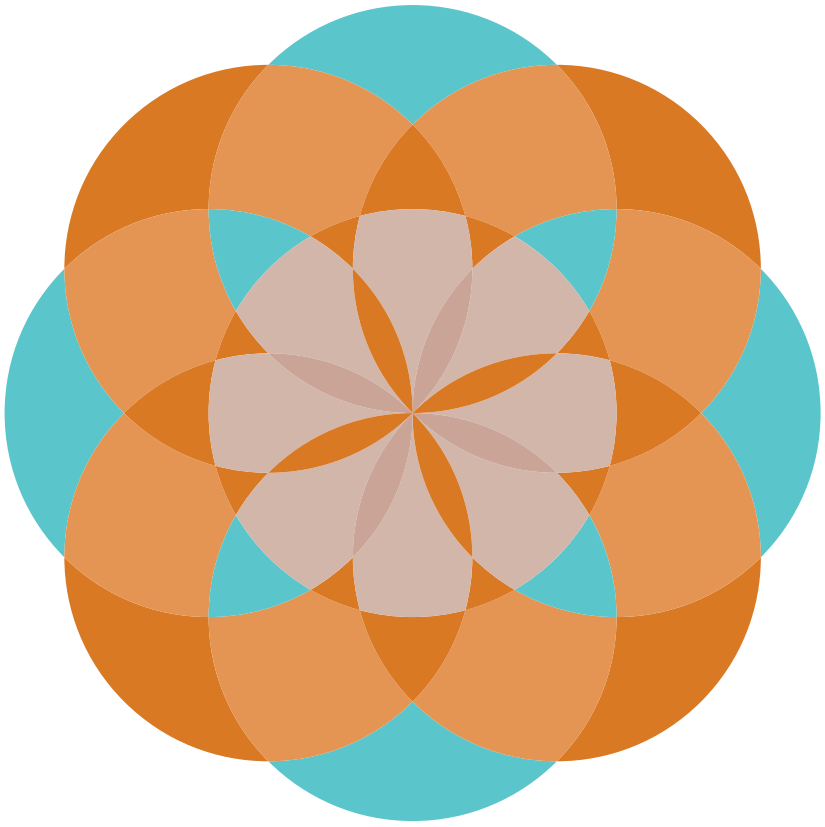
Repatriation of Ceremonial Objects and Human Remains under the UN Declaration on the Rights of Indigenous Peoples



An Expert Seminar hosted by the University of British Columbia in support of the work of the United Nations Expert Mechanism on the Rights of Indigenous People

March 04th 2020 – March 05th 2020

Acknowledgements

The University of British Columbia would like to acknowledge that this expert seminar took place on the traditional, ancestral and unceded territory of the Musqueam people.

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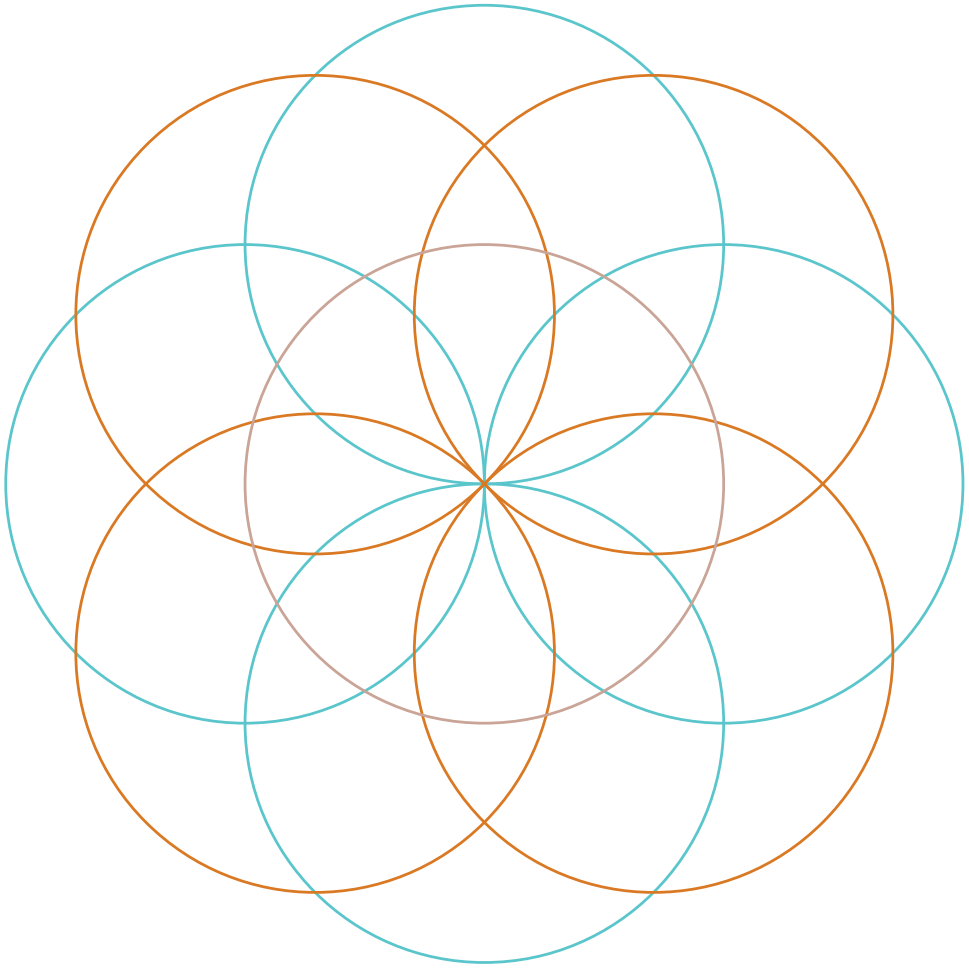
About the UN Expert Mechanism on the Rights of Indigenous Peoples

Established in 2007, the Expert Mechanism's mandate is to provide the Human Rights 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 (UNDRIP), and assist UN Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfilment of the rights of Indigenous peoples.

About the University of British Columbia

The University of British Columbia (UBC) is a global centre for teaching, learning and research, consistently ranked among the top 20 public universities in the world and recently recognized as North America's most international university. One of UBC's top strategic priorities is Indigenous engagement, and its world-leading 2020 Indigenous Strategic Plan represents the university's response to the United Nations Declaration on the Rights of Indigenous Peoples.



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EXECUTIVE SUMMARY

Introduction

The United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), was established by the Human Rights Council, the United Nation's main human rights body, in 2007. The EMRIP provides the Human Rights Council with expertise and advice on the rights of Indigenous peoples. The Expert Mechanism conducts studies to advance the promotion and protection of Indigenous peoples' rights by:

- clarifying the implications of key principles, such as self-determination and free, prior, and informed consent
- examining good practices and challenges in a broad array of areas pertaining to Indigenous peoples' rights
- suggesting measures that States and others can adopt at the level of laws, policies, and programmes.

On March 4 and 5, 2020 UBC hosted an expert seminar, in support of the work of EMRIP, to discuss the repatriation of Indigenous ceremonial objects and human remains. The purpose of the session was twofold. Firstly, to bring local and international Indigenous experts together with UBC faculty and students to share their experiences and perspectives on issues related to the repatriation of ceremonial objects and human remains. Secondly, to provide input to EMRIP's 2020 report to the UN Human Rights Council.

About the Seminar

This expert seminar was organized by Dr. Sheryl Lightfoot, Canada Research Chair of Global Indigenous Rights and Politics and Senior Advisor to the UBC President on Indigenous Affairs, with support from the First Nations House of Learning and the Canadian Friends Service Committee (Quakers). The seminar was held in the First Nations House of Learning, whose mandate is to make the University of British Columbia's vast resources more accessible to Indigenous people and to improve the University's ability to meet Indigenous peoples' needs. Canadian Friends Service Committee (CFSC) is the peace and justice agency of The Religious Society of Friends (Quakers) in Canada. CFSC has a strong program of work in support of Indigenous peoples' human rights.

The two-day seminar featured 33 panelists and moderators from around the world (see Appendix B. Participant List). Discussions covered four main topics related to the repatriation of Indigenous ceremonial objects and human remains: the current repatriation situation, the ethical/legal/political framework surrounding repatriation, good practices, and, finally, developing an international process to govern and manage repatriation. Each topic was addressed by two panels each, and each panel was moderated by a subject-matter expert in the field.

Thematic Highlights

Across all eight panels, several themes arose related to current repatriation practices and challenges.

Devaluing Indigenous culture and ways of knowing

Historically, museums and other academic institutions procured their collections by illegal and unethical means, enabled by European mindsets which fetishized Indigenous communities and viewed their ceremonial objects as

curiosities, rather than important cultural objects. These mindsets, and the practices they support, deny that ancestral objects belong to vibrant, living Indigenous communities who are fighting to reclaim their ancestors today. Enlightenment ideas which saw museums as places to curiously observe the exotic "other" have delayed meaningful communication and engagement between Indigenous communities and academic institutions and museums. The colonial mindset relegated ancestral objects to an inferior material status and, as it continues today, diminishes the gravity of Indigenous communities' losses experienced during the colonial period which persist to the present. Speakers on several panels argued for Indigenous perspectives, leadership and interpretation to be more robustly included while implementing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and in any repatriation process. Panelists said changes to legal standards and repatriation processes must come with an increased appreciation and value of Indigenous knowledge and collective understandings of property.

Repatriation is an act of fulfilling sacred and ancestral obligations for Indigenous communities. Panelist Angie Bain reminded us that Indigenous ceremonial objects and human remains retain their cultural value and attachment to their communities throughout the entire process from exile to repatriation. Panelist Elizabeth Letendre from the Alexis Nakota Sioux Nation recalled that her community's stories, ancestries, identity and language lie in their sacred ceremonial objects, which form important parts of ceremonies, historically and continue in modern day.

The panelists stressed that semantics about cultural objects are important, and that the persistent and entrenched denigration of these items through language has stalled progress on repatriation. Vince Collison, from the Haida Gwaii Repatriation Committee, highlighted that Indigenous and non-Indigenous parties do not view all cultural items with equal weight. This complicates how Indigenous and non-Indigenous parties discuss ceremonial items, and makes it very challenging for Indigenous people to accurately convey the importance of objects to museum bodies and administration. Collision challenged participants and the wider public to recognize the importance of semantics and do better to respect and communicate about repatriation with care.

Speaker Lynda Knowles, from the International Committee on Museums, highlighted that the conversation on repatriation of Indigenous cultural items must be grounded in human rights discourse, with an acknowledgement that until very recently, Indigenous people were not invited to participate in official international museum planning and business. Knowles states that the fact museum representatives and others are having these conversations is evidence for customary international law to be applied and steps taken to ensure Indigenous human rights are upheld. Panelists such as Edward Ayau, Executive Director of Hui Malama I Na Kupuna O Hawaii, argued that Indigenous communities' values are what must guide how and when repatriation takes place, if it does, and that cultural values should take precedent over scientific values. Indigenous ways of knowing may value certain types of knowledge over others, and ceremonial objects can be gateways to important stories only accessed through interaction with these objects, which cannot happen by visiting them in a museum.

Intellectual property rights and ownership

Several panelists, including Harriet Deacon from the World Intellectual Property Organization, discussed the disconnect between modern Intellectual Property (IP) Rights and collective Indigenous property rights. The thrust of this conversation centred on where IP rights lie, and how currently held ceremonial objects can be

repatriated to an Indigenous community while the institution who expatriated them retains ownership of the IP rights. This severely undermines the intent and spirit of repatriation. Additionally, IP rights do not cover all items of cultural significance to Indigenous peoples. IP rights do not "travel with the object in question." This has real-world consequences such that recipient communities are limited in how they can use their own objects, which are still under the partial ownership of an institution such as museums and universities.

Modern Western notions of personal property are at odds with many Indigenous communities' understandings of collective rights. In practice, this has led to situations where museums look to repatriate objects to one individual, when it is the entire community that rightly claims ownership to an ancestor or cultural object. Ownership challenges also include a lack of documentation on both sides, which complicates the investigation into acquisition, and begins contentious investigations to determine who are 'legitimate' owners.

Panelist Kunihiko Yoshida from Hokkaido University shared the story of the repatriation of Ainu ancestral remains in Japan, which highlighted this challenge. Hokkaido University was established on Ainu land during the colonial period in Japan: a period which is still not recognized by mainstream Japanese society. Today, the Japanese government has accepted the need for repatriation of ancestral remains to the Ainu community and developed guidelines to oversee the repatriation process. Progress on implementing guidelines has stalled, however, largely due to the individualistic nature of rights in Japan and conceptions of property. When several recipients make a legitimate claim to the object in question, there is also no international body to mediate the dispute.

Power dynamics

The playing field is not equal when it comes to repatriation of ceremonial objects and human remains, and disputes over ownership often happen between government-funded institutions, housed within prestigious academic networks, and under-resourced Indigenous communities. When institutions, such as museums, insist on repatriating only to one 'rightful owner', they also extend the negotiation process, which places a costly burden on communities to pay for additional legal and administrative services they can ill afford.

Panelist Angela Riley, of the Native Nations Law and Policy Centre at UCLA illustrated one example of this with the *Native American Graves Protection and Repatriation Act* (NAGRPA) in the United States. While the Act requires institutions to do an inventory of their collections and provide a disclosure of what they have in their possession, it does not include additional funding for institutions to actually carry out the work. When museums lack the funds, and good will to conduct these inventories, it places the burden on Indigenous communities to push for movement on disclosing the location of their ceremonial objects, at further cost to Indigenous communities. The challenge of raising adequate funding and coordinating the human resources necessary to see repatriation processes through remains the most practical logistical challenge to effective repatriation. That burden could be alleviated by improving access to steady funding mechanisms which would be central to improving repatriation outcomes.

There is work being done to correct these imbalances, however. Panelist Te Herekieke Herewini of New Zealand shared that in his country, the Māori and Moriori Indigenous communities are both involved in all aspects of the repatriation process, which is funded directly by the New Zealand government. This is one of the rare national examples of government funding to support Indigenous communities' repatriation efforts.

Jurisdiction and governance

UNDRIP is the result of collaborative effort among Indigenous peoples and many states. No nation-state yet has a body of domestic law to meaningfully implement the *Declaration*, and in particular Articles 11 and 12 which deal with repatriation. Most states tend to rely on their own domestic legal framework to deal with repatriation issues. For states that do not recognize Indigenous rights or do not have domestic policies and negotiation processes in place, repatriation efforts can quickly stall. Complex national structures often act as obstacles, frustrating Indigenous communities' work to weave within domestic and international structures that do not align easily.

Additionally, the modern nation-state international order struggles to recognize the sovereignty of Indigenous nations, which necessitates that national governments often act as intermediaries to negotiations between foreign governments and Indigenous communities, even in situations when the national governments are not formally involved. This arrangement can complicate and diminish Indigenous communities' abilities to operate and advance their own interests.

These challenges highlight the importance of a "whole of government" approach to deal with the issues of human remains, reburial and domestic land management. Despite the complexities, there are several examples of Indigenous peoples, states and museums working effectively together to bring sacred items and human remains home to Indigenous communities. In Switzerland, Sweden and Australia, museums have protocols for sending items back to communities and internal repatriation councils to investigate the history of an object and the acquisition circumstances. These councils work with communities to assess and manage repatriation and support the logistics of that process. Sweden, New Zealand and Japan all have developed protocols and guidelines for collection management and practice, which flow from the ratification of several international conventions, including the *Convention for the Protection of Cultural Property in the Event of Armed Conflict* (1954), and the *Transfer of Ownership of Cultural Property* (1970). These conventions provide a legal framework for countries to proceed through repatriation activities, yet national laws, as discussed earlier, remain always superior, and therefore often override well-intentioned policies and frameworks. The previously mentioned American NAGPRA example also highlights how legal frameworks can still fail Indigenous communities if internal capacity issues within communities are not considered.

Partnerships

Indigenous perspectives and leadership must be included in the development of practical mechanisms to assert and enshrine the spirit of UNDRIP's repatriation principles into practice. Several examples of strengthening partnerships exist such as Australia's Aboriginal Advisory Committee for Repatriation. Through the Committee process, Elders provide guidance and policy direction, and financial assistance from the Australian government is provided to Indigenous communities throughout the repatriation process. Another example is the Karanga Aotearoa Repatriation Programme at New Zealand's Te Papa Tongarewa Museum, which is structured so the New Zealand government acts only as a facilitator for repatriation work, without any claims to ownership of the process or objects repatriated. The Karanga Aotearoa Programme also has a repatriation Advisory Panel made up of Māori Elders, experts and community members, and develops guidelines based on traditional knowledge.

In the past decade, calls from Indigenous peoples have grown stronger at the UN General Assembly and Human Rights Council to develop an international process to facilitate repatriation of human remains and sacred objects

to Indigenous peoples, across international boundaries. Panelists noted several national organizations, such as the Australian Institute of Aboriginal and Torres Strait Islanders Studies (AIATIS) that are very active regionally and have built international partnerships to facilitate the complex and difficult work of bringing ancestral objects to their traditional homes across foreign waters. Dr. Craig Ritchie, CEO from AIATIS, said that involving organizations like his elevates the national profile of repatriation, raises the attention of other institutions and prompts other parts of government to become involved in the repatriation process.

Conclusions

This expert seminar brought together Indigenous and non-Indigenous leaders, academics and community members well versed in the complexities of the repatriation process and outcomes. Panelists spoke about current examples of successful repatriations, all of which included involving Indigenous advisory committees, building partnerships across different levels of government, and securing stable funding for Indigenous communities to successfully go through the process. Despite these successes, challenges remain, many of which are founded on fundamental differences between Western and Indigenous concepts of property and custom. Finally, the expert seminar revealed the necessity of continuing to build partnerships and relationships between Indigenous people, governments and institutions. These partnerships are essential to facilitating communication, mutual respect and productive relationships.

Recommendations

Over the course of the two-day seminar, 13 recommendations were developed to improve current practices in repatriation and build a better international system of policies and procedure. Overall, the recommendations and comments made by the diverse range of panelists provided ample evidence of an urgent need to level the playing field for Indigenous nations seeking the repatriation of their sacred objects. The recommendations are as follows:

1. Interpretation of UNDRIP through an Indigenous lens using Indigenous perspectives, leadership, and interpretation is key.
2. There must be a change in legal standards and presumptions, and Indigenous perspectives and knowledge must be regarded as legitimate. We must give voice to the unique forms of knowledge held by Indigenous communities.
3. We must establish successful partnerships and relationships between Indigenous people, governments, and institutions.
4. Repatriation mechanisms must be based on the rights affirmed in UNDRIP, especially Articles 11, 12, and 31.
5. It is imperative to create a database that offers direct access for Indigenous people to learn where their items are being held.
6. States should create and develop fair, transparent, and effective mechanisms for repatriation.
7. Repatriation processes should be based on capacity building and sharing good practices through facilitation, dialogue, mediation, and training.

