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## THE ROLE OF LOCAL COMMUNITIES IN THE DISCOURSE AROUND CONTROVERSIAL HERITAGE IN NORWAY AND ESTONIA

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**ABSTRACT** This chapter analyses paradigm shifts in the discourse of heritage sites connected with tragic personal stories, memories and relics, emphasising local communities' role in reframing controversial heritage in Norway and Estonia. Although these stories come from different cultures and places, they all revolve around the question of how we approach the most delicate strings in the human mind: beliefs, sorrows and dignity. The sites under discussion are "ghosts" of tragedies from the past century. Among heritage communities, states and experts, there were intense debates about the value and fate of those areas. Besides several historical, political and socioeconomic issues, personal wounds were taken into account. The first case describes initiatives of heritage communities to recognize and acknowledge values of contested Cold War heritage: Suurpea Naval Base built during Soviet occupation, and the deportations on the coasts of Estonia. The second case deals with the initial demolition and later recognition of Sami burial sites and sacred landscapes of Arctic Norway, restoring rights to Saami heritage. These cases highlight the importance of inclusiveness in dealing with conflicting histories, involving reconciliation and restitution of dignity to the heritage and communities concerned. Authors rely on a holistic concept of cultural heritage. Community spirit and sense of place are essential indicators of local character. Authors show the benefits of a people-centred approach towards heritage as a basis for transformative change in heritage protection. The authors' positions are not purely academic as they have been involved in defining and protecting the cultural heritage in discussed areas.

**KEYWORDS:** cultural heritage; heritage communities; sociocultural accessibility; inclusiveness; restitution; reconciliation

## **1. Introduction**

This chapter analyses paradigm shifts in the discourse around the inclusiveness and accessibility of heritage sites marked by tragic personal stories, memories and relics. Authors highlight the role of local communities in reframing controversial heritage by turning to specific case studies from Norway and Estonia. Although these stories come from different cultures and places, they all revolve around the question of how we approach the most delicate strings in the human mind: beliefs, sorrows and dignity.

The sites under discussion are “ghosts” of tragedies from the past century. Among heritage communities, states and experts, there were intense debates about the value and fate of those areas. Besides several historical, political and socioeconomic issues, personal wounds were taken into consideration. These cases highlight the importance of including heritage communities while dealing with conflicting histories for achieving reconciliation and restitution as well for restoring the dignity of these communities and their heritage.

The first case describes the initiatives of heritage communities to recognize and reconcile values of contested Cold War heritage: Suurpea Naval Base built during Soviet occupation, and deportations on the coasts of Estonia. The second case deals with the initial demolition and later recognition of Sami burial sites and sacred landscapes of Arctic Norway, restituting Saami rights to this heritage.

Authors rely on a holistic concept of cultural heritage. Community spirit and sense of place are essential indicators of local character. Authors show the benefits of a people-centred approach towards heritage as a basis of transformative change in heritage protection. The authors’ positions are not purely academic as they have been involved in defining and protecting the cultural heritage in discussed areas.

## **2. Sociocultural accessibility and inclusiveness. Values and rights of heritage communities**

One core value of heritage protection and cultural continuity lies in the cultural practices of the heritage community and its individual members. The system of contemporary cultural heritage protection cannot function without the rights and values of heritage communities. Active involvement of local communities in the governance and management of heritage is explicitly mentioned in most present-day policy documents.

However, the roles and rights of heritage communities tend to be declarative and heritage communities’ decisions are often not legally binding<sup>1</sup> for the public authorities who manage heritage. Authors argue that this calls for a holistic approach to heritage community access and rights – a Human Rights-Based Approach. Heritage communities’ inclusiveness in matters pertaining to their heritage plays a crucial role in defining and managing both heritage and cultural continuity. Integrity and authenticity of heritage depend on them, making sociocultural accessibility vital.

