

Norway's report on repatriation of ceremonial objects and human remains under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

Norway welcomes the initiative of the UN expert mechanism for the Rights of Indigenous People (EMRIP) to collect information on national activities pertaining to the repatriation of ceremonial objects and human remains. This is a matter of great concern to Norway's indigenous population, the Sámi people.

This report from the Ministry of Culture is based on input from the Sámi Parliament and the Sámi Museums in Norway, in particular the RiddoDuottarMuseat in Karasjok and the Saemien Sijte in Snåsa. As these contributions contain additional information, they are a valuable supplement to this document, and attached in Annex I and II.

1. General background

The obligations and duties of the State towards the Sámi people are instigated in the Norwegian Constitution, section 108, and implemented i.e. in the Sámi Act¹. The main goal of this legislation is to ensure that the Sámi people can maintain and develop their language, culture and way of life. Norway also has obligations to the Sámi people pursuant to international conventions, particularly article 27 of the UN Convention on Civil and Political Rights, and ILO Convention no. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Ministry of Local Government and Modernisation is responsible for coordinating the Government's policy towards the Sámi people and other national minorities. In the context of this report, however, the implementation of laws and regulations pertaining to the return of cultural objects, and the prevention of illicit trade in cultural objects, including human remains, falls within the remit of the Ministry of Culture.

Repatriation issues within national borders are generally solved in dialogue with all concerned parties: the Sámi Parliament, the museums and other relevant institutions as well as the local communities involved.

2. Repatriation of ceremonial objects

Ceremonial objects include drums and other objects that were part of Sámi religious practices. Also grave gifts, votive offerings and holy stones or "*sieidier*" come in the category of ceremonial objects. The Sámi drums are of great emblematic importance for present-day Sámi culture and identity. The drums were essential in the religious traditions of the Sámi people, used by their religious leaders, the *noaidi*. In the 16 -1700s, during Christianisation, Danish rulers and priests confiscated the drums by use of force and violence. The Noaidi were accused of black magic and sentenced to severe penalties, sometimes capital punishment. As a result of this process, there are today virtually no ceremonial drums left in Norway that are fully intact. Most of the drums were sent to storage in Copenhagen, some were sold or given away as presents by the Danish king to his friends in other countries. Most Sámi drums from Norway, however, were lost in the great city fires of Copenhagen.

According to reports from Sámi museums, there are probably less than approximately 70 drums from Sápmi left, most of these are owned by museums outside Norway. Only a very small number of drums are still intact and undamaged.

¹ The Sámi Act: <https://www.regjeringen.no/en/dokumenter/the-sami-act-/id449701/>

Furthermore, in the Christianisation process the special *horn hats* worn by Sámi women were banned, as the priests believed that the devil hid himself in the "horn". Although the horn hats hardly qualify as ceremonial objects as such, they are nevertheless of great symbolic value for Sámi culture and identity. As there are very few left, the horn hats are also objects of interest with regard to repatriation.

Repatriation within Norway:

The Sámi museums and the Sámi Parliament refer to the *Bååstede Repatriation Project* (2012 – 2019) as an example of good practice with regard to Norwegian repatriation policy. Due to this project, approximately half of the collections of Sámi objects that are now in the custody of the Norwegian Museum of Cultural History (Norsk Folkemuseum) and the Museum of Cultural History of the University of Oslo, are scheduled to be returned to six consolidated Sami museums *siidas* in local Sámi communities. A formal agreement to this effect was signed in June 2019 between the two museums and the Sámi Parliament. Also, as part of the Bååstede project, the ownership titles of two ceremonial drums have been transferred to the *Arran Museum* (Lule Sámi) and to the *Saemien Sijte Museum* (South Sámi) respectively, cf. Annex I, para. 23, and a more detailed description of the project in Annex II. The physical and geographical relocation of the artefacts will take place as soon as the indoor climate condition in the receiving museums meet the necessary requirements with regard to safeguarding and conservation. As for Saemien Sijte a new museum building is under construction and expected to open in 2021/22. Also other Sámi museums must improve their storage and conservation capacities, and have announced that they need additional public funding to this end.

