



Indigenous peoples rights to natural and mineral resources – reflections from ILO 169

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- **The Ratification of the ILO 169 on the agenda of the Finnish Government**
- **Also the renewal of the Act on Sámi Parliament**
- **What kind of changes the ILO 169 would bring?**



- Biggest challenges are related to Article 14:
- Requires states to recognize the rights of **ownership and possession** of the peoples concerned over the lands which they traditionally occupy
- In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned **to use lands not exclusively occupied** by them, but to which they have traditionally had access for their subsistence and traditional activities.



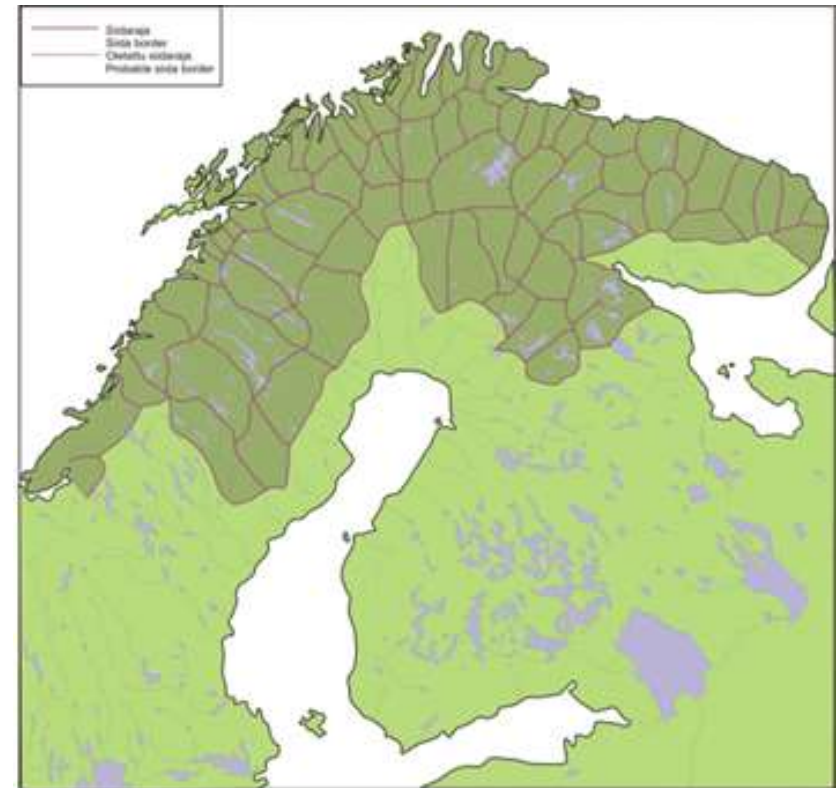
In Finland

- Very little of discussion about the concrete consequences of Art. 14
- Which particular land areas these are and where they are situated?
- How are these two different types of areas defined and identified?

Article 14.2:

Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.

Dilemma of present and past



Kaivokset poronhoitoalueella



Lähde: Paliskuntain yhdistys

Sokli

- Sokli phosphorus and uranium mine near Santa's mountain Korvatunturi.



Article 15

The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the **use, management and conservation of these resources.**

In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall **consult** these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, **before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands.** The peoples concerned shall wherever possible participate in the **benefits of such activities**, and shall receive **fair compensation** for any damages which they may sustain as a result of such activities.

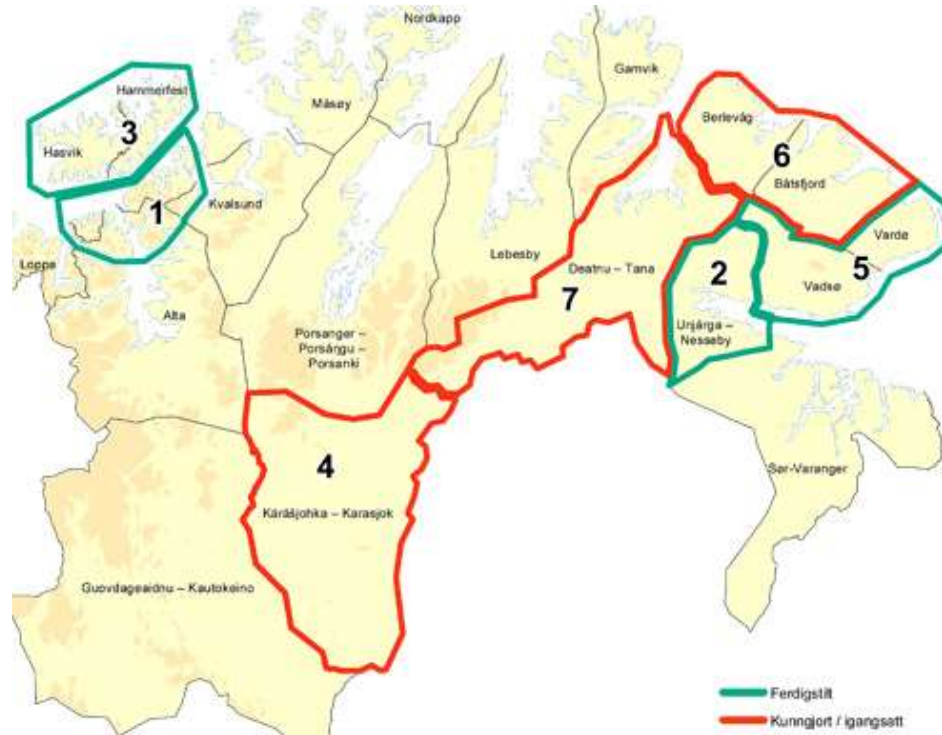
Land identification

- 1) How should we deal with the area question?
- 2) Should the lands be identified before or after the ratification?
- 3) Can mines be established before the identification?
- 4) If the mine is established on the indigenous peoples lands, how traditional livelihoods are taken into account in the spirit of the ILO 169?

<http://www.arcticcentre.org/InEnglish/RESEARCH/The-Northern-Institute-for-Environmental-and-Minority-Law/Research-projects---NIEM/ILO-Implementing>



In Norway



Thank you!



Thank you!

