
REPATRIATION IN CANADA

A Guide for Communities

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The Archiving Knowledge: Centering Indigenous
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project

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KIAS | Kule Institute
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This booklet is a living document that will change and grow according to feedback and developments in policy. This version is current as of February 2023.

We welcome any comments and/or inquiries. Please direct these to
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Hyperlinks to all acts and policies are included in the digital version of this booklet that can be accessed through the online copy through the University of Alberta Education & Research Archive: <https://doi.org/10.7939/r3-z3be-wf91>

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REPATRIATION IN CANADA

The repatriation of cultural belongings in Canada is currently subject to few governmental regulations. This is not necessarily a bad thing, because it allows First Nations and Indigenous communities to negotiate the return of their belongings based on their Indigenous rights and sovereignty rather than a prescribed policy. It does, however, mean that repatriation is highly situational, with limited legal support within the western system for the community requesting the return. It is important to remember that, just because some institutions do not have repatriation policies officially in place, this does not mean

that they are opposed to returning belongings to their communities. The purpose of this booklet is to provide background information on the Acts and policies that could be encountered on your repatriation journey, and to point to ways forward where policies do not yet exist.



WHERE ARE WE NOW?

Canada does not have any federal legislation regarding repatriation.



The only federal-level repatriation policy is that of the Canadian Museum of History Corporation (information on Page 9).

Most provincial/territorial cultural heritage Acts do not mention repatriation; therefore, some institutional boards consider repatriation as falling outside of their mandates. Returning cultural belongings can sometimes create legal difficulties for these institutions.



Repatriation is typically very situational and dependent on the relationships between curators and Indigenous communities, regulated by internal policies.

ACTS vs. POLICIES, WHAT'S THE DIFFERENCE?

Repatriation and cultural heritage regulations are usually included in either an Act or a policy.

An *Act* is a law, set out in a written legal document that has been enacted by a federal, provincial, or other legislative body.

A *policy* is not a law but is a document that outlines the principles and intentions of a group. A policy may be adopted by an administration to interpret and carry out

ACTS
take precedence over
POLICIES

In cases of repatriation, cultural heritage Acts that do not mention repatriation and that give ownership to the government could make returning belongings legally difficult, even if the museum has a repatriation policy.

REGIONAL REGULATIONS



Repatriation Acts



Universities with repatriation policies



Government heritage, museum, or archive Acts



Provincial/territorial museum repatriation policies



Modern Agreements addressing returns



ALL

Provinces/territories have museum, archive, and/or cultural heritage Acts

1

Province/territory has a legislated repatriation Act (Alberta)

3

Universities have publicly accessible repatriation policies

7

Provincial/territorial museums have publicly accessible repatriation policies

FIRST NATIONS SACRED AND CEREMONIAL REPATRIATION ACT

Alberta's Provincial Repatriation Act

This is the ONLY Repatriation Act in Canada

Enacted in 2000 and last amended in 2013

“ *Section 2 (1): A First Nation may apply to the Minister in accordance with the regulations for the repatriation of a sacred ceremonial object.*

Section 3 (2): The Minister must agree to the repatriation of a sacred ceremonial object unless, in the Minister's opinion, repatriation would not be appropriate. ”

This act was created with Blackfoot nations so that they could welcome home sacred bundles. You can read about their journey from both academic and community perspectives in their book, *We are Coming Home* (below).



We Are Coming Home

Repatriation and the Restoration of Blackfoot Cultural Confidence

edited by Gerald T. Conaty

+ DOWNLOAD PDF

+ BUY PRINT BOOK

+ BUY EBOOK



REPATRIATION MENTIONS IN CULTURAL HERITAGE ACTS

Saskatchewan and Yukon

Although these provinces do not have dedicated repatriation acts, they do mention repatriation within their other cultural heritage legislation.

