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# **What We Heard: Repatriation Symposium**

March 18-19, 2024



## Overview

The Indigenous Heritage Circle (IHC), the Canadian Commission for UNESCO (CCUNESCO), and the Canadian Museums Association (CMA), co-hosted a Repatriation Symposium, held March 18-19, 2024, at the Musqueam Nation Cultural Centre and the Museum of Anthropology on the territories of the Musqueam, Squamish, and Tsleil-Waututh Nations.

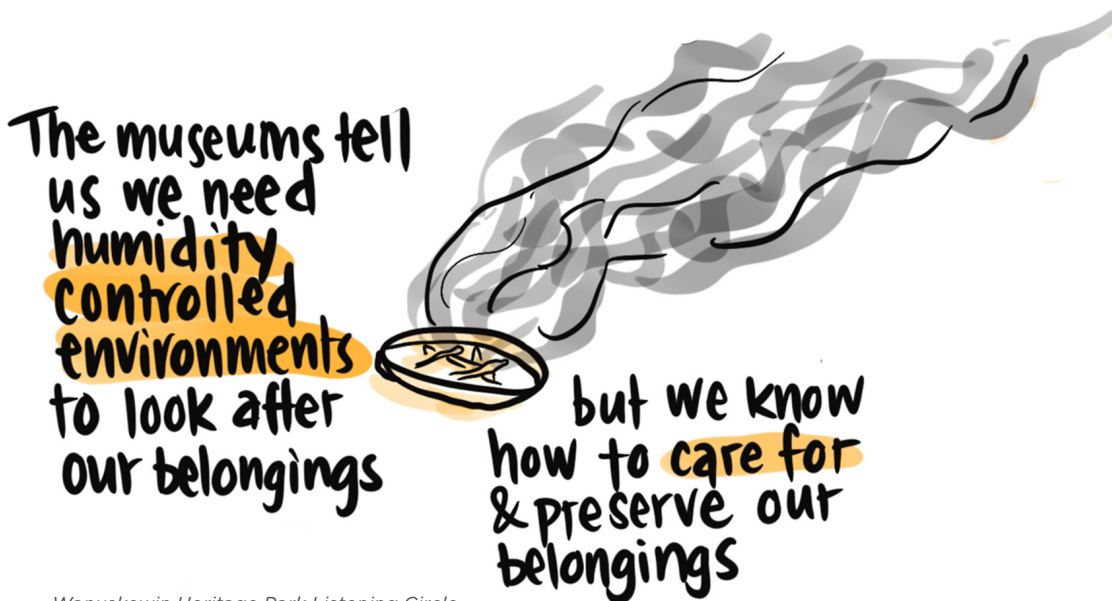
The symposium brought together fourteen experts from the Indigenous Heritage Circle (IHC), the Canadian Commission for UNESCO (CCUNESCO), the Canadian Museums Association (CMA), as well as other experts on repatriation/rematriation.

Core objectives for the symposium included:

- Sharing up to date information on repatriation/rematriation initiatives and advocacy.
- Identifying resources and tools for effective planning and implementation to move forward a national repatriation framework.

- Developing frameworks and processes for cooperative decision-making regarding repatriation advocacy and initiatives to move forward a national framework.
- Co-develop an action plan, timeline, and milestones for a national framework repatriation project.
- Identifying responsibilities, guidance, and management of core aspects of advocacy for a national repatriation framework, including options for the establishment of a National Repatriation Task Group.

Together, participants discussed and strategized around the repatriation/rematriation of Indigenous cultural heritage. This report reflects the shared insights and commitments from the Repatriation Symposium, setting a clear path forward for ongoing collaboration and action in repatriation efforts, including outcomes and next steps.



Wanuskewin Heritage Park Listening Circle, March 22, 2021. Artist: Kara Sievewright.



This symposium was developed in support of the Canadian Museums Association report, *Moved to Action: Activating UNDRIP in Canadian Museums*. For more information, and to review the report itself, visit [www.museums.ca/site/movedtoaction](http://www.museums.ca/site/movedtoaction). This project has been funded by the Government of Canada.



