

LOOKING INWARD:

Considering Repatriation Inside a New Reality

J. Simkin & R. Naknakim

The Oxford English Dictionary defines “repatriate” as “to restore (an artifact or other object) to its country or place of origin,” and recognizes repatriation as a process of restoration, of making whole again. Many artifacts and works of art have special cultural value for a particular community or nation. When these works are removed from their original cultural setting they lose their context and the culture loses a part of its history (Malcolm Bell III, 2010).

Every commission, report and inquiry can be produced to promote support for cultural repatriation of First Nations artifacts. However, until mindsets change in our institutions to more accurately reflect the tone and tenor of the national conversation, we are tied to an antiquated idea of moral and legal obligation. This, in spite of fundamental shifts in our law and courts, the tremendous work of the Truth and Reconciliation Commission and the overwhelming support of Canadians to address the impact of 150 years of colonization.

There is a clear and concise path to the principles of the legal and moral obligation, which lies in the commonly held assumptions of early Canada: that First Nations assimilation and acculturation policies would achieve their desired purpose. Canada would, through systematic race-based barriers, eradicate the country of its “Indian problem” by simply ridding Canada of its “Indians”. In this assumption with a landscape void of the First Nations, cultural material would be all that remained of the First Peoples. Our knowledge of intangible cultural heritage and the spiritual essence and history of every object would stem from institutions charged with ensuring First Nations presence was woven into the tapestry of our national narrative.

We now find ourselves at an interesting crossroads. First Nations did not disappear. Voices have strengthened through successive First Nations generations and, as their histories and experiences are shared among Canadians, the support to address the injustices also grows. Even Canada’s highest court now recognizes that Aboriginal law is part of Canada’s law when dealing with Aboriginal rights. By contrast, the museum community has lagged behind, failing to recognize

Left: Naknakim Dant’si’kw Power Board.
Photo credit: Leia Patterson



a distinctive change of circumstances in which First Nations control of First Nations heritage and identity are at the forefront.

The often stagnant presentation in mainstream institutions of Indigenous artifacts is frozen in time and reveals little about the common practices occurring through revitalization and rejuvenation efforts at the community level.

To accurately and authentically reflect history, interpretation must reveal the dynamic nature of First Nations who have adapted through the fur trade, settlement and colonial eras, and who continue to adapt to their changing realities.

Canada, as it embraces a path of reconciliation with its 634 First Nations, acknowledges this shift and in doing so influences the need for the moral and legal obligation ideology to be re-evaluated. Institutions holding First Nations material culture are doing so on behalf of Canadian citizens whose voices echoed within the Idle No More Movement and whose support for the Calls to Action articulated by the Truth and Reconciliation Commission have seen ubiquitous advances in education across the country.

The Economics of Appropriation

Relinquishing control and repatriating Indigenous artifacts comes at a cost for institutions that have gained financially through elaborate exhibits and the selling of Indigenous imagery. Visit any museum gift shop and you will find glossy table books littered with First Nations images, rows of mugs and giftware, and shelves lined with miniature totem poles. And why? Because First Nations are big business. Yet few institutions acknowledge the connection between First Nations displays and admission numbers or ticket sales. Nor do financial gains derived from unsanctioned replication of images, flow to the original owners or their descendants.

In the case of Potlatch pieces, such replication proves problematic as permission to copy cultural material is strictly controlled. Songs, dances, masks and crests are reflective of family lineage and ownership. By reproducing products without first obtaining proper consent, museums demonstrate a disconnect to and disregard for the peoples, their traditions, and to the cultural heritage they currently steward.

The inflexibility of the colonial lens has allowed for only one primary method of institutional accession, which ignores the fluid movement of ownership. In the case of potlatch pieces, ownership can be transferred through the dowry system

or through the transitioning of hereditary rights. This information is often lacking in institutional records causing tremendous confusion in repatriation conversations where the original owner or carver is the only person documented in the collection record.

Nuyumbalees Cultural Centre, which houses the Sacred Potlatch Collection, provides a contemporary example of the hereditary transfer in the Chief Billy Assu collection. Upon his death, the rights and title to his chieftainship, including crests, masks, songs, dances and totem poles, passed to his son, the late Chief Harry Assu. Upon Harry's death the hereditary transfer passed to his son the late Chief Donald Assu, who upon his passing transferred his rights and title to his son Chief Brian Assu. Such transfers occurred publically so that all could bear witness: the Chilkat blanket which draped Chief Donald Assu's casket was removed prior to burial and placed on the shoulders of his eldest son Brian, indicating to all that the hereditary rights had been transferred.

