

*Musées de la civilisation
Indigenous Peoples Policy*

September 27th, 2012

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Musées de la civilisation Indigenous Peoples Policy

■ 1. GENERAL PRINCIPLES ■

Since the 1970s, Indigenous peoples have been enmeshed in complex identity and cultural affirmation processes, struggles for recognition and strategies to promote their distinctive tangible and intangible heritage. These claims movements have forced governments, universities and cultural institutions to rethink their work methods and their relations with Indigenous peoples.

Museums are not exempt from this critical review, as evidenced by the fundamental recommendations of the task force on museums and First Nations, which opened its 1992 report with this statement of intent:

Develop an ethical framework and strategies for Aboriginal Nations to represent their history and culture with cultural institutions.¹

In an effort to build and strengthen already well-established relations, Musées de la civilisation has formulated this policy to provide an institutional framework for its vision of rapprochement, sharing and mutual respect for Indigenous peoples worldwide, and in particular for the First Nations and Inuit² of Québec.

This non-binding policy is meant to be a set of principles and values within Musées de la civilisation's cultural project that serves as guidelines, where possible, for all museum projects concerning Indigenous peoples. To conciliate its viewpoint with that of the Indigenous peoples and to ensure mutual respect for these viewpoints, Musées de la civilisation will validate its projects both with scientific experts (from the academic milieu) and cultural experts (from communities, villages or urban areas as well as recognized Indigenous organizations). The application of these general guidelines to museum projects remains subject to available human and financial resources and could take different forms according to the specific nature of each project.

■ 2. DEFINITIONS ■

2.1 Musées de la civilisation

Under this policy, Musées de la civilisation (or Musées) refers to the Museum complex composed of the Musée de l'Amérique francophone, the Musée de Place-Royale, the Maison historique Chevalier, the Réserve muséale de la capitale nationale, the Séminaire de Québec and Place-Royale historic sites as well as the Musée de la civilisation.

¹ *Turning the Page: Forging New Partnerships Between Museums and First Peoples*, the Assembly of First Nations and the Canadian Museums Association, Ottawa, 1992.

² Musées employs the invariable form of the noun Inuit out of respect for the vernacular language. (Annex 1)

2.2 Indigenous peoples

More than 370 million people living in 70 countries today consider themselves to be Indigenous peoples. Many different terms are employed to designate these peoples: Indians, Amerindians, indigenes, aborigines and first peoples. This diversity makes it difficult to determine a universal definition and there is now a consensus that a formal definition of the term "Indigenous peoples" is neither necessary nor desirable.³

The United Nations Declaration on the Rights of Indigenous Peoples was adopted on September 7, 2007 by the UN General Assembly (Annex 2) after over twenty years of deliberations. Officially endorsed by the Government of Canada on November 12, 2010 and recognized by Musées de la civilisation, it establishes a universal framework for the rights of Indigenous peoples. The preamble and forty-six articles of the *Declaration* recognize the need to combat discrimination against Indigenous peoples and to promote their full participation in all matters that concern them. Articles 3, 5, 11, 12, 13, 15 and 31 are of particular significance to museums.

Although the *Declaration* gives no specific definition for "Indigenous peoples", it does provide certain criteria to be used in the application of this policy:

- Historic continuity with pre-colonial societies
- Occupancy status of the territory or of a territory
- Specific social, economic and political systems
- Specific languages, cultures and beliefs

More subjective concepts relative to a sense of belonging and self-identification are also viewed as essential criteria.

In some countries, these criteria are legally defined. In Canada, for example, section 35 of the Constitution Act of 1982 recognizes three Indigenous peoples: Indians (generally called "members of a First Nation", which is the designation employed by Musées de la civilisation), Métis and Inuit.

The First Nations and Inuit of Québec are considered to be privileged partners as regards the scope of this policy, in terms of three key factors: geographical proximity, the high incidence of past and current collaboration and the quality of relations developed with Musées.

Based on the partnership opportunities and projects developed by Musées, these fields of action could extend to other realities and groups that are recognized as, or that identify themselves as, Indigenous, here or elsewhere in the world.⁴ Locally grounded, this policy adheres to an international vision of Indigenousness, takes into account the diversity of its forms, and respects the process of self-identification at work in these evolving societies.

