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# The Sámi Parliament's initiative for the repatriation of ceremonial objects and human remains under the United Nations Declaration on the Rights of Indigenous Peoples

The Sámi Parliament refers to the call for submissions to the Report on the Repatriation of Ceremonial Objects and Human Remains under the UN Declaration on the Rights of Indigenous Peoples.

## 1 The Sámi people - the Sámi Parliament – General information

1. The Sámi are an indigenous people with traditional territories that straddle the national borders of Finland, Norway, Sweden and Russia. The Sámi people have lived in their settlements since time immemorial, that is, since long before the national borders were established.
2. The Sámi people are a nation, and the Sámi Parliament is a democratically elected body in Norway. Established in 1989, the Sámi Parliament in Norway deals with any matters deemed to involve the Sámi people. The Sámi Parliament was established in recognition of the fact that the Sámi are one of the two peoples that constitute the State of Norway.
3. §108 of Norway's Constitution makes it incumbent upon the authorities of the State of Norway to create conditions to enable the Sámi people to preserve and develop their language, culture and way of life. The Sámi Act. Act No. 56 of 12 June 1987 concerning the Sámi Parliament and other Sámi legal matters (the Sámi Act) establishes by law that the Sámi Parliament is the representative body of the Sámi in Norway and governs in particular the use of Sámi languages in the provision of public services. Pursuant to the Sámi Act's language rules, Sámi speakers are entitled to communicate with government authorities in Sámi.
4. Elections by and from among the Sámi people are held every four years. Thirty-nine (39) Members of Parliament (MPs) meet in plenary sessions, usually four times a year. The work of the Sámi Parliament is based on the parliamentary system. The Sámi Parliament's Governing Council consists of five (5) members. Ms Aili Keskitalo is president of the Sámi Parliament in Norway.
5. Anyone who considers themselves Sámi and who has Sámi as their home language, or who has a parent, grandparent or great-grandparent with Sámi as their home language, is eligible to register on the Sámi Parliament’s electoral roll. The Sámi Parliament’ electoral roll had an enrolment of 18 103 individuals as of 30 June 2019.
6. The Sámi Parliament has administrative responsibilities in addition to serving as a political body for the Sámi in Norway. These responsibilities mainly include exercising authority in respect of Sámi teaching plans, Sámi parliamentary elections, the development of the Sámi languages, the management of cultural artefacts and Sámi subsidy schemes. The Sámi Parliament is also entitled to raise objections in cases when encroachments on Sámi territory are at variance with Sámi interests.
7. The Sámi people live their lives close to and as part of Norwegian society. In most cases, the Sámi are dependent on the goodwill of the State of Norway to take them into consideration so that measures, programmes and public services are adapted to also include the Sámi. At the same time, the Sámi Parliament relies on the State to pave the way for the Sámi Parliament by providing adequate financial and legal parameters for promoting the development of the Sámi community.

## 2 The Sámi Parliament's basic philosophy

1. The Sámi Parliament or the authorities, in cooperation with the Sámi Parliament, Sámi museums or other Sámi institutions, bear responsibility for issues related to Sámi cultural heritage. Sámi cultural heritage in the possession of the State or other public bodies are to be managed by the Sámi Parliament or by museums or institutions in collaboration with the Sámi Parliament.
2. The Sámi Parliament's work with the management and repatriation of Sámi human remains and ceremonial objects takes its point of departure in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). We refer in particular to Art. 12, point 1, which states:

*Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.*

1. The Sámi Parliament's work with Sámi cultural heritage is also an important aspect of the Sámi people's right to self-determination. This follows *inter alia* from UNDRIP, Art. 3 and Art. 4. In addition, consultations between the State and indigenous peoples are relevant, as is the fact that indigenous peoples shall participate in decision-making processes. This ensues from ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, which Norway ratified on 20 June 1990, as well as from Articles 18, 19 and 32 of UNDRIP. Further, UNDRIP's Art. 31 about cultural heritage is also important in this context. In Norway, the Sámi Parliament's responsibility is further grounded in §108 of the Constitution, which deals with the State's obligations in respect of the Sámi people. This is implemented *inter alia* through the provisions of the Sámi Act. In carrying out the Sámi Parliament's work with the management and repatriation of Sámi human remains, we strive to maintain a good dialogue and process between the State, the Sámi Parliament, museums, institutions and the local Sámi communities that are directly affected. The work should be based on the principle of good faith consultations to obtain indigenous people's free, prior and informed consent (FPIC).

