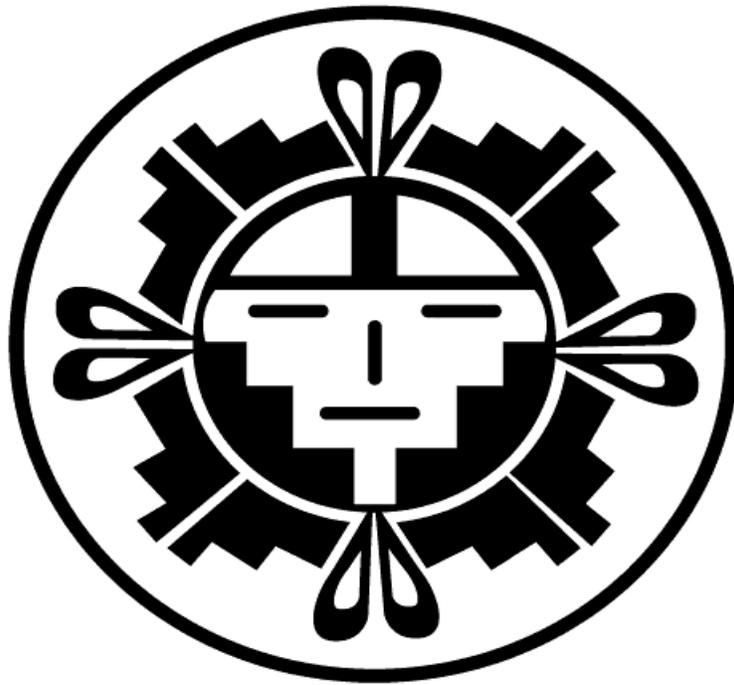


A GUIDE TO INTERNATIONAL REPATRIATION

Starting an Initiative in Your Community

Prepared by the
Association on American Indian Affairs



Honor Keeler (Cherokee Nation)
Director, International Repatriation Project, AAIA

With Contributions from:
Edward Halealoha Ayau (Native Hawaiian)
Hui Mālama I Nā Kūpuna O Hawai‘i Nei

AAIA International Repatriation Externs:
Alyssa Newswanger
Rachael Dickson

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Finally, the AAIA dedicates this publication to one of our Working Group members and another great leader and traditionalist in the Repatriation Movement who worked a lifetime in efforts for repatriation and to protect sacred places: Steve Brady, Sr. (*Northern Cheyenne*). We will miss and always remember him.

Introduction

Native American repatriation was once thought to be a human rights issue contained within the borders of the United States. However, as time progressed, and the full extent of the violations of Indigenous human rights have been uncovered, Native Nations and other Indigenous Peoples have increasingly found that their Ancestors, funerary objects, sacred objects, and objects of cultural patrimony have been moved across tribal and U.S. borders into international museums and the private art market. While the passing of such monumental legislation in the U.S. as the National Museum of the American Indian Act (NMAI Act) in 1989 and the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990 marked the beginning of public and U.S. Congressional acceptance of the moral, ethical, and human rights issues surrounding repatriation, this legislation is limited and only requires the Smithsonian Institution, federal agencies, and federally funded institutions to repatriate. Except in limited circumstances, such as when Ancestors or cultural items were removed from federal lands or lands held in trust by the United States after 1906 (and potentially earlier) or when any Ancestors or cultural items were transferred out of the possession or control of a federal agency or institution that received federal funds after 1990, the NMAI Act and the NAGPRA generally do not require international museums and the private art market to repatriate.

At the core of the repatriation human rights issue is free, prior, and informed consent—namely that Native American communities in the past and today have never given their consent for their Ancestral graves to be exhumed, robbed, and put on display or held within private or international collections. As Edward Halealoha Ayau has stated, “This is a family issue.” And, thus, at its very core, the necessity for international Indigenous repatriation is a human rights issue because our Ancestors are our family.

Non-Indigenous, international perspectives in repatriation are often similar to those prerogatives heard prior to the NMAI Act and NAGPRA in the United States. The word “repatriation” sometimes exudes unfounded fears among international museums, most especially about collection depletion and an unwillingness to let go of the “possibilities” for (ab)use that our Indigenous Ancestors may provide to science. Luckily, these fears have firm experience to allay the worries of international museums and the private art market. They have only to look at the United States, read about repatriation there, and speak to their colleagues and Native Nations to put these theories to rest.

