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Marie Mauzé

Domestic and International Repatriation

Returning Artifacts to First Nations Communities in Canada

Zusammenfassung

Der Artikel gibt einen Überblick über die kulturellen und politischen Interessen, die mit der Rückführung von indigenen Artefakten zu ihren Herkunftsorten und -kulturen verbunden sind. Weiterhin erklärt er die historischen Hintergründe von Rückführungsansprüchen und thematisiert die rechtlichen, ethischen und kulturellen Aspekte der nationalen und internationalen Rückführung von Objekten, die kulturelle Bedeutung für die First Nations in Kanada haben. Verschiedene Fälle werden diskutiert, um die Angelpunkte in Bezug auf die Schaffung neuer Beziehungen zwischen Museen und First Nations zu beleuchten.

Résumé

L'objectif de cet article est de fournir un panorama des enjeux culturels et politiques associés au rapatriement d'objets dans leurs communautés d'origine. Il rappelle également le contexte historique dans lequel se sont manifestées des revendications de restitution. Je m'attache à développer les aspects légaux, éthiques et culturels du rapatriement au sein même du Canada et de l'Europe vers le Canada. La présentation de plusieurs cas précis permettra de mettre en évidence les questions relatives à la construction de nouvelles relations entre les musées et les Premières Nations.

In memory of Andrea Sanborn,
executive director of the
U'Mista Cultural Centre

For the last 40 years, significant debates have focused on ethnographic museums' practices vis-à-vis Aboriginal peoples, those living in former colonies dominated by European powers, also called settlement colonies. Since the late 1970s, American, Canadian, Australian and New Zealand museums are facing crucial, political and cultural issues concerning the role and expertise to be given to Native communities with regard to the management of museum collections and their exhibition within

their institutions. Local communities have clearly shown their intentions of playing a major role in dealing with artifacts, a part as important as that of non-Native curators. On the one hand, debates deal with how to represent non-western societies in western museums, on the other hand, they deal with partnerships between museums and communities (Karp/Lavine 1991; Henderson/Kaeppler 1997; Mauzé/Rostkowski 2007). Another key issue is that of the rightful ownership of cultural patrimony which can be expressed in two questions: Do museums own Native artifacts or do museums hold Native artifacts in trust for Native people? This leads to the closely related complex issue of repatriation.

This article will mainly deal with restitution of cultural heritage which, of course, should be envisioned in the broadest context of UNESCO, who played a major role for the protection of cultural property. As aptly pointed out by Christian Feest (1992, 34), "under the pressure of Third World government, the idea of a world culture belonging to all mankind gradually gave way to the notion of the primary importance of a national cultural heritage needed to express national identity." This discourse had further been passed on by ICOM (UNESCO's International Council of Museums), which succeeded in helping to implement these ideas in the museum sphere.

The establishment of a new museum order was organized at a different pace depending upon the political agenda and the national contexts of the countries involved. It goes without saying that the United States and Canada had to respond to the new demands from their Native communities and to develop an adequate policy responding to various cases of restitution of human remains and sacred artifacts. By contrast, European museums seem to ignore requests from Native communities, protecting themselves behind the shield of their own nation's museum's law; moreover, as a defence against repatriation claims, they have put to the fore the status of museums as universal institutions entitled with the authority of representing all cultures, which means preserving and presenting the world's cultural patrimony.[1]

Domestic Repatriation Policies

Each settlement colony has developed its own policy to reconcile issues of ownership and facilitate the process of repatriation of human remains and sacred objects to their source communities. In Europe, there is no legislation as such, although several cases of repatriation of symbolically important Native material based on the history and the circumstances of its collecting have taken place. In the United States, repatriation of Indigenous human remains and cultural objects is framed

1 I am referring to the 2002 "Declaration on the importance and value of universal museums" signed by thirteen of the greatest world's museums in North America and Europe. Among those are the Berlin State Museum, the Louvre and the British Museum. Neil MacGregor, the director of the British Museum, under the political pressure of Greece over the return of the Elgin Marbles played a key role in promoting the declaration (see Lewis 2004, 3; MacGregor 2004, 7). For a critical analysis of the idea of 'universal museums,' see O'Neill 2004, 190-202.

within the *Native American Graves Protection and Repatriation Act* (NAGPRA) signed in November 1990. NAGPRA is grounded in the right of religious freedom, which is not only a constitutional right for American citizens, but has been explicitly reaffirmed in the *Indian Religious Freedom Act* (IRFA) passed in 1979. The IRFA opened the way for the legal foundation of the restitution of Native cultural property and human remains. NAGPRA is born from the *National Museum of the American Indian Act*, which established the National Museum of the American Indian in 1989 and made it compulsory for the Smithsonian Institution to take an inventory of the Native American burial items in its collections and furthermore to consider the repatriation of those artifacts declared sensitive or sacred to federally recognized tribes by communities. The Act only concerns publicly funded American Museums; repatriation is only mandatory when it involves the patrimony of Native American communities in the United States, which means that American museums holding collections, say, from Canada, do not have to comply with requests from First Nations. However, usually, when the case is presented, a dialogue is engaged to the satisfaction of the claimants once their legal rights have been proved.