Initiatives vis-a-vis other countries:

A large part of Sámi cultural objects, including drums, horn hats and other ceremonial objects, are part of museum collections outside Norway. Some of the most important objects are in German and Danish museum collections. There are also Sámi artefacts in museums in UK, France, Italy, USA, and other countries. Unfortunately, Norwegian authorities do not have a full overview neither of the exact number nor the whereabouts of ceremonial items outside Norway and Sápmi. It is therefore essential for the Sámi community to explore the possible existence of Sámi items in institutions or collections abroad, with a view to collecting valuable information regarding their cultural history, and the digitisation of existing items, including ceremonial objects.

Germany: In 2019 the President of the Sámi Parliament, Ms. Aili Keskitalo, visited the Museum of European Cultures in Berlin, where more than a thousand objects of Sámi origin are kept in the museum's storage facilities, including two ceremonial drums and several horn hats. The Sámi delegation were disappointed by the fact that none of these objects were on display in the museum, apart from a single male Sámi hat. The reason given was that the museum professionals did not have sufficient knowledge of the various objects, their provenance, utilization, etc., to show them to the public. This prompted the Norwegian minister of culture at the time, Ms. Trine Schei Grande to invite her German counterparts - as a follow-up to the Sámi President's visit - to sign a cooperation agreement (MoU) including also the Sámi Parliament, with the purpose of creating a framework for cooperation between the Sámi-/Norwegian museums and the interested German museums. This initiative is first and foremost motivated by the desire to share knowledge and competence with the intention

of enabling the interested German museums to put their Sámi objects on display, and in this way promote in their local communities knowledge of Europe's indigenous people. The Norwegian initiative has received a positive response from German cultural authorities. A cooperation of this kind could improve the museums' inventories with regard to their various collection items. Also, production of certified replicas of interesting objects could inspire the revival of immaterial cultural traditions and handicrafts in the Sámi museums. Perhaps, in the longer term, a cooperation of this kind could result in the cooperative repatriation of certain important ceremonial artefacts. However, as underscored by the Sámi president in Berlin, the overriding goal is to boost the knowledge in the concerned museums of Sámi culture and traditional way of living, with dispersion of information of Europe's only recognized indigenous people in their surrounding communities.

Norway may consider similar cooperation initiatives towards other countries with Sámi objects in their museum collections.

Denmark: Several Danish museums have Sámi items in their collections, most of which are part of the collection of the National Museum in Copenhagen. A request for repatriation has surfaced in relation to one special ceremonial item in particular. Since the 1970s the RiddoDuottar museum in Karasjok has borrowed from the National Museum in Copenhagen an important ceremonial drum belonging to the North Sámi area. The loan agreement, which has been renewed every five years, is due to expire in 2021. During the loan period the two museums have been in dialogue with regard to a possible permanent repatriation of this ceremonial drum which is of great symbolic importance and cultural value for the North Sámi people. The question of a possible permanent repatriation is expected to resurface in 2021 when the present loan agreement comes to an end. In the context of this report, we should also mention that repatriation of this particular drum has been a matter of discussion between the Sámi Parliament and the UNs Special Rapporteur for Human Rights and Environment (2019), and with the EU ambassador (2020). Given the historical circumstances under which the drum was taken from the North Sámi people, Norway (Ministry of Culture) holds the opinion that there are strong and valid arguments for a permanent return of this special ceremonial item to the Sámi people.

3. Repatriation of human remains to the Sámi area - Sápmi

In 2008 Norway established The National Committee for Research Ethics on Human Remains (the so called "Skeleton Committee"). This committee has been involved in several cases of repatriation of human remains to the Sámi area, that have taken place under the supervision of the Sámi Parliament. In 2011 remains of 94 Skolt-Sámi (Skolts) were reburied in Sámi ground after repatriation from the Schreiner Collection at the Faculty of Medicine of the University of Oslo. Their skulls had been removed from the small hamlet of Neiden near the Finnish border in 1915. Furthermore, skeletons of named individuals have been reburied in Kautokeino and Alta. Still, most of the Sámi skeletal material in Norway remain in the custody of the University of Oslo. According to a temporary agreement between the University and the Sami Parliament, any decisions pertaining to the safeguarding and conservation of these skeletons should be made by the Sámi Parliament. There are also skeletons and other finds from Sámi graves in the archaeological museums in Trondheim and Tromsø. Some of these findings have been split up and shared between the administrative museums and the University of Oslo. On a general basis, the Sámi Parliament

demand authoritative powers over Sámi grave material in Norway. Likewise, research on Sámi skeletal material should always comply with ethical guidelines recognised by the Sámi Parliament (cf. Annex I, paragraphs 19-20, regarding ethical guidelines for research on Sámi human biological material).

