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More than Giving Back: Repatriation Toolkit

A Toolkit in Support of
Moved to Action: Activating
UNDRIP in Canadian Museums



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Canada

Introduction

Taking on the work of repatriation is about more than giving back. This begins by acknowledging that the cultural heritage of Indigenous peoples belongs to Indigenous peoples—the rights holders. This means supporting Indigenous rights holders by taking the onus off those who are looking for their cultural belongings and ancestral remains. Being proactive in assessing, researching, and preparing collections for repatriation are central first steps, although the work of repatriation must be guided by Indigenous rights holders at every step to the utmost extent possible.

As described in the *Historical Considerations and Repatriation* sections of the *Moved to Action* report, the plundering of First Nations, Métis, and Inuit Nations was motivated and bolstered by the overt genocidal policies and practices of the Canadian government. The removal of ancestral remains and cultural belongings happened in conjunction with land dispossession, forced relocation and attempted erasure of Indigenous Nations. Indigenous peoples seeking the return of their cultural belongings and ancestral remains have long asserted that these were removed under duress due to 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 unethical.

For Indigenous belongings in what is currently Canada, many link the period of duress to the application of the strict laws under *Indian Act* (1876-1951). However, as outlined in the *Moved to Action Report*, the new standard is to consider that in many cases the period of duress begins with contact and continues today.

Expanding the defined period of duress becomes exceedingly important when assessing the legality of museums to return Indigenous cultural belongings. To comply with UNDRIP, museums must identify and divest their collections of items that have questionable provenance and return these to the appropriate individuals/communities.

Moreover, acquisitions acquired under duress are not merely unethical. The presence of duress also impedes Indigenous rights as defined in UNDRIP. Their continued use, display, and ownership by museums violates the rights of Indigenous peoples to free, prior and informed consent.

The sharing of the information on your collections with Indigenous rights holders in an accessible and transparent manner is therefore central to assisting in repatriation and stewardship processes in a way that respects the rights of Indigenous peoples to free, prior and informed consent. A strong repatriation policy that outlines all steps for the process is the structural support that enables both the Indigenous rights holders and museum staff to be proactive and informed throughout the entire repatriation process.

This quick reference guide is not comprehensive but offers key considerations and questions to get you started in your repatriation efforts. It provides relevant and current supporting resources and examples to further assist your museum in your repatriation work.

Quilt

I was at the art gallery this weekend
wondering at the beadwork
wishing I could speak to it...

...ask if
are you sad
to be laid under the glass
instead of over the shoulders of people in the sun?

How many things do we make with our hands...
that love the night...
that love the day...
that we don't know...
we didn't ask?

If my souls ever became trapped in a quilt
I really hope that I get laid out in the sun
on the damp grass for picnics
I want to get a little muddy sometimes...

I want to be wrapped around chilly babes on cool fall evenings as the smell of the bonfire soaks into my fibres...
I want to be locked away in a cedar trunk in the attic and discovered again in times of grief...
I want to be made into forts and caterpillar burritos...
I want to be under breakfast in bed and over many many lovers...

For now... it seems unlikely that I'll ever be trapped inside a quilt...
I'll just make sure to lay my blankets on the beach in the sun, on the bed in the fall...
to eat on them and love under them and wrap them around chilly babes whenever I get the chance.

Adeline Cook, 2022

*Adeline Cook is a contemporary Saulteaux artist
from Sandy Bay First Nation who lives and
works in Winnipeg, Manitoba.*



More Than Giving Back: Preparing Collections for Repatriation

Assessing Collections

The work of repatriation and stewardship of cultural belongings will be made easier if collections are properly prepared. Before preparing your collections for repatriation and stewardship, you must properly assess your collection. This begins with understanding the provenance of all cultural belongings in your collection. The assessment of collections should prioritize Indigenous cultural belongings and include all tangible and intangible heritage items.

