

REVIEW BOARD DECISION

July 14, 2026

REQUEST FOR REVIEW OF AN APPLICATION FOR CULTURAL PROPERTY EXPORT PERMIT

Application No.: 0495-26-01-28-004

Quilled chair seat, early 19th century, by an unidentified Mi'Kmaq artist

Held:

The Review Board finds that the Object is included in the *Canadian Cultural Property Export Control List*, is of outstanding significance, and is of such a degree of national importance that its loss to Canada would significantly diminish the national heritage.

The Review Board also finds that an institution or public authority in Canada might make a fair offer to purchase the Object within six months of this decision. The Review Board therefore establishes a delay period of six months ending **January 14, 2027**, during which it will not direct that an export permit be issued in respect of the Object.

BACKGROUND

1. On January 26, 2026, Waddington's Auctioneers & Appraisers (the Applicant) applied to the Canada Border Services Agency (CBSA) for a permit to export the work, a quilled chair seat, early 19th century, by an unidentified Mi'Kmaq artist (the Object).
2. On February 20, 2026, a permit officer employed by the CBSA sent to the Applicant a written notice of refusal with respect to the Object. The refusal was based on the advice of Salina Kemp, Curator, Indigenous Histories and Contemporary Cultures, East, Canadian Museum of History (the Expert Examiner), who determined that the Object is of "outstanding significance" and "national importance" per the *Cultural Property Export and Import Act* (the Act).
3. On March 13, 2026, the Applicant requested a review of its application for an export permit (the Request for Review) by the Canadian Cultural Property Export Review Board (the Review Board).
4. On March 24, 2026 and in response to a request by the Review Board, the Applicant's representative, Siera Hyte, Schiller Family Curator of Indigenous American Art, Virginia Museum of Fine Arts, filed a written statement and images of the Object in support of its Request for Review (Written Statement).
5. On May 19, 2026, the Review Board met to consider this Request for Review.

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ANALYSIS

Legislative Framework

6. According to subsection 29(3) of the Act, when reviewing a refused application for an export permit, the Review Board shall determine whether the object:
 - a) is included in the *Canadian Cultural Property Export Control List* (Control List);
 - b) is of outstanding significance by one or more reasons set out in paragraph 11(1)(a):
 - its close association with Canadian history or national life,
 - its aesthetic qualities, or
 - its value in the study of the arts or sciences; and
 - c) meets the degree of national importance referred to in paragraph 11(1)(b): is of such a degree of national importance that its loss to Canada would significantly diminish the national heritage.
7. Where the Review Board determines that an object fails to meet one or more of the criteria set out in subsection 29(3), it shall direct a permit officer to issue an export permit forthwith (subsection 29(4)).
8. In accordance with subsection 29(5), where the Review Board determines that an object meets all the criteria in subsection 29(3):
 - a) if it is of the opinion that a fair offer to purchase the object might be made by an institution or public authority in Canada within six months after the date of its determination, the Review Board shall establish a delay period of not less than two months and not more than six months during which it will not direct that an export permit be issued in respect of the object; or
 - b) in any other case, direct a permit officer to issue an export permit forthwith.

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Is the Object included in the Control List?

9. The Review Board finds that the Object is included in the Control List.
10. An object that falls under the Control List cannot be exported from Canada without a permit. The Control List applies to an object that:
 - is 50 or more years old;
 - was made by a natural person who is no longer living; and
 - meets specific criteria including age or a minimum dollar value, as set out in the Control List.
11. The Applicant and the Expert Examiner agree that the Object is included in the Control List under Group II 2(a); an object of ethnographic material culture that has a fair market value in Canada of more than \$3,000 and was made, reworked or adapted for use by an Aboriginal person of Canada.
12. Although the Applicant noted that there was a possibility that the Object was made in what is now present-day Maine, the Applicant also noted that it is “highly likely” that this seat was made within the territory that is now Canada. As a result, the Review Board determined that the Object was most likely by a First Nation’s person of Canada.
13. The Review Board further notes that when looking at the work of Indigenous groups, their territories and movements spanned geographical boundaries, and present-day maps are the result of a long colonial expansion into lands that were first occupied by First Nations peoples.