³ Indigenous & Tribal People's Rights in Practice - A Guide to ILO Convention No. 169, 2009, p.9

⁴ As of July 19, 2012, no Métis group had been officially recognized as such in Québec. However, several groups are planning to go before the courts.

■ 3. GENERAL GUIDELINES ■

3.1 Goals

The general guidelines for this policy build on the actions taken by Musées de la civilisation since 1988 to protect and promote the tangible and intangible heritage of Indigenous peoples. Musées de la civilisation teams have always worked closely with Indigenous partners or institutions on museum projects.

The primary goal of Musées concerning Indigenous peoples and their heritage is to continue to develop, wherever possible, participative and collaborative approaches. In an intercultural context of harmonious coexistence, Musées wishes to contribute to the rapprochement of Indigenous and non-Indigenous peoples and to promote various tangible and intangible forms of Indigenous knowledge and know how.

3.2 Vision and values

Consequently, Musées de la civilisation affirms, by this policy, its intention to:

- Make Musées de la civilisation a privileged partner of Indigenous peoples in the protection and promotion of their identities
- Help make known the realities, heritage and cultures of Indigenous peoples and help disseminate this knowledge
- Seek the participation of Indigenous groups in those Musées de la civilisation activities and projects that concern them
- Develop projects in partnership with Indigenous peoples in order to encourage sharing and rapprochement
- Conserve, promote and make accessible forms of the tangible and intangible heritage of Indigenous peoples (Annex 3)
- Promote the following values:
 - The transfer, sharing and development of knowledge
 - Continuity: helping to leave a heritage for future generations, both Indigenous and non-Indigenous
 - Respect for the cultural diversity of Indigenous peoples
 - Transparency, integrity and ethics
 - The promotion of collaborative and participative approaches
 - Dialogue, openness and reciprocity in all exchanges
 - Adaptability and flexibility

■ 4. FIELDS OF ACTION ■

The principles set out in this section should be taken as general goals that could be applied and/or elaborated on according to the available human and financial resources and the different forms or specific goals of each project.

4.1 Exchanges of expertise and knowledge sharing

- Encourage exchanges between Musées and Indigenous groups in the realization of museum projects aimed at promoting Indigenous cultures
- Promote the participation of Indigenous groups in the development of museum projects that concern them (exhibition, conservation, research, acquisition, selection, documentation, cultural and educational mediation, dissemination, publications and others)
- Encourage Indigenous internship applicants
- Continue to build and strengthen ties with Indigenous museums and cultural centres
- Offer, wherever possible, support for new Indigenous museum or cultural centre projects
- Formalize these exchanges and knowledge sharing initiatives within the framework of agreements on the role and responsibilities of each partner, the ethical position and the safeguards for intellectual property rights

4.2 Dissemination

- Promote greater understanding among Indigenous and non-Indigenous groups through exhibitions, cultural mediation and digital delivery activities aimed at the representation of Indigenous cultures in these fields of action, even when they do not exclusively concern Indigenous peoples
- Promote Indigenous collections and the dissemination of related information and data
- Encourage the dissemination of museum projects concerning Indigenous peoples

4.3 Conservation

- Promote access to Musées collections, archives and work tools for members of Indigenous groups relative to their tangible and intangible heritage
- Consult Indigenous groups targeted by a project to acquire objects or collections; where applicable, encourage collaboration with these groups in the selection of ethnological and art objects for acquisition
- Seek to exchange information for the identification of items in the Indigenous collections of Musées and other groups
- Identify those objects that can be repatriated and determine the process of repatriation (Annex 4), where applicable
- Promote short or medium term loaning of ethnological objects to Indigenous groups for use in exhibitions that they have organized

4.4 Ethics and research

To provide an ethical framework for its projects, in particular as concerns the collection of qualitative and quantitative data, Musées de la civilisation draws on the recommendations of the research protocol adopted in June 2005 by the Assembly of First Nations of Quebec and Labrador (AFNQL).

