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The Repatriation of the G'psgolox Totem Pole: A Study of its Context, Process, and Outcome

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> Our culture and heritage is the basis of who we are and critical to our survival as a peoples; through this repatriation process, we are reclaiming this for our children.[1]

INTRODUCTION

In July 2006, after 77 years at the Museum of Ethnography in Stockholm, the 134 year-old G'psgolox totem pole was welcomed home to Kitimaat on British Columbia's northwest coast by the Haisla First Nation. The event was important not only because it was among the first voluntary repatriations by a foreign museum of a cultural artifact to a North American aboriginal community, but also because it marked the end of a negotiation process that had been long and challenging and yet ultimately, according to the parties involved, mutually beneficial and restorative.

Commissioned in 1872 by Chief G'psgolox in commemoration of a spirit encounter,[2] the 9-meter pole was erected in the village of Misk'usa in the Kitlope Valley, the traditional territory of the Haisla Nation located 600 kilometers northwest of Vancouver.[3] In 1929, the pole was cut down and shipped to Sweden by the then Swedish Consul to British Columbia Olof Hansson,[4] and given as a gift to the Museum of Ethnography in Stockholm. In 1980, after 50 years out of public

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view, the pole was erected in a hall built especially to house it in the museum's new premises.

Back in Canada, the pole's removal and absence had remained a source of grief for the people of the Haisla Nation. However, with the help of photographs of the pole taken by early twentieth century photographer Frank Swannell,[5] the Haisla were able to confirm that the pole was displayed at the Swedish Museum of Ethnography. In 1991 a Haisla delegation that included the great-great-granddaughter of Chief G'psgolox, Louisa Smith, Haisla Chief Councillor Gerald Amos and Welsh anthropologist John Pritchard[6] traveled to Stockholm to discuss the Haisla's repatriation claim with the museum. Fifteen years later, after numerous discussions between the parties held in both Stockholm and Kitimaat, the pole was returned to the Haisla Nation.

Both parties to the repatriation process agree that its long duration is a result of having to contend with numerous issues and challenges: cultural, historical, ethical, legal and financial. In order to facilitate comprehension of how these issues influenced the dynamics and progression of the repatriation negotiation, and of the participants' view of the process and its outcome, this article first discusses the history of the pole until its removal and the broader political and social backdrop against which it played out. Next it discusses the repatriation negotiation process and its outcome. To the greatest extent possible, the story is told by the participants to the repatriation process themselves.[7]

THE LEGEND OF THE POLE

In the early 1870s, Chief G'psgolox of the Eagle clan lost all his children and many members of his clan to smallpox, one of the many diseases brought to coastal aboriginal communities initially by trading ships from Europe and again in the mid-nineteenth century by U.S. gold miners.[8] Bereft by his loss, Chief G'psgolox wandered into the forest and encountered the spirit Tsooda. On hearing all about the chief's grief, Tsooda gave him a piece of rock crystal and told him to bite into it at the tree where he had buried his children. He did so and had a spiritual experience that reunited him with his children and clan members in the company of Tsooda.[9]

To commemorate the event, in 1872 Chief G'psgolox commissioned two carvers from the Raven clan, Humdzeed (Johnny Paul) and Wakas (Solomon Robertson), to carve a totem pole.[10] The carvers placed Tsooda, wearing a hat that revolves on his head, in the place of honor at the top of the pole. Below Tsooda sits Asoalget, a personified spirit, and then a mythical grizzly bear living under water. Grizzly bears are important symbols in Haisla culture that represent spiritual power.[11] The pole was erected in Misk'usa, one of the four traditional villages of the Henaksiala people (who in 1947, joined the Haisla people to form the Haisla First Nation). "The pole acted as a portal to the world of water, air and earth, and it stood as a gateway to the village for 57 years."[12]

The next chapter in the story of the pole—its removal and absence, and in particular the impact of those events on the people of the Haisla Nation—is better understood if one is familiar with the broader cultural and historical context of that story.

THE HISTORICAL AND CULTURAL CONTEXT OF THE TOTEM POLE'S STORY

For thousands of years, the Henaksiala people lived among the bountiful, breathtaking beauty of the Kitlope Valley. Now classed as one of the largest remaining unlogged coastal temperate rainforests on Earth, the area teems with bears, wolves, falcons, eagles, mountain goats, sea mammals, oolichan, and pacific salmon. In the villages that they founded, the Henaksiala constructed large, comfortable post-and-beam houses and built canoes using the giant red cedar tree. The Henaksiala were a clan-based society, originally involving eight clans,[13] each composed of family units that lived together in a large house or "household." The Henaksiala clans traditionally each lived in their own winter village, but following massive population decline in the latter half of the nineteenth century, the clans eventually came together to live in the same winter village.[14] A household's wealth and rank in the village were linked to its lineage and to its possession of rights (e.g., to fish in certain waters) and of intangible possessions (such as crests, stories, songs, dances, and names).[15] In the late nineteenth century, G'psgolox was chief of the Eagle clan.

The Henaksiala people's reliance on and skillful management of nature's resources for their survival fostered their deep-seated belief in their connectedness with the earth and its living beings, and in the supernatural and spirit world.[16] Spirit encounters were important events that were reenacted in dances and commemorated in various forms of cultural expression, from rock pictographs, to small carved objects,[17] to incised designs on the interior poles of homes, to totem poles.

While there is documentary evidence that the carving of interior house posts, exterior frontal poles, mortuary figures, and smaller freestanding memorial poles by northwest coast aboriginal communities predated European contact in late eighteenth century,[18] it is believed that the flowering of larger freestanding totem pole carving in the early nineteenth century was facilitated by the increased wealth of households resulting from the trade with Europeans and Americans of sea otter pelts.[19] This wealth permitted the giving of lavish potlatches and the carving of more monumental freestanding poles incorporating the traditional art forms (i.e., symbolic figures and heraldic crests[20]): "With that wealth came the means and the opportunity for nobles to achieve greater status. . . . As newly rich chiefs competed with one another for prestige and status, skilled carvers were in demand to create taller and more complex poles."[21] The Haisla people began trading with Europeans after 1793, when Captain Vancouver arrived in what is now called Amos

Passage and, in accordance with the tribe's *Nuyem* (governing law)[22] of welcoming visitors to their homeland, was presented with two 70-pound salmon.

By the mid nineteenth century, however, totem pole production began to decline.[23] Native villages were decimated by epidemics of European diseases, including smallpox and measles, against which village inhabitants had no immunity. The population of the four Henaksiala villages plummeted from 3500 to 57 during the smallpox epidemic of the 1860s.[24] At the same time, Christian missionaries were moving into villages and urging converts to give up their traditional ways, including destroying and ceasing production of totem poles, which the missionaries mistakenly reviled as objects of heathen worship. Totem poles were felled and either sold or destroyed, some even cut up as firewood.[25] Gerald Amos recounts his grandmother's memory of the late nineteenth century, when Reverend George Rayley was a missionary in Kitimaat:

> Down the beach from her house, as a young girl, [my grandmother] remembers the missionaries making our people—the artists and chiefs and whatnot—bring their regalia, their masks, their rattles, and all that stuff, down and pile it on the beach, and they would light a match to it. She remembers the bonfires. And some of the artists, she said, they'd sneak when the fire was going so big and the missionaries weren't looking, and pry out one of the partly burned [objects] and hide it. . . . [The missionaries] would demonize the people, and say it's all witchcraft and black magic and you had to get rid of it, and then they would buy it and sell it, or take it for themselves.[26]

The Canadian government dealt a further blow to totem pole carving when, in 1884, it amended its Indian Act to outlaw massive giving of "gifts."[27] Although the amendment was mainly intended to suppress the potlatch ceremony, and thus a central aspect of First Nations culture[28] that was proving an impediment to the missionaries' attempts to "civilize" the heathen,[29] it also thwarted pole carving since a potlatch ceremony was the traditional means of celebrating the raising of a totem pole.[30]