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<sup>1</sup> One exception is indigenous peoples, as there is more precise emphasis on the rights of cultural communities in Indigenous and Tribal Peoples Convention (ILO 169) and in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Authenticity and integrity of heritage depend on the heritage communities concerned. We can observe the evolution of heritage values and authenticity in heritage policy documents, as explained in fig. 1.<sup>2</sup> Shifts from tangible heritage (UNESCO 1972) to landscapes and environment (UNESCO 1992) and then to intangible heritage and related communities (UNESCO 2003, UNESCO 2005) are paradigmatic. In recent decades, heritage communities have become critical in the definition, government and management of heritage.

In the **Council of Europe Framework Convention on the Value of Cultural Heritage for Society**2005, which Estonia ratified in 2020, cultural heritage is defined via heritage communities and the cultural environment. The Convention claims that heritage community “consists of people who value specific aspects of cultural heritage which they wish, within the

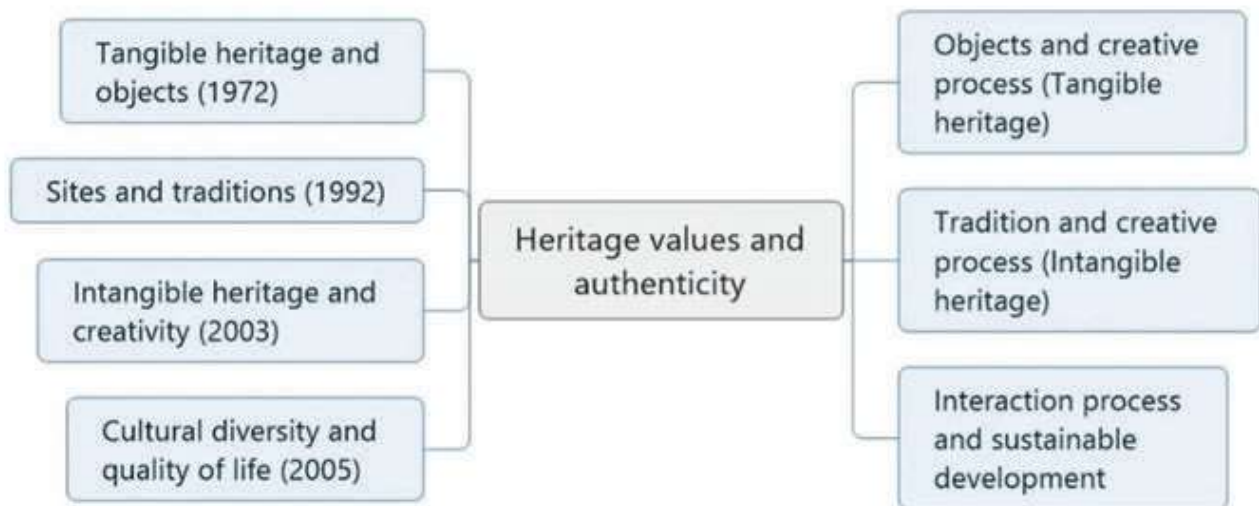


Fig. 1. Evolution of heritage object-subject relations, values and authenticity in UNESCO cultural heritage conventions.

framework of public action, to sustain and transmit to future generations” (2b), while heritage is a form of “reflection and expression of their constantly evolving values, beliefs, knowledge and traditions” (FARO 2005, 2a).

Authors argue that the authenticity of heritage can only be maintained via sociocultural access to source communities. Since the Nara Document on Authenticity (Nara 1994), the authenticity of cultural heritage is closely connected with the continuity of heritage practices and cultural communities (ICOMOS 2018).<sup>3</sup> Nara principles were introduced to the UNESCO World Heritage Operational Guidelines in 2005. Annexe 4 of the 2021 UNESCO guidelines defines authenticity as “expressed through a variety of attributes including form and design; materials and substance; use and function; traditions, techniques and management systems; location and setting; language, and other forms of intangible heritage; spirit and feeling; and other internal

<sup>2</sup> In order to enhance the role of heritage communities’ role in conservation, within the Human Rights-Based Approach, the author Ave Paulus has developed a preliminary community rights model based on Estonian examples; it was introduced in: Paulus 2019, 2020, 2021.

