

AGREEMENT FOR SHARED STEWARDSHIP OF THE DI WAE POWA COLLECTION

BETWEEN

THE POEH CULTURAL CENTER

AND

THE SMITHSONIAN INSTITUTION'S NATIONAL MUSEUM OF THE AMERICAN INDIAN

This Agreement for Shared Stewardship is entered into this _____ day of _____ 2024, by and between the Poeh Cultural Center, located at 78 Cities of Gold Road, Santa Fe, NM 87506 ("Poeh"), and the Smithsonian Institution's National Museum of the American Indian, located at 4220 Silver Hill Road Suitland, MD 20746 ("NMAI").

WHEREAS, the NMAI is the current custodian of the Di Wae Powa Collection, which is of profound cultural significance to the Pueblo of Pojoaque and its sister Tewa Pueblo communities of Nambe, San Ildefonso, Santa Clara, Ohkay Owingeh, and Tesuque;

WHEREAS, the Poeh's mission to be a gathering place for the respectful sustaining of Tewa Pueblo traditions;

WHEREAS, both the Poeh and NMAI acknowledge the imperative of tribal sovereignty and the cultural authority of the Pueblo of Pojoaque and its sister Tewa Pueblo communities to manage their own material culture;

WHEREAS, both the Poeh and NMAI desire to enter a partnership founded on principles of shared stewardship, mutual respect, and the acknowledgement of tribal sovereignty;

WHEREAS, both the Poeh and NMAI recognize that the terms of this Shared Stewardship Agreement are completely separate and distinct from the rules, regulations and procedures mandated by the 1990 Native American Graves Protection and Repatriation Act,

NOW, THEREFORE, in consideration of the mutual agreements herein and other valuable considerations, the parties agree as follows:

BACKGROUND

For more than 100 years Tewa Pueblo ancestral pottery has been collected, shipped away and housed on the east coast, largely in private collections and NMAI. The Poeh at the Pueblo of Pojoaque has long acknowledged a special responsibility for curating the cultural heritage of items in its collections, and it also has been investigating ways to bring objects of Tewa origin home from remote institutions where they have been kept for the last century or more. Several years ago, the Poeh began talks with NMAI, in a concerted effort to bring these pots “home.” Along the way, many Tewa Pueblo artists, elders and community members worked tirelessly to help bring this homecoming to fruition. On October 12, 2019, a groundbreaking new exhibit titled Di Wae Powa (meaning “they came home” in the Tewa Pueblo language) opened to the public, with the intent to be dedicated to, and is being utilized by the Tewa Pueblo peoples who live in the neighboring Pueblos of Nambe, San Ildefonso, Santa Clara, Ohkay Owingeh and Tesuque. The display has since been shared year-round with the many students, artists, scholars, educators, and tourists who have visited the Poeh. While the Poeh museum still functions as an exhibition space, preliminary plans are being drafted to expand the use of the Di Wae Powa collection to be a central component of a new interactive and immersive Tewa “learning center,” dedicated to Tewa Pueblo culture, and poised to provide learning experiences for the evolving world.

The Parties acknowledge that the Pueblo has stewarded its Indigenous Territory and cultural practices before and after contact with Europeans. The Parties acknowledge that the Pueblo is a sovereign nation with the inherent right to self-governance with solemn responsibilities to past, present, and future generations of Pojoaque and other Tewa peoples. The cumulative body of observations, oral knowledge, practices, and beliefs that promote cultural sustainability and the responsible stewardship of Indigenous cultural property and materials, existed prior to contact with Europeans, and has handed down through generations of the people of the Eight Northern Pueblos through their customs and traditional practices.

This document fulfills this initiative by outlining Poeh’s policy for sharing stewardship and authority with NMAI over the Di Wae Powa collection. Developed as a result of dialogs between Poeh and NMAI’s collections and curatorial staff, it establishes the shared protocols for respectful and culturally appropriate care of the Di Wae Powa collection that are in line with the best policies and practices as established by Indigenous and non-Indigenous museum and cultural center professionals, and the Indigenous communities they serve.