8 Repatriation process should be inclusive of all groups, including elders, youth, women, and people with disabilities.

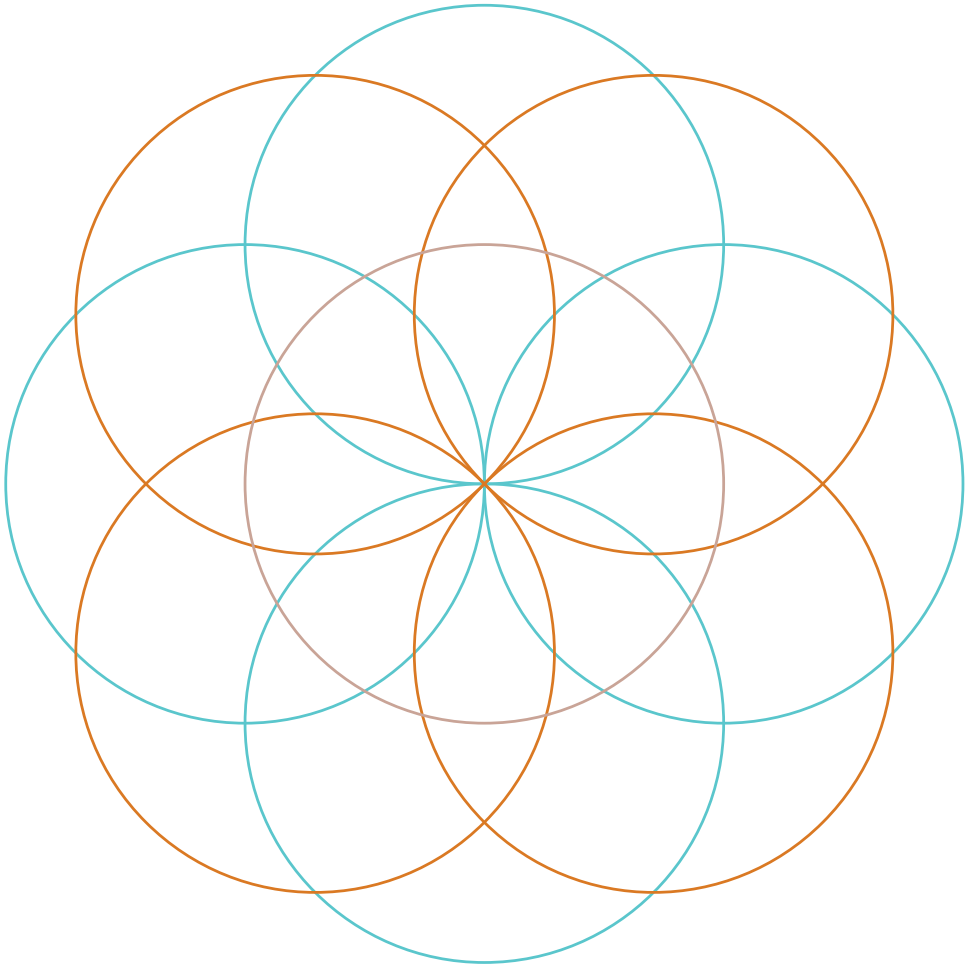
9 Indigenous communities must have access to steady and adequate funding to facilitate repatriation.

10 The development and maintenance of cultural keeping places for Indigenous communities is one of the most important aspects of the repatriation process that must be worked on.

11 Future generations of Indigenous communities must have access to information about who currently possesses objects of cultural relevance.

12 Any existing requirements and conditions arbitrarily placed on Indigenous communities must be removed.

13 Cultural competency training for museums and post-secondary institutions that hold ancestral remains is necessary.



INTRODUCTION

In March 2020, the University of British Columbia (UBC) organized an expert seminar on the theme of "Repatriation of Ceremonial Objects and Human Remains Under the UN Declaration on the Rights of Indigenous Peoples," in support of the work of the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).

At its 2019 session, EMRIP decided to undertake further study on how the UN Declaration on the Rights of Indigenous Peoples can be implemented in the area of repatriation of ceremonial objects and human remains of Indigenous peoples currently in the hands of state institutions such as museums and universities. One of the seminar's objectives was to provide input into EMRIP's report on the development of international standards, which was presented to the UN Human Rights Council in September 2020.

This two-day seminar offered a special opportunity for First Nations citizens, UBC faculty and students, and the general public to learn about Indigenous and state perspectives on issues related to the repatriation of ceremonial objects and human remains.

PARTNERS

This expert seminar was co-organized by UBC's Dr. Sheryl Lightfoot, Canada Research Chair of Global Indigenous Rights and Politics and Senior Advisor to the President on Indigenous Affairs, with the support of the First Nations House of Learning and the Canadian Friends Service Committee (CFSC Quakers).

The expert seminar took place in the First Nations Longhouse at UBC, part of the First Nations House of Learning, the mandate of which is to make the University's vast resources more accessible to Indigenous people and to improve its ability to meet their needs. It does this by organizing and maintaining Longhouse student services and spaces, overseeing public and academic programming at the Longhouse, leading and supporting strategic planning and communications through UBC Indigenous initiatives, and providing a point of contact for Indigenous communities. It also engages with the public, media, and UBC personnel on a host of Indigenous-related matters.

The CFSC is the peace and social justice agency of The Religious Society of Friends (Quakers) in Canada. Fundamentally committed to equality, peace, simplicity, community, and integrity, CFSC was founded in 1931 to address the social concerns of Canada's Quakers. They work with a range of partners on peacebuilding and social justice issues, including the promotion of Indigenous peoples' human rights, promoting a culture of peacebuilding in Canada, and strengthening restorative justice practices.

PARTICIPANTS

PANEL 1: The Current Situation

Moderator: Lea Nicholas-MacKenzie, Permanent Mission of Canada to the UN

Presenters:

- Peter Yucupicio, Vice Chairman, Pascua Yaqui Tribe
- Angie Bain, Union of British Columbia Indian Chiefs
- Liz Letendre, Alexis Nakota Sioux Nation

PANEL 2: The Current Situation

Moderator: Charles Menzies, UBC

Presenters:

- Kunihiko Yoshida, Hokkaido University
- Morgan Guerin, Musqueam Nation
- Angela Riley, Native Nations Law & Policy Center, UCLA

PANEL 3: The Ethical/Legal/Political Framework

Moderator: Megan Davis, University of New South Wales; Member, EMRIP

Presenters:

- Lynda Knowles, International Council of Museums (ICOM)
- Ann Follin, Swedish National Museums of World Culture
- Vince Collison, Haida Gwaii Repatriation Committee

PANEL 4: The Ethical/Legal/Political Framework

Moderator: Celeste Haldane, BC Treaty Commission

Presenters:

- Harriet Deacon, World Intellectual Property Organization (WIPO)
- Phillip Gordon, Australian Museum
- Myrna Cunningham, Centre for the Autonomy and Development of Indigenous Peoples, Nicaragua

KEYNOTE: Repatriation of Cultural Property: Respecting Indigenous Peoples' Human Rights

Assembly of First Nations National Chief Perry Bellegarde

Introductory remarks by UBC's Santa J. Ono, President and Vice-Chancellor, Sheryl Lightfoot, Canada Research Chair of Global Indigenous Rights and Politics, and Anthony Shelton, Director, Museum of Anthropology

PANEL 5: Good Practices

Moderator: Belkacem Lounes, EMRIP Member

Presenters:

- Aili Aikio, Sámi Museum Siida, Finland
- Carine Ayélé Durand, Geneva Museum
- Te Herekiekie Herewini, Repatriation Team, Te Papa Tongarewa Museum of New Zealand

PANEL 6: Good Practices

Moderator: Sue Rowley, UBC

Presenters:

- Craig Ritchie, Australian Institute of Aboriginal and Torres Strait Islander Studies
- Edward Halealoha Ayau, Department of Hawaiian Home Lands
- Birgit Scheps-Bretschneider, Grassi Museum für Völkerkunde zu Leipzig

PANEL 7: Developing an International Process

Moderator: Jennifer Preston, CFSC

Presenters:

- Andrea Carmen, International Indian Treaty Council
- Stacey Jessiman de Nanteuil, DGW Law
- Alexey Tsykarev, Chair, Centre Young Karelia; Member, United Nations Permanent Forum on Indigenous Issues

PANEL 8: Developing an International Process

Moderator: Kristen Carpenter, EMRIP Chair

Presenters:

- Les Malezer, Chair, Foundation for Aboriginal and Islander Research Action
- Belkacem Lounes, EMRIP Member
- Lou Ann Neel, Royal BC Museum
- Allan Davidson, Haida Gwaii

PANEL SUMMARIES

PANEL 1: The Current Situation

The first panel of the conference revolved around the current situation on three major issues: repatriation and domestic and international law, the expectations of Indigenous peoples globally regarding repatriation, and the main challenges preventing the adoption of UNDRIP Articles 11 and 12. The panel moderator was Lea Nicholas-MacKenzie, member of the Maliseet First Nation and an expert on domestic and international Indigenous issues. Nicholas-MacKenzie has served in a variety of public and private capacities and most recently served as Special Advisor for Indigenous issues to Canada's Permanent Mission to the UN.

The first speaker, Peter Yucupicio, was Vice Chairman of the Pascua Yaqui Tribe of Arizona. Yucupicio opened with a moving anecdote from his ancestors carrying the message, "It is your responsibility to move forth and salvage and not forget." His talk centered on the significance of the sacred Yaqui Maaso Kova, or ceremonial deer head, displayed at the Museum of Ethnography in Stockholm, Sweden. The deer head belongs to the Ocho Pueblos in Sonora, Mexico, where some groups were under direct control of the Mexican Army under the reign of dictator Porfirio Diaz between 1876 and 1911.

Yucupicio recalled how Indigenous people were incarcerated and enslaved at that time; despite the violence inflicted upon them, the Yaqui people found a way to celebrate their traditions and carry out their ceremonies. In September 2003, the Yoemem Tekia Foundation, the cultural foundation of the Pascua Yaqui Tribe, issued a notice requesting the International Indian Treaty Council to begin the process of repatriating the ceremonial deer head.

Yucupicio also stressed the global and interconnected nature of this struggle for repatriation. To illustrate his point, he briefly narrated the relationship between Indigenous cultural priests and Jesuit priests and the importance of their collaboration in repatriating sacred Indigenous cultural items. Yucupicio also used a series of pictures of the Yaqui people in Sonora to show how traditional meetings are still held in Yaqui villages. He ended his remarks by highlighting the cross-cultural collaboration between the Yacqui community and the Swedish government and the role of youth in repatriating traditional items of immense cultural value.

Angie Bain of the Union of British Columbia Indian Chiefs began her presentation with a powerful assertion of the fact that her Indigenous Ntlakapamux identity itself should be enough for museums and other cultural institutions to respect and accept her voice regarding the repatriation of sacred and ceremonial objects. In practice, however, that has not been enough; to further illustrate this point, Bain related the lessons she learned from her community while drafting the Nicola Indian Band Cultural Heritage Policy in 2017. This policy was the first attempt by her community to explain to outsiders why its heritage matters, how it must be protected, and how it must be used, by whom, and why. The core principles of the policy are respect, responsibility, and relationships. For Bain, genuinely understanding these policies means recognizing the disparity between reconciling the expectations of Indigenous communities and the challenges in implementing UNDRIP Articles 11 and 12. Bain argued that if we truly want to advance the principles in these articles, which deal with the right to access, use, and revitalize culture, they need to be interpreted through an Indigenous lens. She made the point that, while institutions continue to argue over Indigenous rights through policy and practice, her community is

fighting to fulfil their sacred and ancestral obligations. While Bain acknowledged the important steps being taken, she stressed the importance of moving beyond policy and towards praxis.

Bain talked about her experiences with the Royal BC Museum in Victoria and how the Lower Nicola Indian Band was able to begin its repatriation work there, which enabled 21 other Indigenous communities in British Columbia to follow suit. Similarly, at the Canadian Museum of History in Gatineau, Québec, the Lower Nicola Band community flagged about 90 items that belonged to them and had conversations with the museum about proper access, care, and control of those items. Bain and her community also conducted similar work with the Peabody Museum of Archaeology and Ethnology at Harvard University and the American Museum of Natural History in New York City, where work is underway to repatriate ancestral remains and sacred ceremonial objects that are currently in storage.

Bain concluded by stressing the complexities of implementing Articles 11 and 12, due to the inadequacies of existing policies. She asserted that the spirit and integrity of UNDRIP ought to be realized in praxis at every level. Indigenous perspectives, interpretations, and leadership are key to this process, and Indigenous-led research is vital. Once again, Bain highlighted the core values of respect, relationships, and responsibility that she derived from her community and articulated her desire for the day when her Ntlakapamux identity alone would be sufficient to exercise her rights and obligations.

Liz Letendre from the Alexis Nakota Sioux Nation in Alberta began her presentation by drawing the audience's attention to the long history of the fight for repatriation among Indigenous communities. Fifteen years ago, her community discovered that its sacred belongings were being housed at the Cultural Resources Center of the Smithsonian Institute of the National Museum of the American Indian. These items left their communities in 1926, around the same time that a law was passed in Canada banning the possession of these objects by Indigenous communities. Letendre asserts that these objects are not simply artifacts of the past but also gateways to stories of a time that was taken away from her people. The loss of these stories and resultant gaps in local knowledge, she argued, have created a "sickness" in their communities because people lost a part of who they were when they lost these objects. The youth of these communities have been especially affected because their opportunity to learn about their culture and heritage was stolen from them. Letendre recounted a saying from the Elders of her community: "The language makes you strong, and ceremonies make you strong." Because these items were taken away from them, over 400 ceremonies and stories were lost. The significance of repatriation is that the rediscovery of these belongings will spark the beginning of a large research project backed by her Nation and focused on bringing the old forms of knowledge back into community life. The repatriation project is rooted in the revival of strengthening and honoring the belongings of Alexis Nakota Sioux Nations ancestors, which hold unique cultural and linguistic value. As Letendre powerfully stated, "our stories lie in those objects, our ancestries lie in those objects, our identity lies in those objects, and our language lies in those objects."

Letendre and her community took two trips to the Smithsonian. The first was intended to build a relationship with their belongings and show respect to the people who once held those belongings in spirit. The elders of the community were heavily involved in the project, per their tradition. Another objective of the trips was to build relationships with local and international museums because they continue to play a role in looking after the belongings. Like Bain, Letendre pointed out the irony in legislative processes and having to prove that the ceremonial objects belonged to their community, as the museums had long policy bundles for each item in

question. This aspect of having to prove one's identity is present throughout the process, as Letendre pointed out, from crossing the border to visiting the museums and functions as a barrier for Indigenous people seeking to recover their collections. Calling the journey "heartbreaking," Letendre highlighted the difficulty in reining in emotions like anger and frustration because in her culture they are not permitted while working with sacred ceremonies. Her ancestors had sacrificed so much, and their community members would not be alive today if they had chosen the path of anger. While she is grateful that the museum has her community's ceremonial objects, she acknowledges that the history of how they got them in the first place is difficult to deal with because it inevitably arouses anger. Despite this, Letendre argued that these objects hold a key for an Indigenous community and its growing population, who will survive—no matter what challenges they face—because their spiritual realm will always be present as their connection to the world.

PANEL 2: The Current Situation

The second panel, which focused on the current situation, was moderated by Charles Menzies, a member of the Gitxaala Nation and Professor in UBC's Department of Anthropology. Menzies is the Director of the Ethnographic Film Unit at UBC and a researcher of the ethnography of Western Europe and coastal British Columbia.

The first speaker on this panel was Kunihiko Yoshida, Professor of Civil Law at Hokkaido University in Japan. He centred his talk on the repatriation of ancestral Ainu remains in Japan, which he argued continues to be one of the worst countries in the developed world regarding the issues of Indigenous peoples. Although Japan voted for UNDRIP in 2007, it neglects the repatriation approach and denies its Indigenous peoples the right to self-determination. The basis of present Ainu policy in Japan is the *terra nullius* doctrine, also known as the discovery doctrine. In fact, Hokkaido University was established on Ainu land after the conquest of the Ainu people. Despite this violent past, the legacy of colonialism is lost on the faculty of the university today. According to Yoshida, the faculty is divided on this matter, and some of his colleagues who were hired by the Japanese government tend to favour the government's position, thus supporting an institution that homogenizes and oppresses the Ainu people.

In July 2017, there was an international repatriation effort from Germany regarding Ainu remains stolen from the campus by German travelers in the 1880s and kept for 138 years. Yoshida also told the story of Sachiko Yahashi, an Ainu descendant, whose family tomb has no ancestral remains inside it. Yahashi wanted to bury some parts of the remains from Germany inside her family tomb, but the remains were consolidated at Shiraoi's Ainu Park against her wishes. In fact, Ainu ancestral remains and cultural artifacts were stolen from tombs across Hokkaido by anthropologists, including Hokkaido University Professor Sakuzaemon Koadama. The Prefectural Regulation regarding the discovery of remains, which enabled the theft of Ainu ancestral remains, was enacted in the 1930s with the permission of the Governor of Hokkaido.

Over a thousand Ainu ancestral remains had been kept in the repository house in Hokkaido University since 1984. They have since been consolidated at the Ainu Symbolic Space in Shiraoi, but even that decision was not without controversy. Several Ainu descendants several have filed repatriation lawsuits since September 2012. However, Hokkaido University has rejected their positions by taking an individualistic approach towards property ownership that is incompatible with communal Indigenous notions of property. Eventually, the university accepted some repatriation settlements, but even after this development, around 1,676 Ainu ancestral remains

are still kept in 382 boxes from 11 universities across Japan. In other facilities, 74 stolen Ainu ancestral remains have been found.

In the process of consolidation, the Japanese government prepared two guidelines for future repatriation. The first discusses the process for those identified individually and was issued in June 2014. The second guideline for remains kept by the university was issued in December 2018. According to these guidelines, remains go to the next of kin if identified individually and to the local Ainu residents where the remains were originally discovered if the remains cannot be identified individually. Despite these guidelines, repatriation movements have stagnated after a series of settlements were concluded. Yoshida also questioned the second guideline, which is based on a collective notion. He raised the example of Otarunai Ainu, the Ainu people in Otaru, a historical city in the western suburbs of Sapporo, whose descendants died from displacement and colonization. Since no descendants claimed the remains, another prominent academic, Professor Koganei from the University of Tokyo, visited the Sumiyoshi shrine to steal the Ainu ancestral remains. Due to the inadequate nature of the guidelines to deal with issues like these, a non-profit called Group Reconsidering Anthropological Research of Ainu Remains, which consists of members of the Ainu community, made a series of requests of the Japanese government in January 2020. First, the group asked the government to correct the historical lack of recognition of past injustices. Second, the group asked the government to extend a sincere apology and conduct a reburial on discovered sites, at government expense. Third, the group requested that universities and local governments issue apologies. Finally, the group asked that maintenance of reburied Ainu remains be handled by the respective local governments.

Despite these advancements and requests, Yoshida argued that the repatriation deadlock has persisted. He attributed this impasse to the domination of the individualistic nature of the guidelines' conceptions of Ainu property, the vulnerability of decentralized Ainu communities, and the preference given to requests made by anthropologists using Ainu ancestral remains.

