



*Ryukyu Memorial Site, Japan. Photo taken by Cathleen Crain, used with permission.*



# **The Commission for the Ethical Treatment of Human Remains American Anthropological Association**

## **FINAL REPORT, June 2024**

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## **INTRODUCTION**

This report details the work of the American Anthropological Association’s Commission for the Ethical Treatment of Human Remains from May 2022 to May 2024. This work included an extensive review and analysis of current ethics policies, an interdisciplinary literature review, consultation with biological anthropologists, geneticists, and bioarchaeologists, and listening sessions with descendant communities nationally and internationally. We recognize the importance of language as well as its inherent inability to perfectly represent the complexity of the communities and topics within this report. Throughout this report, we will use the term “Native American” to refer to federally recognized Native American tribes, Alaska Native villages, and Native Hawaiian organizations. When we are discussing native peoples who are not included within the legal framework of NAGPRA, we use the term “Indigenous” (Bader et al. 2023). Despite the naming of our Commission, we will also use the terms “individuals,” “Ancestors,” and “Ancestral remains” to refer to the remains of individuals (Bader et al. 2021). While we capitalize Black and Indigenous throughout this report, we do not capitalize white, as per accepted standards (Laws 2020).<sup>1</sup>

## **CONTEXT**

Anthropology has its roots in settler colonialism, overseas imperialism, slavery, and white supremacy (Trouillot 1989; Harrison 1991; Baker 1998; Blakey 1987; Beliso de Jesús and Pierre 2020; Pels 1997; Thomas and Clarke 2013; Lonetree 2012). These roots have structured the discipline’s approaches to knowledge production in many ways. Missionaries, colonial administrators, physicians, traders, and others produced

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<sup>1</sup> <https://www.cjr.org/analysis/capital-b-black-styleguide.php>

copious volumes of data about the peoples they were encountering worldwide as the result of European colonial expansion (Lutz and Collins 1993; Trouillot 1989). They also developed extensive collections of the Ancestral remains and cultural products of these peoples, bringing them back to their metropolises for display and research, and developing hierarchies of humanity that divided the world's populations into ranked categories and evolutionary schema in which white (Christian) manhood was the epitome of civilization. People and places were grouped and represented according to patterns of place and race, a method that denied individuality to those being studied even as it presumed a self-possessed individual researcher and writer. Colonization, thus, was foundational, not merely to the dominance of the West, but to the disciplines that would legitimate these evolutionary hierarchies. These processes were also central to the modes of representation that became dominant within anthropology and within ethnographic museums, modes that sought to make the non-West transparently legible to Western observers.

Biological anthropology, as a sub-field of the broader anthropological field, began in the mid-19<sup>th</sup> century as a specialty of physicians and anatomists seeking to explain human variation. Carolus Linnaeus had already begun a taxonomy (classification) of life during the 18<sup>th</sup> century European Enlightenment. His *Systema naturae* (1758) was spurred in large part by European imperial exploration and encounters with different plants, animals and peoples around the world. He described races in biological terms and according to Eurocentric stereotypes, understanding Black and brown people worldwide as naturally suited to their subordination by colonizing and enslaving Europeans because of what he saw as their inherently lower aptitude. In the 19<sup>th</sup> century United States as well, both scientific and lay positions were locked within the assumptions of “natural” and hierarchical ordering that undergirded the Enlightenment notion of ‘race’ dividing peoples around the world into the following categories: American, Caucasian, Ethiopian, Malay and Mongolian. By the early nineteenth century, we see these early racial taxonomies elaborated through the various strands of Scientific Racism, in which social differences – such as those between colonizers and colonized, slaveholders and enslaved, Christian and non-Christian – were explained according to the new “natural philosophy, science,” and were measured with cranial calipers (Gould 1981, 1996). The collection of the tens of thousands of human skeletons and tissues housed in American and European museums started as a result of this history. These scientific resources were presumed to bring the authority of material evidence to otherwise subjective human interpretations. The measurements of these human body parts helped justify slavery, colonialism, white privilege, and patriarchy as natural phenomena.

While anthropologists and museum workers enacted forms of violence grounded in Enlightenment coloniality, evolutionary progress, white supremacy, and eugenics, Black intellectuals and physicians critiqued these dominant views of the white academy throughout the 19<sup>th</sup> century. This was true not only in the United States, where Frederick Douglass responded critically to Samuel G. Morton and other proponents of polygenism (Douglass 1854), but also further afield, such as when Haitian diplomat and anthropologist Anténor Firmin countered Arthur de Gobineau's *Essay on the Inequality*

of the Human Races with his own text, *The Equality of the Human Races* (Firmin 2002[1885]).

From the turn of the 20<sup>th</sup> century until World War II, new theories such as Social Darwinism put those racial differences into hierarchical order, advancing from inferior to superior races (Blakey 2020, 2022). Throughout the first half of the 20<sup>th</sup> century, advocates of racial biological determinism extended their theories to also include class and ethnic differences among white immigrant and minority populations. Eugenics, as an application of evolution by human design, was advanced in the leading American and Western European museums and universities. Racist ideas regarding white supremacy gave credence to governmental applications of eugenical theory. These included Jim Crow racial segregation, laws that targeted interracial marriage and encouraged “racial integrity,” and immigration restrictions (such as the Johnson-Reed Immigration Act of 1924). U.S. Eugenical methods were applied most completely in Germany, fueling the selective mass murder of those whom many scientists agreed were of naturally inferior racial “stock.” The Holocaust in Europe, and racial segregation in the United States, and Apartheid in the United States and South Africa were legitimized by anthropological research. Black scholars, such as W.E.B. Du Bois, Montague Cobb, and others critiqued and opposed these dominant views of a predominantly white and Christian academy between the world wars.

At the conclusion of World War II, racial, racist, and eugenical sciences were found to have been both technically and morally bankrupt. The UNESCO *Statement on Race* (1950) was drafted by a committee of distinguished scholars to establish the global scientific community’s critique of pre-war racial science and mandate future work in human biology. All groups of human beings, they found, had equal intellectual endowments and were capable of “civilization.” Their *Statement* was, like all ideas, affected by its moment. While the *Statement* openly opposed the use of “race” as such, it practically only meant to abolish biological distinctions (but permitted “ethnic” differences) among white people in response to the Holocaust. It proposed a nominal change only from the use of the term, “race,” to that of “divisions” constituting “Caucasoids” (consolidating all European descent groups), “Mongoloids,” and “Negroids” (Montagu 1972; UNESCO 18 July 1950). A ‘New Physical Anthropology’ of Julian Huxley, Sherwood Washburn, and Theodosius Dobzhansky also emerged at this time which shifted focus to the genetics of relatively small breeding “populations.” Population genetics could then reveal the non-racial geographical distribution of racially discordant genes and clines, demonstrating that race does not exist as a natural phenomenon (Livingston 1962). These findings lead some scientists to understand race instead as a socially constructed classification, where the differences among social groups are made to appear natural by classifying them based on a few obvious physiognomic traits.

Subsequently, the Civil Rights Movement contributed to national morality and laws protecting the equal rights of Blacks, other people of color, and women. Human biology became less consumed with the explanation of racial difference. Some colleagues

would, if at times grudgingly,<sup>2</sup> depart from the use of racial categories. They increasingly turned to more clinical and descriptive studies of human skeletal biology, and cell biology in anatomy.<sup>3</sup> These anthropologists and others would also turn to population studies of paleopathological, paleo-demographic, and paleo-epidemiological differences in ancient societies whose remains were buried in settler colonial states like the U.S. Paleoanthropology itself began to shift toward the inclusion of Africa in the hominin story, beginning with Rift Valley australopithecines in the late 1950s, extending to the Out of Africa hypothesis for sapiens origins using the molecular genetics of the 1980s (Cann et al. 1987). However, the multi-regional evolutionary hypothesis, first advanced by Carleton Coon and modified by Milford Wolpoff, continued the reification of race in deep time against a prevailing argument placing the origins of all modern sapiens in Africa. Others, especially forensic anthropologists, continued to develop methods of racial estimation from the skeleton that used race descriptively, if not causally; these methods that were deemed important for human identification by the police and courts in race-identifying society. All this research relied to some degree on the legacy collections of pre-World War II eugenics. Most of the individuals in those collections, however, were never studied in meaningful ways.

Biocultural approaches emerged from African American and Boasian influences since the nineteenth century (Blakey and Watkins 2021; Zuckerman and Martin 2016; Agarwal and Glencross 2011; Goodman and Leatherman 1998). These approaches reversed the eugenical direction of causality to instead appreciate the influences of social and economic inequality and change on the variation in human biology and health. Genetics continued to waft toward and away from biological determinism of social behavioral differences, with and without race, while the most prominent 21<sup>st</sup> century example (the Human Genome Project) refuted the natural significance of race while persisting in the idea that biological determinism might still hold promise. Additionally, most ancient human genetic variation appears to be randomly evolved, and rarely due to adaptive differences, without natural inequalities (Long 2013). Throughout these different moments, collections of human skeletons and tissues continued to be amassed at museums and universities without informed consent.

As more Black, Native American, Indigenous, and other scholars of color entered the discipline of anthropology, or became museum practitioners, there has been a concerted effort to grapple with what Amy Lonetree has called the “legacies of historical unresolved grief by speaking the hard truths of colonialism and thereby creating spaces for healing and understanding” (2012:5). This has entailed rethinking not only our theoretical frameworks but also our methodologies. Volumes such as *Decolonizing Anthropology: Moving Further toward an Anthropology for Liberation*, which was published in 1990 by the Association of Black Anthropologists (edited by Faye

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<sup>2</sup> See J.L. Angel's *People of Lerna*, for attempts to use old racial categories in non-racist ways.

<sup>3</sup> See a review of the AJPA by C. Owen Lovejoy, Robert Mensforth and George J. Armelagos 1982 “Five Decades of Skeletal Biology as Reflected in the *American Journal of Physical Anthropology*,” *A History of Physical Anthropology 1930-1980*, Frank Spencer (ed), Academic Press, 329-336. Also see George Armelagos and Dennis van Gerven 2003 “A Century of Skeletal Biology: contrasts, contradictions, and conflicts,” *American Anthropologist* 105 (1): 53-64.

Harrison), and Linda Tuhiwai Smith's *Decolonizing Methodologies: Research and Indigenous People*, published in 1999, encouraged all anthropologists to interrogate the relationships of power and the forms of representation that are embedded in our practice. These scholars were urging anthropologists and museum practitioners alike to think anew about who "owns" research, and whose interests are served by it. A significant amount of literature has emerged since these foundational volumes, calling for decolonization, repatriation, and reparation (see Appendix A for citations).

At the same time, opposition by Native American and other Indigenous peoples to the unconsented collecting of their Ancestors rose to political resonance within the discipline in the 1980s. The first World Archaeological Congress (1986) grappled with this issue and supported Indigenous rights to repatriation in its Vermillion Accord (1989). The Society for American Archaeology and the American Association of Physical Anthropologists were at that time opposed to repatriation. Due to congressional lobbying by the Native American Rights Fund and others, the Native American Graves Protection and Repatriation Act (NAGPRA) was adopted in the U.S. in 1990. While federal legislation was passed to facilitate the repatriation of these Ancestors to federally recognized Native American tribes, codified measures to address the thousands of Indigenous Ancestors who remain in institutions are limited. Moreover, no such legislation exists for tribes that are not federally recognized or other marginalized groups within the United States, nor have over-arching global protocols been developed and accepted.<sup>4</sup> New York City's African Burial Ground Project led by Black activists, legislators, and anthropologists sent the message that research on Black people and "others" should require informed consent (Blakey 2020, see Clientage Model in Glossary to describe that Project's proven method for bioarchaeological research with informed consent).

Despite these public moves toward redress and abolition, unconsented and poorly informed collecting and use of skeletal remains, DNA, other biological samples, and funerary objects continues in academic and scientific research as well as museum display and collection. There is also a new entrenchment of scholarly privilege where some scholars defend an older view of anthropology, one that imagines itself to be neutral and objectively rigorous, thus recycling an unself-conscious privileging of Eurocentric modes of knowing, a glorification of future scientific potential over present-day community well-being, and a resistance to the forces of transparency, responsibility and accountability (Gupta and Stoolman 2022). Currently, museums and educational institutions continue to hold extensive collections of Ancestral remains, collections that were acquired through practices of both criminal and archaeological grave-robbing across North America and globally, as well as through other extractive and exploitative measures. Researchers, curators, and educators thus continue to collect, teach with, exhibit, and perform research on these Ancestors and their associated materials without consent.

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<sup>4</sup> The American Anthropological Association's Commission on the Treatment of Human Remains (1989-1990) waffled on Native American rights to repatriation and did not address those of others.

## **THE COMMISSION**

In establishing the Commission for the Ethical Treatment of Human Remains, the American Anthropological Association responded to an urgent call across the field of anthropology for institutional and professional accountability related to Ancestral remains in education and research collections, with special attention to standards and guidelines concerning the respectful care for all Ancestral remains (including osteological, soft tissue, and genetic materials, as well as samples of hair and blood), and funerary objects and belongings. This specifically includes, but is not limited to, African Americans and Native Americans who are housed in research collections at museums and academic institutions. Our members' affiliations span bioarchaeology, forensics, archaeology, anatomy, linguistic anthropology, museology and cultural anthropology (see Appendix D for list of Commission Members). The Commission was charged with reviewing and assessing the current status of legislative, policy, and professional society standards and guidelines. It also conducted listening sessions globally to understand the ethical, legal, social, and scientific issues related to Ancestral remains and associated cultural materials around the world in order to eliminate the gap between the current status and model standards of institutional and professional accountability.<sup>5</sup>

Members of the Commission recognize that the treatment of Ancestral remains by scientists and educators is troubled by a dilemma which might be described as a conflict between the human need to know and the human need for dignity. On one hand, the human body has been explored anatomically for millennia (Singer 1957). Modern medicine would not exist without knowledge obtained by human dissection; anthropological understandings of our common origins and biological diversity have required the observation of biological evidence. At the same time, this research has always depended on access to colonial, disenfranchised, marginalized, and unprotected populations and has often been conducted without any form of consent.

On the other hand, funerary rites including sacred burials of the dead have characterized humanity since the dawn of our species. The marking of human dignity through the memorialization of the deceased is a culturally diverse and specific human behavior that is practiced by literally all human cultures (Laqueur 2015). Religious systems and family observances demonstrate the deep care all people have for the stewardship of the dead and objection to its neglect. Therefore, the ill-treatment of the dead, as descendants and others define it, bears the possibility of social and psychological harm.

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<sup>5</sup> While the Commission believes that fossilized remains should be treated ethically as representations of human remains, we did not consider the ethics of early fossilized human remains in the same way as historical/ancient human remains (but see Rutherford and Colwell In Press). Further, while there are ethical concerns about fossil remains, the use and curation of fossilized hominin remains are subject to the jurisdiction of local authorities and government agencies. We are unable to provide specific, detailed recommendations for the proper treatment of these materials. We believe this should be an objective for future consideration.

The Commission's mission was to draft an AAA policy to guide anthropologists, museums, and other institutions in how to ethically and respectfully care for and attend to human remains, burial places and belongings from burials by engaging with both researchers and lineal descendants, Ancestral communities, descendant communities, and communities of care (understanding that not all communities of care have the same relationships to Ancestors). Underlying this policy are the Commission's values: care, Ancestor respect and dignity, justice, restoration, reciprocity, collaboration, autonomy, beneficence, nonmaleficence, transparency and accountability. These values informed the Commission's vision that all anthropologists treat all Ancestral remains with respect. While we focused on Ancestral remains, other cultural materials were also part of our conversations, including but not limited to burial grounds, sacred objects, burial accouterments, hair samples, soil, recordings, drawings, 3D scans, and anything yielded from these materials.

Being an AAA Commission, our focus was on anthropologists who work at U.S. institutions, but our global listening sessions also raised important questions that help us to address broader contexts, and captured some of the international contexts where a large majority of the AAA membership works. Our global listening sessions were hosted by local colleagues with long histories of work with Native American, African American and Indigenous peoples, and who have addressed the question of repatriation in their countries. We asked them to invite the broadest spectrum of representatives. It was likely that these anthropologists' selection criteria could have an influence on the representatives they could identify, and we asked them to reach out to organizations that could speak with their own voices. Throughout these sessions, we learned both about the extent to which Native American, Indigenous and marginalized communities worldwide shared similar experiences and concerns, and about the important issues specific to particular peoples, places, and times.

The Commission acknowledges that there is no one "solution" that will "fix" the historical legacy outlined above. We recognize that accountability, transparency, cooperation, and ethical anthropological practices must be ongoing, relational, and dynamic. We also recognize that the ideologies that were used to justify past plunders of Ancestral remains continue to support contemporary processes of dispossession and extraction. Many of the representatives of descendant communities with whom we spoke are currently experiencing these processes, such as mining, gentrification, and war. That is, we recognize that these processes are also part of the legacy of colonization, imperialism, slavery and white supremacy.

Here, we offer details about our process as well as a set of principles that have emerged through our dialogues with colleagues and descendant communities across the world. The principles shaped our approach to questions of research, education, and representation, which in turn, shaped our recommendations. We believe there is no reconciliation without truth, and that part of truth is the acknowledgement of, and apology for, harm. Engagement must follow such an apology. Our recommendations also took into account initial guidelines from a wide range of professional associations and institutions, but most particularly The Vermillion Accord on Human Remains, the



Tamaki Makau-rau Accord on the Display of Human Remains and Sacred Objects, the Society for American Archaeology 2021 Statement Concerning the Treatment of Human Remains, the American Association for Anatomy's "Recommendations for Good Practice around Human Tissue Image Acquisition and Use in Anatomy Education and Research," the Code of Ethics of the American Association of Physical [now Biological] Anthropologists, and the Code of Ethics of the American Anthropological Association.

## ***DISCUSSION OF EXISTING PROTOCOLS AND POLICIES***

- **[Vermillion Accord on Human Remains](#)**

Adopted in 1989 by the World Archaeological Congress Inter-Congress meeting in South Dakota, United States, the Vermillion Accord on Human Remains outlines six global principles for a code of ethics for the scientific use of and engagement with human remains. The principles establish "respect for the mortal remains of the dead shall be accorded to all, irrespective of origin, race, religion, nationality, custom and tradition," that includes respect for the wishes of the dead, their communities, and scientific communities. The principles also state that the disposition of remains--including fossil, skeletal, and mummified forms--should be decided in negotiation between communities and scientists.

- **[Tamaki Makau-rau Accord on the Display of Human Remains and Sacred Objects](#)**

The Tamaki Makau-Rau Accord was created in 2006 by the World Archaeological Congress (WAC) to guide decisions about displaying human remains and sacred objects. It was developed by a diverse group, including Indigenous and non-Indigenous experts in cultural heritage, museums, and archaeology. The Accord offers six principles for decision-making about the display of human remains and sacred objects to complement other WAC ethical codes related to archaeology and museums. The principles focus on permissions for display and require regular consultation with the affected community if permissions are granted for display. The Accord emphasizes consultation and collaboration, applying not only to physical displays but also to presentations and publications featuring images of human remains and sacred objects. It defines human remains, sacred objects, display, and communities in relation to the Accord, but is limited to display, not research, teaching, or other uses of such materials.

- **[Code of Ethics of the American Anthropological Association \(AAA\)](#)**

The AAA Statement on Ethics and Principles of Professional Responsibility, last revised in 2012, is organized around seven core principles as follows: 1) Do No Harm; 2) Be Open and Honest Regarding Your Work; 3) Obtain Informed Consent and Necessary Permissions; 4) Weigh Competing Ethical Obligations Due Collaborators and Affected Parties; 5) Make Your Results Accessible; 6)

Protect and Preserve Your Records; 7) Maintain Respectful and Ethical Professional Relationships. These principles are meant to guide anthropological practice among Association members, but also to provide structure for communicating ethical precepts to students and other audiences. They were designed to recognize the historical and contemporary contexts in which anthropologists work, and to stimulate further discussion about the past and present practices of the inherently social enterprise of the field.

- **[Paleopathology Association Statement of Ethical Principles](#)**

In 2024 The PPA formally adopted a Statement of Ethical Principles designed to serve their community and to act as a living document. Three primary principles are emphasized in the statement. The first recognizes that researchers have the privilege of studying the people whose lives they study, and as such should do so with respect, strive to collect accurate and non-destructive data (unless part of a collaborative research design) and comply with appropriate laws. The second principle emphasizes the need to consult and be mindful of descendent individuals and communities, including those related by a common genetic heritage, common cultural traditions, and other relevant parties in research. Finally, a third principle notes the importance of ethical engagement and training with colleagues, including students/mentee, to conduct appropriate ethical paleopathological research, education, and outreach.

- **[Society for American Archaeology \(SAA\) 2021 Statement Concerning the Treatment of Human Remains](#)**

The Society for American Archaeology (SAA) adopted specific guidelines in April 2021 for the treatment of human remains in archaeological contexts, aimed to reflect the [SAA's values of stewardship, respect, consultation, and accountability](#). The statement outlines five principles on the treatment of human remains related to excavation, research, education, curation, exhibits, and publication. The principles emphasize broadly that working with human remains is a privilege not a right, that remains should be treated with respect and dignity, that archaeologists should comply and be knowledgeable with all laws and treaties when dealing with remains and seek to use best practices that uphold ethical standards. The statement also emphasizes that it is the archaeologist's responsibility to seek and incorporate the perspectives of descendant communities, affiliated groups, and other stakeholders in making decisions about how and whether to work with human remains, and should seek to obtain consent from descendant communities, affiliated groups, and other stakeholders for any work involving human remains. The SAA statement is focused on the archaeological work involving human remains particularly in the Americas (North, Central, and South America).

- **[Code of Ethics of the American Association of Physical \[now Biological\] Anthropologists \(AABA\)](#)**

The American Association of Biological Anthropology created a code of ethics in April 2003. The primary principles and guidelines in the code aimed to provide biological (formerly physical) anthropologists with the tools to engage in developing and maintaining an ethical framework in research. This AABA code was based on the code developed and approved by the American Anthropological Association (AAA) at the time. The guidelines give general guidance that could be applied in the variety of contexts that biological anthropologists work, although ethical responsibility in both research and teaching is emphasized, and in public dissemination of research findings. The code does not directly mention ethical responsibility in working with human remains but does outline the importance of informed consent of “persons being studied, providing information, owning or controlling access to material being studied, or otherwise identified as having interests which might be impacted by the research.” It should be noted that more recently the AABA commissioned a Task Force for Ethical Study of Human Remains with the aim to determine what constitutes ethical study and disposition of human remains and biological samples when research is warranted. The Task Force undertook two surveys, one focusing on how members of the AABA work with human remains (linked above). In its Preliminary Report of a survey of AABA members (N=587), 91 per cent believed it to be either essential or moderately important to obtain consent from “communities of origin” before starting research. Only 24 per cent, however, reported interacting with or obtaining permission from communities of origin or tribes (2024:17, 12).

- [International Federation of Associations of Anatomy \(IFAA\)](#)

These recommendations are an addendum to the 2012 IFAA recommendations for body donation. They provide 14 specific points for the ethical use of images that include detailed informed consent, restricted use, restricted long-term storage and oversight by a local advisory committee.

- [American Association for Anatomy \(AAA\)](#)

These recommendations provide a detailed set of ethical guidelines for the inventory, use, storage and disposition of legacy human tissue collections based on four guiding principles of cultural awareness, ethical principles, transparency and legislation. To quote the conclusions: “The Recommendations seek to facilitate transparency, accountability, and oversight in the use of human tissue, while also encouraging those who are custodians of legacy anatomical collections to manage these collections in a manner that is deemed dignified, respectful, and appropriate.”

## **PROCESS**

The idea for a Commission or Task Force that would create a policy regarding the ethical treatment of ancestral remains was presented to the AAA leadership in the fall of 2021, following the release of the Tucker Law Group's report on the "Demonstrative Display of MOVE Remains at the Penn Museum and Princeton University." The AAA Executive Board voted to move forward with such a Commission during the 2021 annual meetings, and in May 2022, Commission members were appointed for a two-year term that would result in the submission of a final report with recommendations in May 2024.

Commission members were invited based on a consultative process among the AAA President, the Commission Co-Chairs, and leadership within the Association of Black Anthropologists, the Association of Indigenous Anthropologists, the Biological Anthropology Section, the Archaeology Division, the Council of Museum Anthropologists, and the Ethics seat-holders on AAA's Members Programmatic Advocacy and Advisory Committee. The co-chairs drew from candidates recommended by the Executive Board and others who the co-chairs identified as having 1) the necessary sub-disciplinary expertise (especially in biological anthropology, archaeology, and anatomy), 2) experience in ethics and the issue of the ethical treatment of human remains, and 3) whose ethnic and disciplinary vantages were diverse. Our emphasis on African American participation was inspired by the subjects of the treatment of MOVE remains, with the idea that Black people were in need of standards for the protection of graves and Ancestral human remains like NAGPRA, which Native Americans, Hawaiians, and Alaskans had achieved. In time we became more aware of the remaining problems for Indigenous people, not only in the United States, but globally.

Initially, the commissioners invited Dorothy Lippert (Choctaw Nation of Oklahoma), Tribal Liaison, Repatriation Office, NMNH, Smithsonian Institution to serve on the Commission. Dr. Lippert has long experience and depth of knowledge of the legal and cultural sides of repatriation. When Dr. Lippert was found to be so heavily committed to other projects that she could not join us, we moved forward with Dr. Kisha Supernant (Métis Nation, University of Alberta, Canada) as a native representative on the Commission. Questioned for not having a U.S. Native representative by Dr. Courtney Lewis (Cherokee Nation, Duke U) at an AAA forum in the Research Triangle in Raleigh-Durham, we began selection of a Native American advisory group. By her continued advice, we agreed that this was inadequate because it did not constitute equal representation. We then relied upon Drs. Lippert, Supernant, and other Commissioners' networks to generate a list of Native American scholars with tribal affiliations across the country with related expertise. A total of eight Native American scholars were contacted to potentially join the commission. From this search, linguistic anthropologist Dr. Jenny Davis (Chickasaw Nation), Associate Professor of Anthropology, American Indian Studies, and Gender & Women's Studies, and Director of the American Indian Studies Program at the University of Illinois at Urbana-Champaign was able to serve and was appointed.

During our early meetings, we established an openness among ourselves to the idea that an ethos for our work should be consistent with new ethical standards involving the



principle of **informed consent** (see also below in “Principles”). This included being open to building new relationships between our disciplines, descendant communities, culturally affiliated groups, and the public. The Commission determined to meet directly with descendant communities and culturally affiliated groups as the appropriate means of addressing community-based ethical concerns, initiatives, and institutional/community collaborations. As an ethical approach to ethical solutions, the Commission chose to meet with representatives of those most affected by anthropological work with ancestral remains to learn their assessments of how they might be harmed or protected from harm when research and education is considered. We also met with colleagues globally – in most cases colleagues who were also members of descendant communities – to obtain their assessments of ethical concerns and their understanding of the value of their research. We felt that conversations among these parties would be beneficial for community capacity-building and for our colleagues’ awareness of public concerns about modes of practice. The Commission also discussed the possibility of field trips abroad as a means of learning from these experiences. We recognized that our engagements were never going to be comprehensive or represent all perspectives, but our goal was to listen to a diversity of voices.

During the summer of 2022 while Commission members reviewed policies, the Commission Co-Chairs wrote proposals to and received support from the Wenner-Gren Foundation for Anthropological Research for the Commission’s Listening Sessions globally, and for a North American summit for representatives of African American and Native American descendant communities. We also received a donation from the Burroughs-Wellcome Fund that supported our domestic listening session at Howard University. These funds, together with funds set aside by the AAA, supported our work across the two years. Commission member Kisha Supernant also received funding to support our Listening Session in Canada from the University of Alberta. Staff support was also provided to the Commission; Natalie Konopinski, and later Caitlyn Kolhoff, facilitated our work by setting up an online clearinghouse, taking notes, establishing our meetings, and otherwise providing logistical support. Ezra Chan, a student at the University of Pennsylvania, was also enlisted to compile and summarize existing ethics statements and policy guidelines, and two graduate students from William & Mary (Victoria Gum and Maia Wilson) and American University (Delande Justinville and Paige Magrogan) took notes at our domestic listening session in Washington DC.

In addition to our Listening Sessions, Commission members met monthly over zoom, beginning at the end of **May 2022** while also working through email to coordinate documents and drafts of listening session notes. The 2022 summer months were devoted to accumulating and reviewing the fullest range of ethical statements, policies, and standards of other societies and disciplines regarding the treatment of cemeteries, human remains, and sacred objects.

During our **September 2022** meeting, we began to debrief on our individual evaluations of the ethical principles of other societies, disciplinary organizations and relevant institutions. We also engaged LTG Associates (Niel Tashima and Cathleen Crain), the oldest and largest practicing anthropological firm, to help us design our listening

sessions. They are experienced with difficult conversations toward mutually respectful solutions, and we decided to make them advisors to the Commission. We continued to develop the questions we would ask at each Listening Session, and we began to draft a schedule for global travel.

