Anders Turi, *The State of Sápmi 2-2025*.
- <sup>9</sup> The Sámi Parliament Act of Finland (974/1995), Section 1.
- <sup>10</sup> Indigenous Navigator, Sápmi-Finland, 1.1.
- <sup>11</sup> The UN Special Rapporteur on the Rights of Indigenous Peoples, 2016, (A/HRC/33/42/Add.3); the UN Committee on the Elimination of Racial Discrimination, 2017, (CERD/C/FIN/CO/23); the UN Human Rights Committee, 2013, (CCPR/C/FIN/CO/6) and the UN Expert Mechanism on the Rights of Indigenous Peoples, Country Engagement Mission to Finland, Advisory Note 2018, (<https://www.ohchr.org/en/hrc-subsiaries/expert-mechanism-on-indigenous-peoples/country-engagement>).
- <sup>12</sup> The Sámi Act of Norway, 12 June 1987 No. 56, chapter 2.
- <sup>13</sup> Indigenous Navigator, Sápmi-Norway, 1.1.
- <sup>14</sup> The Sámi Parliament Act of Sweden, Chapter 2.
- <sup>15</sup> Indigenous Navigator, Sápmi-Sweden, 1.1.
- <sup>16</sup> Reindeer Husbandry Act of Sweden (1971:437), para. 1

# 4.0 Implementation of the UN Declaration on the Rights of Indigenous Peoples

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) represents a milestone in the development of international human rights standards. It holds particular importance as the most comprehensive global instrument affirming the individual and collective rights of Indigenous Peoples.

**The UNDRIP has received** widespread international support as the vast majority of UN Member States have voted in favour of it or subsequently endorsed it. Equally significant is the fact that Indigenous Peoples themselves actively participated in the drafting and negotiation process and have since strongly endorsed the UNDRIP as a reflection of their rights and aspirations under international law.

**While the UNDRIP** is not a legally binding treaty, its legal status has been clarified through authoritative commentary. In his 2011 annual report, the former UN Special Rapporteur on the rights of Indigenous Peoples, James Anaya, explained that the UNDRIP reflects legal obligations grounded in the UN Charter, a number of core international human rights treaties, and customary international law.<sup>17</sup> Anaya emphasized that the UNDRIP builds upon the general human rights obligations of States and is anchored in fundamental principles such as non-discrimination, self-determination, and cul-

tural integrity, all of which are enshrined in widely ratified treaties and affirmed through the work of UN treaty bodies. Moreover, many of the UNDRIP's core provisions are consistent with established patterns of international and domestic practice and, to that extent, may be understood to reflect emerging or existing norms of customary international law.

**In 2014**, during the UN World Conference on Indigenous Peoples, UN Member States reaffirmed their commitment to the UNDRIP and pledged to take concrete steps toward its full and effective implementation. A central outcome of the conference was the adoption of an Outcome Document in which States committed themselves to developing, in consultation and cooperation with Indigenous Peoples, national action plans, strategies, or other measures to achieve the ends of the UNDRIP. This commitment was intended to move beyond symbolic support and toward the creation of practical frameworks to promote the rights of Indigenous Peoples in areas such as land, self-determination, cultural integrity, and participation in decision-making.<sup>18</sup>

June 2013:

The Global Indigenous Preparatory Conference for the United Nations High-Level Plenary Meeting of the General Assembly, known as the World Conference on Indigenous Peoples, was held in Áltá from 10 to 12 June 2013.

From the left: Leif Dunfeld, Joan Carling, Egil Olli

*Photos: Ben Powless, Global Coordinating Group Media Team*



**Despite this explicit commitment**, the development of such action plans has been uneven across States. In many cases, Indigenous Peoples have expressed concern over the lack of follow-through, emphasizing that the absence of concrete, participatory implementation strategies undermine the spirit and purpose of the UNDRIP.