## Summary of Recommendations and Next Steps

<p>Sovereignty &amp; Rights to Indigenous Cultural Heritage</p>	<p>Establishment of an Indigenous Cultural Heritage Rights Framework that recognizes sovereignty over Indigenous cultural rights, is distinctions-based, and encompasses restitution, redress, repatriation, and rematriation.</p>
<p>Holistic Funding Needs</p>	<p>Emphasis on the need for comprehensive funding to support repatriation activities before, during, and after the process, including community infrastructure and capacity building.</p>
<p>Holistic Contributions of Repatriation &amp; Rematriation</p>	<p>Recognition of the positive impacts of repatriation on healthcare, community wellness, and economic activities within Indigenous communities as well as broader societal benefits.</p> <p>Reframing repatriation as a beneficial economic activity, creating opportunities for jobs, tourism, research, technology, and community well-being.</p>
<p>Legal &amp; Policy Review</p>	<p>Initiate discussions on enacting an Indigenous-led national strategy into Canadian law, beginning with reviewing current laws and consulting legal experts.</p> <p>Analyze, build, and improve upon international frameworks for repatriation, such as the Native American Graves Protection and Repatriation Act (NAGPRA) in the United States and recognizing, respecting, and incorporating Indigenous laws.</p>
<p>Community Consultation and Representation</p>	<p>Indigenous-led grassroots and political level engagement, including youth, Elders, spiritual leaders, and knowledge holders.</p> <p>Regional and national Indigenous-led gatherings for engagement and consultation.</p>
<p>Capacity Building</p>	<p>Building Indigenous community capacity to support work in repatriation and greater arts and heritage administration, ensuring outreach and coordinating of education resources.</p>
<p>Institutional Accountability &amp; Transparency</p>	<p>Outreach and development of collaborative partnerships and allyships with museums to collect data, build institutional preparedness, and develop mechanisms to ensure accountability and transparency for repatriation activities.</p>



## Section I

This section outlines the necessary features that must be considered as part of the Indigenous Cultural Heritage Rights Framework.

### **Recognize Sovereignty and Inherent Rights**

The establishment of an Indigenous Cultural Heritage Rights Framework must recognize sovereignty over the full scope of Indigenous cultural heritage, be distinctions-based, and encompass restitution, redress, repatriation, and rematriation.

Aligning the framework with sovereignty and legal advocacy to ensure community empowerment and representation is key. Legal considerations include Section 35 rights in relation to Indigenous heritage, as well as Canada's United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Act. There are current legal barriers blocking recognition of Indigenous access to their cultural heritage at both federal and provincial levels, and this is compounded by split jurisdiction between the provinces and the federal government. For these reasons, full recognition of Indigenous rights to cultural heritage requires law reform at both provincial and federal levels. At the federal level, changes to the Canadian Property Export Review Board and Canada Border Services are additional legislative and policy areas required to fully enable repatriation.

### **Distinctions-Based Approach**

The framework must accommodate a distinctions-based approach, which means working independently with First Nations, Inuit, and Métis peoples in recognition of their unique customs and laws. A distinction-based approach acknowledges that each community of First Nations, Inuit, and Métis peoples has a unique culture, territory, history, and relationship with one another, as well as unique strengths to build on and challenges to face.

### **Ensure Flexibility**

The framework must be flexible regarding self-determination and sovereignty to enable Indigenous Nations to make laws. The approach to enabling Indigenous Nations to make laws could take the form of legislation that recognizes this jurisdiction within the scope of the framework, similar to Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth, and families.

### **Enable Proactivity, Accountability & Transparency**

The framework must enable proactivity, and mechanisms are required to both resource the museums and hold them accountable, in alignment with the UNDRIP articles which address the rights of Indigenous peoples to their cultural and spiritual practices, including the right to access and control their religious and cultural sites, Ancestors, and Belongings. However, financial resourcing must prioritize Indigenous communities and include provisions for colonial museums and heritage institutions to financially contribute as part of their funding obligations. As well, there must be mechanisms to ensure accountability and transparency for repatriation activities in museums and any future activities that might impact cultural sites, Ancestors, and Belongings.

### **Duress is a Basis for Return**

In addition, duress must be recognized as part of the framework. Indigenous peoples seeking the return of their and Ancestors and Belongings have long asserted that most were removed under duress due to genocide, political or religious coercion, dire economic circumstances, and other circumstances that meet the definition of duress. Any acquisitions taken from Indigenous communities under duress are considered not only unethical, but the presence of duress also impedes Indigenous rights as defined in UNDRIP.



