

CONFERENCE REVIEW

ABORIGINAL REPATRIATION EXTRAVAGANZA IN HAIDA GWAI

ROBERT K PATERSON¹

[251] The beautiful and remote islands of Haida Gwaii (Queen Charlotte Islands) were the setting for this friendly and stimulating conference on 21 and 22 May 2004. Organised by the Old Massett Repatriation Committee, the 'Aboriginal Repatriation Extravaganza' was held in the Village of Old Massett at the north end of Graham Island, British Columbia.

Canada has largely eschewed litigation and legislation (except in Alberta) to deal with requests to museums for the return of indigenous cultural property and human remains. Instead, such requests are usually the subject of negotiated settlements based on principles such as those set out in the 1991 report of the Task Force on Museums and First Peoples (a joint effort by the Assembly of First Nations and the Canadian Museums Association). Returns have also been the subject of treaty negotiations between Aboriginals and Canadian federal and provincial governments (such as the 1998 Nisga'a Agreement).²

The Haida Gwaii conference focused on the specifics of the repatriation of indigenous cultural heritage in Canada and elsewhere. While some speakers dealt with legal issues, many of the discussions involved museum and government professionals discussing such topics as collection management, the care and handling of objects and human remains, language preservation and cross border issues. The conference coincided with the Rain Dance Film Festival, which highlighted films concerning Aboriginal repatriation such as *Kainayssini Imanistaisiwa: The People Go On* and the premier of *Stolen Spirits of Haida Gwaii*, about the Haida repatriation of over 160 ancestral remains from the Field Museum in Chicago. These films were also the subject of panel discussions.

¹ Professor of Law, University of British Columbia; email: <paterson@law.ubc.ca>.

² See C E Bell and R K Paterson, 'Aboriginal Rights to Cultural Property in Canada' (1999) 8 *International Journal of Cultural Property* 167, 196–205.

The conference was opened by Liljuuwas (Reynold Russ), the Chief of Old Massett, who welcomed over 80 registrants and recalled his visit to the Royal British Columbia Museum in Victoria which, along with many museums in Canada and elsewhere, held or still hold collections of Aboriginal and Inuit [252] artifacts and human remains. Mary Swanson, Haida elder and old Massett Repatriation Committee member and Leo Gagnon, the Chair of the Old Massett Repatriation Committee also welcomed those attending the conference.

Two speakers discussed cultural property repatriation in the United States and Australia. Dr Tim McKeown of the National Native American Graves Protection and Repatriation Act (NAGPRA) Program, US National Park Service, outlined the history of US law concerning American Indian and human remains. He noted how newly-uncovered Caucasian and Native American human remains had historically received different treatment in his country.

Moira Simpson, a doctoral candidate at Flinders University in Australia discussed requests by Australian Aborigines to United Kingdom museums for the return of ancestral remains and the generally favourable responses. She also discussed developments in Australia, including a 2000 Repatriation Agreement between Australia and the United Kingdom.

The next session dealt with the repatriation of cultural heritage in Canada pursuant to treaties between governments and First Nations. The first example, Chapter 17 of the Nisga'a Treaty, was discussed by Chief Harry Nyce of the Nisga'a Nation. That agreement saw arrangements put in place to return objects from the Royal BC Museum and the Canadian Museum of Civilization. Dr Martha Black, Curator of Ethnology at the Royal BC Museum, then outlined the history of her museum's returns of human remains and grave goods which had started in the 1960s. Andrea Laforet of the Canadian Museum of Civilization then explained how her museum and the federal Treaty Negotiation Office had negotiated Chapter 17 of the Nisga'a Treaty on behalf of the government of Canada. There were now 34 such treaty negotiations underway.

Tim McKeown returned to outline the scope and administration of NAGPRA. He explained how Canadian Aboriginals had partnered with members of their same people located in the US to arrange returns from American institutions under the statute. Helen Robbins of Chicago's Field Museum then critically examined the NAGPRA law and referred to such problems as the disclosure of sacred knowledge in the context of repatriation requests and the law's focus on property, rather than human, rights.