This document also recognizes the evolution of ethical norms and professional best practices in collections, recognizing that NMAI, while holding legal title or custody of its collections, including those it would not acquire under present-day standards, understands that sole retention may conflict with its ethical values, especially when such stewardship may cause harm to Tewa and other Indigenous descendants or communities. In recognizing the value of community representation and the necessity of honoring a diverse range of histories, the Smithsonian commits to transparent and consultative processes with Indigenous communities and stakeholders.

1. SHARED STEWARDSHIP

This agreement establishes that the Poeh assumes overall management in the shared stewardship of the Di Wae Powa collection. This approach facilitates decisions regarding the care, preservation, interpretation, and exhibition of the collection, in a manner that upholds the cultural sovereignty and values of the Pueblo of Pojoaque and its sister Tewa Pueblo communities and aligns with the Smithsonian's role as a collaborative custodian in matters of shared stewardship of cultural heritage passed on from one generation to the next.

2. ACKNOWLEDGMENT OF TRIBAL SOVEREIGNTY

This Shared Stewardship Agreement affirms the tribal sovereignty of the Pueblo of Pojoaque and its sister Tewa Pueblo communities, recognizing the Poeh's authority to manage and interpret its culture and inherent responsibility to take care of the Tewa lands and people. This agreement also recognizes that tribal imperatives can change over time as a result of changing circumstances.

Immersion into Pueblo life provides the ability, knowledge, and experience to care for Pueblo arts and artifacts in a manner that only Pueblo people have the ability. Tewa Pueblo values are not or have never been written. It is a perspective that is only gained through experience, with core oral traditions, cultural knowledge and practices that shape the values that are instilled in the people and carried on through everyday life in their communities.

These values support Tewa knowledge and experience that make them the most appropriate to care for Pueblo art and artifacts.

3. INSTITUTIONAL PARTNERSHIP

The Poeh has been in collaboration with NMAI since 2014 to be the curator of 100 historic pieces of Tewa pottery that have been on display at the Poeh since October 2019. The Poeh has been responsible for the handling, care and exhibition of the pottery that comprises the collection and display known as Di Wae Powa.

Since the beginning of this relationship, NMAI has acknowledged and respects that the Poeh is a responsible cultural knowledge keeper and heritage caretaker for the collection. The Parties acknowledge that the Pueblo is a sovereign nation with the inherent right to self-governance with solemn responsibilities to past, present, and future generations of Tewa people. As part of this collaboration, NMAI and the Poeh have discussed the procedure through which the original long term renewable loan could evolve to a relationship of permanent shared stewardship that transfers the permanent location and display of the Di Wae Powa collection of NMAI to the Poeh. The parties acknowledge the intrinsic value of the mutual partnerships in this agreement. The Smithsonian Institution's participation exemplifies the benefits of sharing resources, knowledge, and expertise from both Tribal and non-Tribal entities to enhance the care and

appreciation of cultural heritage. It also illustrates the enrichment that such collaborative efforts can bring to the public through increased access to a diversity of perspectives and narratives.

Implementation of this Shared Stewardship Agreement shall be carried out with a spirit of respect, recognizing the importance of both honoring the past and shaping a future where the intersection of cultural legacies is managed with dignity and mutual understanding. The commitment to a respectful attitude throughout the lifespan of this Agreement is essential for fostering an atmosphere of trust and for ensuring that the shared objectives of preservation, education, and sustaining culture are achieved.

Both parties to this agreement acknowledge that Shared Stewardship agreements in the future will aim to foster collaborative efforts to protect Pueblo Cultural Resources and will work jointly to create opportunities to educate northern New Mexico communities about the public benefits that arise from the Pueblo participating in stewarding its Pueblo Cultural Resources.

Both parties to this agreement acknowledge that the Shared Stewardship Agreement does not affect the obligations, relationships, or dealings of the Parties in their respective responsibilities not addressed in this agree or subsidiary agreements made pursuant to this Shared Stewardship Agreement. Similarly, this Agreement is not intended, and should not be construed, to otherwise define or restrict the Parties' obligations, relationships, or dealings in other areas of their respective authorities, responsibilities, or sovereign prerogatives.