Yoshida then discussed a repatriation lawsuit filed by the Ryukyu people in Okinawa. The Japanese government still denies the Ryuku people's Indigeneity, and the United Nations Committee on the Elimination of Racial Discrimination has requested that the Japanese government recognize the Ryuku people as an Indigenous people. However, the Japanese government has rejected the request.

Once again, Yoshida highlighted the complicity of the academic community in this struggle for repatriation. In July 2019, Professor Ken'ichi Shinoda, President of the Japanese Association of Anthropology, sent the President of Kyoto University a controversial letter asserting that the Ainu and other Indigenous peoples' ancestral remains are public property and should be available for anthropological research. Yoshida argued that requests such as these are a major reason why Hokkaido University rejected repatriation; it adopted an individualistic view of repatriation, such as demanding DNA evidence to prove next of kin, which does not match Indigenous communal and collective notions of property. The Ainu people have always had communal attitudes towards property.

Yoshida concluded by noting that, among the Ainu, the major challenges to repatriation efforts are the establishment of stronger institutions in their local communities, the burial of repatriated remains, and the maintenance of Ainu tombs, all of which require financial assistance. Thus, the current grant system for the Ainu culture that was introduced in a recent Ainu statute should be expanded for the Ainu people to respond to their pressing needs in this regard.

The next speaker was Morgan Guerin, a Musqueam Indian Band counsellor and artist who worked on the *c̓əsnaʔəm*: *The City before the City* exhibit at the Museum of Vancouver. Guerin began his remarks by recalling his traditional upbringing on the Musqueam reserve. Although he spent every evening with his parents, he spent his days with his grandparents, including his late grandfather, Arnold Guerin, who was instrumental in documenting and preserving the *hən'q'əmin'əm'* language group. Guerin spent much time visiting elders, learning their stories, and trying to comprehend the rich history of their traditional cultures, with topics ranging from the community's relationship to Mother Earth to bone carving. Their land, he said, was full of "belongings" rather than "artifacts," a term external to them. Their ancestors possessed these belongings; thus, their community had to care for them.

Guerin provided an example of how he built a 32-foot sturgeon spear from oral history, which he called a true testament to the strength and significance of preserving oral traditions. The collective power of his community lies in the web of knowledge from all its members, especially the elders. What amazed Guerin was not only that the things he built were made correctly but also that they were so technically sound. The last time that the *hən'q'əmin'əm'* people built a sturgeon spear like the one he built was over 100 years ago, because it had been outlawed. Due to colonization, his community was no longer allowed to share these things openly with one another. While working on the museum exhibit, Guerin lent some of the knowledge he received from his elders. According to him, knowledge passed down through the generations was the most important step in moving forward because the problems that Indigenous people face are generational issues, ones that will not be solved in the next ten years.

Guerin narrated another story from the time his daughter and her mother travelled to New York and saw his community's sacred mask at the American Museum of Natural History. Two Musqueam women had already made attempts to take the mask down, but they were not successful. After writing letters to the museum asking about its display, Guerin learned that there was a project to re-contextualize the Northwest Coast Hall of the American Museum of Natural History. He, along with his cousins, were then flown to New York to discuss this project, and Guerin was chosen to be a member of the working panel in New York by the Coast Salish representatives. In these meetings, Guerin stressed the difficulty of moving forward in a world where UNDRIP was global in scope but had not been not adopted in Canada, so Indigenous people were not allowed to tell their stories on their own terms.

The response he received from the museum was that they would have to go through several bureaucratic processes to return the sacred items. In the face of the elders' firm insistence in the meeting that they would refuse to have a conversation until their items were returned to them, the American Museum of Natural History decided to shut down the exhibition. However, putting a mask away that had not been put away for 114 years required traditional ceremony, and Guerin was the only one present who knew how to do it. He recalled the complex feelings he experienced at that moment—he was both comfortable and proud, yet he felt strange about having to adhere to certain traditions in a foreign context.

Once the conversation moved on to what would happen to the mask once it was put away, debate flared up anew. Guerin was asked to prove that the mask belonged to his community, despite interacting with an institution and museum that was genuinely interested in working with that community. The onus of repatriation is always on Indigenous communities who are already stretched thin, and Guerin problematized this issue in his talk.

The next speaker, Angela Riley of the Citizen Potawatomi Band, is Professor of Law at the UCLA School of Law and the Director of UCLA's Native Nations Law & Policy Center. Riley represents UCLA regarding repatriation issues and is its representative for the Native American Graves Protection and Repatriation Act. Riley highlighted the importance of situating the conversation on repatriation within the context of colonization because separating it would remove Native voices and perspectives on their ancestors and cultural items. Speaking about the context of the United States, Riley talked about how everything that belonged to Indigenous communities at the point of contact was essentially considered free and open for taking by colonists, including Indigenous land, resources, and human remains. Once the project of colonialism expanded, Indigenous human remains and cultural items were declared property of the United States under federal law.

Riley then discussed The Native American Graves Protection and Repatriation Act (NAGPRA), which was passed in 1990. However, many people since then have died without seeing their ancestors brought home and their cultural objects returned to their communities. This issue, she argued, is time sensitive and ought to be handled with a sense of urgency.

NAGPRA has created both opportunities and challenges in the United States. At the institutional level, NAGPRA required any institution receiving federal funds to inventory its collections and provide a disclosure of what was in its possession. Although this requirement was passed in good faith, many museums did not have the resources or motivation to determine the cultural affiliations of the plethora of items in their collections and eventually deemed many items unidentifiable. This label has stubbornly stuck with many objects since the 1990s.

Although NAGPRA established an apparatus to effectuate the repatriation of these cultural items to Indigenous communities, the burdens and requirements were tilted in the favor of institutions. Even in situations of neutrality, the burden placed on Indigenous communities with limited resources to figure out what museums have has created extremely imposing barriers to repatriation and made it possible for museums that wanted to retain their collections to keep them for themselves.

Riley also discussed the impact of any potential border wall on the southern border of the United States. There are graves being unearthed for the first time during construction of the wall and, since there are federal laws in place that allow the federal government to suspend its compliance with existing federal law for safety and security, national security claims are being used as justifications by the government to forgo adherence to NAGPRA. Thus, even with legislative provisions in place, Indigenous culture and communities continue to be dismantled both in the United States and globally.

Riley then talked about the problem of devaluing Indigenous knowledge because proving belonging from an Indigenous perspective is not regarded as being on par with the Western academic and scientific knowledge produced by universities. This creates a challenge in terms of establishing cultural affiliation, which impacts both Indigenous communities and museums that do not have the resources for this process, with the former group being suffering especially acutely from underfunding. Riley argued that it is the responsibility of universities and academics who have crafted careers and publications out of their access to cultural and ancestral items of Native people to find resources and make things right. It is not the job of Indigenous communities to find resources and prove that they have been victims of human rights violations and thus must have their ancestors returned.

Another issue that Riley identified in relation to NAGPRA is defining cultural objects. She argued that the choice to determine what object belongs to whom must lie within the Indigenous community rather than those who

retain such items. She also talked about the "illusion of consent" in evidentiary standards and presumptions, as the burden is placed on Indigenous groups to prove that they should have something repatriated as opposed to having the burden be on the institution that seeks to retain an object.

As to potential solutions, Riley called for true consultation and consent, or free, prior, and informed consent under international law. Requirements for consultation are written into many federal statues in the United States, and consultation from the federal government side is often inadequate. Consultation for Native communities means being in in an ongoing relationship and conversation that is grounded in respect and real dialogue where parties come to the table as equals. For this to take place, a real change must occur in legal standards and presumptions, and Indigenous perspectives and knowledge must be regarded as legitimate. Riley brought up the issue of funding and called for funding obligations to be on nation-states to right wrongs, whether they were at the hands of public universities, museums, or governments. This goes back to the process of decolonization and acknowledging the religious freedom of Indigenous people. Ultimately, the key to decolonization and repatriation is conversation with Indigenous communities and respecting their right to self-determination.

PANEL 3: The Ethical, Legal, and Political Framework

The third panel focused on questions of ethical, legal, and political frameworks, including topics on the relationship between Indigenous, international, and national laws and how all three can be instruments to facilitate repatriation. The panel moderator was Megan Davis, Pro Vice-Chancellor Indigenous and Professor of Law at Australia's University of New South Wales. In 2010, Davis was appointed to the UN Permanent Forum on Indigenous Issues, making her the first Indigenous Australian woman to be elected to a UN body; she is also a member of EMRIP.

The first speaker was Lynda Knowles from ICOM. Knowles has served as sole legal counsel for the Denver Museum of Nature and Science for 12 years. She is also a board member and former secretary of the International Committee for Museums and Collections of Natural History and a member of the Association on American Indian Affairs' Working Group on Repatriation.

Knowles began by pointing out that the conversation on repatriation of ancient cultural items must be grounded in human rights discourse. Conversations that museum representatives and others have already been having on this topic should count as evidence for customary international law, Knowles argued. ICOM, which was founded in 1946, could serve as a source of international customary law. Historically, Indigenous people were largely absent from the work done under the purview of ICOM, but that is now changing, and Knowles argued that this is proof that these conversations are now creating customary international law.

Knowles then asked a simple question: "What is the definition of a museum?" According to her, that definition in the ICOM statute has been static since its founding. However, there are conversations among ICOM members that indicate an evolution of thinking in this regard, and the notion of "museum" is now being looked at through the lenses of decolonization and repatriation. International law, Knowles said, is a source of both frustration and hope. She introduced the documentation prepared by the International Indian Treaty Council and the specific recommendations they offered. Knowles concluded by asserting that if museums want to stay relevant or even exist, they need to explore the unique forms of knowledge held by Indigenous communities and give voice to these ways of knowing, specifically in repatriation work.

The next speaker was Ann Follin, the Director General of the Swedish National Museums of World Culture. Follin began her talk by providing a brief historical background on the Sámi, the Indigenous people of Sweden, who have been culturally and socially marginalized for decades.

The four museums she manages (Museum of Far Eastern Antiquities, Museum of Mediterranean and Near Eastern Antiquities, Museum of Ethnography, and Museum of World Culture) have collections that originate from outside Sweden and manage around 500,000 objects that have been collected since the seventeenth century. Most objects, Follin said, came into their possession through scientific investigations or diplomatic gifts, donations, and exchanges. The four museums contain a wide range of collections from around the world and have relevance both historically and in the present day. However, Sweden's participation in European colonization cannot be neglected, especially regarding items gathered under unknown circumstances. In order to foster exchange with people around the world, the museum launched an online database over 20 years ago and has invited people from different communities to help it understand its collections and create knowledge through mutual dialogue.

Follin then discussed the current political landscape in Sweden and the kinds of laws and conventions that apply there. The Swedish Museum Act of 2017 states that museums are responsible for collection management and are instructed to repatriate where appropriate. Following an official request by an external party regarding repatriation claims, the museum then makes an assessment based on both legal and professional criteria. If the museum finds that a return should be carried out, it sends a petition to the Ministry of Culture. After the case is prepared by the Ministry of Culture, the Swedish government or the Swedish Parliament decides whether the object should be returned. If the government approves the request, the museum may decide to return the item.

Sweden has also ratified the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, and the Convention on Stolen or Illegally Exported Cultural Objects of 1995; it also voted for UNDRIP.

The Swedish National Heritage Board is currently working on guidelines for collection management and practice. Follin also talked about this process from the museum's perspective. Once a claim is initiated and the museum receives a formal legal claim, it activates its internal repatriation council, investigating the history of the object and the circumstances and conduct of the acquisition. It also investigates the recipient's legitimacy. Then, along with the community, it documents the cultural, ceremonial, and religious significance of the object to make an examination of repatriation based on the criteria of international law. Then, along with the government or parliament, a decision is made on repatriation and an agreement reached with the relevant community. The museum also provides support with applications for export permission or Companies Income Tax Act (CITA) certification and plans a celebration of return with the community. If the object is to be buried, the museum also provides support for applying for permission under local legislation. Then, the case is closed and documented in the archives. Follin stressed the importance of transparency and efficiency throughout the process and noted that repatriation cases are demanding and often take a long time.

According to Follin, there are many complexities in cases like this from the museum perspective. First, most cases tend to be quite complex in and of themselves; there could be incomplete documentation on both sides—or no documentation at all—making it difficult to investigate the circumstances of acquisition. Sometimes, there

are several recipients who make legitimate claims to the object and have different recommendations on what to do with it. In these cases, the museum often delays return until the recipients come to a consensus, or if one is deemed more legitimate than the others.

Another problem Follin pointed out involves conventions and declarations. Since the law is always supreme, it overrides institutional policies and frameworks. The history of repatriation at her institution dates to 1988, when the collection held at the Ethnographic Museum was sent to the newly founded Sámi Museum in northern Sweden. According to new legislation, the museum does not have the right to make loans for more than three years, but the new Swedish Museum Act opens the possibility of transporting most collections if their origins can be concretely determined.

Due to evolving views on repatriation, the museum now focuses on proactive repatriation. The Swedish government has expressed its intention to make Swedish museum practice in the realm of repatriation exemplary in the international context. As part of this effort, the museum is conducting research on all its collections of human remains to proactively initiate dialogue with the relevant communities.

Follin concluded by stating that the fact that objects have been in Swedish museum collections for a long time also speaks to Swedish culture and heritage. Early scientists were more interested in the objects than the people and cultures from which they were taken. She is striving to find ways in which museum agencies in the twenty-first century can work with the legacy of these objects in a responsible and respectful manner.

The last speaker on the panel was Vince Collison from the Haida Gwaii Repatriation Committee; he is one of two founding members of the Old Massett Repatriation Committee. He has been working on the repatriation of Haida ancestors and treasures for over 20 years. Collison began by explaining that in his community, they do refer to "repatriation" but prefer the term "'respect" to honour the ancestors that came before them who were unwillingly put in a difficult situation. Every generation inherits something to fight for, and Collison views repatriation as his fight. Paying respect to the community's ancestors was also a way of recontextualizing knowledge and language from a Haida perspective. These cultural objects are considered treasures and family heirlooms to members of the community.

Collison said that museums have viewed Haida culture and people as nothing but collectibles and that this was part of the core challenge in creating dialogue and recontextualizing knowledge. Acknowledging that there was a cultural genocide against Indigenous people and doing so with humility on behalf of Canada is the first step, Collison argued. Part of the challenge in addressing the legal issues that Indigenous people face today is also education and the "whitewashing" of Indigenous history.

Collison stressed the importance of acknowledging and addressing the ancestral remains, which is a Haida law, first and foremost. Without dealing with this issue, there was no way to deal with Haida treasures. He challenged those in the audience who are not Indigenous and who work for an institution to do better because Indigenous people are fighting several battles on multiple fronts, one of which revolves around the language that non-Indigenous people use when referring to objects of Indigenous cultural importance, items that are of immense value to the community that came from people's homes. They mean something to every member of the community, and that is why semantics are important.

Collison concluded by urging everyone to do better, asking that every museum and institution step up to help Indigenous peoples around the world. He says that the Haida are lucky in this context because they have a strong profile and presence, which enables Collison to tell the world that the way North America treated its Indigenous populations is not right. Collison stated that is a good sign that museums are starting to get the message, and he is here to honor all the people from the past who were denied that opportunity.

PANEL 4: The Ethical, Legal, and Political Framework

The fourth panel of the seminar also revolved around questions about the ethical, legal, and political framework of repatriation. The panel moderator was Celeste Haldane, Chief Commissioner of the BC Treaty Commission. Haldane is a practicing lawyer, a member of the Sparrow family from Musqueam, and Tsimshian through Metlakatla.

Harriet Deacon is a historian and anthropologist and specializes in tangible and intangible heritage management and intellectual property (IP) law. Deacon focused her talk on IP rights and what WIPO has been doing regarding traditional knowledge and cultural expressions. WIPO, a UN organization with 193 member states, focuses on IP with a vision to lead the development of a balanced and effective international IP system. IP refers to the rights associated with creativity and knowledge production; by providing a limited monopoly over the use of these creations, the law can encourage innovation. Deacon brought up Article 27.2 of the UN Declaration on Human Rights, which addresses the rights of the author and individual. She then juxtaposed the different kind of IP rights—copyrights, patents, trademarks, and so on—with respect to the legal treatment of the owner and the duration of protection. According to WIPO, the difference between traditional knowledge and traditional cultural expressions is that traditional the former could potentially be patented and is generally understood to mean the know-how, skills, innovations, and practices developed by Indigenous people and local communities. Traditional cultural expressions, on the other hand, are covered under copyright or design protections and include tangible and intangible forms in which traditional knowledge and cultures are expressed, such as dance and song. The UN Declaration on the Rights of Indigenous Peoples states in Article 31.1 that Indigenous people have the right to maintain, control, protect, and develop their IP. WIPO works towards discovering ways in which Indigenous communities can use conventional systems to protect their traditional knowledge and traditional cultural expressions. One approach is to use geographical indications (GIs) like the Sámi people, who use a trademark to mark their traditional handicrafts. Another avenue is to modify and adapt the systems that already exist for protecting traditional IP. For example, in South Africa, copyright law has been amended to cover some communal rights. These pathways can provide positive protection by specifically giving rights to traditional knowledge and traditional cultural expressions or can provide defensive protections by preventing other people from using traditional Indigenous symbols. WIPO's work in this area is threefold: to facilitate, inform, and train. Its efforts involve the development of norms at the international, regional, and national levels, along with practical assistance. In the normative framework, WIPO facilitates negotiations on the development of an international instrument called the or Intergovernmental Committee (IGC) and helps countries and regions develop national policies and regional strategies. The IGC has strong Indigenous participation, including an Indigenous Caucus, a panel, and a voluntary fund to support Indigenous participation. At the national level, the IGC looks at where countries need assistance in terms of developing legislation and studies existing systems and tools to help Indigenous people and communities use IP strategies more successfully. The IGC also offers

training programs for women entrepreneurs from Indigenous communities on how to use IP and marketing in the most effective way. There are also publications about the strategic use of IP.

The relationship between IP rights and repatriation is challenging, Deacon argues, especially because conventional IP rights do not cover all items of cultural significance to Indigenous people in local communities. The second challenge is that IP rights do not always travel with the object in question. For example, an artist can create a painting and then sell it but retain the copyright to the painting. When the painting is repatriated, the IP rights do not necessarily travel along with it.

Deacon concluded by reiterating that the conventional IP system does not necessarily help Indigenous communities that are trying to repatriate their cultural objects. Deacon argued that this is an important consideration because if a community takes its artifact back but another institution retains various rights to it, there might be limits on how the community can manage that artifact. WIPO resources are also a good source to maximize the amount of documentation and research done by Indigenous people in local communities so that the community owns the IP rights to their material.

