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The rise of indigenous rights is undoubtedly one of the most significant developments in international law in recent decades. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP), being the fruit of difficult negotiations between governments and indigenous peoples' representatives which lasted for over twenty years, was adopted in 2006 during the inaugural session of the Human Rights Council, and subsequently on 13 September 2007 by the UN General Assembly.[1] It consolidated a novel conceptualisation of the right to self-determination and established a universal framework of minimum standards for the survival, dignity, well-being, and rights of indigenous peoples, one that is assessed as having already contributed to the formation of principles of customary international law.[2] Unsurprisingly, culture and cultural heritage lie in the heart of the indigenous rights system. Indeed, the significance of cultural heritage for indigenous peoples refers to "a number of key factors, including its holistic nature; the central significance of land and resources; collective and intergenerational custodianship; and the importance of customary law."[3] Cultural heritage is fundamental for the collective identity and cultural distinctiveness of indigenous peoples, and for these reasons it has long been subjected to various forms of deliberate subversion, destruction, and misappropriation, primarily in the colonial context, profoundly affecting the social, economic and cultural development of these communities. The recognition of indigenous peoples' cultural rights, including the enhancement of their rights attached to cultural heritage and comprising the establishment of effective domestic mechanisms for redressing past injustices and wrongs, is gradually becoming seen as a matter of general international law.[4] In this respect, it has been underlined that "States are bound

[1] UN Doc. A/RES/61/295 (2007).

[2] *See e.g.* S.G. Barnabas, *The Legal Status of the United Nations Declaration on the Rights of Indigenous Peoples (2007) in Contemporary International Human Rights Law*, 6(2) International Human Rights Law Review 242 (2017), pp. 244-254.

[3] A.F. Vrdoljak, *Reparations for Cultural Loss*, in: F. Lenzerini (ed.), *Reparations for Indigenous Peoples: International and Comparative Perspectives*, Oxford University Press, Oxford: 2008, p. 199.

[4] F. Lenzerini, *The Safeguarding of Collective Cultural Rights through the Evolutionary Interpretation of Human Rights Treaties and Their Translation into Principles of Customary International Law*, in: A. Jakubowski (ed.), *Cultural Rights as Collective Rights: An International Law Perspective*, Brill-Nijhoff, Boston-Leiden: 2016, pp. 151-152.

to recognise, respect, protect and fulfil indigenous peoples' cultural identity (in all its elements, including cultural heritage) and to cooperate with them in good faith – through all possible means – in order to ensure its preservation and transmission to future generations."[5] Importantly, such a cooperation requires full implementation of the processes of Free, Prior, and Informed Consent (FPIC), establishing bottom-up participation and prior consultation with indigenous communities, pursued through their own representative institutions. The FPIC of an indigenous community needs to be obtained prior to "adopting and implementing legislative or administrative measures that may affect" this community in all matters concerning their culture and cultural heritage.[6] In fact, both international and domestic law practice have recently evidenced important developments in this regard, albeit many challenges are still to be faced and legal questions yet unexplored.

The volume co-edited by Alexandra Xanthaki, Sanna Valkonen, Leena Heinämäki and Piia Nuorgam offers a selection of critical responses to major issues related to the effective governance of indigenous peoples' cultural heritage, given in a wide, multi-faceted, and comparative perspective, yet with special focus on Sámi cultural heritage. The major strength of this scholarly endeavour it its comparative approach and practice-oriented, aspirational focus on how existing legal frameworks can be used to accommodate and address indigenous peoples' cultural heritage interests. The volume stems from a conference organized in February 2015 by the University of Lapland in cooperation with the Office of High Commissioner for Human Rights and supported by the Unit for Human Rights Policy of the Ministry of Foreign Affairs of Finland. The conference contributed to a study on indigenous peoples' heritage,[7] embarked upon by the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), a subsidiary body of the UN Human Rights Council which provides it with expertise and advice on the operationalization of UNDRIP. In turn, the University of Lapland is one of the most important European research centres in the field of indigenous rights, with particular focus on indigenous communities living in the Arctic.

The book consists of fifteen analytical chapters, grounded on sound research into primary sources and approaching the topic of indigenous cultural heritage from distinct legal and policy angles. However, the entire collection of studies could benefit from a more developed introductory chapter. Ideally, this would explain and substantiate the choice of particular topics analysed in the book and its overall structure and the theoretical approach taken. In fact, the indigenous notion and the conceptualisation of cultural heritage is explicitly offered only in the introduction to the last chapter, "Reparations for Wrongs against Indigenous Peoples' Cultural Heritage", by Federico Lenzerini (p. 326). He quotes the statement by Mililani Trask, Leader of the Indigenous

[5] ILA, Resolution 5/2012, "Rights of Indigenous Peoples", 30 August 2012, para 6; available at <http://www.ila-hq.org/download.cfm/docid/6784224B-04C6-490A-A0724CC6BAF63838> (accessed 30 June 2018).

[6] Article 19 UNIDRIP; *see also* UN Doc A/HRC/30/53 (2015).

[7] UN Doc. A/HRC/30/52 (2015).