While not entirely satisfactory because the Act provides both rigid and vague definitions of concepts such as 'cultural affiliation,' 'property right,' 'sacred object,'[2] which do not adequately apply in some specific cultural backgrounds, NAGPRA "offer[s] a template upon which authority can be constructed and enacted, specifying who can speak, at what times, and in what ways so as to be culturally authoritative" (Johnson 2007, 26).

In Canada, museums follow the recommendations of the *Task Force Report* which offer a framework for establishing new relationships between museums and First Nations. The Task Force grew out of discussions between Canadian museums and Aboriginal peoples which took place at a conference held in 1988, organized by the Assembly of First Nations and the Canadian Museums Association. Called *Preserving Our Heritage*, the conference was convened in response to the controversy caused by organization of an exhibition on Canadian Aboriginal art. Entitled *The Spirit Sings* the exhibition intended to celebrate the richness and diversity of Canada First Nations opened in 1988 at the Glenbow Museum in Calgary (Alberta) as one of the many showcases organized for the Calgary Olympic Winter Games. What was supposed to be a great show – about 650 objects highlighting the finest examples of Native artistic productions gathered from Europe and North America – became quite a scandal. Part of the high costs involved in putting together this exhibition

2 According to NAGPRA, sacred objects "are those ceremonial objects which are needed by traditional Native American religious leaders for the present day practice of traditional Native American religions. This includes both the use of the objects in ceremonies currently conducted by traditional practitioners and instances where the objects are needed to renew ceremonies that are part of a traditional religion." Objects of "cultural patrimony" are those objects which have "ongoing historical, traditional, or cultural importance central to the Native American group or culture itself" (see NAGPRA Glossary, <www.nps.gov/nagpra/faq/>, Feb. 18, 2010).

were subsidized by Shell Oil, a company that had been drilling on Crown lands, in the heart of the ancestral territory of the Lubicon Lake Nation. Having unsuccessfully negotiated with both the federal and provincial governments the recognition of their land claims on that very territory, the Lubicon Lake Cree started to pressure the lending institutions to boycott the Glenbow Museum exhibition. The situation was indeed paradoxical: on the one hand, Shell Oil was helping to promote Cree culture while on the other, it was destroying their territory (see, for example, Harrison/Trigger 1988 and Halpin/Ames 1999).

Within the context of the *The Spirit Sings* the Mohawk Nations sued the Glenbow Museum for the return of a tribal mask on display in the exhibit. The Mohawk argued that "the disposition and display of the property was in violation of Mohawk tradition and law." While acknowledging that this claim raised serious issues the Alberta court asserted that, "in the court's opinion, the Mohawk were unable to prove that irreparable harm would be suffered if the False face mask was not returned, a legal condition which must be met in order to obtain the relief sought" (see Bell 1992, 52; qtd. in Gibbons 1997, 312). This argument would not hold today as traditionalists do consider False face masks as the living representation of spirits, and as such they are sacred to them. The Iroquois policy explicitly prohibits the sale, the exhibition of these masks and the publication of photographs representing them as well as denies non-Indians the right to examine and interpret them. The boycott of *The Spirit Sings* by a large public – Native and non-Native – and the withdrawal of several museums that had agreed to lend pieces prompted the Canadian museums to reconsider their relationships with Aboriginal communities (Harrison/Trigger 1988).

Following this controversy, the Assembly of First Nations (AFN) represented by Chief George Erasmus and the Canadian Museums Association (CMA) established the Task Force on Museums and First Peoples. The Task Force members tried hard to identify the problems and the needs with regard to representation of Native people in exhibitions, museum collections and collaborations between museum and Native consultants. In terms of repatriation, they supported not only the return of illegally acquired items but expressed themselves in favour of negotiated restitution of objects that may have been obtained legally, but were of ongoing importance to a Native community. Representatives of both museums and First Nations also considered negotiated loans and the replication of significant objects in museum collections to meet the cultural needs of Aboriginal communities (Grant/Blundell 1992). The Task Force's findings and recommendations were published in a report whose title *Turning the Page: Forging New Partnerships Between Museums and First Peoples* owes to George Erasmus's declaration: "We (the Aboriginal peoples) are well aware that many people have dedicated their time, careers and their lives showing what

they believe is an accurate picture of Indigenous peoples. We thank you for that, but we want to turn the page [...]."[3]

The report brought recommendations to the issues that had been discussed in terms of the involvement of First Nations representatives in the conservation and interpretation of museums' collections and their access to them on account that objects "represent cultural history and values and are therefore sources of learning, pride and self-esteem."[4] It recommended the repatriation of human remains and sacred and ceremonial objects to their Native source communities, especially those considered very important to revitalize Native culture: "This report considers the disposition of Aboriginal cultural patrimony, including human remains, burial objects, sacred and ceremonial objects and other cultural objects that have ongoing historical, traditional or cultural import to an Aboriginal community or culture" (Nicks/Hill 1992, 616).