**Although Finland, Norway, and Sweden** all voted in favour of the UNDRIP and the Outcome Document of the 2014 World Conference on Indigenous Peoples, none of them have developed a national action plan, strategy, or equivalent measure in consultation with the Sámi People to implement the UNDRIP's provisions. This ongoing lack of concrete action has been repeatedly raised by Sámi representatives. In Finland, the President of the Sámi Parliament most recently addressed the issue in August 2021. In Norway, the Sámi Parliament has consistently pointed to the gap between international commitments and national implementation. Similarly, Sweden has yet to establish a consultative, rights-based roadmap, despite its formal endorsement of both the UNDRIP and the 2014 World Conference Outcome Document.<sup>19</sup>

**There is limited evidence** that Finland, Norway, or Sweden have developed specific initiatives to promote awareness of the UNDRIP among members of the legislature, judiciary, or civil service. In Finland, no relevant information is available on the Ministry of Justice's website or from educational institutions responsible for civil service training. Similarly, in Norway, no such initiatives are mentioned on the Ministry of Justice's or relevant educational bodies' websites, although basic information on the UNDRIP is accessible through the Ministry of Local Government and Regional Development. In Sweden, no information on such initiatives appears to be available.<sup>20</sup>

**The continued lack of national action plans** in these Nordic countries underscores a persistent gap between their endorsement of Indigenous rights at the international level and the realization of those rights through domestic policy. Without structured, collaborative implementation measures, the transformative potential of the UNDRIP remains unfulfilled. The development of national action plans in genuine partnership with Indigenous Peoples is an urgent and necessary step toward bridging this gap.



Áibmejoh'njálmmis Photo: Beaska Niillas

## Endnotes

- <sup>17</sup> A/66/288, Report of the Special Rapporteur on the rights of Indigenous Peoples, para 68.
- <sup>18</sup> United Nations General Assembly. 2014. World Conference on Indigenous Peoples: Resolution adopted by the General Assembly on 22 September 2014 (A/RES/69/2)
- <sup>19</sup> United Nations General Assembly. 2014. World Conference on Indigenous Peoples: Resolution adopted by the General Assembly on 22 September 2014 (A/RES/69/2)
- <sup>20</sup> Indigenous Navigator, Sápmi-Finland, Norway, and Sweden, 19.

# 5.0 Free, Prior and Informed Consent

Free, Prior and Informed Consent (FPIC) constitutes a core component of the international legal framework governing the rights of Indigenous Peoples.

**FPIC** is both a procedural safeguard and a substantive right, enshrined most clearly in the UNDRIP and supported by binding international instruments such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and ILO Convention No. 169.

**Declaration on the Rights of Indigenous Peoples, Article 19**  
*States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.*

**FPIC does not** establish new rights but clarifies and affirms Indigenous Peoples' pre-existing rights, particularly the right to self-determination. It enables Indigenous Peoples to exercise autonomy over matters that affect their lands, resources, cultures, and livelihoods. FPIC is thus inherently connected to the broader framework of participatory rights and equality before the law, serving as a mechanism to redress historical power imbalances and prevent further encroachment upon Indigenous Peoples' lands.

**FPIC might require** the affirmative agreement before any measures may proceed. The process of obtaining FPIC must be conducted in a manner consistent with international standards of good faith, transparency, cultural appropriateness, and substantive equality. It entails early engagement, full disclosure of relevant information — including potential environmental, social, cultural, and economic impacts — and sufficient time and resources for Indigenous Peoples to make informed decisions through their representative institutions.

# F

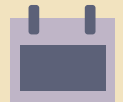
Free



Free from  
manipulation or  
coercion

# P

Prior



Takes place before  
any actions are  
taken and allows  
time for traditional  
decision-making

# I

## Informed



Facilitates the sharing of objective, accurate and easily understandable information

# C

## Consent



Allows communities to approve or reject a project

**In legal practice**, FPIC has increasingly been recognized as a normative requirement in areas such as natural resource development, environmental governance, and legislative reforms affecting the rights of Indigenous Peoples. As both a procedural right (ensuring meaningful participation) and a substantive guarantee (protecting against unwanted interference), FPIC forms a cornerstone of the legal recognition of Indigenous Peoples as rights-holders under international law.<sup>21</sup>

**While both consultation and FPIC** are designed to protect the rights of Indigenous Peoples, they are distinct in their legal weight. Consultation is an ongoing process that involves dialogue and participation, whereas FPIC may require the explicit consent of Indigenous Peoples before decisions are made. The key difference is that while consultation might result in a State or company considering the views of Indigenous Peoples, FPIC empowers Indigenous Peoples to actively approve or reject projects and any initiatives that affect their lives and territories.

