<u>From Artefacts to Ancestors:</u>

Indigenous Artefacts and the Role of Digital Techniques in Repatriation and Reconnection with Indigenous Communities

by

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Many places I have been
Many sorrows I have seen
But I don't regret
Nor will I forget
All who took that road with me

Billy Boyd, The Last Goodbye

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Abstract

Colonial-era practices have led to the widespread removal and global dispersal of Indigenous artefacts around the world, creating complex challenges for contemporary efforts to reclaim and repatriate cultural heritage. Despite increasing advocacy for the return of these artefacts, repatriation frequently faces legal, logistical, financial, ethical, and preservation challenges that can prolong the process or, in some cases, make it entirely unfeasible. This study explores the potential of digital techniques to facilitate and enhance the repatriation process or to serve as an alternative for reconnecting the artefact with the community when physical repatriation is not possible. It explores how digital tools can bridge the gap between Indigenous communities and museums by analysing three case studies from North America: two successful repatriations in which the originals were returned to the community with the help of digital techniques, and one proposed case study where the original cannot be returned but would benefit from digital techniques. The findings reveal that digital solutions developed in collaboration with Indigenous communities and based on ethical practices can significantly support repatriation. These tools open up new ways for museums and Indigenous communities to engage with and preserve cultural heritage, foster cross-cultural dialogue and relationships, and provide alternative access and reconnection to cultural heritage. Moreover, Indigenous communities benefit from this approach not only by preserving their culture but also by offering educational opportunities within their communities and for non-Indigenous people. Digital techniques help museums attract visitors and educate the wider public. They enable museums to preserve, document, and exhibit cultural heritage while more effectively meeting ethical obligations by respecting the intellectual property rights and culture of Indigenous Peoples.

This thesis illustrates the importance of integrating digital tools into repatriation strategies and advocates their wider use as an essential, complementary component of contemporary repatriation efforts. The findings suggest that, with appropriate cultural sensitivity, digital techniques can yield significant benefits by fostering new solutions and increasing the success rate of repatriation initiatives, thereby enriching museum practices and the revitalisation of Indigenous culture, and reconnecting Indigenous Peoples with their artefacts while decolonising museum work.

<u>**Table of Contents**</u>

Disclaimer Notes 7

Introduction 9

Chapter I: How Artefacts Came into Collections 16

Chapter II: The Ongoing Debate about Repatriation and Restitution 18

Legal Resolutions on Repatriation in North America 18

The Difference between Restitution and Repatriation of an Item 21

Restitution 21

Repatriation 22

The Three Different Parties in the Debate about Repatriation and Restitution 25

Countries 26

Museums 27

Indigenous Peoples 30

Challenges Faced by Museums 34

Summary 36

Chapter III: Digital Repatriation 37

Definition 37

History and Debate 39

Opportunities 39

Challenges 41

Short Description of the Digital Tools 44

Summary 45

Chapter IV: Case Studies 46

The Pewter Pipe 46

Meaning and Use 46

History 47

Digital Techniques 48

Agreements 49

The Killer Whale Clan Crest Hat 49

Meaning and Use 49

History 51

Digital Techniques 51

Reactions to the Replica and Agreements 53

Further Projects 54

The Nulis Mask 55

Meaning and Use 55

The Nulis Story 57

History 58

Digital Techniques 62

Agreements 64

Chapter V: How Digital Tools Support the Repatriation of Indigenous Artefacts 65

The Pewter Pipe 65

The Killer Whale Clan Crest Hat 66

Further Projects 69

The Nulis Mask 70

Summary 73

Chapter VI: Counterarguments 75

Case Studies 79

Summary 81

Conclusion 83

Bibliography 89

Appendix 106

List of Figures 106

Interview with Carey Newman, conducted by Carolin Weiner 113

Additional Information 119

Disclaimer Notes

(1) This thesis focuses on the use of digital techniques in the repatriation and restitution of Indigenous artefacts. The repatriation of human remains is not discussed, although of utmost importance, it has no connection to digital techniques, both in ethical and practical terms.

(2) In this thesis, the terms 'item' or 'artefact' are used instead of 'object' since the word object literally objectifies an item that may hold a very consciously subjective meaning for Indigenous groups, can be sacred or spiritual, or even embody ancestors.

(3) The term (digital) 'repatriation' itself is widely discussed; additionally, it can have a different meaning than restitution, although there are no fixed definitions (see Chapters II and III). To summarise, 'repatriation' usually means returning the artefact to the place of origin and transferring an item from one legal party to another; it acknowledges the violent, unethical, and deceptive actions of displacement. 'Restitution', on the other hand, goes beyond the return of an item. It means supporting, interacting, helping and finding different solutions. Restitution embodies the empowerment of Indigenous communities, allowing them to choose in every facet of the return process.[1] In research, these two terms are often used interchangeably when they have the same meaning, or 'repatriation' is used as a general umbrella term for both. In specific cases, it can be important to consider the differences between these two terms. The case studies discussed in this thesis generally fall under the term 'restitution' since the support implicit in restitutions is one of the key points in this research. However, the institution that conducted two of the three cases discussed here calls them equally repatriation and not restitution. Repatriation is simply the more commonly used term. Given that the aim of the cases and this thesis is restitution, the term repatriation cannot be avoided, although it can be misunderstood, especially regarding the use of digital tools. The term is used in

[1] Ciray Rassool and Victoria E. Gibbon, "Restitution versus Repatriation: Terminology and Concepts Matter," *American Journal of Biological Anthropology* 184, no. 1 (2023): 4, https://doi.org/10.1002/ajpa.24889.

this thesis, as in most research, when referring to general return processes that involve the return of an original item from one party to another while acknowledging the unethical displacement. Additionally, it is used when referring to digital tools to support actual repatriation and restitution efforts or, in cases where repatriation is impossible, to find different solutions, support and help the Indigenous communities.

It can be criticised that in most research, some differences between the two terms are not observed; however, since there are no universally agreed-upon definitions, and each case is different, return processes can be referred to as 'repatriation' but still involve restitutionary work. It is often easier to use the word 'repatriation' and then explain each case with its specific details. Hence, in this thesis, the context typically clarifies whether it is a matter of repatriation or restitution, even if it is only referred to as 'repatriation'.

When the term 'repatriation' is used, it is conveyed with full respect and understanding that, firstly, the aim should always be to support Indigenous communities and, secondly, although digital techniques can support repatriation and restitution, they can only provide efforts similar to restitution and repatriation when the actual return of an item is impossible. These are referred to as reconnection in this thesis (of the community with the artefact).

(4) If the repatriation of an original artefact is possible, i.e. there are no compelling reasons for refusing the actual repatriation, then it should be done. In this case, replacing an original artefact with a digital or printed replica created using digital tools is not acceptable. It is important to note that this thesis does not support the approach that Indigenous communities should generally receive a replica while the museum or collecting institution retains the original, as this is by no means equivalent to an ethically respectful repatriation of the original and should, therefore, not be favoured.

This thesis discusses digital tools as supportive factors in repatriation processes, where the original can or will be repatriated, or in processes where serious reasons make the repatriation of the original impossible, to provide the community with a sense of reconnection to their heritage.

Introduction

The problematic legacy of European imperialism and colonialism from the fifteenth to the mid-twentieth century manifests itself in many ways. One example is the widespread and highly concentrated presence of Indigenous artefacts from North America and other colonised countries in museum collections, especially in Europe. Repatriation claims for these artefacts have increased in the last thirty years. However, many of these claims are rejected or face difficulties that seem insurmountable. The use of digital techniques in the preservation practices of cultural heritage has likewise increased over the last thirty years.[2] At first glance, preservation and repatriation may appear unrelated. Yet, they represent the main objectives of both parties involved in a repatriation claim: the museum or collecting institution (preservation) and the Indigenous community (repatriation). Digital techniques can reconcile these objectives and create solutions for repatriation processes that seem impossible or support repatriation processes and ensure that both parties achieve an outcome that meets their expectations.[3] The aim of this thesis is to explore the usefulness of digital techniques in facilitating the repatriation process using the example of Indigenous artefacts from North America in order to answer the question of how digital techniques – such as 3D scanning, 3D modelling and printing, virtual reality (VR), and augmented reality (AR) – can support both Indigenous communities and museums in the repatriation of these artefacts.[4]

[2] See, for instance, the reproduction of Palmyra's Arch of Triumph of Syria: Anna Fixsen, "Reconstruction of Palmyra's Arch of Triumph to Travel the World ," Architectural Record, n.d., https://www.architecturalrecord.com/articles/11635-reconstruction-of-palmyras-arch-of-triumph-to-travel-the-world; ICONEM and CyArk specialise in the digitisation of endangered cultural heritage sites in 3D.: "Iconem," Iconem.com, n.d., https://iconem.com; "CyArk," CyArk, n.d., https://www.cyark.org; Factum Arte produces facsimiles of, for instance, endangered or lost cultural heritage: "Factum Arte," factum-arte.com, n.d., https://www.factum-arte.com/aboutus; After the fire at Notre Dame (2019), digital techniques were used to support its rebuilding and the construction of a digital replica for its preservation: "Restoration of Notre-Dame Cathedral: A Tremendous Scientific and Technical Project," Campus France, n.d., https://www.campusfrance.org/en/actu/restauration-de-notre-dame-de-paris-un-immense-chantier-scientifique-et-technique; The interactive application *Cosmote Chronos: Acropolis brought back to life* allows the user to see the Acropolis of Athens on a technical device using augmented reality (AR) or virtual reality (VR): "Cosmote Chronos: We Bring History to Life!," Cosmote.gr, n.d., https://www.cosmote.gr/cs/cosmote/en/cosmote-chronos-akropoli-virtual-tour.html.
[3] Medeia Krisztina Csoba DeHass and Alexandra Taitt, "3D Technology in Collaborative Heritage Preservation," *Museum Anthropology Review* 12, no. 2 (2018): 120-153, https://doi.org/10.14434/mar.v12i2.22428; Eric Hollinger et al., "Tlingit-Smithsonian Collaborations with 3D Digitization of Cultural Objects," *Museum Anthropology Review* 7, no. 1-2 (2013): 201-253.
[4] For more information about VR and AR, see Carolin Weiner, "From Artefacts to Ancestors: Indigenous Artefacts and the Role of Digital Techniques in Repatriation and Reconnection" (Master's Thesis, University of Utrecht, 2024), 46.

This thesis argues that these digital techniques can significantly strengthen and support the repatriation process of Indigenous artefacts by improving accessibility, educational opportunities, preservation, and conservation for Indigenous communities and museums, as well as by enhancing the relationship between them. Additionally, when the return of the original is not possible, digital techniques can foster solutions to reconnect the community to the artefact and revitalise it within the community, with full respect for Indigenous Peoples and their culture.

To gain an understanding of the multifaceted benefits of digitisation and digital techniques in repatriation processes and to demonstrate how these can preserve Indigenous cultural heritage and support Indigenous Peoples, three different case studies with examples of Indigenous artefacts from North America are analysed in detail. The first two examples, the Pewter Pipe and the Tlingit Killer Whale Hat are successfully completed projects of the *Smithsonian National Museum of Natural History* in Washington, DC (hereinafter referred to as the *Smithsonian),* in which the originals were repatriated, and digital tools were used by the museum and the Indigenous communities for educational and preservation purposes.[5] The third example, the Nulis Mask, is a potential case.[6] This thesis argues that this case would benefit from digital techniques to facilitate the reconnection of the community with the artefact and their heritage, not only for the reasons stated above but mainly because the original cannot be repatriated due to the presumed high insurance cost and use of toxic chemicals for conservation, rendering it untouchable and thus posing a health risk. This example is a new take on the use of digital techniques in repatriation efforts and is, therefore, of utmost importance and explained in particular detail. The three cases selected here provide a better understanding of the benefits that digital technologies can bring to such efforts. They also show the challenges, processes, agreements, and important aspects that must be considered and reflected upon. Furthermore, the cases reflect the opinions of Indigenous communities and staff from research institutions and museums on the use of digital techniques.

In addition to analysing and interpreting the case studies, primary and secondary sources have been examined. The primary source, an interview conducted as part of this

[5] Weiner, "From Artefacts to Ancestors," 47ff; Hollinger et al., "Tlingit-Smithsonian Collaborations," 201-253.
[6] Weiner, "From Artefacts to Ancestors," 56ff.

thesis with Carey Newman, the cousin of the chief of the community to which the Nulis mask (the third case) belonged, has proven to be essential in gaining the perspective of the Indigenous community on the potentiality of the case.[7] Secondary sources include an interview with the curator of the museum where the Nulis mask is displayed, the *Ethnologisches Museum* at the *Humboldt Forum, Staatliche Museen zu Berlin*, and publications by the museum to learn the museum's perspective on this case.[8] Additionally, interviews with Indigenous individuals conducted by other researchers and the detailed reports of the Smithsonian are investigated to get opinions of both sides in the other two cases.[9] Furthermore, sources and theoretical frameworks on cultural heritage and repatriation, digital heritage and digital repatriation, as well as Indigenous knowledge and spiritual belief systems and the decolonisation of museums, are examined. These frameworks help to explore the ethical, cultural, and legal implications of repatriation, assess the role of digital tools in this process, and identify the associated challenges and opportunities for both museums and Indigenous communities. This research also ensures alignment with Indigenous rights, Indigenous sovereignty, and the ethical use of digital tools while promoting the decolonisation of museums.

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[7] Carey Newman, interviewed by Carolin Weiner, December 2023; Carey Newman is the descendant great-great-grandson of Nulis (the spirit and ancestor who inhabits the Nulis Mask). 'Newman' is the new name of his family after Christianisation was forced upon them in colonial times. His traditional surname is Hayalthkin'geme, and he is Kwakwaka'wakw from the Kukwekum, Giiksam, and WaWalaby'ie clans of Fort Rupert and Coast Salish from Cheam of the Sto:lo Nation along the upper Fraser Valley, today called British Columbia. Carey Newman is a master carver, Indigenous artist, filmmaker, author, mentor, lecturer, and public speaker.

[8] Kim Dhillon, Carey Newman and Monika Zessnik, "Unmasking Meaning: Culture, Collection and Family," Orion Lecture in Fine Arts (webinar, University of Victoria, BC, Canada, January 28, 2022), https://gatewaytoart.uvic.ca/2022/01/27/unmasking-meaning-culture-collection-and-family/.; Viola König, "One History – Two Perspectives: A Research Project on Culturally Specific Modes of Representation of the ›Exotic Other‹ at the Pacific Northwest Coast," in *Northwest Coast Representations. New Perspectives on History, Art and Encounters*, ed. Andreas Etges et al. (Dietrich Reimer Verlag GmbH, 2015), 13-25; Viola König and Monika Zessnik, "Kapitän Jacobsen an der Nordwestküste Amerikas. Ein Reisebericht aus verschiedenen Perspektiven," in *Jahresbuch Preußischer Kulturbesitz 2013*, ed. Stiftungsrats vom Präsidenten der Stiftung Preußischer Kulturbesitz Hermann Parzinger (Gebr. Mann Verlag, 2014), 410-421; Schäfer et al., "Humboldt Forum: A Palace in Berlin for the World," Stiftung Preußischer Kulturbesitz Magazin, 2017, 44-45, https://www.preussischer-kulturbesitz.de/fileadmin/user_upload_SPK/documents/mediathek/humboldt-forum/rp/Humboldt_Forum_Mag_En.pdf.

[9] Hollinger et al., "Tlingit-Smithsonian Collaborations," 201-253; Rachel Parsons, "How Indigenous Groups Are Using 3-D Technology to Preserve Ancient Practices," Advanced Structures & Composites Center, The University of Maine, The Scientific American, June 29, 2022, https://composites.umaine.edu/2022/07/05/27444/; Gwyneira Isaac, "Perclusive Alliances: Digital 3-D, Museums, and the Reconciling of Culturally Diverse Knowledges," *Current Anthropology* 56, no. 12 (2015): 286-296, https://doi.org/10.1086/683296; Smithsonian Institution, *Smithsonian Institution, National Museum of Natural History, Repatriation Office Case Report Summaries, Northeast Region, Revised 2020* (Smithsonian Institution, 2020), 16-18.

The ongoing discourse about the repatriation of Indigenous artefacts within and between cultural, educational and academic institutions, politics and governments, international organisations, Indigenous communities and society is becoming increasingly urgent and relevant. Over the past twenty to thirty years, research has focused extensively on cultural heritage and cultural context in repatriations, as well as on the history of repatriation. While James Cuno and Neil Silberman focus on repatriation claims between museums and countries and support the museum's position by emphasising that museums were built to house such cultural heritage and to offer open access to it for the public and academic scholarship, Neil Curtis explains the major challenges museums face in repatriation claims and the importance of respecting Indigenous communities in such processes.[10] Carol Roehrenbeck and Wojciech Kowalski focus on the long history of (il)legal appropriation of artefacts and the important legal aspects of repatriation between all parties involved (Indigenous Peoples, museums and countries).[11] A particular focus on the definitions of repatriation and restitution allows Ciray Rassool and Victoria Gibbon to better distinguish between the two and to further decolonise museum practices. They further argue that restitution carries a more specific and profound meaning than has been understood thus far.[12] Aaron Glass also examines these definitions and explores the meaning of cultural 'property', focusing on the Indigenous side and the meaning of repatriation to them, as well as the topics of colonialism, remembrance, and political redress. Furthermore, Glass mentions primary source information regarding the Nulis mask, among others, in his project *The Distributed Text: An Annotated Digital Edition of Franz Boas's Pioneering Ethnography*.[13]

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[10] James Cuno, "Culture War: The Case against Repatriating Museum Artefacts," *Foreign Affairs, Council on Foreign Relations* 3, no. 6 (2014): 119-124; Neil Asher Silberman, "Magical Materialism: On the Hidden Danger of Repatriation Disputes," *Journal of Eastern Mediterranean Archaeology & Heritage Studies* 5, no. 1 (2017): 109-115, https://doi.org/10.5325/jeasmedarcherstu.5.1.0109; Neil G.W. Curtis, "Universal Museums, Museum Objects and Repatriation: The Tangled Stories of Things," *Museum Management and Curatorship* 21, no. 2 (January 2006): 117-127, https://doi.org/10.1080/09647770600402102.

[11] Carol A. Roehrenbeck, "Repatriation of Cultural Property –Who Owns the Past? An Introduction to Approaches and to Selected Statutory Instruments," *International Journal of Legal Information* 38, no. 2 (2010): 185-200, https://doi.org/185-200; Wojciech Kowalski, "Types of Claims for Recovery of Lost Cultural Property," *Museum International* 57, no. 4 (December 2005): 85-102, https://doi.org/10.1111/j.1468-0033.2005.00543.x.

[12] Rassool and Gibbon, "Restitution versus Repatriation," 1-4.

[13] Aaron Glass, "Return to Sender: On the Politics of Cultural Property and the Proper Address of Art," *Journal of Material Culture* 9, no. 2 (2004): 115-139, https://doi.org/10.1177/135918350404436; Aaron Glass, Judith Berman, and Barbara Taranto, *White Paper Report on The Distributed Text: An*

Digital repatriation has become a part of this debate and a debate in its own right over the last ten to twenty years. Krystiana Krupa and Kelsey Grimm observe it critically as a possibility that may or may not be appropriate, emphasising that Indigenous communities should have the authority in such cases.[14] Madeia DeHass and Alexandra Taitt, who focus extensively on the use of 3D technology in cultural heritage preservation and the opportunities it can offer for repatriation and reconnection, think likewise.[15] Alex Perullo concentrates on the fair use, ethics and policies of digital tools in repatriation processes, mentioning the challenges but also the benefits of the access they can provide. However, he mainly refers to online archives in his research, which is what the majority of researchers do when it comes to digital repatriation.[16] Joshua Bell et al. emphasise that there is no clear definition for digital repatriation and that it can encompass several practices which are not, however, the same as actual repatriation. In a workshop entitled *After the Return*, Bell and other Smithsonian employees discussed the impact of returned digital material on communities and what happened to the material. They also discussed the challenges and opportunities digital return can bring for all parties involved.[17]

It is worth noting that most research on the use of digital tools in repatriation processes can be found concerning Indigenous groups in New Zealand and Australia.[18] In North America, however, the Smithsonian plays the most important role in this endeavour and has been pro-repatriation since 1990.[19] As two of the case studies selected here show, the Smithsonian is also a leader in the application of digital tools in

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Annotated Digital Edition of Franz Boas's Pioneering Ethnography (New York: Bard Graduate Center, 2013), 51-60, https://works.hcommons.org/records/8zjcf-42v8.

[14] Krystiana L. Krupa and Kelsey T. Grimm, "Digital Repatriation as a Decolonizing Practice in the Archaeological Archive," *Across the Disciplines* 18, no. 1-2 (2021): 47-58, https://doi.org/10.37514/atd-j.2021.18.1-2.05.

[15] DeHass and Taitt, "3D Technology," 120-152.

[16] Alex Perullo, "Digital Repatriation: Copyright Policies, Fair Use, and Ethics," in *The Oxford Handbook of Musical Repatriation*, ed. Frank Gunderson, Robert C. Lancefield, and Bret Woods (Oxford University Press, 2018), 531–552.

[17] Joshua A. Bell, Kimberly Christen, and Mark Turin, "Introduction: After the Return," *Museum Anthropology Review* 7, no. 1-2 (2013): 1-21; Joshua A. Bell, Kimberly Christen, and Mark Turin, "After the Return: Digital Repatriation and the Circulation of Indigenous Knowledge," *Museum Worlds: Advances in Research* 1, no. 1 (2013): 195-203, https://doi.org/10.3167/armw.2013.010112.

[18] See, for instance, Amiria Salmond, "Digital Subjects, Cultural Objects: Special Issue Introduction," *Journal of Material Culture* 17, no. 3 (2012): 211-228, https://doi.org/10.1177/1359183512453531; Anna Edmundson, "Decolonisation, Indigenisation and Digital Returns: Two Case Studies from Australia," *Museum International* 74, no. 3-4 (2022): 94-105, doi:10.1080/13500775.2022.2234197.

[19] Wilcomb E. Washburn, "Museums and Repatriation of Objects in their Collections," in *The Hall of the North American Indian*, ed. Barbara Isaac (Peabody Museum Press, 1990); Hollinger et al., "Tlingit-Smithsonian Collaborations," 201-253.

repatriation processes today in North America. Their research is highly focused on the authority and benefits for Indigenous Peoples, thereby respecting and placing the knowledge and belief systems of various Indigenous communities at the centre. The research also considers the benefits for the museum, in this case, the National Museum of Natural History, and how the two sides can be reconciled.[20] Other important publications for understanding and taking into account Indigenous knowledge systems and ethical principles in repatriation are the *Indigenous Repatriation Handbook* of the Royal BC Museum and the Haida Gwaii Museum at Kay Llnagaay and Gregory Younging's *The Traditional Knowledge – Intellectual Property Interface*.[21]

Significant consideration of Indigenous voices and rights goes along with decolonisation, especially of museums. Krupa and Grimm, Rasool and Gibbon, Glass, Hollinger, Bell, and the Smithsonian are particularly advocating decolonising practices. The *Ethnologisches Museum, Humboldt Forum*, where the Nulis Mask is kept, is also gradually trying to incorporate Indigenous voices in its exhibitions and to consider Indigenous knowledge and belief systems, as can be seen from Viola König's publication.[22]

The Interview that I was able to conduct with Carey Newman and his course on *Art and Decolonization: Transformation through Indigenous Resurgence* at the University of Victoria, BC, Canada, which I attended for half a year, helped me tremendously in getting to know, understand, and respect Indigenous knowledge and spiritual belief systems for this research.[23]

The research conducted in this thesis has significant relevance as it adds to the existing research on the benefits of digital techniques in repatriation efforts for museums and Indigenous communities, and it contributes to the scarce research findings available so far on Indigenous artefacts from North America and their repatriation using digital techniques. Furthermore, it not only focuses on the fact that digital tools can

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[20] Ibid.
[21] Jisgang Nika Collison, Sdaahl K'awaas Lucy Bell, and Lou-Ann Neel, *Indigenous Repatriation Handbook* (Royal British Museum, 2019); Gregory Younging, "The Traditional Knowledge – Intellectual Property Interface," in *Indigenous Notions of Ownership and Libraries, Archives and Museums*, ed. Camille Callison, Loriene Roy, and Gretchen Alice LeCheminant (De Gruyter, 2016), 67-74; See also Sakej Henderson. "Traditional Indigenous Knowledge," in *(Trans)Missions: The Protection and Transformation of Traditional Knowledge*, ed. Greg Younging (Theytus Books, 2016), 188–209.
[22] König, "One History – Two Perspectives," 13-25.
[23] Carey Newman, interviewed by Carolin Weiner.

support the repatriation of originals but also fills the gap in cases where the original artefact cannot be returned. It offers alternative solutions, which is particularly relevant because it allows both the reconnection with an artefact and its revitalisation within Indigenous communities, even when this is not possible with the original. It also complements research that involves more than just access to online databases in the sense of digital repatriation, a crucial endeavour as digital tools offer more possibilities. The 'digital repatriation' framework is used in research to imply different processes, and its definition and use are sometimes vague and handled differently. These include, for example, the digital reproduction of Indigenous artefacts, the provision of online databases facilitating Indigenous communities' access to artefacts in museum collections, or the digital documentation of intangible cultural heritage such as traditional dances and songs.[24] This research focuses on the use of 3D scans, virtual and printed replicas created through digital techniques, as well as virtual reality and augmented reality applications because these can, as closely as possible, simulate the experience of access and reconnection through repatriation and provide the most support to both sides in the actual repatriation process. Additionally, this research shows that digital techniques are so important that they should be incorporated into the repatriation process whenever possible; otherwise, neither party can usually be satisfied, and either the museum or the community will be left empty-handed. By using digital tools, more actual repatriations can be facilitated.

