

# REPATRIATION IN TWO ACTS:

## *The Museum of Vancouver*

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THE MUSEUM OF VANCOUVER (MOV) (and predecessor organizations) has a long history, dating to 1894, but has not had a formal repatriation policy until quite recently. There is a considerable literature by Canadian scholars, including anthropologists, concerning the repatriation of Indigenous materials to communities and individuals (e.g., Ridington and Hastings 2000; Noble 2002; Poirier 2011; Krmpotich 2014), but little concerning the role of board members in repatriation. An exception is Conaty's brief observation that the board of the Glenbow Museum was hesitant to engage in repatriation in 1990 (Conaty 2008). This gap in the literature is an unfortunate oversight because, as is the case with MOV, repatriation policies sometimes fall under the authority of the board, although they are administered by management and professional staff members. Some activities and issues visible from the perspective of board members are not easily discernable to staff or to outsiders.

The practice of repatriation at MOV is now well developed and we have had several important success stories, yet debate has been vigorous, and the importation of perspectives from outside Canada has raised serious and sometimes intractable problems.<sup>1</sup> In particular, the discussions of what might be framed as the "posterity" position on repatriation and the direct appeal to the values implicit in the 2002 Declaration of the Importance and Value of the Universal Museum in opposition to what might be called the "ethical" position have gone unresolved (Curtis 2010; Harris 2015). Beyond this, I briefly sketch the emergent processes of

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<sup>1</sup> The developments at the Museum of Vancouver are far from occurring in isolation. In British Columbia, the Museum of Anthropology at the University of British Columbia has vigorously repatriated ancestors and belongings to several Indigenous nations, for example. Significantly, repatriation has been linked to the terms of negotiation in the BC Treaty Commission process under way in the province. The Museum of Vancouver, in common with other institutions, has been directly influenced in its policies by the 1992 task force report of the Assembly of First Nations and the Canadian Museums Association, "Forging New Partnerships between Museums and First Peoples." In the summer of 2017, representatives of First Nations and the museum community gathered at the Kelowna symposium on repatriation, an indication that the issues involved have real traction.

repatriation and point to key cases of repatriation at MOV to examine the role of both Coast Salish historic law and spiritual leaders in repatriation and, ultimately, the ways in which repatriation has shifted the protocols and the mission of the museum. Repatriation affects communities in unexpected ways as well, and I examine a repatriation that mediated peaceful relations between two First Nations.

I am writing here as a board member of MOV since 2007, as a member and chair of the collections committee since 2002, and as a professor of anthropology. My anthropological work over the past forty years has concerned Coast Salish society, culture, and, in particular, law. This academic work overlaps with my efforts at the museum, especially given that the museum and city reside within historic Coast Salish territory. My interest in repatriation at MOV long predates my involvement on the board or collections committee. As a visitor to the museum, I felt that a large, six-tonne rock, lying outdoors in the atrium and covered with petroglyphs, was distinctly out of place and should be returned to the community of origin. (Ultimately the rock was returned to the Canoe Creek people and placed in a site on the Fraser River.) My major efforts at the museum have followed from this observation of the rock and the need for a repatriation plan. Although I foreground my own activities, I wish to point to the work of Joan Seidl (a now-retired curator), Emily Birky (a PhD student who worked with MOV), and, more recently, Wendy Nichols and Sharon Fortney in making repatriation move from policy to reality. Ms. Seidl has told her story in a series of blogs on the MOV website. What follows is strictly my own perspective and not an official statement of the museum or of colleagues.

Note that, while the museum has a particular interest in repatriating ancestors, we have also have repatriated belongings – the material culture of Indigenous communities. Further, in some instances the museum has initiated contact with repatriation in mind, and in other cases the community has made contact. The practice of the repatriation committee at the start was to go after “low-hanging fruit,” communities with which I have worked as an anthropologist and have strong connections. The museum is committed to the return of human remains and associated objects, the return of objects acquired under circumstances that render the museum’s ownership invalid, and, most significantly, “*the return of material culture of spiritual significance or essential to cultural survival*” (Vancouver Museum Commission Collections Policy 2006, emphasis mine). Note the language: the board, and hence the museum, is *committed*

to repatriations. At the MOV, the repatriation policy is a creation of the board and hence is MOV policy.