Our **October 2022** meeting was devoted to a training session with Niel Tashima and Cathleen Crain (LTG Associates) who worked with our questions, their experience, and standard protocols regarding values, vision, and mission. They helped us to refine and revise our original questions. **We asked the following questions of both colleagues and descendant communities around the world:**

What do human remains mean to you?<sup>6</sup>

What concerns do you have regarding the treatment of human remains and related materials?

How should researchers, curators, and educators engage with descendant communities? What is your understanding of who is part of descendant communities?

What does collaboration with communities mean? What kinds of collaborations seem possible to you?

What are the contexts in which research could be performed on human remains, or with samples of tissue and blood? What are the contexts in which research should not (or never) be performed on human remains, or with samples of tissue and blood? What is the appropriate body for making these decisions?

What other concerns do you have regarding the ethical treatment of human remains?

### ***LISTENING SESSIONS (Chronological)***

We have conducted several listening sessions with colleagues and descendant communities. Two to three commissioners typically attended global sessions, depending on availability and funding, but as many commissioners as possible attended the AAA and domestic listening sessions. Our goal has been to engage as much as possible with descendant communities, mindful of the selection and representation in our listening sessions including regional diversity (especially in the US) given the availability of community members. We affirmed the need to provide honoraria for descendant consultations and others, in recognition of our respect and gratitude for the wisdom and knowledge they were sharing. Apart from most participating scholars, the

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<sup>6</sup> While we use the term “individuals”, “Ancestral remains”, or “Ancestors” to refer to human remains as preferred by the majority of Native American, Indigenous and African American communities in this document, we used the term “human remains” in our questions for clarity in anticipation of being asked in a variety of contexts and languages in our international listening sessions. In practice, when speaking with any descendant communities the commissioners used culturally sensitive language and tone.

Commission has chosen not to reference interviewees by name in broadly disseminated reports to ensure their protection from possible social or political harm.

### **AAA Listening Session (Seattle, November 2022)**

During the first open listening session at the annual AAA meeting in Seattle, we asked these questions and received feedback from those gathered (approximately 25 persons). One important question that was raised had to do with aDNA (Ancient DNA), and how to center what descendant communities would like to know from this kind of data. This last point was echoed by several present, all of whom emphasized the importance of establishing consent from descendant communities prior to any research. Questions were also raised about how to identify “descendant communities,” especially since many people who belong to descendant communities are in the scholarly fold, and how to use language that doesn’t presuppose that “descendant communities” are always immediately identifiable and coherent standing organizations. We responded that definitions of and protocols for the convening of descendant communities have been effective, for example, in a 2018 rubric “Engaging with Descendant Communities for the Interpretation of Slavery at Historic Sites and Museums” of the National Trust for Historic Preservation. Some recommended that descendant accountability and communication continue throughout the research process in order to allow for the possibility of changing guidelines. Others emphasized the importance of creativity as a form of collaboration, the need to think beyond Western epistemological practices, and the difficulties of giving decision-making authority to the very institutions that have violated the rights of the humans they’ve studied. One participant asked: How will we fund students to learn how to do this work to correct these problems?

Our **December 2022 Commission meeting** was focused on debriefing about the AAA Listening Session. Based on participants’ curiosity about how we are defining descendants and descendant communities, we determined that we need to provide practical direction regarding how we are thinking about these terms (see Appendix C, Glossary). We also discussed an issue that was raised by Ed Liebow on behalf of the Board, that we might add a molecular geneticist to the Commission. We decided that we had already “gelled” as a Commission, but that we would invite several geneticists to be “Advisors” to the Commission: Jada Benn Torres (Vanderbilt University), Ripan Malhi (University of Illinois), Kelly Blevins (Durham University), and Krystal Tsosie (Navajo Nation, Arizona State University). They all accepted an invitation to join us for our April 2023 Commission meeting.

At the end of March 2023, Michael Blakey traveled with Ed Liebow to North Carolina for a fundraising event at Lee and Sabrina Baker’s home to discuss, and generate interest in, the Commission’s work. At that meeting, there was a suggestion that the Commission add a Native American representative. We addressed this at our **April 2023 Commission meeting**, discussing a number of options, including establishing a group of Native American advisors, but in the end decided that it was most appropriate to add a Native American representative to the Commission. We added Jenny Davis (Chickasaw Nation) as a Commissioner. We also decided to hold a listening session via

zoom with graduate students/early career scholars to both hear their concerns and to amplify their voices.

### **Advisory Council of Geneticists (April 2023):**

At the April 2023 meeting, we hosted the group of geneticists who agreed to be part of an advisory council for the Commission. Present were Drs. Kelly Blevins, Ripan Malhi, and Krystal Tsosie. We asked this group the questions we asked our colleagues at AAA (with revisions as suggested by colleagues). They raised issues regarding the proliferation of data that comes from Ancestors, and how biological remains are treated in collections and used by paleo-geneticists. Kelly Blevins argued, “It’s the rush to do science that limits the science that can be done in the future, so my biggest concern regarding how human remains are treated is that they are not treated as a non-renewable resource, that they don’t become a stepping stone in analysis, something to gather, research, and move on. There are not good enough measures in place to keep track of what’s coming and going.” For them, the most basic concern is whether harm is being done with this research. (See also May 2024 for follow-up with Advisory Council of Geneticists).

### **Cape Town, South Africa (December 19, 2022; Attended by Commissioners Blakey, Watkins, and Thomas):**

This session was generously organized by Ciraj Rassool, and was hosted by colleagues at University of the Western Cape (UWC) at the Iziko Museums of South Africa. Those present included representatives from the Iziko Museums, the Department of History at University of the Western Cape, and from the Museological Services at the Western Cape Department of Cultural Affairs and Sport. The session began with Professor Rassool introducing the meeting and several attendees and asking us to introduce ourselves. He raised important framing points, including the need to draw a connection between the dead in museums (colonial remains) and those who were killed in the fight against apartheid (resistance remains) – in other words, the need to link contemporary “race collections” to historical ones. He also raised the question of politics vis-à-vis descendant communities; he argued that there is no simple way to define this within the South African context of dispossessions on top of dispossessions and the complex relationships among “blackness,” “Africanness,” and “Indigeneity.” Claims-making operates within fraught terrain. Professor Rassool also explained the interdisciplinarity of North American anthropological practice to those who were unfamiliar, and he discussed the place of anthropology in relation to both the exclusions of apartheid and the projects of nation-building post-1994 (including the use of ancestral remains to remove people from their indigeneity, such as Bantu speaking African people who came to be regarded as foreigners within South Africa). Finally, Professor Rassool made a distinction between a politics of restitution and a politics of repatriation (which privileges the question of sovereign recognition, in its US iteration and beyond), and argued that returns should empower the receiver, not the giver.



The discussion began with representatives sharing their community engagement practices and critiques of some existing practices and policies. Michael Blakey made an invited zoom presentation on the ethical clientage model used for informed consent at New York's African Burial Ground to compare with the unresolved difficulties around the Prestwich cemetery in Cape Town. Participants outlined the various museum (Iziko), provincial (HWC and Western Cape government) and national (SAHRA) policies related to finding and returning Ancestral remains. They also addressed the various gaps they saw within the national policy, which focuses on reburial and the return of Ancestral remains and belongings but does not address unanticipated finds. The distinctions made between academic and contract archaeology proved to be similar to those in the US. Those gathered discussed the "challenge" of identifying descendants within this context (because of the various dislocations due to apartheid policies). They also raised questions about whether human remains should be identified through human biology, or through a process of mourning and recovery. They asked, what is the place of biology within this process? What are the stakes that enable certain outcomes? Are descent and belonging biological issues, or are they questions of politics and claims, of history and storytelling? Rachel Watkins and Deborah Thomas shared these conversations with the Commission during the Commission's January 2023 meeting.

### **Museum Directors (February 2023):**

The Commission was joined by Laura van Broekhoven (Director, Pitt Rivers Museum) and Wayne Modest (Director of Content for the National Museum of World Cultures (a museum group comprising the Tropenmuseum, Museum Volkenkunde, the Africa Museum, and the Wereldmuseum Rotterdam). They described how the museums with which they work (in the Netherlands and the UK) are dealing with the issues that concern the commission. Both discussed fundamental reservations about the assumption within the question of how research can be performed in ways that serve both dignity and knowledge (the assumption being that research *should* be performed). Dr. von Broekhoven stated that based on her experiences working with descendant communities, "the very idea of wanting to dig up Ancestors is abhorrent" to them. If the request for research comes from descendant communities, she said, then maybe this could occur. She also added: "We need to be careful that the knowledge that we're prioritizing is not one only based in our Western and colonial assumptions of what that knowledge is or needs to be – where do we draw the limits of the human body in research?"

Dr. Modest suggested that the question about research be reworded to start with *dignity*, and with the flourishing of the community or Ancestors, asking instead "how can research be in service of achieving that flourishing?" He feels this is important given that the violence (with respect to historical collections) has already been done. Start by asking: What does the community need? von Broekhoven added that we must also see whether there are ways to *undo* harm, and that this must be front and center in order to engage respectfully. She also suggested that we add responsibility to our questions, and to be very specific about what the responsibilities are (in the US, there is NAGPRA, but internationally there is no such legislation). They both spoke about transparency and

the complexities of restitution, which can sometimes be painful for communities, but did not question the need for community-led restitution and repatriation processes. They also emphasized recognizing differential power relations in collaborations, and the need for each collaborating partner to articulate what they want to get out of the collaboration; institutions must come into collaborations with humility. Dr. Modest also argued that we must see museums' new role as a repatriation project, rather than as collecting or exhibiting agencies, and this must be reflected in how museums use funding. Dr. von Broekhoven also suggested that the Commission take into account the different scales, budgets, and capacities of institutions (noting that institutions with larger budgets might help smaller institutions begin a process of undoing harm and looking for justice). In discussion afterwards, the Commission agreed to add the need for structural changes in museums and other institutions, including structural barriers to dignity, in its recommendations.

### **Huron-Wendat Nation (May 2023):**

The Commission met with Mélanie Vincent, Huron-Wendat Nation member, Consultant to the Huron-Wendat Nation Council over zoom, outlining our protocol and asking her the same questions we asked during the other listening sessions. She shared the perspective that Ancestral remains represent family, clans, nation, and identity, and that their spirit is always alive. Of most concern for her is that Ancestors are left in boxes; they need to be brought back respectfully where they belong. Sometimes, she noted, it is difficult to identify who is the appropriate descendant community, and help is sometimes needed in this regard. At the same time, she emphasized the importance of establishing protocols and boundaries in terms of research, and the need for patience and flexibility over time (this latter point was especially directed at institutions like museums, which tend to want to wrap things up quickly and neatly, when they are durational and messy). Ms. Vincent also emphasized the need for resources to make repatriations happen, as well as reburial rituals and ceremonies. In terms of academic research on Huron-Wendat Ancestors, it cannot be conducted without the prior and informed consent from the Nation, and she argued that they would need to own their own data and results, in respect of First Nations' research principles and protocols. She also reiterated the importance of building relationships with Indigenous groups, since researchers would have to determine who the appropriate groups are for making decisions, and to be accountable throughout the research process.

### **Japan (June-July 2023, attended by Commissioners Blakey and Agarwal):**

In Japan, Michael Blakey and Sabrina Agarwal met with both colleagues and representatives of descendant communities. Professor Yoshinobu Ota was the principal of the team of colleagues who hosted us at facilities of the Center for Ainu and Indigenous Studies, Hokkaido University, Osaka University, and Ryukyu University. Our Japanese hosts included Yoshinobu Ota (Professor Emeritus, Kyushu U), Mitsuho Ikeda (Professor Emeritus, Osaka U), Noriko Seguchi (Professor Kyushu U), Yasuo Tsuji (Professor of Political Theory, Hokkaido Law School), Mokottunas Kitahara (Professor, Hokkaido U), Hirofumi Kato (Professor of Archaeology, Center for Ainu

Studies, Hokkaido U), Yasukatsu Matushima (Professor of Economics, Ryukoku U), and Ichirou Tomiyama (Graduate School of Global Studies at Doshisha University in Kyoto). These hosts shared with Commissioners key materials that have guided their work (Kubota et al. 2022).

The Ainu (in Hokkaido and Sakhalin Island in the north) and Ryukyu (on Okinawa Island in the south) recognize themselves as Japan's Indigenous people, though the Japanese government only recognizes the Ainu. One of the issues in this context is that Japan has presented itself as only one ethnic group, and while archaeologists have presented evidence that this has never been the case, the diversity of Japanese (ethnically) has not been effectively communicated (even among the Ainu people). From the 1800s to World War II and beyond, Europeans, Japanese, and Australians collected remains and analyzed individual crania along with American, Chinese, Korean, and Maori remains. The total remains of Ainu held by Japanese institutions is 1,574; 138 are in museums, and approximately 80 are overseas. Ainu and Ryukyuan representatives object to Japan's 1950s Law for the Protection of Cultural Properties by which archaeologists have free use of human remains from funerary contexts prior to 1858. Problems for repatriation include the inability to identify regional affiliations in some cases, and some communities were not prepared to accept remains without having rituals for secondary burial. Ainu descendants assert that the Government only understands physical relocation, but the community also holds a cultural and spiritual view of repatriation. Both Ainu and Ryukyus reported difficulty getting access to records and often need lawyers to help them deal with anthropologists who are stonewalling them. The Ryukyu elders are currently suing the University of Kyoto in the courts for the return of remains. They consider biological anthropologists' responses to their requests for information to be dismissive and disrespectful (see the film *Repatriate Now!*). As a result, they do not believe anthropologists can contribute anything of value to them, and they oppose the use of DNA in research.

One Ainu representative responded with great disgust to the Commission's questions, asking whether we had thought "about the traumatic experiences these questions raise," suggesting that their interactions with anthropologists have been anything but respectful and collaborative. Other representatives from descendant communities argued that if scientists are interested in conducting research, they must first admit that the Ainu never sold their land; there needs to be accountability and an apology ("all communication should start with an apology"). At the same time, colleagues told Commission members that many anthropologists feel they do not owe the Ainu an apology for things that happened in the past, and that they do not take responsibility for the past. Japanese exceptionalism allows them to disregard the American law (NAGPRA) as inapplicable, and the lack of diversity in Japan contributes to this prejudice.

Representatives stated that Ancestral remains should be treated with dignity, and they argued that mortuary belongings should accompany the dead. With respect to research, they argued that the power to decide must be in the hands of the community, and that researchers must take the necessary time to build relationships. Many of them

articulated caution regarding “outside money,” noting that Ainu must discuss and decide amongst themselves before interacting with non-Ainu people (and money).

Descendants may disagree about the study of human remains, they stated, but all should be treated with a great deal of respect. Additionally, they noted that there is no Japanese model for collaboration, and they suggested that maybe there should be a common repository (of which the Ainu have an example) where researchers could access ancestral remains and objects with permission and consent. At the same time, they were extremely suspicious of researchers based on earlier bad experiences. They stated that archaeologists who are of the descendant community – which they understood to be self-identified – become essential to helping to bridge the relationship between archaeologists and communities. Ryukyu representatives stated that having Ancestral remains repatriated would contribute to the restoration of Ryukyuan identity.

The identification of World War II soldiers missing in action was also discussed by colleagues and Ryukyu representatives, who identified many errors of commingled ancient remains and war dead due to poorly trained and unsupervised local workers. Both anthropologists and Indigenous workers want the Japanese government to invest more in training and attention to the identification of those individuals. The U.S. military base in Okinawa is also said to contain many Ancestral remains now at risk of being disturbed by planned development there.

Commission members were incorporated within a conference on “Decolonizing Futures through Global Connections: Repatriation, Social Justice, and Ethical Research,” held on July 9<sup>th</sup> at the Ryukyu Museum with presentations by Commission members Agarwal and Blakey as well as Niel Tashima and Cathleen Crain (LTG Associates, Commission Advisors), Edward Halealoha (Executive Director of Hui Iwi Kuamo’o), Chip Colwell (Editor-in-Chief, *Sapiens*), and Kameya Masako, Tamagushiku Tsuyoshi, and Mitsushima Yasukatsu (Ryakuan activists). Joe Watkins (past president of the SAA) participated throughout. A press conference followed at the Municipal Building in Naha.<sup>7</sup>

### **Australia (August 2023; Attended by Commissioners Blakey, Watkins, and Supernant):**

In Australia, the listening session was conducted over two days, hosted by Professor Michael Westaway and sponsored by the University of Queensland. Australian participants were members of diverse organizations and cultural groups including the Wakka Wakka, Kauareg, Gimuy Walubara Yidinji, Mithaka, Ngyiampaa, Alngith, Mokwiri Aboriginal Corporation, Dunghutti, Wergaia, Wamba Wamba, and Nyeri Nyeri. Of the sixty invitees, thirty attended on August 14 and twenty-three attended on August 15. The first day included a series of presentations by Indigenous people (two of whom were archaeologists) who have been directly involved in issues related to ancestral remains or who have leadership roles in these areas. The second day was the listening session itself. On the first day, the emphasis was on consultation processes and examples of best practices in this regard (consulting with every single family). There

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<sup>7</sup> For coverage of this conference, see: <https://www.okinawatimes.co.jp/articles/-/1184815>, <https://ryukyushimpo.jp/news/entry-1744644.html>, <https://ryukyushimpo.jp/news/entry-1744991.html>



was also extensive discussion about the fact that while DNA could be used to help develop provenance for ancestral remains, DNA could also be (nefariously) used by other researchers for other purposes, so care must be taken. One of the key issues that emerged had to do with climate change and the need to protect coastal burial sites through collaboration with researchers. They also suggested the need for training opportunities.

When asked what human remains meant to them, people offered that “they are our Ancestors; they tell us a story about our history.” “They will always be a person,” one representative stated, raising the issue of how treatment of ancestral remains mirrors the ways living people were (and are) treated. They discussed Indigenous conceptions of time as non-linear, arguing that no matter how old, “we have a cultural obligation to look after our Ancestors; they are also our future.” They advocated for “more of our own anthropologists,” and bemoaned the lack of both policy and funding to repatriate remains.

In thinking about what engaging with descendant communities means, they stated that “they [museums and other institutions] want to tell our story,” and they asserted the need for protocols for moving Ancestors into a museum space. “We are only looking for respect and the truth to fit our customary obligations without interference,” they stated. They complained that white gatekeepers of records and information are restrictive, and they therefore stated that records need to be governed by Indigenous people. Consultation, they stated, should be replaced with collaboration. And communities, they said, need to be educated and informed about the benefits and harms of certain methods. They also asked that the government provide funds to universities and other institutions that house their remains (and asserted that there should be more community discussion about what is being funded). For example, they expressed intense distrust of the police, whom they argued destroy burial sites. All of them recommended enforcing already-existing restrictions in order to educate the populace that “the public has no right to certain belongings and remains.”

### **Senegal (September 2023; virtual):**

The Commission met with Ibrahima Thiaw and colleagues and other interested persons from the University Cheikh Anta Diop and the West African Research Center. The issue that was raised most frequently by our colleagues in Senegal was that of having to relocate cemeteries due to development (particularly mining) and wider political changes in the country. Dr. Thiaw said that “human remains” are very important due to the long history of imperial violence and slavery, and that Ancestors are the link between us and our environment, so their remains are the link between us and the past. That is why it is so critical that communities and families are involved in decision making processes regarding relocation. Participants in this listening session emphasized that even when they might not be lineal descendants, the Ancestors are part of their geographical community and cultural heritage with which they share a social link. Dr. Thiaw added later that they (the researchers) have many things in common with descendent communities, but because they are not from there, it is important to get

everyone involved, to not impose an agenda upon communities but to instead facilitate a process the community desires. He indicated that archaeologists “accompany” the community, that they are in service of the community (countering the extractive legacy of colonial archaeology). Another anthropologist, Fatoumata, said that in many cases, there are disagreements between what the state wants and what communities want in relation to repatriation, explaining that sometimes local communities don’t want particular materials or Ancestors repatriated because it would conflict with their belief systems. They asked how to handle these kinds of political problems, when the community and the government want different things. Regarding research, they (like others) said that research can be done, but with the full consent of the family, because of the difficulty in building trust as a result of rampant state corruption. Dr. Thiaw concluded by saying:

This is a very pertinent question...Here, we are not used to working with human remains in our laboratories. The remains we have were brought by the colonial government. We are now managing a problem that we haven’t created. We have to take this into account in this context. My staff is not interested in carrying out research on human remains. We didn’t get consent. I put myself in the feeling of the dead person, and I would not like to be dissected.

### **Edmonton, Canada (September 2023):**

The Commission came together in Edmonton for two days of conversations with colleagues from institutions that hold Indigenous Ancestors (day one) and representatives of First Nation communities across Canada (day two). Participants included individuals and groups from Atlantic Canada, Ontario, Quebec, the Prairies, British Columbia, and the North, and involved First Nations, Métis, and Inuit. When asked what human remains meant to them, representatives of descendant communities stated that they “are our most sacred storytellers,” that “they carry who we are,” and that “they are our relatives,” which means that they must be treated with dignity, respect, love and care. Their understanding was that Western science should not supersede traditional ways of knowing because science can’t measure spirit or emotion. Indigenous systems of knowledge, they stated, must be grounded in relations, and relations must also be inclusive of non-humans.

Representatives of these culturally affiliated groups felt that researchers must consult and collaborate with Indigenous groups from start to finish (and that collaboration should be Indigenous-led). They also stated that research belongs collectively to the people; it is not “owned.” Some pointed out a problem in terms of who represents the wishes of the communities in question. They said that many researchers go to the tribal council because they are unfamiliar with who in the communities are the holders of knowledge. However, for many of them, the tribal council is the colonial option, and real collaboration means speaking with everyone in the community, not just with state and council representatives. Many of these groups have preferred lists of archaeologists and companies based on the way they’ve interacted with them in the past, and while many pointed to the importance of legislation regarding human rights in relation to research,

others pointed out the issues with federal level legislation (Would it override the sovereign laws of already organized groups? Would Quebec agree to any kind of federal legislation?). One young Indigenous archaeologist shared the following:

I looked up the etymology of collaboration – to work together as equals toward a shared goal. This requires the sharing of a goal, and often this isn't the case. How do you go about changing someone's goal, especially if it's about money, risk management, or profit?

He suggested that instead, we might use the term “cooperation,” which for him (and in his language) meant two people walking on the same path. For him, cooperation signals equality, but also mutual responsibility (the responsibility to make sure the other doesn't fall off the path). He suggested that solutions to problems should be drawn from Indigenous concepts and languages, which are drawn from the land, and which are therefore specific to each community.

These groups did not mandate a strict moratorium on research, but they did argue that research must be done with informed consent. They also stated that researchers should ask themselves whether there is a way of gleaning insights into the questions they are asking without conducting invasive research with Ancestral remains. Some representatives were interested in insights that might be gleaned into health and diet, or in research that amplifies Indigenous knowledge and ways of knowing (DNA research, for example, that confirms communities' oral histories of their own migrations and connections to the land). But to conduct this research, they argued, there must always be a knowledge keeper, a spiritual leader, or one of their own archaeologists present when samples are being taken. All research must depend on the wishes of the community, they emphasized, and this will not be universal so it would be difficult to formulate a blanket policy, as each Indigenous Nation will have its own approach based on its own Indigenous laws. On the whole, however, they agreed that research about Indigenous people should be conducted with, for, and by Indigenous people, and that it must be of service to the community.

### **Domestic Listening Session, Washington DC (October 2023):**

The Commission's domestic listening session in **Washington DC**, was held at Howard University on October 27-28 with representatives from African American and Native American communities at Howard University. We initially thought this session would take place at the Smithsonian Institution, home of both the National Museum of the American Indian (NMAI) and the National Museum of African American History and Culture (NMAAHC). While we had support for this from the Undersecretary of the Smithsonian and NMAAHC, because it was too costly to host our event there, we moved the session to Howard. We are grateful for the support of Dean Rubin Patterson (Arts and Sciences) and his staff, who helped us with space and logistics during a moment of transition within the AAA (Natalie Konopinski's departure). The Wenner-Gren Foundation for Anthropological Research and the Burroughs-Wellcome Fund provided

necessary support to ensure the participation of a broad group of Native American and African American participants.

The domestic listening session was kicked off by a blessing from Apache representatives, as well as a pouring of libations by a local Ifa priest. It also started with a brief overview of NAGPRA and AAGPRA, in order to begin the conversations about the interests that are shared by Native American and African American communities. The session was organized in a way that would facilitate both intra-group and inter-group communication and discussion. The same questions were asked that were asked at the other listening sessions, and we gave time for Native Americans and African Americans to voice their concerns separately before coming together to think through commonalities and divergences. As in Edmonton, a “panel” of commission members was held to discuss strategies they’ve used in ethically conducting research with ancestral remains, as well as the challenges they’ve encountered.

Native representatives were identified by Native American and Hawai’ian advisors of TCETHR and Native organizations associated with the AAA. Participants were members of tribes from the Southeast, Great Lakes, Southwest, California, Hawaii. These representatives participated as individuals with expertise with their tribes, but they did not speak for their tribes. African American representatives were drawn from lists of the most active organizations defending burial grounds known to three commission members who had worked with them in recent years. Representatives were also selected for their regional diversity.

Both groups shared similar ideas about what Ancestral remains mean to them. Ancestral remains are “holy,” participants said, “the physical form of our spirit, made by the creator.” Burial grounds are sacred spaces, they argued, because “remains make a claim on soil, they make a claim on land, they make a claim on the people who are stewarding that land.” For both African Americans and Native Americans, the Ancestors and all things associated with them (any representation of their physical form including photographs, drawings, scans, casts, songs, and the soil matrix) constitute Ancestral remains. “We are made human by how we bury and memorialize the dead,” one participant argued, a point that was reiterated later during the gathering when all agreed that how people treat Ancestors reflects how they treat the living.

The Native American representatives shared a number of concerns they have regarding institutions’ treatment and holding of human remains. These included housing them with dignity and privacy (some tribal groups want to be able to inspect the conditions of the custodial institution), and preparing them properly for repatriation, both materially and spiritually. Complying with these concerns requires early and ongoing consultation. They also emphasized that since there are 574 federally recognized tribes, along with many state recognized and unrecognized groups, all with their own protocols, institutions should expect there to be incredible diversity, and should endeavor to understand this diversity (this was also a point raised by the African American group, where the argument was that single organizations do not speak for the entire group, and researchers must be in broad conversation across many organizations). Part of doing

this means to identify the appropriate persons with whom to consult, as sometimes individuals appoint themselves to be cultural authorities, but in fact cannot speak for the tribe in question (this was a reiteration of a concern expressed in Canada about government-appointed band councils).

The clear message from participants, which is legislated through NAGPRA, was that institutions do not *own* Ancestors and cultural materials, and that all decisions and actions should flow from that reality. In other words, if institutions don't have the right of ownership, then they don't have the right to display, to conduct research, etc. Many (but not all) tribes ask for a moratorium on research on Ancestral remains. The concern is that all research has been un-consented, and it has never benefited the Ancestor's community. Some research, including DNA research, it was asserted, has also been conducted with toxic substances, which produces a problem both for the Ancestor and for the living community during repatriation. Institutions have a duty of care and legal responsibility, and they should proactively make repatriation possible. They also have a responsibility to conduct thorough inventories of entire campuses (not just museums or departments). Ancestral remains have been found even in archival collections. Institutions should also consider looking at their collections geographically rather than one tribe at a time. Understanding how to work effectively in coalition and understanding the affinities among groups would help by not pitting tribes against one another and would mitigate against the delays that sometimes develop (delays that can also result from institutions waiting for NAGPRA grants).

Representatives looked forward to the new NAGPRA regulations that became the law in 2024, regulations that they believed are designed to broaden the groups covered to include privately held collections, and that would expand beyond federal tribes. They also discussed additional legal frameworks that might be usefully applied to African American contexts. These include cultural heritage laws, endangered species laws, and UN declarations, in addition to state and municipal legal frameworks (though African Americans pushed back on the latter, suggesting that a federal law was necessary).

Among the concerns shared by representatives of African American descendant communities were that researchers must engage with community members in order to develop a level of trust and understanding about what they want and what they don't want. Who handles the remains, and who tells the stories are important to them, and they wanted to see more Black archaeologists doing community-led and -engaged research. They also discussed the importance of having representative organizations that can maintain the integrity and inclusivity of community voices within institutional research processes (and that can in fact lead these processes). They understood this as a social justice issue that has implications for the broader social justice work (including the rewriting of public histories) in which many representatives are involved. They also discussed the importance of maintaining monuments and memorials as dynamic and living spaces for community engagement and storytelling, which meant that for them it was important to involve young people in every aspect of the work, which also means involving educational institutions. Cities, they stated, cannot be allowed to



replace living Black communities with a plaque. Preservation and protection are different processes, but both were equally important to them, the latter because of the goal to not harm more individuals. They want to make sure their Ancestors can stay in the ground. Both also required that communities be empowered, and that institutions (and their representatives) be transparent and accountable.