This thesis challenges the widespread view that digital techniques cannot or should not be used to support repatriation efforts. It affirms the importance of digital technologies for facilitating agreements, fostering cooperation and compromise, promoting respect and advocacy for Indigenous Peoples, supporting cultural education, museums and their decolonisation, and ultimately enabling repatriations.

[24] Julianne E. Skinner, *Digital Repatriation – a Canadian Perspective*, (University of Alberta, 2014), 3, https://doi.org/10.7939/r32g1p.

I. How Artefacts Came into Collections

Some Indigenous items could already be found in *Kunst- und Wunderkammern* (or *studioli* in Italy) in the early modern period, beginning in the sixteenth century. *Kunst- und Wunderkammern* were collections of knowledge for the elite and the precursor for museums today. These collections were initially intended as private collections, reserved for the owner and invited guests, and were later opened to the public. They contained an interplay of science (although not always scientifically correct) and art, an encyclopedic collection of *naturalia*, *arteficialia*, and *scientifica*, reflecting not only the status of the collector but also his contemporary knowledge and broad humanistic education.[25] The subsequent period of Enlightenment in the eighteenth and nineteenth centuries was closely related to imperialism and colonialism and the evolvement of private (royal) collections into museums. The discovery and learning of new sciences, the belief in reason, and the ever-expanding trade led to the collecting, categorising, classifying, and cataloguing of items from around the world in European metropolitan museums. Importantly, a deliberate distinction evolved between nature and culture, accompanied by a hierarchical classification of human societies from primitive (Indigenous) to civilised (European). Not only trade and the discovery of the world and its nature were important, but also the beginning of archaeology and the focus on art and civilisation, ancient scripts, rituals, and religion.[26]

Indigenous items from the Americas, as well as Africa, Australia, and New Zealand, had already been collected in the past, but the collection and dissemination of cultural items increased excessively during the eighteenth and nineteenth centuries.[27] It was believed that Indigenous Peoples were ‘vanishing races’ doomed to extinction. According to ethnographers, the only way to scientifically study these ‘races’ was to preserve their cultural, sacred, and symbolic items in European institutions. By what means these items were acquired is often questionable. Frequently, this was done through grave plundering, manipulation, unfair deals, theft, violence, murder, and illegal

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[25] Examples of artefacts that are not scientifically accurate include mermaids, unicorns and dragons. Wolfram Koeppe, “Collecting for the Kunstkammer,” The Metropolitan Museum of Art New York, October 2002, https://www.metmuseum.org/toah/hd/kuns/hd_kuns.htm.

[26] “Enlightenment,” The British Museum, 2023, https://www.britishmuseum.org/collection/galleries/enlightenment; Silberman, “Magical Materialism,” 113.

[27] Vanessa Tünsmeyer, *Repatriation of Sacred Indigenous Cultural Heritage and the Law: Lessons from the United States and Canada* (Springer, 2022), 448; Glass, “Return to Sender,” 122, https://doi.org/10.1177/135918350404436.

trade rather than through the acquisition of research items via fair purchases or gifts, as was claimed. It was ignored that many of the methods used to study Indigenous Peoples involved harassment and dehumanisation and contributed significantly to the vanishing of Indigenous Peoples and their culture.[28] In addition, the respective government and missionaries took items from Indigenous Peoples to salvage what they perceived as primitive, savage, and false beliefs, as well as wrong ways of life, and to transform them into the European 'right' way. The colonial governments agreed with the ethnographers that Indigenous cultural items belonged in museums. Missionaries also used these items for educational purposes by exhibiting them as examples of 'false' paganism. Moreover, laws and governmental legislation contributed to the theft of Indigenous cultural items, particularly the Federal Indian Act in Canada, which prohibited Indigenous Potlatches and, thus, the items used in such ceremonies.[29]

As the debate about the problematic aftermath of European colonialism has grown over the last fifty years, Indigenous communities around the world have begun to demand the repatriation and restitution of artefacts and human remains for their communities and families. At the same time, the rights of Indigenous Peoples are being closely examined, and attempts are being made to strengthen them. Museums are trying to keep their valuable collections, and countries claim ancient artefacts as their national property, often in contradiction to the claims of Indigenous Peoples. Sacred and ceremonial Indigenous artefacts are not respected, or the difference to utility objects is ignored.[30] The next chapters will show how many problems, disagreements, and discussions arise from this. As Glass states, "Once identity gets involved, boundaries are implicated; once objects get involved, so does ownership. Whose culture are we talking about? Whose property? In practice, repatriation and restitution claims prove problematic at local, national, and international levels."[31]

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[28] Glass, "Return to Sender," 123; Darlene Fisher, "Repatriation Issues in First Nations Heritage Collections," *Journal of Integrated Studies* 1, no. 3 (2012): 2; Rassool and Gibbon, "Restitution versus Repatriation," 1ff.

[29] "The Potlatch (from the Chinook word Patshatl) is a ceremony integral to the governing structure, culture, and spiritual traditions of various First Nations living on the Northwest Coast and in parts of the interior western subarctic. It primarily functions to redistribute wealth, confer status and rank upon individuals, kin groups, and clans, and to establish claims to names, powers, and rights to hunting and fishing territories." See René R. Gadacz, "Potlatch," The Canadian Encyclopedia, October 24, 2019, https://www.thecanadianencyclopedia.ca/en/article/Potlatch; Glass, "Return to Sender," 124; Rassool and Gibbon, „Restitution versus Repatriation," 3.

[30] Tünsmeyer, Repatriation, 448.

[31] Glass, "Return to Sender," 132.

II. The Ongoing Debate about Repatriation and Restitution

Legal Resolutions on Repatriation in North America

Resolutions are important to consider as they provide the legal background for debates on repatriation. On their basis, repatriations are justified, restricted, refused or accepted.[32] One of the most critical agreements on the subject of restitution and return, as well as the prevention of illicit trade (import, export, and transfer), is the 1970 UNESCO Convention, which 145 nations have signed. It was supplemented by the UNIDROIT Convention of 1995, which has been signed by 54 nations. Among other things, it is intended to regulate private law issues.[33]

In order to meet its obligations under the UNESCO Convention, Canada has implemented the *Cultural Property Export and Import Act* (1977) to facilitate collaboration with other countries, to prevent the illicit trafficking of cultural property and to ensure the preservation of the material heritage of national significance in Canadian public collections.[34] In 1989, the United States passed the National Museum of the American Indian Act (NMAI), which was amended in 1996 and "requires the Smithsonian to return, upon request, Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony to culturally affiliated federally recognised Indian tribes."[35] NMAI recognises the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and classifies repatriation to Indigenous communities as a human rights issue.[36] In addition, the Native American Graves

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[32] For further information on the history and development of principles/conventions for cultural property in conflicts between nations, see the appendix.

[33] "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property," UNESCO, Unesco.org, 1970, https://eca.state.gov/files/bureau/unesco01.pdf; "1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects," International Institute for the Unification of Private Law, Unidroit.org, June 24, 1995, https://www.unidroit.org/instruments/cultural-property/1995-convention/. It should also be mentioned that the number of signatory nations to each convention has increased over the last 15 years: from 21 to 145 at UNESCO and from 22 to 54 countries at UNIDROIT, which represents a certain progress.

[34] "Memorandum D19-4-1: Export and Import of Cultural Property," Canada Border Services Agency of the Government of Canada, casa-asfc.gc.ca, November 4, 2014, https://www.cbsa-asfc.gc.ca/publications/dm-md/d19/d19-4-1-eng.html#.

[35] "Repatriation," Smithsonian - National Museum of the American Indian, 2017, https://americanindian.si.edu/explore/repatriation; National Museum of the American Indian Act (NMAIA), 20 U.S.C. §80q Public Law No. 101–185 (1989), as amended by the NMAI Act Amendment of 1996 (Public Law No. 104–278).

[36] UNDRIP, the United Nations Declaration on the Rights of Indigenous Peoples "establishes a universal framework of minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to

Protection and Repatriation Act (NAGPRA) was passed in 1990 as a law "to resolve the disposition of Native American cultural items and human remains under the control of Federal agencies and institutions that receive Federal funding ("museums"), as well as the ownership or control of cultural items and human remains discovered on Federal or tribal lands after November 16, 1990."[37] While the NMAI has a repatriation policy for domestic and international cases, NAGPRA only covers domestic cases. NAGPRA has many critics as it has already failed in repatriation cases and is unable to define and adequately differentiate Native American identities and their understanding of identity, place, and community.[38]

For many Indigenous Peoples, claims for repatriation and restitution are a part of the regaining of their dignity, as they are crucial to restoring the spiritual and cultural integrity and identity of a Native community. However, since no international legal and policy framework exists, repatriation and restitution are usually regulated by national, local, or museum policies. Thus, repatriation within the USA, e.g. via NAGPRA or the NMAI, is generally easier to claim and process than at the international level, where there are additional "high financial costs; and importantly, the lack of a legal framework or mechanism for the repatriation of ceremonial objects, human remains, and cultural

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the specific situation of Indigenous Peoples." Not only specifically for repatriation claims, see "United Nations Declaration on the Rights of Indigenous Peoples | Division for Inclusive Social Development (DISD)," United Nations, 2007, https://social.desa.un.org/issues/Indigenous-peoples/united-nations-declaration-on-the-rights-of-Indigenous-peoples;
It only passed into law in British Columbia in 2019 and at the federal level in Canada in 2021. See "Implementing the United Nations Declaration on the Rights of Indigenous People Act," Department of Justice, Government of Canada, justice.gc.ca, April 12, 2021, https://www.justice.gc.ca/eng/declaration/; Smithsonian, "Repatriation.".

[37] U.S. Department of the Interior National Park Service - American Indian Liaison Office, *Native American Graves Protection and Repatriation Act (NAGPRA) a Quick Guide for Preserving Native American Cultural Resources* (National Park Service: 2012), 1; "Since 1990, Federal law has provided for protection and return of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. By enacting NAGPRA, Congress recognised that human remains of any ancestry 'must at all times be treated with dignity and respect.' The Congress also acknowledged that human remains and other cultural items removed from federal or tribal territories belong first and foremost to lineal descendants, Indian Tribes, and Native Hawaiian organisations." See "Native American Graves Protection and Repatriation Act: Facilitating Respectful Return," National Park Service, Nps.gov, 2019, https://www.nps.gov/subjects/nagpra/index.htm; Native American Grave Protection and Repatriation Act (NAGPRA) 25 U.S.C. Public Law No. 101-601 (1990).

[38] Smithsonian, "Repatriation."; Julia A. Cryne, "NAGPRA Revisited: A Twenty-Year Review of Repatriation Efforts," *American Indian Law Review* 34, no. 1 (January 1, 2009): 122; Mark Jones, "Restitution," in *Cultural Heritage Ethics: Between Theory and Practice*, ed. Constantine Sandis (Open Book Publishers, 2014), 159; Penelope Kelsey and Cari M. Carpenter, "'In the End, Our Message Weighs': Blood Run, NAGPRA, and American Indian Identity," *American Indian Quarterly* 35, no. 1 (December 1, 2011): 71, https://doi.org/10.1353/aiq.2011.a414032.

heritage directly to the Indigenous Peoples involved".[39] Because of this, claims by Indigenous communities are often rejected, or lawsuits are lost. One legal alternative to this could be the *Alternative Dispute Resolution* (ADR, amended 1998), which primarily involves negotiation and mediation without formal court proceedings.[40] It enables the parties to customise the process to their needs, granting them measures of control. Furthermore, ADR methods permit the inclusion of non-legal factors, such as concepts of ownership unfamiliar to Western norms or of moral obligations, which is particularly relevant in the context of Indigenous cultural property.[41] A second legal alternative is the mandate of the *Expert Mechanism on the Rights of Indigenous People* (established in 2007), which "provides the Human Rights Council with expertise and advice on the rights of Indigenous Peoples. It assists Member States in achieving the goals of the United Nations Declaration on the Rights of Indigenous Peoples […], clarifying the implications of key principles, such as self-determination and free, prior, and informed consent, examining good practices and challenges in a broad array of areas pertaining to Indigenous Peoples' rights, suggesting measures that States and others can adopt at the level of laws, policies, and programmes."[42]

As a result of increasing decoloniality and politics of decolonisation, more and more legal principles and guidelines on repatriation and restitution have emerged, particularly in the last thirty years. For Indigenous Peoples, the items that were taken away from them during the colonial period, their cultural property, clearly have a different meaning than for Western civilisation. Their community's identity and personal

[39] Human Rights Council, *Repatriation of Ceremonial Objects, Human Remains and Intangible Cultural Heritage under the United Nations Declaration on the Rights of Indigenous Peoples: Report of the Expert Mechanism on the Rights of Indigenous Peoples* (Geneva: United Nations, September/ October 2020), https://digitallibrary.un.org/record/3876274?v=pdf; Karolina Prażmowska-Marcinowska, "Repatriation of Indigenous Peoples' Cultural Property: Could Alternative Dispute Resolution Be a Solution? Lessons Learned from the G'psgolox Totem Pole and the Maaso Kova Case," *Santander Art and Culture Law Review* 8, no. 2 (December 30, 2022): 139, https://doi.org/10.4467/2450050xsnr.22.015.17028.

[40] "The techniques or procedures for resolving disputes short of trial in the public courts." See Sam Markowitz, "A Meteorite and a Lost City: Mutually Beneficial Solutions through Alternative Dispute Resolution," *Cardozo Journal of Conflict Resolution* 14, no. 1 (2012): 233; Alternative Dispute Resolution Act of 1998, Public Law No. 105-315 (1998), https://www.congress.gov/bill/105th-congress/house-bill/3528.

[41] Prażmowska-Marcinowska, "Repatriation of Indigenous Peoples' Cultural Property," 148-149; An example: Although it took 15 years, the 1991 repatriation of the G'psgolox Totem Pole, originally belonging to the Haisla Nation but held in Sweden, marked the first totem pole to be returned from Europe. The Swedish government consulted with the museum director, who advocated for preserving the pole even after its return. As a result, two replicas were made: one for the museum and one for the pole's original location. Contrary to tradition, the original pole was preserved, a decision the community agreed to for their own educational purposes.

[42] "OHCHR | Expert Mechanism on the Rights of Indigenous Peoples," OHCHR, n.d., https://www.ohchr.org/en/hrc-subsidiaries/expert-mechanism-on-Indigenous-peoples.

history are often linked to the items; they may even embody ancestors and ancestral connections and incorporate an eternal, timeless part of their community. Repatriation and restitution are necessary steps to address the historical and contemporary impact of colonisation and its grave consequences for Indigenous Peoples.[43]

The Difference between Restitution and Repatriation of an Item

The terms restitution and repatriation can be used in different contexts and are sometimes confused or used interchangeably. It is, therefore, important to explain what differences can be identified between the two terms. Both terms refer to the physical, geographical and digital procedures for the return of material culture, works of art, human remains, and their documentation.[44]

Restitution

As the older historical term, restitution refers to the return of cultural property looted in times of war. Today, restitution is additionally employed in international law as a remedy or compensation for unlawful appropriation and seeks to reinstate the original state prior to the violation as far as possible. This can be accomplished directly through the unconditional return of plundered, looted, or stolen cultural property or indirectly through providing similar items to replace those taken, for instance, if they have been damaged or destroyed.[45] The Cambridge Dictionary also mentions that it can involve a monetary payment for the stolen property.[46]
According to Rassool and Gibbon, the difference between restitution and repatriation is that "while restitution may involve repatriation, repatriation is not a substitute for acts of restoration embodied in restitutionary work".[47] Restitution, therefore, encompasses the principles of justice and politics of asserting a claim as opposed to repatriation,

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[43] Dario Gamboni, "Art History and Repatriation: A Case of Mutual Illumination?," in *Crossing Cultures: Conflict, Migration and Convergence. The Proceedings of the 32nd International Congress in the History of Art*, ed. Jaynie Anderson (Miegunyah Press, 2009),1103; Prażmowska-Marcinowska, "Repatriation of Indigenous Peoples' Cultural Property," 154; Silberman, "Magical Materialism," 122; Rassool and Gibbon, "Restitution versus Repatriation," 2.
[44] Rassool and Gibbon, "Restitution versus Repatriation," 2.
[45] Kowalski, "Types of Claims," 97-98; Glass, "Return to Sender," 118; Prażmowska-Marcinowska, "Repatriation of Indigenous Peoples' Cultural Property," 138.
[46] *Cambridge English Dictionary,* 2nd ed. (Cambridge University Press, 2004), s.v. "Restitution," https://dictionary.cambridge.org/dictionary/english/restitution#.
[47] Rassool and Gibbon, "Restitution versus Repatriation," 3.

which focuses on return as a 'giving action' or remedy. Restitution focuses on the claimant rather than the one who returns the item, and it includes restoration, community consultation, and guidance. It is not just a remedy for past atrocities but breaks new ground through the accompaniment of mourning and honouring, reparation and restorative justice, reconciliation and reconnection, and acknowledgement.[48]

In summary, although this is no fixed definition, Rassool and Gibbon emphasise that the return of an item through restitution is accompanied by the acknowledgement that this item was unlawfully taken and that the claimant group not only lost the item but also lost its culture, cultural practices and identities, language, and way of life. At its core, *restitution* embodies the empowerment of Indigenous communities, enabling them to make decisions in every facet of the return process.[49]

Repatriation

The term repatriation is not only applied to cultural property or artefacts but can also describe the act of returning a living or deceased person to their country of origin. This term was commonly used after warfare. In this thesis and the associated research, the focus is on cultural and heritage property (less on human remains). Repatriation is the term most commonly used internationally for the return of Indigenous cultural artefacts (and human remains) to their place of origin or to the place they were taken from, or to Indigenous Nations or their descendants, especially in colonial settler societies: Canada, USA, Australia, and New Zeeland.[50] In its beginnings, repatriation was a broader concept; in legal terms, it aimed more at safeguarding national cultural heritage during territorial changes or the dissolution of multinational states, with territorial attachment being the main criterion. Today, repatriation is an independent concept distinct from other international law concepts for the protection of cultural property, such as the

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[48] To illustrate this, Rassool and Gibbon cite the example that "restitution of the deceased would be of decedents, and mortal or ancestral remains and would not be styled as the return of human remains, which is itself a category of objectification and museum governmentality". This objectification applies not only to human remains, but also to items. As explained earlier, Indigenous items can embody ancestors or have sacred or spiritual significance. The restitutionary work, including de-objectification and de-ethnographisation, therefore applies to both. See Rassool and Gibbon, "Restitution versus Repatriation," 3-4.

[49] Ibid.

[50] *Cambridge English Dictionary,* 2nd ed. (Cambridge University Press, 2004), s.v. "Repatriation," https://dictionary.cambridge.org/dictionary/english/repatriation.
; Rassool and Gibbon, "Restitution versus Repatriation," 2-3; Glass, "Return to Sender," 118.

return of goods to former colonies or restitution after looting in times of war.[51] As mentioned above, repatriation focuses on the act of returning an item and acknowledges the violent, unethical, and deceptive acts of displacement.[52]

Additionally, the word repatriation is composed of the prefix *re*, to express *back to*, and *patria,* meaning *Fatherland* in Latin.[53] Hence, the return of an item to its fatherland indicates a patriarchal nation. However, many First Nations consider nature and their land to be Mother Earth and, therefore, more of a *motherland*. The term *rematriation* came up in North America with the paradigm of Indigenous feminism and is also meant to counterbalance the colonial, state-centered, patriarchal framework.[54]

Repatriation can be labelled as restitution, although it only focuses on the return of the item to its original place. Indigenous communities in colonial settler societies then have to do the actual restitution work and bear the emotional, administrative and financial burdens themselves. And vice versa, cases can be labelled as repatriation but include restitutionary work, as in this thesis or the publications of the Smithsonian.[55]

Sometimes, the terms repatriation and restitution are avoided in discussions about the return of cultural artefacts; for instance, the British Museum uses only the word *return* in the discussion about the Elgin Marbles. *Return* is a very broad and general term and literally means the return of an item to its original location. In legal terms, it also means the return of an object, no matter if it was taken during the colonial period or illegally removed during or after. Returns generally include illegally stolen objects that do not need to have historical or cultural significance and can also occur in contexts other than warfare or colonial times.[56] Since both repatriation and restitution

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[51] Kowalski, "Types of Claims," 97-98; Prażmowska-Marcinowska, "Repatriation of Indigenous Peoples' Cultural Property," 138.

[52] Rassool and Gibbon, "Restitution versus Repatriation," 3; Glass, "Return to Sender," 118.

[53] From a linguistic point of view, it is important to note that nearly all important terms related to the acts of repatriation and restitution begin with the prefix 're': (repatriation, restitution), reparation, restoration, recovery, revitalisation, recapture, rejuvenation, revival, reinstatement, re-emplacement, reunification, reconstitution, remuneration, rehabilitation, relief. This prefix refers to 'back' or 'again' or 'anew', which is important considering that Indigenous communities worldwide lost their cultural heritage and are now reclaiming it in their need to preserve their culture. See also Glass, "Return to Sender," 118.

[54] Rassool and Gibbon, "Restitution versus Repatriation," 2-3; The term rematriation is not used in this thesis since the focus is on repatriation and restitution, an additional focus on gender studies would go beyond the scope of this work.

[55] Rassool and Gibbon, "Restitution versus Repatriation," 3; Hollinger et al., "Tlingit-Smithsonian Collaborations,"; Smithsonian Institution*, Repatriation Office Case Report Summaries*, 16ff.

[56] Kowalski, "Types of Claims," 97-98; Prażmowska-Marcinowska, "Repatriation of Indigenous Peoples' Cultural Property," 138.

are terms used more specifically in academia and relate to the topic of this thesis, only these terms will be used. Furthermore, both terms involve the aim of returning an item.