This research protocol serves as a reference guide to help communities better oversee the many different requests to conduct research within their territory:

The development of this protocol is certainly not aimed at hindering sensitive research work or any form of investigative work likely to lead to undesirable conclusions, but rather to promote a precise and well-informed ethical form of research, whose whole process respects the will of the First Nations involved.
(Foreword by Chief Ghislain Picard)

This protocol is based on four major principles:

- OWNERSHIP — Principle pertaining to information held individually and collectively.

All data and other information collected must be returned to the Indigenous communities, villages and institutions that took part in the research, as well as to those individuals who took part in the research.

- CONTROL — Principle that underscores the need for the participation of First Nations members at every stage of the research process.

Clearly inform research participants and allow them to refocus, if need be, the research goals.

Work closely with a scientific committee (made up of researchers from the academic milieu) and a cultural committee (made up of resource persons and experts from Indigenous communities, villages or organizations).

- ACCESS — Principle that affirms the right to view all information and data.

Encourage the sharing of data and information archived at Musées de la civilisation.

- POSSESSION — Principle that refers back to the affirmation and protection of ownership.

Formalize collaboration through agreements specifying the roles and responsibilities of each partner, and provide individual consent forms.

Furthermore, considering that the existence of ethical research frameworks may vary from one group to the next, Musées de la civilisation will develop its own ethical frameworks (including consent forms, use of images and copyright) according to the projects to be produced and the local context in which these projects are to be conducted.

■ 5. Operating procedures ■

To ensure that this policy be applied in practice within Musées cultural project, internal operating procedures are to be determined, communicated and reviewed as needed (Annex 5).

ANNEXES

- ANNEX 1 COMPARATIVE TABLE OF QUÉBEC FIRST NATIONS AND INUIT ETHNONYMS AND SAA MAP (French only)

- ANNEX 2 UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

- ANNEX 3 DEVELOPMENT PRIORITIES FOR MUSÉES DE LA CIVILISATION COLLECTIONS (French only)

- ANNEX 4 REPATRIATION PRACTICES AND POLICY – MUSÉES DE LA CIVILISATION (French only)

- ANNEX 5 POLICY OPERATING PROCEDURES: ACIP (French only)

COMPARATIVE TABLE OF QUÉBEC FIRST NATIONS AND INUIT ETHNONYMS AND SAA MAP

Par respect pour leur langue vernaculaire, les Musées de la civilisation optent dans ses communications pour l'autodénomination utilisée par les Premières Nations et les Inuit du Québec.

Ce tableau a été réalisé entre autres sur la base des consultations menées entre décembre 2010 et novembre 2011 dans le cadre du projet d'exposition *C'est notre histoire. Premières Nations et Inuit du XXI^e siècle.*

AUTOCHTONE Autodénomination en langue autochtone	FRANÇAIS Selon l'Office de la langue française du Québec	ANGLAIS
Waban-Aki (Abénaquis)	Abénaquis Abénaquise(s)	Abenaki(s)
Anishinabeg (Algonquins) (singulier = Anishinabe)	Algonquin(s) Algonquine(s)	Algonquin(s)
Atikamekw Nehirowisiwok (singulier = Atikamek Nehirowisiw)	Atikamek(s) (ne s'accorde pas en genre)	Atikamek(s)
Eeyou (Cris)	Cri(s) Crie(s)	Cree(s)
Hurons-Wendat	Huron(s)-Wendat Huronne(s)-Wendat (Wendat est invariable)	Huron(s)-Wendat (Wendat est invariable)
Innus (singulier = Innu)	Innu(s) / Innu(s) Innu(s) / Innu(s)	Innu / Innu (invariable)
Inuit (singulier = Inuk)	Inuit(s) Inuite(s)	Inuit (invariable)
Wolastoqiyik (Malécites)	Malécite(s)	Malecite / Maliseet (invariables)
Mi'gmaq	Micmac(s) Micmaque(s)	Mi'kmaq (invariable)
Kanien'kehá:ka (Mohawks)	Mohawk(s) (ne s'accorde pas en genre)	Mohawk(s)
Haudenosaunee (Iroquois)	Iroquois	Iroquois
Naskapis (singulier = Naskapi)	Naskapi(s) Naskapie(s)	Naskapi(s)

NOTE :

Lorsqu'employés sous forme d'adjectif, ces ethnonymes s'emploient avec une minuscule.

