



## **ASSOCIATION ON AMERICAN INDIAN AFFAIRS**

Protecting Sovereignty • Preserving Culture  
Educating Youth • Building Capacity

### **International Repatriation Program Concept Summary**

The Association on American Indian Affairs officially began work in international repatriation in 2014. Prior to that and for the last 100 years, the Association has led initiatives on the protection of cultural heritage and sacred places, including the passage of the American Indian Religious Freedom Act, NMAI Act, NAGPRA, Protect Patrimony Resolution, and the STOP Act. We have also participated in repatriation processes with diverse Native Nations domestically and internationally. The Association provides training and technical assistance on international repatriation at our annual repatriation conference in the fall, and develops customized training for Native Nations and institutions. The Association's "A Guide to International Repatriation" was developed in 2014-15 and is currently in revision, and remains a helpful resource for Native Nations that are researching international collections.

The dispossession and trafficking of Native American bodies and their burial belongings, as well as other sensitive cultural heritage is not a problem limited within U.S. borders. The bodies and items that were stolen, which took place as part of federal land takings, genocide and assimilation policies, were removed with collectors to institutions all over the world. Some of those items were sold in private markets and others were hoarded into museums and academic institutions around the world. Much of the time, very little is known about those collections in foreign institutions except where they came from because Native Peoples have never been considered as the primary experts of their own culture and manifestations thereof.

We have no real idea the number of bodies and cultural items in international institutions—some declare that there must be at least 2 million items. The Association has developed an efficient strategy for gathering information and building coalitions that will support effective relationship building that leads to repatriation. At one time the Association had proposed developing a database of international collections at the outset of its international repatriation program, similar to developing inventories or summaries under NAGPRA. However, such a database would be time consuming and expensive to develop and maintain, with no real movement or guidance towards actual repatriation.

The Association is currently working through Phase 1 and Phase 2 of the strategy below. This strategy is meant to build relationships and coalitions, as well as prioritize efficiency and minimize burdens on Native Nations. Thus, developing Phase 1 information and coalition building with Native Nations is key for the success in international repatriation.

### **Phase 1 - Develop Clear Strategies and Priorities for International Repatriation**

- Research laws, policies, guidance and institution collection information for countries of interest;
  - Prioritize countries where the laws and information support repatriation from best to worst; and
  - In order of priority, work with known information, and with a country's institutional contacts to understand where their collections originated within the United States, and what Native Nation(s) are connected to a particular institution's collections.
- ⇒ Outcome: In a prioritized list from best to worst, documentation of country support and/or challenges towards repatriation, which includes geographical information about where an institution's collections originated.

### **Phase 2 - Build Native Nation Coalitions for Relationship Building with Institutions**

- Share information from Phase 1 Outcome on the Association's Restoring Ancestral Connections website (<https://restoringancestralconnections.squarespace.com/>);
  - Develop coalitions of Native Nations that are potentially affiliated with institution collections in the first prioritized country;
  - Develop funding resources for travel and physical repatriation; and
  - Work with those Native Nations, country institutions, and partners to build an agreement or protocol document for repatriation and other potential mutual benefit
- ⇒ Outcome: Along with a developing network and updated resources provided on the Restoring Ancestral Connections website, a template repatriation protocol to be used for the first Native Nation coalition-led repatriation with an international institution.

### **Phase 3 - Undertake Collective Repatriation between Native Nation Coalitions and Institutions**

- Begin the repatriation process with the first prioritized country and the first Native Nation coalition;
  - Provide education and media training about the process to share successes;
  - Continue down the list of prioritized countries and Native Nation coalition building; and
  - Develop diplomatic opportunities when working with countries whose laws do not support repatriation.
- ⇒ Outcome: Continued successes with repatriation and Native Nation coalitions, and building best practices for international repatriation

#### Current Working Partners:

- University of Arizona College of Law: Professor Emeritus, Indigenous Law & Policy Program, Robert A. Hershey, Esq.
- Dr. Fiona Batt, LLB, LL.M., PGCE (PCE) and Ph.D. and author of *Ancient Indigenous Human Remains and the Law*, Routledge Research in International Law, published August 25, 2021.
- University of Bristol Human Rights Implementation Centre, Professor Rachel Murray, LL.B., LL.M., and Ph.D. and Centre law students.

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