Language is powerful and has an impact. Terms that have different meanings for different Indigenous groups cannot be applied equally to other Indigenous groups or the contradicting party. It can lead to miscommunication and "terminological disarray, contradiction, and contestation, especially cross-culturally".[57] To prevent this, more and more legal steps have been taken to support the restitution and repatriation of cultural items.[58]

Important terms that need to be clarified and understood in the repatriation debate are:

Cultural Property

Terms such as 'cultural property' are defined differently by various parties, which can lead to difficulties since it involves the concept of 'property'.[59] Most Indigenous communities do not regard their items as property or something that can be owned but rather as something to take care of.[60]

Source Country

A country that generates a significant amount of valuable cultural artefacts is a source country. Often, these source countries lack the means to effectively protect their borders against invading nations or individual plunderers.[61]

Market Country

A country that has the means and possibilities to acquire cultural property is a market country.[62]

Cultural Internationalism

The underlying assumption here is that everyone has an interest in the preservation and

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[57] Glass, "Return to Sender,"135; Ira Jacknis, "Repatriation as Social Drama: The Kwakiutl Indians of British Columbia, 1922-1980," *American Indian Quarterly* 20, no. 2 (1996): 280, https://doi.org/10.2307/1185705.
[58] Kowalski, "Types of Claims," 85ff.
[59] Definitions of cultural property by the Hague Convention of 1954, UNESCO, and UNIDROIT can be found in the appendix.
Given the legality of the UNESCO and UNIDROIT conventions, this thesis uses the term for practical purposes to refer to cultural items in specific contexts, e.g. the items of a particular culture or community. It is acknowledged that Indigenous communities do not generally consent to this term.
[60] Glass, "Return to Sender," 121; Carey Newman, interviewed by Carolin Weiner.
[61] Carol A. Roehrenbeck, "Repatriation," 189.
[62] Ibid.

appreciation of cultural property, regardless of its location. Therefore, cultural property belongs to the world community, and the country with the superior resources to care for another country's cultural items should retain ownership.[63]

Cultural Nationalism

The item or cultural property belongs to the country from which it originates. Nationalists emphasise national values, pride, and interests. They believe that these items are crucial for cultural definition and expression, as well as for shared identity and community (including territorial and presumed genealogical priority).[64]

Cultural Universalism

This is the conviction that cultural heritage has a profound significance for today's society. It is mainly held by aesthetes, collectors, auction houses, and representatives of major museums. They believe to have the right and the obligation to acquire and protect the world's cultural heritage from damage or decay and that such heritage is best preserved for future generations in established museums or in private collections, as they both have access to the most advanced preservation techniques and academic interpretation. Therefore, they often also regard artefacts as property that can be owned, transferred, and legally sold or donated, with its value ultimately determined by the current market price, tax deductibility, and insurance value.[65]

The Three Different Parties in the Debate about Repatriation and Restitution

"It is the symbolic significance of possession and relinquishment, their close association with perceptions of power and status, that makes restitution and return so difficult and emotionally charged."[66] Repatriation and restitution and the corresponding claims are often political acts between three major parties: countries, museums, and Indigenous Peoples. They all claim a certain right to the item, intending to gain control over the historical item or site (for countries and Indigenous Peoples fundamentally rooted in a

[63] Ibid., 190.
[64] Ibid., 190.
[65] Silbermann, "Magical Materialism," 110.
[66] Jones, "Restitution," 150.

cultural expropriation perceived as unjust), which leads to tensions between the parties in nearly every claim and debate, and often leaves one party winning and one party losing (usually the less powerful party).[67] Even if Indigenous Peoples do not claim their cultural items solely for reasons of power, it is the power and independence that were taken from them during colonisation that they are reclaiming along with their items.[68]

In this debate on repatriation and restitution, most scholars agree that there is a significant difference between the claims for the return of human remains and sacred or ritual items to contemporary culturally affiliated groups, which are considered legitimate, and claims for the return of cultural heritage objects from ancient sites and times, which no longer have any cultural connection to present-day society and time and are therefore usually not considered legitimate.[69]

Countries

A country's repatriation claim usually follows *Cultural Nationalism*, which is often used for political agendas or statements and is justified by cultural 'identities' associated with their country and these items, even though, in most cases, these 'identities' no longer exist and have little to no connection or relationship to contemporary society (e.g. ancient Rome, Greece, Persia or Egypt). Moreover, the repatriation or 'home-coming', as countries often call it, also has other benefits, like media attention or the resulting boost of tourism and, thus, the economy. The aforementioned claim that these items embody a national identity today is not only a statement of possession and an equation of their contemporary political agenda with the 'glorious' times of the past but also an anthropomorphisation of the items.[70] Moreover, the conviction that these items belong in the museum of 'their nation' due to their authenticity, as their survival and preservation can be ensured here, ignores the facts that, firstly, cultures and societies change over such a long period, and, secondly, that other institutions or Native

[67] Silbermann, "Magical Materialism," 111.
[68] Jacknis, "Repatriation as Social Drama," 283.
[69] James Cuno, "Culture War," 113ff; Silbermann, "Magical Materialism," 110; Rassool and Gibbon, "Restitution versus Repatriation," 3-4; Prażmowska-Marcinowska, "Reptatriation of Indigenous Peoples' Cultural Property," 137ff.
[70] For instance, Mohammad Reza Pahlavi, the last Shah of Iran, traced his origins back to Cyrus the Great and celebrated 2,500 years of the Persian monarchy. In doing so, he deliberately associated his own reign with the grandeur of that ancient empire. See for more Cuno, "Culture War," 119-120, 123.

communities would also take care of the item.[71] Although UNESCO stated that "no culture is a hermetically sealed entity," thereby recognising cultural fluidity, and although the 1970 declaration intends to fight the illicit traffic of cultural heritage artefacts, it has also led to many governments making questionable claims for repatriation because the declaration recognises a country's 'exclusive' national heritage.[72] Furthermore, half of the 193 UN member states have subsequently developed laws that restrict any export of ancient artefacts found within their borders or even immediately assign ownership to the state. Currently, the country itself decides what its 'exclusive' national heritage is, which is not an objective approach.[73] Additionally, these laws deny the need and benefit of museums worldwide to represent the world's cultural heritage and not just that of one's own country. James Cuno suggests a committee of neutral international participants from different professional backgrounds to decide on such issues and make the process fairer.[74]

Museums

The Egyptian Minister of Antiquities declared: "We will make life miserable for museums that refuse to repatriate".[75] While an employee of the National Museum of China stated: "As a Chinese, I hope all those other antiques scattered throughout the world will be returned to China too, but it will depend on how powerful China becomes".[76] These sentiments highlight some of the challenges museums must face. In general, the reason for a museum to keep or acquire artefacts is to research, preserve,

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[71] It is recognised that Indigenous communities can care for items in both ways, in a preservational and conservational way and in their own way. There are many examples of cultural centres staffed by Indigenous people that were built solely to house Indigenous artefacts according to museum standards (e.g. Alert Bay, Cormorant Island, Canada). Alternatively, it can be important for the Indigenous Peoples to reuse their items, for instance, for ceremonies or burials; Silbermann, "Magical Materialism," 113-114; Cuno, Culture War," 119-120.

[72] UNESCO, *Our Creative Diversity, Report of the World Commission on Culture and Development* (France: UNESCO, 1995), 54, https://unesdoc.unesco.org/ark:/48223/pf0000101651; Cuno, "Culture War," 119-120.

[73] In Afghanistan, for example, the sixth -century UNESCO World Heritage-listed Bamiyan Buddhas were destroyed by the Taliban despite a meeting with the UN Secretary-General. In the end, it was the Taliban's decision.

[74] Cuno, "Culture War," 123ff; Jones, "Restitution," 156-157; Fisher, "Repatriation Issues," 3.

[75] "Making Life Miserable for Museums, Again?," Cultural Property News, April 13, 2017, https://culturalpropertynews.org/making-life-miserable-for-museums-again/; Hadeel Al-Shalchi, "Egypt to Museums: Return Our Stolen Treasures," NBC News, April 8, 2010, https://www.nbcnews.com/id/wbna36280732.

[76] Kathrin Hille, "Pinault Gives Bronze Rat and Rabbit back to China," Financial Times, June 29, 2013, https://www.ft.com/content/d5e0487a-e003-11e2-bf9d-00144feab7de.

and make them available to the public for educational purposes, thereby serving the public interest. They represent *Cultural Universalism* but also *Cultural Internationalism*. Encyclopedic museums such as the *Louvre*, the *British Museum*, and the *MET* especially advocate a culture independent of nationalism and sectarianism and stand for openness to investigate the changing world and its history. Therefore, cultural heritage consists of many interwoven cultures of humankind, not just that of a single country or current ruling government. Nevertheless, these museums are often criticised as imperial instruments that profit from the weak, the inequality of power, and the colonial era, and as institutions that value items not only historically or educationally but also monetarily.[77] Provenance research in museums is another important aspect of this discussion, not only to 'prove' the 'legal' acquisition of such items or, in the case of Indigenous communities, to see who these items belonged to but also to determine whether they were illegally traded or excavated. In this way, museums will have more clarity about their collections and, unlike many private collectors, at least try not to support works of uncertain provenance.[78]

The two most famous examples of repatriation debates between countries and museums are: Firstly, the Parthenon Marbles or Elgin Marbles, which were removed from the Parthenon in Athens between 1801 and 1812 by Thomas Bruce, Seventh Earl of Elgin, and bought by the *British Museum*, where they reside since 1817. Secondly, the bust of Nefertiti, discovered by a German archaeologist in Egypt in 1912, which has been in the *Neues Museum, Staatliche Museen zu Berlin* since 1920. In both cases, the artefacts were acquired legally at the time, with documents proving it, however, in both cases, the countries were ruled by the Ottoman Empire, a different government than today. In both cases, these items from antiquity have little to do with today's culture and society but are still considered by Greece and Egypt to be their exclusive cultural heritage. While the British Museum received the first repatriation request from Greece in 1983, Berlin has never received an official one from Egypt. Both museums declare that they are in close contact with the museums of the other party and that collaborations are being sought. These could be loans for exhibitions or loans for longer periods, as both agree that these cultural heritage objects are best viewed and preserved in

[77] Cuno, "Culture War," 120ff.
[78] Jones, "Restitution," 158; Additional information on museum policies can be found in the appendix.

museums. Nevertheless, both museums, the British and the German, insist on retaining official legal possession of the artefacts.[79]

Repatriation claims require diplomacy. The aforementioned collaboration is probably the solution most agreed upon by academics and museum professionals. 'Sharing' this cultural heritage through rotating loans and exchanging research results could also reduce the risks of exclusive storage in war zones or areas frequently affected by natural disasters and improve research outcomes. In practice, however, there are still several difficulties, such as the necessary trust between national authorities and museums on both sides, which is not the only potential problem. These items may require a controlled environment (temperature, humidity, light), the insurance costs for transport are usually very high (which could be solved by sponsors), and the transport of cultural items from a war zone or a country with political instability also represents a significant risk.[80] Even if such collaborations are considered, it is questionable whether a country that uses cultural heritage in its political interest as a means of emphasising its national identity would agree upon such solutions. However, the same applies to museums such as the British Museum, which is repeatedly confronted with such repatriation claims, some without a successful collaboration or agreement between the two parties (not only with Greece but also with Turkey and Egypt, for example).[81] It seems that repatriation can only be solved cooperatively, but each party wants to keep the upper hand.

An extreme example shows how dependent cooperation between museums and Indigenous communities can be on the opinion of a museum representative: Peter Bolz, the former curator of the North America collection of the *Staatliche Museen zu Berlin, Preußischer Kulturbesitz*, expressed very radical views in a 1993 publication. He insinuated that Indigenous communities were only claiming their heritage in order to 'dominate' Western institutions and that their claims were unjustified. For him, most

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[79] Roehrenbeck, "Repatriation," 192; "The Parthenon Sculptures," The British Museum, 2023, https://www.britishmuseum.org/about-us/british-museum-story/contested-objects-collection/parthenon-sculptures; "Nofretete in Berlin: 100 Jahre und kein bisschen alt," Preußischer Kulturbesitz, March, 27, 2024, https://www.preussischer-kulturbesitz.de/news-detail/artikel/2024/03/27/nofretete-in-berlin-100-jahre-und-kein-bisschen-alt.html.
[80] Cuno, "Culture War," 128-129; Jones, "Restitution," 154, 163.
[81] Ibid.; See for the examples of the British Museum: Ali Abbas Ahmadi, "Should the British Museum return its Egyptian collection?," newarab.com, December 13, 2019, https://www.newarab.com/analysis/should-british-museum-return-its-egyptian-collection; Dalya Alberge, "Turkey turns to human rights law to reclaim British museum sculptures," *The Guardian*, December 8, 2012, https://www.theguardian.com/culture/2012/dec/08/turkey-british-museum-sculptures-rights.

sacred artefacts were not sacred but were only made for collectors and not used by Indigenous Peoples. In response to the fact that some Indigenous items have not survived in European museums, he argues that they would not have survived in the care of Indigenous Peoples either, as they bury these 'priced possessions' with their deceased or destroy them.[82] As early as 1990, Wilcomb E. Washburn, then director of the Office of American Studies in the Smithsonian, stated: "If one accepts the notion that the purpose of an object in a museum is to support the study of some aspect of the culture in which that object is embedded, then it is of secondary importance whether that object is permanently owned by the museum."[83] Bolz responds by assuming that Washburn wants to "solve the future storage and conservation problems of the Smithsonian Institution by repatriating the objects."[84]

Indigenous Peoples

The third party in the debate on repatriation and restitution claims are Indigenous Peoples. Mark Jones noted that "the number of genuinely contested objects is small in number and tiny as a proportion of the total museum collection."[85] This may be true from the museum's point of view, but not for Indigenous Peoples. Thousands of their items are scattered across museums worldwide, with the British Museum alone housing over 16,500 First Nations items from Canada. Claims for restitution and repatriation often seem futile because there is no international law to protect and repatriate cultural items.[86] Cases like the Elgin Marbles, whose retention in London does no direct harm to anyone, are very different from sacred or ritual artefacts of Indigenous Peoples or even from human remains. There are no parallels here, and equating them can lead to serious misconceptions.

The reasons for repatriation and restitution to Indigenous Peoples are usually religious or spiritual, as well as kinship with descendants or items that embody their ancestors. Human rights issues are a reason, as well as the retention, restoration, and

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[82] Peter Bolz, "Repatriation of Native American Cultural Objects - Confrontation or Cooperation?" *Zeitschrift für Ethnologie* 118, no. 1 (1993): 76; Sacred or ritual artefacts have profound significance for Indigenous Peoples, as many communities believe that these items should either be buried with the dead, burned, or used until they decay. See Hollinger et al., "Tlingit-Smithsonian Collaborations," 206-207; Carey Newman, interviewed by Carolin Weiner, December 2023.
[83] Washburn, "Museums and Repatriation of Objects in their Collections," 15-16.
[84] Bolz, Repatriation of Native American Cultural Objects, 73.
[85] Jones, "Restitution," 167.
[86] Fisher, "Repatriation Issues," 5.

restitution of items, cultural history, and knowledge (e.g. skills and crafts that are no longer known) as part of their cultural identity.[87] Sometimes repatriation and restitution are also used to right past injustices done to Native Peoples during the colonial era and to claim moral responsibility across generations, individuals, and times. However, this is sometimes seen as a difficult approach since current generations did not commit these acts, and some argue that the descendants of the victims are not the ones *actively* suffering.[88] Nevertheless, generational trauma is a well-documented and proven issue, highlighting the need for reconciliation.[89] Furthermore, as time goes on, it becomes increasingly difficult to determine accurately who committed which acts and against whom.[90] As sub-state actors from source countries and as ethnic minorities, Indigenous Peoples often participate in activist, class, and gender movements. By asserting their cultural rights, they seek to symbolically challenge the long-standing power imbalances and economic domination that perpetuate ongoing fragmentation.[91] The issues First Nations face in their claims for repatriation and restitution do not only extend to national and international laws or museum policies and the resulting rejection or reliance on the rarely voluntary repatriations. In addition, costs often cannot be covered without a donor, especially when items come from auction houses or private collectors. Furthermore, museum inventories are often inaccurate, and items are missing. The research necessary to identify and prove the rights to an item can be costly and definitely time-consuming. It can take just as long if the information must be aligned with the community before a repatriation request can be initiated. Another difficulty is provenance research. In many cases, the way in which items were acquired is questionable, and Indigenous communities often have no written language, let alone

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[87] Ibid., 1-2; Prażmowska-Marcinowska, "Repatriation of Indigenous Peoples' Cultural Property," 138; Karin Edvardsson Björnberg, "Historic Injustices and the Moral Case for Cultural Repatriation," *Ethical Theory and Moral Practice* 18, no. 3 (2015): 462.
Reclaiming the cultural identity of Indigenous Peoples is very different from the discussion previously held by countries that associate their national and political identity with ancient cultures. The Indigenous cultures and their ethnic and cultural identity, which were lost during the colonial period, especially in the eighteenth and nineteenth centuries, are not only examples of recent history but also have a spiritual significance with direct ties and necessities for the performance of rituals or religious functions that are still practiced. In addition, the belief in kinship with certain items gives Indigenous Peoples relationships and responsibilities in relation to these items, which differs from the European understanding of cultural identity. See for more Glass, "Return to Sender," 121ff.
[88] Björnberg, "Historic Injustices," 461ff.
[89] Kathleen Brown-Rice, "Examining the Theory of Historical Trauma among Native Americans," *The Professional Counselor* 3, no. 3 (2013): 117–30, https://doi.org/10.15241/kbr.3.3.117.
[90] Björnberg, "Historic Injustices," 461ff.
[91] Silbermann, "Magical Materialism," 111.

documents to record transactions. Moreover, different communities can justifiably claim the same item as the communities have intermarried over time.[92]

Regarding agreements between museums and Indigenous Peoples, diplomatic, cooperative, and financially supported ways are the only possible options, as there are no international laws, guidelines, or strategies. In most cases, repatriation claims need to be examined on a case-by-case basis. In Canada, a conference was held in 1992 between the Assembly of First Nations and the Canadian Museums Association to improve collaboration between museums and First Nations. Among other guidelines, those for the repatriation of human remains and sacred or ritual items were discussed, as well as the inclusion of Indigenous Peoples in museum governance and curation processes. The major museums, such as the *Royal BC Museum* in Victoria, the *Royal Ontario Museum*, and the *Museum of Anthropology* at the University of British Columbia, acknowledge this in their policies. British Columbia and Alberta have additional provincial laws supporting repatriation claims. More and more museums worldwide are including Indigenous voices in their exhibitions and displays of Native items to achieve a more respectful approach and find common ground on how to deal with these items. The success of these efforts depends largely on the individual museum.[93] The Smithsonian has been involved in these repatriations since the 1990s and is a forerunner compared to European museums.[94] However, the NMAI and NAGPRA have supported this significantly. A national repatriation, which primarily concerns the Smithsonian, is much easier to handle logistically than an international one.

An important example of national repatriation in Canada concerns the Kwakwaka'wakw in British Columbia and the Potlatch ban by the Indian Act of 1885. In this case, the items were not taken by ethnographers for research purposes or by missionaries for educational purposes but by the government. In 1921, to end a Potlatch initiated by Daniel Cramner, a Nimpkish chief, forty-five items were seized, along with

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[92] Fisher, "Repatriation Issues," 2ff; Bolz, "Repatriation of Native American Cultural Objects," 71.
[93] Fisher, "Repatriation Issues," 3ff; Glass, "Return to Sender," 122; Bolz, "Repatriation of Native American Cultural Objects," 75-76; Jennifer L. Dekker, "Challenging the 'Love of Possessions': Repatriation of Sacred Objects in the United States and Canada," *Collections a Journal for Museum and Archives Professionals* 14, no. 1 (2018): 38, https://doi.org/10.1177/155019061801400103; Assembly of First Nations and Canadian Museum Association, Turning Page: Forging New Partnerships between Museums and First Nations (Canadian Museum Association, 1994), https://iportal.usask.ca/record/5755; Björnberg, "Historic Injustices," 473.
[94] The Smithsonian already had a newsletter on its repatriation cases in 1990; See "Runner: The Newsletter of the Smithsonian's National Museum of the American Indian," primo.getty.edu, n.d., https://primo.getty.edu/primo-explore/fulldisplay/GETTY_ALMA21125361950001551/GRI.

more than twenty Indigenous individuals. In exchange for the release of twenty-two people from prison, the Indigenous People had to hand over 750 of their items. After protracted negotiations that lasted from the 1950s until the late 1980s, a diplomatic compromise was reached. In order to ensure the appropriate preservation demanded by the previous museums, two Indigenous cultural societies were founded, both of which established a museum for these artefacts: The *Nuyumbalees Cultural Centre* was founded in Cape Mudge in 1975, and the U'mista (literally: the place of lost things) Cultural Society in Alert Bay in March 1974.[95] Indigenous Peoples have had positive experiences here and say, for instance, "that getting our Potlatch goods back has done a lot to teach our youth who we really are. It will help us to hold on to our history."[96] But there have also been bad experiences, such as that of the Modoc People, who went to the Smithsonian looking for the skull of their leader, Captain Jack (beheaded in 1873). When they found the skull, however, it was not well preserved but had been used as an ashtray on a desk.[97]

As the Indigenous woman and advocate for Native American rights, Suzan Shown Harjo puts it: "Grave robbing, burial site desecration, sacrilege of our sacred sites and objects, theft of our items of Native national patrimony, use of course dead relatives as commodities of trade and commerce, exhibition of our dead relatives' skulls and destruction of their remains in federal and private places of learning and education, classification of Native People as federal property, and other related practices are part of that shameful past and all continue today."[98] Indigenous Peoples still feel disadvantaged or offended by such experiences or laws, such as the Potlatch ban. But it is important to note that Indigenous Peoples, such as the Kwakwaka'wakw People, also acknowledge that some items were, in fact, legally sold by their ancestors. Therefore, repatriation and restitution claims are mainly made for items for which the acquisition is questionable or that were taken under the Potlatch ban.[99]

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[95] Gamboni, "Art History and Repatriation," 1102; Jacknis, "Repatriation as Social Drama," 274ff; "U'mista Cultural Society," U'mista Cultural Centre, n.d., https://www.umista.ca; "The Nuyumbalees Cultural Centre," Nuyumbalees Cultural Centre, n.d., https://www.museumatcapemudge.com.
[96] Chief Harry Assu, Kwakwaka'wakw, quoted in Jacknis, "Repatriation as Social Drama," 282.
[97] Kelsey and Carpenter, "In the End our Message weighs," 56.
[98] Testimony before the Senate Select Committee on Indian Affairs (by Suzan Shown Harjo, President of The Morning Star Institute and former executive director of the National Congress of American Indians, May 14, 1990), *Congressional Quarterly's Editorial Research Reports* 3, (1991): 45.
[99] Jacknis, "Repatriation as Social Drama," 274ff; Fisher, "Repatriation Issues," 2.

From the debates about the repatriation and restitution of artefacts, it can be concluded that cultural heritage can tackle broader social, ethical, political, cultural, historical, and economic issues. Through official repatriation claims for their cultural items, political and legal advocacy, and ethical arguments, Indigenous Peoples seek more than just historical or financial compensation. They stand up for the memory of their communities, the preservation of their histories, and the conservation of the foundations of their cultures.[100]

Challenges Faced by Museums

In the context of repatriation and restitution, not only Indigenous Peoples but also museums are confronted with many challenges and difficulties. Some of these have already been mentioned, including problems with provenance research, the transport of an artefact in the event of a loan or repatriation to a distant location (export regulations, customs, air transport), the associated costs (in particular for insurance), different policies, laws and regulations of countries, provinces and federal states or other museums, institutions, and associations, and finally, some artefacts require a specifically controlled environment that Indigenous communities often cannot provide.

Other challenges include power dynamics and internal politics within the institution, which significantly influence the process. For instance, a curator may advocate for the return of certain items, but the director's approval is also required for such measures. Bureaucratic procedures further complicate matters, and there is widespread fear of losing valuable parts of the collection, as this would have a substantial economic impact. Following a repatriation claim, the value of an item may even increase, or private donors might withdraw their loans for fear of future claims. Museums often fear that claims, especially those that receive media attention, could trigger a snowball effect, inspiring other communities to demand the return of their artefacts, potentially resulting in further losses for the museum.[101] Societal and media

[100] Glass, “Return to Sender,” 136.

