



**2019 SICC ē-micimināyakik Gathering**  
**Museums, Cultural Centres, Archives, Interpretive Centres & Libraries**  
**Workshop 11**  
**Jaime Lavallee**

**Title:** Using Law to Advance Cultural Rights

**Presenter:** Jaime Lavallee

**Biography:** Jaime M.N. Lavallee, J.D., LL.M., S.J.D., is from Muskeg Lake Cree in Treaty 6 and an Assistant Professor, University of Saskatchewan, College of Law. She focuses on Nation-building according to the Harvard Project on American Indian Economic Development (HPAIED). Prior to joining the College of law, she was Director of Indigenous Governance, Law & Policy at File Hills Qu'Appelle Tribal Council; Lavallee has also worked in international Indigenous rights and cultural rights through such positions as: First Peoples Worldwide; National Association of Tribal Historic Preservation Officers (NATHPO); and the National Native American Graves Protection and Repatriation Act (NAGPRA) Program.

**Abstract:** There are a myriad of western (settler) laws and policies in Canada that affect the use, dissemination, education, and ability to repatriate cultural objects from museums. In turn, Indigenous peoples themselves have laws that protect cultural objects from misuse, as well as on their use and how they may leave the group. However, many museums under western laws view Indigenous cultural objects as “art” only and treat these items as such. By relying on an “art” only viewpoint, they disregard Indigenous laws and rely on western laws to keep these objects as museum pieces instead of cultural objects needed and wanted by the Indigenous peoples. This has usually resulted in a lack of repatriation or care and respect required. This presentation would provide a survey of the various laws across Canada, and briefly describe international instruments that may also pertain to use. E.g. UN Declaration, OAS, WIPO. It would also discuss how the TRC might be used, and showcase examples of international pressure on the blind acceptance of western laws as showing ownership rights of arts, i.e. auction houses. It will provide examples on how Indigenous Nations have used their own laws, and how they could develop them in a manner that is both culturally appropriate and bridges into the western legal system.

**Learning Objectives:** Participants will:

- Be provided information and preliminary knowledge of known western/settler laws and policies that pertain to cultural objects held by museum; and,
- Start the discussion and, hopefully, impetus for use, development and implementation of Indigenous laws, rights and worldviews that could use western legal tools and principles to further their incorporation, utilization, and inclusivity in museums and other organizations for repatriation, where desired. At the very least, it will raise awareness for museums that Indigenous laws hold validity and credibility, and to rely solely on a western law for keeping objects of cultural significance may be at their peril – either legally or socially.