<sup>3</sup> See: Kono 2014.

and external factors” (art. 82). Cultural communities that ensure the continuity of tradition and culture are crucial as the spirit and sense of their presence are essential indicators of local character and sense of place (art. 83).

The need to implement a Human Rights-Based Approach that foregrounds inclusivity and accessibility for heritage communities is explicitly stated in recent ICOMOS heritage policy documents. Particular focus has been placed on the cultural rights of heritage communities and their involvement in heritage-related processes. The Buenos Aires Declaration (ICOMOS 2018) declared the importance of heritage communities and their free informed consent on heritage matters. The Resolution on People-Centred Approaches to Heritage (ICOMOS 2020) develops a holistic understanding of heritage, an integral part of which is comprised by heritage communities and their rights. The ICOMOS **Climate Change Working Group Contribution UN Special Report on Cultural Rights and Climate Change (ICOMOS 2020b)** lists threats to cultural diversity and the existence of heritage communities, and stresses the importance of honouring heritage communities’ rights.

The release of UNESCO World Heritage Operational Guidelines 2019 marks the implementation of the new people-centred paradigm in heritage policies, obligating state parties to honour the rights of local communities and indigenous peoples, and to adopt a Human Rights-Based Approach. UNESCO World Heritage Committee welcomes the recognition of traditional livelihoods and cultural rights of local communities as well as their resource use and fair compensation, calling “all stakeholders to integrate the human dimension at the heart of sustainable recovery and reconstruction.”<sup>4</sup> The recent ICOMOS toolkit for Heritage, Climate Justice and Equity, released on 18 April 2022 (ICOMOS 2022), recommends that heritage experts cooperate with heritage communities and honour their rights, specifically with regard to the challenges of climate change. Culture, cultural rights, communities and heritage have their constitutional basis in The Universal Declaration of Human Rights (UDHR), in the European Union Lisbon Treaty (Lisbon Treaty), in the Constitution of the Republic of Estonia, as well as in the Constitution of the Kingdom of Norway. Article 27 of UDHR enshrines everyone’s right to participate in the community’s cultural life, and the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the author.<sup>5</sup> “This article in particular,” Heleine Silverman argues, “introduced the idea that culture was an aspect of human rights, although it did not elucidate the specific relationship between individuals, communities, and nations” (2007, 4). The Lisbon Treaty preamble draws inspiration from “Europe’s cultural, religious and humanistic legacies, from which the universal values of inviolable and inalienable human rights, freedom, democracy, equality and the rule of law have developed” (1a) and devotes Article 167 specifically to cultural heritage. The preamble to the Constitution of the Republic of Estonia states (since its proclamation on 24 February 1918) that the State is “founded on liberty, justice and law.” This document defines the preservation of the Estonian culture as a

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4 Revised OGs (2019) encourage State Parties to adopt a human Rights-Based Approach in part B, articles 12, 14, 64, 111 and 117.

5 The same human rights are also recognised in Article 15 of the International Covenant on Economic, Social and Cultural Rights.

constitutional value since 1938 (reaffirmed 1992).<sup>6</sup> Finally, Article 2 of the Constitution of the Kingdom of Norway emphasises (since 2013) the same humanist values as the ones enshrined in the EU Lisbon Treaty.<sup>7</sup>

Indigenous Peoples' rights are addressed in the Indigenous and Tribal Peoples Convention (ILO1989) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP 2007). They specifically discuss cultural heritage, territorial rights, tangible and intangible culture, human relics, and intangible heritage. Also, they are much more concrete than the state constitutions under discussion. Norway has ratified both conventions, but Estonia has not.