### Right to Cultural Heritage and Knowledge

The framework must recognize that Indigenous Peoples have intellectual sovereignty over all tangible and intangible cultural heritage, as defined in UNDRIP Article 31. This includes the right to know about these Belongings and connected traditional knowledge or intangible heritage, and the right to control access to these. This includes not only cultural objects, but all intangible heritage and Indigenous intellectual property, including maps, photographs, archival documents, and songs, plants, seeds, and language recordings. These Belongings are living parts of Indigenous traditional knowledge systems, cultural expressions, and Indigenous intellectual property. There is also a need to address issues related to private collections.

### Data Sovereignty

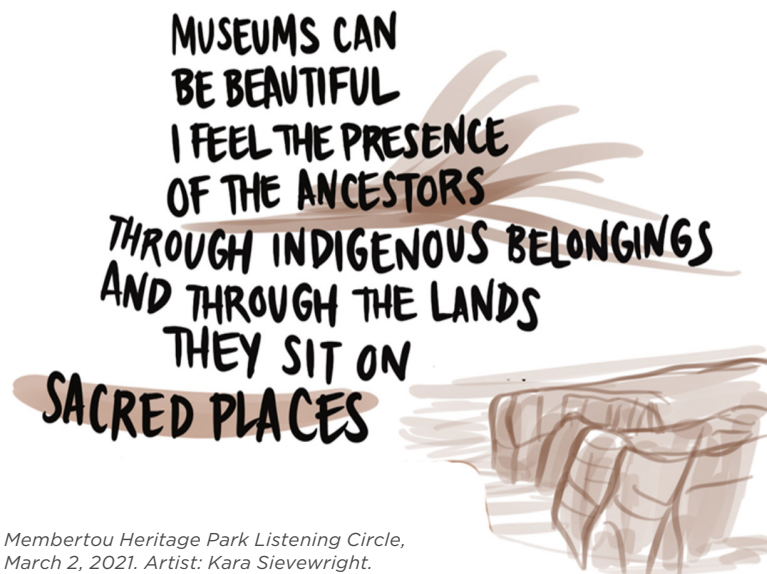
Data sovereignty must be a connected and critical area of focus, enabling Indigenous communities to have the full control of information. Institutions need to consider all aspects of recognition and control over information, digitization and archival preparation, 3D scanning and printing, AI (Artificial Intelligence) modelling, digital access, museum archival rights and permissions. Similarly, “digital repatriation” must not be considered as repatriation. Although digital repatriation must operate under the free prior informed consent of Indigenous people and be included as part of the spectrum of repatriation, this is not the stopping point.

### Include Emotional and Spiritual Support

Emotional and spiritual support must be a part of the framework. Considering the many ways that Ancestors and Belongings were removed from communities, an approach that centres trauma-informed practices is key. It must be up to the rights holder communities to determine and understand what the healing process is as Ancestors, and Belongings are brought home, including the healing infrastructure required to have Ancestors and Belongings come home. This work can stir up many emotions and this needs to be part of understanding for communities since trauma response in reaction to collections is both common and complex.

### Holistic Funding Model

Holistic funding is therefore needed to support initiatives before, during, and after repatriation processes. Significant resources are required for repatriation efforts, including provisions for food, hospitality, childcare, research, information management, relationship-building, travel, transport, ceremony, and post-repatriation care, which are often not currently covered by funding bodies. Additionally, mechanisms within funding structures must ensure that the work that is happening is occurring on an authentic, fully consultative, and informed basis. Funding should include the development and enforcement of cultural heritage policies or laws, as well as provide sustainable funding for community capacity building.



*Membertou Heritage Park Listening Circle, March 2, 2021. Artist: Kara Sievewright.*



## Section II

This section summarizes the shared insights regarding current systems and approaches related to repatriation that require change to comprehensively implement an Indigenous Cultural Heritage Rights Framework.

