



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

April 17, 2020

Expert Mechanism on the Rights of Indigenous Peoples
The Office of the High Commissioner for Human Rights

Dear Expert Mechanism,

Thank you for your communication dated January 27, 2020 regarding an invitation to submit contributions for the report of the UN Mechanism on the Rights of Indigenous Peoples. Please find U.S. input enclosed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel A. Kronenfeld".

Daniel A. Kronenfeld
Human Rights Counselor

Focus: Repatriation of ceremonial objects and human remains contemplated by the UN Declaration on the Rights of Indigenous Peoples

Cultural Heritage Center, Bureau of Educational and Cultural Affairs

National mechanism

Indigenous peoples, including Native Americans, have lost ceremonial objects critical to community well-being to traffickers and the bodies of family members to collectors, researchers, museums, and other institutions. National mechanisms, such as laws or museum policies, are the most effective means to ensure the access to and/or repatriation of ceremonial objects and human remains, consistent with the aspirations of the UN Declaration on the Rights of Indigenous Peoples.

U.S. domestic law has recognized the rights of Native Americans to the access to and repatriation of human remains and ceremonial objects since 1990. The Native American Graves Protection and Repatriation Act (NAGPRA) establishes a mechanism for the U.S. government to work in consultation with Native Americans to repatriate human remains and ceremonial objects. Specifically, NAGPRA requires federal agencies and museums receiving federal funds to: (1) inventory holdings of Native American sacred objects, objects of cultural patrimony, human remains, and funerary objects; (2) notify and consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of human remains and objects; and (3) repatriate items to tribes that have a cultural affiliation with those items. NAGPRA has led to the repatriation of the remains of approximately 79,000 individuals and approximately 2 million items from U.S. institutions.

International efforts

The U.S. government promotes and facilitates voluntary repatriation of human remains and ceremonial objects to Native Americans from institutions abroad. The Department of State has connected Native Americans with museum personnel, issued diplomatic correspondence supporting tribal efforts to repatriate items, and organized exchange programs to bring foreign museum professionals to connect with Native American communities. In addition, the U.S. government has issued statements, created social media campaigns, and facilitated press events to raise awareness about the damage to tribal communities when sacred items are bought and sold. The voices of Native American leaders have been especially compelling with foreign audiences, who admire Native American culture and are open to repatriating significant items to the tribes.