Collaboration for both groups means going through tribal or community protocols (both formal tribal IRBs where they exist or other processes where they don't), but importantly, it also requires early consultation in relation to research design, and continued conversation at each stage of the project. Consent is iterative, both groups argued, and descendants (the lineal, social, and regional groups associated with the remains) have a right to evaluate research, which should include a right of refusal and the right to stop or pause. Researchers must respect the expertise and knowledge of descendant communities, rather than approaching communities with condescension and exploitation. They must move from a position of expecting conflict among groups, which they understood as a product of colonial paternalism.

Both groups noted the need for a much more robust sense of ethics ("laws are passed because people don't have an ethics"). They pointed out the fact that Black and Native American remains sit on the same shelves in museums, and that both Black and Native Americans have been displaced and dispossessed from their lands. Both noted that institutions have a responsibility for clearly articulating what the consequences are for breaking ethical guidelines, and they made a number of suggestions that appear in the Commission's recommendations.

### **Los Angeles, American Association of Biological Anthropologists (AABA) (March 2024):**

The Commission held an update and listening session at the annual meeting of the AABA on March 2, 2024. Approximately 200 participants attended the two-hour session. Commissioners gave an overview of our interim report and answered questions and comments. Participants were generally supportive of the interim report and shared several additional noteworthy concerns.

The first concern raised by several participants was the use and previous publication of data that was obtained from research on Ancestral remains that did not have historical permission, or data collected from Ancestors that have since been repatriated. Several members noted that "legacy data" continues to be used in new publications, often using consent that was obtained historically and is now questionable. Commissioners echoed similar concerns, and they noted that nearly all major anthropological and biological anthropology journals no longer accept publication of "legacy data" and have policies in place that ask for contemporary standards of consent. Participants added that policies and laws need to change to alleviate this concern. Commissioners added that it was our hope that in writing an informed and collective report, it could also aid in legislative changes. One participant raised the additional issue that data is often published behind paywalls with limited accessibility for descendant communities and emphasized that



researchers conducting new studies grounded in ethical and collaborative research processes need to consider publishing results in open access sources. Participants raised the question of how archival information and data related to Ancestral remains (such as photographs) can also be ethically protected. Finally, another association member asked if publishers should consider compensation to descendant communities if they make profits on publications that disseminate research on Ancestral remains.

Concerns and questions were also raised on the definition of descendant communities and the need for guidelines in cases where multiple descendant communities are identified (the example here was Black and Indigenous communities). Commissioner Michael Blakey said these cases presented opportunities for inter-community discussions and that the communities themselves, not anthropologists, were responsible for finding solutions. It was also noted that research and findings need to be better disseminated to descendant communities at all stages. Another participant noted that some biological anthropologists are interested in research on Ancestral remains from those that had pathological conditions or lived/died in situations of incarceration or institutional settings, and that this raised the importance of descendant communities that are not only lineal or geographic descendants, but potentially groups from relevant or related disability communities.

Several participants asked about concerns specifically related to anatomical collections, and specifically how collections of Ancestral remains that have no provenance at all can be ethically handled. Commissioner Sabrina Agarwal commented on the history of anatomical collections from India, noting that engagement with local communities of care of South Asian descendants is needed to begin to address how these collections should or should not be utilized in classrooms and treated respectfully ([Agarwal 2024](#)). Commissioners Carlina dela Cova and Thomas Champney added that the American Association for Anatomy guidelines on legacy anatomical collections are also forthcoming ([Cornwall et al. 2024](#)). A question was also raised on the issue of consent and the use of unidentified human remains obtained from forensic contexts that are often used indefinitely within educational contexts.

Finally, at least three participants voiced concern over the lack of institutional support for repatriation, consultation or moves to create ethical policies. There was agreement from members that many institutions do not have the manpower or funds to implement policy changes and/or create new pedagogical initiatives with teaching anatomy or osteology, and shared concerns that much of this work falls on the shoulders of junior faculty or staff. The Commission agrees that institutions should invest in more fiscal and ethical responsibility for oversight and maintenance of the Ancestral remains in their possession.

### **Emerging Scholars and Graduate Students (April 2024, Virtual)**

The Commission invited junior scholars (both graduate students and junior colleagues) to share their thoughts on our questions and any other concerns related to the ethics of research with Ancestral remains after our preliminary reports at the AAA and AABA

meetings, in fall 2023 and spring 2024 respectively. These scholars were recruited through Commission members, but also through the student sections of the AAA, the Black in BioAnth association, the Indigenous Archaeology Collective, and the AABA. All participants stated that Ancestors have agency and deserve autonomy, respect, and care. They spoke of their own experiences of moving from an undergraduate experience in which they were introduced to Ancestral remains in what they described as an “individualistic approach,” toward a more social understanding of the individuals and collections with which they were working. They had specific concerns about teaching, and especially teaching with unprovenanced Ancestral remains and other belongings. They wanted guidelines about how to share this information with students, and advice about how to balance concerns related to repatriation and repair with their own career trajectories. Others pushed back on the focus on teaching, arguing instead that it is important to “release our investments in ownership, and instead center stewardship and return.”

Another concern they voiced had to do with how to determine which descendant communities they should engage if this was not straightforward, or in cases where disagreement occurred. Several also noted concern for the ethical treatment of remains that are unprovenanced, or archaeological holdings for which there are no descendant communities from which to obtain consent. This could include international prehistoric remains with no recognized or descendant community or community of geographic origin that was interested/engaged. They also articulated a need for clearer language regarding consent with respect to descendant communities, so that in the context of decision-making, the individual does not become voiceless in relation to a community of care.

As junior scholars, they felt precarious in relation to their institutions, and they wanted support in relation to these ethical concerns, and in their own attempts to view Ancestors “as people and not data points.” They were also concerned about whether their institutions would recognize that substantial public engagement necessitates longer time frames for degree completion or tenure. Several also noted their own discomfort conducting research with Ancestral remains, and a few raised the question of “why people study marginalized people if they’re not members of that community,” suggesting that anthropologists should be more intentional about their own positionality vis-à-vis their research questions. They advocated for a process of continual collaboration, in which community members and communities of care are the driving force from the development of questions to the collection of data, and through the representation of findings.

### **Genetics Advisory Committee (May 2024, Virtual)**

We circulated our preliminary report to our advisory panel of anthropological geneticists and convened during our May 2024 Commission meeting to receive their feedback. They suggested a number of augmentations in terms of the principles, and also asked us to be more explicit about including the use of DNA, DNA sequences, other biological samples, and ancient DNA in our discussion of Ancestral remains. They also asked us

to be careful about our terminology, and to include more robust discussions of key terms (see Appendix A, Glossary).

## ***SUMMARY OF FINDINGS AND CONCERNS***

The following is a discussion of the major themes that emerged from our listening sessions around the world. As anthropologists, Commission members appreciated the cultural diversity of perspectives. As students of what it means to be human, we also noticed common threads or near universal ideas about the treatment of the dead. Ancestral remains were important to everyone. They were considered “holy” by those with whom we gathered, and they were seen to “make a claim on the people who are stewarding the land.” Virtually all participants articulated the principle that “we are made human by how we bury and memorialize the dead.” Native Australians argued that Ancestral remains “tell a story about our history,” that they “will always be a person,” and that they “are our future.” Everyone with whom we met argued that the dead have dignity and should be respected by all according to their cultural ethos, even as this varied among different communities. Our respondents considered all remains – including not only skeletal material but also blood, hair, soft tissues, and DNA or any of its derivative products – to be the same in regard to their representation of the human body, and thus they all are subject to ethical rules for engaging with Ancestral remains. Everyone who commented on belongings or “funerary objects” believed they should be kept with the dead.

Informed consent, initially identified by the Commission as an important principle of ethical philosophy, was repeatedly confirmed as an essential condition of “respect” or “dignity” by members of the communities with whom we met. This is reflected in their repeated assertions that Ancestral remains do not belong to anthropologists, and that informed consent cannot be given or denied by anthropologists. In Australia we were told, “The public has no right to certain belongings and remains.” No one with whom we spoke stated that anthropologists or museum professionals should have the principal right to choose how Ancestral remains are used. Indeed, most were offended by these fields’ presumptions in this regard. Our respondents repeatedly asserted that families, in accordance with the laws and guidelines of communities, are the appropriate caretakers or stewards of Ancestors. They maintained that descendants (whether individual, family, geographic, or descendant community) are the only ones empowered to make decisions about their use, a position that conflicts with existing policies regarding engagement with Ancestral remains in many institutional and associational contexts.

Those with whom we spoke also addressed the issue of unprovenanced Ancestral remains. They stated that every effort should be made to provenance such remains or sacred objects by archival and non-invasive methods prior to the consideration of more invasive methods, such as chemical sourcing. They also argued that decisions regarding the value of the research relative to potential harm should be made by descendant communities or those they choose to represent them. We recognize that while Ancestral remains are universally important, as is their respectful treatment, the

cultural and spiritual beliefs of communities towards these remains varies globally. Further, the historical acquisition of remains occurred in various contexts. Ancestral remains that were acquired from gravesite theft or acquisition without permission do not belong to researchers or institutions. However, institutional legacy collections that were obtained with consented historical permission will require more complicated pathways to contemporary ethical treatment and curation.

It is clear that people act as social groups to become accountable for the disposition of their ancestral remains. In Japan, the Ryukyus are suing Kyoto University for that right. NAGPRA legislation in the United States already affords the right of repatriation to the living members of the social group (the tribe or nation) of the deceased. African Americans feel organizations maintain the integrity of community voices and, like the representative of the Huron-Wendat Nation, recognize that such organizations can take time to assemble and decide. Our respondents emphasized that decisions must be made on their own timelines, not the timelines of anthropologists. Credible relationships need to be forged between descendants and researchers before trust is earned. Indigenous people in Canada, like Australians, expect these relationships to reflect the wishes of local communities of origin and care. They expect that representatives of the deceased should have significant involvement from beginning to end in any use of their Ancestors. Across many spaces, and particularly in Canada, we heard the preference for “collaboration,” or even better “cooperation,” as a way have more equal roles in decision making. Informed consent, they argued, should be a transparent and ongoing process, and one that engages the appropriate representatives of tribes and communities. Respondents in Canada and Japan, and also among African American descendant communities, spoke of the difficulties that emerge when researchers and others take shortcuts with respect to consent, choosing token representatives who are aligned with their projects. They understood these practices as attempts to circumvent authentic informed consent. They are unethical, and they disempower descendant communities by performing a kind of “consultation” without following tribal or community protocols. Our respondents believed that research collaboration or cooperation must follow descendant decisions.

During our listening sessions, we also repeatedly heard the assertion that caretakers, custodians, and stewards of Ancestral remains must be transparent and accountable for their responsibilities. The belief that researchers, educators, museum administrators and their institutions should apologize for past and present harms was pervasive. Indeed, the Commissioners’ references to the dilemma of the need to know vs. a need for dignity was at times complicated by a community member’s correct critique of the misguidedness of the racist knowledge often sought by anthropologists. People with whom we met argued that if researchers, educators, curators and others are to develop ethical practices in relation to Ancestral remains, they must critically engage the histories of these harms.

## ***PRINCIPLES***

- 1) All Ancestral remains and human tissues have dignity and are deserving of respect. Ethical postmortem treatment of the deceased and Ancestors is a basic human right.
- 2) Anthropologists and institutions do not own Ancestral remains. They are custodians (caretakers) of the remains with the responsibility to preserve and honor them with dignity and respect until such a time they are returned to their relatives. Any research, education, conservation, protection, or exhibition of Ancestral remains should only be done with detailed informed consent by those who represent the interests of the individual's remains. If informed consent is not able to be granted, no research or exhibition should be undertaken on Ancestral remains or human tissues. The deceased individual, family, or descendant community are usually required for such consent. Scientific knowledge or research must not be prioritized over ethical practice. Historical collections that were obtained with previous permission still require ethical treatment and curation and should be regularly reassessed with contemporary standards of ethics in mind and with the acknowledgement of any changes in laws/regulations nationally or internationally.
- 3) Both lineal descendants (known family members) and social communities (culturally or geographically affiliated Native American and Indigenous groups and descendant communities) have ethical rights to the stewardship of their Ancestral remains, sacred cultural materials, tissue, and chemical/molecular DNA samples. The rights of the family are primary (within the context or laws of a Native nation), and those of community of care are secondary only to family. Family and community are defined by their members and will vary by social and cultural context. Identities and familial relationships rendered through DNA should not take precedence over how families and communities socially/culturally define themselves. Researchers should not make these determinations on behalf of the community.
- 4) All those who are permitted to handle and engage with Ancestral remains as custodians or researchers must think in terms of *collaboration* or *cooperation*, not *consultation*. Collaboration with descendants (whether full partners or clients) should be valuable to them as well as to scholarship concerning their sites, remains, or samples. False collaboration (superficial involvement of descendant voices in projects wholly determined by others) is unethical. Descendant organizations are the most likely to retain the integrity of their community's voice; only they can determine their members and leadership.
- 5) Academic freedom is not synonymous with "unrestricted access." Scholars, educators and museum curators must be responsible to descendants' concerns for the dignified treatment of their dead. Rights do not exist without responsibility and ethical treatment of descendants weigh toward the latter. Researchers must recognize and examine their own positionality and potential conflicts of interest.

- 6) Ancestral remains can only be ethically acquired by donation of the individual whose remains they are, or by permission of that person's family (primary) or culturally affiliated or descendant community (secondary) upon a person's death. In the absence of these, the wishes of other communities of care should be respected as surrogates for descendants. Consent requires accurate communication of the possible uses and meanings of anticipated research results in terms donors fully understand. Pre-research advisement should include estimates of what the donor can and cannot expect to learn from results, the possibility of methodological error, and the immediate uses donors can make of the data for themselves, and agreement on how long data will be used and who will retain the data. Immediately reliable findings should be distinguishable from any potential knowledge that researchers might "overpromise" based on future accumulated data. Transparency and accountability of detailed consent verification must be available with specific limitations on photographic, DNA and other uses.

## ***RECOMMENDATIONS***

### **1. Responsibility to Scholarship and Science**

- a) The AAA should issue a sincere apology for the historical and contemporary harms of anthropology with specific reference to the theft and use of Ancestral remains, with acknowledgment of their continued implications.
- b) The AAA should require annual agreement to an "ethics pledge" based on these recommendations, which would become available to the membership to read and sign during membership renewal. Relatedly, the AAA should develop an "ethics portal" to which one could submit ethical questions or concerns, and it should charge an ethics committee with adjudicating these concerns as well as providing consultations for those with ethical questions. This portal could also provide examples or case studies of ethical issues as well as resources for ethical approaches to human tissue use.
- c) The AAA should require all journals in its portfolio to require authors to provide confirmation that they obtained detailed informed consent and permission from descendant communities to do the research and to publish it. This should be noted in the Methods and in the Acknowledgments of the publication.
- d) The AAA should organize a training session every year at the annual meetings about how to work with Native American and African American descendant communities, as well as Indigenous communities elsewhere. This session should include participants who are locally based, such that we hear from different individuals every year and one tribal group or regional organization is not asked to stand in for the whole. The AAA should consider sponsoring an annual lecture



on ethical human tissue use or other ethical topics (including authorship, misconduct, etc.).

- e) The AAA should require all researchers working with Native Americans to follow tribal IRB protocols where they exist. These are formal processes for working with tribal nations that ensure that informed consent has been obtained, both for contemporary work and legacy collections. Among communities that don't have formal IRBs, researchers must demonstrate a process of understanding the protocols of descendant communities.
- f) The AAA should require member departments, institutions, and researchers to include (or make available upon request with appropriate descendant or tribal permission if applicable) in their inventories of Ancestral remains all materials held at their institutions and in their libraries (including photographs and songs), as well as all cultural materials affiliated with Ancestors (photographs, scans, drawings, and all other research materials).
- g) The AAA should require member departments, institutions, and researchers to consider addressing their collections geographically in order to work more effectively in coalition with Native American and Indigenous groups.
- h) The AAA should advocate for structural changes in museums and other institutions, including the removal of structural barriers to dignity for human remains. Examples of such structural changes could include efforts to diversify curators, faculty, and staff, particularly on committees that implement policies on access; inviting descendant communities and culturally affiliated groups to hold memorials and other cultural events in the museum; organizing collaborative fora with community groups on issues of concern to them.
- i) The AAA should advocate for the renaming of collections of human remains to avoid the continuation of honoring those individuals who unethically obtained these remains. Any renaming should be undertaken through collaboration with impacted communities.
- j) The AAA should require that AAA members be transparent about all the policies indicated by these principles. They should be published and announced so that the public and descendant communities can be fully informed about the policies arising from these principles.
- k) The AAA should develop protocols for accountability, such as censure or loss of membership for those who willfully disregard these principles.
- l) The AAA should recognize that this document and the principles within it are not static but should grow and evolve over time. Toward that end, the AAA should collaborate with other organizations and advocate for funding sources for continuing this work globally, so that the relationships that have been built by this

Commission can be strengthened, and so that additional scholarly, culturally affiliated and descendant communities can be part of these deliberations in the future. A progress report should be made annually.

## **2. Responsibility to Education**

- a) Students in all subdisciplines of anthropology must be taught the historical harms of anthropological research (especially in relation to cemeteries, anatomical remains from red markets, Ancestral remains, tissue and DNA samples, and other cultural materials), and how these harms are related to broader processes of settler colonialism, imperialism, slavery, and other forms of dispossession. This historical training should include and foreground scholars of color in dialogue with the field's white mainstream. In biological anthropology, a critical history is one that attends to its racist origins in the Enlightenment and the 19th century, as well as its persistent racist and classist ideological production throughout the twentieth century (see Appendix B for lists of possible readings to include on syllabi).
- b) The ethical concerns of descendants and principles of informed consent should be a required and important part of the anthropological, anatomical, human biological, genetics, biomedical and cognate curricula and course design. They should also be centered in the development of research design. Faculty overseeing undergraduate or graduate student research projects must mentor and direct students in how to develop their research questions and protocols collaboratively when working with descendant communities and culturally affiliated groups.
- c) All those who handle human skeletal remains for identification must have adequate training in the identification of human bone and be supervised by expert skeletal biologists, anatomists, and others working with human remains and tissue. They must also, where culturally appropriate, have training in the history, cultural beliefs, and practices – including those related to human bodily care and burial/death practices – of the communities with whose Ancestral remains they work. Biological researchers engaged in populational analyses should seek proficiency in the social history of the biological populations they wish to understand in order to accurately know the relevant environmental variables and to avoid undue objectification.
- d) All those who use human tissues in education should treat the tissues with respect and should provide the historical, cultural, and ethical background to the specific tissues that are being used.
- e) Anthropologists working across all sub-fields have an ethical obligation not to conduct research on sites, time periods, cultural groups, and social communities for which they have little training or expertise.

### 3. Responsibility to Research

- a) Anthropological researchers must ensure that their research does not harm the safety, dignity, or privacy of the people with whom they work, conduct research, or perform other professional activities. Research should be characterized by collaboration and cooperation among all participants at all stages, from research design to dissemination of findings. Researchers must understand that permission, if granted, can be withdrawn or amended at any stage and such decisions must be respected. Regardless of publishing, funding, or exhibitional goals, respectful and mutually beneficial collaboration is founded on respect for the expertise of Native American, Black, and Indigenous colleagues regarding their history, cultural beliefs, and practices.
- b) Archaeologists must prepare for encountering Ancestral remains when phase one archival review reveals that possibility. Unless covered by NAGPRA and accountable to its specific reporting requirements, the principal investigator must reach out to local institutions and organizations possibly associated with descendant families or communities. The same prompt outreach is required upon an accidental encounter with burials at which time all excavation must cease. Archaeologists must then transparently share information about the site in public forums. They must receive and record the emerging community's increasingly coherent perspective prior to the physical disturbance of the site. They must be prepared to cease work until a descendant community group forms and, fully informed by a series of public meetings, gives its consent for excavation to proceed. Throughout this process, the archaeologist's business client should be involved and aware of the archaeologist's ethical requirements. In all cases, researchers must comply with federal and state laws, and archaeologists must hold themselves responsible for satisfying the ethical standards of the field of anthropology.
- c) Anthropologists who work with Ancestral remains should commit to a hard pause on research that does not have informed or descendant community consent, either from lineal descendants (known family members), descendant communities, or culturally affiliated groups. Future research with Ancestral remains that does not have informed consent must obtain it. Research and curatorial organizations must develop procedures for obtaining detailed informed consent with earnestness, care, transparency and completeness.
- d) The AAA should facilitate the assembly of descendant communities. Not-for-profit organizations and/or NGOs may be an apt avenue in some cases (but see Lewis and Schuller 2017). Such communities are self-selected, inclusive of plausible descendants, and democratically governed. Descendant communities combine the qualities of a community of origin and a community of care. Recommended organizations can provide resources for identifying members of communities of origin. They can facilitate opportunities to learn about and express care for Ancestral remains in the process of forming a self-selected descendant

community; to inform descendants' ultimate ability to provide or deny consent to research, memorialization, or both. Participants come to know one another and organize during what should be a lengthy set of conversations with potential researchers that can include proposed research questions. Such organizations should be accountable to the Principles of the Commission.

- e) Long-term curation of Ancestral remains requires detailed informed consent, provenance recognition and well-developed inventory procedures. Institutions that hold Ancestral remains should ensure information on their collections is accessible to impacted communities.
- f) The value of research must be weighed against the possible harmful consequences it may have for families (primary), culturally affiliated groups or descendant communities (secondary) or, in their absence, other communities of care, as determined and defined by the communities. Where the likelihood of harm to these communities is present, research must cease. Consulting contracts should include language consistent with this principle to be ethically responsible to business clients whose contracts may need to be terminated. In other words, detailed informed consent must be seen as iterative and contractually binding.
- g) Anthropological researchers have a responsibility to communicate in a way that is as accessible as possible, and that is clear about what particular forms of research (including DNA-based research) can and cannot accomplish.
- h) Only research on the specific entities and pursuing the particular questions that are specifically described in the informed consent document can occur. Any additional research must be re-consented to take place. Researchers must be transparent on how long data will be used and must seek re-consent if there is a lapse in time from collection to use. Researchers must follow the agreed plan for repatriation, reburial, housing, or disposition of any Ancestral remains, tissues, or other materials, and follow an agreed plan regarding data sovereignty.
- i) When the origins of unidentified legacy collections of Ancestral remains, tissues, or blood cannot be found after exhaustive attempts to do so, their custodial institutions should determine whether or not to continue to curate, conduct research, or memorialize remains. At all times careful consideration should be given to weigh the potential for public harm against the benefits of research or memorialization and to favor minimal harm. The same considerations should be given to the use of data from legacy collections. The ethical issues of those collections may be cited in publications of these data or results derived from them (consistent with the American Association of Anatomists, Recommendations for the Management of Legacy Anatomical Collections, Cornwall et al. 2024).

- j) In the case of historical or legacy collections of human remains where permission was obtained from individuals, communities, or government agencies in the past, there should be regular reassessment of the historical consent with a comparison of contemporary standards of ethics in mind. All efforts should be made to seek contemporary re-consent from descendant communities, either lineal descendants (known family members) or descendant communities and culturally affiliated groups, or local communities of care when it is not possible to identify or engage with descendants. Museums and institutions should be continuously aware of changes in state or international laws or cultural customs regarding human remains or repatriation.
- k) The use of images and any other digital materials (e.g. maps or GIS) derived from human tissues or Ancestral remains should be considered as part of the respectful treatment of those whose actual remains are used. This treatment acknowledges that their use should be restricted to defined (and consented) purposes, and that such use should remain confined to a protected, nonpublic space (and should never be displayed on social media or other non-password protected internet sites, including educational sites, and museums).
- l) Anthropological researchers must expect to encounter ethical dilemmas at every stage of their work, and they must make efforts to identify potential ethical claims and conflicts in advance when preparing proposals and as projects proceed. They should also be aware that ethical guidelines, practices, and concerns by descendant communities and culturally affiliated groups can change over time.

#### **4. Responsibility to Museum Curation**

- a) Museums should follow the same ethical principles and guidelines as research and educational entities.
- b) As above, the use of images and any other digital materials derived from human tissues or ancestral remains should be considered as part of the respectful treatment of those whose actual remains are used. This treatment acknowledges that their use should be restricted to defined (and consented) purposes, and that such use should remain confined to a protected, nonpublic space (and should never be displayed on social media or other non-password protected internet sites, including educational sites).
- c) Historically, curatorial leadership in museums and universities allowed vast knowledge about people's remains/collections to be generated or controlled by a small number of individuals, if not one single individual. As institutions carry out large-scale inventories to gain more comprehensive knowledge of the Ancestral remains, sacred objects and other artifacts they house, these may be carried out in multiple stages over many years. While inventories are integral to reparative processes, they should not be implemented in ways that foreclose engagement with communities before completion. The AAA should encourage transparency,

including regular meetings to report progress, and additional programming to be developed collaboratively with relevant communities.

- d) Descendant groups may choose to rename collections collaboratively while the institution retains documents and educational materials regarding the histories of the collections.

## **5. Responsibility to Law in the United States**

- a) The AAA requires all members to understand and follow all of the applicable laws governing human remains and artefacts (e.g. newly revised NAGPRA and the Uniform Anatomical Gift Act). All those who work with human remains must follow these laws and regulations including the regulations developed by tribal councils and other culturally relevant groups. Ignorance of these laws is not a justification for the unethical and illegal treatment of human remains.
- b) The AAA should consult and share this report with Institutional Review Boards (IRBs) at universities, the President's Advisory Council on Historic Preservation (ACHP), and State Historic Preservation Offices (SHPOs). The AAA should request the inclusion of possible harms to living descendant families and communities as impacts of the archaeological disturbance of cemeteries and research on Ancestral remains. The emphasis on impacts upon living people, not only the dead, should be a consideration for elevating standards of IRB protection offered to 'human subjects' as living descendants of those whose remains may be disturbed by researchers. The ACHP and SHPOs involved in the implementation of the National Historic Preservation Act should be made aware both of the humane need of informed consent and the recommended qualifications standards (e.g. Recommendation 2e) that extend beyond current technical requirements for Cultural Resource Management (CRM) consulting contracts involving burial grounds.
- c) Where there are no laws or where the current laws do not provide adequate ethical treatment of human remains, the AAA and its members should strongly advocate for the development of stronger legal protections. These can include laws for the protection of burial grounds and their associated remains as well as laws that mandate the proper treatment of all provenanced and unprovenanced human remains. Any support for the development of new legislation must include substantial representation from those groups most affected by the laws (e.g. Native Americans, Black Americans).

## **CONCLUSIONS AND FUTURE DIRECTIONS**

Implementation of the necessary standards of best practices as recommended by our respondents depends on individual commitments, professional standards of transparency and accountability, and institutional support. This change in professional



practices regarding Ancestral remains will require funds for inventory, better research when requested, and memorialization efforts of those whose bodies or body parts have been used in the past. Changes have recently been made to NAGPRA, which include provisions for unprovenanced Native American Ancestral remains, among other long needed improvements. New legislation, including an African American Graves Protection and Repatriation Act, is needed (Dunnavant et al. 2021). The current African American Burial Grounds Preservation Program Act (S.3667) is too limited in tenure, scope, funding, and descendant empowerment to protect African American cemeteries on private land, and other Ancestral remains in museums. It is, nonetheless, a start. Lobbying efforts by the professional societies, universities, museums, and other preservation organizations are needed to achieve the necessary legislation and resources for ethical research and memorialization of all the American people and those in the world in which we live, work, and die.

We must re-think what “research” and “education” means, and what these should accomplish. The curriculum for all, but especially for those students who anticipate handling Ancestral remains, must include the social and cultural knowledge required for ethical collaboration and cooperation with descendants.

Finally, our global course has made it clear that a permanent task force should be established to continue this work, led by a panel of experts who can engage with communities and address issues that arise in the future. There will also be a need for this task force to set goals and timelines, with periodic updates for progress at all sites of engagement with descendants and their Ancestral remains in an ever-evolving field.

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## **APPENDIX A: GLOSSARY**

We align ourselves with the [new guidelines in 2022](#) that emerged from colleagues from the Arizona State Museum (ASM) at the University of Arizona (UA) regarding respectful terminology for the discussion of Ancestral remains and belongings, which recognizes that in forcing Native American and Indigenous communities to use our language, we are perpetuating Western science and racism. We include here a glossary of terms we feel are particularly relevant.

**ANCESTOR:** Any deceased individual. This terminology emphasizes both the humanness of individuals held in institutions and kinship to others, both living and deceased. It replaces de-humanizing and objectifying terms such as “skeleton/skeletal unit/specimen/sample.”

**ANATOMICAL SPECIMENS:** Human body parts donated to by an authorizing human adult or minor (for use in education and research) that are grossly identifiable and commonly recognizable as such to a layperson without the use of any specialized methods of identification. This definition does not include blood, urine, feces, semen, or other bodily fluids, non-organic tissue types, tissue samples, human cells, hair, nails, teeth, paraffin blocks, or tissue slides.