Some background: the MOV, a municipal museum, manages the collection begun in 1894 on behalf of the owner, the City of Vancouver. The relationship with the City is at arm's length, although the City appoints two of the board members and the others (up to fifteen total) are either elected at the AGM or appointed by the board for two-year renewable terms. Members are sought for their particular skills such as accounting, fundraising, or public relations. The board has a fiduciary obligation to the City and seeks to raise revenues outside of City contributions. Board members are appointed to committees, of which the collections committee is one (the repatriation committee is a subgroup of collections). The museum has more than sixty thousand items, with a First Nations emphasis, although it is not simply focused on Coast Salish items (e.g., there is a large Haida collection). Many other items, of course, are from the settler societies. My participation in the events I describe below follows from my particular skills and the relationships I have developed as a professor of anthropology rather than simply from my membership on the board.

#### THE FIRST ACT: A POLICY AND EARLY SUCCESS

The immediate impetus for a formal repatriation policy was a request from the shíshálh Nation (formerly Sechelt) for the return of a stone sculpture known to the museum as the Sechelt Image. The nation had made this request previously, dating to 1976, but with no success, although it was given a replica. It appears that these requests were stalled out of concern for preserving the collection and because the nation did not have its own museum to care for the sculpture (Seidl 2010). Museum oral history suggests that there may have been informal repatriations of items but nothing of the significance of the Sechelt Image, ranked by anthropologist Wilson Duff (1975) as the outstanding prehistoric sculpture in British Columbia.

I raised the idea of creating the formal policy to the board and found little resistance. Members of the board are and have been primarily senior businesspeople, corporate lawyers, and accountants – hence repatriation and accompanying issues of Indigenous cosmology lie outside of their own life experiences, at least prior to the appointment to the board of a First Nations person in 2016. Polite and helpful questions were raised about repatriation – and about this shíshálh repatriation in particular.

There were some questions about the idea of what seemed to be giving away the collection. But, unlike what Conaty (2008) found at the Glenbow, there was no opposition. Times had clearly changed between 1990 and 2010. Because the City of Vancouver owns the collection, which is managed by the museum, the next step was to get approval of the City. This entailed examination of the proposed policy by the City legal staff, a process which seemed slow and took about a year. We obtained approval both for repatriation as a policy and for this particular repatriation. The first formal repatriation was not the Sechelt Image, however. In April 2010, the museum received a letter of request for repatriation of a cloak to the Wairoa Museum, in the North Island of New Zealand, and this was carried out shortly afterwards.

#### CASES OF REPATRIATION

The process of repatriation of the Sechelt Image to a Coast Salish nation, the shíshálh, was complex. MOV had purchased the sculpture in 1926. After contact by shíshálh in February of 2010 to request repatriation, the MOV professional staff prepared the documentation and obtained approval of the collections committee and the board itself. I presented the motion to the board and explained something of the significance of the Sechelt Image. Later, staff members and I visited the shíshálh at their offices on the Sunshine Coast. Curator Joan Seidl writes:

On Friday October 15 [2010], Sechelt leaders journeyed to MOV to prepare the stone statue for its journey home. A standard regulation museum crate was lined with female cedar boughs, and the statue was placed inside, wrapped in a soft, hand-woven Salish blanket. Andy Johnson of the Sechelt Nation worked with Squamish spiritual leader Robert Nahanee to perform appropriate prayers and rituals before the journey.

MOV staff took the crate to Sechelt where the next day the Image was formally presented to the Sechelt Nation in a moving and powerful longhouse ceremony. Afterwards we enjoyed a great feast of salmon, halibut and elk at the community hall with the rest of the Sechelt community and guests. It was great to celebrate with the people of Sechelt – both the return of the statue and the new, positive relationships that grew out of the repatriation. (Seidl 2010)

A couple of issues are significant here: first, the museum participated in the nation's substantive process, rather than the other way around. The

museum, of course, had to proceed through its own processes of approval for repatriation by the collections committee, the recommendation to repatriate in the form of a motion to the board, and, finally, approval by the board. But the shíshálh asserted title to the sculpture through their own renaming to Our Grieving Mother and ritual reclaiming in their longhouse. Second, as has been the case in all the MOV repatriations, the nation thanked the museum for its work in preserving the shíshálh patrimony, placing the museum in the role of guardian rather than owner. Third, Our Grieving Mother is conceived as a living entity, intimately connected to the shíshálh. The incorporeal can be separated from the material: while the museum previously maintained control of the physical sculpture, the shíshálh made clear that the incorporeal had always remained theirs.

