



UN Expert Seminar on the Promotion and Protection of the Rights of Indigenous Peoples with Respect to their Cultural Heritage

*University of Lapland
Rovaniemi, Finland
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Concept Note

Background

Established by the United Nations Human Rights Council in 2007, the Expert Mechanism on the Rights of Indigenous Peoples provides the Council with thematic advice on the rights of indigenous peoples in the form of studies and research. The studies and advice of the Expert Mechanism are meant to provide a better understanding of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples and to propose concrete actions that States, indigenous peoples, civil society, international organizations, national human rights institutions and others can take in order to further its implementation.

The Expert Mechanism's studies place special emphasis on the participation of indigenous peoples themselves in decisions that affect them. To date, the Expert Mechanism has carried out studies on themes including access to justice for indigenous peoples, the right to participate in decision-making, and the right of indigenous peoples to education. The Office of the High Commissioner for Human Rights (OHCHR) provides secretariat support to the Expert Mechanism.

In September 2014, the Human Rights Council requested the Expert Mechanism to undertake a study on the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage, including through their participation in political and public life, to be presented to the Council at its 30th session in September 2015. A draft of the study will be discussed and finalized for presentation to the Council during the 8th session of the Expert Mechanism (20-24 July 2015).

The Expert Mechanism has traditionally partnered with academic institutions in order to organize a seminar on the theme of its annual study. The 2015 seminar will be hosted by the University of Lapland, in collaboration with the Giellagas Institute of the University of Oulu.

Lapland is home to the only indigenous people in the European Union – the Sámi. The University of Lapland is the EU's northernmost university of science and art. International research on the Arctic and northern issues is one of the leading research areas of the University of Lapland. The Arctic and northern issues are approached from the perspectives of people, society and the environment as well as their mutual interaction. Research topics extensively cover the entire northern circle of life, including studies on Arctic indigenous peoples, the impact of global changes on Arctic and northern communities as well as legal issues relating to the Arctic and northern environment and people.

As part of the Finnish university establishment, the University of Lapland has a national-level responsibility to promote expertise on Sámi law and Sámi-related social scientific research. Research on indigenous peoples is carried out in each faculty and research unit of the university. The Arctic Centre at the University of Lapland is a significant expert institution related to environmental, social and legal issues, and has a particular focus on Arctic indigenous peoples.

Objectives

The objective of the Expert Seminar is to inform the 2015 study of the Expert Mechanism on the Rights of Indigenous Peoples on the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage.

The Seminar will also provide an opportunity for exchange among academics, practitioners and other experts on issues related to the cultural heritage of indigenous peoples.

Participants

The Seminar will bring together approximately 30 participants, including:

- Members of the Expert Mechanism on the Rights of Indigenous Peoples
- Experts on rights relating to indigenous peoples' cultural heritage from different regions
- Staff of the OHCHR Indigenous Peoples and Minorities Section
- The UN Special Rapporteur on the Rights of Indigenous Peoples
- Academics from the Universities of Lapland and Oulu
- Representatives of the Saami Council and the Saami Parliaments
- Cultural heritage experts from the Saami Museums
- Staff from relevant UN agencies, including UNESCO and WIPO
- Academic friends of EMRIP working on cultural heritage issues

In addition, students will be welcome to observe the proceedings of the Seminar.

Structure of the seminar

The seminar will be structured along the central themes to be addressed in the Expert Mechanism's study. The seminar's structure will be designed to best enable contributions by participants to the topics addressed in the draft Study, which will be disseminated to participants before the seminar begins. It is hoped that the focus of each session will be on suggestions for language, examples/cases and ideas for inclusion in the Study.

A preliminary list of topics to be addressed in the Study is as follows:

- The international legal framework on indigenous peoples' rights relating to their cultural heritage, including international human rights instruments and UNESCO conventions
- Overview of jurisprudence on rights relating to cultural heritage, including human rights treaty bodies and the Special Procedures of the Human Rights Council
- Defining the concept of "cultural heritage" as it pertains to indigenous peoples, including both tangible and intangible forms

- Indigenous peoples' participation in the protection of their cultural heritage, including free, prior and informed consent
- The role of museums in the promotion and protection of indigenous peoples' rights relating to their cultural heritage.
- Links between lands, territories and the environment and cultural heritage
- Links between intellectual property, cultural heritage and traditional knowledge
- The impact of tourism on indigenous peoples' rights with respect to their cultural heritage
- Good practices in the protection of indigenous peoples' cultural heritage
- Redress and restitution where rights relating to cultural heritage have been violated.
- Advice and recommendations for States, Indigenous peoples, national human rights institutions and international organizations.