

When Culture Touches an Object: The U.S. Antiquities Act as an Antiquated Tool – Case Study of Bears Ears National Monument

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For many, national monuments represent an excellent tourist place or a space packed with extractive resources that need to be exploited. For many Indigenous peoples, these areas contain a spiritual connection that needs to be preserved. Bears Ears national monument is an example of that cultural heritage encapsulated in a landscape. This paper analyzes the Antiquities Act and the powers that directly or indirectly “emanate” in favor of the President, Congress, and Native Nations in the United States. The aim is to question the presidential and congressional power over national monuments on Indigenous ancestral territories. By doing so, this paper will move from an “object” paradigm to a “cultural” paradigm, understanding national monuments as cultural spaces. I will question the faculty of determination and reduction of national monuments and the possibility of incorporating a substantial co-management of these areas between agencies and Native nations. The case study further takes into account implications of a Trump Administration decision to shrink, divide and rename Bears Ears National Monument.