**CLIENTAGE MODEL OF PUBLIC ENGAGEMENT:** A method for ethical research on human remains in which the research project is accountable to three clients: the profession (standards of scholarly practice and empirical evidence), the business client (who pay for research) and an ethical client or ‘descendant community’ (see below). While the ethical client’s directives supersede those of other clients, all clients’ criteria are satisfied when 1) projects involving human remains would not be undertaken by scholars if their professional standards cannot be followed and 2) contracts with business clients specify the necessity of their mutual agreement with descendants to a particular research design in advance of contracted research. The Clientage Model (sometimes referred to as the Ethical Clientage Model) is, therefore, not a partnership of clients nor with researchers. Researchers work *for* their ethical client as they would otherwise work for a business client but put ethics first. The descendant community has rights of a surrogate family over the memorialization of the remains of their Ancestors. The model includes extensive public forums to inform descendants and to gather descendant’s research questions for researchers to pursue if the descendant community consents. It thusly may be said to perform the democratization of scientific knowledge.

**COLLABORATION** (see distinction from Consultation): Collaboration is the co-design of projects from conceptualization to implementation and distribution.

**COMMERCIALIZATION:** The offering of anatomical material and/or its byproducts for financial gain - to profit from the sale of these materials.

**COMMUNITY OF CARE:** A community of care may describe those who “look out for each other, taking an interest in and working to address the physical, emotional, and health and safety well-being of all community members” (Maryland Institute College of Art). In regard to Ancestral remains, a community of care defines those who care deeply about the disposition of particular Ancestral remains.

**COMMUNITY OF ORIGIN:** A community of people descended from the location or region where particular Ancestral remains were found or from which they were taken. Broadly, the community of origin comprises all individuals to whom the study of and interpretations based on Ancestral remains apply. This includes, but is not limited to, those who are genetically and culturally related directly to the individuals whose remains are under investigation, and provides opportunities for groups to self-identify their association with the remains of any individual or group of individuals (AABA Taskforce on the Ethical Study of Human Remains).

**COMMUNITY/TRIBAL CONSENT:** Formal agreement with the communities, nations, and tribes participating in and/or impacted by research before individual consent is obtained. This may look like formal Tribal IRB processes, the Clientage Model, or less formal agreements.

**CONSENT (INFORMED):** The voluntary agreement by a person with the capacity to make a decision to a proposed course of conduct after communication of adequate information and explanation of the expected benefits and material risks of and reasonably available alternatives to the proposed course of conduct.

**CONTINUATIVE CONSENT:** Within continuative consent models, individuals and/or communities who have previously given consent are invited to re-consent any time data, samples, or other aspects of the project are used, shared with, or transferred to other institutions or researchers.

**CONSULTATION:** Within NAGPRA, consultation is a required process of exchanging information and making determinations with Native American tribes and lineal descendants. Within this and similar processes, consultation is a formal process that does not necessarily require consent from nor collaboration with communities.

**DESCENDANT COMMUNITY:** A descendant community is a group of people whose Ancestors were interred at a cemetery, had lived at a particular historic site, or whose remains have become part of a collection. A descendant community is the social community descended from that of the deceased. These include both those who know their specific familial genealogical connection to the deceased and those who do not. The definition of descendant community is sufficiently broad to encompass those without definite lineal ties to a single site, but whose family histories are included in its surrounding region, reflecting the fact that the family ties and ethnic associations descendant community represents often crossed site boundaries. These persons also care about the Ancestral remains or sites in question and thus may be socially and psychologically harmed by their perceived mistreatment. Thus, anthropological ethics

require that they be protected from research-related harm. Rights of informed consent over the disposition of their Ancestral remains (as afforded them as “ethical clients” under the clientage model, above) seek to achieve those protections.

**GENETICS:** The scientific study of genes and heredity, of how certain qualities or traits are passed from parents to offspring as a result of changes in DNA sequence (National Institutes of Health).

**GENOMICS:** The study of a person’s genes (the genome), including interactions of those genes with each other and with the person’s environment (National Institutes of Health).

**HUMAN REMAINS** (which will include what we requested from the geneticists – not just the physical bones, soft tissue, etc.); chemical/isotope products/samples, aDNA, DNA and DNA products (biological samples taken from Ancestors), including synthetic DNA; all digital as well as “real” components of a person, paleogenomic extracts, freeze-dried collagen

**IMAGES:** Photographs and video, including digital, film or any other medium, including medical images (radiographs, Computerized Tomography (CT), Magnetic Resonance Imaging (MRI), ultrasound) derived from a body donor (pre or post mortem).

**INFORMED CONSENT:** The voluntary agreement by a person with the capacity to make a decision to a proposed course of conduct after communication of adequate information and explanation of the expected benefits and material risks of and reasonably available alternatives to the proposed course of conduct.

**LEGACY MATERIAL:** Human anatomical material in the possession of educational or scientific institutions for which records regarding identity and/or consent may be missing or incomplete.

**OVERSIGHT COMMITTEE:** The group of individuals who are responsible for decision-making and/or advising on the policies and procedures of a body donation program in partnership with the anatomical services professionals.

**TEACHING COLLECTION:** Anatomical material used for education.

**TRANSPARENCY:** Operating in such a way that it is easy for others to understand what has been performed and/or what is expected.

## **APPENDIX B: SOME EDUCATIONAL MATERIALS**

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## **APPENDIX C: REPORT ON GUIDELINES AND POLICIES (2022, Ezra Chan)**

### Introduction

Canadian Archaeological Association (CAA)

University of Alberta

World Archaeological Congress

Anatomy Association

British Museum

Field Museum

Collaborative Care of Human Remains

What is Repatriation?

Human Remains Collection

GUIDELINES FOR THE CARE AND CURATION OF HUMAN REMAINS

COLLECTIONS AT THE FIELD MUSEUM: DEC 2018

UBC Museum of Anthropology

Repatriation Guidelines

Smithsonian Institution

Smithsonian Adopts Policy on Ethical Returns

NMNH Policy for Culturally Unaffiliated Human Remains and Associated

Funerary Objects

NMAI Repatriation Policy

2020 Annual Report: Repatriation Activities of the Smithsonian Institution

Penn Museum

University of California

UC Berkeley: NAGPRA

UC's Native American Cultural Affiliation and Repatriation Policy

NAGPRA

American Anthropological Association Ethics Forum

Society for American Anthropology

American Association for Anatomy

American Association of Biological Anthropologists

James Madison's Montpelier: Rubric for Interpreting Slavery

### Guidelines and Policies

## Introduction

This document serves as a resource for background information and context of the existing guidelines, policies, and thoughts on human remains and their treatment in museums and similar academic institutions. While there are some laws regarding the treatment of human remains, and specifically repatriation to communities, the majority of the items in this report are formed by academic organizations themselves, and are not strictly regulated by governmental bodies. The majority of sources are from the United States, Canada, and the United Kingdom. This is because these three countries seem to be home to most of the globally prominent museums and academic organizations that are a part of the discourse concerning the treatment of human remains. For the United States and Canada, the focus of repatriation policies is specifically on North American Indigenous communities. There is a reduced focus on descendant communities outside of North American Indigenous groups in publicly available guidelines and policies. A few other Western nations and their policies are also featured in this document to a lesser extent. Further information on these policies can be found via hyperlinks in the *Anatomy Association* section.

All of the major academic institutions and museums in this document seem committed to sound and ethical practices for the treatment of human remains. They seem to be open to engaging Indigenous and descendant communities that make claims for remains in their collections. The University of Alberta and the University of British Columbia both provide comprehensive guidelines for communities themselves, and outline the process and necessary steps for repatriation and engagement. The sort of clearly laid out guidelines they provide are an example of the way museums and academic organizations can directly and effectively begin conversations with descendant communities about claims and remains in their collections. The conversations surrounding repatriation of remains in collections are not disclosed as far as I could find, so it is difficult to verify how complex the process of repatriation and claims truly is between these institutions and communities.

Full texts and other resources can be accessed by the hyperlinks in each segment of the document.

## Guidelines and Policies

### [Canadian Archaeological Association \(CAA\)](#)

#### Principles of Ethical Conduct

##### Preamble

The Canadian Archaeological Association (CAA) is committed to the promotion, protection, and conservation of archaeological heritage in Canada, as well as the advancement and dissemination of archaeological knowledge. The CAA and its members recognize the diverse interests, voices, and perspectives that inform archaeological interpretation, knowledge building, and the dissemination of information. In this document we respect and encourage the use of terminology as determined appropriate by the Indigenous community or communities. The archaeological record in Canada is predominantly that of Indigenous peoples. In this document, the term Indigenous peoples is used in reference to First Nations, Métis,

and Inuit as recognized in s. 35 of the Canadian Constitution. We acknowledge the depth and breadth of the archaeological record and its far-reaching significance for Indigenous peoples and descendant populations.

Accordingly, members of the CAA will conduct their activities according to the ethics and standards of scholarly practice, with a commitment to safety and non-discrimination, and will recognize the interests of those who may be socially, spiritually, or materially impacted by their work. We also recognize that heritage legislation across Canada remains deeply colonial. While all archaeologists should strive to comply with the spirit of the ethical principles, the CAA acknowledges that there are tensions between supporting Indigenous self-determination and complying with current heritage legislation and regulatory frameworks. We encourage all members to advocate for and work towards bringing existing legislation in line with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Members of the Association agree to abide by the following principles:

#### Professional Responsibilities

Archaeological sites and remains are finite, fragile, non-renewable and unique. Before undertaking responsibility for any excavation that impacts an archaeological site or remains, members of the CAA must:

- Keep up to date on developments in archaeological methods;
- Possess adequate training, support, resources and facilities to undertake excavation and analysis;
- Present the results of archaeological investigation in a timely and accessible manner;
- Preserve all documentation about archaeological investigation in a public archive with appropriate protocols for access;
- Comply with local protocols of Indigenous peoples in or outside of Canada;
- Comply with all appropriate archaeological legislation and international conventions regarding archaeological heritage;
- Respect colleagues and collaborators and cooperate with them in a collegial manner that fosters positive work environments and benefits research goals, professional development and partnerships;
- Recognize that documentation of any archaeological investigation should, within a reasonable period of time, become available to others with legitimate research interests;

#### Indigenous Rights and Reconciliation in Canada

Recognizing that when European settlers first arrived, First Nations and Inuit had established homelands that were thousands of years old and their activities created a major portion of the archaeological record in Canada, and recognizing that archaeology as a discipline has historically excluded and continues to exclude Indigenous peoples, the CAA is committed to working towards reconciliation.

CAA members will:

#### Indigenous Interests

- Support, through their actions and recommendations, Indigenous peoples' right to maintain, control, protect, and develop their cultural heritage.
- Engage with Indigenous peoples and communities and make every reasonable effort to obtain free, prior, and informed consent from relevant Indigenous peoples prior to conducting archaeological investigation of Indigenous cultural sites and material remains.
- Respect, understand, and be mindful that archaeological evidence is a critical factor in the legal recognition and implementation of Indigenous rights and title;
- Acknowledge that Indigenous peoples have an inherent and unique relationship with their archaeological heritage;
- Respect Indigenous approaches to protection, conservation, and interpretation of that heritage;
- Make every effort to engage, cooperate, collaborate and/or partner with the relevant Indigenous peoples and communities on any archaeological work involving Indigenous archaeological sites, or sites that include an Indigenous component, including historic sites;
- Learn and respect the cultural protocols of Indigenous peoples and communities relating to the conduct of archaeological activities dealing with Indigenous culture and/or on Indigenous lands;
- Encourage all levels of government to engage with Indigenous peoples and communities to amend policies and legislation so that Indigenous rights to control and protect their archaeological/material heritage are consistent with the principles of the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission of Canada Calls to Action; Collaborations and Strengthening Capacities:
- Encourage mutually beneficial partnerships with Indigenous peoples, communities, and organizations to undertake archaeological research, management, and education, based on respect and mutual sharing of knowledge and expertise;
- Work to co-develop protocols for archaeological projects or work;
- Provide opportunities for education and training whenever possible for all archaeological staff in their employ on Indigenous rights, history, and treaties, and the legacy of residential schools;
- Invite Indigenous people to participate on archaeological projects and make every reasonable effort to hire and train Indigenous people to conduct not only archaeological fieldwork, but also lab work analysis, interpretation of archaeological data, and writing of reports;
- Support formal training programs in archaeology for Indigenous people;

#### Cultural Places and Traditional Knowledges:

- Respect Indigenous, provincial, territorial, and federal standards, principles, protocols, and/or laws and regulations governing the investigation, removal, curation, and repatriation of Indigenous Ancestors' remains and associated objects;



- Recognize that the traditional knowledge of Indigenous peoples is an important way of understanding the past;
- Recognize and respect the unique relationships, including spiritual ones, that exist between Indigenous peoples and special places and features on the landscape;
- Always treat Indigenous sacred sites, places, and objects with respect and caution, and avoid as much as possible the use of methods and techniques that could alter or damage such sites, places, and objects;
- Recognize the importance of repatriation of archaeological collections for Indigenous peoples and descendant populations, and assist with repatriation requests;

#### Communication and Interpretation:

- Respect the value of oral history and traditional knowledge in the interpretation and presentation of the past;
- Communicate the results of archaeological investigations to Indigenous peoples and organizations in a timely and accessible manner; and
- Respectfully balance the perspectives and interpretations that Indigenous peoples have about the past with those of archaeologists.

#### Stewardship:

- We expect that the members of the CAA will exercise respect for archaeological remains and for those who share an interest in this irreplaceable material culture now and in the future. The archaeological record includes in-situ archaeological materials and sites, data, documents and records of investigation, artifact collections, and reports. Stewardship involves caring for and promoting the conservation of the archaeological record and collaborating with Indigenous peoples, descendant populations, and non-Indigenous community members and other stakeholders whenever possible, to make decisions about how to care for and interpret material culture. As stewards, archaeologists do not own the archaeological record they excavate or study, particularly in the case of human remains and associated objects.

#### CAA members acknowledge that:

- Access to knowledge from the past is an essential part of the heritage of all Canadians, but particularly those who have a historical or cultural connection to it;
- Equitable stewardship of archaeological heritage is a critical aspect of redressing the historical exclusion of peoples and their descendants from understandings and ownership of the past;
- Human remains are to be cared for and protected by Indigenous peoples and Canadians and should be treated with respect and dignity and studied in collaboration with the descendant population;

- Conservation is paramount and where conservation is not an option, excavations should be no more invasive/destructive than determined to mitigate circumstances or comprehensive research goals;
- Permit holders/Project directors/Principal investigators must ensure accurate documentation of all archaeological findings and timely reporting of the results of any archaeological investigation; and
- The CAA opposes the commodification of archaeological sites and artifacts through selling and trading, even in the absence of statutes.

#### Equity, Diversity, Inclusion and Safety

- Members of the CAA recognize their responsibilities to keep their work spaces free of discrimination and harassment and to promote equity, diversity and inclusivity in our practice. CAA members will adhere to the CAA Anti-harassment Policy and Procedures.

CAA members recognize that:

- Students and early career archaeologists can be particularly vulnerable to various forms of harassment in field and other contexts; and
- Individuals may face barriers and discrimination on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability or pardoned conviction, which can impact their ability to participate in archaeology.

CAA members will actively work to:

- Ensure the safety and security of all who participate in archaeological activities;
- Remove or mitigate systemic barriers to encourage more diverse participation in the discipline; and
- Promote archaeology as a profession to under-represented groups in order to diversify the discipline.

#### Public Education and Outreach

A fundamental commitment to stewardship is the sharing of knowledge about archaeological topics to a broader public and to enlist public support for stewardship.

Members of the CAA are encouraged to:

- Communicate the results of archaeological work to a broad audience through various media;
- Encourage the public to support and participate in archaeological stewardship;
- Engage with organizations and individuals who participate in avocational archaeology
- Actively cooperate with Indigenous people in the stewardship of their material culture;

- Promote public interest in and knowledge of archaeology in Canada;
- Explain appropriate archaeological methods and techniques to interested people;
- Promote archaeology through education;
- Support and be accessible to local archaeological and other heritage groups;
- Promote and integrate reconciliation and social justice into their communications.

## **University of Alberta**

### [Repatriation in Canada: A Guide for Communities](#)

This document contains a summary of repatriation policies in Canada with a focus on Canadian Indigenous communities. It lists out the few government regulations that do exist surrounding cultural repatriation, and also advice for communities pursuing repatriation. Only three Canadian universities have publicly accessible repatriation policies: University of British Columbia, University of Alberta, and the University of Toronto. And of all Canadian provinces and territories, only Alberta has a legislated repatriation Act. According to the guide, “a lack of policy can, in some cases, mean that communities have more influence.”

“We would suggest that any community looking to repatriate their cultural belongings from institutions in Canada prepare by:

1. Familiarizing themselves with the heritage legislation and repatriation policies in their region and where their belongings are currently being held;
2. Discussing the needs of the community that will not be included in any institutional policy (such as cultural protocol or process);
3. Considering reaching out to a local institution as a supportive partner in this journey.” Click on the link for more information.

Booklet produced by: Archiving Knowledge: Centering Indigenous Knowledge Systems in Community-Based Archives Project

## **World Archaeological Congress**

### [The Vermillion Accord on Human Remains](#)

Adopted in 1989 at WAC Inter-Congress, South Dakota, USA.

1. Respect for the mortal remains of the dead shall be accorded to all, irrespective of origin, race, religion, nationality, custom and tradition.
2. Respect for the wishes of the dead concerning disposition shall be accorded whenever possible, reasonable and lawful, when they are known or can be reasonably inferred.
3. Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful.

4. Respect for the scientific research value of skeletal, mummified and other human remains (including fossil hominids) shall be accorded when such value is demonstrated to exist.

5. Agreement on the disposition of fossil, skeletal, mummified and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities for the proper disposition of their Ancestors, as well as the legitimate concerns of science and education.

6. The express recognition that the concerns of various ethnic groups, as well as those of science are legitimate and to be respected, will permit acceptable agreements to be reached and honored.

### **Anatomy Association**

#### **Table: Guidelines (Laws) on Care of Human Remains, including “sensitive collections”**

1989: International, Vermillion Accord on Human Remains: <https://worldarch.org/code-of-ethics/>

1990: International, World Archeological Congress First Code of Ethics: <https://worldarch.org/code-of-ethics/>

**1990: US, Native American Graves Protection and Repatriation Act (NAGPRA):** <https://www.nps.gov/subjects/nagpra/index.htm>

2003: Germany, Bundesärztekammer Empfehlungen zum Umgang mit Präparaten aus menschlichem Gewebe in Sammlungen, Museen und öffentlichen Räumen aka: “Stuttgarter Empfehlungen”; anatomy/pathology, forensics, anthropology; specific: human remains from Nazi period  
<https://wissenschaftliche-sammlungen.de/files/8213/7275/6102/EmpfehlungenAeB.pdf> English translation:  
[https://nanopdf.com/download/working-group-on-human-remains-in-collections\\_pdf](https://nanopdf.com/download/working-group-on-human-remains-in-collections_pdf)

2004: UK, Human Tissues Act,  
<https://www.hta.gov.uk/guidance-professionals/hta-legislation/human-tissue-act-2004>

2005: UK, Guidance for the Care of Human Remains in Museums  
<https://www.gov.uk/government/publications/guidance-for-the-care-of-human-remains-in-museums>

2006: Australia, Victoria Aboriginal Heritage Act 2006, revisions since then, includes human remains;

- <https://www.legislation.vic.gov.au/in-force/acts/aboriginal-heritage-act-2006/024>
- 2007: New Zealand, The Tamaki Makau-rau Accord on the Display of Human Remains and Sacred Objects: <https://worldarch.org/code-of-ethics/>
- 2008: Switzerland, Verwendung von Leichen und Leichenteilen in der medizinischen Forschung sowie Aus-, Weiter- und Fortbildung Empfehlungen der SAMW  
<https://www.famh.ch/assets/Uploads/LeichenteileD09.pdf>
- 2010: France, AVIS Nr.111 Avis sur les problèmes éthiques posés par l'utilisation des cadavres à des fins de conservation ou d'exposition muséale. Rapporteurs: Jean-Claude AMEISEN; [https://www.ccne-ethique.fr/sites/default/files/2021-02/avis\\_111.pdf](https://www.ccne-ethique.fr/sites/default/files/2021-02/avis_111.pdf)
- 2011: International, Leiden Declaration on Human Anatomy Collections, [https://www.universiteitleiden.nl/binaries/content/assets/geesteswetenschappen/lucas/leid\\_en-declaration.pdf](https://www.universiteitleiden.nl/binaries/content/assets/geesteswetenschappen/lucas/leid_en-declaration.pdf)
- 2011: Argentina, ASOCIACIÓN DE ANTROPOLOGÍA BIOLÓGICA ARGENTINA (AABA) Código deontológico para el estudio, conservación y gestión de restos humanos de poblaciones del pasado/ Code of ethics for the study, conservation and management of human remains of populations from the past, <https://revistas.unlp.edu.ar/raab/article/view/797>
- 2013: International, ICOM International Council of Museums Code of Ethics [partial updates from 2017, 2019, 2020; as of 2022: under overall review] <https://icom.museum/en/resources/standards-guidelines/code-of-ethics/>
- 2014: New Zealand, Heritage New Zealand Pouhere Taonga Archaeological Guidelines Series Kōiwi Tangata Human Remains, <https://www.heritage.org.nz/protecting-heritage/archaeology/archaeological-guidelines-and-templates>
- 2015: International, UNESCO Recommendation concerning the Protection and Promotion of Museums and Collections, their Diversity and their Role in Society <http://umac.icom.museum/unesco-recommendation-concerning-the-protection-and-promotion-of-museums-and-collections-their-diversity-and-their-role-in-society/>
- 2017: International, Vienna Protocol – Recommendation on how to deal with Holocaust era human remains. <https://journals.uic.edu/ojs/index.php/jbc/article/view/10829/9795>
- 2018: International, IFAA-FICEM: Ethical and Medical Humanities Perspectives on the Public Display of Plastinated Human Bodies,

<https://ifaa.net/committees/ethics-and-medical-humanities-ficem/ethical-and-medical-humanities-perspectives-on-the-public-display-of-plastinated-human-bodies/>

2019?: South Africa, Draft national policy on the repatriation and restitution of human remains and heritage objects.

<https://www.westerncape.gov.za/assets/departments/cultural-affairs-sport/draft-national-policy-on-the-repatriation-and-restitution-of-human-remains-and-heritage-objects.pdf>

2020: Sweden, Good Collections Management: Guidance for handling human remains in museum collections.

<http://raa.diva-portal.org/smash/get/diva2:1433380/FULLTEXT01.pdf>

2021: Germany, Deutscher Museumsbund: Care of human remains in museums and collections.

<https://www.museumsbund.de/wp-content/uploads/2021/07/dmb-leitfaden-umgang-menschl-ueberr-en-web-20210625.pdf>

2021: **US, American Alliance of Museums, Association of Registrars and Collections Specialists: Code of Ethics and Professional Practices for Collections Professionals.**

[https://www.aam-us.org/wp-content/uploads/2021/03/Code\\_Ethics\\_Collections\\_Professionals\\_2021\\_02\\_24.pdf](https://www.aam-us.org/wp-content/uploads/2021/03/Code_Ethics_Collections_Professionals_2021_02_24.pdf)

## **British Museum**

### [Guidance for the Care of Human Remains in Museums](#)

This 36 page document contains all of the guidelines and policies of the British Museum regarding the treatment of human remains, including for acquisition, loans, and display to the public, as well as a legal and ethical framework for those policies. The document is used as a reference for all British national museum institutions in the United Kingdom.

## **Field Museum**

### [Collaborative Care of Human Remains](#)

Building a 21st Century Model for the Care of North American Human Remains

Currently, more than 175,000 North American Indigenous human remains are curated in U.S. and Canadian museums and other repositories. These individuals hold great cultural significance to descendent communities and simultaneously have potential value for substantive scientific research that could benefit a broad public. The Field Museum is among several

collections-holding research institutions that struggle to refine, update, and implement ethical standards for the respectful care of human remains that can be sustained over time. In response, the Field Museum collaborates with descendent communities and other partners to develop flexible solutions that are responsive to the potential needs and outcomes related to the care of North American human remains, including repatriation, scientific research, and long-term curation.

Over the last three years, and thanks to a generous grant from the Institute for Museum and Library Services (IMLS), the Field Museum has begun to address these needs in a pilot program. First, we held a two-day long invited symposium, which brought together leaders from Native North American communities and First Nations, museum professionals, and scientists to identify challenging issues, discuss multiple perspectives, and develop potential solutions. This

symposium allowed us to refine and implement a forward-looking standard of ethical care, beginning with the approximately 1,500 North American human remains at the Field Museum.

We have also created a private interactive space for symposium participants. In that section of the site, we are able to disseminate products from the symposium and lessons learned from this pilot program, including sample inventory sheets, presentations, publications, examples of research and data-collection tools, and designs for boxes and other re-housing essentials. When appropriate aspects of the private interface will be included in the public website on our Tools and Resources page as part of our continuing commitment to transparency.

The goal of this project was to generate discussion and create new networks among collaborators from wide-ranging perspectives. Moving forward, we hope to continue researching, exploring, developing and implementing thoughtful and forward-thinking practices for the ethical care of human remains currently under museum stewardship in this institution and beyond it.

### **What is Repatriation?**

Repatriation for museums and institutions like them is the process by which important cultural items and human remains are returned to lineal descendants or descendant communities.

For domestic repatriations, the Field Museum follows a law called NAGPRA that established a process through which museums work with Native American tribes and lineal descendants to identify and return items and human remains that fall under the law.

### **What is NAGPRA?**

The Native American Graves Protection and Repatriation Act (NAGPRA) is a United States' federal law that was passed in 1990. This law and its implementing



regulations require that any institution that receives federal funding consult with Native American communities in order to identify items in its collection that may fall under NAGPRA. The institution, in collaboration with the requesting group or groups, then compiles information in order to confirm affiliation to a descendant community or lineal descendant and assess if the requested items fit under one or more of the four NAGPRA categories: human remains, funerary objects, sacred objects, and objects of cultural patrimony.

### **International Repatriation**

While most repatriation claims are facilitated through NAGPRA, the Field Museum also gives full consideration to repatriation requests for the return of human remains and associated funerary objects from culturally affiliated descendant communities or lineal descendants for whom NAGPRA does not apply.

#### **Human Remains Collection**

As with most museums of its size and age, the Field Museum collected human remains throughout much of its history. While there is important scientific information to be gained from research with human remains, the Museum recognizes that many of these individuals are ancestral to modern-day communities and that some were collected in profoundly unethical ways. In these cases, we are working to return these individuals to where they belong.

The map shown above (view [here](#)) is an up-to-date representation of the human remains currently housed at the Field Museum. It displays the number of records identified as human remains for a given country, state, or region. This number does not represent the number of individuals in the collection because there are instances where multiple individuals were cataloged together.

This map is a work in progress and is based on information found in our electronic museum database, so there may be discrepancies in the data presented above. Further, please note the locations may be approximate due to missing geographic information, or to accommodate the technical limits of the map. Unfortunately, the map can only represent current political boundaries, not historic ones or cultural regions.

Overall, this map is a part of the Repatriation Department's ongoing mission to support transparency at the Field Museum regarding the many collections and their histories.

#### **GUIDELINES FOR THE CARE AND CURATION OF HUMAN REMAINS COLLECTIONS AT THE FIELD MUSEUM: DEC 2018**

##### **Purpose of the document**

These Guidelines provide specific protocols for the continued care and curation of the human remains housed in the Field Museum's collections as required by the Addendum to the Field Museum of Natural History Collections Management

Policy, “Curation of and Access to Human Remains” (“Policy Addendum”). Human remains at the Field Museum exist in many different forms of preservation and context, and are housed within the Anthropology, Mammals, and Fossil Mammals Collection Areas. The majority of human remains in the Museum’s collections are housed within a single climate- and access-controlled facility, the Human Remains Facility, excepting those remains that are incorporated into objects or those that require specialized storage (such as fluid-preserved remains). While the physical state and storage location of each set of remains varies among

the Museum’s collections, these Guidelines outline a standard of care, curation, and access to these unique and irreplaceable collections. For more details on specific Collection Area Procedures for the care and curation of human remains, please contact the relevant Collections Administrative Team (“CAT”) for the Anthropology, Mammals, or Fossil Mammals Collection Area. Deviations from the standards detailed below may be necessary due to preservation and physical state of the remains, or when requested by descendant communities. To reflect advancements and developments in collections curation and research, this document should be reviewed by Museum staff every five years, and updated as necessary in accordance with the Policy Addendum. These Guidelines and all subsequent revisions are approved by the Vice President of Science and Education.

## **Standards of care for human remains**

### *Handling*

All Field Museum staff and visitors to human remains collections should handle the remains carefully and with respect. Staff and visitors are requested to limit handling and relocation of human remains as much as possible. Relocation of human remains must be recorded and tracked using the Museum’s database system and returned to permanent storage as soon as practicably possible following the completion of the research, teaching, or heritage visit.

### *Documentation*

Field Museum staff will ensure that proper documentation of each set of human remains within the collections be completed prior to research, teaching, or heritage visits. Inventories must include the following information:

1. Calculation of the minimum number of individuals (MNI) for each catalog number;
2. Listing of present elements (individuated, if possible);
3. Age and sex estimations of each individual (if possible);
4. Overall description of the preservation/condition of the remains;
5. Legal title and accession documentation;
6. Visual documentation of remains depicting overall preservation condition and elements present.