As pointed out by the Sámi Parliament, there are different views among the Sámi communities with regard to human remains. Some are in favour of reburial, while others prefer that the human remains are kept in museum collections and thus continue to be part of the source material for future knowledge of Sámi cultural history. The oldest skeletons are more than 2000 years old, while others are from the first half of the 1900s, and can be traced to living relatives. Part of the material was most likely removed against the wishes of living relatives at the time, especially from Christian graves. According to the experience of the Sámi Parliament, reburials are resource-demanding processes involving the tracking down of descendants and giving them a say in the matter as to how the funerals should be organized. No doubt, however, such ceremonies have eased the trauma healing process for the families, as well as in the respective Sámi communities.

The Sámi Parliament is currently preparing a report on the protection of Sámi cultural heritage, which also includes how to deal with Sámi skeletons and remains. The report will be discussed in the Parliament's Plenary Session by the end of 2020. As a follow-up to the report, the Sámi Parliament will draft guidelines relating to conservation, research, safeguarding and re-burial of Sámi skeletons and related finds. Such guidelines will constitute a valuable supplement to the existing ethical guidelines regarding research on human remains, that were revised by the "Skeleton Committee" in 2018.² In 2018, the Committee also published guidelines pertaining to the discovery of human remains.³

4. Concluding remarks

It has been widely established that cultural cohesion and identity are fundamental prerequisites for peaceful coexistence among peoples. This understanding is manifested in several UN resolutions regarding repatriation of cultural objects, including inter alia UN Security Council resolution 2347 (2017). The growing global recognition of the vital importance of culture for peoples' identity and self-esteem is of utmost relevance for achieving the sustainable development goals in the UN Agenda 2030. Subsequently, repatriation of ceremonial objects and human remains to Norway's indigenous people forms part of our government's broader international obligations.

Knowledge of Sámi cultural history and traditions is a source of inspiration to young artists within many different disciplines, and serves as an invaluable basis for the vibrant Sámi culture that forms an integral part of Norway's contemporary culture. Promotion of Sámi culture abroad is therefore a priority matter for the government, and repatriation of Sámi ceremonial objects and other artefacts a main concern for Norwegian cultural authorities.

² Ethical Guidelines pertaining to research on human remains (2013):
<https://www.etikkom.no/en/ethical-guidelines-for-research/guidelines-for-research--ethics-on-human-remains/>

³ Guidelines pertaining to the discovery of human remains (2018):
<https://www.etikkom.no/forskningsetiske-retningslinjer/veileder-ved-funn-av-menneskelige-levninger/>

According to the Sámi museums in Norway, the repatriation of Sámi remains and cultural artefacts that have already taken place, constitute examples of good practices. There are, however, still numerous challenges to be met. A lot of work remains to be done with regard to indigenous people, in Norway, as well as in a wider international context.

In conclusion to this report, Norway (Ministry of Culture) would like to extend an open invitation to governments with Sámi items in their museums' collections to enter in dialogue with a view to possible cooperation relating to the dispersion of knowledge of Sámi culture, their traditional ways of life and religious practices.

ANNEX I

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's 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

8. 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.

9. 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.

10. 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

11. 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.

12. 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.

13. 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

14. 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.

15. 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 Collection 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.

16. 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 on a broad range of input.

17. 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.

18. 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

19. 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.

20. 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

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

Dearvuodoaiguin/Med hilsen

Aili Keskitalo
presidenta / president

*Dát tjála le elektrávnálattjat dâhkkidum ja vuollájtjálek sáddiduvvá./
Dát reive lea elektrovnnalaččat dohkkehuvvon ja sáddejuvvo vuolláičállaga haga./
Tjaatsege lea elektrovneles jááhkesjamme jih seeditesávva vuelietjaalegaph./
Dette dokumentet er elektronisk godkjent og sendes uten signatur.*

Reivve vuostáiváldi / Hovedmottaker:
Expert Mechanism on the Rights of
Indigenous Peoples

ANNEX II : Statement of the Sámi museums in Norway

To:
United Nations Human Rights Office of the High Commissioner
Your reference: EMRIP/2020I2b

DATE: April 14, 2020

From:
Sámi museums in Norway

Repatriation of ceremonial objects and human remains:

Statement of the Sámi museums in Norway

This is a statement submitted by the Sámi museums in Norway as a contribution to the report of the UN Expert Mechanism on the Rights of Indigenous Peoples concerning the repatriation of ceremonial objects and human remains. This statement is sent directly to the UN Expert Mechanism and the Human Rights Council, with a copy to the Norwegian Ministry of Culture and the Sámi Parliament of Norway.