ROYAL SASKATCHEWAN MUSEUM ACT (2007, pp.5)
Section 6, Aboriginal sacred and culturally sensitive objects
“ (1) *Subject to the direction of the minister and any regulations made pursuant to this Act, and after consultation with Aboriginal peoples determined appropriate by the minister, the museum is responsible for developing a policy to address the concerns of Aboriginal peoples about the access to and the care, use and repatriation of sacred and culturally sensitive objects originating with their cultures in the museum collections.*”

HISTORIC RESOURCES ACT (Yukon, 2002, pp.11)
Section 8, Informational and educational programs
“ The Minister may...
(d) *assist by grants, loans, training programs, professional or technical services, or otherwise, the work in general or a specific project of a Yukon First Nation or of any group in the Yukon dedicated to the discovery, maintenance, restoration, preservation, protection, repatriation, or study of the historic resources of the Yukon.*”

REPATRIATION IN MODERN AGREEMENTS

Modern agreements can take the form of land claims, self-governance agreements, and other final agreements.

Those provinces/territories who have modern agreements which include discussion of repatriation are **British Columbia**, the **Northwest Territories**, **Quebec**, and the **Yukon**.

Although these agreements address the ownership and return of cultural heritage, the date of the agreement determines which belongings are eligible. Cultural heritage found after the date of the agreement and on the lands of the Indigenous nation are owned by the nation.

As relating to belongings collected prior to this date, they only outline the “reasonable efforts” that must be made by specific museums upon request.

If your nation has a modern agreement, check the cultural heritage, heritage resources, or archaeology sections to see what resources are available to you!

UNIVERSITY REPATRIATION POLICIES

Only **3** Canadian universities have
publicly accessible repatriation policies!

Those are:



**UNIVERSITY OF
ALBERTA**

Museums and Collections Policy



**THE UNIVERSITY
OF BRITISH COLUMBIA**

Museum of Anthropology
Repatriation Guidelines



**UNIVERSITY OF
TORONTO**

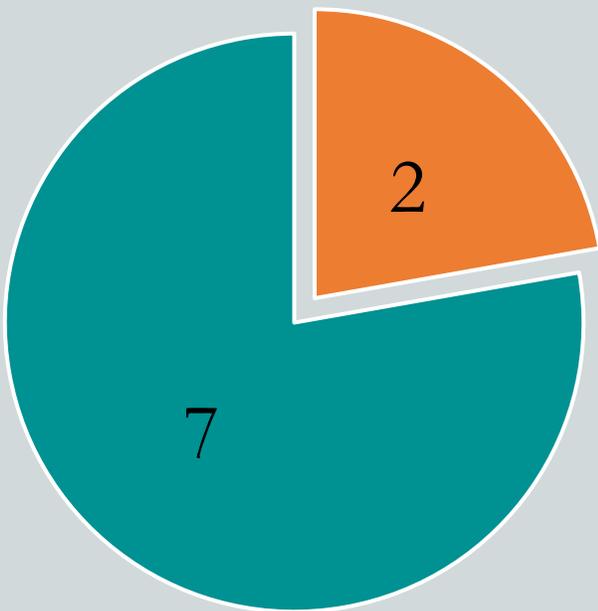
Department of Anthropology
Repatriation Policy

MUSEUM REPATRIATION POLICIES

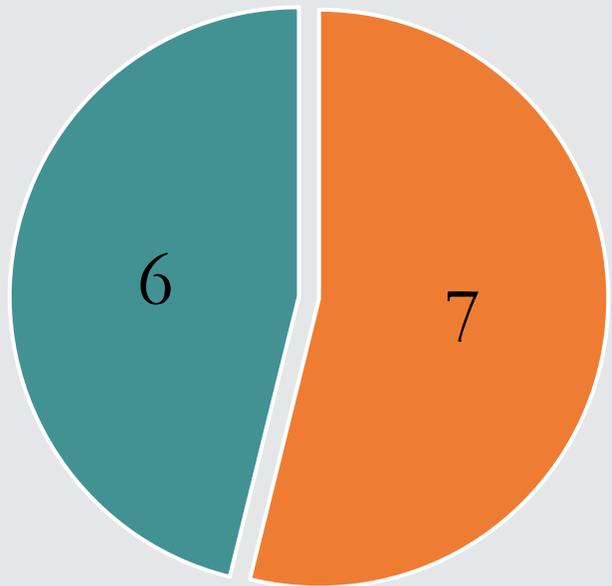
Only **2** federal museums have repatriation policies

