

REPORT TO EXECUTIVE

Date of Meeting: 7 November 2023

Report of: Director of Culture, Leisure and Tourism

Title: Request to repatriate a sacred bundle - a Motokiks ceremonial headdress to the Blackfoot (Siksika), Alberta, Canada

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 De-accessioning from RAMM's collection a ceremonial headdress traditionally worn by a holy woman of the Holy Buffalo Woman Society (Motokiks) headdress, sometimes referred to as a sacred or ceremonial bundle.

1.2 It was bequeathed to the Museum in 1920 by Edgar Dewdney. He was the Lieutenant Governor of the Northwest Territories, and a Member of Parliament for Canada. Very little contextual information about the headdress' acquisition was provided by him or his widow. In his role as Lieutenant Governor, Dewdney had responsibility for all indigenous peoples within the Northwest Territories.

1.3 The headdress had been publicly displayed at RAMM since 1920. As part of a Leverhulme-funded project to visit RAMM's Plains collection, and especially the Chief Crowfoot regalia in 2013, a Blackfoot delegation representing the Siksika, Kainai and Blackfoot Nations identified the headdress as a sacred ceremonial headdress. It should not have been displayed and has since been cared for in store.

1.4 When in May 2022 Siksika Elders visited Exeter in connection with the repatriation of Chief Crowfoot's regalia, they once again viewed the headdress. During their visit they stressed the sacred significance of the headdress to the community.

1.5 In September 2022, RAMM received a formal letter from the Blackfoot (Siksika) requesting an act of repatriation.

2. Recommendations:

2.1 That Executive notes the due diligence process that has been carried by the Council's Museum Officers in order to establish whether there are any rival claims to the headdress and that it has been established to the satisfaction of the Museums Manager and the Director of Culture, Leisure and Tourism that the headdress was originally the property of the Siksika Nation prior to its acquisition and ultimate transfer to the ownership Exeter City Council and its predecessors; and

2.2 That Executive approves the recommendation that legal ownership of the headdress is surrendered by Exeter City Council and transferred to the Blackfoot Tribal Council of the Siksika Nation.

3. Reasons for the recommendation:

3.1 To the Blackfoot, the Motokiks headdress is a ceremonial bundle which holds great cultural and religious significance. Although the exact means of acquisition is undocumented, it was likely acquired through the enforcement of colonial assimilation policy in connection with Treaty 7 of 1875 (one of eleven Treaties signed between the Crown and the First Nations between 1871 and 1921) and the Indian Act 1876. It would not have been given freely. Unlike other items found in public collections, ceremonial bundles are not made for sale or gifted.

3.2 Dewdney's role as Lieutenant Governor of the Northwest Territories was to ensure that all indigenous peoples (including the Blackfoot) within this region were assimilated. Dewdney's role was to enforce colonial policy. This process involved the confiscation or surrendering of materials pertaining to traditional practices. They were expected to give up their traditional way of life and change. As Crown subjects, they had to adopt Christianity as their new religion and settle on reservations becoming farmers.

3.3 Siksika Chief Ouray Crowfoot explained in 2022 that the headdress would be returned to the Motokiks and used as originally intended, rather than be treated as an artefact cared for at Blackfoot Crossing Historical Park.

3.4 Exeter City Council has the legal authority to de-accession objects from RAMM's collections and return them to the communities from which they originate 'taking into account all ethical implications and available guidance'. This is set out in RAMM's Collections Development Policy (2020-25) under The Repatriation and Restitution of objects and human remains (section 15 of the policy). Recent discussions on the decolonisation of Britain's museums have placed greater emphasis on the moral obligation of museums to return material to community use that may override former concerns on the long-term preservation of sacred artefacts in museum conditions.

3.5 The four recognised Blackfoot Nations (Siksika, Kainai, Peigan and Blackfeet) are each governed by a Chief and twelve Councillors who constitute the Tribal Council. Following a request from the Siksika Nation it is recommended that the headdress be returned to the Blackfoot Tribal Council of the Siksika Nation for use by the Holy Buffalo Woman Society.

3.6 As part of the process of due diligence RAMM approached Chief Roy Fox of the Kainai Nation on the basis that it may have held a rival claim to the headdress. His response endorsed the Siksika Nation as the rightful recipients of the headdress. RAMM also approached Joset Melting Tallow of the Siksika Nation for confirmation of its Siksika origin. Members will note the attached correspondence in relation to this issue.

