

## **Equality Impact Assessment: Request to repatriate a sacred headdress to the Siksika Nation, Canada**

This Equalities Impact Assessment (EQIA) is provided as part of the background papers for Members' information. Though this repatriation request by the Siksika Nation is not within the jurisdiction of UK law and therefore not covered by the Equality Act 2010, the key principles (or spirit) of the legislation are helpful in considering this case because equality issues are central to this request.

### **Protected Characteristics**

Inequalities are embedded in our understanding of history, composed as it is by multiple and changing narratives, based on different experiences; perspectives and re-appraisal of events. The discovery of new facts or exposure of past injustices and inequality result in disputed or rewritten histories. British Colonial history is one such area. Its reach means that it is a global history intersecting with those of many other nations and communities. Its legacy continues to shape life in the UK today. However we now recognise the oppression and exploitation it caused to other people, including the First Nations of Canada. Attempts to assimilate indigenous people into Canadian society erased their identity, rights, and territories and created institutionalised discrimination on the basis of race (ethnicity); religion and belief, all Protected Characteristics under the Equalities Act.

### **Impact**

Indigenous communities have suffered economic and social deprivation because of this history. During the late nineteenth century, a period during which the distinctive and separate identity of indigenous people was under systematic attack, cultural property belonging to First Nation peoples such as the Blackfoot was seized. Although some acquisitions were made legally, many were not and they were all made against the background of unequal power relationships between colonisers and indigenous people. More detail is provided in the attached paper reproduced with the permission of the Royal BC Museum, Victoria, Canada.

Returning the Motokiks Society headdress restores the source community's authority over their cultural identity and history. Some historical injustices, it has been argued, have become too distant to connect back to communities today. This is not the case in this repatriation request since the headdress would once more perform its traditional role within Blackfoot society. The significance of the repatriation process to a community that has suffered discrimination is a key consideration in terms of the Equality Act 2010.

The process of reducing the effects of discrimination and meeting the needs of a particular group is identified as high positive impact within Exeter City Council's Equality Impact Assessment (EQIA) methodology. There is no need for consultation with the equality group recommended in the EQIA checklist, as the request is made by the elected body representing the Siksika Nation.

### **Differential Impacts**

Under the EQIA, this repatriation would have a differential or disproportionate impact affecting one group more than another. It is clear that repatriation would have a high positive impact for the Blackfoot people. This is set against a low adverse impact for others in the UK, or visiting, wishing to see this important material which is no longer on public display. Officer's recommendation is that in this particular case the power and symbolism of the headdress outweighs the needs of the second group. This is not unlawful discrimination. Lack of access to this historic material can be mitigated through the availability of digital records at RAMM, and it is hoped, an ongoing relationship is maintained between the museum and the First Nations of Canada.

### **Repatriation Requests**

Decisions in this case are not intended to set precedent. Exeter City Council's Collections Development Policy states that repatriation requests are considered on a case by case basis. Case by case review of recommendation are also the purpose of EQIAs.

In order to comply with the Equality Act 2010, public authorities must assess the impact on equality of decisions, policies and practices with particular regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between people

An assessment of these general duties in this case has informed the recommendation now put before Elected Members.

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The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.

- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 7 November 2023	Request to repatriate a sacred headdress to the Siksika Nation, Canada	Ownership should be transferred to the Siksika Tribal Council	Siksika Nation

**Factors to consider in the assessment:** For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This is must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** –some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or	High, Medium or	Reason
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	<b>Negative Impact</b>	<b>Low Impact</b>	
<b>Race and ethnicity</b> (including Gypsies and Travellers; migrant workers; asylum seekers).	<b>Positive</b>	<b>High</b>	<b>Contribution to community healing and reconciliation</b>
<b>Disability:</b> as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.			
<b>Sex/Gender</b>			
<b>Gender reassignment</b>			
<b>Religion and belief</b> (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	<b>Positive</b>	<b>High</b>	<b>Return of ceremonial headdress that has sacred significance to Siksika Nation</b>
<b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual).			
<b>Age</b> (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).			
<b>Pregnancy and maternity</b> including new and breast feeding mothers			
<b>Marriage and civil partnership status</b>			
<b><u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u></b>			

- **Loss of access to this historic material for UK residents or others visiting RAMM, can be mitigated through availability of digital records at RAMM (subject to Siksika Nation agreement).**
- **Based on the experience of other UK museums which have repatriated culturally sensitive objects to the source community, it is hoped that RAMM can maintain their new relationship with the First Nations of Canada, based on mutual trust and respect. This would open the way for creative cultural exchange, willingly negotiated between equal partners.**
- **The repatriation will act positively by contributing to the process of healing and reconciliation of the source community, the Siksika Nation, to whom it is proposed the artefact should be returned.**

**Officer: Museum Manager**

**Date: 29.09.2023**