But **7** provincial/territorial museums have repatriation policies

Federal Museums



Provincial/Territorial Museums



■ No repatriation policy
■ Repatriation policy

Keep in mind that this might be more so a factor of focus or purpose of the museum rather than oversight.

FEDERAL MUSEUM REPATRIATION POLICIES

The **Canadian Museum of History** and the **Canadian War Museum** are the only two federal museums with repatriation policies.

They are both part of the CMHC (formerly the Canadian Museum of Civilization Corporation), so they have the same repatriation policy.

Section 1, Purpose

This policy applies to human remains and associated burial objects, archaeological objects and related materials, ethnographic objects, and records associated with these held in the collections of the Canadian Museum of Civilization and the Canadian War Museum.

Repatriation requests must be made in writing to either the Canadian Museum of History or the the Canadian War Museum.

Section 5, Repatriation Requests

5.2 Requests for repatriation may be considered

- i) as independent requests from Aboriginal individuals;
- ii) as requests from Aboriginal governments;
- iii) in the context of negotiations of comprehensive claims between Canada and Aboriginal people; and,
- iv) in the context of self-government negotiations between Canada and Aboriginal people.

PROVINCIAL MUSEUM REPATRIATION POLICIES

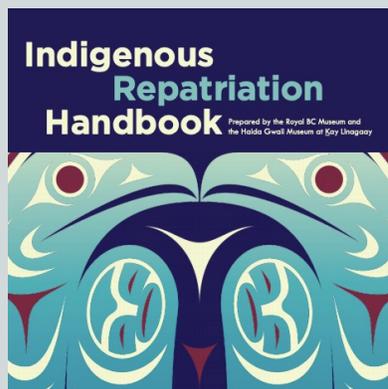
Over half of the provincial/territorial museums in
Canada have repatriation policies.

Of those who do not have a policy, many of them are centers that are
actively engaged in repatriations (whether to receive returned
belongings or to return belongings from their collections to
communities).

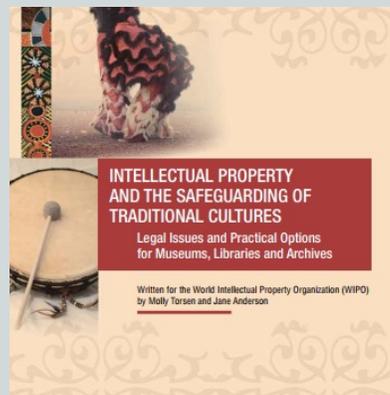
Museum	Repatriation Policy?
MacBride Museum of Yukon History	No
Manitoba Museum	Yes
Musée de la civilisation [Québec]	Yes
New Brunswick Museum	No
Nova Scotia Museum	Yes
PEI Museum and Heritage Foundation	No
Prince of Wales Northern Heritage Centre	No
The Rooms [Newfoundland and Labrador]	No
Royal Alberta Museum	Yes (follows Alberta's provincial repatriation act)
Royal BC Museum	Yes
Royal Ontario Museum	Yes
Royal Saskatchewan Museum	Yes
Nunatta Sunakkutaangit Museum [Nunavut]	No

HELPFUL REPATRIATION RESOURCES

Below are some guides and helpful resources for communities looking to initiate a repatriation request or institutions preparing themselves to support returns.



