

Crossing the Border: Indigenous Solidarity and Sovereignty within International Repatriations

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The relationships between museums and the Indigenous Peoples of Turtle Island have changed monumentally over the last 20 years. Repatriation has gone from a contested topic to a reality of museum–Indigenous relationships. Despite the legitimization of repatriation, there still exist numerous obstacles for Indigenous people seeking the return of their sacred and cultural objects. One unique challenge is that of international repatriation. The international borders that we take for granted today arose out of settler politics and have no basis within Indigenous history. The United States (US)–Canada border inadvertently separated and split numerous Indigenous nations, significantly contributing to cultural fracturing and weakening. Museum collections of Indigenous material culture are nationally isolated, despite containing large collections from Indigenous groups outside their borders. This necessitates an original approach to repatriation that is not covered in national policy or legislation. International repatriation requires a high level of cooperation between Indigenous groups, giving nations split by the border a chance to reconnect and form a united front in order to achieve their objectives. Although the imposition of nation–state borders created many barriers for Indigenous Peoples, cross–border repatriation offers unique opportunities to assert Indigenous solidarity, sovereignty, and healing.

I was born in Toronto on the traditional land of the Mississauga of the Credit, Huron–Wendat, and Seneca peoples, and I have spent almost ten years living full–time in Chicago, Illinois, which is the traditional territory of the Council of the Three Fires, consisting of the Anishinaabeg (Ojibwe), Odawak (Odawa), and Bodwéwadmī (Potawatomi), as well as the Myaamiaki (Miami), Peouaroua (Peoria), Kiikaapoa (Kickapoo), oθaakiwaki (Sauk), Meskwaki (Fox), Mamaceqtaw (Menominee), and Inoka (Illini Confederacy). I still spend the majority of my time there while I am not in school at the University of Waterloo, which is on the traditional territory of the Haudenosaunee, Anishinaabeg, and Neutral peoples. Since the age of nine, when I moved to Chicago from Toronto, I have been hyper–aware of these two national entities, their differences, and their similarities. I saw my personal identity, family, and experiences through a comparative lens; when I was in America, I was Canadian, and while I was in Canada, I was American. As part of this transnational experience, the border between the countries has a heavy significance to me as a physical location and space, a site of interrogation, and a concept of transcendent meaning.

As I learned more about the Indigenous history of Turtle Island, I gained an interest in Indigenous conceptions of the border. How was the border as an inherently colonial construction valued? What was the material impact of implementation of a border into a space where no

division previously existed? To what extent is the border diminished in favour of Indigenous solidarity and sovereignty and, at the same time, how has it shaped institutions and epistemologies? Within the context of museum studies, I want to ask where and when do borders matter and manifest for Indigenous people. In this essay, I will examine these questions by looking at processes of repatriation across the US–Canada border.

While thinking about Indigenous Peoples within the nation–state, two conceptual lenses come to mind: postcolonial and Indigenous theory. Postcolonial theory questions the effects of colonialism on the Indigenous Peoples of Turtle Island. This approach is rooted in the concept of the nation–state and sees the US and Canada as having differing forms of colonialism. Indigenous scholars have noted that this approach still centers colonizers rather than Indigenous people themselves, who experience similar colonial pressures despite their national location. Reder, a Cree–Métis literary scholar, states, “Rather than reading Indigenous literatures through postcolonial theory, which overdetermines the role of the nation–state, reading through a variety of Indigenous frameworks—based on a sense of accountability to specific Indigenous communities—both resists pervasive state power and strengthens Indigenous people and nations.”¹ This essay will examine the separate national structures that address reconciliation, creating a necessary distinction between the US and Canada. However, I hope to ultimately consider cross–border reconciliation through an Indigenous perspective, by focusing on Indigenous cooperation and solidarity extraneous to national affiliation.

To start, it is important to understand the impacts of an international border upon the various Indigenous groups that had once and still do occupy the formerly united region. The modern Western nation–state is understood as a region within a distinct border under total territorial sovereignty. It arose in the 1700s at least partially through the legitimization of the US as an independent constitutional republic.² Due to the territory of Canada being under British rule, a precise border was established between the two nations with the conclusion of the war. Both the border itself and the conduct surrounding it were defined in the Jay Treaty of 1794, which stated in Article 3,

It is agreed that it shall at all times be free to his Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the

¹ Sophie McCall, Deanna Reder, and Eric G. Anderson, “First Nations and Native Souths on Both Sides of the 49th Parallel,” *The Global South* 9, no. 1 (2015), 46.