Two legal academics: Professors Catherine Bell (University of Alberta) and Robert Paterson (University of British Columbia) then outlined, respectively, the legal framework for repatriation of Aboriginal and Maori cultural heritage in Canada and New Zealand. Professor Bell also outlined the work she and Professor Paterson were doing as part of a Canadian government-funded study on the protection and repatriation of the cultural heritage of First Nations Peoples in Canada.³ Eldon Yellowhorn, Simon Fraser University Pegan anthropologist, discussed his university's involvement with Aboriginal human remains and how he had accepted a sacred Aboriginal object on behalf of the descendants of a person who had earlier wrongfully sold the object to a museum.

There were simultaneous sessions on how the use of pesticides can affect Aboriginal cultural property in museums (including presentations by Tom Stone and Jane Sirois of the Canadian Conservation Institute and Alyce Sadongei of the Arizona State Museum) and two case studies. The first of these was by Gloria Cranmer-Webster, founding curator of the U'Mista Cultural Centre in Alert Bay, BC. She discussed the history of the return of the Potlatch Collection to the museum.

Philip Hogan, from Bella Bella, BC, then addressed the Aboriginal Cultural Stewardship Program of the Heiltsuk Nation and negotiations for the return of a Memorial pole from the Royal BC Museum. Dave Schaepe, an archeologist with the Sto:lo Nation in Chilliwack, BC then discussed the problems his Nation faced in trying to repatriate, in collaboration with a US tribe, a stone figure from an American museum under NAGPRA.

³ See <http://www.law.ualberta.ca/research/aboriginalculturalheritage/>.

The second day of the conference began with songs and the presentation of gifts to the Haida Repatriation Committee from Inuit and Algonquin representatives. Barb Wilson of Parks Canada gave an [253] overview of how her agency dealt with repatriation requests and instances that had occurred on Haida Gwaii (which contains two of Canada's 40 National Parks and six Haida villages that are designated as being of 'national significance'). Nathalie McFarlane of the Haida Gwaii Museum in Skidegate discussed the return of 37 human remains that had been taken (without the museum's knowledge) to the United States. Ron Ignace (Skeetchestn Band/Secwepemc Nation) and Marianne Ignace (Aboriginal Language Program, Simon Fraser University) then discussed the concept of repatriation in relation to the protection and revival of endangered Aboriginal languages. Ron explained how languages provide vital information about oral history and laws, as well as corroborating scientific evidence of past events.

A session on repatriation and museum relationships included a discussion by Dr Sue Rowley (UBC Museum of Anthropology and Department of Anthropology and Sociology) on the history of repatriation at her university. Andrea Laforet discussed how the Canadian Museum of Civilization worked with Inuit and First Nations to care for cultural objects, provide training to interns and spawn First Nations initiated programs at the Museum. Bruce Bernstein of the National Museum of the American Indian (Washington, DC) then spoke of how indigenous individuals had been involved in the movement of the enormous collection of his new museum from New York to Washington, DC. Peter McNair (formerly of the Royal BC Museum) then spoke of documentation problems at museums and how recourse was increasingly made to First Nations to solve questions of attribution.

The conference ended with a series of presentations by members of the Haida Repatriation Committee. Vince Collisson spoke about pro-active measures by the Haida to contact museums in Canada, the United States and Europe. He, and Nika Collisson, saw repatriation as part of a larger resurgence of Haida culture in the form of educational and language initiatives. Vince detailed the numerous repatriations that had already been concluded (from such sources as the Field Museum in Chicago, the Royal Canadian Mounted Police and the Canadian Museum of Civilization). Lucille Bell discussed the complexity of arranging trips by Haida to museums in other

countries. Irene Mills explained these issues further, in relation to Customs clearance for human remains and parts of endangered species. Andy Wilson discussed the problems of discussing repatriation with the news media and Christian White outlined the revival of the bentwood box making tradition amongst the Haida, after almost a century's lapse.

The Massett Repatriation Extravaganza marked an important milestone in the history of the return of Aboriginal cultural heritage in Canada. It displayed a new level of confidence and optimism on the part of those present and further evidence that Canadian Aboriginal and Inuit people have now taken charge of this issue for themselves — increasingly seeing museums and other institutions as partners in this journey, rather than adversaries.

For further information, see <aboriginalrepatriation.org> or contact the Old Massett Repatriation Committee, 162 Raven Avenue, P.O. Box 175, Massett, Haida Gwaii, BC, Canada V0T 1M0.