

Indigenous Collections and Repatriation Policy

Revised August 2018

POLICY:

The Royal BC Museum and Archives (“the Museum”) is committed to continuous dialogue and collaboration with Indigenous communities in British Columbia regarding the collections it holds and the programs it delivers. This includes the active repatriation and cooperative management of Indigenous collections, ancestral remains and burial belongings in its care.

The Museum acknowledges that the cultural heritage of the Indigenous peoples of British Columbia must be respected by the users, interpreters, scholars and custodians of these important collections. This heritage includes cultural belongings, communally-owned property and ceremonial items as well as information in archival and audio-visual records. Indigenous ancestral remains and associated burial belongings are also in the care of the Museum and addressed in this policy, but are considered to be separate from the collections.

PURPOSE:

The Museum is committed to a collaborative approach to the care and management of Indigenous cultural collections based on the recommendations of key Canadian reports, international policy statements including the United Nations Declaration on the Rights of Indigenous Peoples and any Canadian and Indigenous legal requirements. The purpose of this policy is to:

- Ensure that the Museum works collaboratively with Indigenous peoples to cooperatively manage the care, custody, documentation and interpretation of tangible and intangible cultural heritage;
- Increase the involvement of Indigenous peoples through collaborations and partnerships and enhance existing relationships to ensure Indigenous peoples are involved in the Museum’s interpretation of their cultures and histories;
- Facilitate the return of ancestral remains and burial belongings from the Museum’s collection;
- Enable the Museum to respond to Provincial treaty and other cultural property repatriation requests in a timely and respectful manner;
- Enable the care and stewardship of Indigenous collections at the Museum.

The repatriation of ancestral remains is a Museum priority and enshrined in this policy, and is not subject to the Treaty Negotiation Process.

SCOPE:

The policy applies to the Museum's Board of Directors, the Indigenous Advisory and Advocacy Committee and staff, particularly but not limited to those working in the Indigenous Collections and Repatriation Department. The Indigenous Collections and Repatriation department maintains four categories of collections: ethnology, archaeology, audio-visual and ancestral remains.

GUIDING POLICIES AND REPORTS:

The Museum's approach to Indigenous engagement has been informed by and implements the recommendations of key Canadian reports and international policy statements. These include the Truth and Reconciliation Commission's Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, International Council of Museums Code of Ethics, the Protocols for Native American Archival Materials, the Task Force on Museums and First Peoples, and the Constitution Act of 1982. This policy is also consistent with the Museums Act and Heritage Conservation Act. These are listed in Appendix 1.

This policy should be read in conjunction with the Museum's Collection Policy, the Museum's Research Policy and the Museum's Indigenous Collections and Repatriation Department Strategy.

POLICY STATEMENT:

1. Indigenous Advisory and Advocacy Committee

The Indigenous Advisory and Advocacy Committee (IAAC) is a visionary body that draws on the experiences, expertise and perspectives of Indigenous peoples of BC to advise the Museum on effective and respectful engagement with Indigenous communities on matters relating to the Museum's governance, corporate planning, operations and repatriation. IAAC also plays an important advocacy role for the Museum and for the Indigenous peoples of BC.

IAAC may be called upon by Museum staff for advice and may make recommendations to the Museum staff and Board of Directors. IAAC will also advise Museum staff on the respectful disposition of ancestral remains with no known cultural affiliation. See IAAC Terms of Reference for additional information on the scope and authority of the committee.

2. The Indigenous Collections

a. Description of Collections

The Museum has extensive collections that are directly connected to Indigenous cultures and history of BC. Relevant Indigenous collections are located in both the Indigenous Collections and Repatriation Department, which holds ethnology, archaeology audiovisual collections and ancestral remains, and the BC Archives' collection, which includes documents and audio-visual materials relating to Indigenous peoples of BC.

Ethnology

The ethnology collection has objects relating to Indigenous cultural heritage from across the province acquired from the late 19th century to the present by purchase and/or donation, as well as photographs, films and audio recordings (linguistic and ethnological audio tapes).