The decline in pole carving among the Haisla was aided further by the government's 1894 amendment to the Indian Act.[31] The amendment permitted the Indian Agent to remove aboriginal children younger than age 16 to a Christian boarding school, where they were prohibited from speaking their native language and engaging in any form of aboriginal cultural and artistic expression—the intent being "to kill the Indian in the child." By 1920 it was mandatory for all aboriginal children between the ages of 7 and 15 to attend these "residential schools,"[32] where the mortality rate often exceeded 50% as a result of horrific sanitary conditions and the spread of tuberculosis. Duncan Campbell Scott, head of the Department of Indian Affairs from 1913 to 1932, said, "our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question and no Indian department."[33] As a result of the residential school policy, carvers died without passing on their skills to the next generation, and Haisla culture and communities fell apart as the parents and grandparents saw their connection to their past and their future severed. Gerald Amos explains that “the grandparents and the parents felt so guilty, powerless, useless. They had nothing to live for anymore. The kids had been taken away from them and the responsibility for raising them was gone.”[34]

Meanwhile, private collectors and representatives of museums in Europe and North America were scouring British Columbia for the spoils of the First Nations’ cultural collapse—including masks, headdresses, rattles, baskets, coppers and totem poles.[35] “Between the 1870s and 1920s hundreds of poles were purchased, or simply removed from seasonally vacant or abandoned villages without permission or payment.”[36] Totem poles were shipped all over Canada and the United States, as well as to Western Europe, Scandinavia, and New Zealand.[37]

Until the potlatch ban was revoked in 1951, potlatches and traditional carving had to be carried out illicitly by the Haisla. Haisla carver Henry Robertson recounts that when he was caught secretly carving poles at his residential school in the 1940s, the principal “got mad at me and slapped me around and told me I am not going to the school to learn to carve totem poles the Indian ways, I am going [to the school] to learn the white man’s ways.”[38] Then the principal jabbed a pencil into the palm of his carving hand. The lead of the pencil had to be dug out, and he still bears the scars of the attack.

THE REMOVAL AND SUBSEQUENT REDISCOVERY OF THE G’PSGOLOX POLE

In 1927 Olof Hansson, the Swedish consul stationed in Prince Rupert, British Columbia, decided that he wanted to acquire a totem pole for Sweden.[39] At the time, many European museums, including the British Museum, had totem poles in their collections. Hansson wanted to help Sweden acquire one as well. He thus contacted Iver Fougner, the regional Indian agent appointed to enforce the provisions of the federal Indian Act, for assistance in the matter. In December 1927, Fougner requested permission from the federal Department of Indian Affairs for Hansson’s purchase of the G’psgolox pole, arguing that the “chances are that the pole, if not removed, after some time will fall down and be destroyed.”[40] (In fact, according to Haisla tradition, that is exactly what totem poles were *meant* to do, namely, eventually fall down and return to Mother Earth.[41] Carved from western red cedar trees, totem poles exposed to the Northwest Coast climate last on average only 60 to 80 years.[42]) In January 1928, the Department of Indian Affairs granted Hansson’s request on the basis that “the Indian reserve is uninhabited and very isolated . . . and provided that the Indian owners are willing to dispose of it.”[43]

It is worth noting that, while by 1928 the Henaksiala people had moved the site of their permanent village from Misk’usa up the river to Kemano due to mudslides and steep population decline from smallpox and influenza epidemics,[44] traditionally the Henaksiala lived according to the season in several different villages. Gerald Amos explains the fact that Misk'usa was uninhabited at the time of the pole's removal. "Misk'usa was . . . somewhere people stayed for a portion of the year but not all year long. [The villages] were all over the place, people moved between them, and Misk'usa was one of them."[45] Louisa Smith confirms that "just because that place had nobody there doesn't mean it was abandoned. Our people would move with the seasons to where the food was, but we were always here."[46] Indeed, according to many accounts, the Henaksiala people discovered the totem pole's disappearance when they arrived in Misk'usa after a fishing trip.[47] Louisa Smith, great-great-granddaughter of Chief G'psgolox, insists that the pole "was taken against the will of the family of G'psgolox."[48]

In contrast, Per Kaks, the director of the Museum of Ethnography from 1991 to 2002, maintains that Olof Hansson negotiated the sale of the pole with the Henaksiala.[49] In an interview with Swedish press at the time he removed the pole, Olof Hansson said that he and Iver Fougner had had no difficulty in talking the younger members of the Henaksiala nation into parting from the totem pole, but that older members had resisted the sale.[50] The Museum of Ethnography admits, however, that no receipt or other documentary evidence of the date or terms of the sale exists.[51] The only document in existence is the export license from the Canadian government. As a result, the question of the legality of the removal of the pole from Misk'usa by Hansson was a point of contention between the parties to the repatriation negotiation, albeit one that the parties decided ultimately not to pursue, preferring instead that the conversation proceed with reference to ethical considerations. Indeed, the ethical nature of the pole's removal, in view of its historical context, was clearly a sore point for the Haisla.

In 1929 the pole was severed at its base and transported to Stockholm, Sweden, where it was donated to the Museum of Ethnography. The pole was erected in the open air in front of the museum for 6 months before being taken down when the museum moved to new premises. Because the new museum lacked a space high enough to display it, the pole was placed horizontally in an unheated storeroom at the new premises for 45 years. In 1975 the pole was moved again to undergo conservation work to deal with the effects of dry rot. In 1980 it was re-erected in a new climate controlled building at the museum, in a hall constructed especially to house it.[52]

According to Louisa Smith, her brother Cecil Paul "kept hearing our grandmother's voice to keep your ears open for the whereabouts of the old pole."[53] The importance of the pole to the descendants of Chief G'psgolox, and the impact of its removal, is echoed in the words of an elder from another First Nation who was struggling to repatriate totem poles taken from his Northwest Coast village:

> [Totem poles] help define who we are . . . they project the identity of the owner . . . they are not art—they are part of us, an integral part of us. That's not a pole that was taken from us. It was part of us that was taken away.[54]

In the early 1980s, Cecil Paul sought the assistance of the Kitimat Centennial Museum to locate the G'psgolox pole.[55] According to Anders Björklund, who succeeded Per Kaks as director of the Museum of Ethnography, the subject of the pole's repatriation was then raised publicly by the Canadian Museum of Civilization at the 1989 annual meeting of the International Council of Museums (ICOM).[56]

In December 1991, the Haisla traveled to Sweden to make their repatriation claim in person. Having received much-needed funding from Greenpeace to travel to Finland (to convince Enso-Gutzeit Oy, the 50% owner of Kitimat-based Eurocan Pulp and Paper Company, to abandon its plan to log the Kitlope Valley), the Haisla took advantage of Helsinki's proximity to Stockholm and traveled there by overnight ferry once talks with Enso-Gutzeit Oy had concluded. According to Per Kaks, Greenpeace had called "every paper in media in Sweden" to alert them of the impending visit, and Kaks "had never before had so much media coverage."[57] Gerald Amos describes the moment that he, Louisa Smith, and Welsh anthropologist John Pritchard arrived at the Museum of Ethnography:

> We had our button blankets with us … we walked in, and the people at the front were taken aback as we walked in with our blankets on … and we said, "[W]e are here to talk to [Museum Director] Per Kaks, is he in?" … They were very helpful. We went to a private room and sat down. I told him we were here to talk about the G'psgolox totem pole and I introduced Louisa [Smith] as the sister of the current [Chief] G'psgolox, and I said, "[W]e want to start to discuss how this totem pole is going to come back to Kitimat." We didn't say we were asking for it. That was our opening statement—how it was going to come back to Kitimaat … And [Per Kaks] said, "I am not going to say whether I agree or disagree at this point." He said, "I can't make a decision. It is state property, and we [in the museum] are going to have to discuss it, and I will bring this back to the Minister, who will bring it back to the government, and they will tell us whether we can have a discussion or not."[58]

The three Haisla representatives were then taken to see the pole. Amos says that upon seeing the pole, held erect by a system of metal wires attached to a yoke around its neck, he and his friends all wept, the yoke reminding them of the Haisla's painful past, of having their children and culture taken from them, and their community falling apart. Vowing to free the pole from its shackles, Amos remembers realizing "this is one of the symbols that could heal the people, and Lord knows there is a lot of healing to do."[59]

