



MaGPIE fully funded PhD studentship

Project Description



PROJECT TITLE

Cultural and Indigenous rights surrounding mass graves

PROJECT SUMMARY

Sensitisation to cultural and Indigenous rights and interests, including respectful handling of the grave site and contents, is essential for a victim-aware investigative effort that benefits both families and the investigation. At the same time, Indigenous beliefs and practices may affect how, and if, a site can be excavated, and will require careful navigation. While the existence of cultural and Indigenous rights and interests that attach to mass graves have been acknowledged in literature, their content and potential impact are not fully understood, and warrant attention.

The recent discovery of suspected mass graves at Canadian residential schools designed to systematically assimilate Indigenous children, thereby destroying cultures, languages and possible ties with the land, indicates the issue is both pressing and current. An Indigenous approach to mass graves may, for example, require legal protection that extends to the material artefacts in these graves, which, like human bodily remains, may be significant in relation to ancestors (they may be considered ancestors themselves). Equally, the way information is stored or displayed may require consideration. In addition, First Nation, Indigenous or Aboriginal community borders will not always align with country borders, therefore potentially attracting differing protection levels domestically.

Investigations and their outcomes are also affected by the context of social and religious norms, a factor which is of direct relevance to EU and European Convention on Human Rights Member States: when investigating in Afghanistan to establish the number of civilians killed in an attack, for example, the European Court of Human Rights accepted that '[i]t was not possible to clarify this matter further as the social and religious mores of the Afghan population prevented use of the modern forensic investigation techniques, including the exhumation of bodies or DNA analyses, that would be required'.¹ Furthermore, an examination must also be mindful of temporal factors resulting in potential shifts in a community's acceptance of scientific investigations.

The cultural, Indigenous, religious and societal context of an investigation is therefore highly relevant. This project will develop a clearer understanding of potential impacts and responses to enable effective and victim-sensitive investigation strategies for the benefit of all engaged parties.

ACADEMIC IMPACT

Commensurate with legal research approaches, the project is likely to employ desk-based doctrinal legal research, and, where appropriate, supplement or complement with empirical legal research. This research will fill an important human rights blind spot in the present human rights theory surrounding mass graves.

The research will also form part of the outputs produced as part of the [Mass Grave Protection and Investigation \(MaGPIE\)](#) Research project.

MaGPIE, in its ambition to develop a pioneering and comprehensive human rights framework for the engagement with mass graves, has three overarching objectives.

1. To produce a global quantitative and qualitative assessment of the scale of the phenomena that are mass graves;
2. To remedy associated blindspots within the existing human rights framework; and
3. To create policies that innovate, consolidate and implement a coherent human rights approach to mass grave engagement.

This PhD project will form an integral part of the second objective.

SOCIETAL IMPACT

This PhD project seeks to identify and remedy the human rights blindspot that presently exists within mass grave engagement. Advancing theory will also advance policy and practice thus benefitting survivors of mass graves and communities affected by them.

Since MaGPIE has a policy producing strand to it, this PhD project will contribute to policy development including an updated version of the Bournemouth Protocol on Mass Grave Protection and Investigation.

PGR DEVELOPMENT OPPORTUNITIES

The student will be embedded in the ERC selected and UKRI funded research project MaGPIE and thus be part of a world-leading team of experts on the subject of mass graves led by Professor Melanie Klinkner.

In addition, the University, through the Doctoral College will help guide the professional and personal development of each PhD student through its researcher development programme.

Furthermore, the successful applicant will benefit from a team of multiple expert supervisors, and offers the opportunity for a placement at the International Commission on Missing Persons (ICMP) in The Hague, The Netherlands. The ICMP is the most relevant and applicable ‘industry’ to the research project: as the only international organisation that is exclusively tasked with addressing the issue of missing persons, ICMP is actively engaged in developing institutions and civil society capacity, promoting legislation, fostering social and political advocacy, and developing and providing technical expertise to locate and identify the missing.

SUPERVISORY TEAM

First Supervisor

Professor Melanie Klinkner

Additional Supervisors

Member of the ICMP and Dr Amanda Ghahremani (a Canada-based legal advisor with expertise on transitional justice, Indigenous rights and redress for atrocity survivors)

Recent publications by supervisors relevant to this project

Smith S. and Klinkner M., eds. 2023. Mass Graves, Truth and Justice: Interdisciplinary Perspectives on the Investigation of Mass Graves. Edward Elgar.

Smith, E. and Klinkner, M., 2023. Victims’ Rights to Participation and their Legitimate Information Interests. In: Borghi, M. and Brownsword, R., eds. Law, Regulation and Governance in the Information Society Informational Rights and Informational Wrongs. Routledge.

Klinkner, M., 2022. Mass grave protection and missing persons. In: Parra, R. and Ubelaker, D., eds. Anthropology of Violent Deaths: Theoretical Foundations for Forensic Humanitarian Action. Wiley & sons.

	<p>Klinkner, M. and Smith, E., 2021. Academic Commentary to the Bournemouth Protocol on Mass Grave Protection and Investigation. Bournemouth University.</p> <p>Klinkner, M. and Smith, E., 2020. The Bournemouth Protocol on Mass Grave Protection and Investigation.</p>
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INFORMAL ENQUIRIES
<p>Please contact the lead supervisor on the following email for informal enquiries</p> <p>magpie@bournemouth.ac.uk or mklinkner@bournemouth.ac.uk</p>
ELIGIBILITY CRITERIA
<p>The PhD Studentship is open to UK, EU and International students.</p> <p>Candidates should demonstrate outstanding qualities and be motivated to complete a PhD in 3 years and must demonstrate:</p> <ul style="list-style-type: none"> • outstanding academic potential as measured normally by either a 1st class honours degree (or equivalent Grade Point Average (GPA) or a Master’s degree with distinction or equivalent. • an IELTS (Academic) score of 7.5 minimum (with a minimum 6.5 in each component, or equivalent) for candidates for whom English is not their first language and this must be evidenced at point of application.
ADDITIONAL ELIGIBILITY CRITERIA
<p>We welcome applicants with diverse backgrounds and expertise in international law or a related subject. We expect the PhD student to be Bournemouth University Campus based for full integration with the research team.</p>
HOW TO APPLY
<p>Please complete the online application form by the deadline listed on the project webpage.</p> <p>Further information on the application process can be found at: www.bournemouth.ac.uk/studentships</p>

ⁱ *Hanan v Germany*, Grand Chamber Judgment, ECtHR Application No. 4871/16 (16 February 2021) para 4.