

# COLLECTION MANAGEMENT POLICY AND PROCEDURE MANUAL

## 7. REPATRIATION AND CULTURAL PROPERTY

Cultural Property is defined as –“material cultural artifacts and the ideas and rights that govern their production use and ownership”<sup>1</sup>.

If the country or group of peoples of an artifact’s origin request repatriation, the Museum will make every effort to comply. All requests for repatriation must be approached with respect and sensitivity.

### A. PROCEDURE FOR REPATRIATION REQUESTS

- Each request for repatriation must be made in writing to the Curator and will be considered in the framework established by the Pemberton and District Museum and Archives. The claim must clearly identify the individuals(s) or group(s) making the declaration, identify the material(s) as the basis of the claim, and state the reasons for the request
- In many repatriation cases there is not clear evidence, either oral or written, on the way the object became housed in the Museum. Because of this, the Museum considers all requests for repatriation on a case-by-case basis.
- A repatriation case file will be maintained and updated for each individual claim. All information pertaining to the particular request will be included in the case file.
- Requests for repatriation will be acknowledged by the Curator and then referred to the Board of Directors for further processing and decision making.
- The Museum may advertise, post notifications, or take other necessary steps to identify other possible claimants. A one month waiting period must take place to allow any interested or conflicting parties to contact the Museum.
- In the event of conflicting claims, the Museum will inform parties that a conflict exists and defer decisions about repatriation until the conflict is resolved. The Museum will consult with claimants but not interfere with internal political or religious affairs. The conflicting

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<sup>1</sup> Tessa Berman “Beyond the Museum: The Politics of Representation in Asserting Rights to Cultural Properties”  
*Museum Anthropology* Vol. 21, No. 3 (Winter: 1997). pg. 19

claimants must propose a unified position to the Museum to before the Museum continues the repatriation procedure.

## B. REPATRIATION CRITERIA

- **Eligibility:**

Requests for repatriation may be considered:

As independent requests from Aboriginal individuals.

As requests from Aboriginal governments.

In the context of negotiations of comprehensive claims between Canada and Aboriginal people.

In the context of self-government negotiations between Canada and Aboriginal people.

For repatriation to occur, a relationship must exist between a claimant and the requested material. This relationship can be lineal descent or cultural affiliation. Cultural affiliation can be based on biological, historical, geographical, genealogical, archeological, linguistic, ethnological, archival, or expert opinion

- **Review:**

Each request for repatriation will be reviewed according to the following criteria:

- The historical relationship of the requestor(s) to the objects concerned.
- The conditions under which the materials requested were acquired by the Museum.
- The possibility of competing claims to the artifacts.

## C. GUIDELINES FOR REPATRIATION

- The Museum will respond quickly to all requests for repatriation of cultural materials
- The Museum will use its best efforts and consider all options available to meet the spirit and intent of a request. These may include special access to holdings, loans, exhibits, replication of objects, and respectful storage and/or display of the specified collection(s) in accordance with the advice of the originating peoples (peoples from whom the collections came).
- The Museum's negotiating position is governed by Canadian law and international agreements signed by Canada.
- In accordance to the Pemberton and District Museum and Archives' Deaccessioning Policy, any material removed permanently from the collection must be approved by the Curator, the Collections Committee, and the Board of Directors.
- The Museum will maintain a written record, photographs, and copies of all documents pertaining to the repatriated object(s) for their own records. A copy of these records will also be provided to the organization/family receiving the repatriated object.

- The Museum reserves the right to reproduce any repatriated object in its collection before it is removed from its collection.

#### D. RELATED INFORMATION

- In cases where a loan rather than repatriation is requested or where a repatriation agreement is not reached, the Museum will make every effort to provide access to the collections.
- The Museum will endeavor to consult with originating communities on the storage, care of, and access to culturally sensitive materials and welcomes community initiatives in these areas.
- There are no human or skeletal remains in the Museum's collection. With respect to funerary objects or other artifacts related to human remains, the Museum is guided by this policy.
- All negotiations regarding culturally sensitive material will be conducted with the utmost professional standards and discretion.