LES AUTOCHTONES DU QUÉBEC

QUÉBEC



LES 17 RÉGIONS ADMINISTRATIVES DU QUÉBEC

- 01 Bas-Saint-Laurent
- 02 Saguenay-Lac-Saint-Jean
- 03 Capitale-Nationale
- 04 Mauricie
- 05 Estrie
- 06 Montréal
- 07 Outaouais
- 08 Abitibi-Témiscamingue
- 09 Côte-Nord
- 10 Nord-du-Québec
- 11 Gaspésie-Îles-de-la-Madeleine
- 12 Chaudière-Appalaches
- 13 Laval
- 14 Lanaudière
- 15 Laurentides
- 16 Montérégie
- 17 Centre-du-Québec

ANNEX 2

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES



United Nations

United Nations
DECLARATION
on the **RIGHTS**
of **INDIGENOUS**
PEOPLES

Published by the United Nations

07.58681—March 2008—3,000



United Nations

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/61/L.67 and Add.1)*]

61/295. United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,¹ by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107th plenary meeting
13 September 2007*

Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

¹ See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, part one, chap. II, sect. A.

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social

progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights² and the International Covenant on Civil and Political Rights,² as well as the Vienna Declaration and Programme of Action,³ affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

²See resolution 2200 A (XXI), annex.

³A/CONF.157/24 (Part I), chap. III.

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights⁴ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to

⁴Resolution 217 A (III).

their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources

equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law

and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

DEVELOPMENT PRIORITIES FOR MUSÉES DE LA CIVILISATION COLLECTIONS

Compte tenu de l'analyse de la situation actuelle des collections et du projet culturel de l'institution, il est convenu, au cours des cinq (5) prochaines années (2013-2018), d'accorder une attention particulière :

- a) au patrimoine immatériel et à la documentation audiovisuelle;
- b) aux compléments historiques et territoriaux des fonds actuels;
- c) au développement d'œuvres contemporaines;
- d) au patrimoine autochtone international, en particulier des Amériques – sans oublier celui des peuples présentés dans nos programmes de diffusion culturelle, ex : Maoris ou Aborigènes.

REPATRIATION PRACTICES AND POLICY – MUSÉES DE LA CIVILISATION

PRÉAMBULE

Ce document exprime la volonté des Musées de la civilisation d'organiser et de structurer le retour de biens culturels sensibles dans leur communauté d'origine.

Le processus de restitution concerne les collections ethnographiques et archéologiques du secteur « Premières Nations et Inuit » des Musées de la civilisation, tant le patrimoine tangible qu'intangible.

De plus, les Musées conservent des collections en prêt à usage. Les propriétaires de ces collections devront être informés des pratiques et du processus de restitution des Musées. Ces derniers se devront de faire les recommandations nécessaires auprès des propriétaires.

1. OBJECTIFS ET PRINCIPES

- 1.1 Proposer une démarche qui reflète l'esprit de la politique des Musées à l'égard des peuples autochtones, du projet culturel des Musées depuis leur ouverture et des pratiques internationales à l'égard des peuples autochtones en favorisant le retour de biens culturels sensibles dans leur milieu d'origine.
- 1.2 Dresser l'inventaire des biens culturels sensibles conservés aux Musées. Les biens culturels sensibles sont définis comme suit :
 - Les restes humains et les biens qui proviennent de sépultures¹
 - Les biens acquis de manière illicite¹
 - Les biens sacrés ou de nature cérémonielle nécessaires à la transmission d'une tradition, de pratiques ou de savoirs.
- 1.3 Considérer les demandes de restitution d'un bien culturel adressées aux Musées par un groupe autochtone, si la filiation culturelle a pu être établie.
- 1.4 Proposer un mécanisme pour le transfert de responsabilité.