The next speaker was Phillip Gordon, who heads the Indigenous Heritage Section at the Australian Museum, where he has worked since 1980. He advises Aboriginal communities on issues such as Aboriginal museum outreach and the repatriation of Aboriginal human remains and other significant cultural property. Gordon began his remarks by asserting the need to rethink the ethical and legal framework surrounding repatriation. In the Australian case, there are some good reasons for putting the burden of proof back on European, Australian, and American museums with respect to ancestral remains. Prior to joining the federal Australian state, Aboriginal communities were independent sovereign states, and one of the first policies as a result of joining the state was barring the export of Aboriginal human remains. This demonstrates that there was an ethical need to stop this trade, which often took place discreetly using coded language that downplayed its horrific nature. In Australia, repatriation has been taking place for almost 40 years, and this process was impacted by the political context in Australia in the mid-1970s. He stated that there is no concept in Australia that explains why ancestors were taken. There is no framework or overarching philosophy that people grasp or comprehend about this issue, which makes it more challenging. There are several considerations to think about with respect to repatriation, including questions of culture, language, and tradition. People have had to spend significant amounts of time thinking about how to implement these cultural ceremonies within the new structures that Aboriginal people have today.

These issues highlight the need for a whole-government approach to deal with ancestral remains, land management, reburial, coroner's courts, morgues, and so on. Currently, there are several barriers to repatriating cultural objects and ancestral remains in Australia. Aboriginal communities need assistance to perform these activities, which means providing resources, including financial resources, to communities. For example, in Sydney, there were about 50 ancestors and it took 10–12 years for the community to agree to a safe spot, determine the right kind of ceremony, and chose a ceremonial leader. Such issues must be discussed and negotiated on a national level rather than at the individual state level. This need arose due to insufficient state policies, which has since changed, making all ancestral remains held by all major museums in Australia eligible for return and repatriation. Gordon stated that the Australian government recognizes the value and importance of preserving, revitalizing, and strengthening Indigenous culture by providing funding for repatriation, which

helps promote healing and reconciliation for Aboriginal communities. One of the pivotal parts of Australia's government policy and structure is establishing an Aboriginal advisory committee to provide guidance and policy formulation. The government also funds most of the museums to employ Aboriginal people in curatorial and public programs and provides financial assistance to communities for the entire repatriation process. This aspect of receiving funding, Gordon says, is extremely important to Aboriginal communities for actually repatriating items of cultural importance. The country's Department of Foreign Affairs and Trade also tries to identify ancestors overseas. They contact the relevant community to ask if they want the ancestors back and what processes they want involved; then, they negotiate with the overseas museums. Overall, these policy initiatives have helped the Australian government return 2,500 ancestors and 2,200 secret-sacred objects to Aboriginal communities from domestic locations and about 1,680 remains that had been sent out of the country.

Gordon concluded his talk by urging the audience to think ahead and address the role of DNA claims in repatriation. People, he said, make all sorts of claims about DNA relating to traditional ownership of cultural items, and this is a topic that scholars need to think about and strategize to deal with the evolution of technology.

The final speaker of the panel was Dr. Myrna Cunningham from the Miskito community in Nicaragua. She currently serves as the President of the Centre for the Autonomy and Development for Indigenous People, which is based in Nicaragua. She has worked for over 30 years as a teacher and doctor and is an advocate for the collective rights of Indigenous people and women's health. Cunningham presented her remarks in Spanish. She began her talk by addressing the autonomy framework that her community has been working on for almost 40 years. This framework recognizes multi-ethnic rights in roughly half of Nicaragua and provides a space for discussion. The framework contains an inventory of their patrimony in terms of traditional knowledge and various kinds of cultural practices, which served to formulate a regional culture policy and to elaborate cultural plans for various communities and villages. There are now 826 Indigenous communities in Latin America, around 200 of which are still living in voluntary isolation. Communities that live in different ecosystems have different visions of the world, and the topic of repatriation is thus perceived differently in each community. However, what unites all these communities is the centrality of settler colonialism.

Cunningham then delved into a few case studies from Latin America. In Bolivia, a Quechua community negotiated the return of 366 cultural items between 1988 and 2002, using a framework that recognized the property rights of Indigenous communities. In Uruguay, the body of a Charrua chief whose corpse was moved in 1833 was successfully repatriated in 2004. The lesson that Cunningham stressed from these examples is the importance of acknowledging that reparation requires active community involvement. If the communities do organize and work towards this goal, repatriation will not happen on Indigenous terms. This is also a long-term process that demands large quantities of resources and financial support. The participation of the state is necessary, as is the cooperation and resources of international organizations. In the case of Uruguay, as the country does not acknowledge the existence of Indigenous communities, the repatriation of the chief served to strengthen the identity of the Indigenous community itself.

There are different measures and strategies to achieve the goal of repatriation. Different actors, universities, governments, and the like have different legal frameworks than Indigenous communities, making dialogue an essential feature of this process. There is also a need to adjust the rules of museums, as different museums have their own rules, and it is important to homogenize these rules to make them accord with the international

framework of human rights and Indigenous communities. The international framework must also be flexible enough to accommodate the diversity present in each country, especially with respect to self-determination. In an international framework, the role of the state must be clearly stated, along with the role of the museums, universities, and other private entities. These roles must also have clearly stated definitions and information about procedural aspects and expertise. Cunningham concluded by stressing that repatriation and reparations are a healing process of a community. Thus, the process must be carried out carefully so that communities can heal effectively. Through this process, communities gain dignity, regain spirituality, and gain a better position to participate in their own development. The most important thing is how we use our tools to cater to each community's rights.

PANEL 5: Good Practices

The fifth panel of the seminar addressed the topic of good practices by examining issues like what makes repatriation processes successful and how Indigenous communities and museums can work together. The session moderator was Belkacem Lounes, a member of EMRIP who hails from Algeria. He is the former President of the World Amazigh Congress. This session was trilingual, with speakers addressing the audience in French, Spanish, and English.

The first speaker was Aili Aikio, the first Sámi-speaking custodian of the Sámi Museum in Finland, where she is currently a curator. Aikio began her remarks by introducing the audience to Cakchiquel, an ancient burial ground for the Sámi people. Today, the bones of her ancestors remain in the ground, but the heads are in storerooms at Norway's University of Oslo and the Sámi Museum in Siida, Finland, while others have been reburied in Ana. The last excavation was carried out in 1934; since then, there have not been any anthropological or archeological excavations on burial sites in the Sámi homeland area in Finland. The Sámi collections acquired from these excavations lay forgotten until 1992 when a report from an archeological survey was published and the issue became public. For the first time in Finland, the Sámi claimed repatriation of their ancestors; that claim was successful. In July 1995, 95 Sámi ancestors were reburied in Christian ceremonies. According to media information, before the reburial, the university took DNA samples of each individual, a practice that Aikio called disrespectful to her Sámi ancestors. After this first reburial, there have been a few more across Norway, Sweden, and Finland. This process began in 1998 when the Sámi Museum gained a modern building and the University of Helsinki suggested that the Sámi collection should be stored there. The Sámi Museum board consulted the Sámi Parliament, which stated that "the Sámi Homeland is the right place for the Sámi ancestors and the Sámi Museum is a Sámi Institute and of value to preserve the collection." Since then, the collection has been jointly managed by the Sámi Museum and the Sámi Parliament and, according to an unwritten agreement, no research permit has been granted since then. The University of Helsinki retained ownership of the collection, and the Sámi people are not entitled to reburial of their ancestral remains. In 2015 and then again in 2019, the board of the Sámi Museum decided that "the Sámi ancestor bones from unauthorized excavations of Christian cemeteries shall and will be reburied."

However, before an actual burial, some unanswered questions must be resolved. The first is where to rebury the ancestors, which means asking, "Where are their homelands?" This is especially hard to navigate because the collection diaries lack information about the area from each individual was taken. The original plan for the 1995 reburial was to repatriate 49 individuals from the 1934 excavation to the area(s) from which they had been

removed. The Finnish archeologist Rohan suggested that what happened instead was that the reburied individuals had been collected in the 1800s from other areas. Now, the number of reburied individuals rose to 95 instead of 49, and only crania were buried. To prove this theory, information from the missing diaries was required. The University of Helsinki took DINA samples of each individual before reburial, but it is not clear who manages these samples or even where they are.

Aikio concluded on a more positive light. Despite the history described above, there have been successful repatriations. In 2012, Norway decided to repatriate half its Sámi collections, or around 2000 objects, to the Sámi Museum in Norway. In 2017, the Director of the National Museum of Finland, Elena Antila, decided to repatriate the museum's entire Sámi ethnographic collection to the Sámi Museum in Siida. In 2020, the National Museum of Finland will repatriate the human remains and grave goods of its Mesa Verde collection to their respective Indigenous communities. Thus, Aikio argues that repatriation is possible there is sufficient will and determined individuals in the right positions.

The next speaker on the panel was Carine Ayélé Durand, a social anthropologist from Cambridge University who is the Chief Custodian at the Ethnographic Museum of Geneva (MEG). The museum was built in 1901 by the Geneva City Council and combined collections from different museums, including the Archeology Museum of Geneva, the Museum of Missions, and the Academic Museum. In the 1940s, the museum was relocated to its current location in the heart of Geneva. In 2019, the MEG staff spent months putting together a new strategic plan with the aim of seeking a new relational ethics between those who have long been described as and opposed to each other as "collectors" and "collected." Decolonization is at the heart of this effort. The overall mission is to challenge cultural assumptions, practices, and representations with the aim of facilitating decolonization while directing attention to the future. Even though many people note that Switzerland did not have formal colonies, Durand argued that it is important to think more broadly about decolonization. The museum's strategic plan focuses on the idea that decolonization is important to all countries, regions, and institutions whose national citizens maintain colonial practices even after independence. Thus, all populations have a colonial heritage or have been closely linked to colonization. The museum's aim is to comprehend and intervene in the power relationships and networks of privilege in its own practices. With the objective of decolonizing the museum, the strategic plan aims to rethink the way the museum allocates resources and to make visible the violent history of colonial and neo-colonial collections. Durand also stressed the importance of UNDRIP Articles 11 and 12 regarding the aspirations for self-determination of the people and cultures represented in the museum's collections.

Durand shared a case study involving the repatriation of a Toy-Moko Maori head in the 1990s. In November 1896, the curator of the Archeological Museum of Geneva wrote a letter to the Director of the Natural History Museum of Geneva asking him to acquire a tattooed Maori head from a London merchant. Very quickly, the head was transferred to the Museum of Ethnography in Geneva. In 1990, at the Tanga-Maori Conference, the Maori participants agreed that the Toy-Moko remains disseminated throughout the world had to be repatriated. In October 1991, the Director of the MEG and the curator of its Asian Department received a visit from Alan Baker, Director of the National Museum of New Zealand in Wellington. At the MEG, he requested on behalf of the Maori people that the tattooed head be returned. A few weeks later, in November 1991, the director of the MEG sent a letter to the administrative advisor for cultural affairs forwarding Mr. Baker's request. In January 1992, the Administrative Council of the City of Geneva decided to propose a permanent loan to the National

Museum of New Zealand; in May 1992, a long-term loan contract was signed. The loan contract was signed for a period of seven years, which was exceptional at that time because long-term loans never exceeded three years. In 2009, the MEG received a letter from a research trainee in the repatriation program at the Museum of New Zealand Te Papa Tongarewa inquiring whether the MEG had more Maori or Yuri remains. In June 2009, the MEG's director replied by saying that the Toy-Moko was already in New Zealand. A few years later, the City Council of Geneva decided to formally repatriate the head. Durand stressed that—despite this repatriation process being quite straightforward from an administrative perspective—the museum lacked any relationship with the Maori people.

The second case study that Durand discussed involved an ongoing project with the Yan-nhanu people of Mooronga, off the coast of Arnhem Land in Northern Australia. In the 1920s, this mission was established by Reverend James Watson; for more than 50 years, Mooronga was a prolific center of artistic creation and a point of departure for many collections to the rest of Australia and beyond. The inhabitants of Mooronga produced objects that were sold by museums in exchange for money and other objects. Between 2013 and 2016, Louise Hemby, Professor of Anthropology at the Australian National University in Canberra and Lindy Allen, a curator at Museums Victoria in Melbourne led a major project with the aim of identifying objects, images, films, and archives collected at Mooronga between 1923 and 1974. They also wanted to work with the Mooronga community to develop models of engagement with the cultural heritage of museums. In 2017, Lindy Allen came to the MEG to view the objects and the director of the museum, Robbie Bastio, signed a collaboration agreement between MEG and the research project. In July 2018, Ellen Gallamirwou and Ruth Namakana, two Aboriginal female artists from the Australian National University visited the MEG and had access to all the information in the museum's possession. The Mooronga representatives also led a workshop to discuss the objectives of the project. During this visit, they discussed the presence of two skulls in the museum's collection and the possibility of obtaining information through scientific observation. A few months later, Roberta Columbo, the Curator for the Oceanic Collection, went to Mooronga and passed along photos and documentation of the 33 Mooronga objects held at the MEG. The question of the origin of the skulls remains complex but is being addressed. Both skulls were sent by Swiss citizens in Melbourne and were acquired for a reasonable sum of money. Now, the museum must determine the clan to which the two skulls belonged, as it is essential to know this information for repatriation.

Durand concluded by stating that the relationship between MEG and the Mooronga community dates to 2007 and that there is now a relationship of trust between the Mooronga communities and the museums. Such relationships are essential and must be built on in the future.

The last speaker at this session was Herekiekie Herewini, a member of the Maori community and a Senior Advisor to the New Zealand government for health promotion, research, and science and technology. Since 2007, he has been working with different international institutions to repatriate the ancient property of the Maori people.. Herewini began his remarks by talking about the Karanga Aotaeroa Repatriation Program at the Museum of New Zealand Te Papa Tongarewa. Although the program was established in 2003, repatriation work has been undertaken by several community leaders over the last hundred years, including Maui Pomare, who was chair of the National Museum Council in 1980. One of the first things Pomare did in that role was to take Maori people off display at the museum to give them respect and dignity. Around the same time, Sir Graham Latimer was also on the council. There was an auction in the United Kingdom in the mid-1980s, with a mummified head of a Maori ancestor put up for bid. Latimer objected to this sale and was successful in

repatriating the head to the community after the auction ended. Through this example, Herewini stressed the importance of acknowledging the work of past leaders with respect to repatriation.

In 2003, the Karanga Aoteroa Repatriation Programme was established by Te Papa; one of the key points of the policy guidelines for the museum is that the New Zealand government's role is facilitator rather than owners. Herewini stated that his community is only requesting the repatriation of human remains and not those of treasures and cultural artifacts. Requesting only human remains makes it easier for museums and other institutions to agree to repatriation. The community also invites institutions to repatriate through mutual agreement by relying on the goodwill of institutions and countries. When an agreement is reached, a delegation of elders attend the handover ceremony where they perform their cultural ceremonies overseas as a way of protecting and releasing ancestors from the locations to which they were taken. Herewini also emphasized the importance of acknowledging the work that the City of Geneva has done in this regard. The Maori and Morori, an Indigenous people of the Chatham Islands, are involved in every aspect of the repatriation process and Karanga Aoteroa has the support of elders from those communities. The processes that they use also embrace their own customary practices and the foundation of their language, as it contains clues to their genealogy and history. One key elements of Karanga Aoteroa is the New Zealand government's role in resourcing it. The government provides the program with around 500,000 New Zealand Dollars annually to undertake repatriation work. It is vital to repatriation efforts to support Indigenous communities by providing them with resources.

There are four stages to this repatriation work. First, there is scoping and research, which involves blanketing a country with letters and emails by identifying every institution and museum that possibly has their ancestors' remains. If an institution responds by saying that they do have certain items in their collections, the group responds by stating that they are a mandated agent for the New Zealand community and are seeking repatriation of Maori and Morori ancestors. They also have a repatriation advisory panel that recognizes experts from several tribal groups around the country who provide advice on high-level repatriation issues, especially on cutting through barriers to repatriation. Through their genealogies, they can help locate where the ancestors most likely came from. One of the most striking aspects about Herewini's museum is that Te Pap is bicultural museum. Along with the leadership of a Chief Executive, there is an equivalent leadership of Ke Hochu, which in the traditional language is the navigator who strategically plans for the future and is a Maori leader. Ke Hochu was integral to implementing the treaty of 1840, when the British arrived and established their government while also offering protection to Indigenous people. Karanga Aoteroa uses this treaty as a mechanism to achieve repatriation and ensure protection of Indigenous culture and land.

Since 2003, the program has repatriated 612 ancestral remains, 53 of which have been returned to their places of origin. Many tribal groups around the country are not yet ready to receive their ancestors but will be in the future, so they request that the museum store their ancestors until all museums in New Zealand are ready to repatriate human remains. The program has developed positive relationships with over 70 overseas institutions around the world, including several in Canada and the United States. Even though his ancestors had been separated from their communities for over 100 years, Herewini still feels a strong spiritual connection with them. He concluded by saying that the key to learning is establishing successful partnerships between Indigenous people, governments, and institutions. The Karanga Aoteroa program is Indigenous-led, with key expert advice from elders who lead a pathway with the mini dimensions and cut through the barriers of repatriation. The program is underpinned by Tikanga, a broad Maori concept and customary practice, and their traditional knowledge, which is essential for cooperation amongst their communities.

PANEL 6: Good Practices

The sixth panel of the seminar also revolved around the topic of good practices in the repatriation process. The panel moderator was Dr. Sue Rowley, Professor in the Department of Anthropology at UBC. Rowley is also a member of UBC's Laboratory of Archaeology and the Chair of the Repatriation Committee at the Museum of Anthropology at UBC. The first speaker of the panel was Dr. Craig Ritchie from the Djugun Aboriginal Nation and the Chief Executive Officer of the Australian Institute of Aboriginal and Torres Strat Islander Studies (AIATIS). Ritchie is one of only two Indigenous federal government agency heads and the founding member of the Indigenous SES Network, an initiative of the Australian Public Service Commission to "contribute to progressing Indigenous employment and retention initiatives." Ritchie began his remarks by speaking about the AIATIS Return of Cultural Heritage Project. AIATIS is a national research, collecting, and publishing organization dedicated to a vision of a world in which Aboriginal and Torres Strait Islander peoples' knowledge and culture are recognized, respected, celebrated, and valued. For 56 years, AIATIS has engaged in research and documentation of Aboriginal people and, for the past 31 years, Aboriginal and Torres Strait Islander people. Now, it manages the world's largest collection of Aboriginal and Torres Strait Islander cultural and heritage-related items. Its mission is to tell the story of Aboriginal and Torres Strait Islander Australians, create opportunities for people to engage with those stories, facilitate and support cultural resurgence amongst Aboriginal and Torres Strait Islanders, and shape the story that Australia tells about Aboriginal and Torres Strait Islander peoples. According to Ritchie, the question of national identity and national story is one of fierce competition at the present time, which is why AIATIS is especially passionate about the role it plays as a national institution in shaping the narrative. He then told the story of British arrival in Australia and how it marked the beginning of the seizure of Indigenous cultural objects. The Return of Cultural Heritage Project is one element of the organization's effort to reverse a history that began over 250 years ago. The project is not focused on the repatriation of ancestral remains but is limited to objects such as artifacts, secret-sacred objects, photographs, films, and sound recordings. Between 2018 and March 2020, 85 objects were repatriated from overseas institutions. The project's vision was to build deep and genuine partnership and collaboration with communities, operating on the principle of "ask first." They began by finding out what the traditional owners—those from the communities where the objects originated—wanted to transpire. Then, they responded to this request and acted entirely on the basis of a mandate from these communities. The project engaged with initial research, building on what other people in this field had done, then wrote over 200 institutions around the world where they identified Australian Indigenous material in collections. 124 of those institutions shared information regarding their collections, and more are continuing to do so. Seventy-four institutions expressed eagerness to connect with the project and the communities they were working for, and 44 expressed a willingness to consider return requests.

