CASE STUDY 21

Resolving conflicts between safeguarding ICH and conserving related objects in the USA

Safeguarding means ensuring the viability of the ICH, i.e. ensuring continued enactment and transmission by and for the community concerned (Article 2.3). Safeguarding measures for ICH differ from measures required for the protection and conservation of tangible heritage, although measures to conserve associated products or places (such as musical instruments or a sacred grove) might in some cases be part of a safeguarding plan for an ICH practice.

However, as this case study indicates, community opinions and consent must be sought for actions concerning objects associated with living ICH practices as well as for the safeguarding of the practices themselves. Conventional conservation or museum display of ritual objects may disrupt certain ICH practices. In this case study, a community used negotiations and national legislation to regain control over their ritual objects and thus ensure the continued enactment of certain rituals.

#### Ahayu:da war gods

Ahayu:da, war gods of the Zuni people of the south-western USA, are carved wooden figures, usually 2 or 3 ft (approx. 0.6 or 0. 9 m) tall. The twin gods represented by the Ahayu:da carvings are created each year at the winter solstice as part of a blessing ceremony. The younger twin, Ma’a’sewi, is created by the Bear clan and the older twin, Uyuyewi, is created by the Deer clan. The carvings feature an abstract face, body and hands and are surrounded by feathers, prayer sticks and other offerings at the base of the body. Ahayu:da are linked to the initiation of new bow priests, a powerful political and religious group within the Zuni community. The carvings are believed to protect the Zuni community and ensure the prosperity of all people.

Ahayu:da are kept in open-air sacred shrines on the mesas surrounding the Zuni Pueblo and tended by bow priests. The shrines are not accessible to the uninitiated. When new figures are added each year, the earlier carvings must remain. The exposure of the older Ahayu:da carvings to the elements, and their eventual decomposition, strengthens the new Ahayu:da. Thus, the appropriate treatment for these ritual objects is not conservation of the fabric, but leaving them to decay naturally in open shrines.

#### Zuni request for repatriation of Ahayu:da in museum collections

When, beginning in the late nineteenth century, some of these carvings were removed and placed in museum collections or sold on the open market, their ritual function was disrupted. Museum exhibitions in the 1970s made the Zuni aware that many Ahayu:da had been removed. By 1978, religious leaders of the Zuni began a concerted campaign to repatriate all Ahayu:da to shrines in the Zuni Pueblo. They felt that the removal of the Ahayu:da was the reason for the suffering in the world at the time, and wished to set things to rights.

Repatriation of the masks was facilitated by the recognition in federal law that Ahayu:da in museum or private collections were communally owned tribal religious objects that cannot be removed from the shrines where they are placed. There was some concern among Zuni and museum staff, however, that repatriated carvings could be stolen again from unprotected shrines. Security measures were thus put in place and the carvings at all Zuni shrines were documented to prevent further thefts.

#### Repatriation negotiations

Some of the repatriation negotiations took longer than others: the Denver Art Museum returned the carvings they held within two years, but negotiations with the Smithsonian lasted over nine years. Some institutions were concerned about setting legal precedents for the repatriation of objects in their collections or breaking up a large collection by losing key items. Others were focused on ensuring the professional conservation of the carvings, at least until such time as a museum could be established on the Zuni Pueblo.

Some of the Ahayu:da masks acquired by the Smithsonian were copies that had never been used as part of the blessing ceremony. They had been specifically made by Zuni for the anthropologist Matilda Coxe Stevenson to take back to the Smithsonian. During repatriation negotiations in the 1970s and 1980s, the Smithsonian expressed the opinion that these carvings in their collection were legally obtained copies. But Zuni leaders felt that Ahayu:da copies were of similar ritual significance to the real carvings and so should not be displayed in exhibitions. They thus sought the repatriation of all Ahayu:da and some other items of current religious significance. They were happy for other religious artefacts that were no longer commonly used by the Zuni to remain at the Smithsonian. Both sides agreed that the collection required curation that took account of Zuni cultural sensitivities.

By 1992 the Zuni had successfully negotiated the return of sixty-nine Ahayu:da: fifty- four from museums, ten from private collections, three from private art galleries and two from public auctions. The Native American Graves Protection and Repatriation Act (NAGPRA), passed in 1990, facilitated further repatriations.

The Zuni were able to restore the carvings to shrines and allow them continue their gradual decay, thus restoring their ritual function and meaning.

For further information:

* Ferguson, T. J. 1990. ‘The Repatriation of Ahayu:da Zuni War Gods: An Interview with the Zuni Tribal Council on April 25, 1990’. Museum Anthropology, Vol. 14, No. 2, pp. 7–14.
* Johnson, G. 2002. ‘Tradition, Authority and the Native American Graves Protection and Repatriation Act’. Religion, Vol. 32, No. 4 (October), pp. 355–81.
* Merrill, W. L. et al. 1993. ‘The Return of the Ahayu:da: Lessons for Repatriation from Zuni Pueblo and the Smithsonian Institution’. Current Anthropology, Vol. 34, No. 5 (December), pp. 523–67.
* Yu, P. K. 2008. ‘Cultural Relics, Intellectual Property and Intangible Heritage’. Temple Law Review, Vol. 81.