4. ROLES AND RESPONSIBILITIES

The responsibilities of the Poeh and the NMAI related to this Shared Stewardship Agreement are delineated in Sections a i – x and b i – iv.

a. Poeh Responsibilities:

i. **Exhibition and Care:** Secure and respectful display of the Di Wae Powa Collection in alignment with the cultural values of the Pueblo of Pojoaque and its sister Tewa Pueblo communities, alongside proactive conservation.

ii. Programming and Interpretation

All programming, interpretation, and marketing related to the Di Wae Powa Collection shall be managed solely by Poeh, with activities reflecting and honoring the cultural significance and heritage of the Pueblo of Pojoaque and its sister Tewa Pueblo communities. As part of the overall interpretive actions related to the collection, the Poeh can take the initiative to challenge or correct any display and archival description of any objects in the collection. The Poeh may initiate any request to de-install any display or exhibition content. In addition, the Poeh maintains the responsibility to redact any descriptive information about culturally sensitive ideas or objects, and also maintains the initiative to exercise Indigenous culturally appropriate belief systems through any display and exhibit support activities, such that oral instruction on customs and

traditions be guided by Tewa cultural advisors regarding the appropriate use of the Di Wae Powa collection.

iii. Education

All educational material related to the Di Wae Powa Collection that are developed shall be managed solely by Poeh, with activities reflecting and honoring the cultural significance and heritage of the Pueblo of Pojoaque and its sister Tewa Pueblo communities.

iv. Promotion and Marketing

All promotion and marketing related to the Di Wae Powa Collection that are developed shall be managed solely by Poeh, with activities reflecting and honoring the cultural significance and heritage of the Pueblo of Pojoaque and its sister Tewa Pueblo communities.

v. Environmental Conditions: Maintenance of appropriate environmental conditions, including temperature, humidity, light levels, and pest control, to preserve the Collection.

vi. Emergency Management: the Poeh operates under its already existing Emergency Management Policies and Procedures to protect the physical integrity of the collections.

vii. Security: The Poeh continues to maintain robust security measures to safeguard the Collection from theft, damage, or deterioration.

viii. Access: The Poeh provides access to the Collection for educational, research, and cultural engagement, while respecting the Tewa cultural values.

ix. Reporting: Submission of reports to NMAI on the Collection's status, location, and utilization, detailing any environmental or conservation needs as necessary.

x. Insurance

Poeh shall bear full responsibility for insuring all objects within the Di Wae Powa Collection, against all risks of physical loss or damage, while under its care, custody, and control.

b. NMAI Responsibilities:

i. Support and Consultation: Provide professional support and consultation in conservation, exhibition display, and educational programming as deemed necessary.

ii. Documentation: Supply comprehensive documentation regarding the provenance,

history, and cultural importance of the Collection items to assist in the care, as well as interpretive, programmatic, and educational endeavors.

iii. **Emergency Assistance:** In case of emergencies impacting the Collection, provide assistance and expertise for the recovery and conservation of affected items.

iv. **Recognition:** Acknowledgment of the Poeh's role and contributions in all public discourse pertaining to the shared stewardship and exhibition of the Collection, emphasizing the collaborative nature of the partnership.

5. DISPUTE RESOLUTION

The parties agree to meet and confer to resolve disputes arising under this agreement. Should such efforts fail to resolve the dispute, mediation shall occur. No party waives its sovereign immunity from suit. The parties reserve other rights to seek administrative and judicial review.

6. REVIEW AND REASSESSMENT

The terms of this Shared Stewardship Agreement shall be reviewed as it is deemed necessary to ascertain its efficacy and to permit necessary adjustments in light of evolving needs and circumstances. Any changes to this agreement by either party are contingent upon an advance written notice to the other party, with the stipulation that any changes maintain the terms of this Shared Stewardship Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Shared Stewardship Agreement as of the date first above written.

PUEBLO OF POJOAQUE POEH CULTURAL CENTER

By: _____

Name: _____

Title: _____

Date: _____

SMITHSONIAN INSTITUTION NATIONAL MUSEUM OF THE AMERICAN INDIAN

By: _____

Name: _____

Title: _____

Date: _____