According to Ritchie, it makes a difference when an organization such as AIATIS participates in the repatriation process, as that involvement captures the attention of other institutions, and the project has been able to mobilize other parts of government to ensure the repatriation of cultural items. Once again, Ritchie stressed the paramount significance of forming local partnerships in achieving the project's repatriation efforts. He then talked about a powerful performance by James Acaster, a British comedian who critiques the colonial project and its role in collecting sacred and cultural items. Acaster focused particularly on the way that Indigenous cultural objects are deemed legitimate objects of observation for non-Indigenous people. This is one reason why repatriation work is so powerful; it challenges Enlightenment notions of the museum as a space for observation of the exotic Other. Ritchie asserts that Indigenous people are not objects of what one academic referred to as "anthropological voyeurism." The settler colonial project was predicated on the notion that Indigenous people

would eventually disappear; however, Indigenous people continue to thrive and grow. The question of the expression of Indigenous sovereignty is important because some communities may prefer their objects to stay where they are because they want their stories to be told alongside the narratives of other peoples. Thus, we need to find a way to enable Indigenous people to exercise sovereignty over cultural materials even if they remain in another institution or country. This includes enabling them to shape how they are interpreted, described, understood, and used. Ritchie concluded his remarks by emphasizing the need to challenge the notion of accommodation with the idea of transformation in communities.

The second speaker on the panel was Edward Halealoha Ayau. Ayau is ʻŌiwi (Native Hawaiian), and a 56-year old father of four daughters and a son. He has led efforts to repatriate iwi kūpuna (ancestral Hawaiian skeletal remains), moepū (funerary possessions), and mea kapu (sacred objects) for the past 30 years as the Executive Director of Hui Mālama I Nā Kūpuna O Hawai'i Nei, (Group Caring for the Ancestors of Hawai'i). He continues to work on international repatriation as a volunteer for the state Office of Hawaiian Affairs.

Ayau began his remarks by stating that his purpose was not to tell other communities how to proceed regarding the care of their ancestors but rather to inform everyone of what worked for Hawaiians, what values they shared, and what approaches and strategies they employed. Hui Mālama I Nā Kūpuna O Hawai'i Nei has successfully conducted 120 repatriations including 106 cases under NAGPRA in the United States and 14 international repatriations, although they consider all repatriations outside of Hawai'i to be international. The nature of his people's family values is such that there is no justification for human remains to be anywhere but buried in their homeland protected by their descendants. Thus, if a museum has any ancestral Hawaiian skeletal remains, funerary possession, or objects of cultural significance, they must absolutely return them, and it is his group's job to achieve resolution in all such cases.

The first place to start in the context of good practices in international repatriation is to control the narrative. This is about asserting the position that there were no limitations, statutory or otherwise, to assert Hawaiian cultural values anywhere in the world. Communities primary authority is their cultural values. Second, it is important to advocate for family responsibilities and duties to be a primary source of authority, rather than the claiming of legal rights. In his community, that means *mana* (spiritual power, essence) and ancestral memories, even if they are not always supported by legal rights. His community views these factors to be more significant than rights; they comprise a duty and responsibility meaning there is no choice but to carry them out. Third, it is necessary to advocate for cultural values over scientific values.

According to Ayau, success in the international arena is forged by time, experience and pursuing the principles of humanity. This is important in the effort to help simplify these complex processes. Networking by Indigenous people and their support is the most effective way to move repatriations forward. One such networking effort is the Return, Reconcile, Renew project headed by Dr. Cressida Fforde of the Australian National University, which involved coordinated efforts between Australian Aborigines, Native Americans, Māori of New Zealand, Hawaiians and the Ainu of Japan.

Fourth, it is essential not to fear one's ancestral shadow (for it is that of your grandmother). In other words, do not fear traditional spirituality. The key for Ayau in his work is embracing Hawaiian traditional spirituality. In the 30 years that he has worked in repatriation, he has never once asked the White god for help because they needed only to ask his ancestors; their prayers teach them how to empower their ancestors and restore them to their proper role in the family of the living.

One of the cases that took the longest to resolve involved the Dresden Museum in Germany, a case that was marred by 27 years of dehumanizing and objectifying these Hawaiian ancestors. In a 2015 review of the German Museum Association Recommendations on Repatriation that Ayau wrote along with his colleague Honor Keeler from the Cherokee Nation, he referred to Dresden officials as "intellectual savages," by which he meant people who use their intellect to deny others their humanity. Dresden officials repeatedly referred to Indigenous human remains as "property," which was deeply offensive to Hawaiian values and traditions. In 2017, Dr. Birgit Scheps-Bretschneider stepped into the picture and began a process of effective conversation, further solidifying Ayau's conviction that there is no substitute for direct communication. Another key aspect of the process for Ayau was having the courage to let go of anger and hurt, which comes with having the courage to forgive. The most important lesson here was that repatriation was the beginning of the relationship, not the end of it. Last year, Scheps-Bretschneider travelled to Hawai'i to consult with Ayau and his group. This consultation continued in Dresden last week. Thus, Ayau emphasized the need to celebrate humanity when dealing with one another. Ayau concluded by stressing the importance of returning to who we are, not who we were. We must, he said, advocate for family values and embrace our respective humanity because those values are universal. Focusing on our similarities as inhabitants of this planet is our best hope for resolving the misdeeds of the past.

The next speaker was Dr. Birgit Scheps-Bretschneider, an ethnologist who has worked as a custodian of Australian and South Pacific collections of the State Ethnographic Collections in Saxony, Germany since 1978. Since 2016, her main responsibilities have been conducting provenance research on the human remains in the anthropological collection and communicating with the Indigenous communities to return those remains to their homes. Scheps-Bretschneider spoke about a project she is currently undertaking in the State Ethnographic Collections of Saxony with a community in Broome, Western Australia. The project is called Wanggajarli Burungun ("We are coming home"). In the anthropological collections in Dresden, they found a convolute of human remains of a group that was well documented as originating in Roebuck Bay, Western Australia. Thus, Scheps-Bretschneider and her team wanted to find a direct contact in the community to make it possible to repatriate the remains. Germany still does not have a law that allows returning items in collections to other countries or institutions, so they had to find another way to return the remains. Museums, she says, view all items as objects, and objects are a thing that is in the possession of someone. However, it is important to step away from viewing cultural items and ancestral remains as objects so as to treat them with dignity. Re-humanization involves changing the rhetoric surrounding these objects to human beings with human biographies, a stories, home countries, families, and fates inextricably bound up with global history. To make that possible, it was necessary to contact people in the community in Australia.

In many museums, anthropological collections are not well guarded. In this case, all the human remains were stored in large boxes and mixed together. Furthermore, there was poor documentation on what belonged inside each box. Along with a guest of the community, Scheps-Bretschneider and her team laid out the bones and assembled the individuals. Then, along with the community, they devised a solution away from the dehumanizing numbering system. Communicating directly with the community and the elders who had information about what happened to people taught her team the importance of trusting more than only written sources by embracing oral and local history. This experience encouraged her team to engage a coroner to find out what had happened to these people, including cause of and age at death. To her shock, most of the individuals died young and had injuries suggesting that they had been beaten, abused, and otherwise exploited. Speaking directly with the community provided her team with the opportunity to engage with their local histories and memories of killings, black birding (coercion into slavery in exile), slave labour, and other dark chapters of Australian history that are marked by injustice, dispossession, and violence.

In Aboriginal society, people are reburied at the place they come from and where they have spiritual leanings, so it was unclear in some cases where the Dresden remains should to sent after repatriation. The community devised a plan to create a memorial resting place where all the victims, regardless of geographic origin, could be buried. The memorial would have a path where each grave contained information about the individual so that they could tell the stories of their lives, how they were taken to Germany, and what happened to them in the German museum collections. One of the remains belonged to a man who was on a boat and tied to the mast. He had broken bones and was whipped everyday just to terrify the other captives. Another set of remains belonged to a young girl with a scar on her head who was forced to dive in search of pearls. The community decided that these two individuals should represent all the victims of the pearling industry. A delegation of Kwaruh and Karaichairuh people then went to Germany and visited all the places where their ancestors had been. While it was an extremely difficult trip for these Indigenous community members, it was a good experience for the museum staff who now realized how closely connected people are with their ancestors. When the handover took place, the museum staff and community members held a joint mourning ceremony for the Indigenous victims of the pearl diving industry.

This experience allowed Scheps-Bretschneider to engage with histories that are relevant for the collection of objects still in the museum's possession and continue to influence policies and laws that make it possible for repatriation to take place. She reported that, by working with Indigenous representatives, museum staff experienced significant healing effects by realizing that they all wanted a better world built on mutual trust and communication. Scheps-Bretschneider concluded by stating that is critical to work together, to communicate with one another, and to understand other people's perspectives, adding that people in museums need to heal urgently in the same way that community members do.

PANEL 7: Developing an International Process

The seventh panel of the seminar addressed the topic of developing an international repatriation process. The UN General Assembly and Human Rights Council, responding to advocacy efforts from Indigenous people, have called for the development of an international process to facilitate the repatriation of human remains and sacred objects to Indigenous people across international boundaries. The panel moderator was Jennifer Preston, the Indigenous Rights Coordinator for the CFSC, the justice arm of Canada's Quakers. She participated in UN Working Groups during the 1990s that helped develop UNDRIP and was involved in the lobbying efforts to ensure its adoption, first in Geneva and then in New York. Her work now focuses primarily on the implementation of UNDRIP.

The first speaker was Andrea Carmen, a member of the Yaqui Nation and the Executive Director of the International Indian Treaty Council. She has been a leader in the international Indigenous movement for decades and is an experience human rights trainer and observer. Carmen began her remarks by speaking about the revitalization of California Indian culture. The population of California Indians dropped from approximately 300,000 to about 30,000 in just 30 years. There was even a California Indian named Ishi who was labelled the "last wild Indian in North America" and forced to live in a museum in San Francisco as a living display. When he died, his brain was taken by the Smithsonian Institute. Thus, not only did his community have to endure the trauma of genocide, they also struggled to get his brain returned. This story, Carmen said, captures what Indigenous people have gone through and are continuing to endure.

The core issue today is a global concern of Indigenous people. UNDRIP's Article 11 talks about restitution and effective mechanisms developed between states and Indigenous people, not just between states, and this is an important point. It also refers to items that were taken without free, prior, and informed consent, which can be very difficult to document 180 years later. Indigenous laws governing the use of sacred items must be considered on an equal basis with state laws and other kinds of laws governing these items. Article 12 discusses fair, transparent, and effective mechanisms, while Article 31 discusses Indigenous peoples' right to maintain, control, protect, and develop their cultural heritage. The preamble reaffirms that Indigenous people and the exercise of their rights should be free from discrimination of any kind. However, Indigenous sacred items and human remains, Carmen argues, are regarded as somehow lesser, as are their religions and practices. Even though repatriation rights are now formally recognized, at the World Conference on Indigenous People held seven years after ratification, Carmen realized that nothing had really progressed. Unlike the UN Declaration, which had four negative votes, there was no opposition to the World Conference outcome document, which was accepted unanimously by the UN General Assembly. It called for developing a fair, transparent, and effective mechanism— in conjunction with Indigenous people—for access to and repatriation of ceremonial objects and human remains at the national and international levels. This advanced what had already been called for in UNDRIP but remained dormant at the time.

However, there are still several obstacles and challenges. One of the main issues is that Indigenous communities are constantly challenged. Indigenous sacred items are all too often regarded as objects of ethnological interest rather than sacred beings and elements of still living cultures. For example, in August 2003, Carmen was in the National Museum of Ethnography for the Day of Indigenous Peoples. When she went to look at the collections the museum possessed, she was shocked to see the Maaso Kova in a glass case. She was in disbelief because once something has been consecrated, it should never be put on display. Such actions cause pain and trauma to Indigenous communities because they are forced to relive the past and go through a very painful present dialogue that is difficult for outsiders to comprehend. Any new mechanism created to deal with repatriation must grapple with such challenges. First, there is no consistent way to identify where sacred items are being held. Not all museums databases, and those that do may contain inaccuracies. This means that the burden of proof to claim ownership rests on Indigenous communities. Indigenous laws are often not considered even as the history of colonization they suffered is overlooked. While these trends are slowly changing, the standard way of looking at repatriation is the obligation of museums to protect these cultural items from the past rather than treat them as part of a vibrant Indigenous culture. Another issue that remains unaddressed is the auction houses and private collectors that trade in items of Indigenous cultural value. For example, the United States unsuccessfully approached the government of France to try to use the 1970 UNESCO Treaty to stop a sale of certain cultural items. Talking about UNESCO's role as the scientific, educational, and especially cultural face of the UN is an important conversation in the context of looking at how some of UNESCO articles can be used to aid repatriation efforts. For example, Article 6 discusses introducing appropriate certificates, and Carmen suggests that that this could be employed for transporting Indigenous cultural items and human remains. Article 13 refers to the restitution of illicitly exported cultural property to its rightful owners, which could also aid repatriation efforts. However, UNESCO tends to see cultural property as belonging to states rather than to peoples, Indigenous or otherwise. It offers a process by which countries can petition other countries, but Indigenous people cannot use that process. In September 2019, the UN Human Rights Council recognized Indigenous peoples' right to repatriation For the first time, and in 2018, the European Parliament had adopted a resolution recognizing the right to repatriation.

To conclude her remarks, Carmen made some recommendations derived from various Indigenous groups around the world. First, any repatriation mechanism must be based on the rights affirmed in UNDRIP, including Articles 11, 12, and 31. Free, prior, and informed consent throughout the declaration has to be developed with input from Indigenous communities as well as states, museums, and other UN bodies including UNESCO. A database must be created that offers direct access for Indigenous people to know where their information is being held. Carmen powerfully concluded by stating that if Indigenous communities had items of cultural significance from another community or group, they would immediately return them, so why don't we do the same for Indigenous cultures?

The second speaker on this panel was Alexey Tsykarev, Chair of the Centre for Support of Indigenous Peoples in Civil Diplomacy. He is an activist for the rights of Indigenous people in Russia and has previously led the International Youth Association of Finno-Ugric Peoples. Currently, he is a member of the UN Permanent Forum on Indigenous Issues and served on the steering committee for the International Year of Indigenous Languages in 2019. Tsykarev led off his remarks by talking about the UN Permanent Forum's mandate and its usefulness in facilitating the repatriation of Indigenous cultural items. The forum consists of 16 members, half of whom are appointed and nominated by Indigenous people and the other half by governments. The forum was created to discuss issues in six mandated areas—including socioeconomic development, culture, environment, education, health, and human rights—and to advise the Economic and Social Council of the UN (ECOSOC) on these issues. The forum is housed under the ECOSOC and deals with sustainable development goals and monitors other important topics for Indigenous peoples, including climate change and the enhanced participation of Indigenous peoples in the UN. One of the forum's most important files is advancing Indigenous participation in different UN bodies and the General Assembly, which is one reason why recognition and participation are so important when it comes to repatriation. Over the last 20 years, the forum has produced hundreds of recommendations, including 8 that focus on the international repatriation of Indigenous peoples' objects and human remains. One is that states and other entities should create and develop fair, transparent, and effective mechanisms for repatriation. Another important recommendation is the recognition of Indigenous peoples' right to free, prior, and informed consent and the provision of support mechanisms. However, even though free, prior, and informed consent is mentioned in almost all the agencies' policies, some reluctance remains when it comes to implementing this principle. The forum is also a good platform for sharing knowledge and experiences, especially in diplomatic circles, because it is based at UN headquarters in New York. It provided some space initial negotiations involving the Yaqui and Sámi peoples. Overall, due to the forum's proximity to other UN bodies such as the United Nations Development Programme, United Nations Children's Fund, UNESCO, WIPO, and EMRIP, it has the ability to provide support for Indigenous peoples in their cultural heritage, restoration, and strengthening processes.

Tsykarev stressed the importance of having guidelines informed by human rights standards. Some existing mechanisms, such as the UNESCO Convention of 1970, can be used in the repatriation process as some countries prefer to use state-to-state interaction, while others might prefer a newer, more direct repatriation to Indigenous communities. Even if a given repatriation went through state-to-state channels, the original owners of the items would be the ultimate owners once the process was concluded. While UNESCO clearly plays a major role in this process, there remains a need for greater coordination with that agency. There should also be a global call for training among the museum community and Indigenous people because not all of them are fully

aware of their rights. Tsykarev reported that the dialogue on Indigenous participation in Russia is not very well developed; thus, many items are held by different museums, and Indigenous people are not aware of what they can claim through their internationally grounded rights. It is also very harmful and traumatic to relieve these emotionally difficult experiences while going through the process. There should be capacity building and sharing of good processes through facilitation, dialogue, mediation, and training. The process should be inclusive of all groups within Indigenous communities: elders, youth, women, and people with disabilities. This all requires funding. Tsykarev argues that vast amounts of money have been spent stripping Indigenous people of their rights, so a similar amount should be invested in restoring those rights and eliminating violations.

Sometimes, when Indigenous people and their rights are not recognized, some entities might not want to follow through with their roles and responsibilities in the repatriation process. For example, there are some groups in Russia that cannot claim constitutional rights due to rigid, narrow definitions of what counts as an Indigenous community. There are several instances of such cases both domestically and internationally. Rather than adopting a narrow approach towards defining Indigenous groups, it is better to have a broader approach so as to be more inclusive. Tsykarev concluded by recalling a story from Russia. In 1993, a group of archeologists found a mummified body of an Indigenous woman in Altai. She was named "Ukok Princess" because she was found in Ukok in the Mountain Altai territory. Indigenous groups were displeased because they believe that, when archeologists unearth such remains, they disturb the natural order of things, which can lead to disasters. This kind of incident can summon bad spirits to the region, so Indigenous groups called for the body to be reburied. However, the government did not accede to their requests as it wanted to use the body for research. Because the Tilgadin People lost multiple court appeals over several decades, the woman's body is now on display in the Museum of Gorno-Altaisk in Altai. It is still very difficult for some Indigenous groups to claim their rights while the dialogue on their rights is weak. Thus, Tsykarev argued that Indigenous rights and the conversation on repatriation must be developed in a comprehensive manner that goes beyond cultural items and human remains and includes place names, history, and identity itself. Repatriation is an emotional, difficult, painful, and legally challenging topic, and it is essential for all of us to be involved.