A second significant repatriation concerns the return of a Sasquatch mask (referred to as Sasq'ets) from the Museum of Vancouver to the Sts'ailes Nation (formerly Chehalis Band) community located in the upper Fraser Valley. The Sts'ailes are closely identified with Sasq'ets, and community members report sightings and spiritual interactions. MOV and Sts'ailes researchers, working together, found that a white schoolteacher gave the mask to the museum in 1939, although it is unclear how he obtained it. The Sts'ailes wrote the museum asking to allow representatives to view the mask, an event which occurred on 11 December 2013. Then, four members of the museum repatriation committee travelled to Sts'ailes to meet with chief, members of the council, and employees, and to attend events organized by the community. Here I quote from a paper I published in the *UBC Law Review*:

A search of Sts'ailes and Museum of Vancouver records uncovered some information regarding the provenance of the mask. It was carved in 1938 by a Sts'ailes community member and was paired with a head-to-toe costume. The carver had worn the Sasq'ets mask in public performance that year and there are several photographs of this performance. The Repatriation Committee learned far more during the December day at Sts'ailes ... The Chief noted that he is the grandson of the carver and a Council member described his own relationship to Sasq'ets. In brief, in the 1930s the carver had had a spiritual encounter with Sasq'ets that led to his entry into the winter ceremonial dance (or Syowen ceremony). There, he learned a song and a dance that manifested the spiritual being and that became a part of his person. After the carver's death, the song, which is always personal to the spirit dancer, was "put away." Later, the song was transferred

so that the song/dance could be performed in public. The council member reported that his own engagements with Sasq'ets were part of this transference (and transformation) and evidence that this was acceptable to Sasq'ets.

All of this information is important because it sets the stage for the creation of legal rights under Coast Salish law. At the December meeting, the Chief and council had organized a performance of the Sasq'ets song/dance to be held at an elder's Christmas lunch ... This public performance by drummers and dancers constitutes a legal claim to the Sasq'ets mask because the performance can only be done by those with the rights to this spiritual, incorporeal property and its physical manifestations. The mask, song, and dance constitute a unity; they are inseparable components of this physical manifestation of the spirit being in its relationship to the human world. The council member had explained how rights to the performance were, in effect, ratified spiritually and the performance in December made this public. In theory, this claim to the right to dance the Sasq'ets mask could have been contested (it was not), although such contests do arise over incorporeal property, including ancestral names, in the contemporary Coast Salish world. (Miller 2014, 1017–18)

Noble (2002) points out that Cree ceremonial bundles held in museums have been used to reassert customary law and authority practices through the associated songs and rights. Further, Poirier (2011) notes that cultural materials themselves give agency to govern. The performative elements of law, which once characterized the common law, are alive in Coast Salish territory and relevant in ways we should consider more fully.

#### WHERE IS THE BODY?

A third repatriation raised its own distinct issues. MOV held ancestral remains – a skull – from Penelakut Island (also known as Kuper Island). It was unclear from the museum records just where on the island this skull originated, a significant point because of the historical occupation of the island by three groups, including the Hwlitsum, the successor group to the Lamalchi people who until 1863 were based in the harbour of that name. The Penelakut continue to occupy the island. A rift had emerged in the nineteenth century between the groups following the 1863 shelling of Lamalchi Bay by the British Navy. Hwlitsum leaders, fleeing the scene for hiding places, were given up by the Penelakut.

Later, a Hwlitsum shaman was murdered by a Penelakut member. Today, the Penelakut First Nation is a recognized Canadian band while the Hwlitsum, although they are status Indians, do not have a recognized band, a sore point in their relations with the Penelakut. The Hwlitsum have aggregated in Canoe Pass on the Lower Mainland, away from Penelakut Island, for more than a century. For these reasons, there has been a schism between groups, and the return of the ancestor played a role in ameliorating their relations.