It is the job of museums to provide knowledge they hold on their collections to Indigenous rights holders, as well as to identify which cultural belongings in their care may have sacred or spiritual value and to implement the necessary protocols for their proper care. This will enable communities to take informed and proactive steps toward repatriation and stewardship and will also assist the museum's engagement and consultation processes.

Ask:

- Are there parts of your collection that **hold intangible heritage or traditional knowledge** of an Indigenous community?
- Are there items of tangible cultural heritage value **that you may have overlooked?**
- Indigenous tangible and intangible cultural heritage, traditional knowledge, and intellectual property include such items as including maps, photographs, archival documents, and songs, plants, seeds, and language recordings.

For further guidance, see “Understand Cultural Heritage” by CCUNESCO <https://en.ccunesco.ca/blog/2019/10/understanding-intangible-cultural-heritage>

Core Considerations:

- Ensure the assessment of your collections includes **all tangible and intangible cultural heritage, traditional knowledge, and intellectual property** such as maps, photographs, archival documents, and songs, plants, seeds, and language recordings.
- Gather the information on each cultural belonging in your collection and compile it in a manner that can be **transmitted to Indigenous rights holders** connected to the belongings.
- Determine which aspects of your collections **have clear provenance**.
- Determine if items in your collection **have not been accessioned**.
- Determine which areas **require additional research**.
- Determine which areas **require additional consultation**, either to facilitate research or to determine proper care in accordance with Indigenous protocols and methods.
- Review all terminology in your collections to **ensure respectful naming**, including culturally appropriate terminology and Indigenous names for places, communities, nations and peoples.

Which objects are considered culturally sensitive?

Obvious examples are sacred or holy pieces used in ritual. They also include materials that are culturally restricted; for example, those seen or handled only by specific people such as initiates or medicine keepers, or by one gender only. Information on culturally sensitive materials may or may not be part of the documentation upon museum acquisition of the piece. Developing information on care can be part of consultations with representatives of the source community.

(From “Caring for sacred and culturally sensitive objects”, by Miriam Clavir and John Moses. <https://www.canada.ca/en/conservation-institute/services/preventive-conservation/guidelines-collections/caring-sacred-culturally-sensitive-objects.html>)

Researching the Collection

As with the assessment process, research into collections should prioritize Indigenous cultural belongings, especially those acquired under colonial conditions or periods of duress.

Core Considerations:

- **Research the collection over all museum holdings**, as well as **external sources and networks** including resource library, archives, etc. to properly contextualize the cultural belongings in your collection.
- **Share provenance research** across museums, academic, heritage, and Indigenous nations networks to gain additional insight.

Where possible, research projects should engage the Indigenous community. Research into a specific community history, culture, or material culture initiated by museum staff should be undertaken in consultation with the traditionally associated groups. Be aware there may be cultural concerns about who does the research, how the research is conducted, how the group will be represented in the study, and the distribution of the study.

Note that they will have information you do not.

Preparing Collections

Preparation of collections for repatriation brings together the assessment and research stages, with a focus on gathering information for sharing in a manner that is fulsome, accessible, and respectful. This involves the gathering of all information and documentation on collections items, ensuring this information is kept up to date, and establishing processes for sharing this information. As well, consideration for respectful storage, care and protocols are a part of this preparation stage.

Core Considerations:

- **Gather documentation and related research materials**, including information on the use of the belonging. Documentation of ritual observations or associated stories may contain culturally defined rules for transmitting and controlling knowledge about the collection, which may involve protocols, ceremony or restrictions.
- **Consider culturally appropriate methodologies for cataloguing and documenting.** There may be culturally defined rules for transmitting and controlling knowledge about the collection, which may involve rituals or prohibitions.
- **Review collections to ensure respectful storage and care.** Traditional care might include keeping separate or displaying belongings in a traditionally appropriate configuration (for example, with pipe bowls being separated from pipe stems) ensuring that a traditionally appropriate plant or herbal offering is placed inside a display case alongside the cultural belongings or conducting or using the belonging in ceremony.