### **3. The Estonian Case. Military heritage from Soviet occupation in Lahemaa**

The Estonian case highlights reconciliation, the benefits of sociocultural access, the role of local communities in reassessing controversial Soviet occupation heritage – the Military Naval Base No 1 – and its creative futures in the Lahemaa National Park, Estonia.<sup>8</sup>

Along the 145-kilometer-long coastline of the Lahemaa National Park there are 36 villages, thousands of locals, and hundreds of traces from the Cold War. The outstanding example of Estonian Cold War military heritage is undoubtedly the Suurpea Naval Base in the Hara Bay. Lahemaa is a remarkable national park for several reasons: (1) it was established in 1971 to protect nature, culture and national identity. At the same time, military bases on the coasts of Lahemaa were inaccessible, causing (2) Lahemaa coastal villages to be a closed zone during the Soviet occupation, with military presence felt there in every aspect of daily life. Moreover, (3) in recent decades local communities have been involved in defining their heritage values and its protection regime, military heritage being one of the most challenging topics. Finally, (4) the Lahemaa managing body is the Cooperation Council, where all diverse right-holders and stakeholders are present to balance rights and responsibilities.

Military heritage intertwines with human stories and painful memories of captives, the occupied and casualties, as well as of related artefacts, buildings and landscapes. Heritage communities are equally diverse: local and non-local, professional and place-based, Estonian- and Russian-speaking, including former and current military personnel, refugees, gated communities, grown-ups and children, villagers who stayed and villagers who left, victims and their relatives, experts, new inhabitants, and tourists. It is helpful to remember that nowadays memories are primarily held by people who may retain the sense that their childhood was happy despite circumstances. Diversity also complicates the physical protection and accessibility of military heritage.

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6 “With unwavering faith and a steadfast will to strengthen and develop the state, [...] which shall guarantee the preservation of the Estonian nation, language and culture through the ages.” It is explained in the commentaries to the Constitution that the preamble contains “the values and principles that have developed against the background of the historical experiences of the people, the aspirations of national identity and the beliefs corresponding to the spirit of the time” (Narits 2020).

7 “Our values will remain our Christian and humanist heritage. This Constitution shall ensure democracy, a state based on the rule of law and human rights” (article 2). Sociologist Dag Hareide argues that the addition of the word humanism is based on human dignity and deduces that ethics must offer a unifying definition of humanism (Hareide 2019).

8 The theme of creative reconceptualisation of controversial heritage is elaborated in Paulus, Ave 2020a.

Preservation and civil use of massive complexes on land or under water also requires significant resources. Still, such objects are difficult to differentiate from the landscape and other water or land structures, involving immovable and movable heritage with tangible and intangible aspects. Such heritage is specific, made of concrete and bricks, glass and metal, for a particular purpose that is at odds with the surrounding landscape and structures such as wooden buildings. It is challenging to domesticate and reclaim structures of this kind while preserving their history without condemnation or glorification.

The paradigm shift in the discourse around military heritage in recent decades is documented in the activities of the Lahemaa Cooperation Council (Lahemaa 2010).<sup>9</sup> Together, state and local communities drafted new Conservation Rules (Lahemaa 2015) and Management Plan 2016-2026 (Lahemaa 2016). There was an intense debate among local communities, experts and state parties about the value and fate of military constructions. Besides several socioeconomic, political and environmental issues, personal wounds were taken into account. With the Soviet Occupation (1940/1944-1991) and the Second World War, villagers escaped to the West or were deported to Siberia. Boats were burned and the coast was militarised, marginalizing the fishing traditions. Soviet deportations have been defined by the Parliament of Estonia as a crime against humanity and acknowledged as such by the European Court of Human Rights.<sup>10</sup> The most prominent marks of Soviet occupation on the Estonian coast are the military structures from the Cold War. These traces are the “ghosts” of the nation’s painful history after the Second World War.

During the last decades, more than 15,000 people participated in public activities, workshops, seminars as well as restoration and educational events held by members of Lahemaa NP communities, devoted to cultural heritage. More than a hundred of cultural heritage objects and landscapes were preserved, and information boards, routes, books and websites were developed. The architectural contest “21st century home in Lahemaa” was organized (2012). In cooperation with local communities, several large-scale cultural heritage inventories have been recently assembled<sup>11</sup>, documenting archaeological sites (Lang 2002), sacred natural sites (Kaasik 2008), settlement structures and vernacular architecture (Hiob 2012 and Välja 2010), memoryscapes (2008-2022), traditional fisheries (Paulus 2020b), agriculture (Sepp 2020) and land cover (Sepp 2010).<sup>12</sup> These inventories are part of the management plan for Lahemaa NP.

