



***Right to Repatriation of ceremonial objects and human remains under the UN Declaration on the Rights of Indigenous Peoples:
A Human Rights Focus***

A Seminar in support of the United Nations Expert Mechanism on the Rights of Indigenous Peoples

Sty-Wet-Tan Great Hall
First Nations House of Learning (“The Longhouse”)
University of British Columbia
Vancouver, British Columbia, Canada
March 4-5, 2020

AGENDA – Draft as of February 10, 2020

Background

1. Established by the United Nations Human Rights Council in 2007, the Expert Mechanism on the Rights of Indigenous Peoples is a subsidiary body composed of seven independent members that provides the Council with expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration). The seven members serve in their individual capacities.
2. In September 2016, in its resolution 33/25, the Human Rights Council amended and expanded the mandate of the Expert Mechanism on the Rights of Indigenous Peoples. Among other things, the Council decided that the Expert Mechanism should identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, including through reports to the Council.
3. In this framework, the University of British Columbia and the Expert Mechanism will hold a seminar in Vancouver, Canada, from 4 to 5 March 2020 focusing on the theme of the repatriation of ceremonial objects and human remains. The seminar will address efforts to implement the Declaration, in particular Articles 11 and 12, recognizing inter alia that indigenous peoples have a right to practice their spiritual traditions, and to use, control, and repatriate cultural objects and human remains. The Declaration further recognizes that states shall seek to enable access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned. The outcome of the seminar will be captured in a report from the Expert Mechanism to the Human Rights Council, which will be presented to the Council in September 2020.
4. The seminar and report will further take into consideration Human Rights Council Resolution [A/HRC/42/19](#), adopted on September 26, 2019, which “Encourages the development of a process to facilitate the international repatriation of indigenous peoples’ sacred items and human remains through the continued engagement of the United Nations Educational, Scientific and Cultural Organization, the World Intellectual Property Organization, the Expert Mechanism, the Special Rapporteur on the rights of



indigenous peoples, the Permanent Forum on Indigenous Issues, States, indigenous peoples and all other relevant parties in accordance with their mandates.”¹

5. The studies and advice of the Expert Mechanism provide a better understanding of the provisions of the Declaration and propose concrete actions that States, indigenous peoples, civil society, national human rights institutions, international organizations, businesses and others can take in order to further its implementation. The Office of the United Nations High Commissioner for Human Rights (OHCHR) provides technical and substantive support to the Expert Mechanism.

6. The Expert Mechanism has traditionally collaborated with academic institutions. This seminar will be hosted by the University of British Columbia.

Objectives

- Hold an in-depth discussion to give input to EMRIP’s 2020 *Report on Right to Repatriation under the UN Declaration on the Rights of Indigenous Peoples: A Human Rights Focus*
- Discuss the latest related developments in the policy, legal and institutional fields, occurring in indigenous, national, regional and international settings
- Identify good practices and challenges from different regions relating to the theme
- Propose innovative approaches regarding the use of existing and future international instruments and mechanisms to facilitate repatriation

AGENDA

Day 1: Wednesday, March 4, 2020

Sty-Wet-Tan Great Hall, Longhouse, University of British Columbia

9:00AM	<p><i>Opening</i></p> <p>Welcome:</p> <ul style="list-style-type: none"> • Prof. Sheryl Lightfoot, Senior Advisor to the President on Indigenous Affairs, Canada Research Chair of Global Indigenous Rights and Politics • TBA • Prof. Kristen Carpenter, Chair, Expert Mechanism on the Rights of Indigenous Peoples
--------	---

¹ See also “Outcome Document of the World Conference on Indigenous Peoples,” A/RES/69/2, in which states committed themselves to developing, in conjunction with the indigenous peoples concerned, fair, transparent and effective mechanisms for access to and repatriation of ceremonial objects and human remains at the national and international levels.”



<p>PANEL 1 9:30AM</p>	<p><i>The current situation:</i></p> <ul style="list-style-type: none"> • Perspectives on the status of repatriation in domestic and international law. • Identifying the expectations of indigenous peoples and the global community regarding repatriation. • What are the main challenges impeding realization of Articles 11 and 12 of the Declaration? <p>Moderator: Lea MacKenzie, Permanent Mission of Canada to the United Nations</p> <p>Presenters:</p> <ul style="list-style-type: none"> • Peter Yucupicio, Vice-Chairman, Pascua Yaqui Tribe • Karin Aird, First Peoples Cultural Council • TBA <p>Open Discussion</p>
<p>11:00AM</p>	<p>Coffee break</p>
<p>PANEL 2: 11:30AM</p>	<p><i>Current situation (continued):</i></p> <ul style="list-style-type: none"> • Perspectives on the status of repatriation in domestic and international law. • Identifying the expectations of indigenous peoples and the global community regarding repatriation. • What are the main challenges impeding realization of Articles 11 and 12 of the Declaration? <p>Moderator: Megan Davis, University of New South Wales; Member, EMRIP (invited)</p> <p>Presenters:</p> <ul style="list-style-type: none"> • Angie Bain, Union of BC Indian Chiefs • Kunihiko Yoshida, Hokkaido University • Angela Riley, Native Nations Law and Policy Center, UCLA <p>Open Discussion</p>
<p>1:00PM</p>	<p>Lunch</p>



