

PRESSRELEASE DATED 2014-02-12

**NMG: The Swedish Government states that Vapsten's complaint to CERD should be declared inadmissible**

Nickel Mountain Group AB (Nickel Mountain) summarizes as follows the communication from the Swedish Government (the Government) to the UN Committee on the Elimination of Racial Discrimination (CERD) regarding the projected mining operations in Rönnbäcken. The communication is a response to a committee note, asking for the Government's view on the admissibility of a complaint made to CERD by the Vapsten Sami Village (Vapsten), and a request to suspend all mining operations in Rönnbäcken.

The communication expresses the Government's position that Vapsten's complaint should not be tried by CERD, for the following reasons.

Firstly, the Government clarifies that no mining operations are conducted in Rönnbäcken at this point and that such operations are not permitted until Nickel Mountain has applied for, and been granted, an environmental permit by the Land and Environment Court. Hence, there are no operations to suspend. Moreover, an exploitation concession does not, in itself, have any significant impact on the possibilities to carry out reindeer herding in these areas. The Government therefore does not consider Vapsten to be victims under the Convention on the Elimination of All Forms of Racial Discrimination (the Convention).

Secondly, the Government states that Vapsten has not shown that they, due to their Sami ethnic origin, have been treated less favorably than other parties affected by the exploitation concession. Instead, Vapsten's petition focused mainly on the right to property. Since the Convention is only applicable to arguable claims of racial discrimination in relation to the rights of the Convention, the Government considers that the claims brought by Vapsten cannot be tried by the CERD.

Finally, the Government stated that Vapsten cannot be considered to have exhausted domestic remedies, which is a requirement for CERD to admit the case. Vapsten has applied for a judicial review of the Government's decision on the exploitation concession and the matter is still pending before the Supreme Administrative Court. Such a review includes a re-assessment of the facts, the evidence and whether the decision in question violates the principles of objectivity, impartiality and everybody's equality before the law.

For and on behalf of the Board of Directors of Nickel Mountain Group AB

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