When Lahemaa NP was founded in 1971, traditional net sheds were reconstructed on the coastline to symbolise national identity and freedom. The Cooperation Council of Lahemaa was

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9 The Lahemaa NP heritage management body is the Cooperation Council, which consists of all rights-holders and duty-bearers as well as voluntary stakeholders and experts. The local communities of Lahemaa NP (approximately 10,000 landowners and local inhabitants) are represented by regional groups and village elders. The Cooperation Council also manages cultural heritage.

10 Full text of the European Court of Human Rights Decision in the case *Kolk and Kislyiy v. Estonia: “Non-Applicability of Statutory Limitations to Crimes against Humanity,”* <http://www.derechos.org/nizkor/impukolk.html>.

11 Lahemaa NP inventories can be accessed at <https://kaitsealad.ee/et/kaitsealad/lahemaa-rahvuspark/kaitsealast-5/uuringud-4>.

12 Sepp, K. et al. 2010. *The inventory of the historical land cover and land use of Lahemaa National park*. Environmental Board of Estonia, Estonian University of Life Sciences.

unanimous in highlighting the values of traditional coastal villages, fishing and maritime culture protection. It was not initially the case with the coastal military heritage from the period of Soviet occupation.

Since Lahemaa was a Cold War front, the border between “imperialist” West (Finland lies just forty kilometres to the north) and the “Soviet” East, many military bases were built on the coastline, including ones unique at both European and world scale such as the massive Soviet Naval Base No 1 in the Hara Bay.



Fig. 2. Plan of the Suurpea Naval Base (Parhomenko, Sazonov), a key element of the Hara Bay navy infrastructure (2003). Photo by Toomas Tuul.

The most stunning military heritage site at the Lahemaa National Park is undoubtedly the Suurpea Naval Base (Paulus 2021). Preliminary works on this Soviet research base in the area of the Hara Bay have been conducted since 1946. The base was completed in 1953 and closed in 1993. The buildings were left in place but the equipment and people were transferred to the new research base of the Russian Navy near Vyborg. The central polygon of the base was the Hara Bay. At the bottom of the bay and along the coast there were permanent structures used to study the magnetic fields of ships and submarines, and demagnetise them. 1,200 meters of concrete stands were erected and a power plant was built in the coastal village of Virve, today the Hara port. The “brain” of the base was the Research Institute in Suurpea and Pärisspea, but there were also other stations set up along the coast. Some 15-20 vessels were handled in Hara Bay every year. The largest ships were the 250-meter-long battlecruisers Kirov and Frunze. The base also had a residential town for families of marines, with kindergarten, school, shops, hospital and polyclinic. The complex included many more sites, including military outposts and shipyards along the coast and in the sea.<sup>13</sup>

13 Ave Paulus and Robert Treufeldt have introduced values and history at several seminars and workshops. See for example: <https://sonumitooja.ee/kogu-hara-laht-oli-noukogude-ajal-sojalaevade-polugoon/>.



In the 1990s, the base was abandoned by the Soviet Army and deliberately forgotten by the Estonian State, although hundreds of inhabitants in these areas stayed in Estonia. In 2006, when new rules and management plans were implemented in Lahemaa, it was still a wound in the hearts of locals, who did not see the base as something of value and mostly wanted to demolish it. During the process of inventorying military objects (Õun 2007, Tähiste 2018), experts and rights-holders discussed the matter. After considering to demolish the base, the view shifted to preserve and highlight the military heritage of Lahemaa while underlining its tragic overtones. While managing military heritage in 2007-2020, heritage communities uncovered its different layers and new voices were heard on the matter. Sociocultural and physical accessibility to heritage broadened the context and redefined the integrity and authenticity of the complex. For example, an area of several square kilometres at the border between the villages of Virve and Hara and the Island of Hara was defined by locals as the most significant concentration of historic maritime heritage in Lahemaa besides the Cold War military base. Alongside the Hara Naval Base, old traditional net sheds survived the occupation and remain in traditional use and dialogue with military heritage. The same goes for boat landings and ports. Accounts also include one of Estonia's few tsarist wooden and brick cordon buildings. The ruins of the famous "Tallinn Sprat" industry, established in the nineteenth century on the Hara Island, are now taken care of by local communities. The Heritage Board surveyed the Hara Island and found traces from Roman times and the Iron Age. Maritime traditions were carefully explicated. Among hundreds of boats and ships made in this area, the oldest wooden boat of Lahemaa and the most beautiful sailing ship in Estonia, *Tormilind*, were also frequently mentioned and celebrated. The general concern of locals was surprisingly the value of intangible heritage in the area: local dialects and traditional lifestyles, including fishing traditions. All these values are now highlighted in the management plan of Lahemaa and are valued on a par with many traces from the Cold War.