The repatriation of Native American human remains, funerary objects, sacred objects and objects of cultural patrimony from federally funded repositories throughout the United States was initially feared among many U.S. museum professionals, as well. However, over the past twenty-five years, in general, a very small amount of any collection has ever been repatriated. In addition, a great deal of communication among Native American communities and museum professionals has led to better public education on Native American history and the items legitimately held by museums. These dialogues have opened the way for ongoing consultations and proper understandings of cultural protocols and led to mutual respect. The development of these relationships has also led to identifications of Native American Ancestors and cultural items that would otherwise remain unknown in collections.

Learning Native American histories from Indigenous perspectives and beyond some of the poorly-researched, dated conjecture and guesswork, upon which many museums had previously relied, has led to better understandings of legitimately held collections. In addition, what had previously been harmful education by museums that created myths about Native American communities, has been transformed into accurate exhibition presentations through partnership with Native American communities.

The NMAI Act and the NAGPRA are only the beginning of addressing the repatriation issue by the United States, and those who envisioned and took part in the Repatriation Movement to create these laws believed that future legislation would address the repatriation human rights issue in private collections, as well.

In the years since the 1990s, more information has also come to light regarding the full extent of the repatriation human rights issue. We are becoming increasingly aware that the need for repatriation reaches far beyond U.S. borders and into the international arena. European traders, anthropologists, scientists, explorers, armies, collectors and others traveled extensively throughout Native American communities both before and after the creation of the United States, taking items and Ancestors as they traveled. In addition, 19th and 20th century desires among museum professionals to increase breadth and depth of museum collections, resulted in a practice of exchange and trade across international borders of Native American Ancestors and cultural objects. Often, here in the United States, many of these collections have been recorded as “missing” or “exchanged” with extensive archival information remaining, while the Ancestors or cultural items themselves now-located in international collections are labeled as “unidentified” or “unknown.” Reuniting this provenience and archival information with the Ancestors or cultural items in international and private collections will help solidify international repatriation claims and help to bring Ancestors and cultural items home. This work is some of the work that the Working Group on International Repatriation and the AAIA International Repatriation Project undertakes in its research in partnership with Native Nations.

While much of this research and information can feel overwhelming initially, particularly due to how much many of our Native communities are stretched to capacity in staffing and financial resources, there are other Indigenous communities who have been engaged in the international repatriation process for many years and are willing to assist communities as mentors in this process. Also, as time progresses and a community adds to the body of information within their database, compiling claims will become easier. Much of the development of a database, research, and procedures for inquiring with museums is provided in this Guide. The International Repatriation Project, at the request of the Working Group on International Repatriation has also created a research database, which is available upon request to Native Nations.

Also, broad support that, arguably, creates international norms regarding international repatriation, has been established through the U.N. Declaration on the Rights of Indigenous Peoples (UNDRIP) among its endorsers (nearly 150 countries, including those in Europe, the United States, Canada, Australia, and New Zealand, as of 2014). In particular, Article 12 declares, “States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous Peoples concerned.” (UNDRIP Art. 12(2)). The UNDRIP can be used in repatriation efforts as a legal document supporting international repatriation. Another document recently adopted by consensus on September 22, 2014, which can be used in international repatriation is the Outcome Document of the High Level Plenary Meeting of the U.N. General Assembly Known as the World Conference on Indigenous Peoples (A/RES/69/2). Article 27 states, “We affirm and recognize the importance of indigenous peoples’ religious and cultural sites and of providing access to and repatriation of their ceremonial objects and human remains in accordance with the ends of the Declaration. We commit ourselves to developing, in conjunction with the indigenous peoples concerned, fair, transparent and effective mechanisms for access to and repatriation of ceremonial objects and human remains at the national and international levels.”

The Association on American Indian Affairs has composed the following International Repatriation Guide to assist communities seeking to start their own international repatriation efforts. Because international repatriations have often been long, difficult, emotionally trying and expensive endeavors, AAIA is attempting to respond with several initiatives, including this one, to assist Native communities. Our aspirational goals include continuing to research international collections to provide information to Native communities, to assist with the international repatriation process when requested, and to make inroads toward addressing this human rights issue nationally and internationally, as long as we are able.

Wado (thank you)!

Honor Keeler

Director, International Repatriation Project

CHAPTER 1

BACKGROUND



In This Chapter

- International Repatriation Basics
- NAGPRA and UNDRIP
- Sidebar: Comparison of Laws in the UK, France, and Germany
- What other agreements and policies can support our repatriation efforts?
- Who can request Indigenous ancestors or objects for repatriation?
- What will our international repatriation look like?
- International Repatriation Terminology
- What challenges might we face?