According to Kaks, the museum could not immediately respond positively or negatively to the demand. Although Swedish law does not contain a specific provision stating that the collections of state museums are part of the public domain and inalienable,[60] nonetheless the museum considered it necessary to obtain the state's permission for its return. As Kaks explains, "[E]ven if I am a civil servant with a lot of rights, I cannot give away or sell away the property of the state without consent from the government."[61] Björklund confirms that "the museum is a government body and the pole was owned by the Swedish tax payers. It was a logic issue—if the state owns it, we can't give it back."[62]

According to Gerald Amos, Per Kaks explained the repatriation protocol that the museum was obliged to follow but indicated that ultimately "it is up to me as the current director to make the recommendations."[63] During this period, Per Kaks admits, "I had to realize that it wasn't a legal discussion, it was more a matter of an ethical discussion . . . [namely] who has the better use of it, and for whom does this pole mean something."[64] In 1992 he visited the Haisla in Kitimaat and discussed the issue at length with Gerald Amos, Louisa Smith, Cecil Paul and the other members of the Haisla community. The trip provided an important opportunity for the parties to air their feelings and for Kaks to get to know the Haisla in their own context:

> The whole village was there in the basketball hall and I felt a little bit lonely there in a way because they were pointing and saying, you stole the pole. And I said, "I don't feel we can use that terminology in these situations, we cannot start accusing each other of this and that, and we can't start working with legal formalities, because we will both lose from that, money and time. It's much better that we try to go forward on a friendly level." They were very nice, and they were very good hosts. They took me in a helicopter up the Valley and landed on the spot where the pole had been. I saw a lot of fantastic things on that trip and became very good friends with them.[65]

Per Kaks also came to understand the meaning of the pole to the Haisla and their motivation for its return. He explains that "they wanted to have an object around which they could gather the youngsters." As Gerald Amos explained to a museum staff member who asked why the Haisla didn't just carve a new pole, instead of taking back an old, weathered pole, "It's our history, and we are struggling to bring back some of our history so that our people understand where we came from."[66] Amos then asked him, referring to the seventeenth-century Swedish warship Vasa that is displayed in its own museum as a national treasure, "How do you think the Swedish people would feel if we took this ship home with us and said to you 'just make a replica and keep that in Sweden, we want to keep the original in Kitamaat?'" According to Amos, that was a moment of enlightenment for the Swedish, after which negotiations began in earnest.[67]

While the ethical issue of "better use" was not a point of contention between the parties, unlike the legal issue of whether the pole had been stolen (in fact, according to Kaks and Björklund, most of the museum staff and the Swedish public thought the pole should be returned[68]), Amos says that the Haisla representatives took a number of proactive steps that likely facilitated the museum's decision to recommend to the government of Sweden that the pole be returned. First, the Haisla acknowledged to the museum that the Swedish had an attachment to the totem pole[69] and that the museum had been designed around the pole. The Haisla also emphasized that they believed that the museum (as opposed to Olof Hansson) received the pole in good faith. They also offered a replica pole.[70] Amos explained that

> we said "first of all it's ours and we would like it back, it means a lot to us, but [what] if we carve you another one, we bring a log over from our territory, and we make a production of it. We have carvers we can bring over. We'll carve the totem pole in the museum with your people watching, and then when it is ready we will bring a dance group over with our singers and the proper chiefs and we will help you to raise it in the proper fashion so that people will know the history of it.[71]

The museum was enthusiastic about the idea. Björklund has no doubt that another key factor in the museum's decision to recommend the return of the pole was the impressive Haisla as negotiators:

> The strongest feeling in the case was that it should be sent back. Very few voices said no. The reason is that the group of Haisla was extremely convincing. They were splendid speakers and reliable partners. They used every opportunity to make it evident that the totem pole should be sent back to Canada.[72]

The museum thus recommended to Swedish government that the pole be returned to the Haisla. In addition, in November 1993, British Columbia's then Premier Mike Harcourt and then Minister of Aboriginal Affairs John Cashore sent a joint letter to Sweden's Minister of Culture Brigit Friggebo requesting the return of the totem pole.[73] In February 1994, the Friggebo granted permission for the totem pole to be presented as a gift to Kitimaat Village. At the same time, the government also directed the museum to ensure that the Haisla would preserve the pole when it returned home.[74]

Björklund acknowledges that the permission to "gift" the pole did not sit well with the Haisla, and also that "if you give a gift it shouldn't be connected to some sort of condition."[75] Indeed, according to Gerald Amos, this offer of a "gift" almost derailed the negotiation process, as well as the Haisla's plan to carve a replica pole for the museum:

> They wanted to "gift" it back to us, and that itself almost tipped [things] . . . I mean, how do you make a gift of something that was stolen? . . . We had our own lengthy discussions about how to react to that. It took a while to overcome that one! My aunty was really opposed to giving anything to them.[76]

Louisa Smith confirms that "we continued to negotiate and let the museum know that when we give a gift there is no attachment."[77] Ultimately, according to Amos, Haisla *Nuyem* played a part in the continuation and creativity of the negotiation process:

> I said [to the Haisla], "you know we grow up hearing "if someone spits in your face, don't spit back at them," and if we rip that totem pole out of there and we don't leave anything behind, we will be doing the same thing [they did]. And I think if we do this properly, and engage in a real relationship building exercise, who knows what the possibilities are in the future. You know, why can't we envision some of our kids going over there as exchange students to work in the museum for a while, bring

> some of our carvers over there to work in the museum and give them a taste of what our culture is like.... They could work with us to bring some of the Sami carvers here. And it's not going to be possible if we just take it away and tell them to go to hell.[78]

In October 1997, Haisla representatives again traveled to Sweden, where they discussed the terms of the pole's return. According to Kaks, the museum's request that the pole be housed in Kitimaat in a climate-controlled facility was based on their desire to know that the pole would be able to be seen by future generations. He explained to the Haisla delegation, "[T]his is our profession, to keep things alive."[79] Though aware of the ethical and cultural basis of the Haisla's request for the pole's return, Kaks nonetheless saw the pole as belonging not only to the Haisla:

> I wanted to give it back.... The only condition we had ... having kept the pole for so many years and tried to make it survive, ... was that together we could look upon the pole *as the property of mankind*. I would be very unhappy if [they] put the pole back according to [their] traditions because it would be destroyed.[80]

Kaks insists that the museum tried to discuss the issue of preserving the pole from a more principled point of view (i.e., it would be better for everyone if the pole survived) rather than legalistic or conditional one.[81] The Haisla, however, understood the museum's request as a condition placed on the pole's return, which proved difficult for the Haisla people on several levels. First, the condition was impossible to meet from a financial perspective. Having received no offer of financial aid to build the facility from either the Swedish or Canadian governments, meeting the condition was beyond the means of the Haisla people. The lack of governmental financial assistance to help build a facility to house the pole was frustrating to the Haisla, who believed "the Canadian government had a duty to help, given that it had granted an export license for the pole after the local Swedish consul cut it down without [our] permission."[82] Haisla Elder Louise Barbetti felt that "the Swedes need to do more ... We didn't give the pole away, the pole was taken."[83] Ultimately, as Louisa Smith commented, "all we wanted was the pole to come home. But finances were always the obstacle."[84]

Building a museum to house the pole was also a contentious issue among the Haisla people from a cultural standpoint. According to tradition, totem poles are meant to fall naturally to the ground and decompose. In the words of hereditary Chief G'psgolox Dan Paul Sr., "If it falls you don't lift it, you let it go back to Mother Earth."[85] Thus, re-erecting the pole in a museum was out of the question for the Haisla. The question then became whether they could accept to display it lying down in a facility that they would build for that purpose, or whether they had to return it to Mother Nature as tradition demanded. The son of the carver of the original pole wanted the pole to be taken to Misk'usa and returned to the earth,[86] but G'psgolox descendent Louisa Smith felt strongly about displaying the pole and having it act as a teaching aid for the children of her community: "I really want the pole to be a teaching tool. And if we put it in a museum, our children can see it first hand and understand the history of our people."[87]

Gerald Amos believed a new facility was important to re-instilling a lost sense of pride: "If we repatriate the pole and build the center, our people will have a sense of pride and ownership. Right now our people don't have a hell of a lot."[88] According to Amos, the museum ultimately indicated that they were sensitive to the financial burden posed by building a climate-controlled facility and would not hold the Haisla to the condition.[89] Following this concession, the Haisla community came to an agreement among themselves to house the pole horizontally indoors and use it as a means of cultural education and revival. But the decision caused the rightful owner of the pole, Chief G'psgolox, a certain sense of grief:

> our culture is that when it falls, let it go, Mother Earth will cover it. When that thing is no longer there, then a new one will come. So in my journey I have . . . a heaviness [because] I have broken that, I have now agreed we will put it in a museum, the white man way of thinking. I have broken something here. It won't go back to the womb of Mother Earth now.[90]

Despite all the difficulties posed by building a dedicated facility to house the pole, the Haisla maintained their offer of a carved replica. Beginning in May 2000, Master Carver Henry Robertson, whose grandfather Salomon Robertson carved the original pole, and his nephews Derek and Barry Wilson (all renowned Haisla carvers), as well as his granddaughter Patricia Robertson, began to carve two replica poles, one to be sent as a gift to Sweden and the other to be erected at Misk'usa. Financial assistance for that endeavor was provided by two nonprofit organizations, Ecotrust and the Na'na'kila Institute.[91] A partially completed replica pole was flown to Sweden with the help of Lufthansa Cargo. In August 2000, a formal ceremony, attended by more than 200 guests of the Haisla Nation, including Olof Hansson's daughter, was held to celebrate the erection of the new replica pole at Misk'usa.[92] The next month, thanks to funding provided by the Museum of Ethnography, the carvers traveled to Sweden and spent two months carving the replica pole in front of visitors to the Museum of Ethnography, sharing with them their pride in their culture and their repatriation story.

When the carvers had finished their work on the replica pole at the museum and returned to Canada, the original pole remained standing in the museum while the Haisla continued to try to raise the funds needed to build a facility to house it and cover other expenses involved in the repatriation process. With the help of Ecotrust Canada, the Haisla had by that point launched a web site for their repatriation project and raised funds from the David Suzuki Foundation, the Rockefeller Brothers Fund and the Endswell Foundation to assist with travel, salaries for the project's coordinators and the carving of the replicas.[93] In 2004 the National Film Board of Canada released a documentary by Gil Cardinal recounting the story of the Haisla's repatriation efforts, which provoked a flurry of interest in the repatriation project at a national and international level. Ultimately, the Canadian Embassy in Stockholm spent $12,000 on events in Stockholm relating to the repatriation, while the Department of Canadian Heritage contributed $27,000. The sale of T-shirts through the museum and by the Haisla raised another $5,700.[94] In addition, the museum contributed a 10-meter wooden case, designed by the museum's chief of conservation, to ensure the safe transport of the pole. A Swedish/Norwegian transport company, Wallenius Wilhelmsen Logistics, offered to ship the pole back to its "spiritual home."[95]

In March 2006, a 15-member Haisla delegation traveled to Sweden to participate in a traditional ceremony accompanying the raising of the replica pole outside the Museum of Ethnography. The 14 March 2006 ceremony was attended by representatives of the museum, the Canadian federal and provincial governments, the Swedish government, and the Sami (the indigenous people of Sweden). At the ceremony, the Haisla carvers explained the importance to them of the respect the Swedes were showing for their traditions during the repatriation process:

> We believe in sharing—that is why our law made us come here and do this. . . . Share with you our happiness . . . and our pain and suffering. . . . Happiness to see that finally our people are being recognized as human beings . . . finally recognized as people, not objects of archeology or anthropology.[96]

Both Amos and Björklund agree that the ceremony marked a tipping point for the museum. As Amos describes, "every radio, every television station covered the pole being raised outside. Anders Björklund told us the rate of visits to the museum has never been so high as after the pole raising."[97] Björklund confirms that there is a constant stream of people looking at the replica's plaques describing why the totem pole came to Sweden and went back home[98] and that the pole has very strong educational value. He admits, "if we had the old one, I am not sure it would have been as useful and I think we made a good bargain actually."[99]

On 23 March 2006, three hundred Swedes joined the Haisla delegation to see the original pole, now packed in its special case, leave the Gothenburg harbor on its journey home via the Panama Canal. On 26 April 2006, the hereditary Chief G'psgolox Dan Paul Sr. welcomed the pole to Vancouver in a historic welcoming ceremony at the University of British Columbia Museum of Anthropology attended also by Björklund. On 21 June, National Aboriginal Day, a further ceremony was held to celebrate the return of the pole. At that ceremony, Regional Chief Shawn Atleo of the British Columbia Assembly of First Nations stated,

> Today is a demonstration of our continued path towards reconciliation. We are building new relationships based on respect and recognition. The return of cultural property is integral to maintaining and passing on our culture, teachings and languages, and to reclaiming our identities. The Haisla's long-standing efforts are important steps to creating an optimistic future for everyone.[100]

Shortly thereafter, the pole traveled home to Kitimaat Village, arriving on 1 July to an emotion-filled celebration. It is now displayed in Kitimat City Centre Mall while the Haisla continue to raise funds to build a dedicated facility. As renowned

Haisla writer Eden Robinson wrote on the day of the pole's unveiling at the mall in March 2007, "the dream of the rebirth of Haisla culture and language rests here in City Centre Mall, centred on a dark, age-cracked totem pole surrounded by children singing and dancing to music from a nation that refuses to quit."[101]

THE EXTERNAL FORCES AT PLAY

It is apparent that the Haisla's determination, creativity, and persuasive negotiation skills, as well as the museum's willingness to examine the ethical and cultural basis for the Haisla's claim, played key roles in producing what both parties consider to be a mutually beneficial outcome. There were, in addition, certain external forces at play in the negotiation that warrant mention.

When the Haisla delegation arrived in Stockholm in 1991 to reclaim their totem pole, museums in both Canada and Sweden had already gone through a period of evolution in their thinking about repatriation issues. In 1978 Canada had ratified the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (the UNESCO Convention)[102], an instrument that had brought into the public forum the issue of restitution of cultural heritage. However, because the UNESCO Convention (like the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects[103]) did not apply to cultural artifacts stolen before its ratification,[104] it did not greatly advance the cause of aboriginal communities that had lost cultural heritage during periods of colonization.[105] UNESCO attempted to address this gap by the establishment in 1978 of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, which has a mandate to deal with objects taken during the era of colonial expansion and European settlement overseas.[106] In addition, that same year the Director-general of UNESCO had issued his famous Plea for the Return of an Irreplaceable Cultural Heritage to those who Created It, in which he called on museums to facilitate the return of works of art to their countries of origin and encouraged the media to "arouse world-wide a mighty and intense movement of public opinion so that respect for works of art leads, wherever necessary, to their return to their homeland."[107]

Another significant development for Canadian First Nations seeking return of cultural artifacts was the establishment in 1989 by the Canadian Museums Association and the Assembly of First Nations of the Task Force on Museums and First Peoples. The task force was a response to an international controversy that had erupted when the Lubicon Lake First Nation campaigned for an international boycott of an exhibit entitled The Spirit Sings to be held during the 1988 Winter Olympics at the Glenbow Museum in Calgary, Alberta. The corporate sponsor of the exhibit, Shell Canada, was drilling on lands the Lubicon claim as rightfully theirs.[108] Among other issues, the task force addressed aboriginal concerns regarding the return of cultural artifacts and ultimately produced a report[109] that prompted several Canadian museums to publish a protocol for dealing with requests for return/repatriation. The Guidelines for Repatriation of the Museum of Anthropology in British Columbia, for example, provide in part as follows:

> The Museum also acknowledges that all First Nations' material is part of the intellectual and cultural heritage of the respective First Nations . . . . Repatriation means recognizing people's stake in their heritage, which in practice can mean such things as negotiated return of objects and related cultural materials, and/or sharing authority and responsibility for care and interpretation of collections in the museum. There are cases where it is clear that objects should be returned to a community—for example if they were illegally taken. In addition, MOA considers the return of cultural objects to individual families in cases where the objects are private and ceremonial, or left the family under dubious circumstances.[110]

The Swedish Museum of Ethnography had also become familiar with repatriation of indigenous artifacts during the decade prior to the Haisla's arrival in Stockholm. In June 1983, then Director of the Museum Karl Erik Larsson agreed to a deposition of 700 Sami[111] cultural artifacts in the Ájtte Museum in Jokkmokk (north of the Arctic Circle) in return for continuing access to the collection as well as access to the expertise that Ájtte could offer. The artifacts were deposited with the Ájtte in 1988.[112] By the time Per Kaks took over as director in 1991, he had been a member of ICOM for more than 15 years and had been involved in that organization's efforts to draft revised Ethics Guidelines, published in 1986, that included a provision encouraging museums to consider requests for the return of cultural objects.[113]