[101] Ibid., 133-134; Fisher, “Repatriation Issues,” 7-8; Jordan Jacobs and Benjamin W. Porter, “Repatriation in University Museum Collections: Case Studies from the Phoebe A. Hearst Museum of Anthropology,” *International Journal of Cultural Property* 28, no. 4 (November 2021): 531-532, https://doi.org/10.1017/S0940739121000400; Association of Art Museum Directors, *Guidance on Art from Colonized Areas* (Association of Art Museum Directors: 2022), 3ff.

pressure often support repatriation claims without considering the museum's perspective or recognising that current staff are not responsible for the colonial acquisitions. Furthermore, there are divergent views on the treatment of items; Indigenous Peoples might want to use these items in some way, while museums aim to preserve them. Museums face their own challenges when working with Indigenous communities, including the translation of their beliefs into exhibitions. Differing opinions within the same community regarding repatriation or restitution can delay or complicate these efforts, and the emotional involvement in these claims is often high, adding to the complexity.[102]

There is also a risk that items may circulate within the community after repatriation or restitution, which is contrary to the museum's aim of preserving the items. Insufficient documentation can lead to items being returned to the wrong community, further complicating the matter.[103] Moreover, repatriation claims can vary widely and lack standardised rules for handling them sensitively, diplomatically, and ethically.[104]

Ultimately, museums have responsibilities not only to their national audience but also to international visitors, scholars, and Indigenous communities. Finding the balance between these different obligations is a major challenge, as museums must manage the ethical and practical dimensions of repatriation and restitution while striving to honour their different audiences.[105]

Today, museums are requested to acknowledge past mistakes, to question and adjust their views, methods and approaches to Indigenous Peoples and their values in their collections and exhibitions, and to do better than they have in the past. Thus, they will continue to serve as the important educational institutions they have always been. Yet, this is no easy task and requires a careful and thoughtful approach that may differ for each repatriation claim. This will lead to collaborations and adjustments that may appear like losses at first but can ultimately change the museum for the better by strengthening its role in society and enriching its environment with a truly universal

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[102] Glass, "Return to Sender,"121, 132ff; Jones, "Restitution," 150ff.
[103] This happened between the Anthropology Museum at the University of Winnipeg, CA and the Pauingassi First Nation. See Fischer, "Repatriation Issues," 7.
[104] Fisher, "Repatriation Issues," 5ff; Jacobs and Porter, "Repatriation in University Museum Collections," 531-532; Roehrenbeck, "Repatriation," 186; Jacknis, "Repatriation as Social Drama," 283-284.
[105] Curtis, "Universal Museums," 124.

approach that includes new research, Indigenous voices and needs, and offers visitors a comprehensive understanding.[106]

Summary

The debate on repatriation and restitution highlights several background factors that complicate the process. These include existing or lacking national and international legislations, the importance of the correct use of language, definitions and terminology, and the perspectives of the key parties involved (museums, nations, and Indigenous Peoples), all of whom pursue different objectives in relation to the artefacts.

The chapter has highlighted the significance of repatriation for the various parties and the challenges involved. This analysis is crucial to understanding that repatriations face numerous obstacles, especially for Indigenous communities and museums. Building on this discussion, the next chapter examines digital repatriation, further exploring the term, its opportunities and challenges, and how digital techniques can be used to assist and solve complicated repatriation efforts.

[106] Ibid., 118-119, 125; See more: Andrew Gulliford, "Curation and Repatriation of Sacred and Tribal Objects," *The Public Historian* 14, no. 3 (1992): 24ff, https://doi.org/10.2307/3378225.

III. Digital Repatriation

Definition

As described in the previous chapter, the terms repatriation and restitution refer to the actual transfer of an item and its ownership from one legal party to another. One reason why the term *digital* repatriation is often criticised is that no original item is physically returned.[107] Nevertheless, Cory Willmott et al. note that Indigenous communities often prefer this term to the term *virtual* repatriation.[108] Virtual repatriation was originally developed to provide particularly Indigenous Peoples and researchers with access to online archives, such as photographs of Indigenous artefacts or recordings of Indigenous songs and tales. It does not usually include a digital reproduction of the item, such as a 3D model.[109] The Cambridge dictionary defines virtual as "created by computer technology and appearing to exist but not existing in the physical world", which makes the term even more problematic for many as it can imply the faking or simulation of repatriation.[110] In contrast, the term digital refers more clearly to "using or relating to digital signals and computer technology".[111] Digital repatriation, therefore, involves the use of digital tools to return a *digital reproduction* of the item in question, such as a 3D model, either printed out or as a file. However, since these terms are not universally defined, the term 'digital repatriation' is sometimes also used to merely describe access to online archives and databases. Moreover, the term can include the return of culturally specific knowledge to the Indigenous community of origin, which is

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[107] Timothy B. Powell, "Digital Repatriation in the Field of Indigenous Anthropology," *Penn Libraries University of Pennsylvania, Departmental Paper (Religious Studies)* (October 2011): 1-2; DeHass and Taitt, "3D Technology," 121-122.
[108] Cory Ann Willmott et al., "Towards Language in Action: Agency-Oriented Application of the GRASAC Database for Anishinaabe Language Revitalization," *Museum Anthropology Review* 10, no. 2 (2016): 92, https://doi.org/10.14434/mar.v10i2.19322; See Valentina Vapnarsky and Camille Noûs, "Digital Repatriation, Amerindian Reappropriations. Introduction to Part Two," *Journal de La Société des Américanistes* 107, no. 1 (2021): 305, https://doi.org/10.4000/jsa.19794.
[109] Emanuel Rossi, "The Digital Biography of Things. A Canadian Case Study in Digital Repatriation," in *Cultural Heritage Scenarios 2015-2017*, ed. Simona Pinton and Lauso Zagato (Edizioni Ca'Foscari, 2017), 661; Robin Boast and Jim Enote, "Virtual Repatriation: It is neither Virtual nor Repatriation," in *Heritage in the Context of Globalization: Europe and the Americas*, ed. Douglas Comer, Helaine Silverman, and Willem Willems (Springer, 2013), 109ff.
[110] *Cambridge English Dictionary,* 2nd ed. (Cambridge University Press, 2004), s.v. "Virtual," https://dictionary.cambridge.org/us/dictionary/english/virtual#google_vignette; Willmott, "Towards Language in Action," 92; Krupa and Grimm, "Digital Repatriation," 52-53.
[111] *Cambridge English Dictionary,* 2nd ed. (Cambridge University Press, 2004), s.v. "Digital," https://dictionary.cambridge.org/us/dictionary/english/digital.

associated with and tied to the original item but also the digital reproduction.[112] Digital repatriation is only successful if there is an active engagement between the community and the digital item. Due to this, it can take on various forms without there being a single agreed-upon method or understanding.[113]

In all scenarios, the main critique lies in the use of the term repatriation. Aaron Glass suggests the term e-patriation as "the transfer of tangible or intangible cultural patrimony (or heritage material) to its source community in the form of electronic or digital media".[114] Although this term could bridge the gap between the problematic nature of the term and its supposed meaning, it remains unclear whether it also includes physically produced digital reproductions such as 3D prints. Therefore, this thesis uses the term 'digital repatriation' while remaining respectfully aware of the sensitivities associated with the term.[115]

In literature, the term 'digital repatriation' is often limited to archives and databases used as networks for researchers and Indigenous Peoples, such as the *Reciprocal Research Network for First Nations items from the Northwest Coast of America* or the *The Great Lakes Research Alliance*.[116] In this thesis, the term 'digital repatriation' refers to the digitisation of Indigenous artefacts to be used in repatriation processes in the form of 3D files and 3D prints, as well as in virtual or augmented reality environments. These can be beneficial for and used by both the Indigenous community and the collecting institution.

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[112] For instance, digital tools can provide information about how the item was crafted.
[113] DeHass and Taitt, "3D Technology," 126, 144; Rossi, "The Digital Biography of Things," 657; Powell, "Digital Repatriation," 1-2; Bell et al., "Introduction: After the Return," 5-6
[114] Aaron Glass, "Indigenous Ontologies, Digital Futures: Plural Provenances and the Kwakwaka'wakw Collection in Berlin and Beyond," in *Museum as a Process: Translating Local and Global Knowledges* (Routledge, 2014), 19-44, 23.
[115] For instance, Jim Enote, director of the Ashiwi Awan Museum and Heritage Center at Zuni in North America, says that he prefers the term 'return'. See Bell et al., "Introduction: After the Return," 7.
[116] "Reciprocal Research Network First Nations Items from the Northwest Coast," Reciprocal Research Network Community, November 22, 2014, https://www.rrncommunity.org; "GRASAC's Database," The Great Lakes Research Alliance, University of Toronto, 2005, https://grasac.artsci.utoronto.ca/?page_id=680.

History and Debate

Over the last thirty years, collecting institutions, especially museums and archives, have increasingly integrated Indigenous Peoples into their curatorial, archival, and preservation processes. Simultaneously, the use of digital techniques for the preservation and documentation of cultural heritage has increased, slowly replacing traditional methods such as drawings and photographs.[117] Since then, the debate about digital repatriation has been ongoing. The return of digital replicas of cultural items to Indigenous communities raises questions and debates about the use of language and terminology, authenticity, ownership (legal and spiritual), and the relationship between the digital and physical versions of these items, i.e. whether a digital replica can actually replace or substitute a physical item in some way.[118]

When it comes to repatriation using digital tools, there are two main options. Either the original item is given to the Indigenous community while the digital replica remains with the institution or the institution keeps the original, and the community receives the digital version. Since digital versions can be reproduced multiple times, it is technically possible to create copies for both parties.[119] However, since the original item can only remain with one party, each scenario presents opportunities and challenges.

Opportunities

In some cases, digital repatriation can complement the physical repatriation of items. In these cases, the item is returned to the Indigenous community, and both parties can benefit from the digital replicas. The collecting institution can then display the digital version as a replacement for the original. In certain circumstances, a digital return can serve as a valuable alternative or substitute for actual repatriation, with the institution retaining the original. This is the case, for example, when the physical repatriation of an

[117] Bell et al., "Introduction: After the Return," 5-6; DeHass and Taitt, "3D Technology," 125; Rossi, "The Digital Biography of Things," 661.
[118] In general, "ideas on the nature of the public/private dichotomy, cultural ownership in relation to legal property rights, practices of reconciliation in regard to diverging histories, or collective desires in the embodiment of negotiated public representations are all concerns that are [and must be] reshaped in a digital environment." See DeHass and Taitt, "3D Technology," 145; Bell et al., "After the Return," 196.
[119] Technically, multiple reproduction is possible, but the ethical justifiability needs to be decided in each case and for each individual collaboration.

artefact is not possible because the item is contaminated by toxic substances. The item must then be stored in a specific airtight container, for instance, and can no longer be transported or touched.[120]

In other cases, digital replicas are helpful when the original item originates from a community that is now divided into several communities, and it may not be feasible for them to collaborate on curating or sharing the original artefact. Some communities may also not have the means to preserve the item, for example, due to a lack of infrastructure, which can be a prerequisite for repatriation by museums.[121] Moreover, repatriations from Europe pose greater logistical and financial difficulties than repatriations from North America.[122] Here, too, digital replicas can help as substitutes for the originals.

In general, a 3D model and its printed version offer numerous advantages for both parties, including easier and more equitable research through improved (online) access, which can also be valuable for Indigenous communities to learn more about their past. Additionally, a 3D model allows for in-depth examination, showcasing details and providing accurate measurements more effectively than the original item or the traditional drawings and photographs previously used. This is not only beneficial for researchers but also for Indigenous Peoples who want to learn, for instance, how these items were crafted. Moreover, 3D models preserve the state of an item, for example, when the original is returned to use within the community and may undergo changes or even be destroyed. Furthermore, 3D models offer greater flexibility and versatility in terms of handling, as they do not require the same protective measures as the original item and have a greater ability to show different dimensions of the item within the digital program.[123] In addition, digital tools can illustrate for both parties what cultural, linguistic and social roles these items can play after their return, as well as how they were originally used. Using a 3D model in a VR or AR environment can also be

[120] DeHass and Taitt, “3D Technology,” 132.
[121] For instance, some Indigenous communities do not have the means to house such an item if it needs to be kept in a specific environment for preservation. For more detail, see Weiner, “From Artefacts to Ancestors,” 34; Krupa and Grimm, “Digital Repatriation,” 52; DeHass and Taitt, “3D Technology,” 128.
[122] DeHass and Taitt, “3D Technology,” 127.
[123] Perullo, “Digital Repatriation,” 547; DeHass and Taitt, “3D Technology,” 125ff; Rossi, “The Digital Biography of Things,” 661; Vapnarsky and Noûs, “Digital Repatriation, Amerindian Reappropriations,” 2.

beneficial for this purpose, as it can recreate these exact situations and even allow the digital reproduction to be used in these situations.[124]

An Indigenous item always consists of the handcrafted item itself but also of the intangible Indigenous knowledge about the item and the knowledge embedded in the item. Digital tools, especially 3D technology, can help to preserve and restore this knowledge. If it is forgotten knowledge or new information, this benefits the collecting institution and the Indigenous community, which can continue to learn and pass on knowledge with the help of digital tools.[125] Any form of digital repatriation requires collaboration and partnership between the Indigenous Peoples concerned and the collecting institution. These collaborations benefit in particular from the shared knowledge and use of digital tools: Collecting institutions can respectfully display digital or original artefacts, Indigenous Peoples have more authority, and the collections can serve as a resource for Indigenous Peoples, researchers and the public. Furthermore, collections and exhibitions can take on new meanings, bringing about changes in the education of these institutions and their visitors in favour of the Indigenous Peoples.[126]

Challenges

The challenges of using digital techniques include dealing with ethical and legal aspects of the intellectual property rights of Indigenous Peoples, the Western (colonial) understanding of ownership, the time and cost involved in using digital techniques, technical updates to software and databases, and general risks associated with the use of digital technologies.

In order to protect the intellectual property of Indigenous Peoples in the context of digital tools and digital repatriation, several questions have to be answered, such as: Who has control over the files and the embedded Indigenous knowledge? Who has access to these files, and how? Who can use those files, and how are they used? In the case of culturally sensitive information, Indigenous Peoples often prefer to have control over it to be able to protect their culture and knowledge and to ensure that it is treated with respect. Collaboration and negotiations are essential when using digital techniques

[124] Bell et al., “Introduction: After the Return,” 13-14.
[125] DeHass and Taitt, “3D Technology,” 127ff.
[126] Perullo, “Digital Repatriation,” 545ff; Krupa and Grimm, “Digital Repatriation,” 52-53.

in repatriation processes since both parties can only benefit if ethical decisions are made together.[127]

From a legal perspective, the digitisation of an item and the creation and use of 3D models can be challenging due to copyright laws. Furthermore, it can become complicated when the copyright laws of the states in North America differ from the laws at the federal level and even from international laws.[128] If digital techniques are to be used in the repatriation of Indigenous artefacts, legal restrictions can complicate cooperation between Indigenous Peoples and institutions and further their decoloni-sation efforts. Expanded policies are needed when Indigenous communities seek repatriation differently from institutions to reconcile these efforts while also allowing for alternative solutions. This will require, for example, a fundamental reconsideration of intellectual property rights in relation to digital repatriation and heritage. Most cases nonetheless need to be decided on an individual basis, and institutions need to establish their own policies.[129]
This also includes ethical considerations, which vary from case to case. Trust and respect between both parties are essential, particularly when discussing the public accessibility of digital files. Publishing culturally sensitive information online can often be more problematic than displaying it in a museum, as increased access and exposure may lead to greater issues and discomfort for Indigenous Peoples and their culture. Additionally, it is crucial to recognise that not only the scanning of an item but also the use of Indigenous cultural items in digital environments, such as virtual reality (VR) or augmented reality (AR), can be perceived as disrespectful by Indigenous communities. In general, mutual trust and communication are key to addressing these ethical challenges, and tailored solutions must be developed for each specific situation.[130]

The Western concept of 'ownership' differs significantly from that of many Indigenous communities (such as the Kwakwaka'wakw in BC, Canada, or the Tlingit in

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[127] DeHass and Taitt, "3D Technology," 124, 143; Bell et al., "After the Return," 196; Krupa and Grimm, "Digital Repatriation," 53; Perullo, "Digital Repatriation," 545.
[128] The United States Copyright Act, section 107, for instance, states that another person's work may be reproduced under certain circumstances, namely for research, science, education, beneficial for society, commercial and non-profit purposes. Often, the material must also be restricted and cannot be displayed in full. If a digitised item is published online with open access to it, international copyright laws may need to be consulted. Moreover, further laws must be consulted if donated items are to be digitised. For more see Perullo, "Digital Repatriation," 541ff.
[129] Ibic., Krupa and Grimm, "Digital Repatriation," 54; Bell et al., "After the Return," 200.
[130] Bell et al., "After the Return," 196ff; Perullo, "Digital Repatriation," 545ff; DeHass and Taitt, "3D Technology," 124; Krupa and Grimm, "Digital Repatriation," 55.

Alaska, USA), in which no individual can own sacred and spiritual items. Using the term in the Western sense would mean that the entire community is the collective owner, with one person designated as the caretaker. However, Indigenous communities generally take care of the items rather than owning them. Sacred items hold a unique and profound significance for communities, differing from the perspective of Western collecting institutions. Rather than simply being regarded as ethnographic objects or valuable historical artefacts, some items are entities that embody a spirit with which Indigenous Peoples share a profound relationship and connection. One cannot sell, buy, own, or take possession of something with which one has a relationship.[131] Repatriation itself is based on the Western concept of ownership, and Western institutions are often bound by their understanding of ownership, making it difficult for Indigenous Peoples to reclaim their cultural artefacts or to establish agreements regarding the creation, sharing, and use of digital reproductions and their associated files.[132]

Other challenges include resource allocation and logistics. Learning to properly create, post-process it in the program, and use a 3D model can be time-consuming and costly. It is essential to assess whether the investment of time and resources is worthwhile and will ensure a high-quality result. Research institutions typically have better access to funding for such projects than Indigenous communities. Additionally, items that are highly sensitive to light might run the risk of being damaged by certain 3D scanners that use lasers.[133]

A consistent challenge with all digital data is the necessity for regular software and database updates. User-friendly access and the ability to maintain long-term compatibility between different devices are crucial factors for the successful use of digital tools in repatriation efforts. However, often only collecting institutions have the resources to access such tools, software and databases, which has been criticised as a remnant of colonial practices. Additionally, the large volume of digital data can be problematic, as it may lead to slower performance or even inaccessibility on standard devices with limited hardware capabilities.[134] The items, particularly their surfaces, can present

[131] Carey Newman, interviewed by Carolin Weiner; Dhillon et al., "Unmasking Meaning,"; Hollinger et al., "Tlingit-Smithsonian Collaborations," 202ff.
[132] Krupa and Grimm, "Digital Repatriation," 54.
[133] DeHass and Taitt, "3D Technology," 125ff; Krupa and Grimm, "Digital Repatriation," 54.
[134] DeHass and Taitt, "3D Technology," 130ff, 140ff; Vapnarsky and Noûs, "Digital Repatriation, Amerindian Reappropriations," 2; Perullo, "Digital Repatriation," 548; Krupa and Grimm, "Digital Repatriation," 54.

challenges during a 3D scan. Shiny, reflective, black, or transparent surfaces, as well as textures such as feathers, fur, skin, fabric, or intestines, can be difficult to capture accurately. In addition, very thin, fine, or highly structured details, as well as deep cavities, can also pose a major challenge.[135]

Finally, the digitisation process and the use of digital tools also raise general issues and challenges. These concerns extend beyond the data collection of the scanned item to include user data in AR or VR environments, for which user consent is required. Digital tools like VR and AR also carry the risk of escapist addiction, which can contribute to desocialisation and alienation. Moreover, if Indigenous items are not presented and explained with respect and in depth, users may develop only a superficial understanding rather than a genuine comprehension and empathy.[136]

Short Description of the Digital Tools

3D Technology

While various 3D scanning techniques are available, laser scanning and photogrammetry are the most commonly used. Laser scanning uses a laser to capture the details of an object, whereas photogrammetry relies on a camera taking multiple photos from different angles, which are then merged to create the raw 3D model; both scanning methods initially produce a point cloud or a mesh. In the next step, post-processing is applied to convert the raw data into a viewable and polished 3D model, resulting in the final 3D file. In addition to displaying it on a computer screen, a 3D model can be printed using a 3D printer, for which a variety of materials can be used, such as plastic, resin, wood (often carved), metals and carbon fibre.[137]

[135] DeHass and Taitt, "3D Technology," 134ff.
[136] Lambèr Royakkers et al., "Societal and Ethical Issues of Digitization," *Ethics and Information Technology* 20, no. 2 (2018): 128ff, https://doi.org/10.1007/s10676-018-9452-x.
[137] For example, the Tinglit Killer Whale Hat that was carved by a CNC milling machine, which used the 3D digital model as a guide. See Weiner, "From Artefacts to Ancestors," 53; Hollinger et al., "Tlingit-Smithsonian Collaborations," 207ff; Borko Furht, *Encyclopedia of Multimedia: A-Z* (Springer, 2008), 419-420; DeHass and Taitt, "3D Technology," 129; "Types & Benefits of 3D Scanners and 3D Scanning Technologies," Prescient Technologies, February 19, 2019, https://www.pre-scient.com/knowledge-center/product-development-by-reverse-engineering/scanners-scanning; "Guide to 3D Printing Materials: Types, Applications, and Properties," Formlabs, n.d., https://formlabs.com/eu/blog/3d-printing-materials/.

Augmented Reality (AR)

In AR environments, computer-generated information, such as a 3D model, is projected into the real world on the user's end device, usually a smartphone. Through the device, the user can interact with the data while being only partially immersed, allowing them to further engage with the real world.[138]

Virtual Reality (VR)

In VR environments, the entire environment is constructed from computer-generated information. 3D models can, therefore, be displayed in a highly realistic virtual and fully immersive experience that can function as a specific setting or situation. To enter a VR environment, the user needs more equipment than for AR environments, such as sensors, headsets, gloves or computers.[139]

Summary

Digital repatriation offers a new approach to repatriation efforts. While challenges need to be considered and dealt with appropriately, the various techniques mentioned above, in particular, offer support in physical returns but also in cases in which the original cannot be repatriated. The use of digital techniques in repatriation efforts requires collaboration between Indigenous communities and institutions, as well as ethical and culturally sensitive handling of Indigenous cultural property. It can enhance shared authority and understanding of cultural artefacts. In the next chapter, three case studies are examined to show how these techniques can be applied to repatriations and what opportunities and challenges arise from them.

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[138] Furht, *Encyclopedia of Multimedia*, 35-36; "What's the Difference between AR and VR?," sopa.tulane.edu, Tulane School of Professional Advancement, 2023, https://sopa.tulane.edu/blog/whats-difference-between-ar-and-vr.
[139] Furht, *Encyclopedia of Multimedia*, 35-36, 968.

IV. Case Studies

The first two examples are case studies conducted by the National Museum of Natural History (NMNH) and the Smithsonian in America. They concern a Pewter Pipe, removed from a tomb of the Indigenous Munsee tribe, probably at the Davenport site, Sussex County, New Jersey, in the late seventeenth – early eighteenth century, and the Tlingit Killer Whale Clan Crest Hat of the Tlingit People, made in Alaska in 1900. In both cases, the originals were successfully repatriated, and the museum and the Indigenous communities use digital copies or tools for educational and preservation purposes. The third example concerns the Nulis Mask of the Kwakwaka'wakw People, which a European collected in Fort Rupert on Vancouver Island in 1883; this case illustrates how digital techniques could support the Indigenous community as well as the museum, since the original cannot be repatriated for various reasons, such as the likely use of toxic chemicals for conservation and the insurance costs that the museum is unable to pay.

The Pewter Pipe

Meaning and Use

The pipe made of pewter (Fig. 1, 2) is described as 'long' and is decorated with two owls mounted on two small wands on the pipe's bowl.[140] Both owls seem to be gazing into the depths of the bowl. Such pipes could have been used for different ceremonies and to connect with the spirit powers.[141] The Smithsonian mentions the pipe in the context of wealth and trade; therefore, it could also be that the buried person was the caretaker of the pipe, an important clan member.[142]

[140] There is no further information available on the size.
[141] "The Power of the Pipe," U.S. National Park Service, August 29, 2020, https://www.nps.gov/articles/the-power-of-the-pipe.htm.
[142] Indigenous people and communities do not usually 'possess' items, as these are part of the community, but one person can be designated to take care of the item. See also Weiner, "From Artefacts to Ancestors," 43; Hollinger et al., "Tlingit-Smithsonian Collaborations," 206-207.

History

The case of the Pewter Pipe was the first study in which the Smithsonian and the NMNH worked with Indigenous communities to facilitate the process of repatriating an artefact using digital techniques. In 2007, three tribes, the Stockbridge-Munsee Tribe of Wisconsin, the Delaware Nation, and the Delaware Tribe of Oklahoma requested the Smithsonian to repatriate two artefacts and 59 culturally affiliated human remains. One of the items was the Pewter Pipe.[143] All three tribes are descendants of the Munsee tribe. While the human remains came from the Bell-Philower or **Minisink site** in Sussex County, New Jersey, the pipe is believed to have come from the **Davenport site** in Sussex County, New Jersey. According to its type, the Pewter Pipe is dated to the late seventeenth – early eighteenth century. It was excavated from an individual's grave, along with other artefacts such as a copper bracelet and projectile points. Therefore, the pipe is assigned to a person but not a location. In 1914, George G. Heye and George H. Pepper led the excavation crew of the Museum of the American Indian at the **Minisink site** and sent the remains to the *Smithsonian's U.S. National Museum*, now the NMNH.[144] In 1915, George G. Heye published an article about the excavation process and the historical evidence linking the site to the Munsee People.[145] This is supported by archaeological and historical evidence dating the graves to the late sixteenth or early seventeenth century. Although in 2015 Hollinger et al. referred to the pipe as an artefact found at the **Minisink site**, the revised 2020 case report by the Smithsonian Institution's repatriation office and the NMNH states that even though the pipe is an unassociated funerary object that is assumed to come from the **Davenport site**, it is in any case associated with the three tribes through evidence.[146] The Munsee tribe inhabited both

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[144] Smithsonian Institution*, Repatriation Office Case Report Summaries*, 16.

