

*The Significance of Sámi Rights: Law, Justice and Sustainability for the Indigenous Sámi in the Nordic Countries* is a collection of academic chapters examining international law regarding Indigenous Peoples and its implementation in Sápmi. The chief editors, Dorothee Cambou and Øyvind Ravna, continue their strong track record of excellent in research on Sámi rights and have recruited an impressive group of contributors who do not disappoint.

The anthology contains thirteen contributions from a total of fifteen contributors, including the editors.

Only a brief outline of each chapter is presented in this review as Cristine Allard has provided a very good summary in the concluding chapter that not only reviews each contribution but draws out some common themes: increased significance of human rights law; competing land and water uses on Sámi territories; and Sámi invisibility within the larger society. Some of the chapters provide analyses of legal disputes and decisions; while others are studies of particular issues (land use conflicts, data sovereignty, and Indigenous education).

Editors Cambou and Ravna open the book with a short introduction to the wider research project under which it was organised. Matthias Åhren discusses the impact of the UN Declaration on the Rights of Indigenous Peoples in Sápmi, pointing out the interaction of this formally non-binding instrument with binding human rights treaties and constitutional provisions. He also explains that Indigenous rights differ from general human rights in that they uphold the right to be different (p6) but that they are also not simple minority rights owing to the inherent connection to land, pre-conquest (pp7-10). Ravna explains the *Karasjok* case in Finnmark and the court's deviation from earlier jurisprudence on land claims in the Norwegian courts, one that Ravna welcomes as more in keeping with Indigenous rights. Martin Scheinin analyses three Finnish cases arising for Sámi civil disobedience that ultimately led to acquittals for the Sámi prosecuted for 'illegal' fishing. Although these are 'wins' for the Sámi, Scheinin identifies some limitations in the courts' approach and some missed opportunities, for example, in recognising the right to *transmit* culture to future generations and in seeing fishing as more than activity but rather as an aspect of social life (p47). Cambou analyses the *Fosen* decision, holding a massive windfarm in Sápmi to have been constructed illegally, in light of Norway's international legal obligations, pointing out that a consultation process cannot be used as a fig leaf to cover

substantive violations. Eivind Torp discusses the *Girjas* case, in which the Swedish Supreme Court upheld the exclusive rights of Sami villages to manage hunting and fishing on their territories, while noting that this further entrenches divisions between those Sámi who are members of Sámi villages and those who remain outside, that distinction having been introduced by Sweden in the 19th century.

Lenna Heinämäki looks at the bigger picture of obligations not to weaken Sámi culture under Finnish constitutional law and various other provisions, including the Mining Act and the Environmental Protection Act. Attempts to introduce a similar clause in the Forestry Act (*Metsähallitus* Act) failed but nonetheless, the act must be interpreted in light of international law, including the (as yet unratified by Finland) ILO Convention 169. The Finnish national forest and park service (*Metsähallitus*) has adopted the Akwé: Kon Guidelines that protect Indigenous Peoples within the context of biodiversity preservation. Notwithstanding all these provisions, however, implementation is lacking. Malin Brännström examines the forestry law in Finland in light of conflicts with other relationships with land, including Sámi reindeer herding and private property rights. Reindeer herding does not create a property right under Finnish law which limits Sámi's ability to protect their historic rights, with herding viewed as a 'public interest' or industry that faces trade-offs with economic interests in forestry. Elsa Reimerson and Linn Flodén examine co-management of protected areas in Sápmi, in one of the few contributions that provides a comparative, cross-border account. Cautiously optimistic regarding the potential for 'collaborative and participatory arrangements' (p126), they nonetheless recognise that these approaches still maintain colonial notions of human-environment relationships. Peter Dawson discusses the impacts of the shortage of disaggregated data on Sámi in Norway, explaining that in the absence of data, it is impossible to evaluate if Indigenous rights are upheld in various areas or to identify where interventions might be necessary. Historic efforts by States to record Indigenous Peoples have often ended badly, leaving a lack of trust in State institutions. EU General Data Protection Regulations also complicate the collection of ethnically disaggregated data. However, Dawson is confident that both concerns can be overcome with a respectful and inclusive model, including involvement of the Sámi Parliament. Tamara Krawchenko and Chris McDonald take up this theme, distinguishing data *by* Sámi and data *about* Sámi (p154), while calling for Indigenous data sovereignty. They note that there is a fair amount of data on Sámi health but none on Sámi business, aside from reindeer-herding. Not only do these gaps make it impossible to

evaluate Sámi activities properly, the choice of what data to gather in the first place also reinforces stereotypes about Sámi. Ingvild Åmot and Monica Bjerklund discuss early-years Sámi education in Norway through interviews demonstrating how Sámi kindergarten teachers transmit Sámi culture. They show how innovative teachers translate the vague provisions of Norwegian law into learning for their young students. Allard's chapter, already introduced above, completes the volume.

The approach to the legal questions is primarily a doctrinal one, identifying and applying international legal norms to various case studies across Sápmi. This is both a strength and a weakness: by relying on established norms of international law, the authors provide strong grounds for future negotiations or litigation in defence of Sámi rights; but this reliance in turn privileges the authority of the State as the originator of international law, agreeing and defining (and limiting) the law regarding Indigenous Peoples. It does contain some insight into the political and historical contexts to explain some of the ongoing challenges facing Sámi today but it is clearly a book that is first and foremost about law and legal solutions. The chapters are relatively short and on point, at least for an academic text.

The chapters highlight the gap between international legal norms and their implementation but the selection of case studies leaves space to hope that Indigenous lawyers and politicians – and the national politicians and courts that ultimately decide on their claims – will build on cross-border experiences in defence of Sámi rights, as well as for Indigenous Peoples elsewhere. Also emerging from the pages, though perhaps more between the lines, is the trap of procedural rights which paper over substantive injustices. Excessive attention to Indigenous participation and Free, Prior and Informed Consent (FPIC) can draw out decision-making process, exhaust communities' professional and financial resources, and distract from other pressing community issues. The collection also presents some of the internal divisions within Sápmi that lead to inequalities amongst different groups of Sámi, and their origins in historic, colonial, racist laws. These are evident in the different treatment of reindeer herders and other Sámi as well as the exclusion of Sámi who are not members of reindeer herding collectives from hunting and fishing rights in Sweden (e.g., Torp).

In terms of coverage, the absence of any contributions regarding the part of Sápmi within the Russian Federation's borders is unfortunate but forgivable given the current climate and

the difficulty of cross-border collaborations following the Russian invasion of Ukraine in 2023, compounding the occupation and annexation of Ukraine in 2014. Future research might build in more comparative accounts, showing how the same international law pertaining to the same People is implemented differently, and possibly unequally, in different States.

The collection is a necessary addition to the reading list of any scholar of Indigenous rights, Arctic studies, energy law and policy, and environmental law. Its availability in open access format ensures its accessibility.