Cold War relics are in the process of being "domesticated" and "neutralised."<sup>14</sup> Military concrete and bricks should be reused, heritage communities argue. In recent years, local villagers have successfully reclaimed such heritage in the Hara port, in Juminda, Tapurla, Natturi, Suurpea, and Virve, among other places. "Make love, not war" could be the motto of this paradigm shift as these sites are now coloured with flowers and feature murals by anonymous artists. Several workshops were held for all involved parties, apart from "guerrilla" restoration events, seminars, wall-climbing competitions, art events and architectural think-tank sessions, all of these being occasions to collect memories and imagine the future.<sup>15</sup> The only party still on hold is actually the State. State-owned military heritage is in the worst condition, partly in ruins and partly demolished with EU funding.<sup>16</sup> The shift away from the 1990s paradigm is indeed slow.

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14 For more on this theme see: Paulus 2021a.

15 The local newspaper *Sõnumitooja* has a record of 2020 events. See: <https://sonumitooja.ee/militaarparand-suurpeal-ja-mujal-hara-lahe-aares/>; <https://sonumitooja.ee/kultuuriparand-hoiab-meid-koos/>.

16 This is mentioned for example in an article published in *Maaleht* on 10 March 2022, titled "Lahemaalased ei ole riigi tegevusega Rahul," <https://maaelu.postimees.ee/7472690/lahemaalased-ei-ole-riigi-tegevusega-rahul>.

Some ideas are realized as the building owners, local communities, governments and state parties are actively seeking to reuse the coastal military heritage from the Cold War.

These properties are resistant to building regulations. Coastal buildings can be reconstructed and reused, but as soon as one is demolished, its owners lose the right to build on the coastline.<sup>17</sup> For property owners, the existence of these buildings conditions building rights. There are many ideas for the reclamation of these areas. The only property owner that has demolished buildings that are part of Cold War heritage is the State itself, which did so with the help of EU. It was understandable, taking into account the negative approach of the Estonian State to these properties since the 1990s, after the Soviet Army left. However, it becomes more difficult to accept this if we take into account the value of these buildings as compared with new structures, especially their extraordinary historical character.

There is an old saying that “if you go to bed with a Russian bear, it does not matter if it is harmless or not. When it turns in its sleep, you will be crushed.” We have to remember that military heritage can be misused as political propaganda or ideologized “nostalgia for USSR,” which may glorify the past or stoke confusion and conflict instead of being focused on the future. Therefore, any ideologically loaded discourse can be a potential political threat to the area. It seems more advisable to stick with shared human values.

#### **4. The Norwegian Case. Sámi burial sites in Sapmi**

The Sámis traditionally hail from northern Norway, Sweden, Finland, and northwestern Russia, in Sami tongue named Sapmi. In northern Norway, the Sámi and Kveni are the westernmost Uralic-speaking populations of the Finno-Ugric peoples of Eurasia. Uralic languages form a family of more than forty languages spoken by around 25 million people.

Sámi are indigenous peoples but are considered as such *de jure* only in Norway.<sup>18</sup> Acknowledging Sámi rights is of utmost importance for the survival of their cultures, traditional livelihoods and ecosystems in the Arctic.

Sami groups vary significantly: from weighing communities to reindeer herding and coastal cultures. Their history with neighbouring peoples and national states has involved both interaction and dominance, repression and resilience.