² Thomas Biolsi, “Imagined Geographies: Sovereignty, Indigenous Space, and American Indian Struggle,” *American Ethnologist* 32, no. 2 (2005), 240.

*respective territories and countries of the two parties, on the continent of America.*³

The Jay Treaty also included protection for Indigenous individuals from import duties on personal goods while crossing the border. The Treaty of Ghent, which concluded the War of 1812, preserved the rights granted to Indigenous people by the Jay Treaty, while eliminating them for non-Indigenous individuals.⁴

Despite these protections for crossing the border, it was nonetheless a site requiring Indigenous people to defend and validate their Indigeneity and the associated rights. This included different designations of who was considered Indigenous. For example, in 1947, Goodwin, a member of the Upper Cayuga of the Six Nations, was denied entry to the US due to her lack of a valid passport and visa. In response, she argued that the Jay and Ghent Treaties allowed her free passage. The court was then required to decide whether Goodwin had Indian status, due to her marriage to a white man which had revoked her status in Canada.⁵ Despite the court ultimately ruling that Goodwin was an “Indian” and did possess the right to freely cross the border, this case shows how the border manifested as a site of colonial interrogation and violence for Indigenous people. Beyond the wholesale erasure of Indigenous rights due to the frequent misinterpretation of the treaties, the border was a region that enforced both US and Canadian policies that restricted the rights and actions of Indigenous people. Finally, the sheer existence of a border that parted Indigenous land into separate bureaucratic and governmental bodies further contributed to the division of Indigenous Peoples and nations. Today, the US continues to recognize the right of Indigenous people born in Canada to freely cross the border while Canada does not reciprocate for US-born Indigenous Peoples.⁶ This demonstrates how Indigenous Peoples experience the border as a unique obstacle to their traditional rights, sovereignty, and well-being.

Within the nation-state system, museums exist as highly nationalist bodies. Large museums receive government funding, reinforcing their role as representations of the history, achievements, and values of the state. This nationalist mandate conflicts with the experiences of Indigenous Peoples with the state, both as an administrative governmental body and as a representation of wider settler colonialism. Whether they mean to or not, museums can replicate harmful racist and colonialist mindsets and

³ Richard Osburn, “Problems and Solutions Regarding Indigenous Peoples Split by International Borders,” *American Indian Law Review* 24, no. 2 (1999/2000), 472.

⁴ Osburn, “Problems and Solutions,” 472.

⁵ Osburn, “Problems and Solutions,” 476.

⁶ James M. Hundley, “Repatriating the Past: Removing the Border through Transnational History,” *Human Organization* 78, no. 4 (2019), 300.

practices, in part through the methods of collecting and displaying Indigenous material culture.

Firstly, the initial methods of collection were rooted in theories of the “vanishing race” and social Darwinism. Ethnologists believed that Indigenous Peoples were vanishing and that their cultural material, sacred objects, and other aspects of culture must be “preserved”.⁷ At the same time, contemporary Indigenous Peoples were seen as savages and their societies as not worth preserving due to their “backwardness” and practices that went against the Euro-centric norm. It was believed that all that was worth knowing about Indigenous societies could be gained from the collected materials.⁸ As such, there arose a national agenda to “preserve” Indigenous material culture, but not Indigenous Peoples and their societies.

Secondly, collectors contributed to cultural weakening through the removal of sacred and ceremonial objects, and ancestor remains from Indigenous communities. Franz Boas, a collector based on the Pacific Coast, was known for looting totem poles and other ceremonial objects from Indigenous villages as well as publicizing private cultural information that was shared with him in confidence.⁹ The objects and knowledge that Boas collected were distributed to far-off museums, both Canadian and international, including the American Museum of Natural History, Chicago’s Field Museum, and the Berlin Museum.¹⁰ Such collection methods continue to be employed. Choctaw scholar Devon Mihesuah writes, “I read newspaper articles that chronicled the adventures of would-be Texas Indiana Joneses (i.e., “amateur archaeologists”) and saw burial sites that had been bulldozed and ransacked by grave robbers looking for skulls and burial items to sell.”¹¹ These events occurred in the 1990s, showing that the destruction of Indigenous societies in favour of collecting material culture was and still is ongoing.