What is international repatriation?

International Repatriation is the return of Indigenous human remains,¹ funerary objects, sacred objects, and objects of cultural patrimony to Indigenous communities from museums or collections in another country or beyond tribal boundaries. It is within the rights of Indigenous Peoples to self-determination and, therefore, it is the right of Indigenous Peoples to be able to self-identify their Indigenous Ancestors, funerary objects, sacred objects, and objects of cultural patrimony.

How many Indigenous Ancestors and cultural items reside outside of U.S. borders?

It is roughly estimated that one to two million Indigenous Ancestors and cultural items exist outside of U.S. borders.²

Does the Native American Graves Protection and Repatriation Act cover international repatriation?

The Native American Graves Protection and Repatriation Act is a 1990 United States federal law that requires any institutions receiving federal funding to repatriate Native American Ancestors, funerary objects, sacred objects, and objects of cultural patrimony to lineal

¹ This Guide will often refer to Indigenous human remains as “Indigenous Ancestors” out of respect for the deeply held beliefs of many Native Americans.

² Resolution in Support of International Repatriation, *National Congress of American Indians*, October 21-26, 2012, Accessed August 2, 2014, <http://www.ncai.org/resources/resolutions/support-for-international-repatriation>

descendants, Indian tribes, and Native Hawaiian Organizations.³ Except in limited circumstances, NAGPRA does not reach beyond the borders of the United States. Today, communities should be aware that international museums and auction houses may not be well-versed in NAGPRA specifications, as this law has not been applied in their jurisdictions.

What policy covers international repatriation claims?

The **United Nations Declaration on the Rights of Indigenous Peoples** (often known as UNDRIP or simply, “The Declaration”) is comprised of forty-six articles that act as guidelines and customary law for countries to follow in matters relating to Indigenous Peoples.⁴ At its passage, it was signed by 143 countries; the four member states originally against the Declaration have now endorsed it. UNDRIP, developed in consultation with Indigenous Peoples, sets minimum standards to guide nation-states in acknowledging the past, addressing current human rights violations of Indigenous Peoples, and adopting legislation. In Articles 11 and 12, this Declaration most directly addresses the repatriation of Indigenous ancestors and cultural items on the international level.

“Indigenous Peoples have the right to manifest, practice, develop, and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.”

United Nations Declaration on the Rights of Indigenous Peoples, Sept. 13, 2007, Art. 12(1)

The UNDRIP affirms that Indigenous Peoples are covered by international law and enumerates a number of individual and collective human rights specific to Indigenous Peoples.¹ It is reflective of customary international laws, practices, current human rights laws, and changing international standards. “The UN Declaration on the Rights of Indigenous Peoples represents a definite change in the direction of history,” said Robert T. Coulter (Potawatomi), the President and Executive Director of the Indian Law Resource Center. “As incredible as it may seem, the Declaration is the first time in human history that Indigenous Peoples’ right to exist has been legally recognized. Indigenous Peoples are now accepted as a permanent part of the world community.”⁵

In addition to the UNDRIP, international repatriation was enumerated in Article 27 of the Outcome Document of the U.N. High-Level Plenary Meeting of the U.N. General Assembly Known as the World Conference on Indigenous Peoples in September of 2014. This article will

³ National NAGPRA, *National Park Service: U.S. Department of the Interior*, accessed August 2, 2014. <http://www.nps.gov/nagpra/MANDATES/25USC3001etseq.htm>

⁴ Declaration on the Rights of Indigenous Peoples. *United Nations Permanent Forum on Indigenous Issues*, accessed August 2, 2014. <http://undesadspd.org/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx>

⁵ United Nations Declaration on the Rights of Indigenous Peoples. *Indian Law Resource Center*, 2012, accessed August 2, 2014. http://www.indianlaw.org/sites/default/files/Declarations_Booklet_2012_LRSpreads.pdf

assist Indigenous Peoples with international repatriation claims, and help support international repatriation as an international customary norm.

“We affirm and recognize the importance of indigenous peoples’ religious and cultural sites and of providing access to and repatriation of their ceremonial objects and human remains in accordance with the ends of the Declaration. We commit ourselves to developing, in conjunction with the indigenous peoples concerned, fair, transparent and effective mechanisms for access to and repatriation of ceremonial objects and human remains at the national and international levels.”