### **Reframing Repatriation: The Repatriation Economy**

Repatriation must be reframed from a cost to a repatriation economy. This perspective emphasizes the positive impacts and opportunities that repatriation can create for communities, including increased skills and employment, infrastructure and technology, health, wellbeing, and cultural benefits. Repatriation supports emotional and spiritual healing for communities by rectifying historical injustices. Returning cultural heritage to the rights holders empowers Indigenous communities by reinforcing their rights and agency in managing their cultural heritage, fostering self-determination and sovereignty. The process of repatriation can create jobs in areas such as curation, conservation, research, care of Ancestors and Belongings, and education within Indigenous communities. The presence of repatriated Belongings can attract arts and heritage, tourists, scholars, and researchers, boosting local economies through tourism-related activities and educational development. As well, collaborative repatriation efforts can strengthen relationships between museums, governments, and Indigenous communities, promoting mutual respect and ongoing partnership.

### **Invest in Community Infrastructure**

Financial racism, in the form of siloing of funding for Indigenous-specific programming, remains a systemic issue. Infrastructure needs to develop and build cultural spaces to hold Ancestors and Belongings are a primary concern. In addition, there is a lack of capacity in most Indigenous cultural centres and spaces at the community level. Investment needs to be made in Indigenous cultural centers to provide training and ongoing operational support in repatriation and greater arts administration. Infrastructure in communities

needs to be more cohesive and consider the multifaceted needs of each community. As well, there is a need for better tax incentives for donations to Indigenous cultural heritage centres.

### **Support Indigenous Community Capacity**

Many mechanisms separate Indigenous rights holders from full access to their cultural heritage. The burden placed on communities to locate Ancestors and Belongings indicates the need for systemic change to current processes within colonial museums and heritage institutions. Communities should not be responsible for spending time and capacity to find their Ancestors and Belongings. Overlapping networks of belonging means that discussions and decisions on where things go must be considered as a core part of the repatriation process, and not a hindrance to the process. In examples of arrangements for burials when Ancestors could belong to multiple cultural groups, decisions need to be informed by all the communities. Challenges surrounding the identification and arrangement of Ancestors underscore the importance of informed decision-making guided by community input. For these reasons, there needs to be support for capacity building or an Indigenous mediating body to assist facilitating process where needed, who can provide basic understanding, support, and guidance when required.

### **Institutional Readiness**

Institutional preparedness for repatriation is crucial. Institutions are not culturally aware, which places the onus on Indigenous communities to provide guidance on collections information and care. This results in overlapping work and Indigenous people being asked to repeat work, as well as institutions fighting for funding to conduct the same activities. Training and institutional readiness is required before jumping into the work of repatriation. Investment from colonial museums and heritage institutions beyond the assignment of one staff member is required. Preparing collections is central to repatriation, and collections must be reviewed accordingly. For example, how Indigenous languages are contextually based are not reflected in current understanding of collections.



### Recognize Nation-Based Scholarship

The focus on education and training needs to centre Indigenous practitioners and knowledge-bases. More Indigenous practitioners need to have professional networking opportunities and opportunities to have these discussions among Indigenous professionals exclusively. Indigenous peoples are the new resource extraction. Also, there is a need for more inclusive perspectives of what qualifies as scholarship, including addressing the contrast between the recognition of Western academic and Indigenous Nation-based scholarship. Indigenous heritage professionals remain underpaid compared to non-Indigenous heritage professionals.

### Beyond Shared Stewardship

While shared stewardship is a pragmatic approach to enabling access while ensuring traditional care and usage rights, shared stewardship cannot be the final solution, unless that is what rights holders want. Allow time for communities to repatriate on their own timelines and own terms. It must be recognized that when rights holders settle for shared stewardship to enable access now while the knowledge is still in the community, shared stewardship needs to come with ability for use and traditional care. It is up to the rights holders to determine how to best care for their cultural heritage, both while their cultural heritage is held in museums and after being returned.

### Rethinking Community Engagement

There is a lack of inclusivity in current approaches to engagement and consultation, and many colonial museums and heritage institutions are cutting corners on consultation. The general use of the term “community” when referencing consultation activities must be given more nuance. For example, who is included in the term “community” is still often defined by museums in their consultation processes. Colonial museums and heritage institutions must spend more time seeking input on who to include in consultations, and redefine their consultation and partnership approaches accordingly.