An example osteological inventory packet is attached to this [document](#) (Appendix 1). Please see specific Collection Area Procedures for details regarding access and storage of such documentation, and how research or visit requests for remains lacking the documentation described above will be managed.

### *Housing*

As defined in the Policy Addendum, all human remains at the Museum must be housed within the Human Remains Facility, with the exception of those remains requiring

specialized storage, on exhibit, or held within Mammals or Fossil Mammals collections areas and lacking specific cultural affiliation or lineal descendancy. While variation in the preservation and physical state of each set of remains requires flexibility in curation methods, a general standard should be followed:

1. Human remains will be housed within secure areas of the museum, and access to collections should be further restricted to limited staff;
2. Unless on exhibition, human remains should not be readily visible – remains should be protected from particulates and restricted from view through the use of boxes and drawers within storage cabinets or similarly discrete methods;
3. When possible, human remains should be separated from non-human materials (unless those materials are identified as associated funerary objects) and housed as individuals;
4. Remains will be stabilized and housed using conservation-approved materials (i.e., acid-free boxes, tissue paper, alcohol) which help to maintain conditions of the remains and minimize handling;

Please reference the specific Collection Area Procedures for further details on area specific housing standards.

### **Digital Data and Access**

Documentation of human remains (including catalog cards, osteological inventories, and relevant photographs, radiographic images, 3D scans and renderings, researcher data, etc.) should be uploaded and recorded in the Museum's database. All human remains records within the database (both catalog and multimedia) must be listed under the Human Remains department security option, which provides additional protection through limited access to these records under specifically-assigned user groups. Assignment to these user-groups will be determined and maintained by the relevant collections area CATs. Unless approved by the relevant CAT, records must be restricted from public view on both the inter- and intranet.

### **Access Requests and Requirements**

As outlined in the Policy Addendum, all requests to visit the human remains collections (either for research, teaching, or cultural heritage purposes) should

be vetted with consideration to the continued stability and care of the remains. More specific protocols are outlined in the Collection Area Procedures. All collection areas request that visitors notify the appropriate CAT of an interest in viewing or working with human remains.

Requests involving destructive/invasive analysis of the remains must include the researcher's CV and a robust scientific research proposal. Invasive analysis research proposals should address the following criteria:

1. Explanation of scope of research project with a detailed research design;
2. Review of similar human remains from other institutions and rationale of use of Field Museum human remains collections rather than other collections;
3. Description of proposed research methods and evidence of validity of proposed methods and procedures (literature review, pilot studies, etc.);
4. If invasive sampling is proposed, the researcher must also address the following:
  - a. Justification of proposed sampling procedures, including requirements for number of samples, sample size needed, which osteological element(s) to be sampled, and location on each element;
  - b. Identification of who will perform sample extraction, if not the researcher requesting access, and a copy of that professional's qualifications to conduct the destructive sampling;
  - c. Consideration of the preservation of unexpended sample materials or resulting solutions (i.e., duplicate thin sections, powder or ground samples, intact segments of bone, and remnant DNA and solution) for ultimate return to the Museum collections;
  - d. A discussion of why non-invasive or non-destructive techniques cannot be used to adequately address the research questions.
  - e. Additional factors to be considered include: the overall rarity of the requested collection or individual; whether the knowledge to be gained outweighs the loss of material; the potential cultural significance of the remains; and the scientific potential of the proposed research;
5. Explanation of how resulting data will be protected, stored, and used by the researcher;
6. Description of how research will be disseminated;
7. Estimated timeline of project completion, with acknowledgement of time frame in which Museum will receive unexpended materials and copies of all resulting analytical data and publications.

All information, data, and publications resulting from research projects involving Museum human remains collections should be provided to the relevant CAT within the time frame and manner detailed in the applicable Collection Area Procedures.

## **Loans**

All potential loans of human remains collections (including outgoing samples from invasive analyses) will be determined and managed by the collections area CATs.

Loans of human remains should not exceed one year, unless otherwise agreed upon by the CAT. Please reference the relevant Collections Area Procedures document for collections area-specific direction.

### **Acquisitions and Accessions**

All acquisitions and accessions to the human remains collections shall be made in accordance with the Policy (see Policy Section IV), the Criteria for Acquisitions, Accessions and Deaccessions (see Appendix A of the Policy), and the applicable Collection Area Procedures.

### **Deaccessions**

All deaccessions to the human remains collections shall be made in accordance with the Policy (see Policy Section V), the Criteria for Acquisitions, Accessions and Deaccessions (see Appendix A of the Policy), and the applicable Collection Area Procedures. In the instance that human remains are proposed for deaccession outside of repatriation purposes, the VP should be notified, and appropriate means of disposal should be researched and considered by the appropriate CAT.

### **Exhibition**

As outlined in the Policy Addendum, public display of human remains should follow careful consideration of the circumstances of each individual display. Any public display of human remains at the Field Museum must provide a material contribution to the educational mission of the Museum. Remains will only be displayed when culturally appropriate (as decided by the relevant CAT/s), and will be supported by detailed information about the individual to contextualize the display. Signs should be posted outside of exhibitions notifying the general public and visitors to the museum of the presence and/or public display of human remains in that area. If appropriate, similar signs should be placed outside of storage rooms, work, and laboratory spaces housing human remains. Museum staff may request prior consultation with and input from descendant communities regarding the display of culturally affiliated remains.

### **Ethical Considerations**

If collections requested for public viewing or research are considered culturally affiliated under the Native American Graves Protection and Repatriation Act (NAGPRA), permission for access to the remains must be obtained from the affiliated Native American tribe/s. This permission must be provided by a tribal or similar authority and submitted on Tribal or otherwise official letterhead. For those remains that are listed as culturally unidentifiable (CUI) or not covered under NAGPRA, researchers and visitors will be asked to seek prior approval from potentially affiliated groups when possible. The Museum requests collaboration between researchers and descendant communities, and will preference projects in which research is conducted by, or in direct communication and request of, members of descendant communities. Whenever possible the Museum will work with the researcher/visitor to identify these appropriate groups.

### **UBC Museum of Anthropology**

## Repatriation Guidelines

### Introduction to MOA's Guidelines for Repatriation

The Museum of Anthropology (MOA) is committed to working respectfully with the originating communities from whom the Museum's collections have originated.

Discussions regarding

repatriation are governed by this principle. MOA considers all requests for repatriation seriously and on a case-by-case basis.

The Museum's mandate is to maintain objects purchased or donated by the public in a facility accessible by the public, to further research and education, and to offer assistance to originating communities regarding the preservation and display of collections in their possession. The Museum's work is guided by the recommendations of the Task Force report of the Assembly of First Nations and the Canadian Museums Association, "Forging New Partnerships Between Museums and First Peoples" (1992). The University of British Columbia governs the Museum.

In the repatriation process complex issues may arise. In many cases, for example, there may be no clear evidence, either oral or written, on the pathway that led the object to become housed in the Museum. The Museum therefore may involve the community and/ or individuals in the process of responding to a claim. We will consider a variety of options to meet the spirit and intent of a request, including special access to holdings, loans, exhibits, stewardship arrangements, sharing authority and responsibility for care and interpretation, replication or newcreation of objects, and respectful storage and/or display of collections in accordance with the advice of the originating peoples.

The Museum will hold repatriation discussions in confidence until a joint resolution and public announcement are agreed upon.

### Guidelines for Repatriation

Note: this is a working document, subject to revision. Last updated 2000.

The Museum of Anthropology (MOA) at the University of British Columbia is a teaching and public museum which endeavors to promote understanding and respect for world cultures. MOA undertakes to balance its role as a teaching and research museum with a commitment to the appropriate care of the collections it houses. The Museum continues to pursue, in a respectful manner, a close and collaborative relationship with the originating communities of the collections and related materials connected to them. Throughout this, the Museum is guided by the Task Force report of the Assembly of First Nations and the Canadian Museums Association, "Forging New Partnerships Between Museums and First Peoples" (1992). Repatriation is part of this process. The Museum's policies concerning repatriation are outlined in this

document: "Guidelines on Repatriation of Canadian First Peoples' Cultural Materials housed in MOA " and the "Ethnology Collection Policy (available by request.)" It is also important to clarify that the UBC Museum of Anthropology is not formally part of the B.C. Treaty Commission Process as it is not a federal or provincial museum.

In the repatriation process complex issues often surface. In many cases there is not clear evidence, either oral or written, on the pathway that led the object to become housed in the Museum. In addition, the Museum is committed to the stewardship of objects purchased with public funds, and to a museum's potential as an educational and public facility. The Museum also acknowledges that all First Nations' material is part of the intellectual and cultural heritage of the respective First Nations. It is for reasons such as these that MOA considers all requests for repatriation of cultural materials on a case-by-case basis. Repatriation means recognizing people's stake in their heritage, which in practice can mean such things as negotiated return of objects and related cultural materials, and/or sharing authority and responsibility for care and interpretation of collections in the museum. There are cases where it is clear that objects should be returned to a community - for example if they were illegally taken. In addition, MOA considers the return of cultural objects to individual families in cases where the objects are private and ceremonial, or left the family under dubious circumstances.

The Museum also has, however, an interest in maintaining objects purchased with public funds in a facility accessible by the public, and in offering assistance to ensure the long-term preservation of these objects. MOA is both committed to work collaboratively with First Nations to co-manage the care and custody of cultural objects housed in MOA, and to share our museum knowledge with other museums and cultural centres. With repatriation requests, the Museum involves the community and/or individuals in the process of responding to the claim. We use our best efforts and consider all options available to meet the spirit and intent of a request. These may include special access to holdings, loans, exhibits, stewardship arrangements, replication of objects, and respectful storage and/or display of collections in accordance with the advice of the originating peoples. The objects and options such as loans or replications are the tangible elements in a repatriation process. Equally important, however, are the intangible elements: the respect with which the process is conducted, the meaning of repatriation in the changing relationship between Museums and First Nations, and meaning to First Nations symbolized by the return.

#### (A) Purpose

The purpose of this policy is to:

- (1) Provide information on how to make a claim for repatriation of First Nations cultural materials in the UBC Museum of Anthropology's (MOA's) collection;
- (2) Explain how MOA processes a claim;



(3) Outline alternatives to repatriation such as special access to collections, loans, and stewardship arrangements, within the limits of MOA's own resources and available funding.

#### (B) Procedure for Repatriation Applications

(1) Requests for repatriation of cultural materials should be made in writing and addressed to the Director of the Museum of Anthropology. They should clearly identify the First Nation and/or individual(s) making the claim and state the reasons for the request.

(2) Requests for repatriation will be acknowledged by the Director and then referred to a standing committee appointed by the Director for review as outlined below (see Standing Committee Procedures).

(3) MOA will consider all requests for repatriation of cultural materials. In the event of conflicting claims MOA will inform parties that a conflict exists and defer decisions about repatriation until the conflict has been resolved.

(4) The interests of the individual(s)/or community making the request will be foremost in the committee's consideration of the application. The Museum will make every effort to involve the community and/or individuals in the process of responding to the claim.

#### Standing Committee Procedures

(i) This committee will review Museum records and all information received from the requestor(s) concerning the object(s) requested.

(ii) In the case of requests from First Nations individuals or organizations other than First Nations governing bodies, the committee will notify relevant First Nations governing authorities of the request and seek their advice.

(iii) The committee may advertise or take other necessary steps to identify other possible claimants.

(iv) The committee will evaluate the information and make recommendation to the Director for action.

#### (C) Human Remains

There are no Canadian First Nations ancestral skeletal remains in the MOA ethnology collection. With respect to funerary objects and grave markers or other objects which may have been associated with human remains, MOA is guided by this policy document. Some collections of human skeletal remains are present in the UBC Laboratory of Archaeology of the Department of Anthropology and Sociology, whose facilities are divided between MOA and the UBC Department of Anthropology/Sociology. These collections are managed by the Laboratory of

Archaeology according to the policies of the Province of B.C. in Victoria. For information contact the UBC Archaeology Assistant at 604.822.5087.

#### (D) MOA's Guidelines for Repatriation

- (1) MOA will respond as quickly as possible to all requests for repatriation of cultural materials in its collections.
- (2) MOA will use its best efforts and consider all options available to meet the spirit and intent of a request. These may include special access to holdings, loans, exhibits, stewardship arrangements, replication of objects, and respectful storage and/or display of collections in accordance with the advice of the originating peoples (peoples from whom the collections came).
- (3) While MOA recognizes that First Nations are governed by their own traditions and policies, MOA's negotiating position is guided by Canadian law and international agreements signed by Canada, and by the governing body of UBC.
- (4) In accordance with UBC procedures, any decision by the Museum of Anthropology to remove the object(s) permanently from the collection must be confirmed by the senior levels of university administration to which the Museum reports: by the Dean of Arts, Vice-President Academic, President, and ultimately the Board of Governors of UBC. Anyone wishing to appeal a decision by the Museum can use the same route to submit an appeal.
- (5) MOA is also guided by professional museum Codes of Ethics, \* and the 1992 report "Turning the Page: Forging New Partnerships Between Museums and First Peoples" (Assembly of First Nations and the Canadian Museums Association Task Force Report on Museums and First Peoples), which MOA has endorsed.

#### (E) Related Information

- (1) A primary mandate of the UBC Museum of Anthropology is to provide access to objects and information about cultures from around the world, with priority given to the achievement and concerns of the First Nations and British Columbia's cultural communities.
- (2) One purpose of this policy is to acknowledge that an integral part of MOA's definition as a museum is the priority of creating and furthering partnerships with the peoples from whose communities the collections originate.
- (3) In cases where loans rather than repatriation are requested, or in cases where a repatriation agreement is not reached, MOA will make

every effort to provide First Peoples with access to collections, guided by the MOA Collection Policy.

(4) Detailed information on MOA's Repatriation Policy is contained in MOA's Ethnology Collection Policy. A copy of this document can be obtained by contacting:

Assistant to the Director.  
 UBC Museum of Anthropology  
 6393 N.W. Marine Drive  
 Vancouver, B.C. Canada V6T  
 1Z2 Tel 604.822.5052  
 Fax 604.822.2974  
 Email [info@moa.ubc.ca](mailto:info@moa.ubc.ca)

(5) MOA will endeavor to consult with originating communities on the storage, care of, and access to culturally sensitive materials, and welcomes community initiatives in these areas.

(6) Negotiations concerning culturally sensitive material will be conducted with professional discretion.

(7) The Museum will, within the limits of its own resources and available funding, offer originating peoples technical assistance in areas of museum practice such as care, preservation, and exhibition of objects, and collections management. Such assistance may encompass advice and opportunities for training.

(8) Museum staff will endeavor to answer requests for information about objects in the collection as quickly as possible.

MOA's Guidelines on Repatriation of Canadian First Peoples' Cultural Materials housed in MOA was first drafted in August 1995 and revised in January 2000.

## **Smithsonian Institution**

### **Human Remains Task Force Report to the Secretary**

January 10, 2024

The Smithsonian Institution assembled this task force to make policy recommendations to the

Secretary concerning human remains in the custody of Smithsonian units. The task force was

asked to assemble information on the scope and size of these holdings and to consider what

Smithsonian policy should be on collecting, borrowing, lending, holding, and conducting research upon them.

## Historical Background

Most of the remains came into the Smithsonian's custody in the nineteenth and early twentieth century and were to be used for scientific research. While science seeks to develop objective knowledge, it is a human endeavor and therefore can be and often is influenced by ideology. Since the Smithsonian's founding in 1846, the ideology of white supremacy, manifest in systems of slavery, segregation, immigration restrictions, and expansionism was deeply embedded in American society and government policy. Established as a federal trust instrumentality, the Smithsonian's practices reflected what has come to be referred to as "scientific racism." Many natural scientists and anatomists of the time, including several founders of the new discipline of anthropology, believed that race was a fundamental natural category, a determinant of human differences and levels of cultural development. Beginning with craniology in the late eighteenth century and then expanding to include eugenics in the late nineteenth century, scientists sought to gather evidence to "prove" racist theories and justify social practices as founded upon what they construed as objective truth. Their research bolstered mistaken beliefs that, to many white people, appeared to be legitimate truths.

Starting in the late nineteenth century and accelerating during the decades-long tenure of Aleš Hrdlička, its first curator of physical anthropology, the Smithsonian, like other museums, amassed collections of human skeletons and organs to help document racial and other differences among human beings. While all human beings are inclined to memorialize their dead, the bodies of the least powerful (people of color, the poor, immigrants, and institutionalized people) served as an accessible and convenient reference to support the interests of scientists who presumed the inferiority of marginalized peoples.

Following the defeat of Nazi Germany, a eugenical state, and the Civil Rights Movement's defeat of racist Jim Crow laws, scientists at the Smithsonian and other institutions increasingly acknowledged the evidence that opposed and undermined the biological existence of race, racial determinism, and racial superiority. Though racial determinism waned, some Smithsonian Institution scientists continued to adhere to descriptive racial categorization based on human skeletal collections and DNA analyses, even as most American anthropologists came to reject the concept of biological race and the study of racial differences.

Racial and other demographic data continues to serve forensics and other studies that correspond with broad societal assumptions about racial identification. Skeletal data are examined to identify morphological differences of age, sex, population affiliations, and pathologies. This work is generally independent of racial classification and increasingly focused on societal effects.

#### Human Remains at the Smithsonian

Today the Smithsonian holds human remains of more than 30,000 individuals from dozens of countries and time periods across thousands of years. Most of them have been under the care of the National Museum of Natural History (NMNH) since the early twentieth century. The majority of these remains are whole or partial skeletons, teeth and bone fragments, and a small proportion are scalp hair, embryonic and fetal remains, and fluid-preserved tissues, including approximately 250 brains. In addition, some cultural works in the collections contain human remains, usually blood, bones, and hair. This report is not intended to address these cultural works. These and sacred objects will be addressed in the future under separate cover. Around half of the human remains in the Smithsonian's care are those of Native American people and are subject to the repatriation requirements of the National Museum of the American Indian (NMAI) Act of 1989, which predated the Native American Graves Protection and Repatriation Act (NAGPRA) by a year but enshrined many of the same principles. Roughly 2,100 are African Americans whose remains are either included in a collections loan to

the

NMNH or accessioned as part of the permanent collections. In total, there are almost 6,000

individuals whose names are known either in full, partly, or by their initials.

During his four-decade tenure from 1904 to 1941, Hrdlička transacted acquisitions of skulls and

other body parts through purchase, trade, autopsy, donation, and plunder. With few exceptions,

remains were acquired without consent from the individuals or their families. After Hrdlička's

tenure, NMNH's holdings of human remains increased through archaeological excavations,

institutional transfers, body donations, and forensic casework into the twenty-first century.

Historic inequities facilitated the expropriation, curation, and unconsented use of human bodies.

This is our unfortunate inheritance, a racist legacy that burdens the Smithsonian and prolongs

this injustice. While much of this collecting of human remains was done by curators and individuals long dead, it occurred at the Smithsonian and relied on the Smithsonian's resources,

reputation, and influence. The original intent of collecting these human remains was morally

abhorrent, because it sought to prove the superiority of white people and their descendants to

Native Americans, African Americans, and others through scientific means that are now thoroughly discredited.

As a premier institution of research dedicated to the increase and diffusion of knowledge, the

Smithsonian is obligated to establish ethical standards and to seek justice for those harmed or

exploited. The Smithsonian of today rejects the premise and the process of conducting non-

consensual and exploitative collecting of human remains. Ancestral remains are sacred in

virtually all world cultures and to most Americans. They are the remains of human beings,

Ancestors, regardless of circumstance, and therefore deserving of proper, humane care in

accordance with the wishes of descendant individuals and communities. As the Smithsonian

moves forward, it should do so thoughtfully and as rapidly as possible without doing further

harm to individuals, families, or communities.

In sum, the task force recommends the Smithsonian develop a policy regarding the treatment and

return of human remains in its care consistent with the following principles:

- The Smithsonian should, with all practicable speed and consistent with applicable law, offer to return the remains of people who did not consent to being in Smithsonian custody

to their descendants and descendant communities, organizations, and institutions.

- These remains ultimate disposition should be determined by descendants and descendant

communities, organizations, and institutions.

- Human remains should not be collected or possessed by the Smithsonian without the documented and informed consent of the deceased or, in appropriate circumstances, their

descendants or descendant communities.

- Human remains should not be displayed by the Smithsonian (in exhibition, print or online) unless done so with the documented and informed consent of the deceased or, in

appropriate circumstances, their descendants or descendant communities.

- Research on human remains in the custody of the Smithsonian should be restricted to specific purposes and subject to scholarly review and conducted only with clear informed

consent of the deceased or, in appropriate circumstances, their descendants.

- Reasonable efforts should be made to identify lineal descendants of the deceased currently in the custody of the Smithsonian. Destructive analysis on human remains should not be used to identify descendants.

- When lineal descendants cannot be found after reasonable efforts, the deceased's community of origin or an appropriate community organization or institution of interest should be identified, and decisions regarding the care and disposition of the remains should be made in conjunction with that community. If a community of origin or interest cannot be identified or determined, or if the appropriate community cannot achieve consensus, the Smithsonian should establish a process for burial or reburial and memorialization on behalf of the deceased. This process should also encompass any other<sup>3</sup>

human remains collected without consent that the Smithsonian is not able to return (for example, individuals with no identifying information).

- Repatriation of Native American remains under the NMAI Act should be expedited with

increased funding and/or streamlined processes. The NMAI and the NMNH should proactively engage descendants and tribes rather than waiting for them to initiate requests.

- A staff dedicated to the project of returning human remains in Smithsonian custody should be established at the NMNH. This staff should be separate from the staff dedicated to repatriation under the NMAI Act.

- The Smithsonian should prioritize deaccessioning and returning human remains by



dedicating staff and financial resources to support the effort. The Smithsonian should seek added resources from both Congress and philanthropic sources to carry out the work. Additional resources should be sought for grants to descendants to facilitate memorialization.

- A high-level committee of Smithsonian staff, led by the Under Secretary for Science and Research and the Under Secretary for Museums and Culture should plan and oversee the policy and its implementation and report regularly to the Secretary on their progress. We set forth further thoughts and recommendations on specifics of these points below.

We base our recommendation on ethical principles that should govern the care and return of human remains. We believe that all human beings and their remains have equal moral dignity and worth and should be treated accordingly. We believe the Smithsonian must hold itself

accountable for the harm it has done. The process for returning remains should be transparent.

Information about the human remains in Smithsonian custody should be accessible to the public,

although limited restrictions may be necessary to protect the privacy of descendants and

individuals whose names are known while processes of contacting descendants and return or

reburial are resolved. Careful review of collections should be undertaken to verify catalog details

and ensure a thorough understanding of the Smithsonian's stewardship responsibilities to human

remains in its custody. With certain collections, other institutions may have authority or stewardship responsibilities, and the Smithsonian should work with those institutions so that

remains can be returned to the extent possible in a manner consistent with the principles in this

report. All future collections care and treatment of human remains in Smithsonian custody

should be determined only with the consent of the deceased or, in appropriate circumstances,

family members or descendants or descendant communities, organizations, and institutions.<sup>4</sup>

Because the ethical return of human remains involves considerable information-gathering and

expenditure of time and other resources, priorities need to be set for returning human remains. In

prioritizing the return of human remains, the following principles should be considered:

- The collection of human remains to support scientific racism has resulted in large collections of people from marginalized communities such as Native Americans, Indigenous people from other countries, and African Americans. The return of remains identified with these groups should be a priority.
- Individuals whose names are known and whose remains were taken without their consent should be prioritized.
- Large collections of human remains whose communities of origin can be readily identified and that can be returned relatively efficiently for burial in specific burial grounds or cemeteries, such as remains from specific university or medical school collections or specific burial grounds or cemeteries, offer opportunities to reduce the presence of human remains at the Smithsonian.
- When descendants or communities are organized and able to assist in research and the consultative process, the Smithsonian should act with empathy and dispatch in returning the subject human remains.

## Research on Human Remains

The Smithsonian currently conducts a broad range of research on human remains, ranging from fossilized bones of the distant past to more recent historical populations. This report is not intended to apply to remains that, due to their antiquity, have no known unique relationship to a particular present-day population or community.

Human remains research can have positive and unharmed societal outcomes—regarding missing persons and health and population history, for example—and may be driven by the interest of individual investigators and scientific teams or by requests from federal, state, local and tribal government agencies, or foreign governments. In some cases, this research has been conducted on remains for which the Smithsonian has the consent of the deceased or the request of descendant communities for the work, but in most cases, consent has not been obtained.

Going forward, the following guidelines should be employed:

- All research must be conducted in adherence of the applicable federal, state, local, and

tribal laws, and those, where applicable, of foreign governments.

- All research should be conducted in a manner consistent with the ethical principles contained in this report, and only after receiving the informed consent of family members, descendants or descendant communities or institutions of interest obtained through consultation.
- Research on remains at the request of federal agencies or foreign governments and research on remains for which the Smithsonian has obtained informed consent from such authorities should continue.
- Any future research on remains for which the Smithsonian does not have the informed consent of descendants or descendant communities, or data and images derived from them, should not be permitted.
- Any future research on remains that includes racial identification based on physical features, which perpetuates false ideas about typological variation in human biology, should not be permitted.
- Destructive analysis of human remains should not be used as a means of identifying descendants or descendant communities. Destructive analysis for other purposes should only be conducted with the informed consent of descendants or, where appropriate, descendant communities.

## Consultation and Consent

We believe that informed consent is the baseline for any collection of, care of, or research upon human remains going forward. Where the deceased or their representatives have volunteered their bodies for science, research, or display, the Smithsonian will aim to ensure they have freely consented, fully understood, and set the terms for their ongoing care. Given that the vast majority of existing remains in Smithsonian custody did not come with the consent of the deceased, the Smithsonian must make a good faith effort to find appropriate living representatives for the deceased and seek their consent to future care of these remains. Consent requires that those representatives agree to the Smithsonian's plans and proposals after they have been fully and transparently informed by the Smithsonian of all key facts and issues relating to those plans and proposals.

Ideally, the Smithsonian will go above the baseline of consent. In keeping with the principles underlying this report, and with attention to its unique role that Smithsonian as a

steward of  
 collections held in trust for the public, the Smithsonian has the responsibility to  
 respectfully  
 engage, consult, and work collaboratively with descendants and communities  
 represented in its  
 collections. True consultation and engagement with communities is a collaborative  
 process  
 involving the exchange of information and respectful, open discussion between the  
 Smithsonian  
 and the appropriate representatives of the deceased with respect to the treatment of  
 the remains.  
 Both the NMNH and the NMAI have established protocols for engaging with tribes and  
 lineal  
 descendants regarding Native American remains in their collections, and the analysis  
 that  
 follows does not apply to human remains subject to the NMAI Act. Nearly half of the  
 human<sup>6</sup>  
 remains in Smithsonian custody, though, are not subject to the NMAI Act, and we  
 recommend  
 the development of a system for encouraging organized communications on behalf of  
 the  
 Institution.

Where family members and lineal descendants of the people whose remains are in our  
 custody  
 can be identified with reasonable effort, they should be located and consulted, and their  
 informed  
 consent should be sought. When the effort to identify lineal descendants fails after  
 reasonable  
 effort and further efforts are impractical, the Smithsonian should consult with the  
 community,  
 organizations, and institutions that best represent the interests of the deceased.

“Community” as used here is a flexible and sometimes complex term that includes  
 stakeholders,  
 interest groups, citizen groups, and others. A community often will be a group of  
 individuals  
 who share a collective identity due to shared geographic origin, a common language or  
 dialect,  
 shared secular or non-secular traditions, genealogical relations, or other social, cultural,  
 economic, historic, and religious connections. It may also represent a group,  
 aggregation,  
 organization, institution, or movement of people with a civic interest whose knowledge  
 and  
 background make them credible and appropriate parties who may advise and

collaborate with the Smithsonian as to the care and disposition of particular remains.

The task force recommends a conceptualization of descendant communities that are socially based and biologically related. Descendant communities will often be inclusive of some lineal descendants but does not depend on their identification to exist. Descendant communities include those who may overlap with some of the categories listed above (geographic, social, religious, historical, etc.) and who care deeply about the deceased. The task force recommends that the Smithsonian treat these groups as representatives of the deceased to whom the Smithsonian has ethical responsibilities and from whom the Smithsonian should seek consent for the care, treatment, and return of human remains.

Where descendant communities cannot be identified, the Smithsonian should turn to communities of practice, organizations, or institutions, which may include but are not necessarily composed of descendants (lineal or social). Such communities are defined by a common interest or shared project relating to the future of human remains in Smithsonian custody and may be relied upon as appropriate representatives due to their interest, expertise, and sensibilities.

Given this complex conceptualization of descendant communities, the task force recommends that the Smithsonian establish a flexible, sensitive, and ongoing process of identifying appropriate community representatives to participate in work involving human remains. Consent, consensus, transparency, and shared authority must be central to the relationship between the Smithsonian and these communities. While consensus is the ideal, there very well may be cases of disagreements among descendants and within and between community groups.