Ownership is not stagnant regardless of the physical location of material culture.

If, and when, additional pieces attributed to Chief Billy Assu are located and accessioned into the Nuyum-

balees collection, their lineage is documented. Ensuring the living history of the piece is captured is essential so when succession of the hereditary rights transfers again, there is a clear and articulate record. This demonstrates the evolving nature of ownership and the need to embrace the intangible cultural heritage which accompanies each artifact.

The Language Barrier

We may speak the same language, but our understanding of words, concepts and intent is sometimes far apart. Ownership in the museum community, for example, is connected to the possession of physical objects. The Indigenous viewpoint by contrast is connected to an inherent right to ownership regardless of the object's physical location. Canadian law, which includes aspects of ownership, illuminates this point and demonstrates there is more than just a philosophical difference.

A Tipping Point

Since its founding, Canada's relationship with the Indigenous Peoples has been arduous. Acknowledging this, the Constitution provided under section 91 (24) that Indians and lands set aside for Indians, fall under federal jurisdiction. The "Indian Act" became the governing legislation used by successive governments to push a mandate of assimilation and acculturation. Policies such as mandatory attendance at residential school and anti-Potlatching provisions were included

It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership.

as were restrictions on mobility, the use of native language, and the organizing and raising of funds for political purpose. While the legislation remains, its relevancy is evaporating in British Columbia as independent First Nations negotiate their modern treaties.

In June 2014, the Supreme Court of Canada delivered a unanimous decision which unequivocally provides the country's Indigenous Peoples the ultimate recognition. Known as *Tsilhqot'in Nation v. British Columbia*, 2014 SCC44, it is the first time aboriginal title (which provides a legal interest in its lands and resources) has been awarded within our country. In its decision, the Court provided that the Tsilhqot'in satisfied requirements in law for Aboriginal title and that Aboriginal law along with the common law of Canada must be taken into consideration.

This monumental shift in formal recognition ushered in a new era of emerging opportunities and dialogue that has long eluded First Nations communities and limited their ability to heal, progress and participate in the Canadian economy as equals.



Left: Assu House Posts.
Photo credit: Leia Patterson



Above: Assu and Xokwxokw.
Photo credit: Leia Patterson

Justin Trudeau, Prime Minister of Canada, in clarifying his viewpoint and that of his administration, mandated Federal government ministries with the following: *"It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership."*

Given the change occurring in the legal landscape and the emerging trends in government policies, expectations for transformation are high. And, as individual treaties are ratified, issues of heritage and culture will dictate the relationship of First Nations to museums who will be obligated by law to up-hold their spirit and intent. This shift in control marks a significant disruption in the relationship and museums have a fleeting moment inside this transitional period to build collaborative partnerships or be left standing on the periphery.

As BC's First Nations call on governments to modify the treaty process to enable greater efficiency in the

settlement of new agreements, the moment for museums to get things right is now. The time is imminent when the legal and moral obligation will fade and museums will be faced with a new reality which they will no longer control.

First Peoples have a tremendous desire to see cultural treasures returned home: it is healing, respectful and necessary inside the process of reconciliation. There is a resurgence of cultural pride emanating from First Nations youth who are anxious to reconnect with a cultural heritage that was elusive in previous generations.

In Conclusion...

Our cultural institutions should be reflecting our nation's values and embracing the changing tone of our national conversation. We owe more to First Nations than simply offering patchwork promises whose purpose is to suggest that real strategy, consideration and consultation has occurred. There is simply no possibility of moving the conversa-

tion ahead until we embrace a new way of thinking and navigate a new way forward. We are strong enough to withstand the scrutiny of looking inwards at our history, and ought to be brave enough to embrace what lies ahead even if that means an end to the moral and legal obligation upon which our museums are founded.

Jodi Simkin is the Executive Director of Nuyumablees Cultural Centre located in the Village of Cape Mudge on Quada Island. Home to the Sacred Potlatch Collection, the Centre was the first of its kind in Canada designed specially to house a repatriated collection.

Rod Naknakim is a lawyer and the Chief Negotiator for the Lacihi-Kwil-Tach Treaty Society, as well as the President of Nuyumbalees Cultural Centre. Together they work to enhance the cross cultural and intercultural opportunities for the Kwakwaka'wakw peoples and the community at large.