1. Repatriation of ceremonial objects: Sámi drums

The Christianisation of the Sámi, which started around the 1500s and 1600s, has had an enormous impact on Sámi indigenous religion and traditional religious practices, but also on other cultural practices. Christianisation was mainly carried out through force and threatening. Sámi drums – used by the *noaidi*, the experts in the indigenous religion of the Sámi – were confiscated or burnt, and the owners of the drums were accused of using black magic, and even sentenced to death. Sacred drums were sold as interesting objects to majority societies. Sámi drums – North, Lule, Pite and South Sámi drums – were taken away from both the coast and the inland areas in a region that extends from Finnmark to Southern Trøndelag. The approximately 70 drums that still exist are, at present, almost exclusively kept in and owned by different museums in the world: only few of them are owned by Sámi museums.

Ever since their foundation, the Sámi museums of the Nordic countries have argued for the repatriation of the Sámi drums to their collections. As sacred objects, the drums are part of the cultural heritage of the Sámi. Therefore, it has been natural for the Sámi museums to work for and expect the repatriation of the drums to the Sámi people; their return would also make it possible to display them in the Sámi institutions.

Bååstede – Repatriation of Sámi cultural heritage

In a repatriation project called *Bååstede – Repatriation of Sámi Cultural Heritage* (2012–2019), the objective was to return half of the Sámi Collections at the Norsk Folkemuseum (the National Museum of Norway) and the Museum of Cultural History in Oslo to the six Sámi

museums. The collection to be returned comprises 1639 objects and is of great cultural-historical value, as it was mostly accumulated before the establishment of Sámi museums. In 2019, the legal ownership of the collection was transferred to the receiving museums, which now work on providing the necessary facilities so that the collections can also be returned physically to the areas from which they were once removed.

Throughout the project period, the Sámi museums engaged in the work of the commission that decided which objects would be repatriated and which ones kept in the capitol of Norway, to represent Sámi culture there. The goal was to divide the items of each object group approximately equally between the two parties. Religious and ceremonial objects that were of special importance for Sámi society constituted an exception here. During its work, the commission agreed that all the religious and ceremonial objects would be returned from Norsk Folkemuseum and the Museum of Cultural History to the ownership of the Sámi.

The experience from the Bååstede project shows that it is extremely important that Sámi museums participate and play a central role in repatriation projects. At the same time, we see that the Bååstede project demanded and still demands a great deal of resources from the Sámi museums.

Sámi drums in the Bååstede project

Through the Bååstede project, the ownerships of two Sámi drums were transferred to Sámi museums for the first time in the history of Norway: a drum from Bindal was granted to the South Sámi museum *Saemien Sijte*, and a drum from Hammarøy to the Lule Sámi museum *Árran – Julevsámi Centre*. The transfer of ownership has taken place, though unfortunately the drums themselves cannot be returned to the above-mentioned museums due to deficient conditions in their storage facilities and lack of conservation competence.

The Bååstede project has not yet been fully finished. Therefore, the Sámi museums expect the superior cultural authorities of Norway to grant funding for proper preservation of valuable Sámi ceremonial objects in Sámi museums. The museums consider the Bååstede project – the repatriation of Sámi drums and other sacred artefacts that are of value for the Sámi communities – a national project in Norway, and it should entail granting extra funding for the small Sámi museums of extremely limited resources.

Our view is that the State of Norway has every reason to report the repatriation of drums as an example of *good practice* to the UN Expert Mechanism and further to the Human Rights Council, with the reservation that the actual physical transfer remains to be carried out and will require additional measures from government authorities.