The report could not do without expressing itself clearly on the idea of cultural patrimony. Indeed, repatriation entails a new definition of what 'traditional ownership' used to mean or still means in a specific tribal context. Instead of being individually owned as it was often the case in many Aboriginal societies across Canada, ceremonial objects by virtue of repatriation become part of the cultural patrimony of a tribe or a group, which is an entirely new notion that Native people have to accommodate with. Various authors have already pointed out that returned artifacts become "a constituting part of an inalienable, communal heritage," which is a "radical innovation" (Harding 1997; Harkin 2005, 13). Repatriation also raises the issue of the representative authority authorized to represent the interests of a tribe or a group; indeed it happens that conflicts may arise between traditionalists and progressive leaders over the status and the place to be given to returned material. The Task Force has seriously considered the question but left the onus to the community itself.

The Task Force recommendations do not cover every issue in the establishment of relations between Native peoples and museums. They have some flaws, but at least they provide a basis for both sides to better work together. The Task Force certainly broke new ground and contributes in overcoming barriers to collaboration from both sides. Unlike NAGPRA that is "legally binding," the Task Force report is rather intended to be "morally persuasive" (Kramer 2004, 162).

Since 1992, museums in Canada, under the guidance of the Museum Act and the Task Force recommendations, have developed their repatriation policy concerning both human remains and sacred objects. Museums not only provide responses to requests received from First Nations but also offer the possibility to Native people to

3 Opening Address by G. Erasmus to "Preserving our Heritage: A Working Conference for Museums and First Peoples," Ottawa, November 1988.

4 Appendix 6A: Excerpts from *Turning the Page*, op. cit.: 610.

access their collections and identify the objects requiring special care. Repatriation agreements between museums and local Native communities occurred through Treaty processes, as it is the case, for example, with the Nisga'a of British Columbia. In 1999, the Nisga'a signed a Treaty Agreement which officially transferred nearly 2,000 square kilometres of Crown land to their nation and the creation of a Provincial Park. The agreement also included the return of human remains and ceremonial objects to Nisga'a territory by provincial and federal museums (chapter 17).[5] Some categories of objects considered as sacred will be transferred from the Canadian Museum of Civilization (Gatineau) and the Royal British Columbia Museum (Victoria) to the Nisga'a Nation while others will be shared on a rotating basis or kept in the museums' collections. A total of about three hundred artifacts will be returned by both institutions to be housed in a local museum; its role will be "to showcase a rich and resurgent culture."[6]

Canada has avoided legislation to deal with requests to museums for the return of Native cultural property. Alberta is an exception: in 2000, it passed a provincial legislation called *The First Nations Sacred Ceremonial Objects Repatriation Act* (FNSCORA) (2000). However, the scope of the law is rather limited. It only applies to the Royal Alberta Museum (Edmonton) and the Glenbow Museum (Calgary), and concerns the collections owned by First Nations in the province. It aims to place sacred ceremonial objects that are vital to the practice of traditional ceremonies back into active use. The Act came into force in 2004 with the proclamation of the first regulation concerning the return of sacred bundles to the Blackfoot not as a group but to the keepers of the bundles.[7] So far, the law does not allow any mechanism enabling repatriation of sacred material to First Nations in other Canadian provinces or in the United States.

European Museums and Repatriation of Canadian First Nations' Patrimony

As already mentioned, European museum policy seems to be not really concerned with the repatriation of human remains and sacred objects to Aboriginal communities in former settlement colonies on the ground that 'Native patrimony' is part of the universal patrimony belonging to the world community and as such must be available to educate the public. However, European states approved the adoption by the General Assembly of the *United Nations Declaration on the Rights of Indigenous peoples* in September 2003. The Declaration explicitly recognizes to Indigenous peoples "the right to practise and revitalize their cultural traditions and customs [...] to manifest, practise, develop and teach their spiritual and religious

5 <http://www.gov.bc.ca/arr/firstnation/nisgaa/chapters/cultural.html>, March 30, 2010.

6 <http:// www.gov.ca/arr/firsnation/nisgga/chapters/cultural htlm>, March 30, 2010.

