



Office of the Ambassador

Stockholm, February 19th, 2021

Ms. Ann Follin
Director General
National Museums of World Culture
Stockholm

I have the honour to present to you a formal request from the Government of Mexico for the repatriation of the sacred *Maaso Kova* and other pieces of Yaqui origin. Enclosed you can find the formal request, the list of Yaqui objects and a letter send on July 1st, 2020 by the traditional authorities of the Vicam Pueblo.

The request aims at initiating the repatriation process by providing references to the competent Swedish authorities. This formal request contains a brief description of the biographic identity of the Yaqui Nation, some general remarks on their feelings towards the items and the applicable international rules.

This request occurs pursuant to the UNESCO 1970 Convention, the UN Declaration on the Rights of Indigenous Peoples and the International Covenant on Economic, Social and Cultural Rights (CESCR).

Also, the document reaffirms the commitment of the Mexican government to restore the sacred *Maaso Kova* and other pieces of Yaqui origin.

I look forward for a fruitful cooperation between the Mexican Embassy and the National Museums of World Culture on this matter and take this opportunity to renew to you the assurances of my highest consideration.



Francisco del Río
Ambassador





Maaso Kova

Repatriation request.

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Presentation

Mexico celebrates the willingness of the Swedish government in the repatriation of the *Maaso Kova* and other Yaqui ceremonial items currently held by the National Museums of World Cultures. Each of the pieces perform a unique function within a complex system of laws and values. As a mean to ensure the enjoyment of the cultural rights of the Yaqui nation, both countries agreed on opening a process aimed to unite the items with their original owners.

The present request aims at initiating that repatriation process by providing references to the competent Swedish authorities. Concretely, this document contains a brief description of the biographic identity of the Yaqui Nation, some general remarks on their feelings towards the items and the applicable international rules.





For the elaboration of this document, the Ministry of Foreign Affairs consulted the National Institute of Anthropology and History. They provided a report elaborated by an in-house academic: Dr. Raquel Padilla Ramos (1967-2019), who documented a series of meetings between Yaqui and Swedish authorities during 2019. Lastly, the correspondence issued by the Yaqui traditional authorities contributed to a better understanding of the urgency to address their concerns.

1) *Historical considerations*

The history of the Yaqui Nation (*yonem*) is a history of resistance. Since the arrival of western men to the region, they have maintained a fierce defence of the fertile lands surrounding the Yaqui river. Resistance became an important component of their collective identity. In fact, the notions of territory and community represent important values for them. This unique attachment to their homeland allowed Yaquis to safeguard their lands from western men during centuries to the date.

During the early twentieth century, however, Mexican government undertook a highly violent campaign against them. As a result, many Yaquis were killed or forcibly displaced to Tlaxcala, Oaxaca, Veracruz, Yucatán, among other regions. Throughout these places, Yaquis were enslaved or obliged to become combatants. For anthropologist Padilla Ramos, it is likely that the items travelled to Tlaxcala during these deportations.

Once in Tlaxcala, the Yaqui diaspora were forcibly recruited to the militia and other war-related activities. They remained in Tlaxcala from 1934-1940. During this period of grief and vulnerability, an academic voyage of Danish and Swedish scholars wandered across Mexico doing ethnographic research. Dr. Padilla Ramos reported that





the Europeans witnessed a ritual known as *Luto Pajko* (mourning ceremony). She also maintains that part of the ethnographic items involved were retrieved after that event.

2) *Cultural, religious and ceremonial significance of the objects*

As strangers to the yaqui community (*yoris*), it is hard to unravel the vast complexities of Yaqui traditions. Yet, their well-known sacred conception of nature is relevant for the purposes of the present process. For historical reasons, the Yaqui river and its fertile surrounding are at the centre of their laws, customs and sense of community. Therefore, their dances and chants constantly refer the bond between men, nature, and celestial bodies: sun, moon and stars. Among the relevant Yaqui symbols, the deer (*maaso*) definitely stands out.