The history of Sami burial sites and human remains is a good example of the repression of Sami culture. Before the christening of the Sami in Norway from the late seventeenth century, they had two types of burial sites. One was directly on the ground, with small graves protected by stones and turf. Others were made in scree, placed under and between rocks and stones, the body sometimes embalmed in birch bark (Schanche 2000). There are also sacrificial sites connected to burial sites in mountain scree. These places are connected to the same pre-Christian religion and mythology. As in other cultures, the burial sites have been widely known and worshipped for generations of people, paying their tribute to relatives by visiting burial sites inside the mountain (Johansson 1989).

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17 According to the Lahemaa NP protection Rules, it is forbidden to build on the coastline (Lahemaa 2015, p. 23).

18 The Act considering Sami as indigenous peoples is discussed further in the chapter.

In the second half of the seventeenth century, the 300-year-long history of colonisation began, which marginalized Samis and “Norwegianized” them. Their christening was a brutal process as many sacrificial and burial sites were demolished.



Fig. 3. The excavation of the Eastern Sami Cemetery at Neiden, Finnmark county, in 1915. Photo by Windern Biologiske Laboratorium.

From the mid-nineteenth century, new ethnographic researchers took an interest in human remains. Norwegian locals collected items from Sami burial sites and sold human remains to scholars, museums and private collectors. From the beginning of the twentieth century, research on racial biology led to an increased demand for Sami skulls and bones. In some places, this has led to sharp protests from local Sami communities, but this would not stop the collectors (Schanche 2002b).

In Norway, the Anatomy Institute at the University of Oslo holds a collection of 12-15,000 human remains from Norway, most of them from archaeological surveys. Around 1,000 human remains were collected from Sami areas. Identities of those buried in more recent Christian churchyards are known but older Christian graves and pre-Christian burial sites remain anonymous. After the Second World War, the focus changed and racial biology ceased to be an accepted and recognised field of research, which limited the collection of Sami remains.

Since the 1970s, steps were made to facilitate political and cultural recognition of the Sami. Using and teaching Sami languages became a priority. The 1978 Norwegian Cultural Heritage Act states that Sami cultural heritage older than one hundred years is automatically listed. In 2018, the wording was changed to “Sami heritage before 1918” (NCHA, par. 4). In Sami politics, the focus changed to their social, economic and political rights. In 1989, the Sami parliament was established and in 1990 Norway ratified the ILO Convention on indigenous people (ILO).

With the cultural and political awakening of the Sami, the focus shifted to the history of racial biology and how the Samis have been generally treated. In both individual families and larger communities, memories of their relatives' remains being collected for research were very painful. It is one of the worst examples of how the Samis and their culture have been treated. The first case for the repatriation of Sami human remains was heard in 1976 when relatives asked for the return of a skull of one of the two men sentenced to death and beheaded after the Kautokeino rebellion in 1852. This rising is considered a milestone in Sami resilience and resistance against Norwegian social and cultural dominance. It also has played a key role in the revitalisation of Sami culture. Bodies of the two men were buried in unnamed graves, but their skulls were handed over to the Anatomy Institute at the University of Oslo. Relatives, however, could not accept that these remains were buried without skulls, which had been taken without permission. In 1976, the Anatomy Institute declined to return the skulls, arguing that they are needed for research and belong to the Institute. It was even argued that one of these men had been "a terrible murderer" (Sellevold 2009).

This sparked a lasting debate between researchers, the Sami parliament and the Ministry of Church and Education. It concluded in 1996, twenty years after the initial request, when University administration ordered the Anatomy Institute to return these particular skulls to relatives. The reburial took place in 1997, the first event of this kind in Norway (Schanche 2002a).

This case, along with the general discussion on Sami human remains, led to the development of new guidelines. Agreements were signed between the University of Oslo and the Sami Parliament concerning the use and management of Sami remains (Lønning 1998). In short, these documents provide that the Sami parliament decides on research and repatriation. Skeletal material of known origin can be thus repatriated at the request of relatives.