## 3 The management and repatriation of Sámi human remains

1. For many years, the Sámi Parliament has addressed issues involving the management of Sámi skeletal and grave material. This work includes ethics with a view to the preservation and use of the material, management responsibility, ownership, location and repatriation, research and safeguarding the material for future knowledge generation about Sámi cultural history. The Sámi Parliament is currently working on a report on the management of Sámi cultural artefacts, including the management of Sámi skeletal material. The report is scheduled to be put before the Sámi Parliament's plenary assembly by the end of 2020. Once the work with the report is concluded, the Sámi Parliament will draft guidelines for the management of the Sámi skeletal material and related finds, covering topics such as preservation, safekeeping, research, temporary storage and reburial.
2. Most of the collected Sámi skeletal material is in the Schreiner Collections in the Anatomy Section of the Department of Basic Medical Sciences at the Faculty of Medicine, University of Oslo. This collection of Sámi skeletons is under the Sámi Parliament's management and administrative authority. The Sámi Parliament and the University of Oslo have signed a separate, temporary agreement regarding the management of these skeletons. In addition, collected Sámi grave finds such as skeletons and related finds are found in the collections of archaeological administrative museums, mainly in Tromsø and Trondheim. The administrative museums have administrative authority over the material in their collections. We would add that there are cases in which burial finds (skeletons with related grave goods) are divided among different institutions. For example, grave goods and parts of a skeleton may be stored at an archaeological administrative museum, while the same individual's cranium is in the Schreiner Collections.
3. The grave finds have been collected by the institutions in different ways and have been subject to changing methods and ethical guidelines since the 1800s. The early collections were often associated with biological research related to race. Private individuals also removed, sent away and sold Sámi skeletal material to museums and collections. There has also been trade in skeletal materials and exchanges of materials between different institutions. As a result of this, there are currently Sámi skeletal materials housed in a variety of institutions and museums abroad. Pursuant to the Cultural Heritage Act of 1978 (Norway), since the late 1900s, the administrative museums in Norway have been the recipients of this type of material from archaeological excavations and safeguards.
4. The skeletal material covers an exceptionally broad time span. The oldest skeletons are more than 2000 years old, while the youngest ones originate from Christian Sámi graves from in the beginning of the 1900s. Consequently, some skeletons can probably be traced to living relatives, while that is not possible for the older material. Some of the material, especially from the Christian graves, may have been collected against the wishes of relatives living at the time.
5. In Norway, the Sámi Parliament has supervised several reburials. The most comprehensive of the reburials took place in Neiden in 2011, comprising the 94 craniums that the Schreiner Collections removed and purchased in Neiden in 1915. In addition, the skeletons of named individuals have been reburied in both Kautokeino and Alta. Against this background, the Sámi Parliament has found that reburials are labour-intensive processes involving finding descendants and allowing them a say in matters. Notwithstanding, the processes have shown the importance of dialogue. Giving descendants a say in how to organise the funeral and ceremony helps facilitate a healing process for descendants and local communities alike.
6. In connection with reburials of unidentified individuals, we have experienced that local opinions have differed. Some have favoured reburial while others have wanted the material to remain in museum collections so that it could continue to be part of the source material for future knowledge generation about Sámi cultural history. It is important to be receptive to differences of opinion in the indigenous community so that the Sámi Parliament can adopt decisions based a broad range of input.
7. The management of Sámi skeletal material raises many questions that have not yet been sufficiently explored. One prerequisite for good management is that consideration be taken for the complexity of the material and that individual finds be managed against the backdrop of their own unique context, e.g. age, the context of the find, their rarity and specific values, as well as how they were collected. When Sámi skeletons and related burial finds are in collections, they are to be processed with dignity and respect, also in consideration for their value as sources of future knowledge about Sámi cultural history.
8. The Sámi Parliament strives to obtain administrative authority over Sámi grave material. All research on Sámi skeletal material from graves is to comply with ethical guidelines recognised by the Sámi Parliament, including ethical guidelines for Sámi health research on Sámi human biological material (see paragraphs 19-20). Any research shall take place with the consent of the Sámi Parliament or others authorised by the Sámi Parliament. The Sámi Parliament is the appropriate body for deciding questions about the reburial of human remains. Such decisions must be based on ethical guidelines and processes that allow indigenous communities and descendants an opportunity to be heard.