<p>PANEL 3: 1:30PM</p>	<p><i>The Ethical/Legal/Political Framework:</i> What is the relationship among indigenous peoples’ own laws and customs, national laws, and international law – and how can these instruments be used to facilitate the repatriation of indigenous peoples’ human remains, sacred objects, and/or intellectual property in light of the current political landscape and ethical obligations of institutions?</p> <p>Moderator: TBA</p> <p>Presenters:</p> <ul style="list-style-type: none"> • Lynda Knowles, International Committee on Museums (“ICOM”) • Ann Follin, Swedish National Museums of World Culture • Craig Ritchie, Australian Institute of Aboriginal and Torres Strait Islander Studies <p>Open Discussion</p>
<p>3:00PM</p>	<p>Coffee break</p>
<p>PANEL 4: 3:30PM</p>	<p><i>The Ethical/Legal/Political Framework:</i> What is the relationship among indigenous peoples’ own laws and customs, national laws, and international law – and how can these instruments be used to facilitate the repatriation of indigenous peoples’ human remains, sacred objects, and/or intellectual property in light of the current political landscape and ethical obligations of institutions?</p> <p>Moderator: TBA</p> <p>Presenters:</p> <ul style="list-style-type: none"> • Harriet Deacon, World Intellectual Property Organization • Vince Collison, Haida Gwaii Repatriation Committee • TBA <p>Open Discussion</p>
<p>5:00PM</p>	<p><i>End of Day 1</i></p>

Special evening event begins at 5:30pm at the Musuem of Anthropology.



Day 2: Thursday, March 5, 2020

Sty-Wet-Tan Great Hall, Longhouse, University of British Columbia

<p>PANEL 5: 9:00AM</p>	<p><i>Good Practices:</i></p> <ul style="list-style-type: none"> • What makes for a successful repatriation process and relationship? • How have indigenous peoples, states, and museums worked effectively together? • What happens when sacred items and human remains return home? • How do museums and indigenous peoples work together in productive ways? <p>Moderator: Belkacem Lounes, EMRIP Member (invited)</p> <p>Presenters:</p> <ul style="list-style-type: none"> • Edward Halealoha Ayau, Department of Hawaiian Home Lands • Birgit Scheps-Bretschneider, Grassi Museum für Völkerkunde in Leipzig • Aili Aikio, Sámi Museum Siida, Finland • Phillip Gordon, Australian Museum <p>Open Discussion</p>
<p>10:30AM</p>	<p>Coffee break</p>
<p>PANEL 6: 11:00AM</p>	<p><i>Good Practices continued:</i></p> <ul style="list-style-type: none"> • What makes for a successful repatriation process and relationship? • How have indigenous peoples, states, and museums worked effectively together? • What happens when sacred items and human remains return home? • How do museums and indigenous peoples work together in productive ways? <p>Moderator: TBA</p> <p>Presenters:</p> <ul style="list-style-type: none"> • Carine Ayélé Durand, Geneva Museum • Myrna Cunningham, Centre for the Autonomy and Development of Indigenous Peoples, Nicaragua • Te Herekiele Herewini, Repatriation Team, Te Papa Tongarewa Museum of New Zealand <p>Open Discussion</p>
<p>12:30PM</p>	<p>Lunch</p>



PANEL 7: 1:30PM	<p><i>Developing an International Process:</i> The UN General Assembly and Human Rights Council, responding to advocacy from indigenous peoples, have called for the development of an international process to facilitate repatriation of human remains and sacred objects to indigenous peoples, across boundaries. What should such a process look like? Where should it be housed? How would it work?</p> <p>Moderator: TBA</p> <p>Presenters:</p> <ul style="list-style-type: none">• Andrea Carmen, International Indian Treaty Council• Stacey Jessiman, DGW Law• Alexey Tsykarev, Chair, Center Young Karelia; Member, UNPFII <p>Open Discussion</p>
3:00PM	Coffee break
PANEL 8: 3:30 PM	<p><i>Developing an International Process continued:</i> The UN General Assembly and Human Rights Council, responding to advocacy from indigenous peoples, have called for the development of an international process to facilitate repatriation of human remains and sacred objects to indigenous peoples, across boundaries. What should such a process look like? Where should it be housed? How would it work?</p> <p>Moderator: Kristen Carpenter, EMRIP Chair</p> <p>Presenters:</p> <ul style="list-style-type: none">• Honor Keeler, JD, Honorary Research Fellow, Australian National University• Les Malazer, Chair, Foundation for Aboriginal and Islander Research Action• Lou Ann Neel, Royal BC Museum <p>Open Discussion</p>
5:00PM	Concluding remarks by EMRIP and UBC End of seminar