7 Bundles are associated with songs and knowledge. The Blackfoot consider that missing bundles create a break in history and in the spiritual balance of their world. This explains why each bundle has to be put in use to reconnect people with the cosmos. For a detailed story of the return of sacred bundles, see Conaty 2008.

traditions, customs and ceremonies; [...] the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains." In that regard "states shall 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 (articles 11 and 12)".[8]

Although the Declaration is a non-binding text, it is worth stressing that Canada, the United States, Australia and New Zealand did not vote for the Declaration because of domestic concerns over provisions on self-determination, land and resource rights. Canada felt that the provisions on lands, territories and resources were putting into question matters that had been or could be settled by treaty. In that light, we may consider that the return of cultural patrimony is a form of compensation for the wrongdoings of colonization on Aboriginal societies which is not really too costly.[9]

It is difficult to assess the impact of NAGPRA and the *Task Force Report* on European repatriation policy of European museums. In terms of the physical repatriation of human remains and sacred objects, legal differences exist between European countries, the United States and Canada. The European Union as such is not endowed with a legislation regulating the return of objects to their communities of origin without mentioning the transfer to their country of origin, and it is very likely that the issue will not be dealt with at that level in the years to come or even the decades to come. However, the United Kingdom has adopted a code of practice to ensure the repatriation of human remains following debates involving Indigenous communities, archaeologists and museums over such issues. The policy concerns international agreements between Australia, Tasmania, New Zealand and the United Kingdom museums.[10] It should be stressed that within the UK, this policy may not be implemented as various museums hold different policies regarding the repatriation of remains; some have no policy at all. Between 2003 and 2009, the Scottish museums fulfilled their agreements and repatriated skeletal material (Maori skulls and tattooed heads – *toi moko* – to the Te Papa Tongarewa Museum of New Zealand.[11] They have also returned remains to Australia and Tasmania. In Sweden, the Museum of Ethnography in Stockholm and the Gothenburg Museum of World Cul-

8 <http://www.un.org/esa/socdev/unpfii/en/drip.html>, Feb. 18, 2010.

9 <http://www.cbc.ca/canada/story/2007/09/13/canada-Indigenous.html>, Feb. 18, 2010.

10 A joint statement was released by the Australian and British Prime Ministers. Both governments engaged in "increas[ing] efforts to repatriate human remains to Australian Indigenous peoples" (<http://www.fahcsia.gov.au/sa/progserv/engagement/repatr>, March 1, 2010). See also Fforde et al. 2002.

11 <http://www.elginism.com>, Feb. 18, 2010. For other cases of repatriation between 2003 and 2010 by UK museums see <http://www.creativespirits.info/Aboriginalculture/people/Aboriginal>, Feb. 18, 2010. Since 1990, the University of Edinburgh policy is "to return human remains when so requested to appropriate representatives of cultures in which such had particular significance, subject to safeguards" (<http://www.lib.ed.ac.uk/about/policy/collectionsrepat.shtlm>, Feb. 18, 2010).

ture have signed and implemented an agreement for the return of skeletons to Australia (2004) and to New Zealand (2009). So far, France is faced with a request of repatriation of a Maori decorated head brought up at an international symposium to discuss the roles and responsibilities of museums in the exhibition and repatriation of human remains, but has not really dealt with the issue yet. The direction of the *Musées de France* has avoided the debate on the recognition of Aboriginal claims for human remains from once colonized communities; the only policy that currently stands is the strict application of the French Museum Statute providing for the inalienability of state properties.[12]

International Repatriation of Culturally Important Objects

In Europe, major agreements about international repatriation have so far concerned human remains but not ceremonial and/or sacred objects. It is nonetheless worth pointing out that the museums already involved with Australian or New Zealand repatriation of human remains are likely to be more open to proceed with an *ad hoc* protocol to requests presented to them. Several repatriation cases to the United States and Canada have occurred but were not bound to legislation or guidelines; they were based on an implicit code of ethics according to which artifacts removed illegally from their source communities should be given back to their original owners. It is only very recently that the Marischal Museum and the University in Aberdeen (Scotland) have adopted policies which will include also sacred objects and items of cultural patrimony.[13]

One of the early examples of repatriation of a significant item in the Lakota history is the case of the return of a Ghost Dance shirt by the Glasgow Museums to the Wounded Knee Survivors Association in 1999. The shirt acquired from a member of the Buffalo Bill West Show in the 1890s by the Kelvingrove Museum in Glasgow had probably been stripped from a dead body of a Lakota man following the Massacre of Wounded Knee (South Dakota 1890). The dramatic circumstances which surrounded its acquisition weighed in the decision of its return by the Glasgow Museums (Simpson 2002, 209-210). A replica of the shirt made by a Lakota tribal leader was presented to the museum and displayed to narrate the story of the original piece and its repatriation.