Outcome Document of the High-Level Plenary Meeting of the U.N. General Assembly Known as the World Conference on Indigenous Peoples (A/RES/69/2), September 22, 2014, Art. 27

Native Nations within the United States have openly supported the UNDRIP and its implementation. The National Congress of American Indians (NCAI) passed a Resolution in Support of International Repatriation, which explicitly references the UNDRIP in engaging the international community in international repatriation.⁶ In 2014, the United South and Eastern Tribes, Inc. (USET), representing 26 member-tribes in the southern and eastern U.S., also passed an international repatriation resolution.⁷

The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 may also apply to your international repatriation. Read more on pages 13 and 15 for information about these conventions.⁸

⁶ Resolution in Support of International Repatriation, *National Congress of American Indians*, October 21-26, 2012, Accessed August 2, 2014. <http://www.ncai.org/resources/resolutions/support-for-international-repatriation>

⁷ See generally, *United South and Eastern Tribes Resolutions*, Culture & Heritage Committee. <http://www.usetinc.org/resources/resolutions/culture-heritage/>

⁸ You might ask, “What is the difference between a UN Declaration and a UN Convention?” Sadly, there’s no good answer, as the terms can mean different things in different documents. In the case of UNDRIP and the Conventions discussed in this handbook, however, these all refer to non-legally binding international instruments that may yet have legal impact on actions taken in signatory or endorsing countries. Definition of key terms used in the UN Treaty Collection, *United Nations Treaty Collection*, accessed August 2, 2014.

https://treaties.un.org/pages/Overview.aspx?path=overview/definition/page1_en.xml

The UK, France, and Germany have the largest amount of Native remains in Europe. Here's a look at some of their repatriation laws and recent repatriation efforts:

United Kingdom: Two UK laws have often been cited as relevant to Indigenous repatriation. The British Museum Act of 1963 states that the Trustees of the British Museum must keep the objects in its collection within its authorized repositories. However, trustees may remove an object if it is "unfit to be retained in the collections of the Museum." The Human Tissues Act requires the return of human remains dating from after 1904, but is otherwise discretionary. Several large repositories are excluded from this limited timeframe and may repatriate much older human remains at their discretion. While this leaves repatriation in the hands of the administrations of these museums, it also prevents museums from citing the British Museum Act of 1963 as legislation that prevents repatriation, as many had done in the past. Despite this, there have been varying results. In 2012, the British Museum refused a repatriation claim for two decorated "divining skulls," on the grounds that the skulls were possibly created for trade rather than burial. However, as one will read later, the Natural History Museum (London) has repatriated a number of Ancestors to a Native Hawaiian Organization, now that they are unencumbered by the perceived threat of the old British Museum Act of 1963.

France: The French Heritage Code prohibits museums from removing anything in their collections without permission from the government. The law even requires museums to first offer a work they wish to sell to the government before they can sell it anywhere else. For this reason, it is difficult to repatriate anything in a French museum. Individual laws had to be passed to allow the return of the remains of a woman who had been exhibited in a cage in the 1800s to South Africa in 2002 and for the repatriation of 16 Maori heads to New Zealand in 2011-2012.

Germany: Germany lacks any federal laws restricting museums from transferring remains or objects from their collections. However, some Germany states do require approval from the government prior to repatriation. Museums in Germany as a whole are becoming more cognizant of the ethical issues with holding human remains in collections; the German Museums Association recently released ethical guidelines on the issue. In 2013, the Museum of Medical History in Berlin returned 33 human remains to Australia and to tribes from northern Australia and Papua New Guinea.

What other agreements and policies can support our international repatriation efforts?

There are a number of other laws, agreements and policies that you can use as precedent for arguing for an international repatriation.

The Repatriation Agreement between Australia and the UK:

A 2000 agreement between the Prime Ministers of Australia and the United Kingdom supported collaborative efforts to achieve repatriation of Aboriginal human remains held in its museums.⁹ This agreement has led to a number of successful repatriations. Australia has been one of the leaders of international repatriation and has made domestic policy that firmly supports its Indigenous Peoples in their international repatriation efforts.

The Repatriation Agreement between France and Australia:

In November, 2014, an agreement was reached between France and Australia over the repatriation of Indigenous remains. Tony Abbott and Francois Hollande agreed to create a joint expert committee to identify Australian Indigenous remains, through the Ministry of Culture and the French National Museum of Natural History in France and the Ministry for the Arts and the Advisory Committee for Indigenous Repatriation.