Is the Object of Outstanding Significance?

14. The Review Board finds that the Object is of outstanding significance by reason of its close association with national life, its aesthetic qualities, and its value in the study of arts.

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EXPORT PERMIT****Application No.: 0495-26-01-28-004****Quilled chair seat, early 19th century, by an unidentified Mi'Kmaq artist**Close association with national life

15. The Review Board has determined that the object is of outstanding significance by reason of its close association with national life.
16. The Mi'Kmaq are Indigenous people who have inhabited the maritime area of Canada for centuries. From the early 18th century onwards, the Mi'Kmaq were gradually forced to relocate from their traditional lands by missionaries and colonists, causing disruption to their way of living and changing their historic hunting and fishing sites. Initially, they began trading furs as a means of navigating this social disruption. When the fur trade decreased, many of the talented women turned to their traditional knowledge of materials and unique design talents to create exquisite creations, often in quillwork, some of which was adapted for trade. According to the Written Statement, this chair seat, noted as in "good condition" and dating to the first half of the 19th century, is an intact example of this type of trade goods. Work created in this period for trade not only provided a means of subsistence but also ensured the preservation of historic cultural and artistic traditions.
17. The Review Board also notes that quillwork, as an outstanding marker of national life, continues as a key form of artistic expression in contemporary Mi'Kmaq communities today. For example, in the acclaimed work of the Quill Sisters, an artist collective that explores art through artistic production, and knowledge dissemination. Or in the work of acclaimed artist Jordan Bennett who explores the language of quillwork designs in his large contemporary installations.¹

Aesthetic qualities

18. The Review Board determined that the Object is of outstanding significance by reason of its aesthetic qualities.

¹ See for example, Quill Sisters: <https://melissapeterpaul.com/the-quill-sisters> and the touring exhibition, *Epekwithk Quill Sisters: Etleogoeiog (Talking Together/ Dialogue)* organized by Beaverbrook Art Gallery. See also: Jordan Bennett; <https://www.jordanbennett.ca/works>, as well as his recent exhibition, *Souvenir*, 2026 at the ROOMS, Newfoundland <https://therooms.ca/exhibits/jordan-bennett-souvenir>.

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19. The Object is in good condition and is an example of trade goods made by the Mi'Kmaq in the first half of the 19th Century. The Written Statement submitted by the Applicant noted that the specific "double curve motif" used by the creator was completed with very complex stitching.
20. The Expert Examiner states that "[w]hile there are many examples of Mi'Kmaq quilled chair pieces, this chair seat (the Object) contains a unique design style..."
21. Based on this, the Review Board recognizes the high degree of artistry and craftsmanship found in the Object. Furthermore, it recognizes that this chair seat design is unique and therefore rare.

Value in the study of the arts

22. The Review Board found that the Object was of outstanding significance by reason of its value in the study of the arts.
23. The Review Board finds that the Object is important to the study of the arts in Canada. This finding is based on the comments of both the Applicant in the Written Statement and the Expert Examiner with respect to the Object's value in the study of the arts.
24. The Expert Examiner noted that "[t]he object has value for the study and understanding of the transmission and techniques related to Mi'Kmaq quillwork." The Written Statement notes that "the further study and exhibition of this chair by and for Mi'Kmaq people on both sides of the colonial border will be meaningful. This will also benefit other scholars of Indigenous art as well as general audiences."
25. The Review Board agrees with these statements and further emphasizes that quillwork as an art form has been the topic of curatorial and scholarly exhibitions and is a subject of continued academic study.² It is important to also emphasize that quillwork exists within other Indigenous communities so this work further has

² See for example: Langille, Sophie. "If Looks Could Quill: Mi'kmaq Porcupine Quillwork Back to Life in Contemporary Indigenous Art." *The iJournal: Student Journal of the Faculty of Information* 9, no. 1 (2023): 35-48.