A few years later, the Marischal Museum in Aberdeen agreed to return a headdress to the Horn Society of the Kainai/Blood Nation in Alberta, Canada. The repatriation of the headdress, initially catalogued as a "war bonnet," but identified as a sacred bundle by the members of the traditional religious society, was not tied to any legislation but the result of discussions between museum representatives and members of the Blood Nation. It was rightly transferred to the Mookaakin Cultural and Heritage Foundation created to deal with previous repatriations. The foundation is recognized by the Kainai people as the proper institution able to ensure the care of the headdress by the rightful keepers. The year following its restitution (2003), the headdress was put back into use and danced at a powwow in southern Alberta (Curtis 2007, 48-49). As Neil Curtis, Senior Curator at the Marischal Museum remarked:

> Unlike many repatriation requests, this has been marked by understanding and friendship on both sides and has had a very positive outcome for us all. The museum has learnt much more about the headdress and traditional life on the Plains. I hope that the museum's care of the head-dress has contributed to the strengthening of Blood cultural traditions and that its return will be the beginning of new links between Aberdeen and one of the First Nations of Canada.[14]

Another case of physical restitution is the transfer of a memorial pole to the Haisla people of British Columbia by the Swedish Museum of Ethnography in 2006. The mortuary pole which had a great symbolic and historical importance to the Haisla had been carved in the 1870s by a man named G'psgolox to honour the death of his wife and children, who had died from smallpox. It took several years for the Swedish government and the museum representatives to meet the request of repatriation first presented by the First Nations delegation in 1991. The decision in favour of the return taken in 1994 was mainly based on the immoral circumstances of the acquisition of the pole by its donor to the museum. Facts indicated that the pole had been cut down and taken away from its original place in complicity with the local Indian Agent and sold in 1929 to Olaf Hansson, a representative of the Swedish government. Hansson, in turn, donated the totem pole to Sweden's National Ethnographic Museum in Stockholm. The memorial pole remained some fifty years in storage before it was displayed in 1980. As part of the restitution process the Haisla had a replica pole carved by local artists which was raised in place of the original pole that was shipped back to British Columbia in March 2006.[15] On its side, the Swedish Museum asked the Haisla people living today in the village of Kitimat to build a proper facility to preserve the G'psgolox pole.[16] Whether in Sweden or in British Columbia, each part of the reciprocal transfer was celebrated by speeches, songs,

12 The symposium which took place at the *Musée du quai Branly* was entitled "From Anatomic Collections to Objects of Worship: Conservation and Exhibition of Human Remains in Museums," February 22-23, 2008 (see Berger 2009). Since this article was written, the Assemblée nationale voted on May 4th 2010 a new law authorizing the repatriation of sixteen Maori heads to New Zealand. (<http://assemblee-nationale.fr/13/ta/tao455.asp>, May 17, 2010.)

13 See <http://internationalrepatriation.wordpress/com/>, March 30, 2010.

14 <http://www.parthenonuk.com/article.php?id=299>, Feb. 18, 2010.

15 A first replica was carved to be erected at the very place where the original pole was taken down in the ancient Haisla village of Misk'usa in 2000.

16 At the time of the pole repatriation, the Haisla community had not gathered enough funds to build a community centre where it was to be erected. The pole can be seen in the Kitimat City Centre Mall.

and dances. Anders Björklund, director of the Museum of Ethnography, who travelled to British Columbia for the welcoming ceremony in Vancouver, where the pole was unveiled before being transported to Kitimat, made known that: "In repatriating this pole, we have made history. We have also created a friendship between the people of Sweden and the Haisla Nation." For the Haisla, as remarked by Gerald Amoss, chair of the Haisla totem pole repatriation committee: "This repatriation of a pole from overseas is a first – it's historic. Our children will be able to touch something their ancestors carved and this is very important for the Haisla people."[17]

In the absence of legislation or formal guidelines, international repatriation occurs on a voluntary basis. Two other examples will illustrate this statement. One concerns what is legally and formally not to be considered as repatriation: it is a long-term loan of a Kwakwaka'wakw transformation mask by the British Museum to a local First Nations' Cultural Center in 2005; the other case is the repatriation of a Kwakwaka'wakw ceremonial headdress to the same institution by a private person in 2003. Both pieces belonged to a collection of almost five hundred ceremonial objects confiscated from the Kwakwaka'wakw people by the Canadian government in 1922, following the illegal organisation of a potlatch, a ceremony banned since 1885. After the confiscation, the potlatch regalia were divided between the National Museum of Man (now Canadian Museum of Civilization) and the Royal Ontario Museum. About thirty-two pieces were acquired by an important private collector, George Heye, the founder of the Museum of the American Indian in New York. In the late 1960s, the Kwakwaka'wakw began campaigning for the return of their ceremonial treasures. After many years of negotiations and in a rather favourable political context, the National Museum of Man in Ottawa returned to the Kwakwaka'wakw the so-called "Potlatch Collection" in 1979. At that time, the repatriation of the Potlatch Collection was undoubtedly the most well-known and significant case in Canada before the establishment of the Task Force (Mauzé 1995; 1999).