The Smithsonian will need to be sensitive to such disagreements and adept in working with the various parties to resolve issues of consent in a fair and respectful manner. Examples in which consultation with descendants and communities will be key for decision making include:

- Decisions on conducting research on human remains in collections and on the use of data resulting from such research.
- Decisions on burial, interment, and/or return of human remains.
- Decisions on cataloguing processes and metadata used for classification.
- Decisions around possible memorial and/or memorialization practices.
- Other possibilities not accounted for that are encountered during implementation of the policy.

The diversity of Smithsonian collections of human remains calls for thoughtful, special consideration of their varied links to living people and those communities' varied needs. Such consideration involves proper care of the remains themselves, as well as all documents, information, and objects associated with them. Investigating the relationships between human remains and living people may involve analyzing the remains and associated materials and sources for information about ancestry, geographic origins, sociocultural identity, postmortem treatment and preservation, as well as other relevant evidence. Special consideration must be given to providing the necessary resources to ensure a professional, ethical, nuanced, and thorough approach to these investigations.

Additional matters that we anticipate will need to be addressed during implementation within the oversight of the Secretary include:

- A process for mediating appeals or a situation where consensus among descendant or descendant communities is not possible.
- Guidance to determine appropriate communities or communities of practice when descendant or descendant communities are not able to be identified.
- Guidance for Smithsonian archives, collections information, and data related to human remains.
- Guidance for associated objects or sacred objects related to human remains collections.
- Consideration of and guidance for culturally modified human remains or cultural works that include human remains.

### **Smithsonian Adopts Policy on Ethical Returns**

May 3, 2022

Care of the national collections is a core mission of the Smithsonian Institution. The collections are vast and diverse covering the worlds of history, art, culture and science. Many artifacts and

works of art have been in the Smithsonian's holdings for decades or, in some cases, more than 150 years. We recognize that ethical norms and best practices in collecting have changed, particularly with respect to collecting cultural heritage from individuals and communities, and that the Smithsonian has collections it would not have acquired under present-day standards.

In 2021, a group of Smithsonian curators and collections specialists considered whether the Smithsonian should develop a formal policy that would allow shared stewardship arrangements and the return of collections based on ethical considerations. The group's recommendation, now adopted as policy, authorizes Smithsonian museums to return collections, in appropriate circumstances, based on ethical considerations. The manner in which a collection was originally acquired and the context of its acquisition are important considerations. Circumstances demonstrating unethical acquisition may include items that were stolen, taken under duress or removed without consent of the owner.

The ethical returns policy, which is now part of the Smithsonian's Collections Management policy as of April 29, 2022, applies to all Smithsonian museums. However, because the collections are so diverse—from spacecraft to fine art—implementation will be specifically tailored to each museum and its collections.

"There is a growing understanding at the Smithsonian and in the world of museums generally that our possession of these collections carries with it certain ethical obligations to the places and people where the collections originated," said Smithsonian Secretary Lonnie Bunch. "Among these obligations is to consider, using our contemporary moral norms, what should be in our collections and what should not. This new policy on ethical returns is an expression of our commitment to meet these obligations."

"When we talk about the shared stewardship of collections, what we are really talking about is a change of both scholarly practice and philosophy," said Kevin Gover, the Smithsonian's Under Secretary for Museums and Culture. "We seek to share what we know of our collections and to learn from the communities of origin in a collaborative exchange of knowledge."

Smithsonian museums will each establish criteria and procedures for deaccessioning and returning collections for ethical reasons based on this new policy. In certain cases, the Smithsonian's Board of Regents may be required to approve the deaccession and return when objects are of significant monetary value, research or historical value, or when the deaccession might create significant public interest.



The Values and Principles Statement below is also part of the Smithsonian's Collections Management policy:

### Smithsonian Ethical Returns Working Group

#### Values and Principles Statement

In response to the Secretary's strategic priorities "Our Shared Future" and "Trusted Source," the Smithsonian established the Ethical Returns Working Group in April 2021 to consider issues related to the shared stewardship and ethical return of Smithsonian collections. The purpose of the Working Group was to promote ethical and current best practices regarding the return of Smithsonian collections and other aspects of stewardship, namely in consideration of rights, custody, and access. As part of its activities, the Working Group developed this Values and Principles Statement which outlines the values we believe the Smithsonian should aspire to in its actions, policies, and practices.

The Statement reflects themes of inclusion, mutual respect, community engagement, and consultation; the acknowledgement of the lasting harm perpetrated by the collecting practices of the past; and the recognition of the need to implement new standards for ethical stewardship. The values and principles expressed below greatly informed the development of the Smithsonian's Shared Stewardship and Ethical Returns Policy and will assist Smithsonian collecting units in the revision of their policies and practices.

We believe that past acquisitions raising ethical concerns should be investigated and addressed in a manner consistent with current ethical standards.

We value being proactive rather than simply responsive in addressing issues related to past collecting. We will work in partnership with individuals and communities, as well as with

inter-governmental and regional stakeholders, regarding the care and potential return of human remains and/or objects of tangible cultural heritage in Smithsonian collections, including sharing associated information, not only when legally required but when ethically obligated, advocating thoughtful engagement with communities and mutual knowledge-sharing and capacity building.

We recognize that there are human remains in Smithsonian collections that have been acquired without the consent of those individuals. Regardless of prior consent and whatever their context in place and time, we believe that all human remains must be treated with dignity and respect, as those once living, and not objectified as a scientific resource, and we are committed to the ethical return or shared stewardship of human remains whenever possible.

We recognize that there can be a difference between legal and ethical norms. For example, while an object may have been legally acquired, continued control by the Smithsonian may not be consistent with current ethical practice and principles.

We affirm the requirement that all Smithsonian collections and collections related information must be acquired ethically, scientifically, and legally. We also recognize that ethical norms and best practices at the Smithsonian and in the museum profession have changed over time. We must consider what this means for existing collections and adopt clear policies to support and assist Smithsonian collecting units in acting in an ethical and responsible manner regarding existing collections and any future acquisitions regardless of the date or circumstance of acquisition.

We believe that the best interactions with individuals and communities concerning past and future collecting are inclusive and mutually respectful.

We will seek out and nurture relationships with communities, as well as inter-governmental and regional stakeholders, to enhance the free flow of information, engage in dialogue and consultation, and seek opportunities to share benefits.

We acknowledge that the Smithsonian has collected from individuals and communities in a manner that has caused harm or benefited from unequal power relationships. Such practices may be reflected in collections we hold today, but they must have no part in our future interactions and collecting.

We believe that the strongest organizations value and incorporate diverse knowledge, narratives, and perspectives.

We acknowledge that collections can play a positive role in sharing and preserving stories, histories, and community heritage, but we must move beyond the idea that possession of physical objects is the only value of a museum's work. We recognize and embrace current best practices that facilitate equitable knowledge-sharing, shared stewardship, and ongoing collaboration with communities, as well as with inter-governmental and regional stakeholders.

We recognize the benefit of community representation in Smithsonian collections, the value of sharing less widely known or appreciated histories, and our role as collaborative custodians of cultural and historical legacies deserving honor and respect.

Through our actions, we seek to promote and participate in a new future with the communities whose histories and current lives are intertwined with Smithsonian collections, programs, and scholarship. We acknowledge that collections play a role in allowing communities to be represented and to represent themselves and in preserving and sharing histories across time.

We believe that the most informed and connected organizations are aware of and participate in national and international discussions and standards on topics relating to collections stewardship and all forms of scholarship.

We will regularly examine our policies, practices, language, and terminology to demonstrate our commitment to the values of inclusivity, transparency, mutual respect, and ethical conduct as they evolve in our changing and globally interconnected cultures. We will engage in larger communities and discussions to stay current on these topics.

Based on these beliefs, we affirm the Smithsonian's commitment to implement policies that respond in a transparent and timely manner to requests for return or shared stewardship. We will galvanize a Smithsonian community of practice that respects and actively engages with various perspectives and affirms our commitment to a shared future regarding the ongoing stewardship of Smithsonian collections, as well as the opportunities to address the ethical return of human remains and objects of cultural heritage in the Smithsonian's care.

### **NMNH Policy for Culturally Unaffiliated Human Remains and Associated Funerary Objects**

October 5, 2020

NMNH Policy for Culturally Unaffiliated Human Remains and Associated Funerary Objects Approved by NMNH – October 5, 2020

#### **I. Background**

The National Museum of the American Indian Act, enacted in 1989, and subsequently amended in 1996 (Public Law 101-185, the "NMAI Act"), provides the basis upon which human remains and funerary objects are eligible to be repatriated to culturally affiliated members of Native American tribes and Native Hawaiian organizations. Although the NMAI Act does not address the status of culturally unaffiliated objects, the Smithsonian's authority to return or repatriate human remains and funerary objects is not limited by the silence of the NMAI Act on that subject. (See NMAI Act Section 11(e).) Congress did provide a mechanism for addressing "culturally unidentifiable" (here referred to as culturally unaffiliated) remains and objects in the Native American Graves Protection and Repatriation Act enacted in 1990 (25 U.S.C. 3001-3013, "NAGPRA"), and the Department of Interior promulgated related regulations in 2010 (43 CFR §10.11). Though NAGPRA and its regulations do not apply to the Smithsonian, the Smithsonian has looked to NAGPRA for guidance on matters not expressly covered by the NMAI Act or Smithsonian policies.

#### **II. Definitions and Classifications**

The NAGPRA regulations define cultural affiliation as "a relationship of shared group identity which can reasonably be traced historically or prehistorically between members of a present-day Indian tribe or Native Hawaiian organization and an identifiable earlier group." (43 CFR §10.14) Though the term, "culturally unaffiliated" is not defined in NAGPRA or its regulations, Native American human remains and funerary objects from the United States are considered to be culturally unaffiliated

when there is insufficient evidence to culturally affiliate them with a federally recognized Native American tribe, Native Alaskans (hereafter both referred to as Indian tribe) or Native Hawaiian organizations. Native American and Native Hawaiian human remains and funerary objects in the NMNH are classified in three ways: 1) those that have been determined to be culturally affiliated with a federally recognized Indian tribe or Native Hawaiian organization based on an inventory and assessment by the Repatriation Office, 2) those that have been determined to be culturally unaffiliated with a federally recognized Indian tribe or Native Hawaiian organization, based on an inventory and assessment by the Repatriation Office, and 3) the remains of individuals and funerary objects that have been reported in inventories with summarized catalog information that were sent to Indian tribes but that have not been fully assessed by the Repatriation Office in consultation with Indian tribes to determine possible cultural affiliation. Inventories are available to Indian tribes upon request.

### III. Process for Repatriation of Culturally Unaffiliated Human Remains and Associated Funerary Objects

Requests for the repatriation of culturally unaffiliated human remains and associated funerary objects at the NMNH may be submitted by federally recognized Indian tribes and Native Hawaiian organizations as more fully set forth below or, in specific cases described later, by Indian groups that are not federally recognized. A request from a federally recognized Indian tribe or a Native Hawaiian organization may be submitted: 1) for the repatriation of human remains and associated funerary objects that have previously been determined to be culturally unaffiliated, and/or 2) for the evaluation of human remains and funerary objects that have been reported in inventories with summarized catalog information that were sent to Indian tribes but that have not been fully assessed by the Repatriation Office in consultation with Indian tribes to determine whether they are culturally affiliated or culturally unaffiliated. The following process will be followed in connection with requests for repatriation of culturally unaffiliated human remains and associated funerary objects: An Indian tribe or Native Hawaiian organization may initiate a request for the repatriation of human remains and/or associated funerary objects, previously identified as culturally unaffiliated, by making a written request to NMNH for their return. (An Indian group that is not federally recognized can request and obtain repatriation of human remains and associated funerary objects under the conditions set forth in a later section.) In the request, an Indian tribe or Native Hawaiian organization must demonstrate a reasonable basis for requesting the repatriation of culturally unaffiliated human remains and associated funerary objects, such as, but not limited to, a connection between the requesting Indian tribe or Native Hawaiian organization and the lands from which the human remains and associated

funerary objects were obtained. Requested human remains and funerary objects needing an affiliation evaluation will be evaluated in a report prepared by the Repatriation Office of the NMNH based on the preponderance-of-evidence standard using the best available scientific and historical evidence as required by the NMAI

Act, including geographical, kinship, biological, archaeological, anthropological, linguistic, oral traditional, historical, or any other relevant information or expert opinion. If the human remains and funerary objects are found to be culturally affiliated, the NMNH will offer to repatriate the human remains and funerary objects to the culturally affiliated Indian tribe(s) or Native Hawaiian organization(s). Requests for a repatriation or for support for the repatriation for culturally unaffiliated human remains and associated funerary objects must be submitted on letterhead from the leader or from an officially appointed representative of an Indian tribe or Native Hawaiian organization.

Upon receipt of a request, the NMNH will consult with tribal representatives on their request and also with other relevant Indian tribes and Native Hawaiian organizations. Relevant tribes are those that may have a connection with the lands from which the human remains and associated funerary objects were obtained. When it is necessary for more than one Indian tribe or Native Hawaiian organization to participate in a repatriation decision for culturally unaffiliated human remains and associated funerary objects based on overlapping aboriginal lands or additional evidence, the Indian tribes and Native Hawaiian organizations will be notified and consulted with by NMNH for their support for the repatriation or their participation in the repatriation.

Requests for the repatriation of culturally unaffiliated human remains and associated funerary objects will require the NMNH to consult with tribes based on the tribal lands and aboriginal lands from which the remains and objects were removed and seek to reach a solution acceptable to all consulted tribes. Aboriginal lands may be recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims, or by a treaty, Act of Congress, or Executive Order. When aboriginal lands have not been identified by the above methods, repatriation decisions will be made on a case by-case basis.

Indian groups that are not federally recognized tribes do not have standing under the NMAI Act to make repatriation requests. Nevertheless, the NMNH recognizes the importance of the right of descendants to determine the fate of their Ancestors where that connection can be established by a preponderance of evidence, regardless of whether the descendant is a member of a federally recognized tribe. Therefore, in the case where human remains and associated funerary objects are classified as culturally unaffiliated because they are not affiliated with a federally recognized Indian tribe but are determined to have a relationship of shared identity with an Indian group that is not federally recognized, the NMNH will consider repatriation to the Indian group that is not federally recognized in accordance with this policy. As with claims from federally recognized tribes, an Indian group that is not federally recognized can initiate a repatriation evaluation if they have a reasonable basis for demonstrating that they have a shared identity with the human remains and funerary objects and that no federally recognized tribe is culturally affiliated with

the human remains and associated funerary objects. Federally recognized Indian tribes, identified based on the aboriginal and tribal lands from which the human

remains and associated funerary objects were removed, will be consulted when Indian groups that are not federally recognized request the repatriation of culturally unaffiliated human remains and associated funerary objects.

### NMAI Repatriation Policy

June 2020

#### NATIONAL MUSEUM OF THE AMERICAN INDIAN

Resolution 06-19

Approving the NMAI Repatriation Policy

WHEREAS, the history and cultures of the Indigenous Peoples of the Western Hemisphere are represented in collections of the National Museum of the American Indian (NMAI), and

WHEREAS, the cultures of Indigenous Peoples of the Western Hemisphere, both those practiced in the past and those of the present, and the collections that reflect those cultures, provide both a context for and a rich part of the activities of the NMAI, and

WHEREAS, within the collections of the NMAI are materials that are eligible for repatriation, namely human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony, and

WHEREAS, the deaccession and repatriation of human remains and the funerary objects associated with those remains to the Indigenous Peoples or communities of origin, regardless of geography or sociopolitical borders, is a high priority of the NMAI, and

WHEREAS, the NMAI respects the authority of lineal descendants and the sovereignty of tribal nations to determine the culturally appropriate manner of classifying human remains that have been naturally shed, freely given, or culturally modified, and

WHEREAS, the NMAI's policy is that the utmost care and respect will be accorded to the materials within the collections, particularly the human remains, funerary objects, sacred objects, and objects of cultural patrimony; and all research, scientific study, exhibitions, and other educational programs are to be conducted in a like manner; and that culturally specific information that may be known or may become known relating to the materials in the collections is to be accorded the same consideration, and

WHEREAS, the NMAI Board of Trustees desires to give appropriate guidance as to policies and procedures surrounding its repatriation program and therefore has developed the NMAI Repatriation Policy, and

WHEREAS, in developing the NMAI Repatriation Policy, the Board of Trustees affirms NMAI's commitment to support the sovereignty of Indigenous Peoples to seek return

of ancestral remains in a manner that they determine to be culturally appropriate, support the continuation of ceremonial and ritual life of Indigenous Peoples, foster the study by Indigenous Peoples of their own traditions, and forge an understanding through open and consistent dialog between the NMAI and Indigenous Peoples so that the interests of each are understood and respected, and

WHEREAS, further, the NMAI Repatriation Policy has been designed so that Indigenous Peoples have broad access to information pertaining to the collections in order to ensure that informed decisions are made regarding the care and disposition of materials to be repatriated.

THEREFORE, BE IT RESOLVED, that the Board of Trustees of the National Museum of the American Indian hereby adopts the NMAI Repatriation Policy as revised and dated December 2013, and

BE IT FURTHER RESOLVED, that the NMAI Repatriation Policy be carried out to the extent practicable in accordance with the applicable treaties and international agreements with respect to Indigenous Peoples of the Western Hemisphere.

## II. Repatriation Policy

The NMAI shall receive, review, and decide repatriation claims in a respectful manner. As a matter of policy, the NMAI does not use destructive testing on human remains in its collection.

### A. Eligible Materials

The claimant must establish that the specific materials requested for return are eligible for repatriation. In evaluating each claim, the NMAI will use its best efforts to gather all relevant information from the claimant, the NMAI's collections and records, and any other person or entity with information pertinent to the claim, and will consult, as appropriate, with interested parties. Relevant information will include, but not necessarily be limited to, oral tradition, geography and place, descent and kinship, archaeology, anthropology, linguistics, folklore, history, expert opinion, or other information. The results will be documented in a repatriation report that will be provided to the Board of Trustees to render a decision.

The categories of eligible materials are as follows:

#### 1. Human Remains

- a. Human remains mean the physical remains of a human body, or any part thereof, whether or not naturally shed, freely given, or culturally modified. In some contexts, human hair may be considered human remains. For purposes of this policy, it is assumed that all human remains in the collection are of Native American ancestry unless otherwise known.
- b. Culturally Affiliated Human Remains and Human Remains Requested by Lineal Descendants. Upon request of an eligible claimant,



as defined in Section II (B) and/or (C), that has established lineal descent or cultural affiliation with the human remains, the NMAI will repatriate human remains to the lineal descendant, Indian Tribe, or Native Hawaiian Organization.

c. Culturally Unaffiliated Human Remains. If the NMAI cannot determine cultural affiliation by a reasonable basis, but where some information is available to establish a relationship to an Indian Tribe or Native Hawaiian Organization, the NMAI will use its best efforts to identify the appropriate Indian Tribe or Native Hawaiian Organization with which to consult regarding cultural affiliation or responsibility for the final disposition of the human remains. The NMAI will first seek to establish cultural affiliation as set forth in Section II (B) below, but if there is not a reasonable basis to establish such affiliation, the NMAI will consider repatriation to Indian Tribes or Native Hawaiian Organizations that can demonstrate a relationship to the ancestral, historic, or aboriginal territories from where the human remains were collected.

d. Culturally Unknown Human Remains. If no information is available through which cultural affiliation can be established, the Board of Trustees will decide upon a plan for carrying out a respectful disposition of culturally unknown human remains.

(The rest of the repatriation policy, including the claims process and other eligibility considerations, can be accessed at the hyperlink in the title).

## **2020 Annual Report: Repatriation Activities of the Smithsonian Institution**

The Smithsonian Institution has a long and successful history conducting respectful repatriations of Native American human remains and certain cultural objects to their communities of origin. Prior to the passage of federal repatriation legislation, the Smithsonian engaged in such returns, including the voluntary return of human remains in the early 1980s and the well-known return of certain cultural objects affiliated to the Pueblo of Zuni in 1987. In 1989, Congress enacted the National Museum of the American Indian Act (NMAIA). This law established the National Museum of the American Indian (NMAI) as part of the Smithsonian Institution and authorized the

transfer of the collections from the Museum of the American Indian-Heye Foundation in New York City to the Smithsonian. The NMAIA is also the first piece of federal legislation to address the repatriation of Native American human remains and funerary objects. The NMAIA requires the Smithsonian to return, upon request, Native American human remains and funerary objects to culturally affiliated federally recognized Indian tribes. The NMAIA was amended in 1996, following the passage of the Native

American Graves Protection and Repatriation Act (NAGPRA), to include the return of certain Native American cultural objects, including sacred objects and objects of cultural patrimony. To assist in the repatriation process, both the NMAI and National Museum of Natural History (NMNH) have repatriation policies and procedures.

The Smithsonian has repatriated or made available for repatriation the human remains of more than 6,000 individuals, 250,000 funerary objects, and 1,400 sacred objects and/or objects of cultural patrimony. These totals for repatriation far exceed any other museum complex in the United States.

The Smithsonian is committed to the repatriation and consultation process with Indian tribes throughout the nation. This report to Congress will be sent to the Senate Committee on Indian Affairs, House Subcommittee on Indian Affairs, Congressional Regents, and Government Accountability Office, and it will also be posted on the repatriation websites of the NMNH and NMAI.

## **Penn Museum**

### [Statement on Human Remains](#)

The Museum's current policy on human remains is being reassessed as part of the action plan stated in the Morton Collection Committee report. Updates will be published here.

#### 1.0 Introduction

This document has been developed by the University of Pennsylvania Museum of Archaeology and Anthropology (Penn Museum) to provide a clear statement about the respectful treatment and diligent curation of human remains in the Museum's care while supporting the Museum's commitment to understanding human biological and cultural variability around the world. Given the University's mission as a research and educational institution and the Museum's mission to transform understanding of the human experience through collections stewardship, research, teaching, and public engagement, the following statement provides a general framework that acknowledges

the complexities of human remains as part of our collections and strives to ensure that any use of our collections is conducted in a professional and respectful way.

Research on human remains is at the core of the Museum's research agenda. It yields information on health, diet, population structure, and human interaction with the environment, as well as culture as seen, for example, in impacts on

the human body, mortuary practices, social and political status, and inequality, all of which inform our understanding of human history and prehistory and contribute to our knowledge of living human population and cultural diversity.

Questions about this statement should be referred to the Director's Office of the Penn Museum at [director@pennmuseum.org](mailto:director@pennmuseum.org). This statement will be subject to review as needed by the Museum's Human Remains Consultative Committee.

## 2.0 Principles and Definitions

This statement explicitly acknowledges that human remains are a special category of sensitive material. As such, our collections stewardship of human remains treats them with particular respect. The Museum recognizes that there are wide legal, ethical, and cross-cultural expectations and considerations that should be acknowledged with regard to the care and stewardship of human remains.

This statement is informed by the ethical codes promoted by various professional bodies such as the Association of American Museums (AAM) and the Society for American Archaeology (SAA). More specifically, the Museum is subject to NAGPRA (the Native American Graves Protection and Repatriation Act, Public Law 101-601) and related regulations and guidelines concerning Native American and Native Hawaiian remains.

For the purposes of this statement, human remains include tangible or recognizable bodies or parts of bodies of once living humans. They typically include bones and soft tissues where preserved, whether exposed or non-exposed to direct observation (e.g. wrapped mummies as an example of the latter), but potentially can include body parts that are naturally or culturally shed (e.g. teeth, hair, nails). Human remains can also form part of cultural objects (e.g. artifacts crafted directly out of human bone).

## 3.0 Collections Stewardship

Since its founding in 1887, the Penn Museum has collected approximately one million objects, mostly obtained directly through its own field excavations and anthropological expeditions. The Museum's vast and varied collections are in active service to the University of Pennsylvania community and researchers around the world. They are housed in eleven (11) curatorial sections: African, American, Asian, Babylonian,

Egyptian, European Archaeology, Historic, Mediterranean, Near East, Oceanian, and Physical Anthropology.

The Museum's human remains consist of more than 12,000 individuals from around the world and are curated primarily in the Physical Anthropology Section, with some exceptions found in the other Curatorial Sections. The

Museum strives to adopt best practices for the stewardship and curation of human remains.

### 3.1 Documentation

The Museum's comprehensive inventory of its human remains is not currently publicly accessible. Questions about the inventory should be referred to the Physical Anthropology Section at [physicalanthropologysection@pennmuseum.org](mailto:physicalanthropologysection@pennmuseum.org).

Human remains are described according to the best current scientific practices of physical anthropology. The data recorded include: identification numbers; culture area; cultural affiliation; period information; type of remains; age and sex; state or region of origin; location in state or region of origin; context in which remains were collected; collector or source of collection; collection date; status of location in museum; associated funerary objects, if applicable; and any additional information about the remains.

In addition, human remains are scientifically described with appropriate measurements.

Approximately 700 measurements and observations can be made on a human skeleton depending on the completeness of the remains. These observations and measurements are essential to precisely identify the materials and are critical for our record keeping at the Museum.

Human remains are also documented by means of imagery. These images include standard black and white or color photographs as well as digital photographs. CT scans and radiology are also performed to provide basic documentation.

### 3.2 Acquisitions

The acquisition of human remains is handled on a case-by-case basis and generally derives from the transfer of remains from peer institutions (e.g. the Academy of Natural Sciences of Drexel University) when the Penn Museum is deemed to be a more appropriate repository. All acquisitions are reviewed by the Museum's Acquisitions Committee in line with the Acquisitions Policy and Procedures. As of November 1990, the Museum acquires Native American human remains only in accordance with the provisions of Public Law 101-601.

### 3.3 Deaccessions

The deaccessioning of human remains is handled on a case-by-case basis and generally occurs as a result of NAGPRA-related repatriation processes overseen by the Museum's NAGPRA Committee. All deaccessions must be approved by the Trustees of the University of Pennsylvania.

### 3.4 Loan

The loaning or borrowing of human remains is handled on a case-by-case basis and generally occurs in response to specific requests for research or special exhibitions. The Registrar's Office handles all of the relevant processing in conjunction with the relevant Curatorial Sections. Borrowers are expected to conform to the principles outlined in this statement.

### 3.5 Storage

The Museum aspires to best practices for the collections stewardship and storage of human remains. Improvements are constantly being made in terms of storage containers, furniture, and environmental conditions.

### 3.6 Access

The Museum allows access to the human remains it stewards in line with its related missions of research, teaching, and public engagement. Access to collections storerooms is restricted to authorized staff, students, volunteers, and researchers, all of whom log their access in storeroom logbooks. Some special subsets of human remains (e.g. NAGPRA-related remains) are further restricted.

### 3.7 Handling

The handling of human remains is further restricted to those personnel who have undergone specific training. To facilitate our missions of teaching and public engagement, where handling human remains is less restricted for educational needs, the Museum has established special "teaching collections" of human remains.

### 3.8 Conservation

Human remains are sometimes stabilized using certain types of consolidants and adhesives. In general, when further conservation of human remains is required (e.g. to stabilize them for display), the Museum aspires to minimal intervention and the use of reversible treatments that will maintain the integrity of the remains.

### 3.9 Sampling

In some instances, sampling may be performed if it is determined by the Museum to be useful in the process of dating human remains, understanding population trends, and/or assigning cultural affiliation (e.g. 14C dating, isotopic analysis, DNA analysis). Requests for sampling are reviewed and approved by the Museum's Scientific Testing Committee.

The sampling of any Native American or Native Hawaiian remains are also reviewed and approved by the Museum's NAGPRA Committee.

### 4.0 Research

Research on the Museum's human remains ranges from archival research that takes place in the Museum Archives to hands-on work that takes place within

Museum storerooms to collaborative work around the world that uses samples derived from the Museum and to virtual research that makes use of the Museum's extensive collection of digital data (e.g. CT Scans, DNA data, and isotopic data).

Currently, the Museum does not have a comprehensive human remains research register that is publicly available, but interested parties should contact the Physical Anthropology Section [atphysicalanthropologysection@pennmuseum.org](mailto:atphysicalanthropologysection@pennmuseum.org) to inquire about past, current, and future research. For researchers who come to the Museum to work with human remains, they are expected to review our relevant research guidelines (e.g. Scientific Testing Policy and Procedures) and agree to them as needed.

### 5.0 Display

In some galleries, exhibitions, classrooms, publications, and online the Museum displays human remains and/or images of human remains respectfully in accordance with its overlapping missions of research, teaching, and public engagement. The Museum may choose to display human remains when their material component is deemed necessary for the interpretation of understandings of the human experience.

The Museum informs visitors about the display of recognizable human remains in its exhibition spaces. Since much of the Museum's exhibition galleries are also corridors thru the Museum, the Exhibition Team considers the location of human remains on display carefully and provides explanatory labels or materials to interpret the human remains for visitors.

### 6.0 Educational Use

The Museum may choose to use human remains for educational purposes, primarily through guided tours of gallery displays, when they are deemed necessary for the interpretation of anthropological or archaeological understandings of the human experience. The Museum's educational use of human remains includes University-level teaching and educational programs designed for middle school, high school, and adult audiences.