Traditional care

Traditional care encompasses the aspects of Indigenous daily living pertaining to the safekeeping of ritual or ceremonial objects which, to the extent directed by the appropriate Indigenous community members themselves, may be integrated into a museum's routine collections care practices and exhibition techniques.

Traditional care can take many forms. In its private, behind-the-scenes aspect within collections storage, it may involve the periodic smudging of objects or the ritual feeding of selected items such as masks. Smudging (Figure 2) is the exposure of ritual objects to the smoke from smouldering plant material such as sweetgrass, tobacco or sage. Ritual feeding might involve the application of vegetable oil or foodstuffs to the surfaces of objects.

(from “Caring for sacred and culturally sensitive objects”, by Miriam Clavir and John Moses. This resource presents key considerations related to sacred and culturally sensitive belongings in heritage collections. <https://www.canada.ca/en/conservation-institute/services/preventive-conservation/guidelines-collections/caring-sacred-culturally-sensitive-objects.html>)

Ask:

- What do you know of the **specific protocols and cultural practices** of the Indigenous communities connected to the cultural belongings in your collections?
- What **additional research, learning or consultation** must occur to ensure cultural belongings are being cared for in a respectful and proper manner?

For additional guidance, see “Caring for sacred and culturally sensitive objects”, by Miriam Clavir and John Moses. This resource presents key considerations related to sacred and culturally sensitive belongings in heritage collections. <https://www.canada.ca/en/conservation-institute/services/preventive-conservation/guidelines-collections/caring-sacred-culturally-sensitive-objects.html>

Making Collections Accessible

Museums must make collections accessible as soon as possible. Making collections accessible includes having collections information publicly accessible, establishing processes for visiting the cultural belongings, and ensuring all protocols are understood and followed in a nation-specific manner as much as possible, including proactive consultations with Indigenous communities with historical connections to the belongings.

Core considerations:

- Collections information should **tell the full stories behind collection items**, including those that may reveal multiple possibilities of the provenance of the belongings. In some cases, this might require an explanation of the wider historical context, including how, why and by whom items were removed from individuals or countries/communities of origin, and what this reveals about the attitudes of those involved.
- **Maintain and update detailed research notes** in cases where provenance research might span decades.
- **Digitize research material and collections images** and provide web access to these to the extent that this does not conflict with cultural protocols or restrictions.
- **Establish arrangements for visiting cultural belongings**, including setting up spaces that allow for privacy, enabling smudging or other ceremonies, allow for traditional care visits to occur before or after normal museum working hours or during weekends. Museum staff in general should be advised of the activities. Access to a small fire extinguisher and/or sand bucket are useful precautions in advance of a smudging ceremony. Consult delegations in advance of their visit.
- **Understand the protocols and restrictions** related to enabling access to collections, and consult in these areas with the communities associated with the collections.
- **Consult as expansively as possible** in consultations and information sharing with Indigenous nations and communities to whom your collections could be connected and provide regular updates on repatriation, research, and consultation progress.

Decolonize Your Repatriation Policy

This toolkit provides key considerations for formulating a decolonized repatriation policy, including considering the application of UNDRIP, as well as standards recommended through consultations with Indigenous communities and Indigenous museum professionals.

Ensure that your policy is active and not reactive. Where possible, consult with your Indigenous partner communities and keep processes flexible to incorporate the Indigenous protocols, laws, and cultural practices within each individual repatriation or related process.

Ask:

- If an Indigenous rights holder is **looking for information** on your collections, **is that process onerous?**
- If an Indigenous rights holder is looking to **initiate a repatriation request**, is there a **clearly defined, public process** for this?
- What changes must be made to **enable Indigenous communities to be proactive** in repatriation efforts?
- What changes must be made to **enable museum staff to be proactive** in repatriation efforts?

Note: A legal review must happen for each of these to ensure it does not inadvertently conflict with another piece of legislation.