Holocaust-era Stolen Art:

Though repatriation of Indigenous Ancestors and cultural items is still fairly new to many international museums, they may already be familiar with repatriation through efforts to reclaim Holocaust-era stolen art. During World War II, it is estimated that the Nazis confiscated between one fourth and one third of the total artworks in Europe.¹⁰ Around half of these looted artworks were never returned to their pre-war owners and were, in turn, looted, sold, or distributed around the world.¹¹ The opening of several classified governmental archives and the increased digitization of such archives led to a large increase in legal claims to recover WWII looted art beginning in the late 1980s. Numerous museums and collectors all over Europe and in the United States have surrendered Nazi-looted art to the heirs of the original owners. The policies and mechanisms for the return of stolen art to the descendants of Holocaust victims can serve as an example for Indigenous international repatriation. However, it should be noted that some countries have laws requiring the return of Holocaust-era stolen items, which is not the case for Indigenous Ancestors and cultural items.

⁹Honor Keeler. REPATRIATION SYMPOSIUM: Indigenous International Repatriation, 44 Ariz. St. L.J. 703, 707 (2012).

¹⁰David Wissbroecker, Six Klimts, a Picasso, & a Schiele: Recent Litigation Attempts to Recover Nazi Stolen Art, 14 DePaul-LCA J. Art & Ent. L. & Pol'y 39, 40 (2004).

¹¹Erin Thompson, Cultural Losses and Cultural Gains: Ethical Dilemmas in WWII-Looted Art Repatriation Claims Against Public Institutions, 33 Hastings Comm. & Ent. L.J. 407, 409 (2011).

Tribal Laws:

It may be helpful for Indigenous communities to pass their own international repatriation laws within their tribal governments. This will help fortify legal arguments and self-determine the future of Ancestors and cultural items according to the wishes of each Indigenous community. The Inter-Tribal Council of the Five Civilized Tribes passed a NAGPRA policy statement in 1998 which also supports efforts to spread knowledge and pass laws at the international level regarding repatriation.¹² Subsequently, in 2012, the Inter-Tribal Council of the Five Civilized Tribes passed a Resolution on International Repatriation.

International Repatriation Blog

A good resource, which includes several tribal and intertribal Resolutions on international repatriation, is the International Repatriation blog. In addition to providing helpful materials to Native Nations and museums to assist with international repatriation, the blog covers topics on Indigenous repatriation and events around the world. The International Repatriation blog is available at: <http://internationalrepatriation.wordpress.com/>.

Who can request Indigenous ancestors or objects for repatriation?

Though NAGPRA restricts claimants of human remains or cultural items objects to lineal descendants, Indian tribes or Native Hawaiian organizations that can demonstrate affiliation based on cultural affiliation or association with the land from which the items were removed, the lack of laws governing international repatriation may actually allow for a wider pool of potential claimants. Though tribes are often the default claimants, non-governmental tribal groups, such as the Wounded Knee Survivors' Association, a Lakota tribal organization, have successfully repatriated internationally.

Lineal descendants would actually have the strongest legal claim to Indigenous remains in an international museum at present. However, it may be difficult to prove that a person is a direct descendent, unless they present documentation of birth and death records.

What will our international repatriation look like?

Due to the differences among the laws of various countries and the administrative policies of individual museums, each repatriation claim will necessarily be unique. A museum might recognize the ethical arguments behind repatriation and still be concerned about legal roadblocks due to property or cultural heritage laws restricting its ability to remove specific objects from its collection.

¹² NAGPRA Policy Statement, *The Inter-Tribal Council of the Five Civilized Tribes*, accessed August 2, 2014. <http://www.moccasinbend.net/cita/slcmdc/5civilizedtribes-NAGPRA-1998.html>

However, one must remember that counter arguments exist that could sway a court, and Indigenous communities should not be afraid to use them. For instance, a museum might claim that because the Indigenous Ancestor or cultural item is located in its collection, the item automatically falls within the legal definition of the cultural heritage of that museum and, therefore, the cultural heritage of that country. Indigenous communities could argue in response that the museum has misinterpreted the legal definition of cultural heritage and that the cultural item should be returned because it falls outside the definition of the cultural heritage of that particular country.

In addition, many museums have not yet developed their own repatriation policies. Given the nascent nature of this issue, Indigenous communities may be able to influence the development of these policies. For example, several museums in Scotland have begun to develop international repatriation policies, largely in response to the large number of repatriations that have occurred to Indigenous Peoples in New Zealand and Australia. Members of the Cherokee Nation have visited the University of Aberdeen's Marischal Museum several times as part of an ongoing collaboration between the museum and the Cherokee Heritage Center in Tahlequah, Oklahoma.¹³

Some museums and museum groups have formed memoranda of understanding with Indigenous people.¹⁴ Professional museum organizations in some European countries have also begun to develop standards for repatriations. In 2013, the German Museums Association released *Recommendations on the Care For and Repatriation of Human Remains in Museums*.¹⁵ The Working Groups on Human Remains in both the UK and Scotland have also released recommendations.¹⁶ These guidelines demonstrate issues that museums might raise regarding repatriation and may be worth reviewing when filing a claim with museums. The AAlA recommends that museums lay down specific guidelines and criteria for the return of Indigenous Ancestors and cultural items in partnership with Indigenous Peoples.