I contacted the late Chief Rocky Wilson of the Hwlitsum, with whom I had worked for a number of years on community oral histories, to inform him of the ancestral remains and to ask his help in repatriation, should that be of interest. The repatriation committee was cautious about this because we recognized that repatriation is often not feasible, for many reasons, including the expense of the ritual and of transportation of elders and leaders to events. Ridington and Hastings (2000) consider the potential spiritual and physical dangers of repatriations that invoke spiritual powers that contemporary communities are not prepared to face. But Chief Wilson wished to proceed and he contacted Penelakut leaders, including Augie and Laura Sylvester, spiritual leaders who could safely conduct the reburial of the ancestor. Details were arranged and Chief Wilson, his family members, and I arrived by fishing boat in June of 2013 to Penelakut Island with the ancestor carefully arranged in a cedar box. An important decision had been made by the Penelakut spiritual leaders to rebury the ancestor on Lamalchi Bay, the historic homeland of the Hwlitsum, instead of locations on the island identified with the Penelakut. Spiritual events were held, including a “burning,” in which ancestors visited and conveyed messages to Laura Sylvester.

Chief Wilson later told me that this had been one of the most significant spiritual events of his life. At the burning, his family was recognized by the ancestors, and the Penelakut leaders had dealt directly and harmoniously with the Hwlitsum for the first time since the early twentieth century (there have been other meetings involving treaty that were not fruitful). In this case, as in others with which MOV has been involved, the spiritual, rather than the political, leaders were able to overcome deeply felt grievances and differences. Unfortunately, these political differences persist.

Perhaps more important was the insistent question posed by Laura Sylvester to me, as the representative of the museum. She asked at the ritual burning: “Where is the rest of the body? Where is the blood and the body?” Earlier in my career, an Upper Skagit longhouse leader,

Slabebtkud, told me that Coast Salish cosmology places importance on intact bodies and that decapitation and the separation of the head from the body constitutes a second, spiritual death. The sad truth is that nineteenth- and even twentieth-century collectors of Indigenous ancestral remains favoured collecting the head, often discarding the torso. Although the MOV staff had previously looked for other skeletal material or belongings associated with this skull, I agreed, at the spiritual burning, to look again. The museum staff dutifully did so, without finding more. Pickering (2010), writing about Australian Indigenous peoples, observed that the collecting of ancestors of Indigenous peoples' remains constitutes a colonial violence and a passive acceptance of the massive trauma of the Australian relationship with the first peoples there (see also Thorleifsen 2009). Most bodies, he wrote, were destroyed or burned, and the skulls sometimes preserved and collected. Ms. Sylvester, through her penetrating question, had put the MOV on notice that the colonial trauma cannot be overlooked in museum practice.

#### THE SECOND ACT

The Museum of Vancouver, following a number of successful repatriations, entered into what I think of as a second phase, or second act. The director under whom repatriation began has left and Joan Seidl has retired, although she continues to give endless hours of volunteer time to the repatriation committee, combing the archival records for information relevant to possible repatriations. We have had fewer repatriations in the past two years and they are now of a different sort. One repatriation under consideration involves sacred Coast Salish masks and another involves a mortuary pole stored in a facility outside the museum and in a state of decay, which makes it unsuitable for display in addition to the many cultural issues. A new director has arrived, and Sharon Fortney has taken up the role of repatriation professional. Emily Birky is gone, having completed her volunteer work while a doctoral student.

A new perspective has been engaged in our discussions of repatriation. Emphasis on preserving the collection for the future, which I refer to as the posterity position (Curtis 2010; Harris 2015; Fiskesjö 2010), is more forcefully articulated. A request to remove one of the members of the repatriation committee was made on the grounds that the person is not neutral. A "neutral perspective," without personal opinion (Harris 2015), is advocated in the 2002 Declaration of the Importance and Value of the Universal Museum, developed to "immunize" museums against

the United Nations/UNESCO/Declaration of the Rights of Indigenous Peoples' recognition of the inalienable rights of Indigenous peoples to culture and cultural survival. In the sense that MOV had actively created a positive policy and worked with Indigenous communities to implement it, we cannot be said to be neutral. Recall that the board's policy, quoted above, is that the museum is *committed* to repatriation. In addition, the idea of neutrality is associated with the idea of a "public benefits test," with the retention by the museum of materials and loans rather than repatriation as a primary option. In the posterity perspective, Indigenous materials are seen as the patrimony of the state (Jessiman 2014; Simpson 2009). Pickering (2015), although a supporter of repatriation, takes note of the idea that museums have rights, too, although this seems an odd anthropomorphization of an institution.