2. PROCÉDURE

- 2.1 Toute demande de restitution doit faire l'objet d'une requête officielle du responsable politique du groupe autochtone qui revendique un lien avec le ou les biens culturels visés. La requête doit être adressée à la Direction générale des Musées et doit identifier clairement les biens culturels concernés ainsi que les raisons justifiant leur retour. La demande devra préciser dans quel contexte les biens culturels seront retournés, conservés ou disposés.
- 2.2 Le groupe devra clairement identifier un interlocuteur (titre, mandat, durée du mandat, autre personne ressource).
- 2.3 La requête sera ensuite transmise par la Direction générale à la Direction des Collections, laquelle assurera un suivi auprès du CAPA.

¹ Dans l'état actuel de la connaissance des collections du Musée, aucun objet ne correspond à cette catégorie de biens.

- 2.4 Le conservateur responsable du secteur des Premières Nations et des Inuit dressera un dossier documentaire. Cette démarche pourra comprendre une enquête de terrain auprès du groupe concerné. Ce dossier sera enrichi au besoin.
- 2.5 Les Musées pourront identifier et, au besoin, entrer en contact avec tous les demandeurs potentiels pour un même bien culturel. Si un conflit s'installe, la nature des intérêts de chaque partie sera prise en considération. Il sera toutefois nécessaire de différer toute décision de restitution jusqu'à résolution du conflit.
- 2.6 Suite à une présentation au Comité de développement des collections, le conservateur responsable déposera le dossier documentaire et la recommandation du comité à la Direction générale, ou au conseil d'administration selon le cas, par l'entremise du CAPA.
- 2.7 Le Directeur général adressera une lettre au requérant qui précisera la position des Musées.
- 2.8 Une entente fera état de l'aliénation et de la restitution du bien culturel si telle est la décision des Musées. Ce protocole d'entente sera signé par les deux parties, soit les Musées et le représentant officiel du groupe autochtone requérant.
- 2.9 Le conservateur responsable du secteur Premières Nations et Inuit planifiera le processus de restitution matérielle le plus rapidement possible. Il tiendra le CAPA informé des demandes, de la démarche et du résultat du processus.
- 2.10 Une entente mutuelle entre les Musées et le requérant doit établir un échéancier et les modalités de retour du bien culturel.
- 2.11 Dossiers des objets :
- Avant le dessaisissement physique et total du bien culturel, les Musées s'assureront d'enregistrer le plus d'informations possibles sur l'opération complète (numérisation des informations, prise de photos...).
 - Les deux parties, le requérant et les MCO, devront rédiger le constat d'état de chaque bien culturel aliéné et restitué.
 - Le dossier de chaque objet, regroupant ces informations et documents, sera conservé aux Musées.
- 2.12 Particularités :
- Particularité #1 - Le retour de restes humains¹ doit faire l'objet d'une clause spéciale. Une telle restitution doit être envisagée par les Musées si et seulement si le requérant s'engage à procéder à la disposition des restes humains restitués selon les traditions locales. Une lettre officielle du requérant devra toutefois préciser, avant tout transfert matériel, à quel endroit et dans quel délai il y aura enterrement des restes humains.
 - Particularité #2 - Dans certains cas, les Musées pourraient demeurer le propriétaire légal d'un bien culturel restitué.

3. CONSIDÉRATIONS ET CRITÈRES

Tel que défini au point 1.2, les Musées s'engagent à considérer avec une attention particulière les demandes des Nations concernant la restitution :

- 1- des restes humains et/ou d'objets provenant d'un site funéraire;
- 2- d'objets sacrés nécessaires à la continuité de certaines pratiques et/ou traditions;
- 3- de biens acquis de manière illicite.

L'appartenance des biens, des objets ou des restes humains visés par la demande de restitution devra être clairement démontrée par la partie demanderesse.

3.1 Considérations légales et éthiques

- Preuve de provenance (preuve de propriété, spoliations ou conflits éventuels entourant le bien, ex : confiscation, détournement, vol, recel, etc.).
- Statut légal de l'acquisition (ex : désignation, biens culturels protégés et niveau de protection).
- Droits d'auteur.
- Droits d'utilisation.