The collection was to be dispatched among two Kwakwaka'wakw museums, the Kwagiulth Museum and Cultural Center in Cape Mudge and the U'Mista Cultural Center in Alert Bay. Later repatriations from the Royal Ontario Museum in 1988 and the National Museum of the American Indian (former Heye Foundation) in accordance to NAGPRA in 1993 and 2002 almost entirely restored the collection (Mauzé 2008a; 2008b). The Kwakwaka'wakw transformation mask from the Potlatch Collection which had been part of the Northwest Coast collections in the British Museum since 1944[18] was sent back to the U'Mista Cultural Center in 2005 for the celebration of its twenty-fifth anniversary. In 1996, the British Museum turned down the first

17 <http://www.mail-archive.com/natnews-north>, Feb. 18, 2010.

18 In 1938, the transformation mask was sold by the Museum of the American Indian (Heye Foundation) to Harry Beasley, an English collector for his Cranmore Museum in Kent. When Beasley died, his widow donated many artifacts to the British Museum, one of which was the Potlatch Collection mask (<http://www.britishmuseum.org/explore/highlights/highlight_objects>, Feb. 18, 2010).

request to return the object, citing the British Museum Act, which prohibits the institution to give up its artifacts. However, the establishment of mutual trust relationships between Jonathan King, the keeper of the department of Africa, Oceania and the Americas, and Andrea Sanborn, director of the U'Mista Cultural Center, led to an agreement of a long-term loan of the mask. The mask was thus reunited with the other potlatch regalia housed at the U'mista Cultural Center.[19]

A ceremonial headdress from the Potlatch Collection was repatriated by Aube Elléouët Breton, the daughter of the Surrealist poet André Breton, in September 2003. This piece acquired by Breton in 1965 had been bought by George Heye in 1926. It was to be later exchanged to an American gallery owner. In 1999 the headdress had been selected to complete the very small group of the five Northwest Coast objects that were to be exhibited in the gallery of "Arts Premiers" at the Louvre created to honour masterpieces from Africa, Oceania, Asia, and the Americas. However, because of the controversial origin of the headdress[20] – the object being part of the Potlatch Collection – in agreement with Aube Elléouët-Breton, the acquisition committee of the Mission de préfiguration of what was to become the *Musée du quai Branly* decided not to buy the Breton's piece (Mauzé 2004).

Having identified the exact provenance of the headdress in 1998, and upon hearing about the Breton auction in the fall of 2002, I interceded with Aube Elléouët to try to obtain the restitution of the headdress to its rightful home among the Kwakwaka'wakw. To my request, Aube answered that she and her daughter Oona "would be very proud to give the mask back to the people whom it had been stolen from." Aube Breton later said that "returning the headdress was important to her because of what it means to Natives' efforts to recover their identity" (Knox 2003, A2). The return of the headdress was celebrated in a ceremony of its own kind elaborated by the elders and the museum staff. Aube was thanked for her remarkable gesture with a Kwakwaka'wakw name. The headdress was thus reunited with its other companions in misfortune (Mauzé 2008a).

Conclusion

The cases of repatriation of sacred or culturally important objects from Europe to Canada can be counted on the fingers of one hand. Requests have also been very few so far. UK museums are beginning to recognize Indigenous peoples' cultural predicament and the central part played by the recovery of their heritage. This means the negotiated return of artifacts, but also shared authority in the interpretation of collections in the museum. As curator of the Americas collections at the Pitt Rivers Museum, Laura Peers, with researcher Alison Brown, has developed new

19 <www.unesco.org/culture/laws/pdf/abstract/sanborn>, Feb. 18, 2010.

20 Upon examining the headdress I was able to identify the piece as part of the Potlatch Collection. I advised the acquisition committee of what was to be the *Musée du quai Branly* not to buy the object as it could be requested for repatriation by the Kwakwaka'wakw people (Mauzé 2004).

working relationships between the museum and Native American/First Nations source communities. This type of collaboration acknowledges the major significance attached by Native people in the United States and in Canada to retrieve cultural knowledge in order to strengthen their identity and their well-being. Besides physical repatriation and extended loans, there are other means which allow collaborative partnerships: "knowledge repatriation" based on access to museums' collections and "visual repatriation" consisting of putting database records (artifacts, photographs, historical information) online in order to help to create what the MOA (University of British Columbia) describes as a reciprocal research network which, in the end, will contribute to enrich data on a museum's own collections.[21] The Marischal Museum has begun to assist Native groups in allowing representatives of communities to study its collection and putting together exhibits as it already did with the Cherokee beadwork show in 2009. Another case of behind-the scene research in the Museum of Ethnology in Berlin is the work undertaken in 1997 by a group of Yup'ik elders (Inuit from Alaska) on the collections gathered by Johan Adrian Jacobsen in their territory in 1882-1883. This research facilitated by the museum curator Peter Bolz and the anthropologist Ann Fienup-Riordan benefited the museum, which had preserved the artifacts for over a century, providing them with new data, and the Yup'ik people, who were able to re-connect with their heritage in studying objects that had disappeared from their lives for many decades. The main concern of the Yup'ik people was not to reclaim artifacts but to re-appropriate the knowledge and the experiences that the objects embodied.[22] It remains to be seen whether a new generation of curators in European museums will soon understand the benefits of repatriation – be it physical, visual or virtual – in the establishment of collaborative relationships in this post-colonial era.