Kirsh (2011) argues that shifts in power have led to heterarchical, rather than hierarchical, relations between museums and communities, such that no perspective dominates. Jacobs (2009) frames repatriation, as do many others, as a corrective to domination. I place myself on the "ethics" side of this debate, foregrounding the problems of colonialization and the right of communities to restore and reframe their communities through re-engaging with valued and sometimes sacred belongings. And, as widely noted, museums have not been emptied out by demands for repatriation (Pickering 2015). From this position, museums can properly be seen as contested spaces, with the authority of Indigenous peoples recognized in their own lands (Allen 2014). Haas wrote in 1990 that the Field Museum in Chicago sees repatriation as a special exception to maintaining the integrity of collections, a position that seems to downplay the history of contact between Europeans and their states and Indigenous peoples, yet that perhaps offers a way to dampen conflict within museums and between those holding the posterity position and those in the ethics camp (Haas 1990).

As I indicate above concerning MOV repatriations, Indigenous law plays a role, even when it is not easily visible to the general public. It is a curious oversight that this point is not more frequently raised regarding museums. Perhaps the clearest and most significant articulation of this position is made by the pre-eminent legal scholar John Borrows. He wrote: "The diverse customs and conventions which evolved [in various First Nations] became the foundation for many complex systems of law, and contemporary Canadian law concerning Aboriginal peoples partially originates in, and is extracted from these legal systems" (Borrows 2002, 4). Further, "*Courts have long recognized the unextinguished continuity of*

*those pre-existing legal relationships.* Since the common law did not alter First Nations law, Indigenous customs and conventions give meaning and content to First Nations' legal rights" (6, emphasis mine).

In addition, oral histories relating to the collecting of Indigenous belongings have come into question in MOV discussions, sometimes without adequate recognition of the current Canadian legal standards, in which oral histories have the same footing as does written history (see Miller 2011; Colwell 2014). What constitutes an oral history is a relevant question, but theorists recognize a wide range of genres (Miller 2011). In my view, quick dismissal of Indigenous family histories, for example, in favour of documentation, perpetuates the error the Supreme Court of Canada has sought to correct. In particular, family accounts of the purchase of significant cultural items by an early City of Vancouver archivist, Major Matthews, from intoxicated First Nations people has to be considered seriously, as must the proposition that, until 1951, spiritual practices were illegal and the associated belongings sometimes confiscated by government agents.

I remain concerned that repatriation as a practice and position can take on a darker shading and replicate patterns of domination by not fully thought-through, rushed repatriations which are aimed primarily at raising money or developing relationships with city or other government officials. I am concerned that First Nations timescales for undertaking the significant burden of repatriating a living entity (ancestors or belongings) to their community are often rushed for reasons of convenience, such as fitting within the Canada 150 celebrations schedule. It is not easily apparent to outsiders that these repatriation events are difficult for First Nations. Repatriations may set the noble families who engaged carvers to make poles against the families of the carvers of poles, for example, or differing political bodies against each other within or between First Nations. Further, the unclear provenance of ancestors or belongings may make new problems as different groups jockey for position. These are, in fact, issues MOV has faced and continues to struggle with to determine how to proceed.

Nevertheless, I restate a primary finding of our repatriation experience, which is that spiritual leaders sometimes find ways of working together when political leaders cannot. This was the case with the Penelekut/Hwilitsum ancestral reburial. It was also the case in the repatriation of ancestors to the Stó:lō Nation. There, a Stó:lō spiritual leaders committee, comprised of people from different bands, including those bands not in political alignment in the treaty process, work together to facilitate the

repatriation of ancestors with unclear provenance or found in areas under contest in treaty and land claims.