3.7 The implications of repatriating the items under the Equality Act 2010 are considered separately in the attached Equality Impact Assessment.

4. What are the resource implications including non financial resources

4.1 Provided that Executive approve the recommendation, the RAMM will work closely with representatives from the Siksika Nation to agree on the most appropriate methods for packing and transporting the headdress to Canada. It is likely that representatives of the Siksika Nation will travel in person to the UK to collect the headdress. As a ceremonial bundle, traditionally it would be rolled, packaged, and carried by an appropriate elder.

4.2 RAMM's collections team will complete the necessary documentation for the repatriation. This will include recording the transfer of title and recording the repatriation of the headdress on the collections database and in object history files, as well as applying for the appropriate export licence. The headdress will need to be condition checked by a specialist conservator and will be photographed before return. These costs can be covered from existing revenue and Arts Council England budgets.

5. Section 151 Officer comments:

5.1 There are no financial implications contained within this report.

6. What are the legal aspects?

6.1 There is no legal requirement under English law to return artefacts of cultural importance to source communities. Current approaches are governed by the Museums Association Code of Ethics, Arts Council England's Accreditation Scheme and evolving practice within the museum sector. None of these sources of guidance impose any legal obligations on the Council. Accordingly, if a decision is made to repatriate the items, then that decision is made on a voluntary basis without any legal compulsion to do so. It is important that repatriation cases such as this are dealt with on a case-by-case basis and that each case is considered on its own merits. It is not intended that this creates a precedent as to how future requests for repatriation will be addressed.

6.2 In August 2022 Arts Council England issued a document, 'Restitution & Repatriation: A Practical Guide for Museums in England'. It provides best practice advice to support museums in making decisions and managing potential repatriation cases. This report and recommendation have been produced in line with that guidance. Members will note that the report includes a case study of Exeter City Council's repatriation of the Crowfoot regalia in May 2022.

6.3 There are export controls in place on objects of cultural interest. These are set out in the Export Control Act 2002. Under the Act, Arts Council England's export Licensing Unit issues export licences for cultural objects on behalf of the Secretary of State. The requirement for an Export Licence is dependent on financial thresholds. The headdress valuation is in excess of the threshold for textiles so an individual export licence would be required.

6.4 An export licence would only be refused if the Reviewing Committee for the Export of Works of Art and Objects of Cultural Interest designated the headdress as a 'national treasure' in accordance with the Waverley criteria established in 1952. The Waverley criteria are a number of questions to be considered when determining whether an item should be designated as a 'national treasure':

- Is it closely connected with our history and national life?
- Is it of outstanding aesthetic importance?
- Is it of outstanding significance for the study of some particular branch of art, learning or history?

Museum Officers consider that it is unlikely that the return of the artefact will be objected to under the Waverley criteria.

6.5 The nature of the materials used in the headdress may mean that the Council needs to apply for an export permit under the Convention on the International Trade in Endangered Species (CITES). The Council's Officers will address the issues concerning the export licence and permit.

7. Monitoring Officer's comments:

This recommendations set out in this report, raise no issues of concern for the Monitoring Officer.

8. Report details:

8.1 The headdress was bequeathed to RAMM in 1920 as part of a larger group of Native American artefacts by Edgar Dewdney through his second wife Blanche Elizabeth Dewdney who resided in Torquay. In her letter bequeathing the headdress, Mrs Dewdney explained: "Some years ago my husband and I were on a visit to Exeter while home from British Columbia. We saw in the Museum an Indian Chief's shirt, I think it had belonged to 'Crowfoot' Chief of the Blackfeet Indians. My husband was very interested having known the Chief well, also having a unique collection of Indian Curios of his own. He told me after his death he would like me to offer some of his collection to the Exeter Museum."

8.2 Edgar Dewdney (1835-1916) was born into poverty in Devon. He found a way to leave England to find his fortune. Landing in British Columbia in 1859, aged 23, he was quickly employed as a surveyor for town and road building and for the Canadian Pacific Railroad. In 1868, he entered the colonial government rising to the position of Minister of the Interior and Superintendent-General of Indian affairs. In 1892, he was appointed Indian Commissioner and a year later was given the additional role of Lieutenant Governor of the Northwest Territories. He retired from political life in 1897.