Archaeology

The archaeology collection has artifacts and associated materials, such as soil samples, that have been recovered at archaeological sites across the province as well as field notes, reports and maps. The Museum is the first Archaeological Repository in BC and stores materials from archaeological projects that have listed the Museum as the designated repository.

BC Archives

The BC Archives acquires, preserves, and makes publically accessible the documented heritage of the province. The Archives holds a significant number of records relating to Indigenous peoples and communities, including historical photographs. Many records are government records created by settlers about Indigenous communities, but there are also records that contain first-hand Indigenous accounts such as audio recordings of songs and ceremonies, and transcripts of government interviews with Indigenous people.

b. Access

The Museum is aware of the importance of the authority of Indigenous peoples regarding their cultural heritage at the Museum. The Museum is committed to and will provide for:

- Opportunities for Indigenous peoples to obtain tangible and intangible cultural heritage at the Museum, including waiving reproduction fees for Indigenous researchers requesting copies of their cultural heritage and providing free access to the Museum's First Peoples Gallery for all Indigenous peoples of BC;
- Access to the documentation that the Museum has about its Indigenous holdings (taking into account the restrictions of the Freedom of Information and Protection of Privacy Act and any restrictions placed by families and/or communities);
- Access to Royal BC Museum collections not currently on display.

c. Cooperative Management

The Museum endorses the practice of cooperative management and may enter into Custodial Agreements and/or Memoranda of Understanding with Indigenous groups in BC including cultural centres, governments and other recognized Indigenous organizations regarding the cooperative care, preservation, interpretation and exhibition of Indigenous tangible and intangible heritage in the Museum's collection. The Museum will consult and collaborate with Indigenous peoples regarding the care and handling of sensitive materials such as shamanic materials.

d. Research

Research on the Museum's Indigenous collections is intended to improve and expand upon the knowledge of the collection and understanding of the Indigenous cultures and peoples of BC.

The Museum respects, gathers, and where the appropriate permissions are sought and provided, includes Indigenous traditional knowledge in the documentation and interpretation of the Indigenous collections. The Museum encourages the gathering of Indigenous knowledge on all collections and exhibitions at the Museum in a manner consistent with the reports and international policies noted in the section on Scope.

Academic research projects that focus on collections materials from specific Indigenous peoples must be approved in writing by the relevant Indigenous community governing authority. The Museum expects that researchers provide a copy of their research outcomes to the relevant Indigenous community; and that published research on the Museum's Indigenous collections include a clear credit to the Museum and the participating Indigenous community.

The Museum does not allow or conduct research on ancestral remains and does not support invasive physical research. Consent by the relevant Indigenous community governing authority for non-invasive research may be sought to help identify the unknown ancestral remains.

e. Loans

The Museum may loan Indigenous cultural materials for use by an Indigenous community subject to mutual agreement respecting appropriate use, length of loan period and physical risk to the materials.

The Museum may loan Indigenous cultural materials for display purposes to Indigenous cultural centres and facilities subject to mutual agreement respecting appropriate use, length of loan period, and physical risk to the materials.

Museum to museum loans are governed by the Museum's Collections Policy.

3. Repatriation

The Museum acknowledges the diversity of repatriation requests and will make every effort to review repatriation claims in a respectful and timely manner. The repatriation of cultural materials will be addressed on a case-by-case basis if not part of a treaty negotiation.

Repatriations done through treaty, of which ancestral remains are not a part, are governed by the Treaty Negotiation Process between Indigenous communities and the Ministry of Indigenous Relations and Reconciliation and are not addressed in this policy. No other process may supersede the treaty process.

a. Ancestral Remains and Burial Objects

Repatriation of ancestral remains is a Museum priority; ancestral remains and associated burial items will be repatriated upon request to the originating Indigenous community. The Museum will review ancestral remains repatriation requests on a case-by-case basis and in a timely and respectful manner.

It is not required that an Indigenous community demonstrate an historical or family relationship to the ancestral remains. The wishes of Indigenous communities with regard to burial objects from their communities will be respected. We will make every effort to repatriate ancestral remains and associated burial objects together.