References

Bell, Catherine, 1992, "Reflections on the New Relationship", *Canadian Museum Association. Legal Affairs and Management Symposium*, 56-84.

Cardinal, Gil (dir.), 2003, *Totem: The Return of the G'psgolox Pole*, Canada, National Film Board, 70 min.

Conaty, Gerald, 2003, "Glenbow's Blackfoot Gallery: Working Towards Co-existence", in: Laura Peers/Alison Brown (eds.), *Museums and Source Communities*, London: Routledge, 227-241.

-----, 2008, "The Effects of Repatriation on the Relationship between the Glenbow Museum and the Blackfoot People", *Museum Management and Curatorship*, 23.3, 245-259.

Conaty, Gerald/Robert Janes, 1997, "Issues of Repatriation: A Canadian View", *European Review of Native American Studies*, 11.2, 31-37.

21 <http://www.isca.ox.ac.uk/about-us/staff/academic/de-laura-peers/>, Feb. 23, 2010. See also Peers/Brown 2003.

22 The outcome of the research was published in Fienup-Riordan 2005; Meade/Fienup-Riordan 2005. See also Fienup-Riordan 2003.

Curtis, Neil G., 2007, "Thinking about the Right Home: Repatriation and the University of Aberdeen", in: Mille Gabriel/Jens Dahl (eds.), *Itimut: Past Heritage – Future Partnerships: Discussions on Repatriation in the 21st Century*, Copenhagen: Eks-Skolus Trykkeri, 44-55.

Feest, Christian F., 1995, "'Repatriation': A European View of the Question of Restitution of Native American Artifacts", *European Review of Native American Studies*, 9.2, 33-42.

Fforde, Cressida/Jane Hubert/Paul Turnbull (eds.), 2002, *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*, London: Routledge.

Fienup-Riordan, Ann, 2003, "Yup'ik Elders in Museums: Fieldwork Turned on its Head", in: Laura Peers/Alison Brown (eds.), *Museums and Source Communities*, London: Routledge, 28-41.

Fienup-Riordan, Ann, with Bethel Calista Elders Council, 2005, *Yupik Elders at the Ethnologisches Museum Berlin: Fieldwork Turned on Its Head*, Seattle: University of Washington Press.

Gibbons, Jacqueline A., 1997, "The Museum as Contested Terrain: The Canadian Case", *The Journal of Arts Management, Law, and Society*, 26.4, 309-314.

Grant, Laurence/Valda Blundell, 1992, "Museums and First Peoples: Working to Reconcile Competing Interests", *Inuit Art Quarterly*, Spring 1992, 52-54.

Halpin, Marjorie/Michael Ames, 1999, "Musées et Premières nations au Canada", *Ethnologie française*, XXIX, 431-436.

Harding, Sarah, 1997, "Justifying Repatriation of Native American Cultural Property", *Indiana Law Journal*, 72, 723-774.

Harkin, Michael, 2005, "Object Lessons: The Question of Cultural Property in the Age of Repatriation", *Journal de la Société des Américanistes*, 91.2, 9-30.

Harrison, Julia/Bruce Trigger, 1988, "'The Spirit Sings' and the Future of Anthropology", *Anthropology Today*, 4.6, 6-9.

Henderson, Amy/Adrienne L. Kaeppler (eds.), 1997, *Exhibiting Dilemmas: Issues of Representation at the Smithsonian Institution*, Washington, D.C.: Smithsonian Institution Press.

Johnson, Greg, 2005, "Facing Down the Representation of an Impossibility: Indigenous Responses to a 'Universal' Problem in the Repatriation Context", *Culture and Religion: An Interdisciplinary Journal*, 6.1, 57-78.

-----, 2007, *Sacred Claims: Repatriation and Living Tradition*, Charlottesville/London: University of Virginia Press.

Karp, Ivan/Steven D. Lavine (eds.), 1991, *Exhibiting Cultures: The Poetics and Politics of Museum Display*, Washington, D.C.: Smithsonian Institution Press.

Knox, Jack, 2003, "Treasure Comes Home: The Daughter of a French Legend Returns a Native Headdress Seized Under Canada's Notorious Potlatch Law in 1922," *Victoria Times Colonist*, 22 Sept. 2003, A1, A2.

Kramer, Jennifer, 2004, "Figurative Repatriation: First Nations 'Artist Warriors' Recover, Reclaim, and Return Cultural Property through Self-Definition," *Journal of Material Culture*, 9.2, 161-182.

