



## **Creating a new international mechanism for international repatriation of Indigenous Peoples' ceremonial objects and human remains**

**May 13, 2017**

Paragraph 27 of the World Conference on Indigenous Peoples Outcome Document adopted by the UN General Assembly on September 22, 2014 also included the following commitment by States: “*We commit ourselves 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*”. The framework for this discussion includes Indigenous Peoples’ cultural protocols and the rights affirmed in the UN Declaration on the Rights of Indigenous Peoples. These include Article 12, paragraph 2 which affirms that “*States shall seek to enable the 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*”.

At its 14<sup>th</sup> session in 2015, the UNPFII recommended that States and Indigenous Peoples “establish a working group to prepare a manual of good practice with regard to the repatriation of ceremonial objects and human remains, with the support of the United Nations Educational, Scientific and Cultural Organization and other United Nations entities, and submit a progress report to the Forum at its fifteenth session.” At its 15<sup>th</sup> Session in 2016, the UNPFII further called for coordination between the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and UNESCO to carry out next steps towards establishing a new process or mechanism for international repatriation as called for by the World Conference Outcome Document:

*46. The Permanent Forum recognizes the recent formation of an ad hoc working group on international repatriation, with the participation of States, indigenous peoples and specialized agencies of the United Nations system, including the Expert Mechanism on the Rights of Indigenous Peoples, UNESCO, and the Special Rapporteur in the field of cultural rights, which was reported at the 2016 session as another positive step forward in the implementation of recommendation No. 8 of the Forum at its fourteenth session.*

*47. The Permanent Forum requests UNESCO to host a joint seminar with the Expert Mechanism on the Rights of Indigenous Peoples and other relevant United Nations mechanisms for the purpose of exploring the development of a new international mechanism on the repatriation of ceremonial objects and human remains. Furthermore, the Forum calls upon all States with national repositories of indigenous cultural items and ancestral remains, including museums and universities, to work with UNESCO to create an international database and inventory of these items accessible to indigenous peoples as a basis for initiating dialogue.*

### **Recommendations for adoption by UNESCO:**

- 1. Organize a seminar/seminars in 2017 – 2018 with UN EMRIP and Indigenous Peoples’ representatives to discuss the development and implementation of the new mechanism**
- 2. Establish and host a new data base listing items and encourage States to post information**
- 3. Adopt a new regulation requiring proof of FPIC from appropriate Tribal/Cultural Indigenous entities before sale or international transport of ceremonial items or human remains is permitted (example: CITES for endangered species)**

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