## 4 Ethical guidelines for Sámi health research

1. Sámi health research is a rapidly growing field of research. Meanwhile, neither legislation nor current ethical guidelines for research safeguard the Sámi's collective right to self-determination in respect of this type of research. Accordingly, in 2019, the Sámi Parliament adopted Ethical guidelines for Sámi health research (OHCHR 23/19). This also includes research on Sámi human biological material. In adopting the guidelines, the Sámi Parliament wished to ensure that Sámi health research is anchored in indigenous people's right to self-determination and takes account of and respects diversity and the distinctive nature of Sámi culture and the Sámi community.
2. In the context of health research, Sámi self-determination can be enshrined in the principle of collective consent. This principle does not impact individuals' right to consent, or not to consent, to participation in research projects. The collective consent is dynamic and comes in addition to other necessary approvals. The Sámi Parliament's authority to give such consent was delegated to an external, expert committee appointed by the Sámi Parliament's Executive Council; the Sámi parliaments in Sweden and Finland appoint one member each. The goal of the collective consent is to contribute to useful and ethical research in the best interest of the Sámi communities, as well as to ensure compliance with the other ethical guidelines for Sámi health research. The expert committee is currently under establishment.

## 5 Repatriation of ceremonial objects

1. Ceremonial objects may consist of drums or artefacts used in religious practices. They may also be grave goods, sacrificial gifts or sacred stones and rocks.
2. With the advent of colonisation and missionary activities, Sámi ceremonial objects like drums were often destroyed or removed from Sápmi. Today, there are Sámi drums in several European museums, e.g. in Copenhagen, Paris and several cities in Germany.
3. In Norway, the Bååstede Project has resulted in about half of the collection of Sámi artefacts that were in the Norwegian Museum of Cultural History or the Museum of Cultural History being transferred to the six consolidated Sámi museum *siidas* in Norway. A separate agreement on this was signed in June 2019. Two drums are included in the Bååstede Project, both of which are ceremonial objects. This applies to the drum from Bindal, which is to be returned to the *Saemien Sijte* – South Sámi Museum and Cultural Centre, and the drum from Hamarøy, which is to be returned to the museum at the *Árran Julevsami* Centre.
4. The Sámi Parliament points out the State's responsibility for Bååstede and for ensuring that the processes of repatriation of the Sámi material can be completed. This assumes that the Sámi museums are given the resources needed to enable them to manage the material in a satisfactory manner. The improvement of both storage and preservation facilities, as well as the capacity to convey information will be decisive factors in this context.
5. The Sámi Parliament in Norway is working with plans to enlarge the Bååstede Project, where it might be possible to return objects from other large museums in Norway, or in other countries. Ceremonial objects such as drums will be relevant in this context.
6. In Sweden, *Ájtte*, the Swedish Mountain and Sámi Museum, compiled a list in 2005 of Sámi cultural artefacts in collections in connection with a project on repatriation issues. In connection with the project "Recalling Ancestral Voices" in 2006-2007, the Sámi Museum and Nature Centre Siida in Finland registered extensive lists of material Sámi cultural objects. The project was in collaboration with Ájtte, the Swedish Mountain and Sámi Museum in Sweden and the Varanger Sámi Museum in Norway.
7. The Sámi Parliament in Norway has no comprehensive list of the number and location of ceremonial objects located outside the borders of Sápmi or Norway. The Sámi Parliament points out, also in a pan-Sámi perspective, the importance and the necessity of drawing up a complete list of Sámi cultural artefacts inside and outside of Sápmi.

Dearvvuođaiguin/Med hilsen

Aili Keskitalo

presidenta / president

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