



COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

FIRST SECTION

CASE OF MUONIO SAAMI VILLAGE v. SWEDEN

(Application no. 28222/95)

JUDGMENT
(Striking out)

STRASBOURG

9 January 2001

In the case of Muonio Saami Village v. Sweden,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Mrs W. Thomassen, *President*,

Mrs E. Palm,

Mr L. Ferrari Bravo,

Mr C. Bîrsan,

Mr J. Casadevall,

Mr B. Zupančič,

Mr T. Panțiru, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 14 December 2000,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 28222/95) against Sweden lodged with the European Commission of Human Rights ("the Commission") under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Swedish Saami village (*sameby*), Muonio Saami Village ("the applicant"), on 7 October 1994.

2. The applicant Saami village was represented by Mr J. Cahp, a lawyer practising in Stockholm. The Swedish Government ("the Government") were represented by their Agents, Mr Carl Henrik Ehrenkrona and Ms Inger Kalmerborn, Ministry of Foreign Affairs.

3. The applicant Saami village complained that it had been a victim of a violation of Article 6 of the Convention in that there was no determination of the village's rights in respect of reindeer herding by an independent tribunal.

4. Following communication of the application to the Government by the Commission, the case was transferred to the Court on 1 November 1998 by virtue of Article 5 § 2 of Protocol No. 11 to the Convention. On 15 February 2000, having obtained the parties' observations, the Court declared the application admissible.

5. On 17 August 2000, after an exchange of correspondence, the Government informed the Registry that the parties had reached a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On

27 September 2000 the applicant's representative and the Agent of the Government submitted a formal declaration accepting a friendly settlement of the case.

THE FACTS

6. On 17 December 1991 the County Administrative Board (*länsstyrelsen*) of Norrbotten granted nine persons permits for licensed reindeer herding (*koncessionsrenskötsel*) in the applicant Saami village during 1992. At the same time, five persons were refused permits. The permits allowed the permit holders to herd a total of 2,300 reindeer owned by themselves. Three of the permits were, contrary to a request made by the Saami village, granted to the brothers S. The Board further attached certain conditions to the permits, *inter alia*, that the permit holders were obliged to jointly herd 1,600 reindeer belonging to others (*skötesrenar*).

7. The applicant Saami village, the permit holders, except for the three brothers S., and the five persons who had been refused permits appealed against the decision to the National Board of Agriculture (*Statens jordbruksverk*), claiming that the permits granted to the brothers S. and the obligation for permit holders to herd reindeer belonging to others should be revoked. It was further requested that the five persons refused herding permits should be granted such permits and that the appellant permit holders should be allowed to herd a higher number of reindeer owned by themselves. The appellants stated, *inter alia*, that the brothers S. were not members of the applicant village and thus could not be granted permits for reindeer herding within that village. Furthermore, the obligations to herd reindeer belonging to others had allegedly no basis in law.

8. By decision of 16 September 1992 the National Board of Agriculture rejected the appeal. The Board noted, *inter alia*, that the Government on many occasions had rejected claims concerning the revocation of the permits held by the brothers S. The Board did not find any reason to come to a different conclusion. As regards the challenged conditions, the National Board of Agriculture noted that the County Administrative Board, under Section 88 of the Reindeer Herding Act (*rennäringslagen*, 1971:437), had a wide discretion to stipulate conditions for the herding. The decision to oblige permit holders to herd reindeer belonging to others was within that discretion and did not require the consent of the Saami village. Finally, the National Board of Agriculture considered that no permit holders could be allowed to herd a higher number of their own reindeer, as there were already too many reindeer in the village.

9. Upon further appeal the Government on 19 May 1993 considered that the County Administrative Board's decision on permits for 1992 was, in all respects, well-balanced. However, noting that the Board on 15 December 1992 had decided to extend the validity of the 1992 permits to 1993, the Government decided to strike the case out of its list of cases.

10. The applicant Saami village and seven individual appellants then applied to the Supreme Administrative Court (*Regeringsrätten*) for a review of the Government's decision under the Act on Judicial Review of Certain Administrative Decisions (*lagen om rättsprövning av vissa förvaltningsbeslut*, 1988:205). In addition to the claims made before the administrative authorities, the appellants stated that the Government should have examined the case on its merits. As it failed to do so, there was no legally binding decision on the permits for 1992. As permits for herding in the applicant village were normally granted for one year at a time, the consequence of the Government's decision was that appeals against the relevant decisions could not be examined by the final instance.

11. By judgment of 14 July 1994 the Supreme Administrative Court upheld the Government's decision. The court found that it could only examine whether that decision was unlawful. In this respect the court noted that according to general legal principles a case may be struck out if the claim becomes void as a consequence of, *inter alia*, the expiration of a permit.

THE LAW

12. On 2 October 2000 the Court received the following declaration signed by the Agent of the Government and the applicant Saami village's representative:

"On 15 February 2000, the European Court of Human Rights (First Section) declared admissible application no. 28222/95 lodged by Muonio Saami Village (Muonio sameby) against Sweden.

The Swedish Government and Muonio Saami Village have now reached the following friendly settlement, on the basis of respect for human rights as defined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, in order to terminate the proceedings before the Court.

a) The Government will pay, *ex gratia*, the sum of SEK 65,000 (sixty-five thousand) to Muonio Saami Village.

b) Muonio Saami Village declares that it has no further claims on the Swedish State based on the facts of the above application, which is related to a decision regarding permits for licensed reindeer herding for the year 1992.

c) The Swedish Government and Muonio Saami Village undertake not to request the reference of the case to the Grand Chamber under Article 43 § 1 of the Convention after the delivery of the Court's judgment.

...

Stockholm 30 June 2000

Stockholm 16 August 2000

(signed)
Inger Kalmerborn
Agent of the Swedish
Government"

(signed)
Johan Cahp
Counsel for the applicant

13. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

14. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 9 January 2001, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Wilhelmina THOMASSEN
President