The final speaker on the panel was Stacey Jessiman de Nanteuil. Jessiman de Nanteuil is Senior Counsel at DGW Law in Victoria, BC, and is an experienced lawyer, mediator, and international arbitration specialist in the areas of corporate and commercial law, IP law, Indigenous cultural heritage law, and the illicit art trade. She has taught courses on international law and policies, repatriation, stolen art, and Indigenous cultural heritage practice. She is a Visiting Scholar at Stanford Law School and a visiting student researcher at the Stanford Archaeology Center. Stacey is appointed to the Arbitration and Mediation Panels of the Court of Arbitration for Art and is a member of the Truth and Reconciliation Advocacy Committee of the BC Branch of the Canadian Bar Association. Jessiman de Nanteuil began her remarks by talking about what underlies and drives disputes between museums and Indigenous peoples because that information helps understand the repatriation process. Any dispute resolution process must work towards achieving certain goals, including the avoidance of re-traumatization. Repatriation is time consuming and expensive, and it is important to create an understanding between the parties to help achieve better outcomes. The ICOM-WIPO mediation process and the Court of Arbitration for Art are some of the new processes in the area of alternative dispute resolution.

Jessiman de Nanteuil has spent over a decade meeting with and interviewing Indigenous people and museum professionals who have been involved in repatriations. During her extensive work in this area, Jessiman de

Nanteuil made several observations. When a repatriation claim is made, parties develop diametrically opposed goals and values. One cause is the way that museum professionals are trained in Western institutions. They are taught to preserve objects, which is one of primary museums were established in the first place. Often, this view is in opposition to the traditions and values of Indigenous communities that may want objects to return to nature. Museum directors and curators believe in the educational value of objects more than in returning objects to their communities. To preserve this educational value, museums often bring lawyers to the table, lawyers who in many cases do not know the community they are dealing with at all but work hard to preserve the museum's interests. In many cases, the museum might make valid legal arguments. For example, there is a restraint in France on the alienation of public collections, and the state views itself in its own legislation as the protector and holder of national property on behalf of the French people. Lawyers help find a way through or around such legislation. The British Museum, for example, will claim that it cannot return anything because its Trustees insist that they are unable to do so by law, but that is not entirely true. Section 5 of the British Museum Act has a provision for de-accessioning an object if "in the opinion of the Trustees, the object is unfit to be retained in the collections of the museums and can be disposed of without detriment to the interest of students." Thus, there is a small loophole. However, such laws can make the process extremely expensive and time consuming. It is also re-traumatizing for Indigenous people to deal with such lines of argumentation from lawyers and museums.

Almost without exception, the cultural material being claimed by Indigenous people from museums was acquired by a museum, anthropologist, collector, or missionary and then given to the museum during a period of cultural and physical genocide. This practice is not new and has been going on for centuries. Genocides have also been taking place in several forms. Examples include the residential school systems in Canada and the United States. Indigenous children were stolen from their homes and put in Christian residential schools where they were subjected to repeated rape, medical experiments, and psychological abuse, even as they were forbidden to speak languages and practice their cultures. The harms caused by these practices still affect the Indigenous people that practice repatriation. These are the kind of harms that repatriation can help heal. Thus, it is important for museums to understand the role of repatriation in that healing. Jessiman de Nanteuil also discovered that the harms of the past and present drove Indigenous people in their quest for repatriation. These harms included banning the potlatch, confiscating of regalia, removing the G'psgolox totem pole, residential school experiences, and the Sixties Scoop, in which an entire generation of children were ripped from their families, their communities, and their traditions. Healing is important because it helps to make both self and culture whole again, along with transmitting clan and family histories to future generations and reinvigorating cultural practices.

One key goal of Indigenous communities is establishing good long-term relationships with museums. They do not wish to be in conflict; rather, they seek constructive relationships. Some repatriation processes do result in achieving this goal. For example, the Transformation Mask that went from the British Museum to the Kwakwaka'wakw in Alert Bay after a great deal of relationship building. A concerted effort by the U'mista Cultural Centre staff, Andrea Sandborn, and Jonathan King at the British Museum helped bring the mask home. Jessiman de Nanteuil reported two main findings from this case. First, museum directors play a crucial role. The willingness of a director to become familiar with and knowledgeable about the material that is being requested and the stories of the people behind it plays a key role in the repatriation process. The curators also play an important role in many cases. Jonathan King developed a relationship with the Kwakwaka'wakw in Alert Bay and convinced the

director to agree to a long-term loan of the mask. Museum professionals who are invested in getting to know the community, the story, and the meaning of an object are also transformed by the repatriation process.

In terms of customs and tradition laws, Articles 11, 12, 31, 18, and 40 are central. They refer to the right to participate in decision-making processes and to just and fair procedures for resolution of disputes, taking into account Indigenous customs, traditions, rules, and legal systems. UNDRIP calls on nation states to help make dispute resolution processes available to Indigenous communities, and these processes need to incorporate Indigenous traditions. This is part of the challenge in creating a new process: making space for Indigenous dispute resolution procedures and understandings. A Western process will emphasize neutrality and independence, but in many Indigenous cultures, independence in a decision maker is not valued. Many Indigenous cultures will want their elders—who know the community members and familiar with the community and its history—to make the decision. Thus, Jessiman de Nanteuil stressed the importance of relationship building so that differences in modes of communication would be understood. She initially expected to create a mediation process but ending up designing a four-phase negotiation process that could be implemented at the beginning of a repatriation effort. It is important that the process be meaningful to both parties. Once the parties know what their goals are and what values are critical to them, they can carry out much more effective problem solving. If they encounter conflicts, they can deal with them more efficiently because they have gone through the process of relationship building, which helps them come up with more creative outcomes. The parties need to feel like they are in control of the process and the outcome.

ICOM-WIPO has an art and cultural heritage mediation process designed specifically for Indigenous communities. However, there are certain issues with this process, including its time frame. The newest mechanism is the Court of Arbitration for Art, which was established in 2018 in the Netherlands. It is specifically for the illicit art trade and cultural heritage disputes. The rules are flexible enough to accommodate Indigenous perspectives, protocols, and experts. Jessiman de Nanteuil concluded her remarks by stressing the importance of funding because it is crucial to business and economic development. The reality is that countries have profited for a long time from colonialism and thus need to understand that repatriation is a healing process. Thus, they should step up and provide enough funds for the repatriation process to happen.

PANEL 8: Developing an International Process

The last panel also addressed questions of developing an international process. The panel moderator was Professor Kristen Carpenter, Chair and North American member of the EMRIP. She is also Council Tree Professor of Law and Director of the American Indian Law Program at the University of Colorado Law School.

The first speaker was Les Malezer, Chair of the Foundation for Aboriginal and Islander Research Action. He is also a former member of the UN Permanent Forum on Indigenous Issues for the Pacific Region. He is Aboriginal from the Butchulla Gubbi Gubbi people of Queensland, Australia. He began his remarks by speaking about the relationship that Aboriginal people in Australia share with the land. They believe that they come from the land and that their life cycle is the spirit that comes from the land, enters into their bodies, and stays with them in their bodies; when they die, the spirit is encouraged to move on. This knowledge is essential; in the context of repatriating ancestral remains because incidents such as grave robbing and murders have historically interfered with that spiritual journey. It is absolutely vital for the spirit to be able to continue its journey, which began on the

land. Malezer stressed the centrality of the land for him personally, as an activist for land rights in Australia. The Foundation for Aboriginal and Islander Research Action was formed during the land-rights activism era in Australia; accompanying that philosophy was heritage protection and the protection of sacred sites. This is why Malezer believes that the conversation on repatriation must be grounded in the context of self-determination; identity and a sense of purpose are central to the ability of Aboriginal peoples to live fully spiritual lives. This view is reflected in UNDRIP; from Malezer's perspective, the core UNDRIP is an approach to self-determination that involves political, economic, social, and cultural development.

Malezer raised several crucial points about repatriation work in the international context. First, we must question the legitimacy of states as agents or actors in the repatriation conversation because states have been oppressors of Indigenous communities and denied them their rights. While it is possible for states to play positive roles, we must always remember that they are not proxies for the peoples who live inside their borders. They are not representative of Indigenous communities but do exist to help Indigenous communities achieve their goals. So, when Indigenous peoples enlist the help of states, governments become part of the repatriation process for better or worse. Ideally, the state's role is to assist Indigenous communities and make things easier for them. One of the first things that states can do is enact legislation that clarifies the rights of Indigenous communities, particularly ownership rights. Malezer argues that UNDRIP moves through the concept of ownership rights relatively quickly. Another important observation for Malezer is that museums are a Western concept; indeed, most of his repatriation efforts have been in Europe and North America. Aboriginal Peoples in Australia do not have an institution equivalent to the museum, so one of the things that these communities worked out was the need to have cultural keeping places. These are not locations to catalogue and store cultural objects but places where culture is kept alive and can be represented and strengthened for future generations. While there are a few cultural organizations in Australia, there is no program or commitment to ensure that there will be cultural keeping places for Aboriginal and Torres Strait Islander peoples around Australia. The Nagoya Protocol on Access to Genetic Resources contains policies on how to handle traditional knowledge at the international level and ensure that Indigenous peoples' rights over traditional knowledge can be protected and covered in the realm of international trading. The Nagoya Protocol also raises the issue of capacity building; although it was adopted in 2011, it has not really progressed on several issues. Nevertheless, it still provides an avenue for established mechanisms for Indigenous people.

Malezer also suggested that items collected before World War II ended, a period marked by colonization and empire, should be illicit. Thus, states should not be allowed to claim that any items they acquired before that point were legitimate, and the scientific value of the collections ought to be questioned. There might be some value in terms of learning how people in different areas developed, but the scientific value is amorphous and needs to be challenged more rigorously. Malezer concluded his remarks by reminding the audience that cultural keeping places are important for Indigenous peoples and are an important aspect of the repatriation process that needs more attention and effort.

The next speaker was Belkacem Lounes. Lounes is a member of EMRIP and hails from Algeria. The former President of the World Amazigh Congress, Lounes talked about the repatriation process from an Indigenous African point of view. Repatriation is about not only common goods and artistic work but also sacred goods that have spiritual and moral value for Indigenous people. Indigenous African people need these goods to recover spiritual tranquility and to attain peace and reconciliation between Indigenous groups and their ancestors. They

are also extremely important for Indigenous people because they are part of the healing process, which has no price but is of enormous value. To the Indigenous African, the refusal to repatriate these objects is nothing less than a human rights abuse and crime. This is not a complex issue: these goods were stolen, taken from Indigenous communities by colonial administrators, missionaries, and other colonial entities. Since these goods were stolen, they must be returned and compensation paid to the original owners. In terms of legality, Lounes asks an important question: "Was the colonization, neo-colonization, and abuse of Indigenous Africans legal?" UNDRIP stipulations are clear, along with the declaration by the African Commission for Human and Peoples' Rights, which supports the repatriation of Indigenous cultural and spiritual objects. Even today, sacred forests in Africa are being destroyed by large machines and fires in the name of industrialization. Forests are also being destroyed to enable the mining operations or for agri-business purposes.

In Africa, the living spaces of many Indigenous communities in Congo, Kenya, and elsewhere in southern and northern Africa are being destroyed; it is not only the ancestors of Indigenous people who are lost but also the present and future life of these communities. In Africa, Indigenous people are not part of the economic, political, or financial workforce. Religions such as Christianity and Islam are also hostile towards Indigenous practices and traditions. However, Indigenous Africans are becoming more aware of the richness of their identities and have significant self-worth in terms of their traditions.

In conclusion, Lounes argued that it is not necessary for Africans to create a new international law or mechanism because those that already exist are not being universally applied. If they act concretely to assert the rights stated in UNDRIP, every Indigenous person will find their liberty and dignity. For African Indigenous people, the right to repatriation is a human right, and every state and institution around the world ought to respect it. The holders of Indigenous peoples' sacred properties must voluntarily return them to their original owners.

The third speaker of the panel was Allan Davidson, whose traditional name is Skeelhe langs and was raised in old Masset on Haida Gwaii and now resides in North Vancouver. He pursued a career in anthropology and worked as an archaeologist until 2010 when he started learning wood carving and silver engraving under Jay Simmons, a well-known Haida artist. Davidson began his remarks by stating that he was neither representing the Haida Hereditary Chiefs Council nor the Haida Nation but expressing his personal views. He recounted a brief history of his people. Upon contact, the Haida people were very welcoming and accommodating to visitors. What began as a trading relationship saw the development of laws and legislation that prevented the Haida people from accessing their own territory. This lack of access to their own lands soon made life very difficult for them. They were unable to travel to their fish streams, could not leave reservations without permission, and were forced into residential schools that tore them from their families. They were punished for speaking their language, but they were able to preserve it over the years, thanks to their elders.

The Haida's governing system, the potlatch, was how they managed resources and distributed wealth and among the community. The Canadian government banned the potlach because it thought it was immoral. In a potlatch, one gives away everything to share because there is no individual, private ownership, as opposed to the Western way of thinking that encourages individuals to accumulate wealth. The banning of the potlatch also made it illegal for the Haida to celebrate their sacred items and ceremonial objects; these objects were taken away from them and hoarded.

Reconnecting sacred objects with their communities has allowed people to grieve together; it has also allowed them to heal. The way forward is to employ Indigenous people in institutions. The system does not work for them, making it necessary to adopt a collaborative approach. As with many other processes, Indigenous people have always been forced to fit into a box. There is a need to build on existing relationships and learn to work together to ensure mutual understanding. Davidson concluded his remarks by stating that people in his community want to make things right for their ancestors, which can only occur by working and find a way forward together.

The last speaker on the final panel was Lou Ann Neel from the Mamalillikulla and Kwagiulth peoples. She is the repatriation specialist for the Royal BC Museum. She is a visual artist who works in textiles, jewelry, illustration painting, and digital design. Neel began by talking about her experiences working at the Royal BC Museum. In 2017, the museum received $2 million from the provincial government to establish a repatriation program. The first thing that the Indigenous Collections and Repatriation Department did was to coordinate a symposium with members from Indigenous communities. Over 200 people from across the province, mostly First Nation community members but also museum professionals, were in attendance. One of the recommendations made at that time was to create a handbook, which the museum proceeded to complete. The handbook contains case studies on repatriation and helps keeps communities informed of the work the museum is doing. It also recently created a research guide that enables people to carry out research online before coming to the museum in person so that they will know in advance the specific cultural items they want to see.

Prior to 2017, the museum's policy was called the Aboriginal Material Operating Policy (AMOP). It has since been rewritten by the Indigenous Advisory and Advocacy Committee that was formed specifically for this purpose. The policy now includes repatriation and is considered successful among the global museum community. The symposium also recommended the establishment of a grant funding program for repatriation. The museum spent around $600,000 in community grants for 24 communities, one-third of which had to start at square one. They needed funding to bring in facilitators to help them develop a repatriation committee, as it is not necessarily the band office or First Nations Council Office that is in charge of these communities. Some communities wanted to set up a repatriation committee, while others were already in the process of repatriation and had contacted museums. They now needed to take the next steps which in most cases meant in-person visits and the opportunity to carry out ceremonies with pieces in those museums. The final third of the funding went to communities that were now ready to repatriate and did ultimately carry out repatriation. The next recommendation was to create inventories, which Neel has been working on for two years. One of the main projects in this area was digitizing the audio, photo, and video collections.

In terms of recommendations to the UN Committee and the Human Rights Committee, Neel had a few important things to relay from the people in her community. The first was something she heard from an elder from a Nation that is currently in the BC treaty process. It is critical to clarify who owns these objects in writing and in the records because that is how future generations will have access to this knowledge. The second recommendation is that, if legislation such as the federal Indian Act cannot be radically change or completely abolished, it should be amended to enable desired outcomes. Policies can always be changed, so that it is an avenue for repatriation work. Third, funding remains a major barrier in the process. Fourth, it is important to remove existing requirements and conditions that are unfairly and arbitrarily placed on Indigenous communities, which must have access to proper facilities to handle their belongings. Cultural competency training for museums and post-secondary institutions that hold ancestral remains is also essential. Neel concluded by saying that the opportunity for communities to be able to meet with one another is also an important source of support, one that she hopes to see more frequently in the future.

KEYNOTE ADDRESS

The keynote address was given by Perry Bellegarde, National Chief of the Assembly of First Nations, on the topic of "Repatriation of Cultural Property: Respecting Indigenous Peoples' Human Rights."

Bellegarde began his remarks by stating that it was both natural and necessary to speak about First Nations' domestic priorities in the international arena. As National Chief, he engages with international bodies to ensure that the work they do in Canada is held to the highest standards and that the international community is aware when progress is being made and challenges are being faced. Indigenous people from around the world rely on the international arena because they generally cannot achieve justice in the domestic context. He then shared some examples of successful repatriation that took place in Canada. These are stories of Nations asserting their rights and of reconciliation in a tangible form. Precious items are coming home to our Nations; ceremonial and sacred objects are once again in their rightful place. Once our ancestors are returned, they can be given the proper treatment and ceremonies that they have long deserved.

The foundation of repatriation work is about respecting Indigenous human rights, as is affirmed in UNDRIP Articles 11 and 12. At this point, Canada must talk about repudiating colonialism in favor of a contemporary human rights framework. UNDRIP does not create new rights but rather affirms that Indigenous people enjoy all human rights, individual and collective, including the right to self-determination. It represents a global consensus on standards respecting Indigenous people. These are standards that must be met to assure the survival, dignity, security, and well-being of Indigenous people. This conversation is especially relevant in the institutional realm. In Prime Minister Justin Trudeau's address to the UN General Assembly in 2017, he acknowledged that UNDRIP is not merely an aspirational document. The work of the Truth and Reconciliation Commission has made it clear that historical injustices contribute to a legacy of continuing disadvantages and violations of Indigenous peoples' rights. The Canadian Museum Association has also established a Reconciliation Council and is working to produce a report with clear recommendations for the inclusion and representation of Indigenous people in museums and cultural centers.

Bellegarde then recounted several stories from his own life experiences. He hails from Little Black Bear in Treaty 4 territory. One day when he visited the Glenbow Museum in Calgary and saw a rattle on display labelled as "Chief Little Black Bear's rattle," he wondered why it was in the museum. His community then worked with the museum to repatriate the object, which is now back in the community. Bellegarde especially appreciates learning of repatriation stories that impact Indigenous youth. In Peguis First Nation in Manitoba, there is a historical headdress on display in the Peguis First Nation High School. It was gifted fifty years ago on the occasion of Canada's Centennial in 1967 to the 10th Lord Selkirk when the 1817 Selkirk Treaty relationship was renewed. For several years, the headdress was on display with other objects in the National Museum of Scotland. In 2017, the 11th Lord Selkirk returned these ceremonial objects to Peguis First Nation. The Manitoba Museum facilitated the transport of the collection from Lord Selkirk's home in Scotland to Peguis First Nation and assisted with the construction of a case to display the headdress and other ceremonial objects at the school. Walking through the hallways of their school and seeing this symbolic representation of their treaty relationship is inspiring and instructive for all the students. Bellegarde also emphasized that the impact of repatriation is about not only awareness and understanding of rights but also the spiritual restoration that can occur when sacred objects and medicines are returned to their rightful places.

