

Source: Museum of Vancouver Collections Policy (Revised May 29, 2020)

7. Repatriation

The VMS recognizes the need to consider from time to time the repatriation of certain Objects. Although the focus has been on materials associated with Indigenous peoples, Objects may be considered for repatriation from non-Indigenous Collections and will follow the guidelines outlined below.

This Policy has been developed in the spirit of the recommendations of the Assembly of First Nations/CMA Task Force on Museums and First Peoples and approved in principle by the Vancouver Museum Commission Board of Directors in 2001. All requests for repatriation shall be considered on a case-by-case basis.

7.1 Scope of Repatriation Requests

This Policy relates only to requests for repatriation from citizens residing in Canada. Requests for repatriation from peoples in other nations will be considered in accordance with international agreements with those nations to which Canada is a party, or, in accordance with specific agreements which may be made between the VMS and museums in other nations. In the absence of such agreements, the VMS may consider requests from peoples in other nations in accordance with the terms of this Policy.

The VMS is committed to:

7.1.1 The return of human remains and directly associated burial Objects, upon the request of an Indigenous individual, family or community with a demonstrable claim of a historical relationship to those materials in question or as a result of the VMS's own initiative;

7.1.2 The return of Objects that may have been acquired under circumstances that render the VMS's claim invalid, at the request of a governing body, community, organization or individual;

7.1.3 The return of material culture of spiritual significance or essential to cultural survival; and

7.1.4 The adoption of shared Custodial Arrangement Agreements or Loan Agreements in lieu of repatriation agreements where appropriate.

7.2 Burden of Proof

The burden of proof with respect to any repatriation request shall be on the requesting individual, group, or governing body to establish, on a reasonable basis, a connection to the material in question. This connection may be based upon lineal descent, band affiliation, cultural affiliation or inherited right. In some cases, the VMS may be able to provide the identity of descent, origin, and/or cultural affiliation.

7.3 Repatriation Requests

Requests for repatriation may be considered:

7.3.1 as independent requests from Indigenous or other individuals and families;

7.3.2 as requests from Indigenous or other communities/governments;

7.3.3 in the context of negotiations of comprehensive claims between Canada and Indigenous peoples; and

7.3.4 in the context of self-government negotiations between Canada and Indigenous peoples.

7.4 Criteria for Repatriation

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

7.4.1 The historical relationship of the requestor(s) to the human remains or Objects concerned;

7.4.2 The conditions under which Objects requested were acquired by VMS; and all human remains regardless of acquisition method; and

7.4.3 The possibility of competing claims to the human remains or Objects.

Requests for human remains or Objects which are or become the subject of competing claims will not be considered until the VMS has received written confirmation from all those Indigenous individuals, families or communities/governments concerned that the overlapping claims have been resolved.

7.5 Process for Repatriation

Each request for repatriation must be made in writing to the VMS and will be considered within the framework established by this Policy.

7.5.1 Repatriation requests will be reviewed and researched by members of the Repatriation Committee, and findings presented to the Collection Committee for approval of the decision whether to support or deny the claim. If the claim is approved, the Collections Committee shall submit the recommendations to the VMS Board for approval.

7.5.2 The VMS shall maintain a record, including a Catalogue record, visual record and copies of scientific documents pertaining to all repatriated Objects. The VMS shall provide one copy of all public records relating to repatriated Objects to the Indigenous peoples concerned.

7.5.3 If the human remains or Objects are governed by pre-existing agreements with third parties, the VMS shall abide by those agreements to the extent reasonably possible.

7.5.4 In keeping with its purposes, the VMS shall, notwithstanding any repatriation, preserve the right to maintain records of repatriated Objects for purposes related to its mandate, and to reproduce in any form any record of any Object which formed part of the Permanent Collection prior to the Object's repatriation with the exception of documentation relating to human remains and items designated culturally sensitive by source communities.