Sámi drums in other museums' collections

There are several Sámi drums in Norwegian and foreign museums that should, in our view, be returned to Sámi museums. We hope that such repatriation will become part of a continuation of the Bååstede project, hopefully extended both to a Nordic and a wider international level. Sámi museums are happy to offer their professional competence for use in the planning and carrying out of such a project. Likewise, we are happy to contribute to and engage in international cooperation connected with the repatriation of Sámi cultural heritage. The Norwegian Sámi Parliament's annual report of 2019 reads as follows:

In 2019, the President of the Sámi Parliament visited, together with the museum foundation RiddoDuottarMuseat, the exhibitions and the collections facilities of the state museum of cultural history in Berlin. The museum has approximately a thousand cultural-historical objects from Sápmi, including two Sámi drums and several horn hats. The visit forms a basis for a dialogue on eventual professional cooperation concerning the museum's extensive collection of Sámi cultural-historical artefacts. (Sámi Parliament's annual report 2019, page 109
<https://www.sametinget.no/Soek?search=%C3%A5rsmelding>)

Furthermore, there are South Sámi drums at the Ethnological Museum in Berlin and at the Rautenstrauch-Joest Museum in Cologne. In addition, it seems that a drum was transferred from the Danish royal collection (the National Museum of Denmark) in 1883 to Musée de l'Homme in Paris, but we know very little about the matter. Both the British Museum and the Museum of Archaeology and Anthropology in Cambridge have Lule and Pite Sámi drums in their collections. Sámi museums in Norway are not familiar with the provenance of these drums, and, considering that the Sámi region extends across national borders, there is a need for a project that encompasses all the Sámi museums of Sápmi, the cross-border territory of the Sámi people. The objective must be to map the origins of the drums and to repatriate them based on acquired information (compare the Bååstede project carried out in Norway in which the origin of an artefact was an important factor in repatriation). There is a great need for a comprehensive survey on sacral objects that can be found in museum collections all around the world.

The Sámi drums in the National Museum in Copenhagen, Denmark

Ever since the late 1970s, the Sámi Museum in Karasjok (RiddoDuottarMuseat – Sámiid Vuorká-Dávvirat – De Samiske Samlinger, SVD/DSS) has had a Sámi drum from the 1600s on a long-term loan from the National Museum in Copenhagen, Denmark.

The drum belonged to a Sámi *noaidi* called Paul-Ánde, or Anders Paulsen, who was originally from Torneå Lappmark (the Torneå river valley) but moved as an adult north where he lived in Utsjoki and Vadsø. He was accused by the authorities of using a magic drum and killed during the witch proceedings in 1692. His drum and its hammer and brass ring were sent to Copenhagen where they ended up in the Danish King's Cabinet of Curiosities. Later, the drum became part of the museum collections of the National Museum of Denmark.

Anders Paulsen's drum belongs to the Sámi people and should be returned to Sápmi, from which it was removed several centuries ago. The present loan period will expire in 2021.

With assistance from the Sámi Parliament, the Sámi Museum SVD/DSS has provided proper storage for the drum in a display case with climate control, and the Museum has master-level professional expertise in the museum conservation of objects. The Museum has presented and discussed the challenges of repatriation directly with the National Museum, and with the Ministry of Culture of Norway when the Minister of Culture visited the Museum in 2018. The issue was also discussed with Mr. David R. Boyd, the UN Special Rapporteur on Human Rights and the Environment, in 2019 and with EU Ambassador Thierry Bechet in 2020. The conclusions and recommendations of the UN Special Rapporteur on Human Rights and the Environment to the Human Rights Council read as follows:

95. The Special Rapporteur encourages the Government to implement the following recommendations in order to enhance the country's reputation as a world leader in fulfilling its environmental and human rights commitments, and to accelerate progress towards achieving the Sustainable Development Goals:

(p) Redouble its efforts to secure the free, prior and informed consent of the Sámi before making any decisions that affect their rights, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.
(<https://undocs.org/en/A/HRC/43/53/Add.2>)

Considering that the loan contract with the National Museum will end in 2021, there is an urgent need to discuss the repatriation of the drum to the Sámi people, as the drum is both part of Sámi cultural heritage and an object of ceremonial importance as regards the indigenous Sámi religion. The issue needs to be given further attention by both the Sámi Parliament and the Ministry of Culture of Norway, as well as internationally.