**These two rights are related** because the consultation process often serves as the foundation for obtaining FPIC. In other words, consultations are an essential first step in achieving FPIC, as they ensure that Indigenous Peoples are fully informed and able to express their views. However, consultation alone does not guarantee FPIC, as consent is a separate and more powerful legal right. This distinction is important because it recognizes that Indigenous Peoples must have not just a voice in the process, but the authority to give or withhold consent on matters that affect their lands, culture, and future.

## 5.1 Finnish legislation

**The Act on the Sámi Parliament** (974/1995), Section 9, recognizes the obligation of authorities to negotiate with the Sámi Parliament on the issues defined in the Act. However, this obligation does not meet the requirements of the principle of FPIC as set out in the UNDRIP. The obligation to negotiate, as stated in the Sámi Parliament Act, does not constitute an effective opportunity to participate, *de facto*, in decision-making at the level of the authorities. In practice, the Sámi Parliament only plays an external role in attempting to influence the outcome of decisions.

**According to the Constitution of Finland** (731/1999), Section 121, subsection 4, the Sámi have linguistic and cultural self-government in their native region, as provided by an Act. However, the level of self-determination provided by this provision is significantly weaker and narrower than what is required by Article 3 of the UNDRIP. In practice, the authorities are only obliged to negotiate with the Sámi Parliament on the matters specified in the Sámi Parliament Act. This obligation does not alter or limit the decision-making power of the national authorities as defined by law, nor does it entitle the Sámi to participate in the exercise of such powers. Authorities maintain full competence in matters subject to the obligation to negotiate, and after consulting the Sámi Parliament, may proceed to make decisions as they see fit, within the limits of their legal authority.

**According to Section 6**, subsection 2 of the Finnish Forest Administration Act (234/2016), the management, use, and protection of natural resources governed by State authorities in the Sámi Homeland, as defined in the Sámi Parliament Act, shall be adjusted to ensure the conditions for the Sámi People to practice their culture. In the reindeer herding area, as defined in the Reindeer Husbandry Act (848/1990), resource management shall be adjusted to fulfill the obligations laid down in that Act. However, in practice, in determining the threshold for adjusting these conditions, State authorities are only required to negotiate with the Sámi Parliament. The process does not, *de facto*, respect the right of Indigenous Peoples to protect traditional livelihoods, such as reindeer herding.





March 2024:

The UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) conducted a country engagement in Norway to closely examine how the rights of the Sámi people are being upheld in national legislation.

From the left: Atina Pamei Gaare, Sheryl Lightfoot, Antonina Gorbunova, and Binota Moy Dhamai. Leif Arne Jåma.

Photos: The Saami Council / Pjera Heaika Muotka



**The State has developed** operational procedures or mechanisms for consultation with Indigenous Peoples only at the national level. There are no such mechanisms in place at the regional or municipal level. In 2017, the Ministry of Justice, in cooperation with the Sámi Parliament, prepared a memorandum compiling good practices for implementing the obligation to negotiate. The memorandum acknowledges the FPIC principle and interprets Section 9 of the Sámi Parliament Act in light of FPIC. While the memorandum represents a step forward, it is not legally binding, and its legal status remains unclear.<sup>22</sup>

## 5.2 Norwegian legislation

**The Sámi Act recognizes** a duty to consult Indigenous Peoples through their representative institutions.<sup>23</sup> The act applies to national, regional, and local authorities.

**However,** the Act does not require that these consultations with the Sámi result in their FPIC before national legislative or administrative measures that may affect them are adopted or implemented. This falls short of the standard set by the UNDRIP.

**Furthermore,** impact assessments related to such measures do not adequately account for the social, spiritual, and cultural dimensions of Sámi life, and therefore fail to reflect the complex and deeply rooted relationship the Sámi People have with their lands, territories, and resources, as recognized by the UNDRIP.

**In 2024,** the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) conducted a country engagement in Norway, publishing its technical advisory note in March 2025.<sup>24</sup> In this note, EMRIP urges Norway to align its national laws, policies, implementation measures, and enforcement practices with Articles 19, 28, 31, and 32 of the UNDRIP. This alignment should prioritize meaningful, good-faith consultation, cooperation, and negotiation with the Sámi People through their representative institutions, with the aim of reaching consensus. EMRIP emphasizes the importance of respecting and recognizing the Sámi People's right to influence decision-making processes and outcomes that affect them. To avoid adverse impacts,

the advisory note recommends that Norway ensures the implementation of consent-based agreements and benefit-sharing mechanisms, with compensation for harm considered only as a last resort in exceptional circumstances.

