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| Submission from theSámi Parliament in Swedento the EMRIP report on *Repatriation of ceremonial objects and human remains under the UN Declaration on the Rights of Indigenous Peoples* |
| 15 April 2020 |

**About the Sámi Parliament in Sweden**

The Sámi people is recognized as a (indigenous) people and minority under Swedish legislation. The Sámi Parliament in Sweden (Sámediggi in North Sámi language), established through the Sámi Parliament Act in 1993 is the popularly-elected representative body of the Sámi people in Sweden. The Sámi Parliament also functions as a government agency on Sámi issues.

The overall task is to advocate, promote and protect Sámi rights and interests in order to ensure their economic, social and cultural development. The activities carried out by the Parliament cover a wide range of areas such as Sámi economic development; including traditional livelihoods, reindeer husbandry, hunting and fishing, strengthening and revitalizing the Sámi languages, promoting and protecting Sámi cultural expression, cultural heritage and traditional knowledge.

The Sámi Parliament thanks the EMRIP for the opportunity to contribute to its upcoming report on repatriation and would like to provide the following submission. In our submission we try to describe the current state on repatriation issues on Swedish side of Sápmi and share some challenges and positive experiences. The submission also presents some recommendations for the EMRIP to consider in its report.

1. **Repatriation in Sápmi[[1]](#footnote-1)**
2. The issue of repatriation is of great importance to the Sámi society. The Sámi Parliament in Sweden strive to achieve self-determination for the Sámi people: to be entitled to decide over, manage and administer our cultural heritage and to hold and have the right to our ancestors and ceremonial objects.
3. Most of the human remains were collected during the 1800 and early 1900, without the knowledge or consent of the Sámi. The human remains and ceremonial object were taken from the people and placed in museums. It is our firm standing that neither the Sámi Parliament nor the Sámi people should have to bear the costs for having our ancestors and ceremonial objects returned.
4. Sámi objects, including ceremonial objects, and human remains are mainly possessed and managed by Swedish museums, institutions and educational centers. To a large extent these collections are held by institutions and museums and institutions outside Sápmi (the Sámi homeland). Sámi objects and human remains from Sápmi are also to be found (in museums and collections) abroad, one example is the holy Sámi drum in Cambridge.
5. In Sweden the division of responsibilities on cultural heritage and cultural objects is complex. There are several Museum Agencies (Museums acting as government agencies) one of them is the National Historical Museums tasked with promoting knowledge of and interest in Sweden’s history and with preserving and developing the cultural heritage that the agency administers. In addition, there are several other Agencies responsible for issues on cultural heritage including the Swedish Arts Council (Kulturrådet), Swedish National Heritage Board (Riksantikvarieämbetet), Institute for Language and Folklore. There are also national and regional museums tasked to manage and exhibit national and foreign cultural heritage.
6. Currently there is no museum or government agency with the overarching responsibility of Sámi cultural objects and collections. Rather, each museum is responsible for its own collection causing fragmentation and discrepancies in management.
7. Ájtte is the main museum and archive for Sámi culture in Sweden. In addition, an extensive and old collection of Sámi objects in Sweden, is held by Nordiska museet which, unlike the historical museums, is a foundation and not a government agency. The abovementioned Historical Museum also has collections of Sámi objects.
8. In 2007, the Sámi Parliament demanded a complete identification and repatriation of all Sámi human remains in official/state collections. To some extent, overarching mapping has been made in order to identify to what extent Sámi objects and human remains are contained in non-Sámi owned and managed collections. To our knowledge, there are human remains in at least 66 Swedish museums and Sámi human remains in at least eleven of these. More thorough stock takes and knowledge gathering about objects within collections in Swedish museums and abroad are required in order to facilitate repatriation processes.