After providing a few more examples of successful repatriation efforts, Bellegarde shifted the conversation to discuss how First Nations have been leading repatriation efforts for decades. In particular, the Haida Repatriation Committee has brought home the remains of over 500 ancestors. This is immensely powerful work, Bellegarde asserted, and as long as remains of ancestors are stored in museums around the world, their souls are out of place. These efforts also mark the resurgence of cultural practices and the revitalization of languages. Across Canada, there is still much work to be done, but Bellegarde argued that there is movement and momentum. An important resource available online for this work is *The Indigenous Repatriation Handbook*, a collaboration that can guide communities and museums interested in repatriation.

The Chiefs-in-Assembly have given Bellegarde the mandate to work for the full implementation of UNDRIP. Currently, they are working with the federal government to implement UNDRIP through legislation that is at least as strong as Bill C-262, which died in the Senate when the election writ was issued in summer 2019. Indigenous rights and work towards reconciliation, he argued, should not be about politics. It is critical that a legislative framework be designed to ensure that the work of implementation is undertaken by Canada in full cooperation with First Nations.

Bellegarde concluded by reminding the audience that Canada has nine pieces of federal legislation, including UNDRIP. British Columbia passed Bill 41 in fall 2019 and now has the Declaration on the Rights of Indigenous Peoples Act, which was co-created with the First Nations Leadership Council. UNDRIP recently passed its 12th anniversary, and it is well past time for Canada to work with Indigenous communities to develop an implementation plan. This is about upholding Indigenous human rights that are too often ignored or disrespected. It is their right as First Nations to know that their sacred objects and precious artworks are treasured, it is their right to hear their songs and see their dances, and it is their right to know that their ancestors are safe and at peace.

WAY FORWARD

The following recommendations were made by the panelists at the seminar regarding the repatriation process:

- Interpretation of UNDRIP through an Indigenous lens using Indigenous perspectives, leadership, and interpretation is key.
- There must be a change in legal standards and presumptions and Indigenous perspectives and knowledge must be regarded as legitimate. We must give voice to the unique forms of knowledge held by Indigenous communities.
- We must establish successful partnerships and relationships between Indigenous people, governments, and institutions.
- Repatriation mechanisms must be based on the rights affirmed in UNDRIP Articles 11, 12, and 31.
- It is imperative to create a database that offers direct access for Indigenous people to learn where their items are being held.
- States should create and develop fair, transparent, and effective mechanisms for repatriation.
- Repatriation processes should be based on capacity building and sharing good practices through facilitation, dialogue, mediation, and training.
- Repatriation process should be inclusive of all groups, including elders, youth, women, and people with disabilities.
- Indigenous communities must have access to steady and adequate funding to facilitate repatriation.
- The development and maintenance of cultural keeping places for Indigenous communities is one of the most important aspects of the repatriation process that must be worked on.
- Future generations of Indigenous communities must have access to information about who currently possesses objects of cultural relevance.
- Any existing requirements and conditions arbitrarily placed on Indigenous communities must be removed.
- Cultural competency training for museums and post-secondary institutions that hold ancestral remains is necessary.

APPENDIX A: Concept Note and Agenda

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

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	**OPENING** **Welcome:** • Elder Larry Grant, Musqueam Nation • Prof. Sheryl Lightfoot, Senior Advisor to the President on Indigenous Affairs, Canada Research Chair of Global Indigenous Rights and Politics • 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."

PANEL 1 9:30AM	**THE CURRENT SITUATION:** • 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? **Moderator:** Lea Nicholas-MacKenzie, Permanent Mission of Canada to the UN **Presenters:** • Peter Yucupicio, Vice-Chairman, Pascua Yaqui Tribe • Angie Bain, Union of BC Indian Chiefs • Liz Letendre, Alexis Nakota Sioux Nation **Open Discussion**
11:00AM	**COFFEE BREAK**
PANEL 2: 11:30AM	**CURRENT SITUATION (continued):** • 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? **Moderator:** Charles Menzies, Anthropology, University of British Columbia **Presenters:** • Kunihiko Yoshida, Hokkaido University • Morgan Guerin, Musqueam Nation • Angela Riley, Native Nations Law and Policy Center, UCLA **Open Discussion**
1:00PM	**LUNCH**
PANEL 3: 1:30PM	**THE ETHICAL/LEGAL/POLITICAL FRAMEWORK:** 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? **Moderator:** Megan Davis, University of New South Wales; Member, EMRIP **Presenters:** • Lynda Knowles, International Committee on Museums ("ICOM") • Ann Follin, Swedish National Museums of World Culture • Vince Collison, Haida Gwaii Repatriation Committee **Open Discussion**

3:00PM	**COFFEE BREAK**
PANEL 4: 3:30PM	**THE ETHICAL/LEGAL/POLITICAL FRAMEWORK:** 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? **Moderator:** Celeste Haldane, British Columbia Treaty Commission **Presenters:** • Harriet Deacon, World Intellectual Property Organization • Phillip Gordon, Australian Museum • Myrna Cunningham, Centre for the Autonomy and Development of Indigenous Peoples, Nicaragua **Open Discussion**
5:00PM	**END OF DAY 1**

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

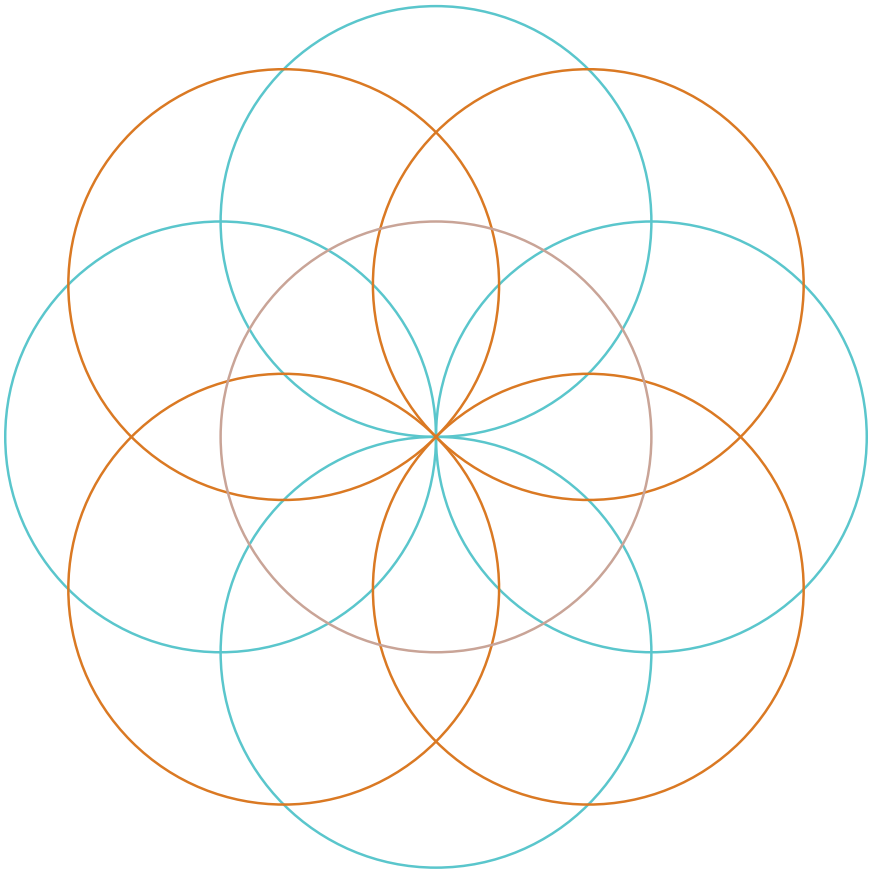
Day 2: Thursday, March 5, 2020

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

PANEL 5: 9:00AM	**GOOD PRACTICES:** • 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? **Moderator:** Belkacem Lounes, EMRIP Member **Presenters:** • Aili Aikio, Sámi Museum Siida, Finland • Carine Ayélé Durand, Geneva Museum • Te Herekiekie Herewini, Repatriation Team, Te Papa Tongarewa Museum of New Zealand **Open Discussion**
10:30AM	**COFFEE BREAK**

PANEL 6: 11:00AM	**GOOD PRACTICES (continued):** • 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? **Moderator:** Sue Rowley, Anthropology and Museum of Anthropology, UBC **Presenters:** • Craig Ritchie, Australian Institute of Aboriginal and Torres Strait Islander Studies • Edward Halealoha Ayau, Department of Hawaiian Home Lands • Birgit Scheps-Bretschneider, Grassi Museum für Völkerkunde in Leipzig **Open Discussion**
12:30PM	**LUNCH**
PANEL 7: 1:30PM	**DEVELOPING AN INTERNATIONAL PROCESS:** 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? **Moderator:** Jennifer Preston, Canadian Friends Service Committee **Presenters:** • Andrea Carmen, International Indian Treaty Council • Stacey Jessiman, DGW Law • Alexey Tsykarev, Chair, Center Young Karelia; Member, UNPFII **Open Discussion**
3:00PM	**COFFEE BREAK**

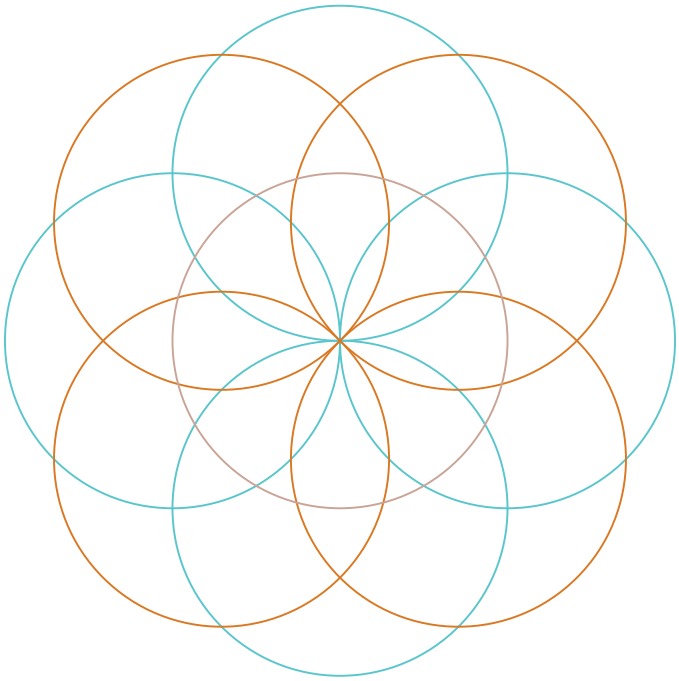
PANEL 8: 3:30 PM	**DEVELOPING AN INTERNATIONAL PROCESS (continued):** The UN General Assembly and Human Rights Council, responding to advocacy from indigenous peoples, have called for the development of an international process to facilitate repatriation of human remains and sacred objects to indigenous peoples, across boundaries. What should such a process look like? Where should it be housed? How would it work? **Moderator:** Kristen Carpenter, EMRIP Chair **Presenters:** • Allan Davidson, Haida Gwaii • Les Malezer, Chair, Foundation for Aboriginal and Islander Research Action • Lou Ann Neel, Royal BC Museum **Open Discussion**
5:00PM	**CONCLUDING REMARKS BY EMRIP AND UBC** **End of seminar**

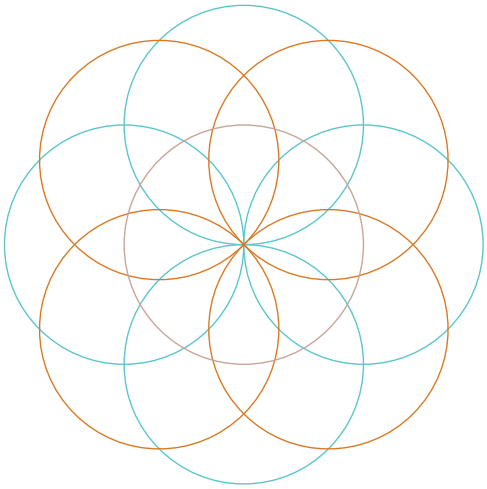


APPENDIX B: Participant List

Aikio, Aili	Sámi Museum Siida, Finland
Ayau, Edward Halealoha	Department of Hawaiian Home Lands
Bain, Angie	Union of British Columbia Indian Chiefs
Bellegarde, Perry	National Chief, Assembly of First Nations
Carmen, Andrea	International Indian Treaty Council
Carpenter, Kristen	Chair, UN EMRIP
Collison, Vince	Haida Gwaii Repatriation Committee
Cunningham, Myrna	Centre for the Autonomy and Development of Indigenous Peoples, Nicaragua
Davidson, Allan	Haida Gwaii
Davies, Megan	University of New South Wales, EMRIP Member
Deacon, Harriet	World Intellectual Property Organization (WIPO)
Durand, Carine Ayélé	Geneva Museum
Follin, Ann	Swedish National Museums of World Culture
Gordon, Phillip	Australian Museum
Grant, Larry	Musqueam Nation
Guerin, Morgan	Musqueam Nation
Haldane, Celeste	BC Treaty Commission
Herewini, Te Herekiekie	Repatriations Team, Te Papa Tongarewa Museum of New Zealand
Jessiman de Nanteuil, Stacey	DGW Law
Knowles, Lynda	International Council of Museums (ICOM)
Letendre, Liz	Alexis Nakota Sioux Nation
Lightfoot, Sheryl	University of British Columbia
Lounes, Belkacem	EMRIP Member
Malezer, Les	Chair, Foundation for Aboriginal and Islander Research Action
Menzies, Charles	University of British Columbia

Neel, Lou Ann	Royal BC Museum
Nicholas-MacKenzie, Lea	Permanent Mission of Canada to the UN
Ono, Santa J.	President and Vice-Chancellor, University of British Columbia
Preston, Jennifer	Canadian Friends Service Committee
Riley, Angela	Native Nations Law & Policy Center, UCLA
Ritchie, Craig	Australian Institute of Aboriginal and Torres Strait Islander Studies
Rowley, Sue	University of British Columbia
Scheps-Bretschneider, Birgit	Grassi Museum für Völkerkunde zu Leipzig
Tsykarev, Alexey	Chair, Centre Young Karelia; Member, United Nations Permanent Forum on Indigenous Issues
Yoshida, Kunihiko	Hokkaido University
Yucupicio, Peter	Vice Chairman, Pascua Yaqui Tribe





APPENDIX C: Participant Biographies

Aile Aikio

Áile Aikio came down to the University of Helsinki where she gained her Master's degree and returned to her home in Sápmi, the Sámi homeland. Her studies included ethnography, archaeology, folklore studies and anthropology. She became the first Sámi and Sámi speaking curator in Finland at the Sámi museum Siida and spent several years in the service of the Siida Sámi museum until chance led her to work for the Yle Sápmi, the Sámi speaking regional unit of the Finnish Broadcasting Company. Work as a Sámi-language journalist in the frenzied media world was quite a contrast to museum work, but an important lesson in the need to challenge oneself and one's education. In museums, traces of the curator's input are sporadically visible, but on television the presenter is seen and heard on a daily basis. In 2016 she returned to the Sámi museum as exhibition curator. At the moment she is on study leave to finish her PhD. In her dissertation Aikio studies what would be a Sámi way to present Sámi culture in a museum exhibition.

Edward Halealoha Ayau

Edward Halealoha Ayau is ʻŌiwi (Hawaiian) and a 56-year old father of 4 daughters and a son. He was raised in Hoʻolehua, Molokai and graduated Kamehameha Schools in 1982, the University of Redlands in 1987 and earned a law degree from the University of Colorado in 1989. He lead efforts to repatriate iwi kūpuna (ancestral Hawaiian skeletal remains), moepū (funerary possessions) and mea kapu (sacred objects) for the past 30 years as the Executive Director of Hui Mālama I Nā Kūpuna O Hawai'i Nei (Group Caring for the Ancestors of Hawai'i). Founded by traditional cultural practitioners Edward and Pualani Kanahele of Hilo, repatriated and reburied over 6,000 remains and items from museums in Hawai'i, United States, Canada, Australia, Switzerland, Sweden, England, Germany and Scotland between 1990 and 2015, before formally dissolving in 2015. He continues to work on international repatriation as a volunteer for the Office of Hawaiian Affairs.

Angie Bain

Angie Bain is Nlaka'pamux from Lower Nicola, BC. She is a researcher with the Union of BC Indian Chiefs and also works on Traditional Use studies, crown land referrals, community planning and cultural heritage projects for the Lower Nicola Indian Band. Angie a Research Associate, Volume Editor and member of the Indigenous Advisory Council on the Franz Boas Paper Project.

Perry Bellegarde

Perry Bellegarde, was re-elected for a second term as National Chief of the Assembly of First Nations in 2018. Originally from Little Black Bear First Nation in Treaty 4 Territory, he's spent the past thirty years putting into practice his strong beliefs in the laws and traditions instilled in him by many Chiefs and Elders. Perry has served in several elected leadership positions in First Nations governments. In 2018, the Province of Saskatchewan recognized Perry with the Saskatchewan Order of Merit, one of several recognitions.

National Chief Perry Bellegarde remains committed to building on the momentum created since his election in 2014. His national platform and agenda remains top priority and have directly influenced the federal government's planning and priorities to date.

Andrea Carmen

Ms. Andrea Carmen is a member of the Yaqui Nation and the Executive Director of the International Indian Treaty Council. Andrea was IITC's team leader for work on the UN Declaration on the Rights of Indigenous Peoples and has many years' experience as a human rights trainer and observer around the world. Andrea has been an expert presenter at various UN bodies and seminars on human rights, treaties, and treaty rights, cultural indicators, biological diversity, food sovereignty, and UN Sustainability Development Goals.

Kristen Carpenter

Professor Kristen Carpenter is the Chair-Rapporteur and North American member of the Expert Mechanism on the Rights of Indigenous Peoples. She serves as Council Tree Professor of Law and Director of the American Indian Law Program at the University of Colorado Law School. At Colorado Law, she teaches and writes in the areas of property, cultural property, federal Indian law, and indigenous peoples in international law.

Vince Collison

Vince Collison is one of two founding members of the Old Massett Repatriation Committee. He has been working in the repatriation of Haida Ancestors and Treasures for over 20 years. The next stage of Haida Treasures is upon the Haida now and they are embarking on this new chapter of repatriation with great anticipation and excitement for the future.

Myrna Cunningham

Dr. Myrna Cunningham of Nicaragua is a Miskito Indian, an important political leader of indigenous peoples in the Americas and the current president of the Center for Autonomy and Development for Indigenous People. Dr. Cunningham has worked over 30 years as a teacher and doctor in hospitals and health clinics throughout Nicaragua. During her outstanding professional career, Dr. Cunningham worked at the local, national, and International levels to advocate for Human Rights, the collective rights of Indigenous Peoples, and women's health. A renowned activist for human rights and human dignity for the indigenous peoples of Nicaragua and the Americas, she has received several international awards for her contributions. She is vice president and founding member of the Indigenous Initiative for Peace with Nobel Prize laureate Rigoberta Menchu, and is the founder of the Center for autonomy and development of Indigenous Peoples.