What terminology might be used to refer to Indigenous Ancestors and cultural items within the international community?

During an international repatriation, the museums, Native Nations, and countries involved will likely use a variety of different terms used to describe the Indigenous Ancestors and cultural

¹³ Honor Keeler. REPATRIATION SYMPOSIUM: Indigenous International Repatriation, 44 Ariz. St. L.J. 703, 764 (2012).

¹⁴ Here's an example from the United States. History Colorado worked with the Colorado Commission on Indian Affairs and the two Ute tribes of Colorado to create a 1999 Memorandum of Understanding, which stated that the groups would work together to address the respectful treatment and repatriation of Indigenous human remains under the NAGPRA guidelines. Though the MOU was not legally binding, it acted as a milestone, leading to the groups working together to host a symposium on repatriation, the return of many Native remains, and the development of a process for re-interment of contested and unidentifiable remains. Cecily Harms, NOTE: NAGPRA IN COLORADO: A SUCCESS STORY, 83 U. Colo. L. Rev. 593, 625 (2012).

¹⁵ Recommendations for the Care of Human Remains in Museums and Collections. Point 4.5: Return, April 2013, accessed August 2, 2014. http://www.museumsbund.de/fileadmin/geschaefts/dokumente/Leitfaeden_und_anderes/2013_Recommen-dations_for_the_Care_of_Human_Remains.pdf

¹⁶ Guidelines for the Care of Human Remains in Scottish Museums, MGS: April 13, 2011. http://www.museumsbund.de/fileadmin/geschaefts/dokumente/Leitfaeden_und_anderes/Museum_Galleries_Scotland_Guidelines_for_the_Care_of_Human_Remains_in_Scottish_Museum_Collections_2011.pdf

objects at issue. Many of these terms are derived from legal texts and have specific meanings in that context.

In the U.S., the government and tribes use terms like “associated funerary objects,” “unassociated funerary objects,” “sacred objects,” and “cultural items,” which are given specific legal definitions by NAGPRA.¹⁷ Museums in other countries are generally unfamiliar with the legal definitions laid out by NAGPRA. Instead, they may use words like “cultural objects,” “cultural property,” “heritage,” or even “artifacts” or “specimens.” The items very well may be misidentified as “art,” “decorative objects,” or “crafts.”

The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict describes “cultural property” as movable or immovable property that is of great importance to the cultural heritage of every people.¹⁸ This can apply to religious or secular items, archaeological sites, works of art, and collections of scientific items or books. Most countries that a tribe will interact with during the repatriation process will be familiar with this general definition for cultural property.

¹⁷ “Cultural items” encompass all of the terms below in NAGPRA.

NAGPRA 25 U.S.C. § 3001(3)

(a) “human remains”

(b) “associated funerary objects” which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.

(c) “unassociated funerary objects” which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe

(d) “sacred objects” which shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents

(e) “cultural patrimony” which shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native

National NAGPRA, *National Park Service: U.S. Department of the Interior*, accessed August 2, 2014.

<http://www.nps.gov/nagpra/MANDATES/25USC3001etseq.htm>

¹⁸ Article 1. Definition of cultural property

For the purposes of the present Convention, the term ‘cultural property’ shall cover, irrespective of origin or ownership:

(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 . Article 1(a), accessed August 2, 2014. http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html.

Note: Some academics prefer to use the term “cultural heritage,” rather than “cultural property,” as the law of property does not adequately describe the special nature of cultural objects that are meant to be shared property or handed down through generations, rather than owned just by one person or sold.¹⁹ However, since “cultural property” is the term used in the Hague Convention, many museums are likely to continue using “cultural property” and “cultural heritage” interchangeably.

What challenges might we face while attempting international repatriation?

Repatriation of Indigenous Ancestors and cultural items, to date, has not been a simple or short process. Native Nations may be confronted by significant expenses, difficulties with transporting objects across borders, disrespect for traditions, stalling tactics, and demands made by museums that put the onus of repatriation upon tribes. Successful repatriations may take several years of research and negotiations (read more about the repatriation of *iwi kūpuna* to Hui Mālama that took 23 years to accomplish in chapter 2).