3.2 Considérations liées à la partie demanderesse (Nation, communautés, groupe...)

- Locale, régionale, nationale ou internationale.
- Pouvoir d'évocation et de témoignage d'une connaissance, d'une pratique cérémonielle ou d'un événement.

3.3 Considérations liées à l'auteur (artiste, artisan...) du bien visé

- Rayonnement local, régional, national ou international.
- Marqueur identitaire et représentativité pour la partie demanderesse.
- Représenté ou non dans les collections des institutions muséales accréditées au Québec.

3.4 Capacité du requérant et/ou de la Nation concernée, d'acquiescer et de conserver adéquatement l'objet

- Coût de transport.
- Coût de conservation.
- Capacité d'entreposage.
- Ressources adéquates à long terme pour conserver le bien culturel (conditions des réserves, ressources pour la conservation et la restauration, etc.).

4. RESPONSABILITÉS RÉCIPROQUES AU TERME DU PROCESSUS DE RESTITUTION

4.1 Responsabilités particulières du cédant (les Musées)

- Au besoin et d'après le statut du bien en question, fournir une description du parcours connu du bien culturel.
- Assurer une expertise en matière de conservation : historique des interventions et recommandations d'un point de vue technique.
- Assurer une expertise en matière de restauration : historique des interventions et recommandations d'un point de vue technique.
- Fournir les recommandations d'usage en regard de la conservation préventive.

4.2 Responsabilités particulières du requérant et/ou de la Nation concernée

- Le requérant ou la Nation est responsable des frais de photographie et de transport des biens culturels rapatriés, à moins d'avis contraire.
- Suite à une restitution, le requérant ou la Nation devient responsable de l'usage, de la diffusion et de la conservation des biens culturels dorénavant sous sa responsabilité.
- S'il y a diffusion, la mention suivante doit paraître dans le libellé pour une durée indéterminée : le bien (nom du bien) a été restitué à la Nation (nom de la Nation) par les Musées de la civilisation.

POLICY OPERATING PROCEDURES: ACIP

Le Comité d'action sur les projets autochtones (CAPA) a été formé en février 2011 par le directeur général, Michel Côté, pour développer une vision globale des Musées en matière d'autochtonie. Le CAPA n'est pas décisionnel. Il rend compte périodiquement de ses réflexions et fait part de ses recommandations à la direction générale. Il entend assurer, tant à l'interne qu'à l'externe, une visibilité de ses actions ainsi que des réalisations et des projets de collaboration avec les Autochtones.

Le CAPA est formé de représentants concernés par le développement de projets collaboratifs avec les peuples autochtones et d'un responsable des relations avec les peuples autochtones.

Le responsable des relations avec les peuples autochtones est consulté lorsque les Musées doit parler d'une seule voix. Il est entendu qu'il n'est pas le seul interlocuteur avec les Autochtones, mais il est celui qui porte la vision globale et la position officielle des Musées dans certains cas (correspondances officielles, colloques et conférences sur l'autochtonie, mise en valeur des savoir-faire concernant les relations avec les peuples autochtones...).

Les mandats du CAPA sont de :

- Donner un avis sur la cohérence des projets menés par les Musées dans l'esprit de la présente politique et de la vision globale des Musées en matière d'autochtonie.
- Favoriser la circulation de l'information concernant les projets des Musées avec les Autochtones.
- Faire connaître à l'externe les projets de collaboration des Musées avec les Autochtones.
- Consigner les gestes, les activités et les projets opérés dans chacune des directions.
- Veiller à ce que l'institution entretienne et développe ses communications et ses relations avec les milieux autochtones.
- Identifier un interlocuteur pour chaque Première Nation et pour les Inuit du Québec (collaborateurs nationaux) et actualiser la liste des collaborateurs nationaux au besoin, en contactant les structures administratives autochtones (autorités politiques nationales, conseils de bande ou institutions représentants les intérêts des autochtones vivant en milieu urbain).
- S'assurer du respect de la manière dont les groupes ou nations veulent être nommés (ethnonymes)