Section	Description	Notes
Section 1: Principles	This section outlines the Spirit and Intent with which requests will be considered.	<p>Guided by UNDRIP, especially Article(s) 11 & 12</p> <ul style="list-style-type: none"> Recognition that concepts of ownership, governance, and laws vary between Indigenous Nations and those by which the museum abides. Recognition of intangible elements and importance of cultural belongings from Indigenous perspectives.
Section 2: Definitions	<p>Use definitions that centre Indigenous perspectives.</p> <p>For example, cultural belongings in exchange for artifact or object; ancestral remains in exchange for human remains.</p>	<ul style="list-style-type: none"> Ancestral remains are the remains of human relatives of Indigenous peoples, families, and communities. Cultural belongings have an ongoing historical cultural importance to an Indigenous community.
Section 3: Purpose	<p>This section outlines the purpose(s) for the policy.</p> <p>Ensure that this section is clear and consider the use of the policy beyond simple repatriation requests.</p> <p>For example, for accessing information on items in collections, or for initiating processes that allow for alternative options for access and care.</p>	<ul style="list-style-type: none"> Provide information on how to make a claim for repatriation. Ask: how can an Indigenous community begin this process with you? Is this process taking the onus off Indigenous communities? Is this policy and process accessible? Explain how the museum processes a claim. Outline options to access and care for cultural belongings and ancestral remains.

Section	Description	Notes
Section 4: Scope	<p>This section outlines the scope of the policy in relation to the museum's collections, types of belongings/remains considered for repatriation by the museum, and options for access, care, and use of cultural belongings currently held by the museum.</p> <p>Key considerations for this section include expanding the categories of items in collections that are available for repatriation to include all culturally significant items, including all cultural belongings and intangible heritage that hold traditional knowledge or intellectual property, or are of ongoing importance to an Indigenous community.</p>	<p>Options for access to, care, and use of cultural belongings as interim or alternative options to repatriation can include:</p> <ul style="list-style-type: none">◦ management of cultural belongings◦ co-stewardship◦ temporary in-trust storage of cultural belongings◦ replication of cultural belongings <p>The Indigenous laws, protocols, and cultural practices of the Indigenous Nations with whom these processes are being undertaken must be considered here.</p> <p>See the <u>"While You Wait to Repatriate"</u> section for additional guidance.</p>

Section	Description	Notes
Section 5: Process/ Procedures	<p>This section outlines the processes through which the Indigenous rights holders or their representative making the request may then make a formal application, through a form or a letter, to the relevant museum representative, signed by the official representative of the requesting group, for the repatriation of the ancestral remains or cultural belongings in the inventory.</p> <p>This section also outlines the processes through which overlapping or conflicting claims may be resolved.</p> <p>Key considerations are recognizing that concepts of ownership may vary, and so consider endorsing a collaborative approach on a case-by-case basis to determine the most appropriate recipients of repatriated items. Formulate processes that include museum participation and offer museum capacity rather than placing the onus on the group or representatives of the Indigenous Nations to resolve overlapping claims.</p> <p>The Indigenous laws, protocols, and cultural practices of the Indigenous Nations with whom these processes are being undertaken must be considered here.</p>	<ul style="list-style-type: none"> The repatriation process may be initiated when an official representative of the Indigenous right holders (for example, an Indigenous family member, an Indigenous government) makes a written request to the museum for an inventory or summary of the collection or a request for the information regarding ancestral remains or cultural belongings known to be housed in the museum's collection.