Thus, when the Haisla arrived in Stockholm, the word "repatriation" was already well ensconced in Canadian and Swedish museum vocabulary. The first decade of negotiations between the Haisla and the Museum of Ethnography then took place against a backdrop of significant international initiatives to protect indigenous rights. In 1993 150 delegates from 14 countries attended the first international conference on the cultural and intellectual property rights of indigenous peoples, held in New Zealand, and signed a declaration urging the United Nations to take their recommended actions to protect indigenous cultural property.[114] The year 1994 marked the beginning of the International Decade of the World's Indigenous People, an initiative of the UN General Assembly. In 1995 the United Nations Commission for Human Rights established an Inter-sessional Working Group with a mandate to produce a Draft Declaration on the Rights of Indigenous Peoples, which included reference to return of cultural artifacts taken without "free and informed consent or in violation of their laws, traditions and customs."[115] In 1995 as well, the United Nations published its Final Report on the Protection of Indigenous Cultural Heritage recommending that governments "assist indigenous peoples and communities in recovering control and possession of their moveable cultural property and other heritage" and that "moveable cultural property should be returned wherever possible to its traditional owners, particularly if shown to be of significant cultural, religious or historical value to them."[116]

Thus, during the 1990s the Haisla were negotiating in an increasingly favorable environment for repatriation. Why, then, did it take so long to bring the pole home?

THE CHALLENGES AND THE OUTCOME

As the preceding discussion of the negotiation demonstrates, there were legal and ethical questions to consider; significant cultural differences that had to be explored and bridged; and perhaps most importantly, financial challenges that had to be addressed and overcome, before the parties could resolve their dispute.

It appears that fairly early in the process, both parties realized that arguing about the legal nature of the pole's removal (i.e., the question of theft) could hinder and lengthen the negotiations, whereas exploring the ethical dimensions of the dispute (e.g., as Per Kaks explained, the issue of "better use") may bring the parties closer together and facilitate the resolution of the dispute. Although the museum certainly also had an interest in avoiding any potential negative press that could accompany a drawn out battle over this question, Museum Director Per Kaks was always committed to recognizing the ethical foundations of the Haisla's claim, including the fact that the Haisla had few remaining cultural artifacts.

The two most significant barriers to resolution of the conflict seem to have been the cultural and financial challenges created by the condition that the pole be preserved indoors upon its return home. The condition alienated certain Haisla from the process, at least for a time, and caused division among the Haisla, some of whom, like Dan Paul Sr., wanted the pole to return to the earth, and some of whom, like Louisa Smith and Gerald Amos, wanted the pole to be used as a tool for educating generations of Haisla to come about the Nation's past, present and future.

The condition also exacerbated the financial challenges the Haisla already faced repatriating their pole. Indeed, this lack of financial resources, so often present in indigenous repatriation cases, played a central role in the long duration of the negotiation process. Paterson and Bell observe the following:

> Although the rationale for the imposition of such conditions is often understood and agreed to by First Nations claimants, and the Haisla are still raising funds to create a state-of-the-art facility, such conditions point to the significant problem of inadequate financial resources on the part of First Nations to assuage conservation and other concerns of foreign institutions responding to requests for the return of objects in their collections.[117]

While the chronic shortage of funds and the long duration of the process were highly frustrating for the Haisla, from the museum's perspective the length of the process was key to its educational value and their positive feelings about the outcome. In Anders Björklund's opinion,

> It is important in a repatriation, and good, if it takes time because it gives both sides the opportunity to learn from each other. They can reflect on the object. It is extremely educating. Repatriation can be a positive process. Everyone can learn a lot from each other, such as ways of looking at cultural heritage, at history, at the role of museums in an era of communication and globalization, and whether it is possible to have objects return home or whether they are part of the universal cultural heritage and thus it is important to keep objects that teach about other cultures and religions.[118]

According to Amos, through the process the Haisla came to appreciate the role the museum played in preserving their totem pole: "People on our side of the fence understand museums have played an important role in protecting some of these items."[119] The Museum of Ethnography also took steps to learn about the history and culture of the Haisla, such as by flying to Kitimaat in 1992, by helping to fund the carving of a replica pole in the museum in 2000 so that school children and other visitors could see the Haisla's culture of the present juxtaposed with that of past, and by helping organize the traditional pole-raising ceremony for the replica pole at the museum in 2006. Ultimately, even if the museum held onto its views about the need to preserve the pole for the future, it did come to appreciate the historical basis for the Haisla's repatriation claim. Anders Björklund admitted, "I cannot, myself, understand the full meaning of a totem pole as the Haisla [do], but I think that people have the right to their culture and heritage."[120] Per Kaks agreed, "Why should . . . a nation lack the things we have in our . . . storage rooms? Very often you see things that come [from] countries where they don't have anything left. . . . This is wrong."[121]

In view of the decades of struggle by indigenous peoples to have their rights to their cultural heritage understood, these are heartening comments to hear. Indeed, it seems likely that the increasing number of repatriation claims worldwide, and the ever-increasing use of the Internet and social media by the public (who are, ultimately, either the tax-paying owners or the visitors of museum collections), will force museums and states to consider seriously the human rights basis of indigenous claims for repatriation.[122] France, for example, following an extensive debate covered in the traditional press and across the Internet, recently enacted legislation to facilitate the return of tattooed Maori heads from the Rouen Museum of Natural History to the Museum of New Zealand Te Papa Tongarewa.[123] It seems likely as well that as the number of repatriation cases increases, and as museums respond more quickly to them, the duration of repatriation claims and the financial burden they impose on their claimants will be reduced.

Ultimately, then, the story of the G'psgolox pole is one of promise and enlightenment. It is also one in which meaningful bonds were forged. "In repatriating this pole, we have made history," says Anders Björklund. "We have also created a friendship between the people of Sweden and the Haisla Nation."[124] The Swedish Minister of Education, Research and Culture echoed that sentiment when he attended the pole raising ceremony at the Museum of Ethnography in March 2006:

> Our new pole has exactly the same proportions and figures as the old one, it is made from the same red cedar wood, and it has been carved by master carver Henry Robertson, a descendant of the man who carved the original pole. Our new pole will perhaps tell an even more multifaceted story. It will not only describe the eagerness of Europeans to bring home the cultural heritage of indigenous peoples far away. It will also give us cause to consider the importance of respect and cooperation in our dealings with one another in the present day and age.[125]

For the Haisla, the bonds that were broken were equally important. Gerald Amos emphasized that the removal of the metal yoke from the neck of the old pole was a highly significant moment: "That symbolism shouldn't be lost on anyone. What this shows is that we can reconstruct this relationship [between aboriginal and European cultures] that got off to such a bad start a few hundred years ago."[126] Indeed, the act of retrieving the pole allowed the Haisla to begin to be unburdened of a "deep and lasting sense of hurt which had attended its loss."[127] As Haisla Elder Louise Barbetti observed, "You can't change what happened to our people. But you can rebuild. And that to me is why the pole is so important."[128]

On balance therefore, for both parties to the repatriation negotiation, this is a story about positive outcomes. In the absence of a formal legal process, and by carefully considering the ethical dimensions of the dispute,[129] both parties achieved a meaningful outcome of which they are proud. Museum of Ethnography Director Anders Björklund, who on a daily basis watches the Swedish public take an interest in the replica and its story from his office window, admits that "if I had to choose, I am not sure it would be the old pole. [The outcome] is a win-win situation."[130] Chief G'psgolox's descendent Louisa Smith rejoices that the pole will help Haisla families reconnect to their ancestors and allow their children to see their culture rejuvenated and revived.[131]

It would be unrealistic, however, to view the process and outcome as *entirely* "win-win" for all of the people affected by the dispute. Chief Dan Paul Sr. felt profound sadness that his ancestor's pole would continue to be housed indoors instead of being allowed to complete its cycle. No doubt, a similar emotion dwells in the hearts of other Haisla, perhaps coexistent with pleasure at seeing the pole perform an educational role for future generations. In addition, the length of the repatriation process and the financial strain it imposed was hard for the Haisla to bear. At every step, they encountered seemingly insurmountable barriers involved in finding the necessary funds to travel to Sweden to make their repatriation claim, negotiate the pole's return, carve the two replica poles, ship one replica to Sweden and the original pole home, and hold all the traditional ceremonies necessary for raising the replicas and celebrating the original pole's arrival home in Kitimaat. Moreover, at times the decisions that had to be made (e.g., whether and how to house the pole indoors) divided the Haisla community, which along with the financial burdens of the process, served as a reminder of the ongoing painful conflict between their past and present.