#### PROTOCOLS

Despite these differences in position, to date, MOV has experienced no friction with First Nations over the sacred nature of their belongings and ancestors. Consultations with Stó:lō Nation cultural advisor Sonny McHalsie has led to the use of *tumuth*, a mixture of materials, primarily ochre, when entering the storage places of ancestors. The *tumuth* alerts the ancestors to who is entering and to their good intentions. MOV recognizes the *shweli*, or life force, to use the Stó:lō term, of what appear to be inanimate objects to outsiders. We have followed First Nations protocols and the particulars of their spiritual practices. These vary, even within the Coast Salish world, and while one community took their ancestors out the back door of the museum to avoid chance encounters, another went out the front door and talked about the repatriation event to schoolchildren who were present on the sidewalk.

#### A NEED TO REFOCUS

In some senses the museum must refocus, whether it wants to or not. Because other MOV board members had been appointed or elected only within the past two years or less, with one exception, I arranged to give a talk at a board meeting in the spring of 2017. This talk lasted about half an hour, and I placed the museum's practice within the context of Canadian history, the criteria for repatriation, and the current national emphasis on reconciliation and the Truth and Reconciliation Commission. I gave examples of MOV repatriation, talked about reconciliation practices in other countries, and discussed the associated costs, the problems of multiple possible claimants, and other issues, including this question: Can the museum in practical terms understand and engage meaningfully with Indigenous cosmology? Can MOV indigenize? I was invited to the Chiefs of Ontario heritage and burial meeting in Toronto in 2015, where I gave a similar talk (Miller 2015). This invitation reflected the reach and success of MOV practice to that point. But my main point of emphasis to the board was that, in the end, MOV is a museum and the neighbouring First Nations, the Musqueam, Squamish, and Tsleil-Waututh, are nations. They have the ear of the City of Vancouver, a major source of MOV funding, and these nations command the attention of the public. With a wrong step, an unwillingness to deal fairly, or an over-reliance on

the notion of preserving collections for “two hundred years from now,” for posterity, as opposed to giving priority to the First Nations cultural practices, MOV could be crushed like an eggshell. And so it should be.

Harth (1999) observed that museums must redefine their purpose, going beyond collecting, preserving, exhibiting, interpreting, and educating. With shifts in cultural power, old museum traditions are met with new obligations, and, in particular, the museums’ role as the teller and keeper of truth must be shared with Indigenous voices. Sometimes this point gets lost, at least temporarily, in the board’s emphasis on financial stability. It can be hard to bring up the issue of voice and authority.

MOV no longer ignores requests for repatriation, as it once did. MOV is not keeping secrets, and although the older records are often inexact or absent, MOV is not hiding its history of collecting, a problem Colwell-Chanthaphonh (2013) suggests burdens some museums. Current board-level discussions at MOV include the idea that the collection is largely inaccessible by the public and greater access would be a powerful draw, a good idea on the face of it. However, in opening its very considerable Indigenous collection to the broader view of the public, at least that portion which might financially reward the museum, and allowing the random handling of Indigenous belongings, a danger emerges that the life force and the cultural integrity of the items would be jeopardized. Recall that this is a period in which Indigenous communities seek to re-engage and rename (as with *Our Grieving Mother*) their own belongings stored in museums in order to continue the process of decolonizing both the mainstream and their own citizens.

But while repatriation is often cited as a beginning, not an end (see, for example, Allen 2014), is it? While reciprocity, not only repatriation, is given as the direction of the future (Gates 2017), will this be the case? As the Penelakut ritualist asked me, “Where is the body?” Beyond the formalisms of potentially recreating MOV as a reconciliation museum, are the traumatic episodes and passive endorsement of violence acknowledged? Will this reframing of the museum run afoul of the problems of fundraising? There has been a good beginning to the era of repatriation at MOV, and supported by the implicit agreement to try to understand Indigenous cosmology, which is necessary to gain some understanding of the violence and trauma that Indigenous peoples have experienced. It is unclear to me, however, whether repatriation and its accompanying practices, can be institutionalized and survive past the service of those people committed to it for its own value.

## POSTSCRIPT

The world has turned again and MOV enters a third act in 2018. Work is under way to repatriate a significant Coast Salish mask respecting both Salish law and Canadian law. The claimant will dance the mask in various longhouses, thereby giving any potential alternate claimants a chance to present their own claim. If this does not happen, MOV will consider that he has demonstrated title under Coast Salish law and the mask will be repatriated. Meanwhile, careful documentation of the claimant supports the claim in a common law sense. It is a good new beginning to a new era of focusing on reconciliation.

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