#### 6.1 University Teaching

An essential component of the Museum's teaching mission is to train undergraduates and graduate students in anthropology and archaeology. Understanding the nature and

significance of human remains, is essential when studying human evolution, anatomy, growth & development, and forensics. Although replicas of hominid fossils are key tools for elucidating human evolution, nothing compares to the reality of actual human remains when trying to understand the range and variation of anthropological, biological, and physical traits and characteristics. As

a result, the Museum's teaching collections and curated human remains form an active component of undergraduate and graduate-level training.

## 6.2 Public Programs

The Museum's Public Programs Department on occasion hosts programs that involve or pertain to human remains. In appropriate instances, and under the supervision of appropriate personnel who facilitate the interaction with visitors, the Museum may choose to display human remains respectfully in accordance with our overlapping missions of research, teaching, and public engagement.

## 6.3 K-12 Teaching

The Museum's Learning Programs Department which focuses mainly on K-12 audiences and K-12 teachers, does not use human remains in their museum educator-facilitated teaching or programs. Replicas are substituted where needed. Upon request, some special K-12 programs about forensic science using human remains are facilitated by Physical Anthropology specialists.

## 6.4 Special Curricular Teaching

In rare circumstances, human remains are used by personnel in the Physical Anthropology Section to fulfil special curricular needs of non-university students (e.g. community service programs, internships, and tours).

# University of California

## [UC Berkeley: NAGPRA](#)

The following links are to the different laws and policies that UC Berkeley is required to adhere to. This includes NAGPRA, CalNAGPRA and the UCOP Policy.

NAGPRA Law and  
Regulations CalNAGPRA  
AB 2836  
AB 275  
UCOP NAGPRA Policy

These links will also help shape and guide our NAGPRA Program as we move forward:

California Auditor's Office Findings on UC NAGPRA  
Programs Executive Order N-15-19  
United Declaration on the Rights of Indigenous Peoples (UNDRIP)



The Berkeley NAGPRA Program fully intends to adhere to the spirit or intention of NAGPRA and CalNAGPRA. Therefore, we will interpret these laws and regulations in adherence with the Purpose and Guiding Principles found in III.B.1-9 of the UCOP Policy. We will also work with non-federal tribes in adherence with the Statement on Compliance with CalNAGPRA found in III.C of the UCOP Policy. With that in mind, we are posting those sections below:

Repatriation or Disposition of all Native American and Native Hawaiian Human Remains and Cultural Items is a fundamental objective and value of UC that must be accomplished as expeditiously and respectfully as possible. This policy is designed to govern how UC implements its responsibilities under NAGPRA and CalNAGPRA to improve the Repatriation process so that Human Remains and Cultural Items may be brought home to Tribes, Native Hawaiian Organizations and Lineal Descendants.

UC supports Executive Order N-15-19 of the State of California, and recognizes and commits to implementing the rights of Indigenous peoples articulated in Article 12 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) as follows: “the right to the use and control of their ceremonial objects; and the right to the Repatriation of their ancestral Human Remains.” UC also commits to providing access to and Repatriation of Native American or Native Hawaiian Human Remains and their Cultural Items “through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples.” UC acknowledges its role in the acquisition of Human Remains and Cultural Items that were obtained in violation of spiritual and cultural beliefs, without the free, prior and informed consent of Tribes and Native Hawaiian Organizations. UC further acknowledges that the federal Native American Graves Protection and Repatriation Act (NAGPRA) and California NAGPRA (CalNAGPRA) were enacted to restore Native American and Native Hawaiian rights to Human Remains and Cultural Items.

UC acknowledges that the injustices perpetrated on Native Hawaiians and Native Americans are reflected even to the present, and that as long as Human Remains and Cultural Items remain in the University’s control, healing and reparation will be incomplete.

UC will comply with NAGPRA, CalNAGPRA, and this policy. This policy establishes uniform standards and practices that are binding across the UC system.

This policy is intended to promote consistency and applies across the UC system, including at campuses, laboratories, medical centers and health systems, as well as satellite offices, affiliates, and other units controlled by the Regents of the University of California. UC campuses must ensure compliance

with this policy at all UC locations over which they have management responsibilities. Pursuant to CalNAGPRA § 8025(a)(5), campuses need not develop additional local policies, but if they wish to do so, such local policies must be consistent with this policy and be in place within one year after release of this policy.

UC is committed to ethical and respectful care and culturally appropriate treatment of Human Remains and Cultural Items while they are in UC's Possession or Control. UC recognizes that culturally appropriate treatment must derive from Consultation with Lineal Descendants and Tribal Representatives.

It is the policy of UC to achieve the Repatriation or Disposition of Human Remains and Cultural Items to Federally Recognized Tribes and non-Federally Recognized tribes in accordance with NAGPRA and CalNAGPRA.

UC recognizes that Consultation with Native Americans and Native Hawaiians contributes a distinct and essential perspective and furthers UC's teaching, research, and public service mission. UC fully supports the right of all Native American Tribes, including Federally Recognized Tribes and non-Federally Recognized tribes, and Native Hawaiian Organizations to visit their Human Remains and Cultural Items, and request and receive copies of all associated documentation, pursuant to NAGPRA and CalNAGPRA.

This policy requires formation of a Systemwide Native American Repatriation Implementation and Oversight Committee ("Systemwide Committee") to review campus compliance with this policy and to review appeals after campus procedures have been exhausted.

- C. STATEMENT ON COMPLIANCE WITH CALNAGPRA: UC is committed to complying with CalNAGPRA, which among other things, facilitates Repatriation and/or Disposition of California Indian Tribes' Human Remains and Cultural Items to California Indian Tribes, defined in CalNAGPRA § 8012(j).<sup>10</sup> UC campuses with Possession or Control of Native American Human Remains and/or Cultural Items are required to consult with California Indian Tribes and update their inventories and summaries as required by CalNAGPRA. This includes reviewing and revising or supplementing existing Inventories and Summaries for collections previously classified as Culturally Unidentifiable and consulting with California Indian Tribes as required by CalNAGPRA. Further, UC is required to transfer Human Remains and Cultural Items that are State

Culturally Affiliated with California Indian Tribes as required by CalNAGPRA, consistent with NAGPRA.

## **UC's Native American Cultural Affiliation and Repatriation Policy**

### **Policy Summary**

The purpose of this policy is to increase and achieve Repatriation of Native American and Native Hawaiian ancestral Human Remains and Cultural Items to Tribes, Native Hawaiian Organizations and Lineal Descendants. The University of California (UC) is committed to fully implementing the spirit as well as the legal requirements of both the federal Native American Graves Protection and Repatriation Act at 25 U.S.C. §§ 3001-13 and its accompanying regulations at 43 C.F.R. §§ 10.1-.17 (jointly referred to in this policy as “NAGPRA”), and the California Native American Graves Protection and Repatriation Act (“CalNAGPRA”), California Health & Safety Code (CHSC) §§ 8010-30, which were enacted to acknowledge the fundamental human right of Native Americans and Native Hawaiians to their ancestral Human Remains and Cultural Items. Therefore, the UC adopts as a fundamental value the Repatriation of Native American and Native Hawaiian Human Remains and Cultural Items<sup>2</sup> (Associated and Unassociated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony), in accordance with state and federal law. This policy describes how UC will pursue this value and ensure both adherence to the general principles and compliance with NAGPRA and CalNAGPRA. The procedures set out in this policy are intended to increase Repatriation, accountability, and transparency. Where processes or definitions vary between NAGPRA and CalNAGPRA, both are provided, with indications regarding the origin of the requirements.

(Full text accessible at the hyperlink).

## **NAGPRA**

### **Facilitating Respectful Return**

Since 1990, Federal law has provided for the repatriation and disposition of certain Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. By enacting NAGPRA, Congress recognized that human remains of any ancestry "must at all times be treated with dignity and respect." Congress also acknowledged that human remains and other cultural items removed from Federal or tribal lands belong, in the first instance, to lineal descendants, Indian Tribes, and Native Hawaiian organizations. With this law, Congress sought to encourage a continuing dialogue between museums and Indian Tribes and Native Hawaiian organizations and to promote a greater understanding between the groups while at the same time

recognizing the important function museums serve in society by preserving the past. (US Senate Report 101-473).

## **American Anthropological Association Ethics Forum**

### **Principles of Professional Responsibility**

Posted on November 1st, 2012 by AAA Web Admin

Anthropology—that most humanistic of sciences and scientific of humanities—is an irreducibly social enterprise. Among our goals are the dissemination of anthropological knowledge and its use to solve human problems. Anthropologists work in the widest variety of contexts studying all aspects of the human experience, and face myriad ethical quandaries inflected in different ways by the contexts in which they work and the kinds of issues they address. What is presented here is intended to reflect core principles shared across subfields and contexts of practice.

These core principles are expressed as concise statements which can be easily remembered for use by anthropologists in their everyday professional lives. Each principle is accompanied by brief discussions placing that principle in a broader context, with more detailed examinations of how each affects or may be helpful to anthropologists in different subfields or work contexts.

These examinations are accompanied by resources to assist anthropologists in tackling difficult ethical issues or the new situations that inevitably arise in the production of knowledge.

As a social enterprise, research and practice always involve others— colleagues, students, research participants, employers, clients, funders (whether institutional, community-based or individual) as well as non-human primates and other animals, among others (all usually referred to as ‘research participants’ in this document). Anthropologists must be sensitive to the power differentials, constraints, interests and expectations characteristic of all relationships. In a field of such complex rights, responsibilities, and involvements, it is inevitable that misunderstandings, conflicts, and the need to make difficult choices will arise. Anthropologists are responsible for grappling with such difficulties and struggling to resolve them in ways compatible with the principles stated here. These principles provide anthropologists with tools to engage in developing and maintaining an ethical framework for all stages of anthropological practice – when making decisions prior to beginning projects, when in the field, and when communicating findings and preserving records.

These principles address general circumstances, priorities and relationships, and also provide helpful specific examples, that should be considered in anthropological work and ethical decision-making. The individual anthropologist must be willing to make carefully considered ethical choices and be prepared to make clear the assumptions, facts and considerations on which those choices are based.

Ethics and morals differ in important ways. The complex issues that anthropologists confront rarely admit to the simple wrongs and rights of moral dicta, and one of the prime ethical obligations of anthropologists is to carefully and deliberately weigh the consequences and ethical dimensions of the choices they make — by action or inaction. Similarly, ethical principles and political positions should not be conflated; their foci of concern are quite distinct. Finally, ethics and law differ in important ways, and care must always be taken in making these distinctions.

Different processes are involved in making ethical versus legal decisions, and they are subject to different regulations. While moral, political, legal and regulatory issues are often important to anthropological practice and the discipline, they are not specifically considered here. These principles address ethical concerns. ((Murray L. Wax, "Some Issues and Sources on Ethics in Anthropology," in Handbook on Ethical Issues in Anthropology, ed. Joan Cassell and Sue-Ellen Jacobs, Special Publication of the American Anthropological Association 23 (Washington, D.C.: American Anthropological Association, 1987).))

Although these principles are primarily intended for Association members, they also provide a structure for communicating ethical precepts in anthropology to students, other colleagues, and outside audiences, including sponsors, funders, and Institutional Review Boards or other review committees.

### 1. Do No Harm

Posted on November 1st, 2012 by AAA Web Admin

A primary ethical obligation shared by anthropologists is to do no harm. It is imperative that, before any anthropological work be undertaken — in communities, with non-human primates or other animals, at archaeological and paleoanthropological sites — each researcher think through the possible ways that the research might cause harm. Among the most serious harms that anthropologists should seek to avoid are harm to dignity, and to bodily and material well-being, especially when research is conducted among vulnerable populations. Anthropologists should not only avoid causing direct and immediate harm but also should weigh carefully the potential consequences and inadvertent impacts of their work. When it conflicts with other responsibilities, this primary obligation can supersede the goal of seeking new knowledge and can lead to decisions to not undertake or to discontinue a project. In addition, given the irreplaceable nature of the archaeological record, the conservation, protection and stewardship of that record is the principal ethical obligation of archaeologists. Determining harms and their avoidance in any given situation is ongoing and must be sustained throughout the course of any project.

Anthropologists may choose to link their research to the promotion of well-being, social critique or advocacy. As with all anthropological work, determinations regarding what is in the best

interests of others or what kinds of efforts are appropriate to increase well-being are value-laden and should reflect sustained discussion with others concerned. Anthropological work must similarly reflect deliberate and thoughtful consideration of potential unintended consequences and long-term impacts on individuals, communities, identities, tangible intangible heritage and environments.

## 2. Be Open and Honest Regarding Your Work

Posted on November 1st, 2012 by AAA Web Admin

Anthropologists should be clear and open regarding the purpose, methods, outcomes, and sponsors of their work. Anthropologists must also be prepared to acknowledge and disclose to participants and collaborators all tangible and intangible interests that have, or may reasonably be perceived to have, an impact on their work. Transparency, like informed consent, is a process that involves both making principled decisions prior to beginning the research and encouraging participation, engagement, and open debate throughout its course.

Researchers who mislead participants about the nature of the research and/or its sponsors; who omit significant information that might bear on a participant's decision to engage in the research; or who otherwise engage in clandestine or secretive research that manipulates or deceives research participants ((Charlotte Allen, "Spies Like Us: When Sociologists Deceive Their Subjects," *Lingua Franca* 7, no. 9 (1997).)) about the sponsorship, purpose, goals or implications of the research, do not satisfy ethical requirements for openness, honesty, transparency and fully informed consent.((

David Calvey, "The Art and Politics of Covert Research: Doing 'Situated Ethics' in the Field," *Sociology* 42, no. 5(2008):905-918.)) Compartmented research((

In this document, when we use the term "compartmented," we are referring generally to any research project in which the principal investigator is part of a research project, conducted on behalf of a third party, in which researcher has neither control nor knowledge about the overall goals, structure, purpose, sponsors, funding, and/or other critical elements of a project. Such projects may have government or private funding and may or may not entail classified information.

Any research project that limits the anthropologist's access to decisions, information and/or documentation that enables her/him to understand and responsibly explain the structure, goals, risks, and benefits of the research to potential subjects is problematic. This is because the researcher's limited understanding and control makes it impossible to present potential participants with a clear and honest statement of risks, benefits, and outcomes.)) by design will not allow the anthropologist to know the full scope or purpose of a project; it is therefore

ethically problematic, since by definition the anthropologist cannot communicate transparently with participants, nor ensure fully informed consent.

Anthropologists have an ethical obligation to consider the potential impact of both their research and the communication or dissemination of the results of their research. Anthropologists must consider this issue prior to beginning research as well as throughout the research process.

Explicit negotiation with research partners and participants about data ownership and access and about dissemination of results, may be necessary before deciding whether to begin research.

In their capacity as researchers, anthropologists are subject to the ethical principles guiding all scientific and scholarly conduct. They must not plagiarize, nor fabricate or falsify evidence,((

Department of Health and Human Services, "42 CFR Parts 50 and 93: Public Health Service Policies on Research Misconduct," Federal Register 70, no. 94(2005):28370-28400.)) or knowingly misrepresent information or its source. However, there are situations in which evidence or information may be minimally modified (such as by the use of pseudonyms) or generalized, in order to avoid identification of the source and to protect confidentiality and limit exposure of people to risks.

3. Obtain Informed Consent and Necessary  
Permissions Posted on November 1st, 2012 by  
AAA Web Admin

Anthropological researchers working with living human communities must obtain the voluntary and informed consent of research participants. Ordinarily such consent is given prior to the research, but it may also be obtained retroactively if so warranted by the research context, process, and relations. The consent process should be a part of project design and continue through implementation as an ongoing dialogue and negotiation with research participants.

Normally, the observation of activities and events in fully public spaces is not subject to prior consent.

Minimally, informed consent includes sharing with potential participants the research goals, methods, funding sources or sponsors, expected outcomes, anticipated impacts of the research, and the rights and responsibilities of research participants. It must also include establishing expectations regarding anonymity((Sue-ellen Jacobs, "Case 6: Anonymity Revisited," in Handbook on Ethical Issues in Anthropology, ed. Joan Cassell and Sue-ellen Jacobs, Special Publication of the American Anthropological Association 23 (Washington, D.C.: American Anthropological Association, 1987).)) and credit((

Sue-ellen Jacobs, "Case 5: Anonymity Declined," in Handbook on Ethical Issues in Anthropology, ed. Joan Cassell and Sue-ellen Jacobs, Special Publication of the American

Anthropological Association 23 (Washington, D.C.: American Anthropological Association, 1987).)). Researchers must present to research participants the possible impacts of participation, and make clear that despite their best efforts, confidentiality may be compromised or outcomes may differ from those anticipated. These

expectations apply to all field data, regardless of medium. Visual media in particular, because of their nature, must be carefully used, referenced, and contextualized.

Anthropologists have an obligation to ensure that research participants have freely granted consent, and must avoid conducting research in circumstances in which consent may not be truly voluntary or informed. In the event that the research changes in ways that will directly affect the participants, anthropologists must revisit and renegotiate consent. The informed consent process is necessarily dynamic, continuous and reflexive. Informed consent does not necessarily imply or require a particular written or signed form. It is the quality of the consent, not its format, which is relevant.

Anthropologists working with biological communities or cultural resources have an obligation to ensure that they have secured appropriate permissions or permits prior to the conduct of research. Consultation with groups or communities affected by this or any other type of research should be an important element of the design of such projects and should continue as work progresses or circumstances change. It is explicitly understood that defining what constitutes an affected community is a dynamic and necessary process.

#### 4. Weigh Competing Ethical Obligations Due Collaborators and Affected Parties Posted on November 1st, 2012 by AAA Web Admin

Anthropologists must weigh competing ethical obligations ((Joan Cassell, "Case 17: The Case of the Damaged Baby," in Handbook on Ethical Issues in Anthropology, ed. Joan Cassell and Sue-Ellen Jacobs, Special Publication of the American Anthropological Association 23 (Washington, D.C.: American Anthropological Association, 1987).)) to research participants, students, professional colleagues, employers and funders, among others, while recognizing that obligations to research participants are usually primary. ((

Joan Cassell, "Case 20: Power to the People," in Handbook on Ethical Issues in Anthropology, ed. Joan Cassell and Sue-Ellen Jacobs, Special Publication of the American Anthropological Association 23 (Washington, D.C.: American Anthropological Association, 1987).)) In doing so, obligations to vulnerable populations are particularly important. These varying relationships may create conflicting, competing or crosscutting ethical obligations, reflecting both the relative vulnerabilities of different individuals, communities or populations, asymmetries of power implicit in a range of relationships, and the differing ethical frameworks of collaborators representing other disciplines or areas of practice.

Anthropologists have an obligation to distinguish the different kinds of interdependencies and collaborations their work involves, and to consider the real and potential ethical dimensions of these diverse and sometimes contradictory relationships, which may be different in character and may change over



time. When conflicts between ethical standards or expectations arise, anthropologists need to make explicit their ethical obligations, and develop an ethical approach in consultation with those concerned.

Anthropologists must often make difficult decisions among competing ethical obligations while recognizing their obligation to do no harm. Anthropologists must not agree to conditions which inappropriately change the purpose, focus, or intended outcomes of their research.

Anthropologists remain individually responsible for making ethical decisions.

Collaborations may be defined and understood quite differently by the various participants. The scope of collaboration, rights and responsibilities of the various parties, and issues of data access and representation, credit, acknowledgment and should be openly and fairly established at the outset.

#### Concerns Before You Start

When you begin considering an employment opportunity, there are a few documents to carefully review before agreeing to become an employee. First, most organizations will have an employment contract, personnel manual or some type of document that governs the relationship between the employee and the organization. Read this document(s) carefully. It usually spells out the conditions of employment, the employer's responsibilities and the employee's responsibilities. In these documents you should also find rights and responsibilities about data and publications. This is where you need to be clear about ownership of data, what is considered data, who has the right to review publications and final clearance on documents for distribution. If you believe that the terms are inappropriate, you should speak directly to the employer about your concerns. Be aware however, that the employer does not have to change their position; these documents have been carefully developed and reviewed by a variety of professional resources. In some situations, you may find these documents can be modified and it is an opportunity to help to educate the employer about your concerns and the issues raised by this code of ethics. You may be able to negotiate terms that you find appropriate based on this code of ethics. In any case, it will be up to you to work with the employer to modify the terms of employment. If you review these documents carefully before becoming an employee, you will be fully informed and can then make a considered decision about whether to accept an offer of employment.

If you are applying for a grant or contract there will be language in the application forms that spells out the rights and responsibilities of the funder and the grantee/contractor. These

documents should be carefully reviewed so that you are clear about the conditions of award that you will agree to if your proposal is successful and you accept the grant or contract. If there are conditions which are contrary to the principles in this code, you can bring it to the attention of the funder and attempt to negotiate appropriate language in the grant or contract. However, the funder has in most cases carefully

considered their requirements, has obtained professional reviews and believes that the terms and conditions best serve their needs. You may find that many funders, particularly foundations are eager to have their work disseminated and you find willing partners. At the sametime you may find that some funders place restrictions on how you may use the data collected and who controls review of reports or articles submitted for publication. It is your responsibility to carefully review the terms and conditions of the grant or contract award before you sign the document.

As examples, the full citation for FAR: 52.227-14 Rights in Data—General is provided in order to give the reader a clear understanding of the completeness and detail that becomes incorporated into an federal RFP or contract concerning “Rights in Data.” A second document provides examples of contract and grant language regarding Rights in Data from a Non-profit organization and a foundation. These last two examples represent actual contract/grant language.))

#### 5. Make Your Results Accessible

Posted on November 1st, 2012 by AAA Web Admin

Results of anthropological research should be disseminated in a timely fashion. It is important to bear in mind that these results may not be clear cut, and may be subject to multiple interpretations, as well as susceptible to differing and unintended uses. In some situations, limitations on dissemination may be appropriate where such restrictions will protect participants or their cultural heritage and/or tangible or intangible cultural or intellectual property. In some cases, dissemination may pose significant risks because once information is disseminated, even in a limited sphere, there is great likelihood that it will become widely available. ((Joan Cassell, “Case 22:Forbidden Knowledge,” in Handbook on Ethical Issues in Anthropology, ed. Joan Cassell and Sue-Ellen Jacobs, Special Publication of the American Anthropological Association 23 (Washington, D.C.: American Anthropological Association, 1987).)) Thus, preventing dissemination may sometimes be the most ethical decision. Dissemination and sharing of research data should not be at the expense of protecting confidentiality.

Anthropologists should not withhold research results from research participants, especially when those results are shared with others. However, restrictions on disclosure may be appropriate and ethical, such as where study participants have been fully informed and have freely agreed to limited dissemination, or where restrictions have been placed on dissemination to protect the safety, dignity, or privacy of research participants or to minimize risk to researchers. Proprietary,

classified or other research with limited distribution raises ethical questions which must be resolved using these ethical principles.

Relevant sections in ethics codes of other organizations:

1) Association of American Geographers 2) Register of Professional Archaeologists 3) American Sociological Association 4) American Educational Research Association 5) American Historical Association 6) American Psychological Association 7) Archaeological Institute of America 8) American Political Science Association 9) National Council on Public History 10) Oral History Association 11) National Association for the Practice of Anthropology 12) American Association of Physical Anthropologists

#### 6. Protect and Preserve Your Records

Posted on November 1st, 2012 by AAA Web Admin

Anthropologists have an ethical responsibility((Sydel Silverman, "Why Preserve Anthropological Records?" CoPARBulletin 1 (n.d.); see also the following in Sydel Silverman and Nancy J. Parezo, eds., *Preserving the Anthropological Record*, 2nd ed. (New York: Wenner-Gren Foundation for Anthropological Research, 1995):

Victor Golla, "TheRecords of

American Indian Linguistics"; John Van Willigen, "The Records of Applied Anthropology"; Sue

E. Estroff, "The Records of Medical Anthropology"; Michael A. Little, Jane E. Buikstra, and Frank Spencer, "The Records of Biological Anthropology"; Don D. Fowler and Douglas R. Givens, "The Records of Archaeology.")) forensuring the integrity, preservation, and protection of their work. This obligation applies both to individual and collaborative or team research. An anthropologist's ability to protect and use the materials collected may be contingent upon complex issues of ownership and stewardship.((

The National Science Foundation now requires prospective Principal Investigators to submit a Data Management Planwith all proposals. See National Science Foundation, "Data Management and Sharing Frequently Asked Questions." Further guidance and resources about data management plans are available from the University of California's DMPTool.

The National Institutes of Health requires data sharing ("NIH Data Sharing Policy"). In 1999, the Office ofManagement and Budget issued a revision to OMB Circular A-110, which requires that Federal agencies that award research and development dollars ensure that all data be available to the public under the requirements of the Freedom of Information Act. A discussion of the changes and the text of the revision, which went into effect in November 1999, is available at: Office of Management and Budget, "OMB Circular A-110: Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," Federal Register 64, no. 195(1999):54926-54930.

Anthropologists who pursue federal projects that result in the development of intellectual property, particularly those which generate licenses and/or patents, should be aware of the University and Small Business Patent Procedures Act, popularly

known as the Bayh-Dole Act, as well as their own institutions' policies regarding intellectual property and technology transfer.

Bayh-Dole is the 1980 legislation that enabled universities to assume exclusive control over intellectual property resulting from federally-funded research and development, for the purpose of further development, transfer to industry, commercialization and provision to the public.

The University of California Technology Transfer Office has republished a COGR-developed overview of the history and impact of the Bayh-Dole Act: Council on Governmental Relations, "The Bayh-Dole Act: A Guide to the Law and Implementing Regulations" (1999). The National Council of University Research Administrators has published a monograph on intellectual property issues in university research: Ann M. Hammersla, *A Primer on Intellectual Property* (Washington, D.C.: National Council of University Research Administrators, 2006).)) In situations of disagreement, contestation, or conflict over ownership, the primary assumption that the researcher owns her or his work product applies, unless otherwise established. Other factors (source of funding, employment agreements, negotiated agreements with collaborators, legal claims, among others) may impact ownership of records.((

David H. Price, "Anthropological Research and the Freedom of Information Act," *Cultural Anthropology Methods* 9, no. 1 (1997):12-15.)) Anthropologists should determine record ownership relating to each project and make appropriate arrangements accordingly as a standard part of ethical practice. This may include establishing by whom and how records will be stored, preserved, or disposed of in the long term.

Further, priority must be given to the protection of research participants, as well as the preservation and protection of research records. Researchers have an ethical responsibility to take precautions that raw data and collected materials will not be used for unauthorized ends. To the extent possible at the time of data collection, the researcher is responsible for considering and communicating likely or foreseeable uses of collected data and materials as part of the process of informed consent or obtaining permission. Researchers are also responsible for consulting with research participants regarding their views of generation, use and preservation of research records. This includes informing research participants whether data and materials might be transferred to or accessed by other parties; how they might be transformed or used to identify participants; and how they will be stored and how long they will be preserved.((

Mary Elizabeth Ruwell, "The Physical Preservation of Anthropological Records" in Sydel Silverman and Nancy J. Parezo, eds., *Preserving the Anthropological Record*, 2nd ed. (New York: Wenner-Gren Foundation for Anthropological Research, 1995).))

Researchers have a responsibility to use appropriate methods to ensure the confidentiality and security of field notes, recordings, samples or other primary data and the identities of participants. The use of digitalization and of digital media for data storage and preservation((

Hugh Gusterson, "What's in a Laptop?" *Anthropology Now* 4, no. 1 (2012):26-31.)) is of particular concern given the relative ease of duplication and circulation. Ethical decisions regarding the preservation of research materials must balance obligations to maintain data integrity with responsibilities to protect research participants and their communities against future harmful impacts. Given that anthropological research has multiple constituencies and new uses such as by heritage communities, the interests of preservation ordinarily outweigh the potential benefits of destroying materials for the preservation of confidentiality. ((For informational and instructional materials on archiving and preserving qualitative data, see the following resources:

Irish Qualitative Data Archive and Tallagt West Childhood Development Initiative. "Best Practice in Archiving Qualitative Data."

UK Data Archive. "Create and Manage Data."

Denise Thomson, Lana Bzdel, Karen Golden-Biddle, Trish Reay & Carole A. Estabrooks. "Central Questions of Anonymization: A Case Study of Secondary Use of Qualitative Data." *FQS: Forum: Qualitative Social Research* 6(1).

For information on anonymization software, see:

University of Pennsylvania Malawi Longitudinal Study of Families and Health page on QualAnon software  
and the Irish Qualitative Data Archive (IQDA) Qualitative Data Anonymizer.

For information on data repositories, visit:

Inter-university Consortium for Political and Social Research, the Qualitative Data Repository, and the UK Data Service.)) Researchers generating object collections have a responsibility to ensure the preservation and accessibility of the resulting materials and/or results of analyzed samples, including associated documentation.

7. Maintain Respectful and Ethical Professional Relationships  
Posted on November 1st, 2012 by AAA  
Web Admin

There is an ethical dimension to all professional relationships.((Sue-Ellen Jacobs, "Case 12: Possible Conflict of Interest," in *Handbook on Ethical Issues in Anthropology*, ed. Joan Cassell and Sue-Ellen Jacobs, Special Publication of the American Anthropological Association 23 (Washington, D.C.: American Anthropological Association, 1987).)) Whether working in

academic or applied settings, anthropologists have a responsibility to maintain respectful relationships with others. In mentoring students, interacting with colleagues, working with clients, acting as a reviewer or evaluator, or supervising staff,

anthropologists should comport themselves in ways that promote an equitable, supportive((

American Association of University Professors, "Statement on Professional Ethics" (2009).)) and sustainable workplace environment. They should at all times work to ensure that no exclusionary practices be perpetrated on the basis of any nonacademic attributes.