[145] George Gustav Heye and George Hubbard Pepper, *Exploration of a Munsee Cemetery near Montague, New Jersey*, 1st ed., vol. 2 (The Museum of the American Indian Heye Foundation, 1915), 15.

[146] "Both associated and unassociated funerary objects are cultural items that are reasonably believed to have been intentionally placed with or near human remains. Associated funerary objects are related to human remains that were removed, and the **location of the human remains is known**. Unassociated funerary objects are funerary objects that are not associated funerary objects. Note that a funerary object is an associated funerary object if the human remains are in the control of any museum or Federal agency, not necessarily the same museum or agency that has control of the funerary object. Also note that associated funerary objects include those items that were made exclusively for burial purposes or to contain human remains." See: "Frequently Asked Questions - Native American Graves Protection and Repatriation Act (U.S. National Park Service)," nps.gov, 2024, https://www.nps.gov/subjects/nagpra/frequently-asked-questions.htm#:~:text=Unassociated%20funerary%20objects%20are%20funerary.

sites at the time the artefacts were made and the burials took place.[147] Hollinger et al. describe the pipe as unique in the material culture of the Munsee and as an item demonstrating the prosperity and trade relations of the Munsee People. The pipe could also have been crafted by another tribe and given to the Munsee.[148]

Digital Techniques

Due to the significance and history of the pipe, its repatriation offered an opportunity to use digital tools to support it. At the request of the Munsee in 2007, 59 human remains and two items, including the pipe, were repatriated in 2009 to the three descendant tribes of the Munsee. Before the human remains and the original pipe were reburied in a ceremony, the pipe was 3D scanned and printed. According to Hollinger et al., Sherry White, the repatriation representative for the Stockbridge-Munsee Tribe, initiated this scan after she saw the museum's 3D prints and research technologies for cultural preservation and documentation: laser and CT scans, as well as X-rays. The aim was to be able to educate other tribe members and non-members about the importance and process of repatriation, the spiritual issues addressed by the reburial of the original pipe, and the history of early Munsee material culture. After seeing the 3D copy, other tribal members requested two more copies for the other two tribes. Eventually, three more 3D prints were made and later painted, one for the NMNH.[149]

The tribes focus on the history, spiritual use, meaning, and value of the pipe during the lifetime of the buried, as well as in death. In contrast, the museum collected the artefact in the twentieth century for historical and educational records. It preserved it for its historical and monetary value, which the Western world assigns to such ethnographic and artistic artefacts. Both parties could exchange views on the use of digital techniques, 3D scanning and printing of the replicas, and both parties can use the replicas for exhibitions and educational purposes, while the original could be reburied.[150]

[147] Smithsonian Institution, *Repatriation Office Case Report*, 16.
[148] Ibid.; Eric Hollinger et al., "Tlingit-Smithsonian Collaborations," 206-207.
[149] Ibid.
[150] Ibid.

Agreements

No publication mentions agreements on legal rights to the 3D files and replicas. However, the Smithsonian likely left all decisions to the Indigenous communities, as in the following case.

The Tlingit Killer Whale Clan Crest Hat

The hat made from alder wood depicts a killer whale (Fig. 3) and is painted in colours ranging from various shades of turquoise as the primary colour to red and black, accentuating the whale's details and features. Some parts of the hat remain pure wood. Furthermore, abalone shells have been inlaid into the wood to represent, firstly, the water flowing over the whale's body, secondly, its eyes and, thirdly, its teeth. The hat itself is supposed to depict the whale emerging from the ocean. To this end, dark, probably human hair is mounted on the whale's dorsal fin, representing the gushing water.[151] The fin is attached to the body of the hat with leather straps and laces. Several small holes arranged in a linear pattern are visible along the base of the back, with a remaining string in one hole. This presumably indicates that something was attached to these holes as well. The hat was likely crafted by Yéilnaawú, an artist of the Tlingit, who also crafted another hat with similar holes that secured a cloth adorned with ermine pelts. If this were the case with the Killer Whale Hat, it could symbolise the ocean foam churned up by the whale, draping around the wearer's neck while the whale emerges on his head.[152] Since the hat never had these ermine pelts in the NMNH's possession, they are only seen on the later-produced replica (Fig. 4). Leather straps are also attached to the underside of the hat to keep it securely on the head during ceremonies.[153]

Meaning and Use

The Tlingit Killer Whale Hat is a so-called clan crest hat (*Kéet S'aaxw*). Clan crest items are usually cultural patrimony, sacred, or both. These items are of profound

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[151] John Swanton, an ethnologist of the Smithsonian's Bureau of American Ethnology, mentions the use of human hair in his 1904 report. See Hollinger et al., "Tlingit-Smithsonian Collaborations," 209.
[152] Ibid., 203ff.
[153] Ibid., 203ff., 209.

historical, religious, and cultural importance to the clans. They embody *Haa Shagóon*, all clan ancestors, but also present and future generations, and are generally called *at.óow*, which means *a thing that has been owned or purchased*. These items have always been, and always are, endowed with status and power.[154] In contemporary practice, the cost for at.óow also includes 'killing money on it', which entails a ritualised expense from a donor involving money that cannot be used any more afterwards but increases the value of at.óow.[155] This symbolic act and the payment given to the artist, orderly conducted under the observation of the opposing moiety from which the artist usually originates, signifies the elevation of the item to the status of a clan crest artefact.[156] It is also essential that this process is balanced by the opposite moiety through showcasing their own at.óow.[157] Ownership of these clan crest items is assigned to the entire clan rather than an individual, with custodianship typically entrusted to the clan or house leaders. These appointed custodians carry the artefacts at ceremonies such as Potlatches. Clan crest items are also displayed (or exhibited) at the funerals of clan leaders or commemorative services.[158] Headgear depicting the clan's crests frequently features spirit animals, like the Killer Whale Clan Crest Hat. These rank exceptionally high among the clan's valuable possessions. The physical artefacts representing the crests and the intangible assets associated with them – such as the stories and songs linked to the crests depicted – are significant for the Tlingit and are safeguarded by them as the intellectual property of their clans.[159]

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[154] Kathryn Bunn-Marcuse and Aldona Jonaitis, *Unsettling Native Art Histories on the Northwest Coast* (University of Washington Press, 2020), 88.

[155] "Shádaakoox–'Potlatch Rings,'" Shádaakoox–Potlatch Rings, Tlingit & Haida, 2023, https://www.ccthita.org/info/events/calendars/2023.MEMORIAL%20CALENDAR%20party%20format.pdf; Hollinger et al., "Tlingit-Smithsonian Collaborations, 202.

[156] There are two moieties of the Tlingit. The hat belongs to the Eagle side and is transferred from the opposite moiety, the Raven side. The moieties are divided into different clans. Yéilnaawú was an artist from the Deisheetaan clan, who belongs to the Raven moiety.

[157] If the other moiety does not balance this act by bringing out its own at.óow, the item is just an item, just wood. "As sacred objects the crest objects are needed to spiritually balance the crest objects of clans of the opposite moiety." See Hollinger et al., "Tlingit-Smithsonian Collaborations," 202, 214.

[158] Hollinger et al., "Tlingit-Smithsonian Collaborations," 202-203.

[159] Ibid., 202; see also: Nora Marks Dauenhauer, "Tlingit At.óow: Traditions and Concepts," in *The Spirit Within: Northwest Coast Native Art from the John H. Hauberg Collection* (Rizzoli International Publications, 1995), 20-29; see also: Frederica de Laguna, "Under Mount Saint Elias: The History and Culture of the Yakutat Tlingit: Part Three," *Smithsonian Contributions to Anthropology* 7, no. 3 (1972), https://doi.org/10.5479/si.00810223.7.3.

History

The Killer Whale Clan Crest Hat was made in 1900 in Angoon, Alaska, for the clan leader of the Dakl'aweidí. But soon after, his son sold the hat illegally to John Swanton, who collected it for preservation at the Smithsonian's Bureau of American Ethnology. In 2005, after the hat had not been worn for over 100 years, it was repatriated to the Tlingit and could finally be worn by its caretaker during a ceremony at the Sitka hospital. The caretaker and clan leader of the Dakl'aweidí, Mark Jacobs, Jr., who had fought for years for the repatriation, was hospitalised and died eleven days after the Killer Whale Hat returned home to Alaska. With the ceremony, the hat was not only repatriated as a legal transfer under Western law but also according to Tlingit law and tradition. To this end, the Raven Moiety clan leaders had to perform the physical act of transferring the Killer Whale Clan Crest Hat to Mark Jacobs, Jr., and this had to be witnessed by others. After Jacobs died, a new caretaker and clan leader, Edwell John, Jr., was appointed, and the hat was transferred again; hence, it took part in a 'killing of the money' ceremony and is since then serving its original role and purpose as a ceremonial clan crest item in the community.[160]

Digital Techniques

Hundreds of cultural items scattered throughout America have been reclaimed by the Tlingit, relying on the **NMAI** *National Museum of the American Indian Act* of 1989 and the **NAGPRA** *Native American Graves Protection and Repatriation Act* of 1990.[161]

Today's caretaker, Edwell John, Jr., works as a computer trainer for the State of Alaska and understands how helpful technology can be in these processes. According to Hollinger et al., in 2010, five years after the hat's repatriation, he agreed to let the Smithsonian scan the Killer Whale Hat and then make a replica for the museum since the hat was an excellent example to show how digital techniques can help preserve and educate on Indigenous culture and the importance of repatriation. The hat was temporarily brought to the Smithsonian solely for the scanning process before being

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[160] Hollinger et al., "Tlingit-Smithsonian Collaborations," 201ff.

[161] National Museum of the American Indian Act (NMAIA), 20 U.S.C. §80q Public Law No. 101-185 (1989), as amended by the NMAI Act Amendment of 1996 (Public Law No. 104-278); Native American Grave Protection and Repatriation Act (NAGPRA) 25 U.S.C. Public Law No. 101-601 (1990); Hollinger et al., "Tlingit-Smithsonian Collaborations," 202.

promptly returned to the community in Alaska. Laser scanning, photogrammetry and detailed close-up photography were used to ensure enough data for the most accurate replication possible. Employing multiple techniques was essential to compensate for each method's inherent strengths and weaknesses. To replicate the hat in its original material and size, Computer Numerical Control (CNC) milling was applied to two pieces of seasoned alder wood – one for the main body of the whale and the other for the dorsal fin. John's input was valued throughout the process, and he advised the Smithsonian on necessary changes or adjustments. The decision not to create an exact physical replica was of particular importance to him and the community; thus, minor knife cuts that were present in the original wood were omitted, as was a slash of red colour and the traces of wear like the darkening of the wood, which were only visible to the trained eye. At first glance, the physical replica closely resembles the original hat. However, as previously mentioned, the replica also features the ermine trimmings and four abalone teeth lost in the original hat. Consequently, the replica is intended to reflect the hat's original state rather than its condition upon repatriation (Fig. 3, 4).[162]

As discussed in the previous chapter, various difficulties can arise when producing such a replica using digital techniques. In the case of the hat, it was challenging to match the colours of the original. The Tlingit used chewed salmon eggs and mixed them with other materials, but the Smithsonian uses commercial paint today. Moreover, it was difficult to find human hair, not only because of the colour but also because hair is often sacred for Indigenous communities and is only cut in the event of serious incidents. Finally, hair from a non-Indigenous donor was used. Additionally, post-processing of the laser scanning digital data took time due to various challenges in distinguishing between different materials and colours. The differentiation between materials like the mounted abalone shell and wood, particularly when they are smooth and shiny on the surface, can be difficult for the scanner. Furthermore, colour variations, such as black paint absorbing more laser light than lighter colours, can create false impressions of surface relief. Filling in gaps in the digital data is essential during post-processing and is also the most time-consuming part of the process; it ensures a consistent and complete digital representation of the item. Lastly, the CNC mill must work

[162] Ibid., 203-208.

very precisely; otherwise, the shape will not be as uniform as required and may even be destroyed. Consequently, the programming must be 100% accurate.[163]

Reactions to the Replica and Agreements

The physical replica of the hat was displayed for the first time at the 2012 *Sharing our Knowledge Clan Conference* in Sitka, Alaska, where Tlingit clan leaders and scholars, as well as non-Tlingit scholars, met. At the conference and the NMNH, the original and the replica hat were danced by Tlingit dancers since it would be "appropriate to put life into the hat by dancing it at least once before it went back to the museum."[164] It is undoubtedly rare, if not the first time, that an item produced for and at a museum using digital techniques was ceremonially danced. However, it is essential to mention that this does not make the replica a crest item.[165]

On the one hand, the Indigenous attendees at the conference, who had yet to encounter digital techniques and replicas, were impressed and recognised the value that these techniques can have for their communities.[166] On the other hand, many concerns were raised. Such as the familiarity with 'Artifakes', which are usually cheap, poor copies mass-produced in China based on photographs.[167] This is not only an unethical misuse, abuse and misappropriation of their culture but also jeopardises the work of the Indigenous carvers. Or, if the item is made for ceremonial use as at.óow, how will the opposite moiety be paid for producing it since the machine cannot fulfil that role? The first concern is solved by agreements that clearly state what is to be done with the digital files and assign their legal ownership to the community rather than to an institution that could potentially sell them. The second problem can be solved by regarding the machine and digital technology only as a tool, like a carver's knife, that serves the carver and does not replace him. Furthermore, how these tools and files are used is essentially in the hands of the Indigenous communities.[168] This led to the agreements between the Smithsonian and the Tlingit. As mentioned earlier, John was

[163] Ibid., 207ff.
[164] Harold Jacobs, member of the Tlingit, quoted Ibid., 212.
[165] Ibid., 212.
[166] Ibid., 213f.
[167] See Janet Katherine Berlo and Aldona Jonaitis, "From 'Artifakes' to 'surrogates': The Replication of Northwest Coast Carving by Non-Natives," in *Unsettling Native Art Histories on the Northwest Coast*, ed. Kathryn Bunn-Marcuse and Aldona Jonaitis (University of Washington Press, 2022), 76-89.
[168] Hollinger et al., "Tlingit-Smithsonian Collaborations," 214.

closely involved in the reproduction process and ensured that the slight dissimilarity in appearance, as well as the Tlingit (intellectual) property, would be handled and used carefully and that online distribution would only take place with their permission; the Smithsonian could upload a 3D model to their website.[169] Furthermore, the NMNH is only allowed to exhibit the hat replica for educational purposes, and only if labelled with the information that it is a replica of the Dakl'aweidí clan crest, not an at.óow, that is, not a real clan crest item. This is not only done so that Tlingit visitors can recognise it as a replica but also because it is important to shed light on the repatriation process and the inappropriate use of the original item during the last 100 years.[170] Hollinger et al. emphasise that "this approach has been founded in an utmost respect for Tlingit property law and the clan's intellectual property rights".[171]

Further Projects

Other collaborations between the Smithsonian and the Tlingit include the request from the Hoonah Indian Association (HIA, from Hoonah, Alaska) for 53 artefacts from grave houses. Since the artefacts are fragile, scans and 3D replicas seemed appropriate for the clan members. Artefacts that were in doubt as to their repatriation eligibility were also scanned.[172] The agreement specifies that digital models and any files can only be shown to the public with the permission of the clan leader.[173] The Smithsonian also collaborated with the Haida Nation of British Columbia on a project involving the creation of a 3D scan of a clan crest hat. The digital files are safeguarded by the Haida and are being used to pass down their crafting skills to younger carvers.[174]

[169] "Killer Whale Hat 3D model," Smithsonian 3D Digitization, n.d., https://3d.si.edu/explorer/killer-whale-hat.
[170] Hollinger et al., "Tlingit-Smithsonian Collaborations," 204, 207.
[171] Quoted Ibid., 215. See more Ibid., 204; See Berlo and Jonaitis, "From 'Artifakes' to 'surrogates'," 86.
[172] Hollinger et. al., "Tlingit-Smithsonian Collaborations," 209.
[173] Ibid., 213.
[174] Parsons, "How Indigenous Groups Are Using 3-D Technology to Preserve Ancient Practices,".

The Nulis Mask

The Nulis Mask (Figs. 5, 6) is a transformation mask that can be opened with a rope mechanism.[175] The rope is attached through the eyes and ears of the mask. When the mask is closed, it shows the grim face of a man and a grizzly bear head mounted on top (Fig. 5). When the mask is opened, a friendlier face is revealed. The grizzly bear on top of the mask remains unchanged, but the open sections show the bear's paws and claws as well as orca teeth (Fig. 6). The mask itself is made of cedar wood, painted in black, red, white, blue, and teal with green undertones, leaving only small parts unpainted. The bear's head, which is one-third the size of the face and mostly black with red accents and green on top, has abalone shells for eyes. There is also what appears to be a piece of leather attached to the back of the bear's head, the purpose of which is unknown.[176] The outside of the mask is mainly painted black, with blue-rimmed eyes, a red nose and mouth, and white circles to the left and right below the mouth. When the mask is opened, it becomes very colourful. Apart from a few accents, only the grizzly's paws are painted black, contrasting with the rest of the mask's colours. The mask shows evidence of former tufts of hair that are now missing and were once embedded in the upper rim. There are also traces of repainting or overpainting that were done before the mask was acquired for the *Königliche Museum für Völkerkunde*, now the *Ethnologisches Museum zu Berlin*. Glass argues that this implies potential use in various ceremonial events or transfers between owners.[177]

Meaning and Use

The Nulis Mask is a family crest item and ceremonial dance mask used in Potlatches of the Kwakwaka'wakw People of British Columbia, Canada.[178] The mask embodies their first ancestor, Nulis, and the community's relationship to Nulis and the mask. As already mentioned, the difference between the European concept of 'ownership' and that of the

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[175] Glass et al., *White Paper Report*, 57-58; Carey Newman, interviewed by Carolin Weiner.
[176] Viola König, "One History – Two Perspectives," 19.
[177] Glass et al., *White Paper Report*, 57-58.
[178] König, "One History – Two Perspectives," 19ff; Dhillon et al., "Unmasking Meaning,"; Carey Newman, interviewed by Carolin Weiner; Maria Fiedler, "Abschied von Dahlem: Das Rätsel um die Maske," Der Tagesspiegel Online, February 1, 2016, https://www.tagesspiegel.de/kultur/das-ratsel-um-die-maske-3693886.html; Johann Adrian Jacobsen, *Captain Jacobsen's Reise an Der Nordwestküste Amerikas 1881-1883*, ed. August Woldt (Verlag von Max Spohr, 1884), 128; see also his drawing of the mask on page 128.

Kwakwaka'wakw communities (and many other Indigenous communities, such as the Tlingit of Alaska) is profound, as ownership of items is not vested in a single individual or institution. The concept of ownership does not exist in that sense; rather, the community cares for the item. The mask, a spiritual and sacred item, has a different and deeper meaning for them. It is not merely an interesting and exotic ethnographic item, nor an exclusively historical and financially valuable artefact as for the museum in Berlin, but a being with a spirit to which the Indigenous People have a deep relationship and connection.[179]

During dance ceremonies, one person wears the mask, which is brought to life through dancing and singing. The spirit of Nulis awakens when the mask is opened. Carey Newman, the great-great-grandson of Nulis, describes the act of putting on the mask as a transformation, "Once you have that mask on, the world you can see changes."[180] At the end of the ceremony, Nulis is laid to sleep, and the mask is closed again, wrapped up in a blanket and placed in its treasure chest.
Since the ceremonial use of the Nulis Mask is so important to the Indigenous community, and as it could no longer be used due to its acquisition and shipment to Berlin, two more Nulis Masks were made, resulting in three 'generations' of this mask, as Carey Newman calls it.[181] The second is currently located in the Museum of Anthropology at the University of British Columbia and was collected in 1973 (Fig. 7). The third was carved by Hank Speck in the 1980s and is still held by the community, and the current Chief (Fig. 8). All the masks look slightly different but have the same mechanism and clearly depict Nulis and the bear with its two paws with claws. Nulis' story was passed down through generations orally. It has not been clarified whether the publication of the earlier masks, by Franz Boas, for instance, contributed to the crafting of these other two generations or whether they were carved from memory, under direct instruction, or with a nuanced understanding of the motif and an in-depth knowledge of the story.[182]

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[179] Carey Newman, interviewed by Carolin Weiner.
[180] Ibid.
[181] Ibid.
[182] Franz Boas was an anthropologist and ethnologist for the *Staatliche Museen zu Berlin*. Franz Boas and George Hunt, *The Social Organization and the Secret Societies of the Kwakiutl Indians* (United States National Museum, 1897), 358ff; Glass et al., *White Paper Report*, 57-58; Dhillon et al., "Unmasking Meaning,"; Carey Newman, interviewed by Carolin Weiner.