Lewis, Geoffrey, 2004, "The Universal Museum, a special case," *ICOM News*, 1, 3.

MacGregor, Neil, 2004, "The British Museum", *ICOM News*, 1, 7.

Mauzé, Marie, 1995, "Potlatching as Ever", *European Review of Native American Studies*, 9.1, 25-31.

-----, 1999, "Un patrimoine, deux musées: la restitution de la Potlatch Collection", *Ethnologie française*, XXIX.3, 419-430.

-----, 2004, "Quand une coiffure cérémonielle kwakwaka'wakw retrouve sa communauté d'origine: histoire d'une restitution", *Art tribal*, 5, 112-117.

-----, 2008a, "Trois destinées, un destin", *Gradhiva*, 7, 100-119.

-----, 2008b, "Objet retrouvé, objet rendu", in: *Les Cahiers du CIERA 2, La Restitution du patrimoine matériel et immatériel: Regards croisés Canada/Mélanésie*, Québec: Editions du CIERA, 67-77.

-----/Joëlle Rostkowski, 2007, "La fin des musées d'ethnographie? Peuples autochtones et nouvelles perspectives muséales", *Le Débat*, 147, 80-90.

Mead, Marie/Ann Fienup-Riordan, with Bethel Calista Elders Council, 2005, *Ciuliamta Ajkluit: Things of Our Ancestors*, Seattle: University of Washington Press.

Nicks, Trudy/Richard Hill, 1992, *Turning the Page: Forging New Partnerships Between Museum and First Peoples*, Ottawa: Carleton University.

O'Neill, Mark, 2004, "Enlightenment Museums: Universal or Merely Global", *Museum and Society*, 2.3, 190-202.

Peers, Laura/Alison Brown (eds.), 2003, *Museums and Source Communities*, London: Routledge.

Province of Alberta, 2000, *First Nations Sacred Ceremonial Objects Repatriation Act: Blackfoot First Nations Sacred Objects Repatriation Regulation. Alberta Regulation 96/2004*, Edmonton: Alberta Queen's Printer.

Province of Alberta, 2008, *First Nations Sacred Ceremonial Objects Repatriation Act: Revised Statutes of Alberta, Chapter F-14*, Edmonton: Alberta Queen's Printer.

Simpon, Moira, 2002, "The Plundered Past: Britain's Challenge for the Future", in: Cressida Fforde/Jane Hubert/Paul Turnbull (eds.), *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*, London: Routledge, 199-217.

Electronic References

"Aboriginal remains repatriation" (<http://www.creativespirits.info/aboriginalculture/people/aboriginal-remains.html>), Feb. 18, 2010.

Berger, Laurent, "Des restes humains, trop humains?", 26 September 2009 (<http://www.laviedesidees.fr/Des-restes-humains-trop-humains.html>), Feb. 18, 2010.

The British Museum, "'namgis mask" (<http://www.britishmuseum.org/explore/highlights/highlight_objects/aoa/n/namgis_mask.aspx>), Feb. 18, 2010.

CBC, "Canada votes 'no' as UN Native Declaration Passes," CBC News, 13 September 2007 (<http://www.cbc.ca/canada/story/2007/09/13/canada-Indigenous.html>), Feb. 18, 2010.

The Committee for the Reunification of the Parthenon Marbles, (<http://www.parthenonuk.com/article.php?id=299>), Feb. 18, 2010.

"Elginism" (<http://www.elginism.com>), Feb. 18, 2010.

General Assembly GA/10612, 13 September 2007: General Assembly, Sixty First General Assembly Plenary (<http://www.un.org/News/Press/docs/2007/ga10612.doc.htm>), March 30, 2010.

International Repatriation Advisory Committee, last modified 23 March 2010, (<http://www.fahcsia.gov.au/sa/indigenous/progserv/engagement/repatriation/Pages/international_repatriation_advisory_committee.aspx>), March 23, 2010.

Ministry of Aboriginal Relations and Reconciliation, Chapter 17. "Cultural Artifacts and Heritage" (<http://www.gov.bc.ca/arr/firstnation/nisgaa/chapters/cultural.html>), March 30, 2010.

United Nations Declaration on the Rights of Indigenous Peoples, Adopted By General Assembly 61/295, on 13 September 2007 (<http://www.un.org/esa/socdev/unpfii/en/drip.html>), March 30, 2010.

The University of Edinburgh, Information Services, "Guidelines for deciding on requests for the repatriation of items from the University Collections", 22 June 2004 (<http://www.lib.ed.ac.uk/about/policy/collectionsrepat>), March 1, 2010.

University of Oxford, Institute of Social and Cultural Anthropology, Dr. Laura Peers (<http://www.isca.ox.ac.uk/about-us/staff/academic/dr-laura-peers/>), March 23, 2010.

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