Finally, the structure of the museums themselves attempted to erase the connections of Indigenous people to the collected materials. Once Indigenous materials entered museum collections, few attempts were made to continue relationships with Indigenous Peoples. Instead, anthropologists saw themselves as “experts” able to educate Indigenous individuals about their own history and cultures. Any attempts to repatriate sensitive material to the community of origin were met with excuses rooted in the Western scientific worldview and the discrediting of Indigenous epistemologies. Both the history of collection and the ongoing treatment of Indigenous

⁷ James Riding In, “Repatriation: A Pawnee’s Perspective,” in *Repatriation Reader: Who Owns American Indian Remains*, ed. Devon A. Mihesuah (University of Nebraska Press, 2000), 113.

⁸ Riding In, “Repatriation: A Pawnee’s Perspective,” 113.

⁹ Ira Jacknis, “Repatriation as Social Drama: The Kwakiutl Indians of British Columbia, 1922–1980,” *Repatriation Reader*, 266.

¹⁰ Jacknis, “Repatriation as Social Drama,” 267.

¹¹ Devon A. Mihesuah, “American Indians, Anthropologists, Pothunters, and Repatriation: Ethical, Religious, and Political Differences,” *Repatriation Reader*, 96.

cultural materials and remains have created a contentious relationship between Indigenous Peoples and museums.

Despite reluctance on the part of museums, there have been several victories in the battle for repatriation. Due to the nationalized nature of museums, the history and approaches to repatriation differ between the US and Canada. In the US, repatriation is primarily managed and enforced through the Native American Graves Protection and Repatriation Act (NAGPRA), which was passed in 1990 after years of work by Indigenous activists. NAGPRA requires the repatriation of ancestral remains, funerary, and sacred objects from federally funded museums and research centers to the Indigenous communities of origin.¹² NAGPRA allowed for greater coordination, transparency, and accountability between museums and Indigenous Peoples, putting the onus on museums to initiate repatriation and lowering the legal barriers to Indigenous claims.¹³ It also allows for traditional oral accounts and histories to be used as proof of connection in addition to documentary evidence, which legitimizes and integrates Indigenous legal traditions into the US legal system. NAGPRA has proven to be highly effective, having repatriated an estimated “50,518 individual human remains; 1,185,948 associated funerary objects; 219,956 unassociated funerary objects; 4,914 sacred objects; 8,118 objects of cultural patrimony; and 1,624 objects that are both sacred and patrimonial” by 2016.¹⁴ However, NAGPRA still has several weaknesses, including being rooted in Western epistemologies, a lack of power over collections with no government funding, and no guidance for international repatriation.

In contrast with the US, Canada has no federal repatriation legislation, instead governing through much looser legal frameworks, interwoven with cultural, customary, and international law. Although it does not deal with repatriation, there is some federal legislation on cultural objects. The Cultural Property Export and Import Act (CPEIA) helps govern the transportation of sensitive cultural material across the Canadian border, but there are no specifications for objects of Indigenous origin.¹⁵ Additionally, Section 91 of the Indian Act states that a limited selection of cultural objects cannot be transferred in title or removed from the reserve without the written consent of the Minister of Indian Affairs.¹⁶ Bill C-391 titled the Indigenous Human Remains and Cultural Property Repatriation Act was proposed in 2018 but failed to pass the Senate reading. This bill

¹² 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), 37.

¹³ Dekker, “Challenging the ‘Love of Possessions,’” 40.

¹⁴ Dekker, “Challenging the ‘Love of Possessions,’” 37.

¹⁵ Sara G. Ross, “Res Extra Commercium and the Barriers Faced When Seeking the Repatriation and Return of Potent Cultural Objects,” *American Indian Law Journal* 4, no. 2 (2017), 324.

¹⁶ Ross, “Res Extra Commercium,” 325.

would have enacted a formal federal policy on repatriation, echoing many aspects of NAGPRA.¹⁷ At the provincial level, Alberta is the only province with official repatriation legislation, in the form of the First Nations Sacred Ceremonial Objects Repatriation Act (FNSCORA). This Act stemmed from negotiations for the repatriation of medicine bundles between members of the Niitsitapi (Blackfoot) Nation and the Glenbrow Museum.¹⁸ While there have been nationwide discussions on federal repatriation legislation, such as the Canadian Task Force on Museums and First Peoples in 1992, these reports have ultimately favoured the case-by-case collaborative approaches. This is primarily due to the variability of Indigenous concepts of ownership since a single uniform practice or legislative approach could not accommodate all cultures.