Ceremonial and sacred items perform specific roles within Yaqui system of laws and values. Such items can even be regarded as living entities (*Maaso Kova*) or as anchors preventing soul from eternal rest (*chapayeka* mask). Despite their historical secrecy, Yaqui authorities have been clear about the nature of *Maaso Kova* and the other pieces.

According to a communication issued to the Ministry of Foreign Affairs (annex I): *“the Maaso Kova is a living being and it is enshrined and blessed in our Deer Dance Ceremony. Our Traditional Yaqui Laws, Customs and Practices both of Cultural and Religious forbid that a Maaso Kova be displayed in Museums or public spaces or be under the possession of anthropologists or anyone outside our religious Society Yaqui Kolensias.”* They also express their interest in *“the formation of a Maaso Kova Committee consisting of cultural leaders from the Yaqui cultural societies in Arizona and each of the Yaqui Pueblos of Rio Yaqui Sonora, to work together for the Return of the Sacred Maaso Kova and other objects and relics of Religious and Spiritual importance for the Yaqui Culture.”*





Lastly, it must be noted that, according to Dr. Padilla's report, the collection comprises items corresponding to 4 sacred ceremonial sets: *maaso*, *pascola*, *chapayeka* and *matachín* (annex II).

The present state of affairs represents a grave spiritual harm to the Yaqui. The meaning attached to the pieces modifies the necessary approach. For Mexico, the authorities of both countries must pay due regard to the considerations advanced by the Yaqui and address the situation with a multicultural perspective. The pieces must return to their owners.

3) *Applicable international law*

Cultural rights of indigenous peoples are a fundamental component of today's international human rights system and promotes conditions of equality, human dignity and non-discrimination. Furthermore, the international law of cultural property contains further provisions to assist potential restitutions.

i) The International Covenant on Economic, Social and Cultural Rights (CESCR)

The CESCR enshrines the right of peoples to self-determination (article 1). By virtue of this right, peoples are entitled to determine their political status and freely pursue their economic, social and cultural development.

Self-determination must be guaranteed by States without making any kind of distinction or discriminatory act on the grounds of race, colour, religion, language or social condition. As established in the CESCR itself, the treaty must be interpreted in harmony with the principles enunciated in the UN Charter: freedom, justice and





peace, based on the recognition of the inherent dignity of people and their equal and inalienable rights.

ii) UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

The UNDRIP recognizes the right of indigenous people to practice and revitalize their cultural traditions and customs, and calls for the restitution of religious property of indigenous peoples taken without their free, prior, and informed consent or in violation of their laws, traditions, and customs. Particularly, the declaration mentions the *“right to the use and control of their ceremonial objects”*. It goes on to mandate States to *“seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.”*

The present issue was analysed by the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). In a report (A/HRC/45/35), the EMRIP maintain that these repatriations are meant *“to advance recognition and respect for human dignity across cultures and societies, as well as a commitment to understand others’ world views, heal past injuries, promote reconciliation and build relationships and partnerships based on mutual respect.”*

Special affections and beliefs attached to their relics prohibits transferences outside the community or away from their spiritual leaders. In order to fulfil the rights enounced *supra*, the pieces cannot be retained away from homeland.

iii) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO 1970).





This convention is applicable to pieces of ethnographic interest (article 1.f). Furthermore, UNESCO 1970 encourages States to celebrate and implement agreements regarding the restitution of cultural property removed, whatever the reason, from its territory of origin, before the entry into force of the Convention.

The same report of the EMRIP holds the following:

“Yaqui Maaso Kova from the National Museums of World Culture in Sweden illustrates how the Declaration can be used together with the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, national laws and policies, and indigenous peoples’ own laws and customs in order to facilitate repatriations under special agreements or for special ethical reasons. In particular, article 15 of that Convention can be understood and applied to recognize indigenous peoples’ rights to repatriation under articles 11 and 12 of the Declaration, in this case of a ceremonial object that Danish anthropologists had long ago acquired from the Yaqui people”.

The Mexican government agrees on this plan of action and reaffirms its absolute commitment in the restitution of the sacred *Maaso Kova* and other pieces to the Yaqui Nation. Finally, we see the present bilateral engagements as an exceptional instance of compliance with the UNDRIP.