Anthropologists may gain personally from their work, but they must not exploit individuals, groups, animals, or cultural or biological materials. Further, when they see evidence of research misconduct, they are obligated to report it to the appropriate authorities.((

C. K. Gunsalus, "How to Blow the Whistle and Still Have a Career Afterwards," *Science and Engineering Ethics* 4, no. 1(1998):51-64).))

Anthropologists must not obstruct the scholarly efforts of others when such efforts are carried out responsibly. In their role as teachers and mentors, anthropologists are obligated to provide instruction on the ethical responsibilities associated with every aspect of anthropological work. They should facilitate, and encourage their students and research staff to engage in dialogue on ethical issues, and discourage their participation in ethically questionable projects.

Anthropologists should appropriately acknowledge all contributions to their research, writing, and other related activities, and compensate contributors justly for any assistance they provide. They are obligated to give students and employees appropriate credit for the authorship of their ideas,((

Sue-Ellen Jacobs, "Case 10: Professor Purloins Student's Work: Her Recourse?" in *Handbook on Ethical Issues in Anthropology*, ed. Joan Cassell and Sue-Ellen Jacobs, Special Publication of the American Anthropological Association 23 (Washington, D.C.: American Anthropological Association, 1987).)) and encourage the publication of worthy student and employee work.

## **Society for American Anthropology**

[SAA Statement Concerning the Treatment of Human Remains](#)  
(2021) April 14, 2021

Archaeology is the study of the ancient and recent human past through material remains. Because archaeologists may encounter and study human remains as part of their work, the Society for American Archaeology (SAA) is providing this statement to reflect the SAA's values of stewardship and accountability in the context of work with human remains.

There are differing viewpoints on many aspects of work with human remains, such as the definition of human remains, what constitutes consultation or collaboration, and ideas about best practices. This statement cannot address the specifics of all

viewpoints; instead, it outlines broad principles. It is the archaeologist's responsibility to seek and incorporate the perspectives of descendant communities, affiliated groups, and other stakeholders in making decisions about how and whether to work with human remains.

Since its founding in 1934, the SAA has been dedicated to the archaeological heritage of the Americas. Because of this focus, the principles outlined in this statement apply to all aspects of archaeological work in the Americas (North, Central, and South America) involving human remains. The work covered by this statement includes, but is not limited to, excavation, research, education, curation, exhibits, and publication. While the statement is intended to apply to the Americas, it can also provide guidance to SAA members who work in other regions. By using these principles, archaeologists can avoid the harm associated with some of archaeology's past practices.

**Principle 1: Working with human remains is a privilege, not a right.**  
Archaeologists should approach work with human remains from a perspective of ethical stewardship, responsibility, and equity, rather than entitlement, ownership, or exclusivity. Any work involving human remains should respect the views and interests of descendant communities, affiliated groups, and other stakeholders. In some cases, this may mean that work should not be done unless it is legally required.

**Principle 2: Human remains should be treated with dignity and respect.**  
Human remains are deserving of the dignity and respect afforded to living people. This principle applies to all human remains, regardless of ethnicity, sex, age, religion, nationality, socioeconomic status, cultural tradition, form of burial, condition of remains, or circumstances of acquisition.

**Principle 3: Archaeologists should consult, collaborate, and obtain consent when working with human remains.**  
In each stage of work with human remains, archaeologists should make every effort to consult, collaborate, and maintain communication with descendant communities, affiliated groups, and other stakeholders. Archaeologists should consult and collaborate as broadly as possible, keeping in mind that there may be descendant communities, affiliated groups, and other stakeholders whose interests have not been previously recognized or acknowledged.  
Archaeologists should seek to obtain consent from descendant communities, affiliated groups, and other stakeholders for any work involving human remains.

**Principle 4: It is the responsibility of the archaeologist to understand and comply with the applicable law.**  
Each country has its own laws and treaties that relate to work with human remains. Archaeologists should recognize the unique legal responsibilities surrounding the sovereign authority of Indigenous nations as established through treaties, court

cases, and law. Legal obligations set a minimum threshold for work with human remains, but ethical obligations may go beyond the letter of the law.

Principle 5: Archaeologists should follow best practices and uphold the highest ethical standards when working with human remains.

All work with human remains must be done by individuals with the appropriate qualifications and training. Students must be carefully supervised by experienced and properly trained personnel. Archaeologists must be transparent about funding sources and seek to avoid conflicts of interest, violations of privacy, or other harm during their work and in any subsequent archiving and use of the data.

The SAA encourages its members and their affiliated institutions to develop detailed policies and procedures for the treatment of human remains during excavations, lab research, teaching, curation, exhibition, and publication, even if they do not expect to encounter human remains. The principles outlined above can provide the framework for developing these policies. In addition, the United Nations Declaration on the Rights of Indigenous Peoples, Principle 12, establishes certain rights regarding Indigenous human remains and is a helpful resource when creating policies.

Ethical standards for archaeological practice will continue to change. As a result, this statement will be reviewed at a minimum every seven years to ensure that it reflects the developments in laws and standards. It is the responsibility of the Committee on Native American Relations (CNAR) and the Committee on Repatriation (Repat) to draft an updated statement in accordance with the charge issued by the SAA Board of Directors.

## **American Association for Anatomy**

[Racism, structural racism, and the American Association for Anatomy: Initial report from a task force](#)

### **Abstract**

In 2021, the American Association for Anatomy (AAA) Board of Directors appointed a Task Force on Structural Racism to understand how the laws, rules, and practices in which the Association formed, developed and continues to exist affect membership and participation. This commentary is the first public report from the Task Force. We focus on African Americans with some comments on Jews and women, noting that all marginalized groups deserve study. Through much of its 130 year history, some members were an essential part of perpetuating racist ideas, the Association largely ignored racism and had some practices that prevented participation. The

Task Force concluded that individual and structural racism within the AAA, combined with the broader social context in which the Association developed, contributed to the current underrepresentation of African Americans who constitute 4.1% of the membership even though 13.4% of the U.S. population is Black. Intentional efforts within the AAA to reckon with racism and other forms of bias have only begun in the last 10–20 years. These actions have led to more diverse leadership within the Association, and it is hoped that these changes will positively affect the recruitment and retention of marginalized people to science in general and anatomy in particular.



The Task Force recommends that the AAA Board issue a statement of responsibility to acknowledge its history. Furthermore, the Task Force advocates that the Board commit to (a) sustaining ongoing projects to improve diversity, equity, and inclusion and (b) dedicating additional resources to facilitate novel initiatives.

## **American Association of Biological Anthropologists**

### [AABA Statement on Race & Racism](#)

The following AABA Statement on Race & Racism was written by the AABA subcommittee tasked with revising the previous AABA statement on the Biological Aspects of Race that was published in the *American Journal of Physical Anthropology*, vol. 101, pp 569-570, 1996. The Committee on Diversity (COD) subcommittee was comprised of (in alpha order): Rebecca Ackermann, Sheela Athreya, Deborah Bolnick, Agustín Fuentes (chair), Tina Lasisi, Sang-Hee Lee, Shay-Akil McLean, and Robin Nelson.

The statement was unanimously accepted by the AABA Executive Committee at its meeting on March 27, 2019 at the 88th Annual Meeting in Cleveland, Ohio.

#### **Executive Summary: AABA Statement on Race and Racism**

Race does not provide an accurate representation of human biological variation. It was never accurate in the past, and it remains inaccurate when referencing contemporary human populations. Humans are not divided biologically into distinct continental types or racial genetic clusters. Instead, the Western concept of race must be understood as a classification system that emerged from, and in support of, European colonialism, oppression, and discrimination. It thus does not have its roots in biological reality, but in policies of discrimination. Because of that, over the last five centuries, race has become a social reality that structures societies and how we experience the world. In this regard, race is real, as is racism, and both have real biological consequences.

Humans share the vast majority (99.9%) of our DNA in common. Individuals nevertheless exhibit substantial genetic and phenotypic variability. Genome/environment interactions, local

and regional biological changes through time, and genetic exchange among populations have produced the biological diversity we see in humans today. Notably, variants are not distributed across our species in a manner that maps clearly onto socially-recognized racial groups. This is true even for aspects of human variation that we frequently emphasize in discussions of race, such as facial features, skin color and hair type. No group of people is, or ever has been, biologically homogeneous or “pure.” Furthermore, human populations are not — and never have been — biologically discrete, truly isolated, or fixed.

While race does not accurately represent the patterns of human biological diversity, an abundance of scientific research demonstrates that racism, prejudice against someone because of their race and a belief in the inherent superiority and inferiority of different racial groups, affects our biology, health, and well-being. This means that race, while not a scientifically accurate biological concept, can have important biological consequences because of the effects of racism. The belief in races as a natural aspect of human biology and the institutional and structural inequities (racism) that have emerged in tandem with such beliefs in European colonial contexts are among the most damaging elements in human societies.

## AABA Statement on Race and Racism

### Introduction

The concept of race has developed hand-in-hand with racist ideologies over the last five centuries, and biological anthropology has played an important role in the creation and perpetuation of both the race concept and racist ideologies. Racist political doctrines should not receive support from scientific endeavors, but in practice racism has been co-constructed with inaccurate depictions of human variation provided by scientists. Over our history, the AAP/BA, and many of its members, have been complicit in producing and reifying racist ideologies via the misuse, falsification, or biased production of scientific information. We acknowledge this history and stress that we should not paper over it even as we seek to end these practices and prevent the reemergence of misconceptions about race in the future.

While science is often represented as objective, apolitical, and unbiased, many ostensibly biological concepts of race have cultural stereotypes, biases, and ethnocentric views embedded within them. We acknowledge that outdated and inaccurate ideas about race, and racism, still inform scientific research today, and are sometimes embedded in what otherwise appears to be “modern,” technologically-advanced science. We stand against such practices.

As scientists, we strive to eliminate the influences of bias, racial profiling, and other erroneous ways of thinking about human variation from our study designs, interpretations of scientific data, and reporting of research results. This is not simply due to concerns about how non-scientists use

scientific research; it is also about how scientists themselves conceive, implement, analyze, and present their research. We offer this statement as a baseline for what we know about race and racism in order to help us do better science and better convey what we know about human biological variation to broader audiences.

### What race is and what it is not

Racial categories do not provide an accurate picture of human biological variation. Variation exists within and among populations across the planet, and groups of individuals can be differentiated by patterns of similarity and difference, but these patterns do not align with socially-defined racial groups (such as whites and blacks)

or continentally-defined geographic clusters (such as Africans, Asians, and Europeans). What has been characterized as “race” does not constitute discrete biological groups or evolutionarily independent lineages. Furthermore, while physical traits like skin color and hair texture are often emphasized in racial classification, and assumptions are often made about the pattern of genetic diversity relative to continental geography, neither follows racial lines. The distribution of biological variation in our species demonstrates that our socially-recognized races are not biological categories.

While human racial groups are not biological categories, “race” as a social reality — as a way of structuring societies and experiencing the world — is very real. The racial groups we recognize in the West have been socially, politically, and legally constructed over the last five centuries.

They developed in tandem with European colonial expansion and the emergence of American and European societies with well-documented histories of being shaped and structured by racial hierarchies, power inequities, economic exploitation, dispossession, displacement, genocide, and institutional racism. These practices are rooted in assumptions of innate, natural differences between Europeans and other peoples, and systems of racial classification are intimately tied to histories of European settler colonialism, empire, and slavery. Classifying human beings into different races has never been wholly innocent, unbiased, or apolitical; racial classification has long served to justify exploitation, oppression, discrimination, and structural racism. Notably, racial categories have changed over time, reflecting the ways that societies alter their social, political and historical make-ups, access to resources, and practices of oppression.

Documented patterns of human biological variation and the processes shaping it

#### a) Genomic variation

Humans share the vast majority (99.9%) of our DNA. Individuals nevertheless exhibit substantial genetic and phenotypic variability, including individuals in the same community. No group of people is, or ever has been, biologically homogeneous or “pure.” Furthermore, human populations are not — and never have been — biologically discrete, isolated, or static.

Socially-defined racial categories do not map precisely onto genetic patterns in our species: genetic variability within and among human groups does not follow racial lines.

Most genetic variants vary clinally, changing gradually across geographic space regardless of racial boundaries. We also see more genetic diversity in African and African diasporic populations than in other populations, and the genetic variants found outside Africa are largely a subset of those found within it. Moreover, diversity generally decreases in populations located further from Africa. Because the human lineage first emerged on the continent of Africa, longer population histories there

allowed more genetic variation to accumulate in Africa, and repeated reductions in diversity occurred outside Africa as people dispersed and new populations were founded. Diversity patterns today also reflect subsequent migrations and genetic exchange, with geographic distance, topography, and sociopolitical forces all affecting the frequency/scope of interactions and the distribution of genetic variants in both cosmopolitan and non-cosmopolitan populations around the world. Natural selection and adaptation to local environments have influenced populations as well.

Genetic ancestry tests can identify clusters of individuals based on patterns of genetic similarity and difference, but the particular clusters we infer depend on the individuals included in the analysis. Genetic ancestry tests also tend to equate present-day peoples and contemporary patterns of genetic variation with those that existed in the past, even though they are not identical. In this regard, ancestry tests often oversimplify and misrepresent the history and pattern of human genetic variation, and do so in ways that suggest more congruence between genetic patterns and culturally-defined categories than really exists.

#### b) Physical variation

Physical, or phenotypic, variation in our species reflects interactions between an individual's genome and their environment. Genome/environment interactions and gene flow across our species produce the plethora of phenotypes we see in humans today, including traits such as skull morphology (head form, nose form, dental traits) and aspects of body form.

Most phenotypic variation is continuous, and therefore understood in terms of the frequencies and distributions of traits. Adaptation, population history, and neutral evolutionary forces have all shaped the frequencies and distribution of the variation we observe today and in the past.

Most traits are also polygenic (influenced by multiple genes, or loci), and our understanding of the genetics underlying them is incomplete.

Environment plays an important role in structuring human phenotypic variation. Environment, in the broadest sense, refers to everything from the uterine environment to things like diet or air quality during growth and development, and throughout the life course. As one example,

environmentally-specific ultraviolet radiation levels have played an essential role in driving the evolution of variation in human skin color. Furthermore, in addition to being correlated with environmental factors and geography, human phenotypic variation can be distributed within and across groups according to sex, age and even various local-level environments such as socioeconomic class or caste.

Because the environment generally changes gradually as latitude/longitude changes, most phenotypic variation in humans is clinally distributed across geographic space. As a result, human phenotypes vary in frequency across a range of populations, and

are not simply present or absent by population or continent. This is true even for aspects of human variation that have been seen as closely associated with race, such as facial features, skin color and hair type. For example, skin color, a trait traditionally associated with racial categories, is a product of long-term evolution involving more than 37 genetic loci, local environmental factors, migrations and gene flow among populations. As such, skin color shows a clinal distribution that cannot be separated into disparate categories. Similar phenotypes have arisen in both closely and distantly related groups adapting to similar environments, including genetic variants for light skin pigmentation which have, for example, evolved both within and outside the continent of Africa.

Like human genetic variation, phenotypic variation in our species does not follow racial lines. Race constitutes an arbitrary and artificial division of continuous variation, and thus does not provide an accurate representation of human phenotypic variation or population similarities and differences.

### c) The influence of human evolutionary history

Both the genomic and phenotypic variation that exists in our species reflects the fact that all humans living today belong to a single species, *Homo sapiens*, and share common descent. Our genus (*Homo*) evolved between 2.5 and 3 million years ago in Africa, and migrated around and out of Africa by ~1.8 million years ago. Early *Homo* consisted of a number of different forms (possibly species), some of which overlapped in time and space, but all of which were clearly human (and not ape-like), with tool cultures and adaptations for highly proficient bipedal locomotion. Evidence suggests that early species such as *Homo erectus*, as proficient hunter gatherers, were functionally hairless, and presumably exhibited biological variation, including skin color variation, consistent with variation seen across the circumequatorial world today. Our species, *Homo sapiens*, arose through a complex process of migration, interaction, and gene exchange over the last few hundred thousand years or more. Genetic and morphological evidence suggest that gene flow occurred repeatedly among diverse populations in the Late Pleistocene; many of these lineages provided elements to our genetic make-up that were crucial to our success as a diverse, adaptable species. We are all, in essence, hybrids, with humanity emerging from many tangled lineages —lineages that cannot be separated into discrete units with clear

reproductive barriers. Over human evolutionary history, genetic and phenotypic variation shows gradual and continuous distributions over geography (clines), shaped by adaptations to new environments that arose as a result of migration and gene flow.

### The dilemma of race and racism

The groupings of people that exist in our species are socially-defined, dynamic, and continually evolving — amalgamations of socially- and biologically-interacting individuals with constantly-shifting boundaries, reflecting the myriad ways that

individuals, families, and other clusters of people create ties, move, trade, mate, reproduce, and shift their social identities and affiliations through time. Race does not capture these histories or the patterns of human biological variation that have emerged as a result. Nor does it provide a clear picture of genetic ancestry. It does, however, reflect the legacy of racist ideologies, as well as the sociopolitical considerations, cultural identities, and social experiences prevalent in the eras during and since the start of European settler colonialism. Race should therefore be seen as a paradigm for sorting individuals and populations into units based on historical contexts and social, cultural, and political motives.

While “race” is not biology, racism does affect our biology, especially our health and well-being. Racism is prejudice against someone because of their race in the context of a belief in the inherent superiority and inferiority of different racial groups, which is reinforced by institutional and historical structures. Interpersonal experiences of racism and structural racism include, but are not limited to, overt oppression, physical subjugation, dispossession or displacement, decreased access to health care, economic and educational discrimination, histories of segregation, and material deprivation. A substantial body of research demonstrates the many ways that racism can affect how our bodies, immune systems, and even our cognitive processes react and develop. This means that “race,” while not a scientifically accurate biological concept, can have important biological consequences because of the effects of racism. The belief in “races” as natural aspects of human biology, and the structures of inequality (racism) that emerge from such beliefs, are among the most damaging elements in the human experience both today and in the past.

## Ethics

Code of Ethics of the American Association of Physical Anthropologists (Approved by the AAPA Membership at the annual business meeting on April 25, 2003)

### I. Preamble

Physical anthropologists are part of the anthropology community and members of

many other different communities each with its own moral rules or codes of ethics. Physical anthropologists have obligations to their scholarly discipline, the wider society, and the environment.

Furthermore, field workers may develop close relationships with the people with whom they work, generating an additional level of ethical considerations.

In a field of such complex involvement and obligations, it is inevitable that misunderstanding, conflicts, and the need to make choices among apparently incompatible values will arise. Physical anthropologists are responsible for grappling with such difficulties and struggling to resolve

them in ways compatible with the principles stated here. The purpose of this Code is to foster discussion and education. The American Association of Physical Anthropologists (AAPA) does not adjudicate claims of unethical behavior.

The principles and guidelines in this Code provide physical anthropologists with the tools to engage in developing and maintaining an ethical framework, as they engage in their work. This Code is based on the Code developed and approved by the American Anthropological Association (AAA). The AAPA has the permission of the AAA to use and modify the AAA Code as needed. In sections III, IV, V, VI, VII, and VIII anthropology or anthropologists refers to physical anthropology or physical anthropologists.

## II. Introduction

Physical anthropology is a multidisciplinary field of science and scholarship, which includes the study of biological aspects of humankind and nonhuman primates. Physical anthropology has roots in the natural and social sciences, ranging in approach from basic to applied research and to scholarly interpretation. The purpose of the AAPA is the advancement of the science of physical anthropology. The Code holds the position that generating and appropriately utilizing knowledge (i.e., publishing, teaching, developing programs, and informing policy) of the peoples of the world, past and present, is a worthy goal;

that general knowledge is a dynamic process using many different and ever evolving approaches; and that for moral and practical reasons, the generation and utilization of knowledge should be achieved in an ethical manner.

The purpose of this Code is to provide AAPA members and other interested persons with guidelines for making ethical choices in the conduct of their physical anthropological work. Because physical anthropologists can find themselves in complex situations and subject to more than one code of ethics, the AAPA Code of Ethics provides a framework, not an ironclad formula, for making decisions.

Physical anthropologists have a duty to be informed about ethical codes relating to their work and ought periodically to receive training on ethical issues. In addition, departments offering anthropology degrees should include and require ethical training in their curriculums.

No code or set of guidelines can anticipate unique circumstances or direct actions required in any specific situation. The individual physical anthropologist must be willing to make carefully considered ethical choices and be prepared to make clear the assumptions, facts and

issues on which those choices are based. These guidelines therefore address general contexts, priorities and relationships that should be considered in ethical decision making in physical anthropological work.

### III. Research

In both proposing and carrying out research, anthropological researchers must be open about the purpose(s), potential impacts, and source(s) of support for research projects with funders, colleagues, persons studied or providing information, and with relevant parties affected by the research. Researchers must expect to utilize the results of their work in an appropriate fashion and disseminate the results through appropriate and timely activities. Research fulfilling these expectations is ethical, regardless of the source of funding (public or private) or purpose (i.e., "applied," "basic," "pure," or "proprietary"). Anthropological researchers should be alert to the danger of compromising anthropological ethics as a condition to engage in research, yet also be alert to proper demands of good citizenship or host-guest relations. Active contribution and leadership in seeking to shape public or private sector actions and policies may be as ethically justifiable as inaction, detachment, or noncooperation, depending on circumstances. Similar principles hold for anthropological researchers employed or otherwise affiliated with nonanthropological institutions, public institutions, or private enterprises.

A. Responsibility to people and animals with whom anthropological researchers work and whose lives and cultures they study.

1. Anthropological researchers have primary ethical obligations to the people, species, and materials they study and to the people with whom they work. These obligations can supersede the goal of seeking new knowledge, and can lead to decisions not to undertake or to discontinue a research project when the primary obligation conflicts with other responsibilities, such as those owed to sponsors or

clients. These ethical obligations include:

To respect the well-being of humans and nonhuman primates

To work for the long-term conservation of the archaeological, fossil, and historical records

To consult actively with the affected individuals or group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved

2. Anthropological researchers must do everything in their power to ensure that their research does not harm the safety, dignity, or privacy of the people with whom they work, conduct research, or perform other professional activities



3. Anthropological researchers must determine in advance whether their hosts/providers of information wish to remain anonymous or receive recognition, and make every effort to comply with those wishes.

Researchers must present to their research participants the possible impacts of the choices, and make clear that despite their best efforts, anonymity may be compromised or recognition fail to materialize.

4. Anthropological researchers should obtain in advance the informed consent of persons being studied, providing information, owning or controlling access to material being studied, or otherwise identified as having interests which might be impacted by the research. It is understood that the degree and breadth of informed consent required will depend on the nature of the project and may be affected by requirements of other codes, laws, and ethics of the country or community in which the research is pursued. Further, it is understood that the informed consent process is dynamic and continuous; the process should be initiated in the project design and continue through implementation by way of dialogue and negotiation with those studied. Researchers are responsible for identifying and complying with the various informed consent codes, laws and regulations affecting their projects. Informed consent, for the purposes of this code, does not necessarily imply or require a particular written or signed form. It is the quality of the consent, not the format, that is relevant.

5. Anthropological researchers who have developed close and enduring relationships (i.e., covenantal relationships) with either individual persons providing information or with hosts must adhere to the obligations of openness and informed consent, while carefully and respectfully negotiating the limits of the relationship.

6. While anthropologists may gain personally from their work, they must not exploit individuals, groups, animals, or cultural or biological materials. They should recognize their debt to the societies in which they work and their obligation to reciprocate with people studied in appropriate ways.

#### B. Responsibility to scholarship and science

1. Anthropological researchers must expect to encounter ethical dilemmas at every stage of their work, and must make good-faith efforts to identify potential ethical claims and conflicts in advance when preparing proposals and as projects proceed.

2. Anthropological researchers bear responsibility for the integrity and reputation of their discipline, of scholarship, and of science. Thus, anthropological researchers are subject to the general moral rules of scientific and scholarly conduct: they should not deceive or knowingly misrepresent (i.e., fabricate evidence, falsify, plagiarize), or attempt to prevent reporting of misconduct, or obstruct the scientific/scholarly research of others.

3. Anthropological researchers should do all they can to preserve opportunities for future fieldworkers to follow them to the field.

4. Anthropological researchers should utilize the results of their work in an appropriate fashion, and whenever possible disseminate their findings to the scientific and scholarly community.

5. Anthropological researchers should seriously consider all reasonable requests for access to their data and other research materials for purposes of research. They should also make every effort to ensure preservation of their fieldwork data for use by posterity.

#### C. Responsibility to the public

1. Anthropological researchers should make the results of their research appropriately available to sponsors, students, decision makers, and other nonanthropologists. In so doing, they must be truthful; they are not only responsible for the factual content of their statements but also must consider carefully the social and political implications of the information they disseminate. They must do everything in their power to insure that such information is well understood, properly contextualized, and responsibly utilized. They should make clear the empirical bases upon which their reports stand, be candid about their

qualifications and philosophical or political biases, and recognize and make clear the limits of anthropological expertise. At the same time, they must be alert to possible harm their information may cause people with whom they work or colleagues.

2. Anthropologists may choose to move beyond disseminating research results to a position of advocacy. This is an individual decision, but not an ethical responsibility.

#### IV. Teaching Responsibility to students and trainees

While adhering to ethical and legal codes governing relations between teachers/mentors and students/trainees at their educational institutions or as members of wider organizations, anthropological teachers should be particularly sensitive to the ways such codes apply in their discipline (for example, when teaching involves close contact with students/trainees in field situations). Among the widely recognized precepts which anthropological teachers, like other teachers/mentors, should follow are:

1. Teachers/mentors should conduct their programs in ways that preclude discrimination on the basis of sex, marital status, "race," social class, political convictions, disability, religion, ethnic background, national origin, sexual orientation, age, or other criteria irrelevant to academic performance.
2. Teachers'/mentors' duties include continually striving to improve their teaching/training techniques; being available and responsive to student/trainee interests; counseling students/ trainees realistically regarding career opportunities; conscientiously supervising, encouraging, and supporting students'/trainees' studies; being fair, prompt, and reliable in communicating evaluations; assisting students/trainees in securing research support; and helping students/trainees when they seek professional placement.
3. Teachers/mentors should impress upon students/trainees the ethical challenges involved in every phase of anthropological work; encourage them to reflect upon this and other codes; encourage dialogue with colleagues on ethical issues; and discourage participation in ethically questionable projects.
4. Teachers/mentors should publicly acknowledge student/trainee assistance in research and preparation of their work; give appropriate credit for coauthorship to students/trainees; encourage publication of worthy student/trainee papers; and  
  
compensate students/trainees justly for their participation in all professional activities.
5. Teachers/mentors should beware of the exploitation and serious conflicts of interest which may result if they engage in sexual relations with students/trainees. They must avoid sexual liaisons with students/trainees for whose education and professional training they are in any way responsible.

## V. Application

1. The same ethical guidelines apply to all anthropological work. That is, in both proposing and carrying out research, anthropologists must be open with funders, colleagues, persons studied or providing information, and relevant parties affected by the work about the purpose(s), potential impacts, and source(s) of support for the work. Applied anthropologists must intend and expect to utilize the results of their work appropriately (i.e., publication, teaching, program and policy development) within a reasonable time. In situations in which anthropological knowledge is applied, anthropologists bear the same responsibility to be open and candid about their skills and intentions, and monitor the effects of their work on all persons affected. Anthropologists may be involved in many types of work, frequently affecting individuals and groups with diverse and sometimes conflicting interests. The individual anthropologist must make carefully considered ethical choices and be prepared to make clear the assumptions, facts and issues on which those choices are based.

2. In all dealings with employers, persons hired to pursue anthropological research or apply anthropological knowledge should be honest about their qualifications, capabilities, and aims. Prior to making any professional commitments, they must review the purposes of prospective employers, taking into consideration the employer's past activities and future goals. In working for governmental agencies or private businesses, they should be especially careful not to promise or imply acceptance of conditions contrary to professional ethics or competing commitments.

3. Applied anthropologists, as any anthropologist, should be alert to the danger of compromising anthropological ethics as a condition for engaging in research or practice. They should also be alert to proper demands of hospitality, good citizenship and guest status. Proactive contribution and leadership in shaping public or private sector actions and policies may be as ethically justifiable as inaction, detachment, or noncooperation, depending on circumstances.

## VI. Epilogue

Anthropological research, teaching, and application, like any human actions, pose choices for which anthropologists individually and collectively bear ethical responsibility. Since anthropologists are members of a variety of groups and subject to a variety of ethical codes, choices must sometimes be made not only between the varied obligations presented in this code but also between those of this code and those incurred in other statuses or roles. This statement does not dictate choice or propose sanctions. Rather, it is designed to promote

discussion and provide general guidelines for ethically responsible decisions.

## VII. Acknowledgments

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***APPENDIX E: BUDGET***