



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Decision adopted by the Committee under article 14 of the Convention, concerning communication No. 67/2018\*, \*\*

<i>Communication submitted by:</i>	L.J., J.J., T.J., L.D., S.F., A.H., A.J., B.J., E.J., E.S.J., I.J., J.K.J., M.J., N.J., P.J.H., S.J., S.E.J., T.D.K., A.K., B.L. and K.N. (represented by counsel)
<i>Alleged victims:</i>	The authors
<i>State Party:</i>	Norway
<i>Date of communication:</i>	24 October 2018 (initial submission)
<i>Substantive issues:</i>	Denial of the right of the Sami community to own property

1. The authors of the communication are L.J., J.J., T.J., L.D., S.F., A.H., A.J., B.J., E.J., E.S.J., I.J., J.K.J., M.J., N.J., P.J.H., S.J., S.E.J., T.D.K., A.K., B.L. and K.N., all representatives of the Sami community. They complain that, by starting the construction of a power station on their lands, the State Party violated their rights under article 5 (d) (v), read in conjunction with article 2 (1) (a), of the Convention. The authors are represented by counsel.

2. On 10 December 2018, when registering the communication, the Committee, pursuant to rule 94 (3) of its rules of procedure, requested the State Party to suspend the construction of the power station in question while the case was under consideration by the Committee.

3. On 21 December 2018, the State Party requested the Committee to lift its interim measures with immediate effect. The State Party argued that the communication did not meet the admissibility criteria and that the authors of the communication were not at risk of irreparable damage. The authors submitted their response on 11 February 2019. After reviewing submissions from both parties on the subject of the interim measures, the Committee decided, on 20 June 2019, to lift the interim measures.

4. In a decision of 11 October 2021, the Supreme Court of Norway determined that the construction of the contested plant violated Norwegian law by infringing the rights of the authors. In the same decision, the Court found violations of article 27 of the International Covenant on Civil and Political Rights. While the Court did not find a direct violation of article 5 (d) (v) of the Convention, the Committee considers that a finding of such a violation

\* Adopted by the Committee at its 115th session (22 April–9 May 2025).

\*\* The following members of the Committee participated in the examination of the communication: Michał Balcerzak, Pela Boker-Wilson, Chinsung Chung, Bakari Sidiki Diaby, Régine Esseneme, Guan Jian, Ibrahima Guissé, Gün Kut, Gay McDougall, Verene Shepherd, Stamatia Stavrinaki, Mazalo Tebie, Faith Dikeledi Pansy Tlakula, Abderrahman Tlemçani and Yeung Kam John Yeung Sik Yuen.



can be inferred from the text of the decision and that the Court, by its decision, has confirmed that the rights that the authors invoked before the Committee have been violated.

5. On 14 January 2025, the Committee invited the authors to clarify whether they had been engaged in any negotiations with the State Party to implement the Supreme Court decision dated 11 October 2021. The authors informed the Committee that they had decided to withdraw the communication, as they had reached a settlement agreement with the State Party, dated 18 December 2023. The authors submit that the agreement is aimed at ensuring the continuation of their practice of reindeer husbandry and at mitigating adverse impacts. It stipulates that the authors are to be granted access to an additional area for winter grazing outside the Fosen reindeer husbandry district. The authors submit that the State Party is responsible for securing this supplementary grazing area, which is to be made available for use during the 2026/27 winter season.

6. The authors submit that they have agreed that the operator of the power station may continue to utilize the area in question for wind power production until the expiry of the current concession in 2045. Furthermore, it has been agreed that the authors hold a right of veto over any continued operation of the wind power facility beyond that date, and the operator has made financial commitments in relation to the reindeer husbandry practised by the authors.

7. On 9 April 2025, the State Party was asked to provide its position on the Supreme Court decision dated 11 October 2021. On 14 April 2025, the State Party informed the Committee that it had no objection to the discontinuance of the present communication.

8. In view of the fact that, in its decision of 11 October 2021, the Supreme Court addressed the issues that are subject of the authors' claims before the Committee, and found that the State Party had committed violations of their rights, and considering that the authors and the State Party reached a settlement agreement, the Committee considers that the issue addressed in the present communication has become moot. The Committee therefore decided, at a meeting on 5 May 2025, to discontinue the consideration of communication No. 67/2018.

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