### The role of the Sámi Parliament

1. Despite being the administrative agency for Sámi culture, Sámi cultural heritage is in fact managed by other – Swedish government agencies. The Sámi Parliament has set out to increase the Sámi self-determination of cultural heritage and is trying to take responsibility for these issues, and to safeguard Sámi interest. However, our resources and capacity are not sufficient and we are currently lacking a formal mandate to manage Sámi cultural heritage or support Swedish institutions holding Sámi ceremonial objects and human remains in repatriation efforts. The Parliament is also unable to meet the interests of the Sámi people in all individual repatriation matters that are needed to be dealt with.

*National legislation*

1. There are national guidelines on repatriation in place (see below). In addition, the ICOM (International Council of Museums) Code of ethics contain principles on restitution of objects belonging to a people’s cultural heritage which have been exported or otherwise transferred in violation of the principles of international and national conventions. However, these are not binding rules in Sweden. In fact, national legislation and mechanisms ensuring the rights of the Sámi as set out in articles 11 and 12 of UNDRIP is lacking.
2. The absence of legislation and fair, effective and transparent mechanisms on repatriation causes difficulties and unclarity about when and how repatriation processes should be conducted. For instance, there are no rules determining how to evaluate a request on repatriation or stating the right of a Sámi individual or collective to have objects belonging to their cultural heritage returned.
3. More distinct and robust structures and mechanisms to facilitate and carry out repatriation are required. In addition, the Sámi Parliament, museums educational centers and other relevant institutions must be secured financial resources and clear mandates to carry out repatriation efforts.

## Positive examples

*Successful repatriations and reburials of human remains*

1. So far Sámi human remains have been repatriated on four occasions in Sweden. The last repatriation, which received a lot of attention, took place in Liksjoe (Lycksele) 2019 on the International Day of the World's Indigenous Peoples 9th of August. On this day the human remains from 25 Sámi individuals where reburied at their burial grounds from where they were exhumed during an archeological excavation in the 1950’s. The human remains where brought to the Swedish History Museum for (eugenic) analysis and research. The remains were kept in the museum archives until 2013 when they were transferred to the regional museum of Västerbotten. Only then the repatriation process and the following reburial ceremony commenced. The repatriation process was carried out in collaboration between the local Sámi organization, regional museums and the municipality. The Sámi Parliament was also a part of the process.

*National museum guidelines on repatriation*

1. In 2018 the Swedish National Heritage Board was given a government assignment to develop guiding documents to museums on repatriation procedures for cultural objects and the handling of human remains. The guiding documents released in the beginning of 2020 “Stöd i hantering av mänskliga kvarlevor i museisamlingar” and “Stöd för museer i återlämnandeärenden” were developed in consultation with the Sámi Parliament and set out to serve as a leading practice globally.[[2]](#footnote-2)

## Ongoing work

*Request to review legislation and organizational structures*

1. In January 2020, the Sámi Parliament and the Swedish Church handed in a formal request to the Ministry of Culture about the need to review legislation as well as structures on repatriation issues in order to develop and organize national mechanisms.

### Overtake responsibility for Sámi cultural heritage and archives

1. In a joint government report, the Sámi Parliament has proposed that the Sámi Parliament receives the mandate and main responsibility for the management of Sámi cultural heritage including archives.[[3]](#footnote-3)

### Truth and Reconciliation Commission

1. In May 2014 the Sámi Parliament voted to support the establishment of a truth commission (sanningskommission) on the treatment of the Sami people throughout Sweden’s history. In June 2019 the Sámi Parliament handed over a formal request to the Government on the establishment and funding of a Sámi truth commission. Such a commission is an important contribution to the recognition of the structural human rights violations of the Sámi people.
2. As the possession of Sámi objects and human remains in national and regional museums oftentimes is a result of colonialism, assimilation policies, displacements and forced Christianization repatriation issues are necessary to include in the ongoing truth and reconciliation work.

