

UN Expert Mechanism on the Rights of Indigenous Peoples University of British Columbia seminar March 4-5, 2020

Lynda Knowles Presentation Notes

Good afternoon my name is Lynda Knowles and I am honored to be here today to learn about the repatriation through the eyes of this community. I am an attorney. I work at the natural history museum in Denver. I'm a member of the international council of museums (ICOM) and a board member of its committee on natural history collections. It's a good question to ask why I'm here and my answer, I hope, is to provide illumination into my world in order to find common ground and move repatriation law and ethics forward.

As an attorney, the first thing I'll do is give you the usual caveats. I am not offering legal advice. My views are my own and do not represent those of ICOM, ICOM NATHIST or the Denver Museum of Nature & Science. They represent only my own experience and expertise and I'm here to learn.

As an artist, this presentation uses visual images of the natural elements, earth, water, air etc. I won't talk much about the images, they merely serve as markers for the underlying element and corresponding legal issues. Please tell me at the end of my presentation whether I've succeeded.

EARTH

When I look at the mandate for this conference, I am struck by its complexity. These are not easy issues and I've asked myself *what*, really, at its most fundamental, are we talking about?

We are of course talking about human rights. This is a bedrock matter of ancient concern. I am not here to speak on behalf of the indigenous. I can't. But I do know the law, and here I include ethics. We are not talking about museology. We are not talking about the digitization of catalogs. We are not talking about anthropology. We are not talking about curing diseases by analyzing dna on slides. We are talking about human rights. That is the foundation of any repatriation analysis. Human rights is a phrase that can not be repeated often enough, particularly with museum communities. It's beginning to sink in. There are other museum representatives here at this conference who have and are leading conversations at their institutions and elsewhere to think about repatriation as a human right that museums can and must honor.

WATER

These conversations and practices can and should be used as evidence of customary international law. Customary international law serves as a current running through the development of more formal codifications of law, such as statutes and treaties. It is a creature of the natural world, flowing from notions of the common good, and often just plain common sense.

One such source is the International Council of Museums. ICOM was formed in 1946 under the United Nations educational, scientific and cultural organization and ICOM serves UNESCO's governing council. In the aftermath of WW2 many nations were determined to create

international institutions that could not only could keep the peace and define human rights, but specifically with ICOM also protect the cultural heritage of mankind. ICOM is governed by an executive board elected by ICOM members and operates by statute. ICOM has 118 national committees and 30 international committees. ICs include natural history, science and technology, education, Egyptology, and a variety of other substantive areas. There are also standing committees on legal matters and ethics, and the board and committees may create working groups to tackle specific challenges. ICOM encourages partnership and collaboration between museums, countries and other like minded NGOs. Notice, in this history, the absence of the indigenous. This is changing. I encourage participants here to find out more about ICOM, it's work and it's ethics. Again, I see this as an opportunity to create law.

AIR

Museums are currently spending much time and effort looking at the big picture. And by this mean questioning definitions, most notably the definition of a museum. What, exactly, is a museum? The definition of a museum in the ICOM statute has not been updated, to my knowledge, since it inception. It's been static for decades. But no more. Highly publicized successful repatriations, decolonization efforts, outcries surrounding the auctions of sacred objects, the work of the French regarding African repatriations; these and more have all increased awareness and moved the museum community to re engage on what it means to be a museum in the 21st century. The evolution of this definition is in your handout and it is by no means done. The handout represents 3 out of thousands of voices. This is a gargantuan task and will, I hope, be undertaken with an update of existing ethics codes. Discuss Kyoto if time. Moving from conquest and collection to something else entirely is an existential question for many museums. There is a tremendous need to look at this from 40,000 feet and in community with others. There are no ready answers but ample opportunities. The sky is the limit.

FIRE

International law, as slow and as cumbersome as it often is, and as unjustly as it can be applied, is a source of both frustration and hope. Like a fire, it requires watching. Out of control, it can wreak havoc. How to tend the fire of repatriation? Focus. International Indian treaty council has submitted a working paper for this conference that provides a useful synopsis of the law, and concrete, specific recommendations. I highly recommend it and note that it mentions difficulties with definitions, including what is meant be illicit. Funding is needed to continue the work of the expert mechanism.

AETHER

The last natural element here is the aether, space, or the world of spirit if you'd like. This world infuses the knowledge held by indigenous communities in ways that have too often been ridiculed, ignored or dismissed. If museums want to stay relevant, they need to explore and give voice to these ways of knowing, and apply them to repatriation work. Massai example. Vice chancellor of oxford university: "real decoloniality is to see each other's knowledge systems as equal. British catalogs are not models of accuracy, all we have are labels with question marks. It would be quite disingenuous to say "your knowledge system is inferior to ours."

The intuitive mind is a sacred gift and the rational mind is a faithful servant. We have created a society that honors the servant and has forgotten the gift. Einstein.

Thank you for your time, and please feel free to reach out to me directly with any thoughts or comments, I can be reached at lynda.knowles@dmns.org