However, the more Native Nations engage in this process, the less difficult the process will become. Tribal members and members of the international museum community who have engaged in the international repatriation process have suggested steps to reduce these obstacles, many of which are discussed in this Guide. Over time, repatriation may help to educate museums as to proper respect for Indigenous cultures, and encourage a higher standard of ethics for private collectors.

We hope that this Guide will address some of the common issues with International Repatriation. Have you yet to receive any response from a museum about your repatriation request? Chapter 3 discusses a reasonable time frame for communication, and Chapter 5 points to several officials and agencies that Native Nations can contact for help in moving the process along. After a successful repatriation negotiation with a museum, a Native Nation will still have to determine how to transport Indigenous Ancestors or cultural objects into the United States. Chapter 5 addresses different options for transportation and also covers what restrictions might affect repatriation.

¹⁹ For example, traditional property rights in the United States encompass the right of an owner to give away an item, sell it, or even destroy it. These rights arguably should not apply to important cultural objects (like the Mona Lisa or sacred items) or human remains. Thus, the use of the term “property” doesn’t really adequately describe the objects which you would try to repatriate.

Laws to Know

Native American Graves Protection and Repatriation Act (NAGPRA) - 1990
<http://www.law.cornell.edu/uscode/text/25/chapter-32>

NAGPRA is a United States federal law which requires any federal agency and any institution that receive federal funding to return Native American remains, funerary objects, sacred objects, and objects of cultural patrimony to descendants and culturally affiliated Indian tribes and Native Hawaiian Organizations. Though NAGPRA only applies to institutions which fall under the control of the United States, it has been highly influential in the development of policies affecting international repatriation.

Tribes can point to what has happened in the past two decades under NAGPRA to negotiate with museums and soothe their fears. For example, some museums may fear that repatriation will result in the depletion of their entire collections. However, under NAGPRA, no museum has ever repatriated more than two percent of their collection. Repatriation in the United States has also greatly facilitated interaction among tribes and museums and improved the quality of information on tribes offered in collections.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) - 2007
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

UNDRIP sets minimum standards to guide nation-states in acknowledging the past, addressing current human rights violations of Indigenous Peoples, and adopting legislation. When trying to persuade museums to repatriate, tribes can use UNDRIP to illustrate the standard which the world currently uses in relation to Indigenous Peoples.

Outcome Document of the High-Level Plenary Meeting of the U.N. General Assembly Known as the World Conference on Indigenous Peoples (A/RES/69/2) 2014

The Outcome Document was adopted by consensus by the U.N. General Assembly. Article 27 specifically discusses repatriation of Indigenous human remains and ceremonial objects. Native Nations may also use this document when submitting a claim to repatriate, in order to highlight international customary norms regarding Indigenous Peoples and repatriation.

Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention) - 1950

<http://www.icrc.org/ihl/INTRO/400>

The Hague Convention requires signing countries to protect cultural property in wartime. It provides valuable definitions of cultural property and can serve as an example to point to during repatriation efforts. The Hague Convention could also be persuasive in the recovery of remains or cultural items taken from a battlefield or during a war, even though these likely predate its 1954 signing.

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property - 1970

http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html

This treaty specifically addresses the illicit trade in cultural objects. Tribes can use this to argue for the return of items that are known to be stolen or looted.

CHAPTER 2



FINDING ANCESTORS AND CULTURAL OBJECTS TO REPATRIATE

In this Chapter:

- How do I find Indigenous Ancestors and cultural objects to repatriate?
- What terms should be used to search online databases?
- Sidebar: Europeana Database
- How to create and maintain a database of research information
- Concerns about the Digitization of Collections
- How can we make the best use of our limited resources and move toward international repatriations?
- Success Story: The Return of Ancestors to the Salinan Tribe
- Experiences of Hui Mālama I Nā Kūpuna O Hawai‘i Nei in International Repatriation

Where do I start?

Your Indigenous community already has a wealth of information that could help with the repatriation process. Look through your records to see if you have any information on anthropologists or collectors that visited your community. Your elders may be able to remember events from their childhood. You can collect their stories by taking notes or using a video or sound recorder. This information may be useful in tracking down items in collection databases and in proving your claim to Indigenous ancestors or cultural objects.

