



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

AUG 26 2016

Dear Tribal Leader:

A number of tribes have ancestors, sacred objects, objects of cultural patrimony, funerary objects, or other cultural heritage of concern held in foreign museums or sold in foreign markets. The protection and repatriation of this cultural heritage are at the heart of tribal heritage and identity, and as such are of paramount concern to Secretary Jewell, myself, and the Department of the Interior (Department).

The Federal Government is committed to helping to repatriate tribal cultural heritage that was stolen, looted, trafficked, or otherwise illicitly acquired. It is also committed to facilitating tribes' access to other tribal cultural heritage held abroad. However, current Federal laws are limited with respect to foreign sale or possession. The Department and other Federal agencies are exploring options for addressing these limitations, including legislative proposals in Congress. At the same time, we are also exploring how best to support international repatriation and prevent wrongful acquisition, possession, and export through existing authorities and programs.

To inform these efforts, the Department along with other Federal agencies, will be conducting government-to-government consultations with tribes on options for international and domestic actions to strengthen mechanisms to repatriate tribal cultural heritage from abroad. The enclosed background document summarizes suggestions from past discussions and listening sessions, but we are open to all relevant ideas and information regarding tribal concerns, sensitivities, and possible actions.

We plan to launch these consultations in September 2016, during the White House Tribal Nations Conference in Washington, D.C. At the opening session, we will seek input on possible Federal actions as well as the scoping and design of the consultation itself to make the dialogue as meaningful and informative as possible. Further details are provided in the enclosed background document.

In addition to attendance at the sessions by you or your designee, we welcome written input. Please submit by email to: intlrepatriation@doi.gov, or by mail to Attention: International Repatriation, Office of the Assistant Secretary – Indian Affairs, Department of the Interior, 1849 C St. NW, Washington, DC 20240. If possible, please provide written input by October 28, 2016.

Sincerely,

Lawrence S. Roberts
Principal Deputy Assistant
Secretary – Indian Affairs

Enclosure

Background for International Repatriation Consultation

A number of tribes have ancestors, sacred objects, objects of cultural patrimony, funerary objects or other cultural heritage of concern being held in foreign museums or sold in foreign markets. One well-known example involves a series of sales starting in 2013 by Paris auction houses offering tribal cultural heritage, including sacred objects. At the request of concerned tribes, the U.S. Embassy intervened with the auction houses and the French government in a number of cases. Illustrating the challenges before us, only in May 2016 did a tribe succeed in delaying the sale of an object of concern, with support from Secretary of the Interior Sally Jewell and other officials of the Department of the Interior (DOI), the Department of Justice (DOJ), and Department of State (DOS).

Meanwhile, DOS, DOJ, and DOI are also supporting tribal efforts to repatriate tribal cultural heritage from museums in foreign countries, including Germany and Sweden. Federal officials have intervened in these cases as well.

The DOI has established an internal working group to provide assistance and coordinate with DOS and DOJ, upon request by tribes. The DOI and other agencies, including DOS and the Department of Justice, are discussing how to strengthen Federal efforts in support of tribes seeking international repatriation. The DOI and other agencies will be interested in receiving comments on any proposed Federal legislation, including any tribal suggestions for new text.

Initial Consultation

The DOI, with other Federal agencies, plans to launch these consultations during the White House Tribal Nations Conference in Washington, D.C. At this opening session, DOI seeks input on possible Federal actions (e.g., options listed below) as well as the scoping and design of the consultation itself, in order to make the Federal-tribal dialogue as meaningful and informative as possible. Subjects for discussion in the consultation may include, but are not limited to:

- Scoping and framing of questions for discussion
- Participation of other Federal agencies
- Records of the proceedings, including consideration of culturally sensitive information
- Organization of the proceedings, including the use of facilitation
- Opinions on obtaining input or information from non-tribal sources
- Guidance from tribes regarding areas of possible Federal assistance or action, or issues of concern

Tentative Schedule of Additional Consultations

The DOI anticipates holding meetings in conjunction with the following events:

- Phoenix, Arizona, October 9-16 (NCAI annual meeting, details of session date and time to be determined);
- Fairbanks, Alaska, October 20-22 (Alaska Federation of Natives, details TBD); and
- Cherokee, North Carolina, October 24-26 (United South & Eastern Tribes, details TBD).

Other sessions will likely be scheduled, including one or more regional meetings.

Options for Action

To inform and guide Federal Government efforts to address the concerns of Indian tribes, DOI wishes to consult with tribes on options for international and domestic actions to strengthen mechanisms to prevent wrongful export and repatriate tribal cultural heritage from abroad. The DOI is open to all relevant ideas and information, including views on the following options which have been raised in past discussions:

- Developing legislation to address exports, such as: controls on export of tribal cultural items or protections for other categories of tribal cultural heritage.
- Recognizing documentation of tribal cultural heritage that could be used as evidence of wrongful acquisition of a cultural item.
- Seeking bilateral arrangements with foreign countries to address issues such as the sovereign legal status of federally recognized tribes or the need for more advance notice of auctions and release of provenance information.
- Developing a guidance publication that outlines the types of objects that may be sensitive (with appropriate deference to privacy concerns) to help foreign governments and dealers recognize potentially sensitive objects and act accordingly.
- Seeking broader international attention and education through such forums as UNESCO.
- Convening of U.S.-based and foreign auction houses and/or museums to share best practices regarding repatriation and dialogue with indigenous representatives;
- Sharing of experiences with successful repatriation of tribal cultural heritage.
- Raising public awareness, both in the U.S. and abroad, about the authentic artworks produced and marketed for sale by artists who are members of federally recognized tribes, the value of this trade for tribal economies and wider understanding of tribal culture, and the prohibitions against sale of inauthentic objects under the Indian Arts and Crafts Act.

Pre-Consultation Discussions and Listening Sessions

The scheduled consultation sessions referenced above will build upon previous and planned engagements with tribes on international repatriation by DOI and other Federal agencies including discussions with affected tribes who have sought assistance in repatriating tribal cultural heritage from abroad, sessions relating to the 2014 World Conference on Indigenous Peoples, break-out sessions at previous Tribal Nations conferences, and sessions hosted by Intertribal organizations. A matrix of tribal inputs will be available and updates will be provided as consultations proceed. For further information and updates, please go to the following page on the DOI web site:

<http://www.indianaffairs.gov/WhoWeAre/AS-IA/Consultation/index.htm>