The Nulis Story

Nulis' story goes that he was in his canoe looking for a new place for his people when a two-headed sea serpent appeared. Nulis then took power from sacred items and, through them, the power of his ancestors, and transformed himself into a grizzly bear to successfully defeat the serpent. With its two heads, the sea serpent represents the opposing sides of every situation, such as good and evil or love and hate. When he defeated the serpent, it transformed into the Nulis Mask.[183]

In addition, the mask represents another part of this story:
"The bear broke the dam which prevented the property of No´lis going up the river. The outer mask shows No´lis in a state of rage vanquishing his rivals; the inner side shows him kindly disposed, distributing property in a friendly way. His song is as follows:

1. A bear is standing at the River of the Wanderer who traveled all over the world.

2. Wild is the bear at the river of the Wanderer who traveled all over the world.

3. A dangerous fish is going up the river. It will put a limit to the lives of the people.

4. Ya! The sisEyuL is going up the river. It will put a limit to the lives of the people.

5. Great things are going up the river. It is going up the river the copper of the eldest brother of our tribes."[184]

Franz Boas recorded this in his 1897 monograph *The Social Organization and the Secret Societies of the Kwakiutl Indians*. Boas travelled to the Northwest Coast of North America after the collector of the mask returned to gather more knowledge about the artefacts collected for Berlin.[185]

Since the mask is supposed to be worn during dance ceremonies, it is the size of a human head. Aaron Glass also states that the mask has a "spruce root bite piece on the back (indicating that it was rigged to be worn on the face)".[186] Similar to how Nulis transformed into a grizzly bear, the mask itself can undergo a transformation when it is

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[183] Dhillon et al., "Unmasking Meaning,".
[184] Glass et al., *White Paper Report*, 56; SisEyuL is the name of the two headed sea serpent.
[185] Kwakiutl was the term formerly used; in the 1980s, it was changed to Kwakwaka'wakw by the Indigenous People, meaning Kwak'wala-speaking tribes. Ibid., 53ff; Boas and Hunt, *The Social Organization and the Secret Societies of the Kwakiutl Indians*, 358ff.
[186] Glass et al., *White Paper Report*, 53ff.

opened and closed. The faces stand for the space between the two opposing sites, which is also symbolised by the two-headed sea serpent.[187]

History

Johann Adrian Jacobsen, a nineteenth-century Norwegian who collected for the *Königliches Museum für Völkerkunde* in Berlin, was commissioned to travel to the Pacific Northwest Coast of North America and acquire original artefacts for the museum that were 'unaffected from European influence'.[188] Jacobsen kept diaries about his travels, and in particular, the diaries about his travels to the Northwest Coast of North America from 1881 until 1883 offer a valuable and thorough insight into the mindset and ideas of a European of the time about ownership and acquisition, who travelled and experienced the colonised Americas. Jacobsen shipped 7000 items to Berlin from this trip alone. He acquired artefacts not only by legal means but also stole and looted graves and, as he himself described, 'persuaded' Indigenous Peoples to sell him their sacred and ceremonial items.[189] The Nulis Mask was among these items. Jacobsen did not describe precisely how he acquired the Nulis Mask, but he stated, and research proved, that the mask came from the Kwakwaka'wakw People of Fort Rupert on Vancouver Island. [190] Questions remain about why the mask was sold to Jacobsen and whether it was done legally and with the consent of the Indigenous People. Jacobsen noted: "When I went about the village again to make purchases, for every good item I wished to buy I had to accept many worthless items into the bargain and pay very dear for the lot".[191] This elaborate and artistic mask was and is certainly a valuable artefact, a ceremonial dance mask and today the oldest surviving mask of its kind.[192] Some speculate that the

[187] Dhillon et al., "Unmasking Meaning,".
[188] Birgit Jöbstel, "Grabbeigaben aus Alaska," spkmagazin.de, Stiftung Preußischer Kulturbesitz, n.d., https://www.spkmagazin.de/grabbeigaben-aus-alaska.html; Aaron Glass, "Northwest Coast Ceremonialism: The Works of J.A. Jacobsen (1853-1947)," *European Journal of American Studies* 5, no. 2 (2010): 2ff, https://doi.org/10.4000/ejas.8518; Viola König, "(Ein)Sammeln, (Ab)Kaufen, (Aus)Rauben, (Weg)Tauschen – Zeitgeist und Methode Ethnographischer Sammlungstätigkeit in Berlin," in *Zum Lob der Sammler. Die Staatlichen Museen zu Berlin und ihre Sammler*, ed. Peter-Klaus Schuster and Andrea Bärnreuther (Nicolai'sche Verlagsbuchhandlung, 2005), 300ff.
[189] Jacobsen, *Captain Jacobsen's Reise*, 38, 51-52; As only Jacobsen's descriptions of these situations are available, we cannot confirm what the 'persuasion skills' imply, but it is indisputable that, as in other situations described by Jacobsen, the Indigenous Peoples were initially totally unwilling to sell their artefacts, but were persuaded somehow to do so.
[190] Ibid., 128; Fiedler, "Abschied von Dahlem: Das Rätsel um die Maske,"; König, "One History – Two Perspectives," 17ff.
[191] Jacobsen, *Captain Jacobsen's Reise*, 126.
[192] Ibid., 120ff.

chief at the time may have sold the mask because he desired a replacement for himself or because Potlatches were banned until the 1950s and, therefore, there was no use for the mask.[193] These are just guesses; the reason why this mask was sold remains unknown. For today's descendants of the chief and the Kwakwaka'wakw, however, it is unlikely that the mask was sold voluntarily, as it is one of their most important and treasured ceremonial items and embodies the first ancestor Nulis and the community's relationship to Nulis and the mask.[194] One cannot sell, buy, possess or own something one has a relationship with. Therefore, it is not something that can be disposed of. This is also unlikely, even if it can no longer be used in public. [195] Furthermore, there are many reports of Indigenous groups rebelling against this law, like a Kwakwaka'wakw chief who said to Franz Boas: "We will dance when our laws tell us to do so. We will celebrate when our hearts are in the mood for celebrating. Do we tell the white man to do what the Indians do? No, we don't. So why do you tell us to do what the white man does? If you've come here to forbid us to dance, then go away! If you haven't, then you're welcome!"[196]

Today, the *Ethnologisches Museum zu Berlin* exhibits the original mask as one of its most valuable artefacts – displayed in an opened state in an illuminated glass case. This form of presentation is in stark contrast to the practices of the Indigenous People, who would never leave the mask open, as this signifies that the spirit is constantly awake. Instead, they would sing to it to lull it to sleep, close it, wrap it in a blanket and then store it in its treasure chest after the ceremonies so that it could rest.[197] In general, the museum's treatment of the artefact differs greatly from Indigenous practices. This also includes conservation treatments that have certainly taken place since the transfer to Berlin and in which toxic chemicals were likely used, such as arsenic or mercury, something the museum has not yet fully examined. The conservation itself already represents a significant departure from the approach of the Kwakwaka'wakw. While the Western world would want to preserve such an artefact for its aesthetic, historical, and financial value, the Indigenous community would use the item until it breaks, burn it, or let it naturally decay, returning it to the earth and finally allowing the spirit to rest.

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[193] Schäfer et al., "Humboldt Forum," 44-45; Fiedler, "Abschied von Dahlem: Das Rätsel um die Maske,".
[194] Dhillon et al., "Unmasking Meaning,"; Carey Newman, interviewed by Carolin Weiner.
[195] Ibid.
[196] Quoted in Schäfer et al., "Humboldt Forum," 44.
[197] Carey Newman, interviewed by Carolin Weiner.

Conservation with poison aggravates the situation and harms the spirit, as do constant light and the open display.[198]

Carey Newman describes his first encounter with the mask behind glass in 2012 as emotional and very powerful since he met an ancestor. However, as happy as he was to see it, it also made him sad that he could not touch it, feel it, interact with it, and therefore connect with it, which for him and his community is the most important aspect and what they would also do in their dances at ceremonies. Carey hopes that, besides its repatriation, there will also be the opportunity to bring together the three generations of the mask and to dance with them.[199]

Unfortunately, in the case of the Nulis Mask, there is no prospect of repatriation, and after twelve years, there is still no information as to whether the mask is poisoned. Additionally, the value of the mask is too high, and thus, the insurance is too expensive for the museum even to consider lending it. The museum's claim that it is trying to work with Indigenous communities on the collection and its exhibitions in Berlin remains vague. The museum plans to make the collection more accessible at its newest location, the *Humboldt Forum*, and to digitise the collection to ensure open online access. However, none of this helps the Indigenous community reconnect with their ancestor Nulis. Other considerations on the part of the museum include the possibility of temporarily loaning out artefacts, although this does not apply to the mask, or exchanging artefacts from the museum in Berlin for newer items from the community, though again, this does not apply to the mask.[200] The current curator of the North American Collection explained that she is sometimes "overwhelmed by responsibility towards stakeholders and Indigenous Peoples."[201]

Even though their approaches today remain very different from those of Indigenous Peoples, the museum has tried to respond to their voices and needs in its more recent exhibitions, including through the use of digital technologies. Some of these attempts, however, are highly questionable, incorrect and disrespectful. For instance, a video game has been produced in which the player takes on the role of

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[198] Ibid.; Carey Newman, interviewed by Carolin Weiner.
[199] Melanie Scott, "Repatriating Culture," Galleries West, March 21, 2022, https://www.gallerieswest.ca/magazine/stories/repatriating-culture/; Dhillon et al., "Unmasking Meaning,"; Carey Newman, interviewed by Carolin Weiner.
[200] König, "One History – Two Perspectives," 17ff.
[201] Monika Zessnik, quoted in Dhillon et al., "Unmasking Meaning,".

Jacobsen and 'collects' artefacts on his 'adventure'. However, it is precisely this perspective that is troubling: the notion of adventure and 'excitement,' coupled with the presumed right to collect everything, regardless of the means used. Moreover, videos have been produced in which artefacts, including the spiritual Nulis Mask, are animated and 'speak' to the viewer in AR, a disrespectful practice not in line with the cultural values and traditions of the community and its ancestors. This has been done without the consent of the Indigenous community and their knowledge.[202] Furthermore, the mask tells a peculiar story that does not correctly reflect either the actual history of Nulis or the mask's use and spiritual significance. Instead, the mask is mystified in a dramatic and clichéd Hollywood way, with fog and fire in the background. Apart from that, the name Nulis is constantly mispronounced, which also shows that its origin has not been adequately researched or that the Indigenous People have not been consulted. In addition, the Berlin puppet theatre *Das Helmi* has produced a film for the museum that visually portrays nineteenth-century racial prejudices in all their severity. Unfortunately, this has resulted in highly controversial repetitions of these prejudices, such as depicting the natives as turkeys.[203]

Meanwhile, the Kwakwaka'wakw continue to plead for a change in perspective and encourage people to see these items not as possessions of an institution or a specific person but as items with which one can build a relationship, or in the case of the Kwakwaka'wakw, already has a relationship. Instead of claiming rights to the item, they urge to take responsibility for it as they would, to act in its favour and to prompt questions such as 'What is best for the mask?'.[204] Repatriation, in this sense, is not for the Indigenous community to 'own the item' but to care for it. This act of caring relates to the spirit of the mask and the use of the mask by the Indigenous People, and not to how it can best be preserved for its historical and financial value, far away from its community.

[202] Carey Newman, interviewed by Carolin Weiner.
[203] This is the link to see the animated Nulis Mask (in German): https://www.youtube.com/watch?v=FBq7VunhvOw&list=PLckyS6agvooj4H93CrOM4koYBHjeFIZA6&index=3; This is the link to see the game and some animated videos: https://www.goldextra.com/de/totems-sound-0; König and Zessnik, "Kapitän Jacobsen,“ 413ff; Elisabeth Wellershaus and Linda Breitrauch, "Die Landschaft nehm ich auch noch mit und Immerse Erfahrungswelten," humboldt-lab.de, n.d., http://www.humboldt-lab.de/projektarchiv/probebuehne-4/reisebericht/positionen/index.html.
[204] Dhillon et al., "Unmasking Meaning,"; Carey Newman, interviewed by Carolin Weiner.

Unlike previous exhibition attempts, this thesis addresses the respectful handling and use of digital techniques to help both parties reach an agreement while ensuring respectful treatment of the community and the artefact.

Digital Techniques

For the Indigenous People, the item's value lies in the opportunity to use it and connect with it, in contrast to the museum, for which the value lies in its aesthetic, historical, educational and financial value. Therefore, the Nulis mask should be 3D-scanned, as this can be the basis for various other possibilities that the scan opens up. All of the following suggestions can only be implemented with the consent of the Indigenous community and in close cooperation between both parties.

Initially, the 3D scan could be used to produce a replica, as in the case of the Killer Whale Hat. In general, the case of the hat serves as an excellent example as it was made in a consensual, ethical and fair manner. A similar approach would be taken for the Nulis Mask, using the same type of wood as the original, namely cedar. A replica made by a CNC milling machine could prove valuable to the museum and serve as a replacement for the original mask in the exhibition rooms. The CNC milling machine could also be used with an Indigenous artist playing a crucial role in creating the replica. The artist would not only carve the mask in further detail but also paint it so that, while not identical to the original Nulis Mask, it would closely resemble it and be of high aesthetic quality.[205] An exchange between the museum and the community, similar to the case of the Killer Whale Hat, could be arranged. The original could be repatriated and the museum could display the replica with an appropriate reference to the cooperation with the Indigenous community. When Carey Newman heard about the case of the Killer Whale Hat and the replica being even danced in a Potlatch, he was fairly surprised. It is unlikely that this would happen with the Kwakwaka'wakw and a replica of the original Nulis Mask since no spiritual and ceremonial aspect would be associated with the replica in the museum.[206] It is worth mentioning that the museum in Berlin has

[205] Carey Newman, interviewed by Carolin Weiner.
[206] This also needs to be taken into consideration when cedar wood is used and an Indigenous carver 'collaborates' with the machine, as these traditional methods allow the spirit to imbue the mask (through the tree and the artist), with the sole aim of crafting it for Kwakwaka'wakw ceremonial purposes. Carey Newman, interviewed by Carolin Weiner.

previously produced some replicas of the mask, albeit of notably poor quality and only for PR purposes and without the consent of the Indigenous community.[207]

However, since the original Nulis Mask is unlikely to be repatriated due to the possibility that it may be contaminated by toxic chemicals and its high insurance costs along with its significant value to the museum, the following opportunities are alternative solutions created by digital techniques.
One approach could involve using the 3D scan within the community through virtual reality (VR). This would allow the mask to be used in an environment tailored to the intended ceremonial context, such as the dance ceremonies mentioned earlier. By employing VR headsets, different community members could participate and dance in the same ceremony in the same virtual environment, a long house, for instance. Since the mask can only be worn by one person at a time in reality, also only one person can experience wearing it with a VR headset. The other participants can watch through their headsets how the mask is opened and closed, and the wearer has a similar view to that through the original mask. Most importantly, the mask could be used in a real and virtual ceremony and a combination of both. It could be danced and sung with, be awakened and laid to rest again, and wrapped and stored in a virtual blanket and treasure chest. All of this should be accompanied by recordings of natural sounds that occur during such ceremonies, while the songs can still be sung by the Indigenous People. Carey Newman emphasised that "all of those things sound different when you are inside the mask, and that would be something that I would be concerned about because then we would lose that kind of sense of magic and wonder that comes from the act of putting on a mask to wear it and the transformative feeling that comes with it."[208] If not all community members are at the same physical location, such sounds and songs could be played entirely in the virtual environment. Using the mask in virtual reality also provides access for community members worldwide. It does not tie them to a specific location.

Another option, mainly for the museum, could be to show the 3D-scanned mask in augmented reality. This would be different from Berlin's disrespectful approach, as

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[207] Carey Newman told Carolin Weiner about a replica that a German artist had made, which had a mechanism that allowed the mask to open and close repeatedly all the time. This made him feel particularly uncomfortable because the mask suddenly looked robotic and as if it was being put to sleep and awakened again every five seconds. Carey Newman, interviewed by Carolin Weiner.
[208] Ibid.

museum visitors would only be allowed to project and see the mask with the consent of the Indigenous community. Most importantly, the mask would not be animated and would not tell a false story.

Agreements

Before incorporating a scan or a printed replica into the museum, careful consideration must be given to how visitors would interact with it and whether this respects or violates the community's traditions and beliefs. In any case, the consent of the Kwakwaka'wakw is a prerequisite. For the original Nulis Mask, respectful exhibition practices are also necessary, such as avoiding permanent lighting and displaying the mask and spirit in a constantly awake state. In general, it would be essential to have an agreement and guidelines regarding the exhibition and handling of the Nulis Mask that both parties agree on (including the question of what can be done with the 3D scan and the model so that they do not fall into the wrong hands, e.g. for the mass production of tourist 'Artifakes'.)[209]

A corresponding agreement would also ensure that the mask is no longer used by the museum for promotional purposes with irreverent representations, as in the past, such as shiny, holographic postcards that change the mask's appearance, poorly made replicas and the aforementioned video in which the 'mystical Nulis' speaks to the viewer. This is disrespectful not only because it was done without the consent or even knowledge of the Indigenous community but also because they were used for commercial purposes. Furthermore, the animated video creates and conveys false ideas about the mask and the cultural traditions of the Kwakwaka'wakw. These actions disregard the beliefs and values of the Indigenous People, particularly because the Nulis mask – and thus the spirit it embodies – represents an ancestor of the Kwakwaka'wakw People and should not be used as animated entertainment for visitors.

[209] See Berlo and Jonaitis, "From 'Artifakes' to 'surrogates'," 76-89; Carey Newman, interviewed by Carolin Weiner.

V. How Digital Tools Support the Repatriation of Indigenous Artefacts

Based on the three case studies described in the previous chapter, the following section highlights why digital technologies are useful and should play a more prominent role in efforts to achieve the repatriation of Indigenous artefacts, the reconnection with the Indigenous community, or both.

The Pewter Pipe

While the case of the Pewter Pipe is not as thoroughly documented as that of the Tlingit Killer Whale Clan Crest Hat, it is nonetheless crucial as it is one of the first examples of the successful use of digital technologies in the repatriation of an original Indigenous artefact in North America. This project introduced the Tlingit community to the possibilities offered by digital techniques for the repatriation process, and they agreed to use these techniques for the Killer Whale Hat.[210]

Sherry White, the representative of the Stockbridge-Munsee Tribe, reported that the replica of the Pewter Pipe had deeply impressed all representatives of the three involved tribes. The fact that White herself was the first to initiate the use of digital techniques and that the other tribe representatives also requested replicas for their tribes after seeing the first replica shows how useful digital techniques are for repatriation processes, not only for the institution but also for the Indigenous communities. Both parties appreciate digital tools for educational purposes and the preservation of culture. Both want to exhibit the replica to educate about the pipe's history and cultural significance, its preservation, the importance of repatriation, and the spiritual issues that could be addressed by reburying the original. Hence, the original can be treated ethically and respectfully with the help of digital tools, while the replicas provide added value to the museum and the communities. Furthermore, the inclusion of digital techniques strengthens the relationship between the museums and the tribes. This is a

[210] Hollinger et al., "Tlingit-Smithsonian Collaborations," 207.

necessary step for further cooperation, respectful treatment of artefacts and thus respect for different ethnicities.[211]

The initiation of the use of these techniques and the recognition of their value by the Indigenous Peoples show that, although they have been unjustly separated from their heritage for a long time, Indigenous communities are willing to cooperate with museums on repatriation requests, respect the use and importance of such artefacts for museums, work towards agreements and compromises, and support educational institutions.

The Killer Whale Clan Crest Hat

Several years passed between the Pewter Pipe case and the Tlingit Killer Whale Hat case. During that time, further opportunities arose for the use of digital tools, which were effectively utilised in the latter case.

Creating a replica through digital techniques has offered numerous advantages for both the Tlingit community and the Smithsonian. The replica not only serves a preservation purpose, like the pipe – an essential consideration for the museum, especially given the absence of the original – but is also of significance for the Indigenous community, where it serves various purposes, including the perpetuation of their culture and the preservation of the hat as a digital model. This can be useful, for instance, in the event that the original is destroyed by natural disasters, fire or the cremation of clan leaders. If desired, a new hat can be crafted based on the digital model. It is important to note that the replication process does not have to be based exclusively on digital techniques. The digital file can also serve as a model for a traditional Tlingit carver.[212] It is not uncommon in the Tlingit tradition for crest items to be reproduced. After their formal recognition, these reproductions enjoy a high status, even surpassing that of the originals. Even if a replica is carved on the basis of the digital model and the opposite moiety witnesses this, money could be 'killed on it' for its validation as at.óow in Tlingit law. Conclusively, it would not just be a replica but a

[211] Ibid., 206ff.
[212] Ibid., 204ff.

(re)production with the help of digital techniques.[213] This did not happen in this case but in another Tlingit case, which will be mentioned later. The Killer whale hat replica displayed at the NMNH is only a replica. The educational benefit is equally significant for both parties, including the replica and the digital file. As the case of the Pewter Pipe demonstrates, the educational potential of such replicas is appreciated not only by the museum but also by the community, as they provide valuable learning opportunities for non-native and native individuals.[214]

Importantly, in this case, the Killer Whale Clan Crest Hat provides physical evidence in the form of the replica and filmed and written documentation of the entire repatriation and replication process, which can help to tell stories related to repatriation and research that are usually scarce. Repatriated artefacts are either destroyed, reburied, or withheld from the public, with comprehensibly limited distribution of videos or other recordings, which is a loss to museums and public education. However, this case study is one of the first to show the entire repatriation process, helping both clan members and non-members to understand the importance of repatriation and Tlingit culture and to preserve it.[215] Furthermore, it is easier for many people to process and absorb information through film, as the combination of visual and auditory elements enhances and simplifies comprehension compared to simply reading text.[216]

The caretaker of the hat, John, not only played a vital role in the process of applying digital techniques to the original hat and its reproduction but also in advising the Smithsonian. He provided a valuable perspective on the application of these techniques to a sacred item distinct from that of the institution. This is an essential step in preserving the hat, one that acknowledges its value and respects the Indigenous perspective. In recent years, this consideration has slowly gained importance in cultural, educational, and academic institutions, as well as in politics, governments, international organisations, and society at large. This shift has the potential to transform the relationship between the two parties, which is crucial to fostering collaboration for the benefit of Indigenous communities and the institutions, artefacts, research and history.

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[213] Ibid., 216; See also: Parsons, “How Indigenous Groups Are Using 3-D Technology to Preserve Ancient Practices,”.
[214] Hollinger et al., “Tlingit-Smithsonian Collaborations,” 204, 207.
[215] Ibid., 203-204, 208.
[216] Kim Mills and Gloria Mark, “Speaking of Psychology: Why Our Attention Spans Are Shrinking, with Gloria Mark, PhD,” Apa.org, American Psychological Association, February 2023, https://www.apa.org/news/podcasts/speaking-of-psychology/attention-spans.

At the *Sharing Our Knowledge Clan Conference*, John emphasised and promoted the use of digital technology for Indigenous communities as it "help[s] others understand its importance to the Tlingit";[217] he was very moved when he saw the replica and said he was honoured to take part in this project and thanked the Smithsonian. When he talked about the replica, he said that even though the replica for the museum was not intended to replace at.óow, he still sees his clan's Killer Whale Crest and all his ancestors in it, much like he does when wearing the original. "When I look at this hat, I see Mark Jacobs [the previous caretaker]. I see my Uncle Dan Brown. I see my mom, Alice. And it's just amazing that I could be a part of this."[218] Furthermore, Hollinger et al. note that the replica impressed all the conference attendees, including several Indigenous communities and researchers. The Smithsonian staff and the Tlingit involved in the project explained the advantages of digital tools to the rest of the attendees, demonstrating not only their mutual agreement on the benefits of digital techniques but also how well such partnerships can work.[219]

Both cases, the spiritual pipe and the clan crest hat, show that repatriation offers communities the opportunity to "strengthen their heritage by reclaiming clan property".[220] Beyond the legal and physical return of artefacts, digital technologies ensure that, in both cases, a future of collaboration and ethical interaction between the museum and the Indigenous Peoples is possible, and that the goals of both parties are strengthened: the preservation, education, revitalisation, and renewal in the cultures of origin and the museum. Hollinger emphasises, "We have come to find that we gained a deeper understanding of the objects themselves and the cultural context in which they functioned originally."[221] In both cases, the items are culturally sensitive. Both cases show how digital tools can ensure ethical and appropriate treatment of these items and help both parties, which would not be possible to this extent without them.

[217] Edwell John, Jr., quoted in Hollinger et al., "Tlingit-Smithsonian Collaborations," 211.
[218] Edwell John, Jr., quoted ibid.
[219] Ibid., 210ff.
[220] Ibid., 203.
[221] Hollinger, quoted in Isaac, "Perclusive Alliances," 292.

Further Projects

In the previous chapter, further collaborations between the Smithsonian, the Tlingit, and the Haida were highlighted, involving the utilisation of digital techniques for their artefacts. These collaborations further prove and exemplify the successful acceptance of these tools when used appropriately, with consent, in collaboration, and with effective communication.

As with the case of the spiritual Nulis Mask, the question may arise, especially for Indigenous Peoples, about what happens to the indwelling spirit when the original is scanned. This is an important issue that needs to be addressed ethically by the museum. Some of the artefacts of the Tlingit of Hoonah are shamanic items that, according to Tlingit belief, house spirits (yéik). The Tlingit state that the spirits are not affected, and they even see more benefits in scanning than exhibiting the original or risking misuse.[222] The Tlingit feared that their members could come into contact with these spirits if the artefacts were exhibited, but this would not be the case with a replica. Ultimately, the original can be stored safely. Furthermore, a new item could be crafted based on the digital model if the original were damaged or destroyed.[223] In other cases, the community, its Elders and the chief must decide whether or not a scan would harm the spirit.[224]

In addition, a Tlingit member at the *Sharing Our Knowledge Clan Conference* remarked that these digital techniques could have been of immense use in reproducing their cultural artefacts after a fire in Hoonah, Alaska. 3D digital scans would have preserved and archived their crest items for reproduction, education, and remembrance of history.[225]

In another special case, a replica of the Culpin Hat, or Wéix' s'áaxw in Tlingit, was made by 3D scanning and printing. It was even ceremonially transformed into a sacred clan crest hat, which then replaced the original in the community, as the latter was too badly damaged. The broken hat remained in the Smithsonian.[226]

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[222] Hollinger et al, "Tlingit-Smithsonian Collaborations," 209.
[223] Ibid.
[224] Ibid., 209-210; Carey Newman, interviewed by Carolin Weiner.
[225] Hollinger et al., "Tlingit-Smithsonian Collaborations," 207.
[226] Parsons, "How Indigenous Groups Are Using 3-D Technology to Preserve Ancient Practices,".