Ultimately, however, it seems the parties were able to bear the various costs of the negotiation and focus on the gains they had realized and could continue to realize, particularly vis-à-vis future generations. For Gerald Amos, creating a happy ending to the story for Haisla children was what motivated him to work so hard at making sure the pole, somehow, came home:

> I have often said that our role now at this stage of our existence and coexistence is to create better stories for our kids to tell. We don't want our kids only being able to tell stories of residential schools and being abused. We want our kids to tell stories that have good endings, and of sharing.[132]

ENDNOTES

1. Gerald Amos, as quoted in "The Haisla Prepare to Welcome Their Totem Pole Back Home," *Turtle Island Native Network*, 27 June 2006. ⟨http://www.turtleisland.org/culture/culture-haisla.htm⟩ accessed 14 March 2011.

2. Reference here is made to an encounter in a forest with a being from the spirit world, Tsooda, who helped Chief G'psgolox reunite with family members he had lost in a smallpox epidemic (described more fully on the following pages).

3. The Henaksiala people are also referred to as *Kitlope*, whereas the Haisla people are also known as *Kitimaat*.

4. Hansson immigrated to Canada, made a considerable fortune in the lumber trade, and served as a member of Parliament for Skeena from 1930 to 1945. See Large, *The Skeena, River of Destiny*, 172.

5. See Sherwood, *Surveying Central British Columbia*.

6. In the 1970s, John Pritchard spent 10 months living in Kitimaat Village while conducting research for his Ph.D. dissertation at the University of British Columbia entitled "Economic Development and the Disintegration of Traditional Culture Among the Haisla." He subsequently maintained close ties to the community.

7. Gerald Amos, Haisla chief councillor at the time of the repatriation claim, granted me an interview in person on 6 April 2011 in Vancouver, and by telephone on 19 April 2011. I spoke with Anders Björklund, current director of the Museum of Ethnography, by telephone on 12 April 2011. I spoke with Per Kaks, director of the Museum of Ethnography from 1991 to 2002, by telephone on 21 April 2011. Certain comments are also, as indicated in the notes, taken from media sources.

8. See Bell et al., "First Nations Cultural Heritage," 380; see also Fisher, *Contact and Conflict*, 115.

9. See Ecotrust Canada et al., "Legend of the Pole."

10. Haisla totem poles, like those of many other coastal First Nations, use symbols of spirits and family crests to tell a story or mark an important event.

11. See Greenfield, *The Return of Cultural Treasures*, 317. Pat Kramer also points out that in Native culture, bears were semidivinities, able to form a link between humans and the spirit world. See Kramer, *Totem Poles*, 63.

12. See Greenfield, *The Return of Cultural Treasures*, 317.

13. Beaver, Raven, Crow, Blackfish, Salmon, Eagle, Wolf, and Frog. With population decline in the nineteenth century, the Wolf and Frog clans disappeared entirely. See Pritchard and Pederson, "Haisla (Kitimaat)."

14. See Pritchard and Pederson, "Haisla (Kitimaat)."

15. See Tennant, *Aboriginal Peoples and Politics*, 7.

16. See Stewart, *Looking at Totem Poles*, 17.

17. Excavations of community sites dating from 500 to 1200 AD have produced small, decorative objects revealing a highly developed symbol system, including the figures of Wolf and Raven. See Kramer, *Totem Poles*, 13.

18. See Stewart, *Looking at Totem Poles*, 20; see also Jonaitis and Glass, *The Totem Pole*, 15–23.

19. See Stewart, *Looking at Totem Poles*, 20; see also Jonaitis and Glass, *The Totem Pole*, 27. Edward Malin suggests that this flowering was also due to the increased availability postcontact of durable iron and steel carving tools, which permitted the more rapid and accurate production of traditional art forms (see Malin, *Totem Poles of the Pacific Northwest*, 20).

20. Family crests were derived from a legend, often of an encounter with a spirit being. Only the ancestor and all of his descendants have the right to use these crests.

21. See Stewart, *Looking at Totem Poles*, 26.

22. Gerald Amos describes the word *Nuyem* as "what dictates how we act as people, our responsibilities. It's like our law. One of the dictates was that we are bound to welcome those that visit our territory. This is what happened with first contact." Interview with Gerald Amos, 6 April 2011.

23. See Stewart, *Looking at Totem Poles*, 20; see also Jonaitis and Glass, *The Totem Pole*, 36.

24. See Bell et al., "First Nations Cultural Heritage," 380.

25. See Stewart, *Looking at Totem Poles*, 20.

26. Interview with Gerald Amos, 6 April 2011. According to Amos, a modern-day mask that has been blowtorched to resemble a mask recovered from the bonfire he describes is now displayed in the Royal British Columbia Museum in Victoria, Canada.

27. *An Act Further to Amend "The Indian Act, 1880,"* S.C. 1884, c.27 (47 Vict.). Section 3 provided as follows:

> Every Indian or other person who engages in or assists in celebrating the Indian festival known as the "Potlach" or in the Indian dance known as the "Tamanawas" is guilty of a misdemeanor, and shall be liable to imprisonment for a term of not more than six nor less than two months in any gaol or other place of confinement; and any person who encourages, either directly or indirectly, an Indian or Indians to get up such a festival or dance, or to celebrate the same, or who shall assist in the celebration of the same is guilty of a like offence, and shall be liable to the same punishment.

28. As the Kwakivtl Indian Band website describes:

> Throughout native North America, gift giving is a central feature of social life . . . individuals hosting a potlatch give away most, if not all, of their wealth and material goods to show goodwill to the rest of the tribal members and to maintain their social status. Gifts often included blankets, pelts, furs, weapons, and slaves during the nineteenth century.

See ⟨http://www.kwakiutl.bc.ca/culture/potlatch.htm⟩ accessed 15 March 2011.

29. See Webster, "The Potlatch Collection Repatriation," 137.

30. See Stewart, *Looking at Totem Poles*, 17.

31. The new section 138 provided as follows:

> 2. The Governor in Council may make regulations, which shall have the force of law, for the committal by justices or Indian agents of children of Indian blood under the age of sixteen years, to such industrial school or boarding school, there to be kept, cared for and educated for a period not extending beyond the time at which such children shall reach the age of 18 years.

R.S.C. 1886, c.43–S.C. 1894, c. 32, s. 11.

32. In 1920 the Indian Act was amended to provide as follows: "s.10. (1) Every Indian child between the ages of seven and fifteen years who is physically able shall attend such day, industrial or boarding school as may be designated by the Superintendent General for the full periods during which such school is open each year." S.C. 1919–1920, C.50,s.1, amending R.S.C. 1906, c.81.

33. See McMaster, Geoff, "I-week Panel Faces Painful Legacy of Residential Schools," *Express-News*, 3 February 2010 ⟨http://www.iweek.ualberta.ca/news.cfm?story=97127⟩ accessed 22 March 2011.

34. Interview with Gerald Amos, 6 April 2011. It was not until 2008 that the government of Canada publicly acknowledged that "this policy of assimilation was wrong, has caused great harm, and has no place in our country," and that "this policy has had a lasting and damaging impact on aboriginal culture, heritage and language." Apology of Prime Minister Harper, House of Commons, 11 June 2008.

35. See Stewart, *Looking at Totem Poles*, 21. See also Cole, *Captured Heritage*.

36. See Stewart, *Looking at Totem Poles*, 21.

37. See Malin, *Totem Poles of the Pacific Northwest*, 170:

> The Field Museum in Chicago and the American Museum in New York probably accounted for close to 100 poles between them; the Canadian National Railways and the National Museums of Canada probably an equal number. Institutions large and small acquired at least another 100, perhaps even more. A survey might reveal over 300 totem poles housed in various institutions around the world. There is no way to tell how many are lodged in private collections.