8.3 The Motokiks headdress (Accession number: 25/1920/2) has no documented provenance beyond being Blackfoot in origin. It is clear from the Dewdney biography that he had a working relationship with Chief Crowfoot, and both the Siksika and Kainai nations. It is equally clear that Dewdney's contacts with the First Nations were extensive, given his political role. The artefacts Dewdney bequeathed to RAMM include items from several tribal nations. He collected material from different parts of Canada, especially when he travelled to Ottawa for political business.

8.4 The headdress is made from buffalo horns, eagle feathers, indigo bunting bird, red-tailed hawk, red trade cloth, porcupine quills and brass bells. This was displayed in RAMM's America's gallery. A Blackfoot delegation in 2013 visiting RAMM informed the curator that the headdress was a sacred item belonging to the Holy Buffalo Woman Society and should not be in public view. It was immediately removed from display and placed in store.

8.5 The Blackfoot Confederacy represents tribal governments of the nations, Siksika, Kainai, northern Peigan and the Blackfeet, who live in Alberta, Canada and Montana, USA respectively. Each nation is governed by a chief and a tribal council of twelve. However, Blackfoot culture and religion is linked by seven important societies. These societies celebrate tradition and maintain and preserve cultural knowledge. They are called Horn, Crow, Black Soldier, Motokiks, Prairie Chicken, Brave Dog, and Ma'tsiyiiks. The Motokiks is a sacred society for holy women. After initiation into the society, each member would have earned the right to wear a sacred headdress. Headdresses are ceremonial bundles and are connected to the ancestors. RAMM's headdress once belonged to one of these holy women and with the support of contemporary members of the society we have been able to research the origins of headdress. Following consultation with the Siksika and Kainai it is now confirmed to be of Siksika origin.

8.6 For Members' information concerning terminology, this report uses the Anglicised noun Motokiks to represent the Holy Woman's Society. However, Members should be aware that other variants of that Society's name are used by non-members and members of the Blackfoot Holy Woman's Society and will be found in correspondence pertaining to this claim. Examples include Motoki, Maoto'kii and Maoto'kiiksi. Names will either refer to the society alone, to society members or ceremonial bundles belonging to that society.

8.7. In September 2022, Chief Ouray Crowfoot wrote to express his thanks to RAMM and Exeter City Council for the repatriation of Chief Crowfoot's regalia. He also formally requested the return of the Holy Buffalo Woman Society headdress.

8.8 Due diligence in late 2022 and early 2023 involved checking Dewdney-related documentation at RAMM and examining the digitised Dewdney papers held at the Glenbow Museum, Alberta. No evidence could be found to explain how the headdress had been acquired by him. To help determine the origin of the headdress, RAMM's curator sought the expertise of two holy women who are current members of the Kainai and Siksika Motokiks societies. They have both provided written statements in support of the formal request.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The decision shows the council is well-run with effective governance and management of its assets. The debate on repatriation is a fast-moving one, and agreeing to the return will demonstrate that Exeter City Council through the Royal Albert Memorial Museum is prepared to lead sectoral change and to demonstrate trust and respect to international communities.

10. What risks are there and how can they be reduced?

10.1 If the return of the headdress to the Siksika Nation is agreed, it is possible that those opposed to repatriation may choose to voice their opinions in the media and criticise the council's decision.

10.2 There is also a risk that the return of the headdress would be perceived as setting a precedent for other claims on cultural property at RAMM, and from UK museums more generally. However in recent years there have been several well publicised repatriations by museums elsewhere in the UK.

10.3 The risk of reputational damage can be reduced by clarifying that repatriation cases are dealt with on a case-by-case basis, each considered on its merits. This proposed repatriation does not set a precedent. Whatever the moral issues related to an object's history, the Council through RAMM still needs to carry out due diligence before the return of culturally sensitive material to ensure its ownership is transferred to the most appropriate group. There may be competing claims from the same indigenous communities. In this case, the Siksika have been identified as the appropriate claimant. (See attached letter from Makiinima, Chief Roy Fox, Blood Tribe/Kainai).

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 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.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

The repatriation will require transport of the headdress to Canada, which will be accompanied by appropriate elders of the Siksika Nation.

13. Are there any other options?

13.1 To refuse the repatriation request and cause significant hurt to the Siksika Nation. It would also create a large amount of negative coverage in the media and from groups who support the rights of indigenous communities in recovering their cultural heritage held in UK museums. There is a danger of reputational damage to RAMM and Exeter City Council which has been regarded as a leader in the field of carefully considered repatriation.

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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