There are also two drums from the South Sámi area in the National Museum in Copenhagen. The provenance of one of them is not known, so the drum can come from either the Norwegian or the Swedish part of the South Sámi area. The other drum comes from Skjækra from the municipality of Snåsa, Norway. The drum is known as the Skjækerfjell drum. It was probably acquired from the Sámi by the Sámi missionary Petter Johan Muus, who later delivered the drum to Thomas von Westen. Muus was appointed the Sámi missionary of Snåsa in 1719 and had already sent seven drums to von Westen before his first visit in Snåsa.

The other South Sámi drum in Copenhagen is of a more uncertain provenance. This makes it more difficult to demand it back to a certain country. Nevertheless, it is a sacral item which should be owned by the Sámi. Issues like this need to be discussed in an eventual wider project.

These two drums shall also be included in the repatriation process.

Other South Sámi drums

One of the best-known Sámi drums is the so-called Folldal drum, or the drum from Freavnantjahke. It was taken away from the South Sámi area in 1723. It is at present one of the best maintained Sámi drums, and one of the few drums that have been described by the owners themselves. It is now part of the music-historical collection of the Meininger Museum in Meiningen, Germany.

In 2017 the Norwegian Museum of Science and Technology arranged together with the South Sámi Museum Saemien Sijte and the Røros Museum an exhibition called "Hvem eier historien?" ("Who Owns History?"). The drum from Freavnantjahke was loaned for this exhibition and displayed together with the original manuscript for three months. It was the first time that the drum was back home in South Sámi territory. We have not yet submitted an official request to the Meininger Museum for the repatriation of the drum, but this will happen soon as it is our goal to have the drum back by the opening of the new building of Saemien Sijte, which is under construction at present.

2. Repatriation of human remains

We recommend that Norway report the establishment and work of the National Committee for Research Ethics on Human Remains (*Skjelettutvalget*), which has been involved in several repatriation issues in the Sámi context. The Committee was set up in 2008 by the Ministry of Education and Research in accordance with a proposition from the National Committee for Medical and Health Research Ethics of Norway and the Board of the University of Oslo.

The Committee was founded as a result of requests from the Skolt Sámi of the Neiden area in Northern Norway as they demanded the repatriation and reburial of the human remains that had been removed from Pasvik and Neiden at several points, in 1915, 1958 and 1959. The issue was spotlighted when the University of Oslo worked on the preservation and the study of Sámi human remains belonging to the Schreiner Collections, and when the repatriation requests concerning this material were submitted. The reburial took place in 2011, see: <https://www.etikkom.no/hvem-er-vi-og-hva-gjor-vi/komiteenes-arbeid/Lukkete-moter/skjelettutvalget-referater/Referat-fra-mote-i-Nasjonalt-utvalg-for-vurdering-av-forskning-pa-menneskelige-levninger-5-desember-2013/>

The Skolt Sámi of South Varanger, Northern Norway still wait for the issue to be resolved as concerns the reburial of skeletons from Gravholmen in Pasvik (removed in 1959).

In 2013 the Committee for Research Ethics on Human Remains issued guidelines for research ethics on human remains. They were updated and republished in 2018 under the title *Forskningsetisk veileder for forskning på menneskelige levninger* ([in English](#)). The same year, the Committee also published guidelines for the finds of human remains ([Veileder ved funn av menneskelige levninger](#)).

Repatriation of Sámi human remains is an important issue that should be reported to the UN Expert Mechanism on the Rights of Indigenous Peoples. There is a range of examples in this field that can be characterised as *good practice*. At the same time, it should be spotlighted that there are challenges concerning the repatriation of human remains in the Sámi context, and a great deal of work remains to be done in the indigenous context both in the Nordic countries and internationally.

There are still Sámi human remains that have not been repatriated. They include remains from the Lule Sámi area in Tysfjord where Sámi remains were acquired in the 1920s and then incorporated in the Schreiner Collections of the Division of Anatomy at the University of Oslo, to be analysed and preserved there. These are human remains from both ancient Sámi burial sites and consecrated Christian graveyards. For example, there are inhabitants in Tysfjord who even know the names of their relatives and ancestors whose remains are now part of the Schreiner Collections kept at the Division of Anatomy. Obviously, they have not been repatriated and reburied. On the inauguration of the memorial signs at Vánasjuolj (Lappholmen), see <https://arran.no/Utdanning/?Article=345>. Thus, a great deal of work also remains to be done in the field of repatriation of Sámi human remains.

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