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value in the study of the arts not only in how it relates to Mi'Kmaq quillwork, but also in how it is positioned within the wider canon of quillwork and art history.

Is the Object of such a degree of national importance that its loss to Canada would significantly diminish the national heritage?

26. The Review Board finds that the Object is of such a degree of national importance that its loss to Canada would significantly diminish the national heritage. The Review Board makes this finding based on the Object's rarity, contextual associations, and research value.

Rarity

27. The Expert Examiner states that "while there are many examples of Mi'Kmaq quilled chair pieces", they single the quillwork pattern of this chair seat out as a "unique design and style," which adds to the rare nature of the Object. The Review Board agrees that the Object is rare.

Contextual associations

28. As stated in the Written Statement, the Object preserves for posterity the excellence of Mi'Kmaq quillwork through its technique and distinct design. It remains as a visual reference to the survival skills of an Indigenous people during a period of oppression and social disruption. It is important to the study of Mi'Kmaq traditional skill but also of their successful adaptation to a rapidly changing social environment.
29. The Review Board agrees with this statement and reemphasizes how the work is not only an example of historical quillwork practices but serves as a connection to contemporary quillwork art forms.

Research value

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30. As stated above, both the Expert Examiner and the Written Statement contain strong statements regarding the importance of the Object as an example of early trade goods with a unique design that can spur further study.
31. The topic of trade goods in art history has been the subject of many studies and continues to be an area of research value.³
32. Beyond the topic of trade goods, the Review Board also reiterates how important the Object is for the research and study of the continuation of Mi'Kmaq quillwork as an aesthetic, research-focused and identity forming art expression.

Might there be a fair offer to purchase the Object within six months of the determination?

33. Paragraph 29(5)(a) of the Act requires the Review Board to determine if it is of the opinion that a fair offer to purchase the Object might be made by an institution or public authority in Canada within six months after the date of its determination. The threshold is therefore just a possibility – far less than a probability or a certainty.
34. The Review Board finds that an institution or public authority in Canada might make a fair offer to purchase the Object because of its rarity, aesthetic value and value in the study of the arts.

Will a delay period be established?

35. Since the Review Board is of the opinion that an institution or public authority in Canada might make a fair offer to purchase the Object within six months after the date of the determination, the Review Board must establish a delay period of not

³ See for example the groundbreaking study: Phillips, Ruth Bliss. *Trading identities: The souvenir in Native North American art from the northeast, 1700-1900*. University of Washington Press, 1998. The late 1980s and 1990s saw a growth of scholarship in the area of Indigenous art histories, trade and colonial histories. This area continues to be a topic of exhibition, academic and university study. See for example: Berlo, Janet Catherine, and Ruth Bliss Phillips. *Native north American art*. Oxford University Press, 2015.

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less than two months and not more than six months during which the Review Board will not direct that an export permit be issued in respect of the Object.

36. The Review Board established a delay period of six months, ending January 14, 2027, during which it will not direct that an export permit be issued in respect of the Object. The Review Board considered the time required for an institution or public authority to consider the acquisition of the Object.

DETERMINATION

37. The Review Board finds that the Object is included in the Control List, is of outstanding significance, and is of such a degree of national importance that its loss to Canada would significantly diminish the national heritage.
38. The Review Board also finds that an institution or public authority in Canada might make a fair offer to purchase the Object within six months of this decision. The Review Board therefore establishes a delay period of six months ending January 14, 2027, during which it will not direct that an export permit be issued in respect of the Object.

Decided by:
Patricia Feheley, Acting Chairperson

Steven Borys, Member
Daniel Chouinard, Member
Tzu-I Chung, Member
Monte Clark, Member
Laurie Dalton, Member
Susan Mackenzie, Member