Section	Description	Notes
Section 6: Roles and Responsibilities	<p>This section outlines the roles and responsibilities of the institution and of Indigenous peoples in the repatriation and related processes in order to provide clarity on who will act at each step throughout the process.</p> <p>The Indigenous laws, protocols, and cultural practices of the Indigenous Nations with whom these processes are being undertaken must be considered here.</p>	<ul style="list-style-type: none"> Definitions of roles and responsibilities for museum staff and leadership to include review and response to requests, consultation and accommodation of advice and leadership from Indigenous rights holders, facilitation of all stewardship options, as well as taking proactive steps toward initiating repatriation and communications. Definitions of roles and responsibilities for Indigenous rights holders to include submission of requests, participation in consultations as appropriate, assisting in determining proper protocols for access, care, use and repatriation of remains and belongings.
Section 7: Requests	<p>This section provides the criteria for how repatriation requests are received. Often, these are referred to a museum Repatriation Committee, a selected curator, or senior staff.</p> <p>This section also further outlines the museum's approach regarding overlapping claims processes and review, as necessary.</p>	<ul style="list-style-type: none"> Ensure these criteria and procedures are publicly available (on a website or in printed material) and understood throughout the museum.
Section 8: Review	<p>This section outlines the review processes for repatriation requests. These are often reviewed by a Repatriation Committee, a selected curator, or senior staff.</p>	<ul style="list-style-type: none"> Ensure these criteria and procedures are publicly available (on a website or in printed material) and understood throughout the museum.

DECOLONIZE YOUR REPATRIATION POLICY

Section	Description	Notes
Section 9: Approval	This section outlines the museum's processes for approving repatriation or related requests.	<ul style="list-style-type: none">Ensure these criteria and procedures are publicly available (on a website or in printed material) and understood throughout the museum.
Section 10: Procedures	This section outlines the procedures for proceeding with repatriation or related requests. The Indigenous laws, protocols, and cultural practices of the Indigenous Nations with whom these processes are being undertaken must be considered here.	<ul style="list-style-type: none">Includes procedures for determining options for the management of cultural belongings through consultations with Indigenous rights holders.Includes procedures for determining options for co-stewardship through consultations with Indigenous rights holders.
Appendixes	This section contains supporting document templates.	<ul style="list-style-type: none">Includes form templates such as request form for action, request form for collections information, letter templates.

While you wait to repatriate...

Indigenous peoples have special and collective rights to all aspects of their culture, whether expressed tangibly or not. Here are some activities that can be conducted before, during, or in place of formal repatriation processes to recognize and assist in the assertion of these rights.

Topic	Description	
Co-stewardship	Co-stewardship arrangements acknowledge and respect the rights of Indigenous nations and communities to collaboratively steward their belongings, representations of themselves and their intangible cultural heritage held in collections or in material produced, curated, and distributed by the museum. This can also help to foster sustained dialogue with communities; promote greater engagement with their heritage collections; enhance and refine cultural documentation and associated metadata; ensure culturally appropriate collection care and display; and recognize source community interest in digital return and repatriation. Shared stewardship of collections must be conducted in a spirit of consultation and collaboration.	<p>“Shared Stewardship of Collections,” Smithsonian Center for Folklife and Cultural Heritage (2019).</p> <p>An example of a framework for shared stewardship.</p> <p><u>Shared-Stewardship.pdf (si.edu)</u></p>
Commissioning replicas	While replicas can assist in facilitating access to cultural belongings for communities, especially those who are remote or for families or communities who share connections to the same belongings, consultations must occur with all associated with the belongings to ensure protocols and other considerations and concerns mentioned in the <i>Community Cultural Considerations for Cultural Belongings</i> section.	<p>The Return of the G’psgolox Pole</p> <p>An example of commissioning a replica in exchange for the Haisla totem pole held in Sweden.</p> <p><u>https://traffickingculture.org/encyclopedia/case-studies/gpsgolox-totem-pole/</u></p> <p><u>https://www.geist.com/findings/prose/return-of-the-g-psgolox-pole/</u></p>

WHILE YOU WAIT TO REPATRIATE

Topic	Description	
Temporary storage of belongings	Care for and storage of cultural belongings repatriated/returned from institutions other than the “home” institution for a temporary period of time.	<p>Aanischaaaukamikw Cree Cultural Institute Community Loans Program</p> <p>An example of a program where community members loan belongings to the museum and lenders state access, care, and restrictions for the use of their belongings</p> <p><u>https://www.museums.ca/site/property_trade</u></p>
Special Access	Associated groups may request use of the collection for ceremonial activities in accordance with the protocols of the Indigenous nation.	<p>Museum of Anthropology Access to Collections grant: <u>MOA Collections Access Grant (qualtrics.com)</u></p> <p>An example of funding provided by museums for travel by Indigenous rights holders to visit the collection.</p>
Loans	Request for use may be made for community display or use. For example, a use request may be for an off-site ceremony because the location of the event may be critical to the protocols.	<p>Museum of Anthropology Guides for Loans to Originating Communities</p> <p><u>Guide-Borrowing-by-Originating-Communities-01-2020.pdf</u></p> <p>An example of a museum guide to loaning procedures to originating communities.</p>