In the absence of widespread formal legislation, the majority of repatriation in Canada currently takes place through direct negotiation. This method has resulted in self-implemented repatriation policies in several significant museums like the Royal Saskatchewan Museum and the Royal Ontario Museum (ROM). Such arrangements can offer flexible solutions besides repatriation, such as between the ROM and the Nishga'a where "objects rotate between the community and the museum, which takes them back for conservation."¹⁹ In the best-case scenario, a case-by-case approach can:

*negotiate arrangements that meet Indigenous communities' needs ... [especially] where resources or facilities to care for sacred objects are lacking, ... a clear departure from a law such as NAGPRA, where repatriation is an obligation regardless of the needs and capacities of source communities.*²⁰

In reality, a case-by-case approach is limited by time, differing notions of ownership and property, and financial costs.²¹ Repatriation may now be the expectation of museums, aided by international acts such as the United Nations Declaration on the Rights of Indigenous People, but there are still significant barriers in identifying potentially repatriatable cultural objects. Museums are not granted additional resources to create accessible inventories and Indigenous groups need large amounts of resources, time, and labour to find their cultural property. Both legislative and case-by-case approaches have their own benefits and shortcomings, but legislation such as NAGPRA has ultimately been more effective.

¹⁷ Bill C-391, *Indigenous Human Remains and Cultural Property Repatriation Act*, 1st sess., 42nd Parliament, Feb. 19, 2019.

¹⁸ Dekker, "Challenging the 'Love of Possessions'," 49. The Niitsitapi's extensive repatriation efforts is discussed later in this essay.

¹⁹ Dekker, "Challenging the 'Love of Possessions'," 50.

²⁰ Dekker, "Challenging the 'Love of Possessions'," 50.

²¹ Ross, "Res Extra Commercium," 327.

When considering cross-border repatriation between the US and Canada, the majority of cases are repatriations from American museums to Canadian Indigenous groups for several reasons. Firstly, as previously discussed, there are significantly fewer resources available when examining the collections of Canadian museums. Finding and identifying the relevant objects and repatriating them requires time and negotiation, making it much harder to pursue long-distance repatriation. Secondly, there are significantly fewer federally funded museums in Canada and much more extensive collections of Indigenous material culture within the US. The few cases of repatriation from Canada to the US are primarily from Alberta, which is the only province with legislation on repatriation. I will be looking at two cases of international repatriation from museums located in the US to First Nations in Canada. The first case involves the repatriation of an ancestral stone figurine from the Burke Museum in Washington State to the Stó:lō Nation with the aid of the Nooksack Tribe. The second case addresses the extensive repatriation efforts of the Niitsitapi (Blackfoot), including that of medicine bundles from Denver to the Siksika Nation. Both cases show how international repatriation efforts contribute to Indigenous unity, sovereignty, cultural rejuvenation, and healing, in spite of the border.

The Stó:lō are a Coast Salish people, residing in the Fraser River Valley in British Columbia. The Stó:lō are part of the Ts'elxwéyeqw (Chilliwack), seven First Nations that share traditional territory and close linguistic, cultural, and familial ties, under the larger umbrella of the Coast Salish, which is a non-native term describing the diverse array of peoples that live around the Salish Sea.²² In the 1870s, the US and Canada defined the international border along the 49th parallel, suddenly separating the Stó:lō and Nooksack, another Ts'elxwéyeqw nation. This was followed by an influx of European settlers, the imposition of American and Canadian sovereignty, and the suppression of Indigenous cultures and people through anti-Potlatch laws, the implementation of reserves, associated travel restrictions, and settler-led mob violence.^{23,24} It was in 1884, a year of explosive anti-Indigenous violence, that the keepers of the stone figurine ancestor named T'xwelátse left to stay with another familial group for safety. During the time of absence, T'xwelátse was looted by two non-native men and was later sold to the Burke Museum in Seattle. This looting was devastating for the community as in Coast Salish tradition, T'xwelátse is a man turned to stone by Xa:ls, the transformer and creator, because he was arguing with his wife. Xa:ls instructed T'xwelátse's wife to care for him, which the Stó:lō and Nooksack women descended from T'xwelátse continue to do. Both men and women can be chosen to carry T'xwelátse's

²² Hundley, "Repatriating the Past," 299.