38. See the film by Gil Cardinal, "Totem: The Return." Minute 34.06.

39. Interview with Anders Björklund, 12 April 2011.

40. See Public Archives—Indian Affairs (RG10, Volume 4087 file 507,787-2B). Note that in 1926 the Indian Act was amended to prohibit the acquisition or removal of totem poles without written permission of the federal government, on penalty of a fine not exceeding $200 or a prison term of up to three months. The new section 106A provided in relevant part as follows:

> No title to any Indian . . . totem pole . . . on an Indian reserve, shall be acquired by any means whatsoever by any person without the written consent of the Superintendent General of Indian Affairs, and no Indian . . . totem pole . . . on an Indian reserve shall be removed, taken away, mutilated, disfigured, defaced or destroyed without such written consent."

However, Indian Affairs policy in that era was that when it did not make sense to preserve a pole in situ because it was not a potential tourist attraction, and when Canadian Museums could not afford them, they should be allowed to be exported. See Cole, *Captured Heritage*, 278.

41. The traditional belief among many Northwest Coast communities was that the deterioration of the pole represented the "natural processes of decay and death that occur with all living things, and attempts to prevent this are seen as somehow denying or ignoring the nature of the world," (see "Totem Pole," *Wikipedia*). However, according to Nisga'a artist Norman Tait, the Nisga'a did not allow totem poles to fall down; instead they kept a pole propped up for as long as possible, and then held a ceremony to take it down, after which they transported it to a totem pole "burial ground" (see Jonaitis and Glass, *The Totem Pole*, 47). Gloria Cranmer Webster of the Kwakwaka'wakw First Nation and Founder of the U'Mista Cultural Centre commented,

> I think because of contact with museums and conservators and people like that, we began to look at things in a different way. You know there's a pole by Willie Seaweed. We know there's never going to be another by Willie Seaweed, and maybe it's not right if we allow that to fall down and rot away.

See Clavir, *Preserving What Is Valued*, 156.

42. See Stewart, *Looking at Totem Poles*, 29.

43. Letter from the Deputy Superintendent General to Iver Fougner dated 11 January 1928, Public Archives—Indian Affairs (RG10, Volume 4087 file 507,787-2B), (cited in Haisla Totem Pole Committee, "Chronology of the G'ps Golox Totem Pole").

44. Discussed by Louisa Smith in Cardinal, "Totem: The Return"; see also Bell et al., "First Nations Cultural Heritage," 380.

45. Interview with Gerald Amos, 6 April 2011.

46. Hume, Stephen, "Return of the Spirit Pole," *Vancouver Sun*, 5 June 2000, as cited in Bell et al., "First Nations Cultural Heritage," fn 87.

47. Jacobson, "Welcome Home: G'psgolox Pole."

48. Cardinal, "Totem: The Return." Minute 7.04. Louisa Smith has also commented in Jacobson, "Welcome Home: G'psgolox Pole: "In order for our ancestors to rest peacefully everything must be in place. Since the pole was a mortuary pole, you can use your imagination to imagine what the people would have felt to find it missing."

49. Cardinal, "Totem: The Return." Minute 11.58.

50. The assertion is made in the article "Around Swedish America in 548 Days—Day 8—Kitimat," *Swedish Press*, ⟨http://www.nordicway.com/tour/?p=tour/view&id=9⟩ (2009). accessed 14 March 2011.

51. Interview with Anders Björklund, 12 April 2011. See also "Swedish Museum Returns Totem Pole to Canada," *ARTINFO*, 18 November 2005, ⟨http://www.artinfo.com/news/story/1605/swedish-museum-returns-totem-pole-to-canada/?printer_friendly=1⟩ accessed 14 March 2011. In addition, a *National Post* article written on 21 March 2006 entitled "Farewell, but Not Goodbye" comments, "While a bill of sale has never been found, it's speculated that some money did change hands; none, however, was shared with the Haisla people" (⟨http://www.canada.com/story_print.html?id=6de8bab0-bded-4c69-8dd5-f9786c093a5b&sponsor⟩ accessed 16 March 2011).

52. Haisla Totem Pole Committee, "Chronology of the G'ps Golox."

53. "Canadians Rejoice over Return of Totem Pole from Sweden after 77 Years," *ARTINFO*, 27 April 2006 ⟨http://www.artinfo.com/news/story/15287/canadians-rejoice-over-return-of-totem-pole-from-sweden-after-77-years/?page=1⟩ accessed 15 March 2011.

54. Jonaitis and Glass, *The Totem Pole*, 233.

55. "Canadians Rejoice over Return of Totem Pole from Sweden after 77 Years," *ARTINFO*, 27 April 2006 ⟨http://www.artinfo.com/news/story/15287/canadians-rejoice-over-return-of-totem-pole-from-sweden-after-77-years/?page=1⟩ accessed 15 March 2011. Although the article does not specify which museum Cecil Paul contacted, the only museum in Kitimat at the time was the Centennial Museum (Kitimat is located 10 Km north of Kitimaat Village). It has since been renamed the Kitimat Museum & Archives.

56. Interview with Anders Björklund, 12 April 2011.

57. Interview with Per Kaks, 21 April 2011.

58. Interview with Gerald Amos, 6 April 2011.

59. See Cardinal, "Totem: The Return." Minute 16.10.

60. An example of such a provision is found in the French *Code du Patrimoine*, Article L.451-5, as discussed by Robert Paterson in "Heading Home: French Law," 646.

61. Interview with Per Kaks, 21 April 2011.

62. Interview with Anders Björklund, 12 April 2011.

63. Interview with Gerald Amos, 6 April 2011.

64. See Cardinal, "Totem: The Return." Minute 16.10.

65. Interview with Per Kaks, 21 April 2001.

66. Interview with Gerald Amos, 6 April 2011.

67. Hume, Stephen, "Return of the Spirit Pole," *The Vancouver Sun*, 5 June 2000. ⟨http://www.nanakila.org/pole/media/article1.html⟩ accessed 16 March 2011.

68. Interview with Per Kaks, 21 April 2011; interview with Björklund, 12 April 2011.

69. Karin Westberg, a teacher at the Museum of Ethnography, commented in 2001, "Children often ask: 'Are there any Indians today? Are they still alive?' We can tell them this is a living culture." See "A Native Treasure Returns Home," *The Ottawa Citizen*, 13 May 2001, http://www.nanakila.org/pole/media/article6.htm accessed 15 March 2011.

70. For a discussion of the issue of replicas, see Isaac, “Whose Idea Was This?” 211.

71. Interview with Gerald Amos, 6 April 2011.

72. Interview with Anders Björklund, 12 April 2011.

73. According to Amos, Cashore acted as the Haisla’s connection to the premier’s office. Interview with Gerald Amos, 19 April 2011.

74. Björklund asserts that the condition was imposed by the government at the time it offered the pole as a gift, not by the Museum (interview 12 April 2011).

75. Interview with Anders Björklund, 12 April 2011.

76. Interview with Gerald Amos, 6 April 2011.

77. “Canadians Rejoice over Return of Totem Pole from Sweden after 77 Years,” *ARTINFO*, 27 April 2006: ⟨http://www.artinfo.com/news/story/15287/canadians-rejoice-over-return-of-totem-pole-from-sweden-after-77-years/?page=1⟩ accessed 15 March 2011.

78. Interview with Gerald Amos, 6 April 2011.

79. Interview with Per Kaks, 21 April 2011.

80. Cardinal, “Totem: The Return” (emphasis added). Minute 19.10.

81. Interview with Per Kaks, 21 April 2011.

82. Gerald Amos, quoted in “Canadian Indians Want Totem Pole Back from Sweden,” *Ecotrust Canada*. http://www.ecotrustcan.org/canadian-indians-want-totem-pole-back-sweden⟩ accessed 15 March 2011.