### Act on Consultation

1. A Ministry memorandum entitled “Consultation on Matters Concerning the Sámi People” has been circulated for comment and a draft bill is under preparation. The government aim is to put a Government Bill before the Swedish Parliament (the Riksdag), proposing a new Consultation Act during 2020. The Bill ensures a right to influence matters and decision making affecting the Sámi and states a duty of the Government as well as government agencies, regional and local authorities to consult the Sámi. The Sámi Parliament hopes that the adoption of the Bill will increase its influence on issues on cultural heritage, including the work of the governments, central museums and museum agencies.

### Implementation of UNDRIP

1. Sweden voted in favor of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 and stated in its explanation of vote that it is their hope that the implementation of the Declaration will improve the situation of indigenous peoples. Furthermore, that the Swedish Government looks forward to pursuing a dialogue with the Sámi representatives on the implementation of the Declaration.
2. In 2014, Sweden – through the adoption of the General Assembly Resolution on the outcome document of the World Conference on Indigenous Peoples[[4]](#footnote-4) - reiterated its commitment to fulfil the ends of the Declaration. Despite this, Sweden has not adopted such action plan or strategy (as referred to in para 8). The Sámi Parliament has raised this issue with the Government and expressed our wish to commence and conduct this work in close partnership.

*Nordic Sámi Convention*

1. Negotiations on a Nordic Sámi Convention have been under way between Sweden, Norway, and Finland and the Sámi Parliaments in the three states since more than a decade. The purpose of the Convention is to strengthen domestic norms for Sámi rights in accordance with international standards and to harmonize legislation relating to the Sámi in the three countries. The Convention, containing a chapter on Sámi governance, as well as articles on cultural heritage is a crucial instrument to ensure Sámi self-determination and reform inadequate national legislation.

## International aspects

### The role of EMRIP

1. The Sámi Parliament support EMRIP’s country engagement mandate and believe this mandate could be used to help promote leading practices on repatriation. As was stated in our intervention on agenda item 6 during EMRIP’s 12th session we support the request of the Yaqui people for EMRIP to carry out a country engagement with Sweden to assist the Yaqui Nation return their sacred cultural item Maaso Kova. An important ceremonial regalia in the wrongful possession of the Swedish Museums of World Culture. We are happy to be informed about progress on this matter and look forward to this country engagement to set a positive precedent towards the recognition and implementation of indigenous peoples’ right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

### Establishment of an international mechanism

1. The Sámi Parliament is supportive of the establishment of an international mechanism on repatriation sharing leading practices, guidelines and mediation in internal and cross-border repatriation processes.

## Recommendations

To conclude we would like to propose EMRIP to recommend states to

1. Ensure private and public collections are obliged to disclose what objects they have in their collection. Without this transparency repatriation cannot take place.
2. Develop national legislation and effective, fair and transparent mechanisms to facilitate and carry out repatriation with the full and effective participation of indigenous peoples.
3. Ensure indigenous representative institutions, museums educational centers and other relevant institutions have necessary financial resources and clear mandates to carry out repatriation efforts.
4. Facilitate capacity building – including legal, administrative and other knowledge necessary to participate in and initiate repatriation processes.
5. Contribute to the establishment of an international mechanism/institution with indigenous representation in place to assist/mediate cross- border repatriation requests/processes
6. Include issues on repatriation (disclosure and transparency) and recognition of indigenous peoples’ rights to their cultural heritage - including ceremonial object and human remains s as fundamental parts of truth and reconciliation processes.
7. Develop national action plans on the implementation of UNDRIP, including measures on articles 11 and 12

On behalf of the Sámi Parliament



1. This submission focuses on the situation within the Swedish part of Sápmi and is not intended to present a comprehensive view of the overall situation in Sápmi regarding repatriation of Sámi objects and human remains. [↑](#footnote-ref-1)
2. <https://www.raa.se/museer/samlingsforvaltning/sa-fungerar-samlingsforvaltning/aterlamnande-av-kulturforemal-och-manskliga-kvarlevor/> [↑](#footnote-ref-2)
3. <https://www.sametinget.se/131357> [↑](#footnote-ref-3)
4. A/RES/69/2 Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples [↑](#footnote-ref-4)