Allan Davidson

Allan Davidson was raised in Old Massett on Haida Gwaii, and now resides in North Vancouver. He is a descendant of the St'langng Laanas Raven Clan from Kungaileng. His crests include Thunderbird, Cumulus

Cloud, Hawk, and Orca. His brother, argillite carver Alfred Davidson, sparked Allan's interest in Haida art. He pursued a career in Anthropology, and worked as an archaeologist until 2010, when he began learning woodcarving and silver engraving from established Haida artist Jay Simeon.

Megan Davis

Megan Davis is the Pacific member of the Expert Mechanism on the Rights of Indigenous Peoples. She also served on the United Nations Permanent Forum on Indigenous Issues (2011-2016). Davis is Pro Vice Chancellor and Professor of Law at the University of New South Wales. Davis is a Commissioner on the NSW Land and Environment Court and was a member of the Prime Minister's Referendum Council and the Prime Minister's Expert Panel on Indigenous Constitutional Recognition.

Harriet Deacon

Harriet Deacon is a historian with interests in tangible and intangible heritage management, public policy on heritage, intellectual property law and the intersection between culture and development. Early in her career, she worked in the museum sector (Robben Island Museum, South Africa) as research coordinator. Employed as a consultant on the UNESCO capacity-building programme on the Intangible Heritage Convention from 2010, she facilitated workshops in Central Asia, Western and Eastern Europe, Asia, Africa and in Latin America and the Caribbean. She has consulted to the World Intellectual Property Organization (WIPO) on traditional knowledge issues, attending meetings in Geneva, Kyrgyzstan, and Rwanda; she reports on the Intergovernmental Committee on Traditional Knowledge for an NGO (SIMBDEA). She has a PhD in History and a MSc in Management of Intellectual Property. At present, she is affiliated to the Coventry University Centre for Dance Research (UK), and is working on British Academy and British Council funded research projects in India and Kyrgyzstan exploring the role of intangible heritage in sustainable development.

Carine Ayele Durand

Dr. Carine Ayele Durand is a social anthropologist with a doctorate from the University of Cambridge and is the current Chief Curator at the Ethnographic Museum of Geneva. She has worked for over fifteen years in various curatorial and research capacities at the Musée des Confluences, the University of Cambridge Museum of Archaeology and Anthropology, and the Nordiska Museet. She has curated several public exhibitions about contemporary indigenous art and political movement.

Ann Follin

Ann Follin is the Director General of the Swedish National Museums of World Culture and leads a dedicated staff in four different museums situated in the two largest cities in Sweden; the Museum of Ethnography, the Museum of Mediterranean and Near Eastern Antiquities, and the Museum of Far Eastern Antiquities in Stockholm as well as the Museum of World Culture in Gothenburg. Follin has more than 30 years of leadership experience in various senior positions in the cultural sector, mostly in the field of museums and exhibitions.

Philip Gordon

Phil Gordon, has worked at the Australian Museum since 1980. He is currently the Head of the Indigenous Heritage Section at the Australian Museum. Phil advises Aboriginal communities on issues such as Aboriginal Museum outreach and repatriation of Aboriginal human remains and other significant cultural property as well as providing advice for various government agencies on cultural heritage issues and policy development. He has a diverse range of experience with a range of funding agencies including Visions of Australia, as Chair of the NSW Museums Committee and as a member of the Heritage Collections Council. Recently, Phil was appointed as a member of the Federal Committee dealing with the Return of Indigenous Cultural Property.

Larry Grant

Larry Grant, Musqueam Elder, was born and raised in Musqueam traditional territory by a traditional hən̓q̓əmin̓əm̓ speaking Musqueam family. After 4 decades as a tradesman, Larry enrolled in the First Nations Languages Program, which awoke his memory of the embedded value that the hən̓q̓əmin̓əm̓ language has to self-identity, kinship, culture, territory, and history prior to European contact. He is presently assisting in revitalizing hən̓q̓əmin̓əm̓ in the Musqueam Language and Culture Department, and co-teaching the introductory hən̓q̓əmin̓əm̓ course through UBC.

Larry is the Elder-in-Residence at UBC's First Nations House of Learning. He is a Faculty Fellow at St. John's College, and the inaugural Honorary Life Fellow for Green College. In 2010, he received the Alumni Award of Distinction from Vancouver Community College, and in 2014, he became an Honorary Graduate from the Native Indian Teacher Education Program (NITEP) at UBC.

Celeste Haldane

Celeste Haldane was appointed Chief Commissioner to the BC Treaty Commission in April 2017. Prior to this she served as an elected Commissioner for three two-year terms commencing in 2011. Celeste is a practicing lawyer and was appointed Queen's Counsel in 2019. She holds a Master of Laws (LL.M.) in Constitutional Law from Osgoode Hall Law School (York University), and a Bachelor of Laws (LL.B.) and Bachelor of Arts from UBC. In 2015, she began her doctorate in Anthropology and Law at UBC. The Provincial Government appointed Celeste to serve on the UBC Board of Governors where she was Chair of the Indigenous Engagement Committee and the Legal Services Society for 6 years, ending in December 2019. Celeste is a member of the Sparrow family from Musqueam and is Tsimshian through Metlakatla. She is the proud mother of three and grandmother of two.

Te Herekiekie Herewini

Iwi – Māori tribal whakapapa (genealogy). The tribal groups Te Herekiekie Herewini belongs to include:

Ngāti Apa, Ngārauru Kītahi, Pakakohi, Ngāti Ruanui, Ngāti Tūwharetoa, Ngāti Whakaue, Te Āti Hau a Pāpārangi, Ngāpuhi, Ngāti Toa Rangatira, Ngāti Raukawa, Te Āti Awa, Ngāti Mutunga, Muaūpoko and Ngāti Porou.

Te Herekiekie Herewini is an experienced senior adviser to the New Zealand government sector who has provided key advice on health promotion, research, science and technology. In particular advice grounded on

issues of importance and significance to Māori communities and iwi (tribal groups), their health, social well-being, cultural sustainability, and research initiatives.

Since 2007 he has worked in the capacity as a senior manager for the Museum of New Zealand Te Papa Tongarewa facilitating the return of Māori and Moriori ancestral remains housed in international institutions to their iwi (tribal groups) and communities of origin in Aotearoa (New Zealand).

As head of the Karanga Aotearoa Repatriation Programme, this role includes the management of four key areas as follows: (i) scoping and research; (ii) negotiation by mutual agreement; (iii) uplift of ancestral remains and their care within the national museum; and (iv) the domestic return of ancestral remains.

Honor Keeler

Honor Keeler is a citizen of the Cherokee Nation and works as Assistant Director of Utah Diné Bikéyah, a nonprofit organization that works toward the healing of people and the Earth by supporting indigenous communities in protecting their culturally significant, ancestral lands. She is the founding Director of the International Repatriation Project and the founding author of the International Repatriation blog. Her previous work has included: the Association on American Indian Affairs, the National Trust for Historic Preservation, and the American Indian Law Center. She was also Visiting Assistant Professor at Wesleyan University, and focused her courses on sacred lands protection, repatriation, Native youth, and federal Indian law. Keeler received her A.B. from Brown University, and her J.D. and Indian Law Certificate from the University of New Mexico, School of Law. He areas of interest are: intellectual property, indigenous repatriation, trafficking, international human rights, entrepreneurship, and tribal governance.

Lynda Knowles

Lynda Knowles has been with the Denver Museum of Nature & Science for the past 12 years as its sole legal counsel. She is also former secretary and current board member of the International Council of Museums (ICOM), Committee for Museums and Collections of Natural History. As part of her work with ICOM NATHIST, Ms. Knowles has given presentations and written on the repatriation of sacred objects and human remains. She is also involved in ICOM's current effort to redefine what a museum is, update and revise ethical codes, and determine appropriate mechanisms to address decolonization. As a member of the Association on American Indian Affairs, she participates in its working group on repatriation. Ms. Knowles is also an artist and enjoys creating abstract works in ink.

Elizabeth Letendre

Elizabeth (Liz) Letendre is a member of Alexis Nakota Sioux Nation, and serves as the Director of Alexis Heritage and Archives in the Alexis Heritage and Language Department. She is a speaker of Isga (the Stoney Language) and English.

Sheryl Lightfoot

Dr. Sheryl Lightfoot is the University of British Columbia's Senior Advisor to the President on Indigenous Affairs and the Canada Research Chair of Global Indigenous Rights and Politics. Her academic work focuses on Indigenous rights implementation on the global, national, regional and local levels, Indigenous movements, Indigenous politics, and international relations. She holds faculty appointments in the School of Public Policy and Global Affairs, Political Science and Indigenous Studies.

Belkacem Lounes

Belkacem Lounes is a member of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) from Algeria. He is a former president of the World Amazigh Congress (also known as the CMA), the world organization of the Berber people.

Edtami P Mansayagan

Edtami belongs to the Erumanen Ne Menuvu of Central Mindanao, Philippines. He was appointed by the President of the United Nation Human Rights Council for his second term (2017-2020) as Member of the Expert Mechanism on the Rights of Indigenous Peoples as a representative of Asia and the Pacific. Edtami served his first term between 2014 and 2017. He was also appointed to the National Commission of Indigenous Peoples, Philippines.

Les Malezer

Les Malezer is a human rights activist from the Batjulla Peoples of Aboriginal Australia since 1972. He is currently a member of the UN Permanent Forum on Indigenous Issues and chairperson for the Foundation for Aboriginal and Islander Research Action (FAIRA) in Australia. He served as global coordinator for the Indigenous Peoples caucus during the adoption stages of the UN Declaration on the rights of Indigenous Peoples, and now works to have those rights implemented at the national and international levels.

Charles Menzies

Charles Menzies is a member of Gitxaała Nation and a Professor in UBC Department of Anthropology. His research and teaching interests include the ethnography of Western Europe and Coastal British Columbia, natural resource dependent communities and resource management policies, the political economy of social struggle. Dr. Menzies is also the Director of the Ethnographic Film Unit at UBC.

Stacey Jessiman de Nanteuil

Stacey Jessiman de Nanteuil is Senior Counsel at DGW Law Corporation based in Victoria, British Columbia. Stacey is an experienced bilingual corporate/commercial and dispute resolution lawyer who focuses on assisting Indigenous peoples and other individuals, organizations and governments across Canada and internationally

seeking solutions for their business, economic development, intellectual property, and art and cultural heritage aspirations. Stacey has worked on business, dispute resolution and cultural heritage matters at firms in Canada, the United States and France.

Lou-ann Neel

Lou-ann is from the Mamalilikulla and Kwagiulth people of the Kwakwaka'wakw (the Kwak'wala-speaking people). Lou-Ann is the repatriation specialist for the Royal BC Museum. She is a practising visual artist, working in textiles, jewelry, illustration, painting and digital design; more recently, she has been apprenticing in wood carving with her brother, Kevin Cranmer, a 'Namgis artist.

Lea Nicholas-MacKenzie

Lea Nicholas-MacKenzie is a member of the Wəlastəkwey nation (Maliseet First Nation) and currently serves as the Special Advisor for Indigenous Issues at the Permanent Mission of Canada to the United Nations, New York. Ms. Nicholas-MacKenzie has served in a variety of senior roles in the public and private sectors, including as Chief of Staff to the Minister of Justice and Attorney General of Canada; Chief of Protocol and Director of Aboriginal Outreach and Participation for the Four Host First Nations during the Vancouver 2010 Olympic and Paralympic Winter Games; and as Chief of Staff to the National Chief and Senior Policy Advisor on International Policy and Relations at the Assembly of First Nations. Ms. Nicholas-MacKenzie has also consulted extensively on domestic and international Indigenous issues.

Jennifer Preston

Jennifer Preston is the Indigenous Rights coordinator for Canadian Friends Service Committee (CFSC), the justice arm of Quakers in Canada. She received her Masters degree from the University of Guelph and was a lecturer at the University of Waterloo. Jennifer participated in the UN Working Groups that developed the *United Nations Declaration on the Rights of Indigenous Peoples* and was involved in the intensive lobbying efforts to ensure the adoption in both Geneva and New York. Her work now focuses on implementation. She is a co-editor of and contributor to *Realizing the UN Declaration on the Rights of Indigenous Peoples: Triumph, Hope and Action*. Jennifer coordinates the Coalition for the Human Rights of Indigenous Peoples.

Angela Riley

Angela R. Riley is Professor of Law at UCLA School of Law and Director of UCLA's Native Nations Law and Policy Center. She directs the J.D./M.A. joint degree program in Law and American Indian Studies and is the UCLA campus representative on issues related to repatriation under the Native American Graves Protection and Repatriation Act (NAGPRA). In 2003 she became the first woman and youngest Justice of the Supreme Court of the Citizen Potawatomi Nation of Oklahoma. In 2010 and again in 2016 she was elected by her tribe's General Council to serve as Chief Justice. Riley served as the Oneida Indian Nation Visiting Professor of Law at Harvard Law School in Fall 2015. Professor Riley's research focuses on indigenous peoples' rights, with a particular emphasis on cultural property and Native governance.

Craig Ritchie

Craig Ritchie is of the Dhunghutti and Biripi Aboriginal nations and is the Chief Executive Officer at the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). Craig is one of only two Indigenous Federal Government agency heads and a founding member of the APS Indigenous SES Network. He is Co-chair if the UNESCO steering Committee for the International Year of Indigenous Languages. He is an Adjunct Professor at the Jumbunna Institute for Indigenous Education and Research at the University of Technology Sydney where he also serves on the Vice-Chancellor's Industry Advisory Board.

Sue Rowley

Sue Rowley works at UBC in the Department of Anthropology and the Museum of Anthropology (MOA) at the University of British Columbia. She is a member of the Laboratory of Archaeology at UBC where she is the lead for the Journey Home – a proactive repatriation project. She is also the chair of the repatriation committee at the Museum of Anthropology. Her research interests include public archaeology, material culture studies, representation, repatriation, intellectual property rights and access to cultural heritage.

Birgit Scheps-Bretschneider

Dr. Birgit Scheps-Bretschneider is an Ethnologist who, since 1978, has worked as custodian of the Australian and South Pacific Collections of the State Ethnograpic Collections in the Freestate of Saxony, Germany. Since 2016 her main responsibility has been the Provenance Research for Human Remains in the Anthropological Collection and communication with the indigenous communities to bring them home. Up to this point, she has repatriated 96 ancestors to Hawai'i and Australia. Moving forward she will be working to repatriate Maori ancestors and toi moko, Nama and Herero as well as Rapa Nui ancestors. For that purpose, she has developed a re-humanisation and re-biographing method to revert the classification of remains from objects back into individuals. She also works to find ways to return sacred, secret, and/or ceremonial objects back to their people.

Anthony Shelton

Anthony Alan Shelton is director of the Museum of Anthropology (MOA) and professor at the University of British Columbia. An anthropologist, administrator, curator and teacher, he is a leader in museology, cultural criticism and the anthropology of art and aesthetics. Dr. Shelton has held posts at the British Museum, Royal Pavilion Art Gallery and Museum, the Horniman Museum, London, and at the universities of Sussex, University College London and Coimbra, Portugal. He has curated or co-curated 13 innovative exhibitions, including Heaven, Hell and Somewhere In Between at MOA in 2015.

Alexey Tsykarev

Aleksei Tsykarev is Chair of the Center for Support of Indigenous Peoples and Civic Diplomacy «Young Karelia», an NGO under special consultative status with the United Nations Economic and Social Council. A lifetime activist for the rights of indigenous peoples in Russia, Mr. Tsykarev previously led the International Youth

Association of Finno-Ugric Peoples and has served as an independent expert in several United Nations capacities. He is a former Member and Chairperson-Rapporteur of the United Nations Expert Mechanism on the Rights of Indigenous Peoples, and current Expert of the UN Permanent Forum on Indigenous Issues. He has also served on the Steering Committee for the 2019 International Year of Indigenous Languages.

Mr. Tsykarev holds a Master of Linguistics, and his academic publications focus on indigenous peoples' rights, particularly in the areas of language and culture. He has provided expertise and consultancy for the World Bank, Food and Agriculture Organization (FAO), Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Institute for Training and Research (UNITAR). He performs as a guest lecturer and speaker on international human rights standards in universities and institutions across Russia, Europe, North America and Asia. He is a leader of the Karelian people in Russia and has been entrusted to serve in its representative body – the Council of Commissioners of the Karelian Congress, and to represent his people in the World Congress of Finno-Ugric Peoples. Mr. Tsykarev is a member in advisory councils under ministries and ombudsman offices in Russia.

Kunihiko Yoshida

Kunihiko Yoshida is a professor of law at Hokkaido University. He is an expert of reparations regarding the Ainu people, the indigenous people in Hokkaido, from civil law perspectives. His current research is focused on repatriation, environmental injustice, and traditional indigenous knowledge in support of pressing agenda of the Ainu reparations compared to UNDRIP (UN Declaration on the Rights of Indigenous Peoples in 2007) and other indigenous peoples' practices across the globe.

Peter Yucupicio

Peter S. Yucupicio is currently the Vice Chairman of the Pascua Yaqui Tribe of Arizona, and served as Tribal Chairman from 2006 – 2016. He has also served as Tribal Treasurer and has been a member of the Pascua Yaqui Tribal Council since 2000. Peter is a lifetime participant in the Yaqui Chapayecca ceremonial society and is deeply involved in the Yaqui traditional culture. Peter was invited to present by the UN Permanent Forum on Indigenous Issues in 2016 and the UN Expert Mechanism on the Rights of Indigenous Peoples in 2018 on the efforts of the Yaqui Nation for the repatriation of the sacred Yaqui Maaso Kova (ceremonial deer head) being held in the National Swedish Museum of Ethnography in Stockholm Sweden. Peter presented testimony on violations of Yaqui cultural rights at the January 2019 Human Rights Hearing, hosted by the International Indian Treaty Council and the Tohono O'odham Nation in coordination with the UN Expert Mechanism on the Rights of Indigenous Peoples, for the EMRIP's Study on the impacts of Borders and Migration on the Rights of Indigenous Peoples. Peter is also an accomplished musician, and his family's band, the *Yucupicios*, is archived in the Smithsonian Museum and is well known throughout Arizona.

APPENDIX D: Glossary of Abbreviations

AIATIS: Australian Institute of Aboriginal and Torres Strait Islander Studies

AMOP: Aboriginal Material Operating Policy

CFSC: Canadian Friends Service Committee

ECOSOC: Economic and Social Council of the UN

EMRIP: Expert Mechanism on the Rights of Indigenous Peoples

ICOM: International Council of Museums

IGC: Intergovernmental Committee

MEG: Ethnographic Museum of Geneva

NAGPRA: Native American Graves Protection and Repatriation Act

UBC: University of British Columbia

UNDRIP: United Nations Declaration on the Rights of Indigenous Peoples

UNESCO: United Nations Educational, Scientific, and Cultural Organization

WIPO: World Intellectual Property Organization