²³ Elizabeth G. Wessells and Sven D. Haakanson, "Exploring International Repatriation Between US Museums and First Nations in Canada" (master's thesis, University of Washington, 2017), 22.

²⁴ Hundley, "Repatriating the Past," 299.

name. It is currently carried by Herb Joe of Stó:lō Nation.²⁵ Despite T'xwelátse's theft, the cultural teachings or sxwōxwiyám pertaining to T'xwelátse continued to be used by the Stó:lō in culture and ceremony.²⁶

It was only in 1990 that Joe and other Stó:lō elders learned of T'xwelátse's presence in the Burke Museum and they immediately started repatriation efforts. The repatriation requests were ignored and delayed by the Burke Museum. Given that the repatriation request came from a Canadian First Nation and the Burke Museum had no obligation to return the figurine under NAGPRA. Only when the administration changed in 2002 that the curators and museum directors started to even consider T'xwelátse's repatriation. However, the museum was unsure how to proceed, noting, "We were initially unclear about how the Stó:lō interest would move forward, as a NAGPRA claim, or other type of claim, or a loan. We knew it was really special and had a significant role for the community, but we had no precedent for international repatriation."²⁷ NAGPRA could only apply to federally-recognized nations in the US, leaving the Stó:lō unable to submit a claim. Thus, the Stó:lō reached out to the Nooksack Tribe to work as partners, allowing the Nooksack to successfully file a repatriation request under NAGPRA. In order to have this dual-step repatriation legitimized, the Stó:lō and Nooksack had to prove that they were kin, rather than solely "separate tribes on either side of the international border."²⁸ David Schaepe, the Senior Archeologist and Director of the Stó:lō Research and Resource Management Centre, demonstrated the shared cultural and familial ties between the groups, stating,

The network of Grandmothers [T'xwelátse's caretakers] certainly included members down in Nooksack, so they understood the importance of doing the work, and the importance of being clear that the repatriation to Nooksack was a first step in T'xwelátse's return, he wouldn't be staying there but be resting for a short time and then moving up to a home in the Ch-ihl-kway-uhk community [within the Stó:lō Nation].²⁹

Despite their extensive report including oral history, archeological analysis, and documentary research, the initial NAGPRA request through Nooksack was rejected due to their identification of T'xwelátse as human remains. This demonstrates the mismatches between and challenges of integrating Indigenous and Western worldviews and legal systems, even when dealing

²⁵ Wessells, "Exploring International Repatriation," 23.

²⁶ Hundley, "Repatriating the Past," 303.

²⁷ Wessells, "Exploring International Repatriation," 24.

²⁸ Hundley, "Repatriating the Past," 304.

²⁹ Wessells, "Exploring International Repatriation," 25.

with pro-Indigenous legislation. It was only after the repatriation team compromised their own cultural understandings and resubmitted the NAGPRA request identifying T'xwelátse as an object of cultural patrimony that the repatriation was successful.

Through the repatriation of T'xwelátse, several unique aspects of international repatriation become evident. Firstly, repatriation across the border required both nations to compromise their epistemologies to appease the American and Canadian legal systems. This can be seen most evidently in the exclusion of the Stó:lō from NAGPRA, despite them sharing deep kinship and communal bonds with the other Ts'elxwéyeqw nations, regardless of the border. They were also forced to undermine their cultural understanding of T'xwelátse in favour of his classification within the Western scientific paradigm. Secondly, the cooperative repatriation effort reaffirmed the ties between the Stó:lō and the Nooksack. Through working and asserting their sovereignty as one nation, they resisted the imposition of the international border in favour of decolonial unity. Finally, T'xwelátse's homecoming empowered cultural healing and rejuvenation in both nations, returning him to his place within the community and ceremony.

