

PRESS RELEASE

The following press release was sent to the media 2 March 2017. The council majority believe the Karasjok municipality must send a land rights claim to the Finnmark Commission because another opportunity will never arise. The wording of the press release specifically excludes any land areas claimed by others.

For information

The governing majority of Karasjok council is considering whether to send a claim for collective land property and usage rights for the whole of the municipality on behalf of the municipality's inhabitants to the Finnmark Commission. This is a subsidiary demand that will only apply to those land areas that are not granted to private persons, reindeer districts, reindeer *siida*, clubs and associations.

Karasjok Council decision 15 June 2017

Political case 17/43: Collective property and usage rights for the land area of the municipality, sent to the Finnmark Commission for evaluation.

Decision

Karasjok municipality refers to the survey of land property and usage rights being carried out by the Finnmark Commission, on the basis of the Finnmark Law, for areas that lie within the municipality or bordering areas that its inhabitants as a whole or specific inhabitants have used and/or still use.

Karasjok municipality also refers to §5 of the [Finnmark Law \(fml.\)](#). This recognises that rights to land property and to usage of land, previously administered by the state in Finnmark and now administered by the Finnmark Commission, may be established on usage of such land by local inhabitants since time immemorial, according to Sami rights and customs and to legal opinion.

Furthermore, Karasjok municipality refers to claims for land property and usage rights to the Finnmark Commission made by private persons, reindeer districts, reindeer *siida* and others within the municipality. The council assumes that these claims will be thoroughly investigated by the Finnmark Commission, that rights built up over time will be recognised and secured, and that a suitable way to administer these areas will also respect the traditional usage of those areas. Karasjok municipality will acknowledge rights granted to private persons within the municipality through the survey being conducted by the Commission and through the legal system.

Karasjok municipality is aware that there are also legal rights to collective land and usage within the municipality that private persons, reindeer districts, reindeer *siida* and others have *not* made a claim to. The survey by the Finnmark Commission will determine that Karasjok's local inhabitants have had a wide-ranging usage of land within the municipality. This is based on Sami rights and legal opinion, usage since time immemorial and established custom, and will be the basis for recognising collective land

and usage rights. Therefore the council will actively support the work of the Commission by mapping the land rights within the municipality and will provide resources to enable the documentation of land usage by inhabitants in various areas of the municipality.

Karasjok municipality's claim to collective land and usage rights to the Finnmark Commission is based on usage of land since time immemorial within the its borders for all areas not already claimed. This claim is for those areas not already claimed by private persons, reindeer districts, reindeer *siida* and others within the municipality. Karasjok municipality rejects the idea that the Finnmark Commission has an independent right of ownership to such areas because the Finnmark Estate Agency (Fefo) is derived from the claim that the state owns Finnmark.

Karasjok municipality is aware that the survey being made by the Commission does not depend upon a particular party making a claim in order to clarify land rights in a given area. The council is also aware that the fact that it in making a collective claim for land ownership and usage on behalf of the users of its land area, it may be necessary to separate this from the council's other tasks. Land administration should be organised so that it best safeguards important considerations such as Sami culture, Sami utilisation of nature and Sami industries.

In sending this claim to the Commission Karasjok municipality is giving expression to the view that there are established rights to land usage in the whole of the land area of Karasjok municipality, land that the Commission is administering until the legal position is clarified. Furthermore, the claim expresses the wish of the council for local administration of land areas. This may be achieved either by private landowners organising the administration of land they are granted ownership of or by a municipal initiative to assist in establishing a local administrative body to ensure local customs and legal opinion in the administration of land and resources. Karasjok municipality assumes that any administrative body in Sami areas will follow the impositions of international law in maintaining human rights in order to secure Sami culture.

On completion of the land rights survey process the council will assist in the establishment of an organisation to administer those areas of the municipality where there is no named landowner or clear land ownership, such areas where it is clearly identified that local inhabitants have land rights based upon the immemorial usage of land and resources.