83. See Cardinal, “Totem: The Return.” Minute 62.29.

84. Louisa Smith, “Totem: The Return.” Minute 32.13.

85. Hereditary Chief G’psgolox, Dan Paul Sr.; see Cardinal, “Totem: The Return.” Minute 10.11.

86. In Cardinal, “Totem: The Return,” Henry Robertson recounts, “My father told me, when the pole comes back from Sweden take [it] back to Misk’usa and lay it on the ground and let it go back to Mother Nature where it came from. But the totem pole committee wants it to be preserved in the cultural centre.” Minute 37.07.

87. Louisa Smith, in Cardinal, “Totem: The Return.” Minute 60.18.

88. Gerald Amos, as quoted in “Canadian Indians Want Totem Pole Back from Sweden,” *Ecotrust Canada*, ⟨http://www.ecotrustcan.org/canadian-indians-want-totem-pole-back-sweden⟩ (28 October 2004) accessed 15 March 2011.

89. Telephone interview with Gerald Amos, 19 April 2011. Museum Director Anders Björklund indicated to me by telephone on 12 April 2011 that he does not believe the museum withdrew the condition at any point.

90. Cardinal, “Totem: The Return.” Minute 60.48

91. Ecotrust Canada describes itself on its web site as

> an enterprising nonprofit whose purpose is to build the conservation economy in coastal BC and beyond. We work at the intersection of conservation and community economic development promoting innovation and providing services for communities, First Nations and enterprises to green and grow their local economies.

The Na’Na’Kila Institute states on its web site that its mission is to

> conserve and restore all resources in Haisla and surrounding territory; promote equitable economic and social development of the Haisla community; and promote Haisla culture and traditional knowledge and share experiences with BC’s Coastal communities”

92. A photo of that pole-raising ceremony is available online at: ⟨http://northword.ca/summer-2006/haisla-totem⟩ accessed 14 March 2011.

93. Bell et al., “First Nations Cultural Heritage,” 381; interview with Gerald Amos, 19 April 2011.

94. Lee, Jeff, "A Totem Pole Comes Home," *The Vancouver Sun*, 1 March 2006. ⟨http://www.canada.com/vancouversun/news/story.html?id=3e5069ae-097b-42ef-a1d2-6d8253c5112f⟩ accessed 16 March 2011.

95. Wallenius Wilhelmsen Logistics. *Totem Pole Reunited with Canadian Indian Community*. http://www.2wglobal.com/www/newsFeatures/newsShowPages/show_wwwnews.jsp?newsRepositorywww news&oid14870 (26 April 2006) accessed 15 March 2011.

96. Cardinal, "Totem: The Return." Minute 63.48.

97. Interview with Gerald Amos, 6 April 2011.

98. The museum's current display of the replica pole and the documents it gives out can be seen online at ⟨http://www.flickr.com/photos/materialworldblog/sets/72157600187755487/show/⟩ accessed 16 March 2011.

99. Interview with Anders Björklund, 12 April 2011.

100. See Ministry of Aboriginal Relations and Reconciliation, Office of the Premier "Aboriginal Celebration."

101. See Robinson, "G'psgolox at the Mall."

102. See UNESCO, *1970 Convention*.

103. UNIDROIT, *1995 Convention*.

104. See article 10 of UNIDROIT, *1995 Convention*, and article 7(b)(2) of UNESCO, *1970 Convention*.

105. For the same reason, neither did Canada's 1985 *Cultural Property Export and Import Act*, R.S.C. 1985, c. C-51.

106. See Prott, "Repatriation of Cultural Property," 239.

107. See M'Bow, *Plea for the Return*.

108. First Nations from across Canada announced their support of the Lubicon, including the Mohawk Nation, which applied to the Alberta court of Queen's Bench for an injunction preventing the public display of a mask used in healing and other private ceremonies. The Lubicon's public boycott of the exhibit, the court's refusal to grant an injunction, and the ultimate refusal by many museums to loan their artifacts to the exhibit garnered national and international media coverage. See Nafziger, Paterson, and Renteln, *Cultural Law*, 702. See also Bell, "Restructuring the Relationship," 46; and Archibald, "Contested Heritage: An Analysis."

109. See the Task Force on Museums and First Peoples (Canada), "Turning the Page."

110. See the Museum of Anthropology at the University of British Columbia, "Guidelines for Repatriation."

111. The Sami are the arctic indigenous people inhabiting Sápmi, which today encompasses parts of far northern Sweden, Norway, Finland, the Kola Peninsula of Russia, and the border area between south and middle Sweden and Norway. During the nineteenth and early twentieth centuries, the governments of Finland, Sweden, and Norway took various actions to suppress Sami culture including forbidding the Sami from speaking their language in schools and, in Norway, restricting the sale or lease of land to people with Norwegian last names.

112. See Mulk, "Conflicts Over the Repatriation," 204.

113. Section 4.4 of ICOM, *Code of Professional Ethics*, as adopted in 1986, provided:

> In the case of requests for the return of cultural property to the country of origin, museums should be prepared to initiate dialogues with an open-minded attitude on the basis of scientific and professional principles (in preference to action at a governmental or political level). The possibility of developing bilateral or multilateral cooperation schemes to assist museums in countries which are considered to have lost a significant part of their cultural heritage in the development of adequate museums and museum resources should be explored.

Although the code was amended in 2001, no changes were made at that time to this provision. See International Council of Museums (ICOM). *ICOM Code of Professional Ethics*.

114. See United Nations Commission on Human Rights; see also Paterson, "Protecting Taonga," 127.

115. In 1994 the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities had approved a *Draft Declaration on the Rights of Indigenous Peoples* continuing this language in Article 12 thereof the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, which approved it in 1994.

116. See United Nations Commission on Human Rights, 45th session, "Principles and Guidelines for the Protection of the Heritage of Indigenous People."

117. Bell and Paterson, "International Movement of First Nations," 97.

118. Interview with Anders Björklund, 12 April 2011.

119. Hume, Mark, "B.C. Totem Comes Home From Sweden: Museum Returns Haisla Artifact After Band Agreed to Craft Replica," *The Globe and Mail*, 27 April 2006. ⟨http://www.ecotrustcan.org/communities/bc-totem-comes-home-sweden-museum-returns-haisla-artifact-after-band-agreed-craft-replic⟩ accessed 2 April 2011.

120. "Canadians Rejoice over Return of Totem Pole from Sweden after 77 Years," *ARTINFO*, 27 April 2006. ⟨http://www.artinfo.com/news/story/15287/canadians-rejoice-over-return-of-totem-pole-from-sweden-after-77-years/?page=1⟩ accessed 15 March 2011.

121. Cardinal, "Totem: The Return." Minute 52.59.

122. See for example Paterson, "Resolving Material Culture Disputes," 164.

123. Paterson, "Heading Home: French Law," 647.

124. Interview with Anders Björklund, 12 April 2011.

125. Minister for Education, Research and Culture Leif Pagrotsky in a speech at the totem pole ceremony, at the Museum of Ethnography in Stockholm (see Pagrotsky, *Speech at the Totem*).

126. Gerald Amos, as quoted by Mark Hume in "B.C. Totem Comes Home From Sweden: Museum Returns Haisla Artifact After Band Agreed to Craft Replica," *The Globe and Mail*, 27 April 2006. ⟨http://www.ecotrustcan.org/communities/bc-totem-comes-home-sweden-museum-returns-haisla-artifact-after-band-agreed-craft-replic⟩ accessed 2 April 2011.

127. Greenfield, *The Return of Cultural Treasures*, 318.

128. Cardinal, "Totem: The Return." Minute 27.35.

129. The Ethics Guidelines of the Museum of Anthropology at the University of British Columbia recognize the importance of this aspect of the repatriation process:

> The objects and options such as loans or replications are the tangible elements in a repatriation process. Equally important, however, are the intangible elements: the respect with which the process is conducted, the meaning of repatriation in the changing relationship between Museums and First Nations, and meaning to First Nations symbolized by the return.

See Museum of Anthropology at the University of British Columbia. *Guidelines for Repatriation*.

130. Interview with Anders Björklund, 12 April 2011.

131. "Canadians Rejoice over Return of Totem Pole from Sweden after 77 Years," *ARTINFO*, 27 April 2006: ⟨http://www.artinfo.com/news/story/15287/canadians-rejoice-over-return-of-totem-pole-from-sweden-after-77-years/?page=1⟩ accessed 15 March 2011.

132. Interview with Gerald Amos, 6 April 2011.

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