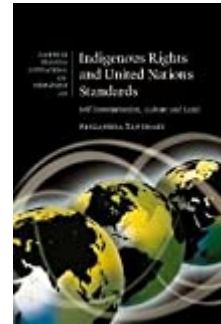




**Alexandra Xanthaki.** *Indigenous Rights and United Nations Standards: Self-Determination, Culture and Land.* Cambridge: Cambridge University Press, 2007. xxxix + 314 pp. \$110.00 (cloth), ISBN 978-0-521-83574-9.



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## A Map for the Labyrinth

On September 13, 2007, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples by a vote of 143 in favor, 11 abstentions, and the major settler societies (Australia, Canada, New Zealand, and the United States) voting against. While the Declaration is non-binding, it is so directly related to Alexandra Xanthaki's book that one might wonder why the book was apparently in press when the Declaration passed?

My own explanation is in Xanthaki's comment that the (then draft) Declaration "challenges state sovereignty at a deep level" (p. 102). The nations that eventually voted against adoption, among others, had obstructed the process for so many years that it was hard to anticipate exactly when, if at all, the Declaration would officially be adopted. Chapter 3 examines the history of the Draft Declaration at length, and readers will lose nothing if they approach the book with the awareness that the exertions described did in fact come to fruition.

Xanthaki has produced a valuable reference for human rights scholars who must navigate the labyrinthine

structure of the United Nations. It will help us to understand the differences and overlaps among universal human rights, the rights of minorities, and the rights of indigenous persons—rights that are said to pertain because individuals first in time should be first in right. It is only fair to readers of this review to confess my own dual citizenship in the United States along with one of the "domestic, dependent nations" contained within it.

To the political right in the United States, the United Nations is a hotbed of "political correctness" in the pejorative sense of that term. The entire organization appears devoted to leveling power imbalances that many people view as entirely natural, so we perceive organizational advocacy for workers to the disadvantage of employers, for women to the disadvantage of men, for the poor to the disadvantage of the rich, and now, finally, for indigenous people to the disadvantage of settlers.

I suggest that the disadvantages above are only in perception. The reality of the matter comes from the birth of the United Nations in the ashes of post-World

War II, the recognition that we must have peace to survive—and without justice there will be no peace. Xanthaki is plainly committed to the modern paradigm that contains an implicit claim that the powerless have rights that ought to be enforceable against the powerful. The great accomplishment of the United Nations has been gaining indigenous people seats at the table where their interests are being debated. Actual protection by enforceable international laws remains a dream, but the dream is a necessary antecedent to the reality.

While Xanthaki, a member of the Athens Bar, has a subtle grasp of the many esoteric issues that arise in relations with indigenous people, I was shocked by her assertion, citing Yash Ghai, that “several states, including ... the United States ... have taken measures to include indigenous voices in parliaments” (p. 161). The United States, of course, does not have parliamentary government, and the few indigenous persons who have been elected to Congress had to appeal to a non-indigenous electorate defined by geography.

The strength of this book is in its exploration of the UN bureaucracy. It makes no pretense to being exhaustive in laws affecting indigenous persons. Only one U.S.

case appears in the table of cases, and it is a fairly obscure one. Hawai’i, which has an entirely different status under U.S. law, does not appear in the index. New Zealand’s Treaty of Waitangi, which the Maori take to be fundamental to their relationship with the settlers, is unmentioned.

Part 1 of the book sets out by topic particular UN instruments that deal with the status of indigenous peoples, while part 2 is devoted to analysis of recurring themes in those instruments. These represent the heart of the book, bookended by introductory remarks and conclusions that make clear the author’s recognition that indigenous rights still need a great deal of clarification and legal development.

The issues indigenous persons have in common across cultures are well covered, and the UN section of the table of statutes will be invaluable to scholars. In addition to teasing out treatment of indigenous persons in UN documents, Xanthaki provides historical context and illumination of legal issues identified by all the parties. Scholars who address indigenous issues will want to be certain their library acquires this resource.

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