

Sharing Sweden's experiences from the country engagement relating to the request for return of the Yaqui Maaso Kova and other Yaqui objects

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Statement

Dear delegates and honourable representatives of Indigenous Peoples,

I would like to thank EMRIP for the efforts they have made in the dialogue of country engagement and also for giving us the opportunity to share our experiences from the process in this forum.

The request for return of the Yaqui Maaso Kova, a sacred object, has been a case in which our authority, and I personally, have been deeply involved for several years. Even before the dialogue took place in Vancouver last year, the authority had put considerable effort into investigating the conditions of the specific case. Our intention has always been to handle the process correctly based on the rights of indigenous peoples as well as the national and international laws and ethical guidelines under which our authority operates. The first claims presented the acquisition circumstances as grounds for return, and these were carefully investigated. As we could not find justification for illegalities in the acquisition, we initiated a process of investigating the humanitarian and ethical aspects, in dialogue with the Yaqui people. We visited Yaquis on both sides of the border, invited Yaquis to Sweden on two different occasions, and made other efforts to deepen our knowledge of the objects and the Yaqui conditions.

Some aspects made the initial process delicate, especially the fact that there were several stakeholders involved (in two different countries), and it was unclear to us who had mandate to represent who and whether there was consensus between the different stakeholders. We welcomed EMRIP's offer to provide us with guidance in the process.

We travelled to Vancouver last year with a positive intention to find a constructive solution and way forward together. We knew it would be necessary to try to respectfully navigate between different laws, conventions, and ethical guidelines.

We experienced the dialogue as very positive and constructive. We really appreciated EMRIP's qualified and skilled ways of moving the dialogue forward step by step. The importance of the informal, personal meeting IRL cannot be stressed enough.

The solution we ended up with was that a return could be carried out on the basis of Article 15 of the 1970 UNESCO Convention and the UN Declaration on the Rights of Indigenous Peoples, Article 12. The former allows state parties to enter into special agreements on the return of objects removed before the convention was ratified. The return would be facilitated by the Ministry of Foreign Relations of Mexico, in consultation and cooperation with the relevant federal agencies, including the National Institute for Indigenous Peoples (INPI) and

National Institute of Anthropology and History (INAH), as well as the Traditional Authorities of the Yaqui Ocho Pueblos and the Maaso Kova Committee.

It was made clear in the dialogue and in EMRIP's report that the museum agency would need to request the Swedish Government's consent for a return, in accordance with the Swedish Budget Act.

Current status:

In February this year, the agency received a formal request through the Mexican Embassy in Sweden, for the return of 24 Yaqui objects, among them the sacred Maaso Kova. After some questions needed to be sorted out, the authority submitted a petition to the Swedish government in May with a clear recommendation and request for the Government's decision to return all 24 objects to the Yaqui in Mexico, in accordance with the intention expressed in Vancouver. The agency chose not to discuss which of the 24 objects could be considered ceremonial but to consider them as a unit that should not be split. The petition is now being prepared in the Government Offices and we hope for a positive decision in the near future.

I want to take the opportunity to emphasize, that to benefit efficient processes and to honour the agreement, formal decision-making processes need to be respected. EMRIP as an expert mechanism can be a very important support for both indigenous peoples, museums and governments, but must be well acquainted with the formal national case management in each case, so that it can be clearly communicated to all parties. In this case, the Swedish government is the decision-making body and it is important that everyone understands that the final decision has not yet been made.

If a positive decision on return is made by the Swedish government, we will do everything we can from our side to bring about an efficient process. We sincerely hope that the return of the items to the Yaqui People can be a part of an important healing process. For us as a museum agency, it would certainly be the beginning of a new phase in which we together can exchange and spread knowledge about Yaqui history and culture in past and present.

Thank you!