**EMRIP expresses particular concern** over the practice of granting “advance possession”, whereby construction licenses are issued before interrelated Sámi rights have been adequately addressed. According to the advisory note, this practice enables development projects to proceed without the FPIC of the Sámi People, in violation of Article 27 of the International Covenant on Civil and Political Rights (ICCPR). It may result in irreversible damage to Sámi culture, land use, and traditional livelihoods, while undermining trust and leaving communities with limited ability to influence or reverse decisions already made. EMRIP stresses that any project affecting Sámi territories or traditional subsistence activities must involve full and effective consultation with the objective of obtaining the FPIC of the Sámi rights holders before any approval is granted.

**Drawing on relevant international instruments**, including the ICCPR, International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the 1989 Indigenous and Tribal Peoples Convention of the ILO (ILO No. 169), and the UNDRIP, EMRIP highlights the legal framework for protecting the rights of Indigenous Peoples. These instruments collectively affirm the importance of due diligence, meaningful consultation, robust impact assessments, and the obligation to obtain Indigenous Peoples’ consent prior to measures affecting their rights and territories. The advisory note also refers to the Guiding Principles on Business and Human Rights, endorsed by the UN Human Rights Council in 2011, which clarify the obligations of States and responsibilities of business enterprises in respecting human rights.

**The advisory note underlines** that negotiations with Indigenous Peoples must be carried out in good faith, using culturally appropriate procedures. This includes timely and regular engagement, full and accessible information-sharing, exploration of key concerns, flexibility in positions, and sufficient time for Sámi decision-making processes.





EMRIP country engagement, from the left: Anne Henriette Nilut, Petter Wille, Sheryl Lightfoot, Binota Moy Dhamai, Aslak Holmberg, Beaska Niillas, Eirik Larsen, Aili Keskitalo, Silje Karine Muotka, Antonina Gorbunova, Ellen-Sara Sparrok, Atina Pamei Gaare, Elen Anna Solberg.

*Photo: The Saami Council / Pjera Heaika Muotka*

EMRIP further recommends significant improvements to impact assessment practices in Norway. Such assessments should go beyond environmental and human rights concerns to include the cultural, economic, and livelihood impacts on the Sámi People. Sámi institutions must be meaningfully involved in assessments related to Sámi economies, ways of life, and cultural survival.

**In conclusion**, EMRIP affirms in its advisory note that key elements of Indigenous Peoples' rights—such as the right to self-determination, autonomy or self-government, rights to traditional lands, territories, and resources, and the right to reparations and redress—are supported by customary international law. EMRIP notes that global, widespread State practice and legal recognition have crystallized these principles, including the obligation to obtain FPIC. EMRIP therefore calls on Norway to fully implement these obligations, ensuring that FPIC is recognized and upheld as a core element in the protection of Sámi Indigenous rights.

### 5.3 Swedish legislation

**In 2022**, Sweden adopted a Consultation Act requiring public authorities to consult the Sámi People in matters that may affect them. The Act represents a step toward implementing the right of Indigenous Peoples to participate in decision-making, but its scope and legal force remain limited. Notably, the Act does not require consultations to be carried out with the objective of obtaining Sámi People's FPIC.

**Under the Act**, government agencies and other public bodies must consult the Sámi before approving projects that could affect their lands, territories, or natural resources. However, private actors, such as companies seeking to exploit traditional Sámi areas for mining, forestry, or other purposes, are not subject to the consultation obligation. As a result, key areas of industrial activity remain outside the reach of the new consultation framework.

**Sector-specific legislation** offers some procedural requirements but stops short of meaningful consultation. For instance, the Mining Act (1991:45) and the Forestry Act (1979:429) require extractive actors or landowners to involve affected Sámi reindeer herding communities before initiating activities on their lands. However, these requirements do not amount to formal consultation obligations and are not guided by a consent-based standard.