### De-Centring Museum Authority

Colonial museums and heritage institutions need to recognize Indigenous laws and ways of maintaining traditional knowledge systems, cultural expressions, and Indigenous intellectual property, including that these laws are regionally specific. These museums and heritage institutions also need to recognize the value of the roles they play and the value of the resources there, including all aspects of collections holding traditional knowledge. Many museums are still single-minded, extractive and have blind spots they still do not realize in relation to supporting Indigenous self-determination, of which repatriation is part of a broader spectrum. Often, colonial museums and heritage institutions have the attitude of “we know best” when it comes to caring for Ancestors and Belongings. For example, some museums continue to dictate the terms of return and policing what happens to Belongings after they are returned remains.



Musée amérindien de Mashteuiatsh Listening Circle, March 18, 2021. Artist: Kara Sievewright.



## Section III

Overall, the input received during the symposium reflects hope and optimism that a national Indigenous-led framework on Indigenous Cultural Heritage Rights will:

- Uphold Indigenous sovereignty
- Support Indigenous-led approaches
- Provide adequate, holistic funding supports

The symposium affirmed the collective commitment to advancing repatriation efforts in ways that centre Indigenous sovereignty over cultural heritage, as upheld through UNDRIP. Participants committed to advancing advocacy for an Indigenous-led framework on Indigenous cultural heritage rights through collaborative partnerships and community consultation, with a focus on ensuring this framework comes with the proper resources to address systemic inequities and foster cultural revitalization.

### Formation of an Indigenous Cultural Heritage Rights (ICHR) Task Group

The Repatriation Symposium participants agreed on the need to form a task group to move forward the outreach and advocacy related to the formulation of an Indigenous Cultural Heritage Rights Framework. It was determined that the members of the IHC Board of Directors and the CMA's Reconciliation Council would comprise the ICHR Task Group. The IHC would lead the ICHR Task Group, with coordination support from CMA staff.

## Participants

**Grant Anderson**, Indigenous Council Member, Canadian Museums Association  
**Lucy Bell**, Repatriation Expert  
**Tim Bernard**, Executive Director, The Mi'kmawey Debert Cultural Centre  
**Nika Collison**, Indigenous Council Member, Canadian Museums Association  
**Stephanie Danyluk**, Senior Engagement Manager, Canadian Museums Association  
**Deepika Fernandez**, Manager, Heritage Programs  
**Barbara Filion**, Indigenous Council Member, Canadian Museums Association;  
Culture Programme Officer, Canadian Commission for UNESCO  
**Heather George**, Director, Indigenous Heritage Circle  
**Nicole Henbrey**, Coordinator (contract), Canadian Museums Association  
**Gerry Lawson**, Director, Indigenous Heritage Circle  
**Janis Monture**, Executive Director, Canadian Museums Association  
**Amber Paquette**, Director, Indigenous Heritage Circle  
**Kisha Supernant**, President, Indigenous Heritage Circle  
**Jeff Ward**, Indigenous Council Member, Canadian Museums Association





## NEXT STEPS

The participants agreed to prioritize the following areas in pursuit of an Indigenous Cultural Heritage Rights Framework.

### 1. Funding

- a) Strategic funding for engagement, advocacy, outreach, data gathering and research, and meeting costs.
- b) Advocacy for long-term, sustainable funding and initiatives to address financial racism, including additional funding streams to support Indigenous-led cultural centers and heritage organizations.

### 2. Engagement

- a) Indigenous-led grassroots and political level engagement, including youth, Elders, and spiritual leaders. Regional and national Indigenous-led gatherings for engagement and consultation.
- b) Exploration of mechanisms to redefine community engagement and partnership approaches.

### 3. Framework Development

- a) Includes advocacy, relationship-building, and increasing awareness of ongoing work alongside of legal review, data gathering, consultation, and research.
- b) Further research on legal precedents and opinions regarding Indigenous heritage rights, including continued dialogue on nation-based scholarship and improvements to existing repatriation frameworks like NAGPRA.

### 4. Capacity Building

- a) Building Indigenous community capacity to support work, ensuring outreach and coordinating of education resources.
- b) Outreach and capacity building at museum level for advocacy, relationship-building, and increasing awareness of ongoing work.

### 5. Advancing the Dialogue

- a) Utilizing UNDRIP, strengthening media relationships, and sharing educational stories responsibly.
- b) Meeting Indigenous communities and museums where they are at and being mindful of the diverse levels of readiness.
- c) Furthering Justice Canada's UNDRIP Action Plan and TRC Calls to Action



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