WHILE YOU WAIT TO REPATRIATE

Topic	Description	
Review	Exhibit policies and procedures: —not displaying items under claim.	MAS Guidance: <u>WEB - Responsible Exhibition and Interpretation of Indigenous Artifacts_v_2.pdf</u> (saskmuseums.org) Community Cultural Considerations for Cultural Belongings
Gifting/returning un-accessioned items	Gifting or return of un-accessioned items to their home community.	

Overlapping Claims Resolution Guidance

Overlapping claims to cultural belongings and ancestral remains can cause some delays to repatriation requests. These must be approached in a manner that does not put the onus back on Indigenous Nations for resolution but supports and informs these discussions.

Museums need a framework that supports and reflects Indigenous perspectives, such as shared territories, overlapping government jurisdictions, reflects extensive family networks within and between Indigenous nations, and promotes and supports culturally-appropriate approach to addressing disputes.

Key considerations for processes that consider overlapping claims include:

- Central role of museums in informing, supporting and facilitating these discussions
 - Providing all the documentation that would assist in informing these discussions.
 - Provide written support for Indigenous nations, especially for funding requests.
- Access to information
 - Claims could be better informed if relevant documents are digitized first (in consultation with communities) and any information that relates to the provenance of belongings returned to communities.
- Ensure all information comes from an Indigenous perspective, including territory, place names, and names of communities. For example, the BC statement of intent map has caused some issues regarding overlapping territories. Ensure this is coming from perspective of Indigenous nations.
- Additional considerations regarding difficulties of items where “ownership” has been mis-attributed.
- All must be considered on a case-by-case basis, in consultation with all Indigenous communities involved.

Recommended Resources

Indigenous Repatriation Handbook, Royal BC Museum and Haida Gwaii Museum (2019)

https://issuu.com/royalbcmuseum/docs/indigenous_repatriation_handbook_rbcm_2019

This comprehensive resource presents a comprehensive review of the repatriation process that is helpful to both community and museum and includes relevant tools that will assist with the process.

Caring for sacred and culturally sensitive objects, Miriam Clavir and John Moses (2019)

<https://www.canada.ca/en/conservation-institute/services/preventive-conservation/guidelines-collections/caring-sacred-culturally-sensitive-objects.html>

This resource presents key considerations related to sacred and culturally sensitive objects in heritage collections.

Restitution and Repatriation: A Practical Guide for Museums in England (2022)

<https://www.artscouncil.org.uk/supporting-arts-museums-and-libraries/supporting-collections-and-cultural-property/restitution-and>

General guidance for museums on repatriation, including guidance on resolving claims and checklists for claims processes.

Repatriation in Canada: A Guide for Communities. Bourgeois, Rebecca L. U of A: Edmonton, AB (2022).

<https://era.library.ualberta.ca/items/2dfb153e-76da-4caca968-a3f6b2e3a61c>

This booklet serves as a guide for Indigenous communities looking to explore repatriation by providing background information on Acts and policies that could be encountered during their repatriation journey.

We Are Coming Home: Repatriation and the Restoration of Blackfoot Cultural Confidence

<https://www.aupress.ca/books/120242-we-are-coming-home/>

The story of the highly complex process of repatriation as described by those intimately involved in the repatriation of Blackfoot cultural items from the Glenbow Museum, notably the Piikani, Siksika, and Kainai elders who provided essential oversight and guidance. Appendixes include terms of reference and MOU examples.