The traditional territory of the Niitsitapi (Blackfoot Confederacy) stretches from southern Alberta and Saskatchewan to northern Montana. Originally one people, the Niitsitapi were divided in the mid-1800s by the introduction of the US-Canada border along the 49th Parallel, nationalized treaties, and the reservation system.³⁰ The significant impacts of disease, missionary presence, and residential schooling further contributed to cultural weakening and the fracturing of Niitsitapi connectivity. Today, the Niitsitapi consist of four main groups: the Siksika, Kainai, and Northern Piikani in Alberta and the Southern Piikani in Montana. During the early 1900s, collectors offered necessary and life-saving funding in exchange for cultural materials from these fractured communities. The objects were quickly sold to museums or private collections, giving the Indigenous customers no chance to repurchase the objects when they became financially stable. When the Niitsitapi refused to sell their antiques and religious objects, some collectors stole them from graves, taking human remains and ceremonial objects.³¹ The cultural destruction enacted through colonialism wore away at Niitsitapi spiritual traditions and many medicine bundles, objects of central significance to Niitsitapi ceremony and spiritual life, were removed from communities as the practice of traditional spirituality decreased. In order to prevent blatant theft, some people even voluntarily transferred bundles to museums for safekeeping and

³⁰ Wessells, "Exploring International Repatriation," 34.

³¹ Frank Weasel Head, "Repatriation Experiences of the Kainai," in *We Are Coming Home: Repatriation and the Restoration of Blackfoot Cultural Confidence*, ed. Gerald T. Conaty (AU Press, 2015), 154.

preservation for future generations.³² By the mid-1900s, thousands of medicine bundles had been removed from communities and placed in museums.

Repatriation began in Niitsitapi communities as early as the 1970s. It started as the nations individually began efforts of cultural and spiritual rejuvenation with the aid of the few remaining elders who retained traditional knowledge. Allan Pard, a Northern Piikani elder and the director of the Oldman River Cultural Centre on the Peigan Reserve, writes,

As we discussed how we could start to revive our traditional ceremonies, we started to focus on the O'kaan [Sun Dance Ceremony]. Before long, we were at the point where we really wanted to have the O'kaan again. There was definitely a spiritual need for it, and it seemed we had most of the prerequisites to carry it out. The younger people who were coming to the cultural centre showed a real willingness to make the effort and perform the duties necessary to have an O'kaan. The appropriate ceremonial leaders, who had the sacred rights and the knowledge to have an O'kaan, were all still alive. The only missing component was the Natoas bundle. Joe's grandmother had had one, but it had ended up in the provincial museum in the late 1950s.³³

At that time, the Piikani could only obtain the Natoas bundle through a loan from the museum but were nonetheless able to revive the ceremony. Despite the challenges imposed by separate reserves and restrictions on travel, spiritual revival among the Niitsitapi quickly spread through all Indigenous nations, aided by the interconnectedness of Niitsitapi spirituality itself. For example, Pard explains, "In order to have a successful O'kaan, we had to revive the Kana'tsomitaisi [Brave Dog Society] at Piikani."³⁴ In this manner, spiritual revival created a domino effect between the different Niitsitapi nations, while at the same time renewing their connectivity and collective sovereignty.

The repatriation of medicine bundles followed this standard of united Niitsitapi sovereignty. Pard describes the repatriation efforts: "It was important for us not to critique or "gate keep" to the point where we would be judgmental about who gets the bundles."³⁵ In 2002, Kainai elder Frank (Miiksskim "Iron") Weasel Head oversaw the repatriation of a Medicine Pipe Bundle from the Province of Alberta to the Southern Piikani in Browning, Montana. The medicine bundle was initially donated by Robert Sriver, a non-Indigenous artist who lived among the Piikani in Browning.

³² Weasel Head, "Repatriation Experiences of the Kainai," 155.

³³ Allan Pard, "Repatriation Among the Piikani," *We Are Coming Home*, 120–121.

³⁴ Pard, "Repatriation Among the Piikani," 121.

³⁵ Pard, "Repatriation Among the Piikani," 123.

He donated his collection to the province of Alberta to prevent his collection of Niitsitapi objects from being repatriated through NAGPRA.³⁶ Even though his collection contained Niitsitapi objects from both sides of the border, the province argued that the bundle belonged in Montana, not with the Kainai in Alberta. Miiksskim writes,

*We kept stressing the fact that when the artificial boundary was introduced, we happened to be camped in our traditional clan areas and therefore became separated. That is why we still call people from the four reserves our brothers and sisters; we are inter-related. ... Those bundles travelled freely among the four Blackfoot-speaking peoples before the reserves came into existence and before the artificial boundary was put in place.*³⁷

Ultimately, Miiksskim's argument persuaded the museum to let the bundles be repatriated to the Montana Piikani, who then further transferred some of them to the other three reserves.