The debate on the management of Sami skeletal material was one of the reasons behind the revaluation of the collection at the Anatomy Institute. This led to the establishment of the National Committee for consideration of research on skeletal material – The Skeletal Committee. One member of this committee must have a background in Sami culture and research. The Committee makes recommendations but cannot decide about Sami human remains, which is the task of the Sami parliament (Sellebold 2009).

The second case focuses on a small Eastern Sami community of Neiden, Finnmark county, close to Russia and Finland. In 1915, a part of the cemetery was excavated and human remains were removed by the Anatomy Institute. The local community and local church leaders protested against it, even though the state gave permission for this project. The excavation took place in a part of the churchyard situated on privately owned land and the owner was remunerated for recovered human remains.

The Eastern Sami are a small group and their language is not spoken anymore in Norway, leaving only around one hundred speakers of the Eastern Sami language in Finland and Russia (NOU 2016). Many relatives of the Eastern Sami buried in Neiden now live in Russia. Many constraints were placed on Eastern Sami culture during the Cold War. Owing to this, the debate on human remains from the Neiden cemetery made things even more difficult. Some of

the Eastern Sami argued for the use of human remains in research and rejected repatriation.<sup>19</sup> However, most decided to apply for the reburial of human remains taken from the churchyard in 1915. With the support of the Norwegian Church and the Sami parliament, 94 skeletons were reburied in Neiden in 2011. Norway has chosen a path where indigenous people have the right to decide, collectively and individually, about all activities pertaining to the human remains of their relatives.

Internationally, different strategies have been adopted for dealing with the remains of indigenous peoples. In paragraph 12 of UNDRIP we read that they have “the right to the repatriation of human remains.” Although the 2007 declaration is later, it was also implemented in Norwegian policy and law. The ILO convention was adopted by Norway already in 1990, playing a crucial role in securing Sami’s rights. This was enabled by the 1987 Norwegian Act on the Sami parliament, which provided the legal platform for work on Sami policies.

## 5. Conclusions

This chapter considers heritage accessibility and related heritage community rights by engaging specific case studies of international and national heritage protection practices on the coasts of Estonia and Norway. Still, this research may be applicable in a broader international context. Throughout the centuries, various heritage communities have been active in northern Norway and Lahemaa, preserving languages and fostering cultural dialogue. Historical and current political and socio-economic challenges have framed and reframed the political discourse in Estonia, Norway and other countries around the world through colonisation, occupation and military conflict, affecting communities and their heritage. It remains a challenge to settle such delicate matters.

The discussed cases show positive examples of inclusion, restitution and reconciliation of heritage communities that face their own challenges and conflicting histories. In recent decades, a rights-based approach was successfully adopted in both countries with regard to policy-making, entailing the inclusion of heritage communities as rights-holders.

The Estonian case highlights reconciliation, the benefits of sociocultural access, and the role of local communities in reassessing the controversial period of Soviet occupation. This has opened a new future for the Military Naval Base No. 1 in the Lahemaa National Park. At the present moment, war is waged in Ukraine, leading to the conclusion that military occupation is not a “ghost of the past” but a fresh wound, which makes dealing with military invasion even more challenging.

The second case also displays the recognition and restitution of the rights of heritage communities, specifically regarding Sami burial sites and sacred landscapes of Arctic Norway, and the restoration of rights to Sami heritage. There are many collections worldwide and many heritage communities’ sacred sites are not acknowledged by state parties. The two case studies show that these issues can be solved in a dignified manner.

There are numerous cases concerning the rights and access of heritage communities due to significant socioeconomic and political turbulence and challenges posed by the climate crisis.

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<sup>19</sup> NRK Sapmi, Norwegian Broadcasting, The Sami Branch, 27 August 2012.

The existence of heritage communities and their values is under immediate threat. On the other hand, these values can be turned into a solution. Authors continue to elaborate on this topic, which spans academic research, policy formation and other practices. Crucially, authors regard the inclusion and empowerment of heritage communities as the solution for future heritage challenges, as is emphasised in the Special Report on Cultural Rights and Climate Change, drafted by Karima Bennoune, UN special rapporteur in the field of cultural rights (UN 2021).

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