The collaboration with the Haida Nation of British Columbia consisted of several scans of cultural artefacts, of which the Nation owns the files of the respective 3D model. Hollinger et al. report that the introduction of digital technologies has been met with excitement by the Nation, as they not only help the carvers but also "… provide invaluable insights into the innovation and thought process of our ancestors."[227] Additionally, they allow access to the files and digital items from any location.[228]

Institutions and researchers are often hesitant to suggest the use of digital techniques for repatriation practices to Indigenous communities for fear of controversy. However, Hollinger explains, based on his experiences of working with various Indigenous communities: "This has all taught me to stop making assumptions about what [Indigenous] communities are and are not open to, and to make sure that the most important thing is we have those conversations to explore what it is that they would like to see done."[229]

Ray Wilson, Sr., a Tlingit elder and leader of the Kiks.ádi, said, "What I liked [about the collaboration] is that it was two entities working together to accomplish something that was good for both sides. That could be a lesson for a lot of people to learn: that you can work things out if you work together."[230]

The Nulis Mask

Since it is unlikely that the original Nulis Mask will ever be returned, the approach examined here proposes digital techniques to create options for a respectful reconnection between the Nulis Mask and the Indigenous community and to enable the *Ethnologisches Museum* to exhibit the original in a respectful way. If this were not the case, the most desirable solution would be the approach mentioned in the previous chapter: the creation of a replica for the museum and the repatriation of the original.

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[227] Guujaaw, a Haida hereditary chief and carver, quoted in Parsons, "How Indigenous Groups Are Using 3-D Technology to Preserve Ancient Practices,"; For example, a rattle was captured on a CT scan; without the scan, it would not have been possible to see what material the rattle was made of. See Hollinger et al., "Tlingit-Smithsonian Collaborations," 210.

[228] Hollinger et al., "Tlingit-Smithsonian Collaborations," 215.

[229] Eric Hollinger, quoted in Parsons, "How Indigenous Groups Are Using 3-D Technology to Preserve Ancient Practices,".

[230] Ray Wilson, quoted Ibid.

For the Indigenous community, a printed replica made from the 3D scan for the exhibition or the 3D model for display on a website could help educate members (and non-members) about the history of the mask and its relationship to Berlin. Still, the replica would not serve as a 'substitute' for the original Nulis Mask and its original use since the community possesses its new and distinct Nulis Mask, and a physical replica could not replace the historical original, as in the case of the Killer Whale Hat.[231] Augmented reality could provide the opportunity to project and view the mask in its traditional environment. However, the best way to use digital techniques for the Indigenous community is to use the 3D-scanned mask in a virtual environment. This offers the opportunity to participate in the traditional dance ceremony in the longhouse with the Nulis Mask, which one member can wear through their VR headset, while all community members can join by wearing their VR headsets. While replicas, 3D models or augmented reality are already a step forward in reconnecting the Mask with the community, the most crucial aspect for the community is the actual use and handling of it and the access to it. Since this is probably not possible with the original, using the 3D-scanned mask in the virtual environment for ceremonies comes closest to the meaning, purpose, use, tradition and repatriation of the mask, and could also answer the Kwakwaka'wakw's question of what is best for the item. The mask can be awakened in the virtual environment, and it can also be put back to sleep. The ceremony can take place whenever the community wishes, or just once, which could be the case if the community wants to properly awaken the spirit of Nulis after it has been awake for decades in the museum (open, illuminated display) in order to then properly dance it and lay it to sleep so that it can finally rest.

The community has to be aware of what could happen to the spirit in such a process and whether it could be harmed or, at best, pass into the virtual environment, just like the community. The elders, the chief, and the entire Nulis (Newman) family must decide on this. In the interview, Carey Newman was open to this possibility and saw the benefits it offers, but on the condition that the use of a digital mask "remains at the core of why [meaning, that it needs to serve its cultural purpose in the circumstances in which it cannot in reality due to the poison or due to being kept in Berlin], then I believe that I would be okay with putting on a virtual mask and wearing it in a VR environment. I actually believe that all of these things were made for a particular purpose and that we

[231] Carey Newman, interviewed by Carolin Weiner.

need to honour that purpose at the core of how we make decisions about how we replicate them, how we share them, and whether or not we use technology."[232] Furthermore, he appreciates the access to ceremonies and the opportunity to interact with community members at a ceremony who may not be in the same place and could be scattered across Canada or the world.[233]

The museum can only benefit from digital techniques and from providing Indigenous People the opportunity to reconnect with their cultural heritage. The proper use of 3D scanning, augmented reality and virtual reality offers the chance to approach one of its most valuable artefacts with greater respect. The museum can no longer treat the Mask as its property but must respect the customs of the Indigenous People and care appropriately for it. The original Nulis Mask could be stored away after it was put to sleep, instead of being displayed in a permanent state of wakefulness. Instead, a 3D scan, in AR or VR, or even a 3D-printed replica could be exhibited. The Mask could be brought out from time to time with the consent of the Indigenous community and with appropriate spiritual handling.[234] It would be of great benefit to the museum to be able to demonstrate collaboration with the Kwakwaka'wakw by implementing digital techniques and respecting their customs, also to attract visitors. Not only would it be great PR to work in such a progressive way, but, most importantly, it would also educate the viewer about the importance of this work, about the (im)possible repatriation and reconnection, and the ethically respectful treatment and interaction with other cultures. People today are attracted to digital techniques, especially when it is possible to interact with them. It would be beneficial for the museum if visitors could learn something by entering the virtual environment of the longhouse or the dance situation. For ethical reasons, this should not be done using a scan of the original Nulis mask. With the consent of the Indigenous community, a similar situation could potentially be created using a plain mask for the purpose of educating visitors. Even if the museum were unable to allow visitors to do so because the community did not agree, displaying the digital model or a 3D print would attract attention and be an excellent starting point for viewers to learn more about the Nulis Mask and its history. Moreover, the exhibition could be more scientific and focus on the true story of Nulis and how the Mask came to Berlin by scientifically presenting the 3D model rather than an animated 'mystical

[232] Ibid.
[233] Ibid.
[234] Ibid.

Nulis' Mask. Both 'stories' are very far from being uninteresting or boring; even for children, these true stories, which do not distort history like the 'mystic Nulis', would be exciting.[235]

One of the most critical aspects in such cases is to always remain in conversation and maintain a relationship.[236] It is advisable that Berlin respects this relationship better, and this is precisely why the possibility and benefits of implementing digital techniques in such repatriation and reconnection processes are important. When used with the consent of both parties and fair agreements in place, digital techniques can bring both parties closer to their goals than any other option. The conservation of the Nulis mask with toxic chemicals, as with many artefacts in the nineteenth century, means that it cannot be touched; some artefacts are not even allowed to be touched by museum staff. At first glance, this seems to be an insurmountable obstacle, just as the insurance costs seem prohibitive. However, the proposed solution of using digital techniques and replicas instead can help both parties overcome these obstacles. Even though both parties want to own (in the case of the museum), use or care for the artefact (in the case of the community), Berlin and the Kwakwaka'wakw could then share this responsibility in different ways.

Summary

The three cases outlined illustrate the importance of integrating digital techniques into the repatriation of Indigenous artefacts in North America and, in particular, how digital tools can address and support the associated challenges. This includes situations where an item, like the Nulis Mask, cannot be repatriated, as well as cases where digital techniques can aid in the preservation of repatriated items in museums.

Each case study is slightly different, and therefore, different digital techniques can be beneficial. However, 3D scanning artefacts is consistently proving to be a fundamental first step. A single scan alone already provides numerous possibilities for various solutions, such as replicas, use in AR or VR, further research with easier access and opportunities for in-depth study, education and preservation, or the ability to grant

[235] For an explanation about 'mystic Nulis' see Weiner, "From Artefacts to Ancestors," 62.
[236] König, "One History – Two Perspectives," 17ff.

access to multiple parties regardless of location. However, there are also counterarguments raised against the use of digital tools in repatriation and reconnection efforts, which are discussed in the following chapter.

VI. Counterarguments

Critics argue that employing digital techniques for repatriation and restitution initiatives is not beneficial or, worse, detrimental and disrespectful to Indigenous communities, their artefacts, and cultures. This view is based on various beliefs. Some have already been mentioned in the previous chapters, such as the question of terminology, the ethical and legal aspects of Indigenous intellectual property rights and the possibility of accessing files, data and techniques, the Western (colonial) understanding of ownership and rights to the item, the concern that sacred items will be scanned, the time and expense involved in using digital techniques, technical updates to software and databases, and the general risks associated with the use of digital technologies. In the following section, the most important points are explained in greater detail and countered.

The debate about the term 'digital repatriation' is ongoing, as no actual physical repatriation takes place. Critics argue that a digital or 3D-printed replacement being repatriated would misrepresent the process and intention of repatriation, as it would not give the originating community a genuine sense of repatriation or restitution. Furthermore, the original would have a significance that goes beyond its visual appearance, such as the knowledge, culture, memory, and spiritual aspects embedded in it, making it difficult to replace it with a copy. Thus, digital repatriation would risk reducing cultural artefacts to nothing more than data. This could further lead to misunderstandings or misinterpretations of their meaning and importance due to the lack of original context.[237]

It is clear that the term digital repatriation is difficult to understand. However, this can easily be remedied by using a different wording or by explaining directly how the term is meant before using it.[238] It is not intended to replace actual repatriation but to enrich repatriation processes where actual repatriation is either not possible or when

[237] Boast and Enote, "Virtual Repatriation," 109; Powell, "Digital Repatriation,"1-2; Krupa and Grimm, "Digital Repatriation," 54-55; Michael F. Brown, "Exhibiting Indigenous Heritage in the Age of Cultural Property," in *Whose Culture?: The Promise of Museums and the Debate over Antiquities,* ed. James Cuno (Princeton University Press, 2009), 150ff.

[238] DeHass and Taitt, "3D Technology," 126, 144; Rossi, "The Digital Biography of Things," 657; Powell, "Digital Repatriation,"1f; Bell et al., "After the Return," 196.

digital tools can strengthen actual repatriation. This can be done when digital or printed copies or digital files are exhibited in a museum and used to educate visitors, both Indigenous and non-Indigenous, about Indigenous culture and the importance of repatriation. Museums can additionally keep records of such artefacts and their history and preserve them in a manner that respects Indigenous Peoples and their culture. Furthermore, when displayed in a museum, digital scans can preserve embedded knowledge, culture, memory, and spiritual aspects if they are contextualised and clearly explained to avoid misunderstandings.[239] When a digital replica or print is returned to the community, these values might not be embedded in the same way as in the original. Digital replicas or prints should only be offered to communities if there is no possibility of returning the original. Then, it is an enriching opportunity as it provides a meaningful connection to the original when the only alternative would be to return nothing – which should never be the goal. Either way, the embedded characteristics and context remain available to both parties through digital tools in the form of scans, files and notes. Sometimes, these embedded characteristics can only be found through digital tools, which, for instance, can explain through a scan how these artefacts were made according to a custom that may have been forgotten in a community. The original context is, therefore, not lost but can be preserved or sometimes (re)discovered using these techniques.[240] The Smithsonian cases described earlier and the reactions of Indigenous Peoples at the *Sharing our Knowledge Clan Conference* are proof of this; Indigenous communities enthusiastically embraced digital technologies after proper explanation and contextualisation.[241] Moreover, the return of both a replica and the original to the community can be very beneficial for educating members about their history and heritage, as seen in the case of the Pewpter Pipe.[242]

Regarding the protection of Indigenous Peoples' intellectual property rights, researchers and Indigenous Peoples note risks associated with the unauthorised use and

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[239] The successful application of this principle can be seen in the case of the Tlingit Killer Whale Hat and the Pewter Pipe case. See Hollinger et al., "Tlingit-Smithsonian Collaborations," 203-204, 206-207; Bell et al, "After the Return," 196ff.
[240] For example, the CT-scanned rattle that showed the material it was made of. Hollinger et al., "Tlingit-Smithsonian Collaborations," 210; Parsons, "How Indigenous Groups Are Using 3-D Technology to Preserve Ancient Practices,".
[241] Hollinger et al., "Tlingit-Smithsonian Collaborations," 213-214.
[242] Ibid., 206-207.

exploitation of digital files by external parties. Such files can be replicated and shared without community consent or oversight. Furthermore, not all communities have the infrastructure, technology, or digital literacy required to take full advantage of the benefits of digital repatriation. Insufficient access to essential technology, such as computers, the internet, smartphones and VR devices, can make digital returns seem exclusive and of no value to the community.[243]

In the case of the Killer Whale Hat and other cases at the *Sharing our Knowledge Clan Conference*, the fear of unfair and inappropriate distribution ('Artifakes') was also addressed. In all the cases mentioned, however, this problem was solved by agreements and frameworks for protecting intellectual property and respecting the wishes of the source community.[244] Cooperation and consent are always required, whether the sharing is digital or not. Additionally, encryption techniques could help manage and monitor the distribution of files to ensure that the community maintains control.[245]
Apart from this, any kind of repatriation and return is always associated with costs. Whether digital or non-digital, these repatriations must always receive funding, which can come from donors, organisations, governments, funds or institutions. If a return can only be made digitally, it is a prerequisite that training on how to use and access the databases and other tools is provided to Indigenous people. Access through digital technologies can be essential for communities that are far from museums, otherwise they would be entirely separated from the artefacts. Many communities appreciate the fact that other people can also learn about their culture through digital technologies and the Internet.[246] Additionally, a growing number of digital files are accessible worldwide on increasingly prevalent mobile devices.

Researchers also suspect that digital techniques continue to support colonial thinking. When museums repatriate only digital copies, they retain control over the original and only show that they are cooperative with a 'symbolic' but not real

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[243] Bell et al., "After the Return," 196ff; Perullo, "Digital Repatriation," 541ff, 548; DeHass et al, "3D Technology," 124; Krupa and Grimm, "Digital Repatriation," 54f.
[244] Hollinger et al., "Tlingit-Smithsonian Collaborations," 204, 213.
[245] For more information about encryption, see "What Is Encryption? Definition, Types & Benefits," Fortinet, 2023, https://www.fortinet.com/de/resources/cyberglossary/encryption.
[246] Perullo, "Digital Repatriation," 548.

repatriation. Krupa and Grimm note that when a digital reproduction is repatriated, the collecting institution maintains – albeit unintentionally – the colonial view that the original belongs to the institution and not to the community from which it originates.[247]

This perspective is a generalisation. It applies only to cases in which institutions refuse to repatriate the original without good reason. Often, however, reasons such as the fragility or size of the artefact, insurance costs or unproven and divided communities of origin prevent institutions from repatriating an item. In such cases, digital repatriation is an advantageous alternative.[248]
In addition, concerns raised by researchers regarding repatriation by institutions are often unfounded, a fact that is also confirmed by museum staff, such as Genevieve Hill, Archaeology Collections Manager at RBCM in Victoria, BC, Canada. She refutes the fear that the return of a single item will necessitate the return of all artefacts. The RBCM has successfully returned many items and continues to serve as the primary archaeological repository with numerous artefacts in British Columbia. Furthermore, Hill observes that the increase in returned items has enhanced the visitor experience and has supported and strengthened relationships with Indigenous communities.[249] This experience is rather a step toward decolonising the museum.

Another argument against using digital techniques is the harm and disrespect that could be caused by scanning sacred or spiritual items. Additionally, in the case of the Nulis Mask, the question arises as to whether the spirit or the connection to Nulis can transfer to a digital or printed copy.[250]

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[247] Krupa and Grimm, "Digital Repatriation," 52.
[248] René R. Gardacz, "Repatriation of Artifacts," The Canadian Encyclopedia, February 16, 2023, https://www.thecanadianencyclopedia.ca/en/article/repatriation-of-artifacts; Carey Newman, interviewed by Carolin Weiner.
[249]Alicia Walsh, "Digital Reciprocity?: Exploring the Potential of 3D Imaging within the Repatriation of First Nation Cultural Material" (Master's Thesis, University Leiden, 2019), 30f.
[250] Deidre Brown and George Nicholas, "Protecting Indigenous Cultural Property in the Age of Digital Democracy: Institutional and Communal Responses to Canadian First Nations and Māori Heritage Concerns," *Journal of Material Culture* 17, no. 3 (2012): 309, 314, https://doi.org/10.1177/1359183512454065; Hirst, Cara S., Suzanna White, and Sian E. Smith. "Standardisation in 3D Geometric Morphometrics: Ethics, Ownership, and Methods," *Archaeologies: Journal of the World Archaeological Congress* 14, no. 2 (2018): 281, https://doi.org/10.1007/s11759-018-9349-7; Rossi, "The Digital Biography of Things," 663; Crawford and Jackson, "Stealing Culture," 82; Perullo, "Digital Repatriation," 545; Hollinger et al., "Tlingit-Smithsonian Collaborations," 206ff, 209; Carey Newman, interviewed by Carolin Weiner.

While this is crucial, it fails to consider that it is only disrespectful if it is done without the consent of the Indigenous Peoples. The simple answer is that Indigenous communities know best what is happening to the spirits and whether harm is caused. Evidently, the Pewter Pipe, as well as the Killer Whale Hat, remained unaffected. The Tlingit were also unequivocal in their reply concerning the yéik, which are neither affected, and the use of replicas is even the safest and best solution for community members, museum visitors, and staff. In the case of the Nulis Mask, Carey Newman emphasised that discussion is needed in the community and that it is not his decision alone. Nevertheless, he was open to the possibility and appreciated the opportunities a scanned mask could offer when used for the purpose for which the original mask was made.[251]

The Culpin Hat, or Wéix' s'áaxw in Tlingit, proves that copies made through 3D technology can be suitable and sufficient for performing sacred tasks or rituals. The replica was ceremoniously transformed into a sacred clan crest hat, replacing the original in the community due to its severe damage.[252]

Further common concerns relate to the need to regularly update digital devices, software and databases and the cost of digital tools. These concerns also include the risks that digital techniques pose to mental health.[253] All concerns need to be considered, but with funding and the right use of these techniques, they can be addressed. Moreover, digital techniques are increasingly becoming part of everyday life. Therefore, strategies for quick updates, minimal costs and adequate use will continue to evolve and improve.

Case Studies

The successful case studies explained above can hardly be criticised. Overall, the Indigenous communities were excited and satisfied with the way these cases were

[251] Hollinger et al., "Tlingit-Smithsonian Collaborations," 209; Carey Newman, interviewed by Carolin Weiner; Hirst et al., "Standartisation," 281.

[252] Parsons, "How Indigenous Groups Are Using 3-D Technology to Preserve Ancient Practices,".

[253] DeHass and Taitt, "3D Technology," 125ff, 140ff; Vapnarsky and Noûs, "Digital Repatriation, Amerindian Reappropriations," 2; Perullo, "Digital Repatriation," 548; Krupa and Grimm, "Digital Repatriation," 54; Lambèr Royakkers et al., "Societal and Ethical Issues of Digitization," 128ff.

handled. However, since the Nulis mask is a potential case and it is crucial that the original, unlike the other cases, probably will not be repatriated, the above-mentioned counterarguments could be raised. The case of the Nulis Mask, in which a digital replica and files would be returned to the community, would not be an actual repatriation but a return of the item to the community so that they can reconnect with it, use it, and spiritually care for it.

Since the original mask cannot be repatriated due to presumed toxins used for its preservation, the associated risk of contact and the insurance costs, the argument that digital tools would not be necessary here is not convincing. Digital repatriation is the only way for the Kwakwaka'wakw to use the Nulis mask in a dance ceremony, to end Nulis' suffering of being constantly awake and illuminated, and to reconnect with their stolen heritage and ancestor. If the original mask proves to be unaffected or only minimally affected by toxins, it should be repatriated. The museum would benefit from retaining a digital or printed replica in such a case.

Agreements are needed that include respectful use without distribution of files and control over the files, their distribution and the copies in the museum by the Indigenous community. These are fundamental prerequisites for the Indigenous community, as is the decision of the Elders, the chief and the community as to whether the spirit of Nulis can be transferred to the VR mask.[254]

The criticism regarding the cost of VR headsets, which would be needed for the community, and the required internet access is justified; however, donors and funding could support this initiative. Carey Newman emphasised that it would be incredibly beneficial to provide access to community members across Canada and worldwide. Additionally, even the most remote areas today have an internet connection.

Moreover, the question could arise as to why using a VR mask is better than a replica. What is important is that there is already a physical mask in the community and no need for a replica in today's consistent actual ceremonial use.[255] The virtual mask offers the advantage of global access and gives the community the opportunity to put Nulis to sleep if it cannot be done with the original in Berlin. Furthermore, Carey Newman can imagine dancing the original as a digital mask in a virtual environment, but not a physical replica (that was made for the museum, for instance).[256] Overall, VR

[254] Carey Newman, interviewed by Carolin Weiner.
[255] Ibid.
[256] Ibid.

technology offers excellent immersive experiences that capture the depth and historical significance of environments and physical items like the Nulis Mask.

Summary

In general, the counterarguments against digital repatriation focus mainly on the notion that digital repatriation is not actual repatriation and that the unique cultural, spiritual, and knowledge value of the original item and intellectual property cannot be conveyed and respected. Additionally, concerns arise about the assumed power dynamics of only digital replicas being returned.

While it is right to take the counterarguments mentioned into account, it is wrong to apply them generically. The more accurate conclusion, therefore, is that the concerns raised must be considered and respected, but digital replicas, files, and digital tools can enhance and support repatriation efforts when used properly. When physical repatriation is not feasible, these can return and provide access to Indigenous items and support reconnection with communities. Furthermore, digital technologies, as mentioned by Hollinger et al. and Bell et al., have been shown to foster partnerships between collecting institutions and Indigenous communities, improving visitor numbers and retention while helping to keep museums' records and preserve Indigenous artefacts as well as part of their culture (in museums, but also in communities). As digital technologies enhance the repatriation process for both parties, they also strengthen their relationship and enable both sides to find a solution that respectfully combines their needs and approaches.[257]

In all cases where digital techniques are used, the decision of Indigenous Peoples matters; their opinions must be respected, and their explicit consent must be sought regarding which tools can be used in which way.

Victoria Wells from the Ehattesaht community in Canada speaks about her experiences of successful repatriations and mentions that these usually involve digital technologies; she emphasises that digital technologies create new opportunities for respectful access to Indigenous culture and artefacts, their preservation, return and

[257] Hollinger et al., "Tlingit-Smithsonian Collaborations," 209ff; Bell et al., "After the Return," 198ff; Walsh, "Digital Reciprocity?," 30f.

revitalisation.[258] Conclusively, digital technologies can support the decolonisation of collections and exhibitions, enhance practices of preservation and documentation and help Indigenous Peoples reunite with their own culture.[259]

Without the visibility and dissemination of such cases, awareness and understanding of the potential impact of digital technologies on advancing repatriation efforts would be limited. The presence of such cases can further rebut the argument that digital techniques are always inappropriate and disrespectful in repatriation processes. Therefore, the correct integration of digital technologies not only increases the efficiency and effectiveness of repatriation processes but also promotes acceptance, appreciation, and, ultimately, progress in this crucial endeavour.

[258] Bell et al., "After the Return," 198.
[259] Ibid.; DeHass and Taitt, "3D Technology," 127; Krupa and Grimm, "Digital Repatriation," 53.

Conclusion

Although repatriation is now a topic of global discourse, much remains to be done, and many challenges must still be overcome before it can be fully implemented.
This thesis has addressed some of the challenges and has refuted the notions that (1) repatriation can only be achieved in one way, through a physical return of the original, in which the museum is left with 'nothing' and cannot achieve its preservation goals, or that (2) if repatriation is impossible, nothing can support or help the community to reconnect with its cultural artefact and heritage.

Furthermore, this research has aimed to determine whether digital techniques can help overcome these challenges. Current research mainly examines the use of databases for 'digital repatriation', in which Indigenous people and collecting institutions, such as museums, can jointly access the artefacts. This can hardly be considered a true repatriation effort. While digital techniques have been increasingly used in heritage preservation over the last 20 years, they are not yet convincingly seen and used as a support or solution for complicated repatriation efforts, especially in cases in North America, except by the Smithsonian. Moreover, the use of digital techniques, as proposed in the case of the Nulis Mask, where no physical repatriation is possible, represents a new approach that has not yet been applied in repatriation and restitution cases in North America but offers possibilities and solutions for similar cases.

The analysis of three case studies, the state of current research, and the counterarguments that digital repatriation could be disrespectful or inapplicable lead to the conclusion that the digitisation of Indigenous artefacts using technologies such as 3D scanning, modelling, printing, virtual reality, and augmented reality can significantly facilitate and advance different repatriation and restitution processes. If the original is repatriated, digital techniques are useful for supporting the museum and the Indigenous community. If it is not possible to return the original, they are mainly useful for supporting the community. Furthermore, the two successful case studies show the same patterns, which should also be applied to the potential case of the Nulis Mask, even if the original cannot be repatriated: the use of 3D scans at the beginning and for further development of the process, the authority of the Indigenous communities regarding the protection of data and permission for the museum to use this data respectfully, successful communication, cooperation between the museum and the Indigenous

Peoples as a basis for (digital) repatriation, acceptance and excitement of the idea and the process of incorporating digital tools on the part of the Indigenous Peoples.