The repatriation of a Siksika bundle from the Denver Museum of Nature & Science (DMNS) in 2014 provides a final example of how the Niitsitapi were able to utilize tribal sovereignty to defy the border restrictions. The bundle in question contained eagle feathers, which are prevented from being moved across the US border by federal law. Despite the museum working closely with the US Fish & Wildlife Service, who are responsible for enforcing the federal eagle laws, they still found that "there was no permitting system or other means to get an exception for the unusual case of repatriation."³⁸ In order to facilitate the repatriation despite these laws, DMNS decided to repatriate the Siksika bundle to the Southern Piikani, who were then able to freely transport it across the border to the Siksika under guarantee from the Jay Treaty of 1794.

Ultimately, the continuous efforts and successes of the repatriation of Niitsitapi medicine bundles speaks to the power of Indigenous solidarity and sovereignty. Despite serious cultural fracturing both within and between the individual Niitsitapi nations, members from all the nations were able to foster spiritual and cultural revitalization. Through working as a united people, the Niitsitapi were able to gain access to medicine bundles that would not have otherwise been accessible. They also legitimized themselves as a united people, despite the imposition of the border dividing their people and territories.

In conclusion, Indigenous nations have co-opted and utilized international repatriation to re-establish united sovereignty, which was initially devastated by national borders among other genocidal policies. Furthermore, through international repatriation, Indigenous nations have

³⁶ Weasel Head, "Repatriation Experiences of the Kainai," 171.

³⁷ Weasel Head, "Repatriation Experiences of the Kainai," 171.

³⁸ Wessells and Haakanson, "Exploring International Repatriation," 36.

legitimized their legal systems within the Western legal norm and furthered their projects of cultural and spiritual revitalization. In the face of settler-colonial structures, cross-border repatriation has once again allowed Indigenous nations to demonstrate their resiliency, ingenuity, and purpose.

Bibliography

- Bill C-391. *Indigenous Human Remains and Cultural Property Repatriation Act*, 1st sess., 42nd Parliament. February 19, 2019.
<https://www.parl.ca/DocumentViewer/en/42-1/bill/C-391/third-reading>,
- Biolsi, Thomas. "Imagined Geographies: Sovereignty, Indigenous Space, and American Indian Struggle." *American Ethnologist* 32, no. 2 (2005), 239–259.
- Dekker, Jennifer L. "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), 37–62.
- Hundley, James M. "Repatriating the Past: Removing the Border through Transnational History." *Human Organization* 78, no. 4 (2019), 298–310.
- Jacknis, Ira. "Repatriation as Social Drama: The Kwakiutl Indians of British Columbia, 1922–1980." In *Repatriation Reader: Who Owns American Indian Remains*. Edited by Devon A. Mihesuah. University of Nebraska Press, 2000.
- McCall, Sophie, Deanna Reder, and Eric G. Anderson. "First Nations and Native Souths on Both Sides of the 49th Parallel." *The Global South* 9, no. 1 (2015), 39–61.
- Mihesuah, Devon A. "American Indians, Anthropologists, Pothunters, and Repatriation: Ethical, Religious, and Political Differences." In *Repatriation Reader: Who Owns American Indian Remains*. Edited by Devon A. Mihesuah. University of Nebraska Press, 2000.
- Osburn, Richard. "Problems and Solutions Regarding Indigenous Peoples Split by International Borders." *American Indian Law Review* 24, no. 2 (1999/2000), 471–485.
- Pard, Allan. "Repatriation Among the Piikani." In *We Are Coming Home: Repatriation and the Restoration of Blackfoot Cultural Confidence*. Edited by Gerald T. Conaty. AU Press, 2015.
- Riding In, James. "Repatriation: A Pawnee's Perspective." In *Repatriation Reader: Who Owns American Indian Remains*. Edited by Devon A. Mihesuah. University of Nebraska Press, 2000.
- Ross, Sara G. "Res Extra Commecium and the Barriers Faced When Seeking the Repatriation and Return of Potent Cultural Objects." *American Indian Law Journal* 4, no. 2 (2017), 297–389.
- Weasel Head, Frank. "Repatriation Experiences of the Kainai." In *We Are Coming Home: Repatriation and the Restoration of Blackfoot Cultural Confidence*. Edited by Gerald T. Conaty. AU Press, 2015.
- Wessells, Elizabeth G., and Sven D. Haakanson. "Exploring International Repatriation Between US Museums and First Nations in Canada." Master's thesis, University of Washington, 2017.