**The Swedish Environmental Code** (Miljöbalken, SFS 1998:808) provides limited substantive protection for Sámi interests. Chapter 3, Section 5 states that lands important to reindeer husbandry should, as far as possible, be protected from activities that significantly interfere with this traditional livelihood. Chapter 6 mandates environmental impact assessments for potentially harmful activities. Still,

these assessments narrowly focus on environmental consequences and do not encompass broader effects on Sámi culture, society, or spiritual life.

**Sweden has developed** operational procedures for consultation at the national, regional, and local levels. The Consultation Act applies across all administrative levels, with its provisions enforceable at the regional and local levels from March 2024. While this represents institutional progress, the overall legal framework continues to fall short of international standards requiring robust, good-faith consultation aimed at securing Indigenous Peoples' consent.

### Endnotes

- <sup>21</sup> For comprehensive information about FPIC, see Human Rights Council (UNHRC), Free, Prior and Informed Consent: A Human Rights-Based Approach, Study of the Expert Mechanism on the Rights of Indigenous Peoples, 10 August 2018, UN Doc. A/HRC/39/62. See also the Expert Mechanism on the Rights of Indigenous Peoples, Technical Advisory Note on the country engagement mission to Norway, 18 March 2025.
- <sup>22</sup> Indigenous Navigator, Sápmi-Finland, 1.5, and the Finnish Ministry of Justice <https://oikeusministerio.fi/en/rights-of-the-sami-people>.
- <sup>23</sup> The Norwegian Sámi Act, chapter 4.
- <sup>24</sup> The UN Expert Mechanism on the Rights of Indigenous Peoples, Technical Advisory Note on the country engagement mission to Norway, 18 March 2025.

Forestry:

Intensive logging, particularly in the Swedish part of Sápmi, threatens the winter grazing lands of Sámi reindeer herding communities. Natural forests, essential for lichen growth and forest reindeer husbandry, are rapidly disappearing.

*Photo: The Saami Council /  
Kristoffer Hætta*



## 6.0 Concluding Observations

Based on the findings from the Indigenous Navigator project, several key observations emerge regarding the recognition and implementation of Sámi rights in Finland, Norway, and Sweden.

**Despite endorsing** the UNDRIP and the 2014 Outcome Document of the World Conference on Indigenous Peoples, none of the three States have developed national action plans in partnership with the Sámi to operationalize these commitments. This lack of structured follow-up undermines the intent of international standards and leaves critical rights unfulfilled.

**Constitutional recognition** of the Sámi as an Indigenous People exists in all three countries, but this recognition has not translated into meaningful authority. The Nordic Sámi Parliaments remain limited in their influence, particularly in matters concerning land, natural resources, and governance — areas essential to the right to self-determination. This discrepancy reveals a significant gap between symbolic recognition and practical autonomy.

**A core finding** is the absence of legal frameworks that ensure the Sámi People's right to FPIC. While consultation mechanisms exist, they do not meet the standard of obtaining actual consent before decisions are made. In practice, development projects affecting Sámi territories continue without their approval, threatening cultural survival and undermining trust.



Unjárga Photo: The Saami Council / Gunn-Britt Retter



**Further**, fragmented and inconsistent legislation across sectors, such as mining, forestry, renewable energy development and environmental protection, weakens the overall legal protection of Sámi rights. The absence of harmonization with international law adds to the problem. At the same time, the lack of ethnicity-based data collection in all three countries hampers efforts to monitor and address rights violations effectively. The Indigenous Navigator has helped fill this gap by providing community-based data, but comprehensive and institutionalized mechanisms for data collection and monitoring are still needed.

**Moving forward**, it is essential that Finland, Norway, and Sweden develop national action plans in genuine partnership with Sámi institutions to implement the UNDRIP and other international legal frameworks. Consultation frameworks must be reformed to incorporate the obligation to obtain consent, not just input. Sámi governance bodies must be empowered with decision-making authority in areas vital to their cultural and economic survival. National laws should be reviewed and aligned with international obligations, and public institutions should receive training on Indigenous Peoples' rights. Finally, robust and participatory monitoring mechanisms, supported by reliable data collection, must be established to ensure long-term accountability.

**In conclusion**, the Indigenous Navigator findings highlight a persistent gap between international obligations and domestic realities. Recognizing the Sámi as an Indigenous People is not enough; their rights must be respected, protected, and fulfilled through concrete legal, institutional, and political reforms. Only through sustained collaboration and structural change can the right to self-determination become a lived reality for the Sámi People.



## About the Author

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