The integration of digital techniques into repatriation processes will enable and facilitate more repatriations and restitutions, foster solutions, and strengthen the relationship between Indigenous communities and museums. First of all, this will involve consideration and respect for what is best for Indigenous communities, for their culture, beliefs, traditions, and the use and meaning of the item. Second, it offers the opportunity for communities to exhibit a replica or 3D model for access and educational purposes, to learn about their history and cultural practices, while the original can be returned to its original purpose. It also preserves the intangible knowledge embedded in and associated with the item. Third, it offers the community the opportunity to reconnect with and access an artefact when this is not possible with the original, e.g. due to fragility, size or location. Fourth, it also enables museums to preserve and display artefacts or replicas in a respectful, scientifically sound and transparent way (e.g. placing the Nulis mask in a blanket and its treasure chest instead of an open display case), thus promoting a better understanding and a much-needed culturally and historically accurate presentation of Indigenous artefacts to museum visitors. Additionally, digital replicas and prints can serve as replacements for the repatriated original in the museum. Furthermore, the integration of digital technologies into repatriation and museum practices and exhibitions can attract more visitors and encourage interaction. Finally, digital tools offer numerous research opportunities that provide insights into the crafting of items and the materials used. These are also helpful for communities to preserve, apply and learn about this (possibly forgotten) knowledge and craftsmanship.[260]

These key findings show that digital techniques and their importance for repatriation and restitution efforts must be re-evaluated. When applied appropriately, ethically, and respectfully, there needs to be more emphasis on the beneficial purpose and value of digital techniques.

[260] Tania Larsson, an Indigenous artist, created tanning tools and fishing spears that her ancestors used, with the help of laser scanning and photogrammetry. She developed 3D models and printed them from sandstone, enabling her to craft them from their original materials: antler and bone. It was a way for her to reconnect with her culture, learn more about it, and continue its traditions. See more Simon, "Canadian Artist Uses 3D Scanning & 3D Printing to Recreate 18th Century Native American Tools," 3ders.org, May 29, 2015, https://www.3ders.org/articles/20150529-canadian-artist-uses-3d-scanning-3d-printing-to-recreate-18th-century-native-american-tools.html.

The ethically correct and consensual use of digital tools in restitution and repatriation processes challenges previous rules of ownership, returns authority to Indigenous Peoples, and challenges previous notions of how artefacts should be exhibited and handled, replacing them with respectful options. The work at hand also provides examples of the decolonisation of research and is an inspiration for the decolonisation of museums. Digital tools can significantly support repatriation and restitution efforts and thus serve the interests of Indigenous Peoples while still considering a museum's needs and strengthening the relationship between the former coloniser and the colonised.

If museums were to implement digital tools and Indigenous voices more in exhibitions and repatriations, a space of former colonial encounters would be transformed into a space of equal rights and cooperatively achieved goals, and simple repatriation could become more of a restitution with supportive benefits for the community.[261]

While this thesis illustrates through very different cases how useful digital tools can be for both sides of repatriation, it is limited in that it only considers three case studies, one of which is only potential. Repatriation cases can vary widely and must be decided on a case-by-case basis. Digital techniques can only be applied if both parties consent to them and are willing to cooperate and find compromises. Furthermore, logistics, legal factors, time, and financial resources are hurdles in repatriation, both with and without digital tools.[262] Digital repatriation and restitution are always accompanied by challenges, but these are not insurmountable, and the opportunities and benefits outweigh them. It is noteworthy that even spiritual and sacred issues can be addressed, as in the case of the Killer Whale Hat or the reburial of the Pewter Pipe, the Nulis Mask, the yéik or the Culpin Hat, which are often referred to as hurdles impossible to overcome.

The case studies presented are precursors in the field of repatriation and demonstrate the potential for further opportunities, agreements and successful repatriations and restitutions that can be facilitated by digital techniques. As more successful repatriation processes incorporate and leverage digital technologies, they become more efficient, more transparent and accessible to a wider audience. By showcasing successful repatriation and restitution efforts facilitated by digital tools,

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[261] Rossi, "The Digital Biography of Things," 658-659.
[262] Walsh, "Digital Reciprocity?," 30-31.

stakeholders, including Indigenous communities, museums, governments, and the general public, gain a deeper understanding and appreciation of the possibilities and benefits of using such technologies in the preservation and repatriation or restitution processes of Indigenous artefacts. Moreover, well-documented and successful repatriation cases accompanied by digital technologies catalyse further progress in this field.

Digital techniques could also be applied to other repatriation efforts and cases, such as those involving totem poles. These huge poles, usually made from whole cedar logs, are found only on the Northwest Coast of Canada and Alaska. They are sometimes referred to as monumental poles and represent the history of an individual, a family or a Nation. The difficulty of repatriating totem poles lies mainly in their size since totem poles are massive artefacts that are often difficult to transport over long distances (e.g., back from Europe). Furthermore, they consist of organic material (cedarwood), which can be too fragile for transportation.[263] Like many other (organic) Indigenous artefacts, there is a risk of being destroyed or damaged if removed from a strictly controlled environment (such as a museum). Digital techniques can help to support the process of repatriation and restitution of these artefacts or create other opportunities for the community and the museum. As discussed in the previous three cases, a replica and a digital model created through a 3D scan could be very useful and serve as a substitute for the museum while the original totem pole is repatriated. However, if the totem pole is too difficult to transport, a replica made from a 3D scan could be placed at the location where the original pole stood and be of use to the community. If a replica is inappropriate for spiritual reasons – some totem poles are also inhabited by the spirits of the owner or family – then the use of augmented or virtual reality could be considered.[264] In the case of augmented reality, the totem pole could be viewed via a digital device at its original location or by museum visitors at the museum. In the case of virtual reality, the entire environment would have to be recreated. Indigenous people and museum visitors could enter the original location of the totem pole separately and view the artefact in its recreated cultural original environment.
The different approaches to the exhibition, ownership and preservation of artefacts outlined in the three case studies also apply to totem poles. Through digital techniques

[263] For more information on totem poles see René R. Gadacz, "Totem Pole," The Canadian Encyclopedia, 2017, https://www.thecanadianencyclopedia.ca/en/article/totem-pole.
[264] For more information about spirits that can inhabit a totem pole, see Ibid.

and consensual agreements, common ground can be found for Western institutions and Indigenous Peoples; repatriation can be supported, or, if repatriation is not possible, processes can take place that come close to repatriation and support the Indigenous community. A bridge is built between the two, often very opposing sides and approaches.

Further research could develop universal strategies for different ways of restitution, repatriation and reconnection using digital techniques and, as a next step, provide a guide for museums and Indigenous communities to help them implement such techniques more easily and less confrontationally, taking into account the differing concerns.[265] Higher authorities such as governments could also benefit from this, and thus, legal changes could simplify repatriation assisted by digital tools and ensure ethical and correct treatment of artefacts.
In addition, it could be researched how digital techniques can further support Indigenous Peoples and museums, for instance, through artificial intelligence (AI) that could easily match artefacts to the right communities or solve logistical and timing problems in repatriation efforts. Moreover, mapping with a Geographic Information System (GIS) could be used to study the history and provenance of artefacts, to visualise where artefacts originally came from, where they were transported to, the long distances each artefact has travelled during colonial times and where they are located today. Research could generally investigate which tools are most useful in which cases. The research presented here has demonstrated that 3D scans are usually the basis for the successful implementation of further digital tools in the form of models or prints, as well as AR or VR environments. Another important element is the potential of these environments to improve repatriation and museum exhibitions. A further research goal could involve long-term studies on the interaction of Indigenous communities with these digital tools during and after repatriation processes, as well as on the perception of these digital tools by museum visitors. [266] Additionally, the effectiveness of digital techniques in long-term preservation could be further explored. Finally, the different impacts of digital versus physical repatriation could be investigated, including the differing costs and logistics.

[265] This could be done similarly to the *Indigenous Repatriation Handbook* but with a focus on digital techniques. Collison et al., *Indigenous Repatriation Handbook*.
[266] See also Bell et al., "After the Return," 195-203, which refers to a workshop that discussed what happened to the digital materials after their return to the Indigenous communities.

Ultimately, the value of this research lies in its contribution to supporting the repatriation and restitution, preservation and documentation of Indigenous artefacts, the education of Indigenous and non-Indigenous people, the access and reconnection of Indigenous Peoples to their heritage, the revitalisation and renewal of the cultures of origin, and the possibility of transforming the museum towards ethical, respectful and visitor-attracting practices and exhibitions. Digital technologies are not only useful but offer solutions that are innovative steps in the field of repatriation and preservation of cultural heritage. In particular, the case of the Nulis Mask represents a new and innovative step towards reforming repatriation and restitution processes and improving them for both the Indigenous community and the museum. Consequently, this thesis contributes to a broader understanding of why digital technology should play a greater role in the repatriation of Indigenous artefacts while respectfully considering and reflecting Indigenous knowledge and spiritual belief systems.

The outcome of this thesis can not only promote further research and repatriation processes but also break new ground in the development of museums and their decolonisation. In summary, this thesis aligns further with the principles of decolonisation by empowering Indigenous communities to reclaim control over their heritage through and with the help of digital techniques. It fosters cultural understanding, empowers communities to share the history of their artefacts and communities on their own terms and supports them to challenge colonial narratives. In essence, rightfully applied digitisation, through tools such as 3D scanning, 3D modelling and printing, virtual reality, and augmented reality, supports the process of repatriation and preservation of cultural heritage but also promotes equity and inclusion in museums and collecting institutions, cultural governance and research practices.

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Appendix

List of Figures

Figure 1. The original Pewter Pipe head, two owls gazing in the bowl (Davenport site, Sussex County, New Jersey: 17th/ early 18th century), photography by the © Delaware Tribe of Indians. No changes made to the photography, https://delawaretribe.org/services-and-programs/historic-preservation/.

Figure 2. The Pewter Pipe (front, Davenport site, Sussex County, New Jersey: 17th/ early 18th century) and two replicas (the middle is painted, all replicas are at different locations among the tribes: 2007), photography by the © Delaware Tribe of Indians. No changes made to the photography, https://delawaretribe.org/services-and-programs/historic-preservation/.

Figure 3. The original Tlingit Kéet S'aaxw (Killer Whale) Clan Crest Hat (right, Angoon, Alaska: ca. 1900) and its replica (left, Washington, DC: 2012), photography by the Ⓒ National Museum of Nation History, Smithsonian, usage conditions apply. No changes made to the photography, https://www.si.edu/object/nmnhanthropology_10885630.

Figure 4. Killer Whale Clan Crest Hat Replica (Washington DC: 2012), photography by the Ⓒ National Museum of Nation History, Smithsonian, usage conditions apply. No changes made to the photography, https://www.si.edu/object/nmnhanthropology_10885630.

Figure 5. The original Nulis Mask, closed (Kwakwaka'wakw, Fort Rupert on Vancouver Island, BC, Canada: ca. 1880), photography by Dietrich Graf, Ⓒ Ethnologisches Museum Staatliche Museen zu Berlin - Preußischer Kulturbesitz, collected in 1881. No changes made to the photography, https://id.smb.museum/object/608942/verwandlungsmaske.

Figure 6. The original Nulis Mask, opened (Kwakwaka'wakw, Fort Rupert on Vancouver Island, BC, Canada: ca. 1880), photography by Dietrich Graf, Ⓒ Ethnologisches Museum Staatliche Museen zu Berlin - Preußischer Kulturbesitz, collected in 1881. No changes made to the photography, https://id.smb.museum/object/608942/verwandlungsmaske.

Figure 7. The second generation of the Nulis Mask (BC, Canada: ca. 1900-1920), photography by the Ⓒ UBC Museum of Anthropology, University of British Columbia, Vancouver CC BY 2.0, collected 1973. No changes made to the photography, http://collection-online.moa.ubc.ca/search/item?keywords=Nulis+Mask&row=0.

Figure 8. The third generation of the Nulis Mask, carved by Hank Speck (Vancouver Island, BC, Canada: 1980s), photography by Carey Newman with permission to use in this thesis. No changes were made to the photography.

I affirm that this research and the use of images rely on the principles of fair use as defined under 17 U.S.C. § 107 of United States copyright law. This study is conducted for educational and non-profit purposes.

Interview with Carey Newman

The following excerpts are from an interview with the artist Carey Newman conducted by Carolin Weiner in December 2023. Carey Newman is the descendant and great-great-great-grandson of Nulis, with his family's new name being Newman after Christianisation was forced upon them in colonial times. His traditional surname is Hayalthkin'geme, and he is Kwakwaka'wakw from the Kukwekum, Giiksam, and WaWalaby'ie clans of Fort Rupert and Coast Salish from Cheam of the Sto:lo Nation along the upper Fraser Valley, today called British Columbia.
In this interview, contractions have been preserved to maintain the authenticity of the interviewee's speech.

Carolin Weiner
Can you share a bit about your view on the importance of repatriation?

Carey Newman
Yes, I guess I'll start by saying that when I speak about these things, I try to speak about them from the perspective of myself, my own family, and maybe a little bit of the places where I come from. Very specifically, not on behalf of other Indigenous Peoples from other places. So, I'll speak a little bit about the ways that many of the cultural artefacts that come from the Kwakwaka'wakw territory, in particular, have been taken. Sometimes, there are records of transactions where Europeans came around purchasing items. But there were also questionable acts taken, such as grave robbing, cutting down totem poles where they weren't supposed to and taking them away like theft. Additionally, there was the threat of items being confiscated by Indian agents. I view all of the cultural artefacts that have been taken from our people through a critical lens. In many cases, even when there's a record of a purchase, the conditions that the person selling the artefacts was subjected to by government policy or changes in the economy meant that it wasn't really an informed, consensual situation. There remained an element of coercion. So because of that, I prefer to think about the individual artefacts rather than attempting to make grand blank statements about all of them. But in general, I believe that one of the most important aspects of the process of going through and considering each of these items is considering what is the best home for them and doing that through the lens of the Kwakwaka'wakw People.

So, what are these items?
What were they made for?
What if any agency and personhood is ascribed to them through a cultural lens?
Should they be brought back based on that?
Should they be laid to rest based on that?
What is their purpose, and what is their condition?
In order for their use to continue, and in cases where this is not possible, the repatriation could take place so that they could be laid to rest in the way that we might normally do this.

Carolin Weiner:
Can you tell me a bit about the Nulis Mask and your thoughts on its repatriation?

Carey Newman:
Within our family and community, certain items hold significant importance, such as the mask, which we regard as an ancestor with profound spiritual significance. However, our approach differs from that of an archival mindset. We do not want these items to be constantly displayed in well-lit spaces or hidden away in dark drawers. If they are kept in drawers, they should be brought out from time to time – a rattle should be shaken, a mask danced with – and then returned to rest again. But even if an item is currently being showcased, like the Nulis Mask, so that more people in the world can get to know and understand our culture and our family history, the way this is done is contrary to how we would do it. And I have described to you before how we would sing a song to it to put it to sleep, wrap it in a blanket and then put it in a box. Then, it would come out the next time it was needed for the ceremony. I hope for the mask's repatriation so it can be laid to rest in accordance with our traditions. Simply being able to dance with it one more time to put it to sleep would provide immense relief. If the mask stayed in Berlin and I could make the decision on how to take care of it, I could be okay with it being brought out sometimes, but I would not want it to be frozen as if it were awake forever, as it is right now in the museum.

The repatriation of a utensil like a bowl or a spoon is not necessary as they hold no spiritual significance or sacredness to us, unlike ceremonial masks such as the Nulis Mask. There are some cases where the object should be returned 100%, right?

I think that in our case, with our family, there are other objects that we might say we would be happy to have them stay there, but maybe under conditions that differ a little from an archival mindset. For instance, we don't want them to be in a dark drawer or fully lit all the time.
In the case of the Nulis Mask: After the Nulis Mask was brought to Berlin by Jacobsen, two more masks were made, one that is at the UBC Museum today, and we have a current version that we use in dances at our potlatches. To bring the Nulis Mask home from Berlin so that it can be reunited with the two other versions of itself would be incredibly powerful. We might not need to bring the mask home from Berlin forever if that is not possible, but I just won't know until I can have that conversation in depth with the chief and the whole family. When we make these decisions, there is not just one person who gets to make the call. While the repatriation is something I would like to pursue on behalf of our family, I don't know exactly what shape that would take until we have this discussion with the new chief and the family.

Carolin Weiner:
Would your community have preserved a mask like the Nulis Mask in the 19th century?

Carey Newman:
No, preservation in that sense does not exist for us. We care for the masks by singing them to life, to sleep, to rest. Often, if an item like a mask comes to its end, we put it to rest so that it can return to the earth and decay, or we burn it. Unlike in the Western world, where items are preserved for their aesthetic, historical, or financial value, for us, the significance of the mask lies in its use and our relationship to it; we do not own our ancestors but rather care for their spirits. But what happens to the spirit when the mask is preserved with poison? You poison the spirit. I believe it is crucial that we shift from considering ownership rights of items like the Nulis Mask to embracing the responsibility of caring for them.

Carolin Weiner:
Can you describe what the replica that the museum has produced for PR reasons looks like and how it functions?

Carey Newman:
It starts out looking like a person, and then it opens up, and inside at each side of the face are the bear claws; on top of the head is a bear that can turn, and then there is the chief inside transformed into a grizzly bear. It constantly opened and closed and looked as though it was robotised. That made me feel utterly uncomfortable.

Carolin Weiner: (Described how she would use the digital mask in VR)
What do you think of 3D scanning the mask and then using the model in a virtual environment?

Carey Newman:
I'm curious about 3D scanning and how it could be used, but as an artist and as a knowledge keeper or cultural practitioner, I would personally always proceed with caution when it comes to how that data is held. Now, if those 3D scans were to end up in the hands of a factory somewhere and they started making very, very accurate-looking replicas of Northwest Coast art, it would make that problem exponentially worse. Therefore, the sovereignty with which that information is held needs to be deeply considered before it is placed on the internet.

And when it comes to a 3D scan of it, I think there are some pretty interesting possibilities. For instance, regarding the kind of information you get about dimension and thickness. I'm a carver, so if I'm going to make a replica of something, I've got my tape measure and callipers, and I'm trying to figure out how to get measurements to determine which piece of wood is going to work for it. In the case of a 3D scan, you get a lot more information than you would from what I can measure with a measuring tape because you're getting the actual thickness of every point of the mask. I think there are some pretty interesting possibilities around the kind of information you obtain about dimension and thickness. From that information, I could recreate it in a cultural way. It would also be interesting to have, and maybe to be able to compare, the data between the three different masks that are the Nulis Mask.
When it comes to the Killer Whale Hat (of the Tlingit), you said that they danced the replica. Did they 3D print it?

Carolin
Yes, they got the original back, and the replica was printed; that's the one that's exhibited at the museum. And the Tlingit danced it at the museum.

Carey Newman
I don't know how I would feel about dancing the replica of the museum, but I would probably not do it.

And about using this mask in virtual reality: Something to think about is that all of those things sound different when you're inside the mask, and that would be something that I'd be concerned about because then we would lose that kind of sense of magic and wonder that comes with the act of putting on a mask to wear it and the transformative feeling that comes with it. Once you have that mask on, the world you can see changes. You can only see through the pinholes, the mouth hole, or the nostrils, and the world you hear changes because everything is muted. So are the people, the fire, the song that is being sung, and if it is raining, even the rain that lands on you before entering the front door. So it's another thing to think about from the perspective of the dancer and the cultural learning. As a carver, as a person organising this ceremony, and as a dancer participating in the ceremony, I think those are all things that I would be thinking very carefully about.

Of course, there's also the other aspect: If you're using this 3D-printed mask or a 3D in the environment, and if, for example, the community also danced to the printed mask, does that also imply that the spirit is in the printed mask?

Carolin Weiner
Do you think that is possible?

Carey Newman
We consider the tree the item is made from to be an ancestor. When we carve it out of the tree, we think of the mask as an ancestor. Therefore, I don't think that 3D-printing them from plastic would satisfy my needs. Now, that being said, I have been looking into 3D printing with this filament made from natural material. I think it ought to be made from a natural material. If it isn't, then I don't know how the spirit gets into it. There's also the spirit of the artist carving it. I don’t know if using a robotic carving tool to carve it from wood would feel the same or if it still requires going through that process of creative transformation for it to become the mask.

To determine whether it's okay to 3D-scan it and also to use the mask in a virtual environment means having a broader conversation with other people. The original mask is not something that I was the initiator of. It would need discussion with the Chief, the family, and the community.
My decision about whether or not I would use a 3D scan would revolve around what that mask was/is for, who it was made for, why it was made, and what its purpose was, as we discussed before. It's not so much that I'm stuck on everything having to be old and traditional. If it were for its cultural purpose, as you described, so that it remains at the core of why, then I believe that I would be okay with putting on a virtual mask and wearing it in a VR environment. I believe that all of these things were made for a particular purpose and that we need to honour that purpose at the core of how we make decisions about how we replicate them, how we share them, and whether or not we use technology. If I think about globalisation and how we have family members all over the place, it becomes more and more difficult to bring us all together for the ceremony. If that were to become stretched to the point where the only way we could achieve bringing our family together for our ceremonies was through some sort of online VR, then yes, I would agree.

Carey confirmed that he and his community did not know about the use of the 'animated Nulis' in the exhibition in Berlin. He stated that this animation and the voicing of Nulis are quite problematic, as is the positioning of the game in which Jacobsen 'collects' artefacts on his ‘adventures’. Carey will consult with the Chief of his community, Wedlidi Speck, to contact the museum and request that they change this.

Additional Information

The Hague Convention of 1954 defines "cultural property" as follows:
"…irrespective of origin or ownership:
(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;
(b) buildings whose main and effective purpose is to preserve
 or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in subparagraph (a);
its centers containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as "centers containing monuments."[267]

The UNESCO Convention defines "cultural property" as follows:
"Property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to [specific] categories." Said categories are about antiquities more than hundred years old:
"inscriptions; coins and engraved seals; objects of ethnological interest; property of artistic interest, such as pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand); original works of statuary art and sculpture in any material; original engravings, prints and lithographs; original artistic assemblages and montages in any material; rare manuscripts and incunabula, old books, documents and publications of special interest (e.g. historical, artistic, scientific, literary, etc.) either singly or in collections."[268]

[267] UNESCO, "Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict," n.d., https://www.unesco.org/en/legal-affairs/second-protocol-hague-convention-1954-protection-cultural-property-event-armed-conflict?hub=66535.
[268] UNESCO, "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,".

UNIDROIT has the same definition but uses cultural 'objects' instead of 'property'. Categories are: "Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of paleontological interest; property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance; products of archaeological excavations (including regular and clandestine) or of archaeological discoveries; elements of artistic or historical monuments or archaeological sites which have been dismembered; antiquities more than one hundred years old, such as inscriptions, coins and engraved seals; objects of ethnological interest; property of artistic interest, such as: pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand); original works of statuary art and sculpture in any material; original engravings, prints and lithographs; original artistic assemblages and montages in any material; rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections; postage, revenue and similar stamps, singly or in collections; archives, including sound, photographic and cinematographic archives; articles of furniture more than one hundred years old and old musical instruments."[269]

Additional information on museum policies regarding repatriation

While museums have increasingly conducted provenance research on a voluntary basis, to ensure that their collections have been acquired legally, the International Council of Museums (ICOM) and the Association of Art Museum Directors (AAMD) formulated additional requirements for provenance research in museum collections in 2007/8. Only items exported before 1970 (UNESCO Convention) or legally exported after 1970 are eligible for acquisition. In addition, all data concerning new museum acquisitions must be made available to the public. ICOM has also implemented an official mediation procedure allowing museums to settle disputes over cultural artefacts without legal action. The AAMD guidelines were later extended by the *Guidance on Art from Colonized Areas*, which included not only the differences between the types of items (e.g. deconsecrated, sacred, ritual, archival, or weapons) but also how the item was

[269] UNIDROIT, "1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects,".

removed, for instance as a private or diplomatic gift, through sanctioned armed conflict or forced alienation, theft, treaty or partition, or by the government.[270]

[270] Roehrenbeck, "Repatriation," 198., Association of Art Museum Directors, *Guidance on Art from Colonized Areas* (Association of Art Museum Directors: 2022), 3ff.