**Indigenous Repatriation
Handbook**
Royal BC Museum and Haida Gwaii
Museum, 2019
All rights reserved



**Intellectual Property and the
Safeguarding of Traditional Cultures:
Legal Issues and Practical Options for
Museums, Libraries and Archives**

Written for the World Intellectual
Property Organization by Molly
Torsen and Jane Anderson, 2010

Certain rights reserved



**Returning the Past: Repatriation
of First Nations Cultural Property**

Four Case Studies of First Nations Repatriation

**Returning the Past:
Repatriation of First Nations
Cultural Property**

UBC Museum of Anthropology, 2008
Copyright

WHERE TO START

If the belongings you wish to repatriate are in a...



In many cases, repatriation claims are unable to rely on previous guidelines because of a lack of regulation in their area. If you are unsure how to proceed, contact the institution that holds your belongings or allied academic researchers in your area for help navigating your claim.

* Some acts might help; others might stand in the way of returns depending on how they acknowledge ownership.

FINAL THOUGHTS

While compiling these resources it became clear that, although they might not have a publicly accessible repatriation policy, many institutions do welcome repatriation requests. For example, many museums (provincial and federal) and other federal organizations (such as Parks Canada and Library Archives Canada) acknowledge their duty to return Indigenous cultural belongings within their collections, but there is no repatriation policy listed on their website. Institutions committed to repatriation (either with or without a policy) can often be great resources to support communities in welcoming home their cultural belongings.

Throughout this process, remember that a lack of policy can, in some cases, mean that communities have more influence. Perhaps also keep in mind that institutions will likely respond more easily to repatriation

requests that include plans for where the belongings will be kept in the community and that are submitted in consultation with other communities who might also have claim to the returned belongings.

As basic first steps, we would suggest that any community looking to repatriate their cultural belongings from institutions in Canada prepare by:

1. Familiarizing themselves with the heritage legislation and repatriation policies in their region and where their belongings are currently being held;
2. Discussing the needs of the community that will not be included in any institutional policy (such as cultural protocol or process);
3. Considering reaching out to a local institution as a supportive partner in this journey.

Best Wishes!

RESOURCES — PROVINCIAL ACTS

Province/ Territory	Act	Created	Last Amended	Mentions Repatriation?
Alberta	First Nations Sacred and Ceremonial Repatriation Act	2000	2013	Yes
	Heritage Resources Act	2000	2020	No
British Columbia	Museum Act	2003	2016	No
	Heritage Conservation Act	1996	2019	No
Manitoba	Heritage Resources Act	2003	2003	No
	Manitoba Museum Act	2007	2007	No
New Brunswick	Heritage Conservation Act	2010	2018	No
	New Brunswick Museum Act	2011	2012	No
Newfoundland and Labrador	Historic Resources Act	1990	2019	No
	Rooms Act	2005	2019	No
Nova Scotia	Heritage Property Act	1989	2010	No
	Nova Scotia Museum Act	2019		No
Northwest Territories	Northwest Territories Heritage Fund Act	2011	2016	No
	Archives Act	1988	2008	No
Nunavut	Consolidation of Archives Act	1988	2010	No
	Consolidation of Historical Resources Act	1988	2003	No
	Historical Resources Act: Historical Sites Declaration	1990		No
	Consolidation: Nunavut Archaeological and Paleontological Sites Regulations	2001	2009	No
Ontario	Ontario Heritage Act	1990	2021	No
	Royal Ontario Museum Act	1990	2017	No
Prince Edward Island	Heritage Places Protection Act	1988	2019	No
	Museum Act	1983	2015	No
Quebec	Cultural Heritage Act	2011	2020	No
	National Museums Act	1983	2020	No
Saskatchewan	Heritage Property Act	1979–1980	2018	No
	Royal Saskatchewan Museum Act	2007		Yes
Yukon	Archives Act	2002	2018	No
	Historic Resources Act	2002	2012	Yes

REFERENCES

Page 4 map created by Rebecca L. Bourgeois using ArcGIS online. Source credits: Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NRCAN, Parks Canada | Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NRCAN, Parks Canada

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The repatriation of cultural belongings in Canada is currently subject to few governmental regulations. 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 hope this resource is helpful to all those starting the process of welcoming their belongings home from institutions in Canada.