Ancestral remains are cared for by the Archaeology Curator and Archaeology Collections Manager. Most of the remains held at the museum were collected by archeologists and date to before the arrival of the first Europeans in BC. None represent individuals whose names or identities are known.

Over time, the Museum acquired ancestral remains and burial items from across BC through a variety of circumstances and from a variety of sources, including anthropological collecting, archaeological excavations, the coroner's office and the Royal Canadian Mounted Police.

The Museum no longer accepts ancestral remains unless requested to do so on a temporary basis by the relevant Indigenous community. The Museum will recommend that archaeologists and Indigenous communities work together to minimize disruption to ancestral remains and ensure remains are retained and cared for by the local Indigenous community in accordance with their cultural traditions and beliefs.

The Museum will consider repatriation of unaffiliated ancestral remains to an Indigenous community that can demonstrate a relationship to the ancestral, historic or Indigenous territories from whence the ancestral remains were collected.

IAAC will advise on the respectful disposition of ancestral remains with no known cultural affiliation. If no cultural affiliation can be determined for burial items, IAAC will recommend a respectful storage until such time as information is obtained that leads to their cultural affiliation.

b. Cultural materials

The Museum acknowledges that many cultural materials were alienated from Indigenous peoples during the period when the potlatch and other Indigenous cultural practices were illegal under the *Indian Act*. Therefore, the Museum considers cultural materials that were taken from Indigenous communities between 1884 and 1951 to be eligible for repatriation, on a case-by-case basis. This time frame also applies to cultural materials repatriated through the Treaty Negotiation Process.

The Museum is committed to the return of cultural materials to the originating community acquired under circumstances that render the Museum's claim invalid.


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Modern and contemporary works of art that the Museum purchased or received by donation after 1951 are generally understood not to be available for repatriation.

Indigenous communities can submit repatriation requests for cultural materials that originated in, or are directly connected to, the Indigenous community making the request. The Museum does not transfer cultural materials to individuals.

The Museum does not transfer originals of audio-visual materials or documents, but will provide digital copies to Indigenous communities as requested at no charge.

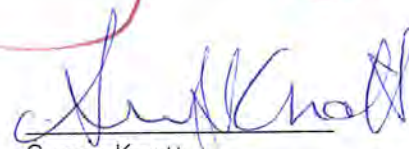
Recommended



Professor Jack Lohman, CBE
Chief Executive Officer

Date 20.09.18

Approved



Susan Knott
Chair, Board of Directors

Date 20.09.18

APPENDIX 1 - GUIDING POLICIES AND REPORTS:

- *Calls to Action, in Honouring the Truth, Reconciling the Future*, Final Report of the Indian Residential Schools Truth and Reconciliation Commission, 2015.
http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English_2.pdf
- United Nations Declaration on the Rights of Indigenous Peoples; Articles 12 and 13, 2007 to which Canada declared compliance in 2016.
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
- *Key Findings of the Indigenous Perspectives on Repatriation Symposium*, Royal BC Museum and First Peoples' Cultural Council, Kelowna, March 2017.
<https://www.royalbcmuseum.bc.ca/sites/default/files/sites/default/files/images/2017-07-14%20RBCM%20Symposium%20Findings%20Report.pdf>
- International Council of Museum's Professional Museum Code of Ethics.
http://icom.museum/fileadmin/user_upload/pdf/Codes/code_ethics2013_eng.pdf
- The Protocols for Native American Archival Materials (First Archivists Circle, 2006) as a standard in its approach to First Nations engagement.
http://www.atalm.org/sites/default/files/archives_protocols.pdf
- *Turning the Page: Forging New Partnerships between Museums and First Peoples*, Report of the Task Force on Museums and First Peoples, Assembly of First Nations and Canadian Museums Association, 1992.
https://museums.in1touch.org/uploaded/web/docs/Task_Force_Report_1994.pdf
- Section 35 of the Constitution Act, 1982.
<http://laws-lois.justice.gc.ca/eng/Const/page-16.html>
- Museums Act:
http://www.bclaws.ca/civix/document/id/complete/statreg/03012_01
- Heritage Conservation Act:
http://www.bclaws.ca/Recon/document/ID/freeside/00_96187_01