World Association,[8] who explains that the heritage of indigenous peoples needs to be seen in a holistic way ("regarded as a single integrated, interdependent whole") embracing "everything that defines our distinct identities as peoples." Importantly, it also includes their "socio-political, cultural and economic systems and institutions", as well as their beliefs, moral values, customary laws and norms, ways of life, use of land as well as traditional knowledge. Moreover, "[h]eritage includes human genetic material and ancestral human remains." It also includes that which indigenous peoples "inherited from nature such as the natural features in our territories and landscapes, biodiversity which consists of plants and animals, cultigens, micro-organisms and the various ecosystems which we have nurtured and sustained." Such a broad notion of cultural heritage, being the essence of indigenous peoples' understanding of culture, may clearly constitute a major difficulty for the legal operationalisation of indigenous heritage on both the international and domestic law levels. In this regard, some clarifications regarding the relationship between various "rights, debates, [and] challenges" (as worded in the volume's subtitle) can be found in the first chapter, entitled "International Instruments on Cultural Heritage: Tales of Fragmentation" (p. 19), by Alexandra Xanthaki. She rightly argues that "the current recognition of indigenous cultural heritage must penetrate all areas of international law", but it is undermined by its profound fragmentation into different, methodologically compartmentalised, areas of regulation. Xanthaki also advocates that "[t]he methodologies of the humanities on the concept, history and politics of cultural heritage are invaluable in adding context and depth when balancing conflicting rights and interests, but all discussions need to support and follow the indigenous viewpoints and voices on the issues." One can hardly agree more. This sentence appears to constitute the underlying idea of the entire volume.

Three contributions deal with more general issues relating to the international law framework for the enhancement and enforcement of indigenous peoples' rights in relation to their cultural heritage. Alongside the two chapters already referred to, a more general debate is also provided by Jérémie Gilbert, who convincingly promotes and analyses the emergence of an inherently collective right to cultural integrity. By referring to the jurisprudence and statements of various international human rights monitoring bodies, the treaty law of the International Labour Organisation (ILO),[9] and UNDRIP he argues that "[a]ll these markers are indicating the slow maturing of a right to cultural integrity, which would support a much more cohesive and holistic approach to cultural heritage" (p. 38). The full realisation of this right, as Lenzerini underlines in his article, requires proper mechanisms for redressing past wrongs and injustices through adequate reparation for the cultural harm suffered (pp. 344-346). Here the reversal of assimilation and genocidal practices via collective reparations involving the

[8] *See also* UN Doc. PFII/2005/WS.TK/5 (2015).

[9] *Convention concerning Indigenous and Tribal Peoples in Independent Countries* (No. 169) (adopted on 27 June 1989, in force 5 September 1991) 1650 UNTS 383.

restitution of cultural property taken from indigenous communities should play a key role in recognising the cultural rights of indigenous peoples.

Next the analysis offered in the volume turns to more specific topics related to the indigenous concepts of collective property, confronted with prevailing legal institutions of property law. In this regard, Shea Elizabeth Esterling explains that indigenous peoples' remedial claims for grave violations of human rights and cultural claims constitute "respectively the cultural and remedial aspects of self-determination" (p. 324), challenging usual non-retroactivity nature of international law mechanisms for the return of cultural material. Three other chapters – by Daphne Zografos Johnsson and Hai-Yuean Tualima; Mattias Åhrén; and Elina Helander-Renvall and Inkeri Markkula – discuss the legal, conceptual, and methodological difficulties and shortcoming of current international and domestic legislation, and the legal scholarship with respect to protecting indigenous traditional knowledge and creativity. In their meticulous investigation of the most recent judicial, regulatory, and doctrinal developments, this group of contributions brings critically needed updates to the existing scholarship on indigenous heritage, property rights, and the use of territorial and natural resources.[10]

In turn, the two chapters by Stefan Disco, and by Leena Heinämäki, Thora Herrmann and Carina Green deal with the highly important issue of community participation of indigenous peoples in relation to the designation, management, and protection of World Heritage sites (with particular focus on the rights of the Sámi indigenous community). These contributions indicate the shortcomings of the existing international law system for the protection of cultural heritage of outstanding universal value on the one hand, and the realisation of the right of self-determination of indigenous communities concerning those sites and properties on the other. Both chapters stress the importance of procedural justice, which entails participatory forms of realisation of the rights of self-determination, thus contributing to a broader global debate on inclusive, participatory governance in cultural heritage. The discussion in this regard is complemented by the contribution by Anne-Maria Magga, who deals with another aspect of indigenous cultural heritage: traditional customary legal orders and governance systems, "with special focus on indigenous lands and livelihoods as an integral part of their cultural heritage" (273). Magga, by referring to a number of developments in regional human rights law, emphasises the role of community-based forms of governance in matters constituting the essence of collective, indigenous identity.

Finally, a group of five chapters provides a series of studies on the implementation of indigenous peoples' rights to cultural heritage on the domestic level: Sámi cultural heritage (chapters by Sanna Valkonen, Jarno Valkonen and Veli-Pekka Lehtola; Øyvind Ravna; and by Piia Nuorgam), as well as Inuit self-governance in Canada (Violet Ford), and Khoisan cultural heritage in South Africa' (Willa Boezak). These contributions

[10] In particular, *see* M. Åhrén, *Indigenous Peoples' Status in the International Legal System*, Oxford University Press, Oxford: 2016; J.Ch. Lai, *Indigenous Cultural Heritage and Intellectual Property Rights: Learning from the New Zealand Experience?*, Springer, Cham-Heidelberg: 2013; K. Kuprecht, *Indigenous Peoples' Cultural Property Claims: Repatriation and Beyond*, Springer, Cham-Heidelberg: 2013.

bring together various regional, historical, and political perspectives, with special focus on the implementation of ILO treaty law, the endorsement of UNDRIP, and the practices of domestic authorities in relation to tangible and intangible cultural heritage, self-governance, and land use.

Written with passion by a group of experts in the field of indigenous rights, this volume is a must-read for anyone interested in the current developments concerning the realisation and enforcement of these rights. The focus on indigenous Sámi communities renders the reading of this book particularly engaging for a European audience. while the wider international and domestic contexts are undoubtedly interesting for all readers working in the spectrum of disciplines associated with indigenous rights, including international human rights law, cultural heritage law, land rights, environmental law, and procedural justice.

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