Be careful though, when sharing such information with a museum; these stories and records could become public. If you do not want them to become public, state this in your conversations with the museum before divulging the information. Ask for any promise a museum makes you regarding privacy to be put in writing. Alternatively, you can redact information from transcriptions or edit recordings so that only the information your community is comfortable with sharing is actually shared, if an agreement with the museum about this can be reached.

How do I find Indigenous Ancestors and cultural objects to repatriate?

Many museums, particularly in Europe, are moving toward the digitization of their collections, which means that searching for Indigenous Ancestors and cultural objects from your community may be partially done online. However, keep in mind:

- Museums may not have all of their collections available online.
- Some museums may not have Ancestral remains listed online.
- Not all museums can afford to digitize their collections.

Because all of the collections may not be listed online, it will be important to follow up with the museum later to make sure that you have a full listing. This should also include a list of unidentified human remains and cultural items, as these may be identified through research at a later date.

What terms should be used to search online databases?

Determine the word used for Native American within the Search Engine. Because the countries within Europe are also comprised of several different language groups, there are different words used within their languages to specify Native Americans. These are some suggestions to get you started, however, there are many more than the suggestions made here. When searching an online database, make a list of these terms, date your searches, and keep copies (this may be done by saving them as a .pdf document).

Language	Translation	Translation 2	Translation 3	Translation 4
English	<i>Native American</i>	<i>American Indian</i>	<i>United States</i>	<i>North America</i>
Spanish	<i>Nativo Americanos</i>	<i>Indios</i>	<i>Estados Unidos</i>	<i>América del Norte</i>
German	<i>Indianer</i>	<i>Indianer</i>	<i>Die Vereinigten Staaten</i>	<i>Nordamerika</i>
French	<i>Américain natal</i>	<i>Indien</i>	<i>Les états-Unis</i>	<i>L'Amérique du Nord</i>
Swedish	<i>Native American</i>	<i>Amerikan Indian (also referred to as American Indian)</i>	<i>USA</i>	<i>Nordamerika</i>
Danish	<i>Indiansk</i>	<i>American Indian</i>	<i>USA</i>	<i>Nordamerika</i>
Irish Gaelic	<i>American dúchais</i>	<i>American Indiach</i>	<i>Stáit Aontaithe</i>	<i>Meiriceá Thuaidh</i>
Portuguese	<i>Nativo Americano</i>	<i>Indios Americanos</i>	<i>Estados Unidos</i>	<i>América do Norte</i>
Galician (Northern Portugal)	<i>Nativos Americanos</i>	<i>Indios Americanos</i>	<i>Estados Unidos</i>	<i>América</i>
Norwegian	<i>Indianere</i>	<i>American Indian</i>	<i>USA</i>	<i>Nord-Amerika</i>
Dutch	<i>Native American</i>	<i>American Indian</i>	<i>Verenigde Staten van Amerika</i>	<i>Noord-Amerika</i>
Italian	<i>Nativo Americano</i>	<i>American Indian</i>	<i>Stati Uniti</i>	<i>Nord America</i>

Widen your search terms. Museums often group Native American collections according to regions. Generally, these regions follow anthropological groupings, such as: Eastern Woodlands, Plains, Southeast, Southwest, California, Plateau (and Basin), Northwest, Subarctic, Arctic, or Northeast.

Sometimes, the easiest way to find more collections from your community is to search by a collector or donor. Once your search has begun, you may come across Ancestral remains or cultural items from your community. Be sure to note any associated donors and collectors. You may be able to search by the collector or donor and find additional Ancestral remains and cultural items collected or donated by this person. You may find that some of the cultural items or Ancestral remains have been “misidentified” or are marked “unidentified.”

Search the Archives. If you can obtain access to a museum’s online or physical archives, you may be able to find more evidence connected to the remains or objects you are trying to repatriate. Archival research (e.g. papers, films, other documents) can provide more information about the origins of the item. Such evidence may be key to proving the connection between unidentified Ancestors or cultural objects and your communities. For instance, this research may reveal when a collector came to the United States, what excavation a collector may have been affiliated with, what trading company a collector belonged to, or what gallery (former or present-day) was interested in collecting ancestral remains or cultural items from your community. The archives may not necessarily be located at the museum in which the Ancestors or cultural items are held. Remember to note any prior museums or collections, as the archives pertaining to these items and Ancestors that may assist with claims, may be located in that prior museum, or in another country altogether.

Europeana Database

Europeana (europeana.eu) is an online database of items held in the collections of museums and archives all over Europe. It currently has over 30 million digital items in the form of images, sound, and video in 29 European languages. Items are continuously being added. This may be a new resource for tracking down Indigenous Ancestors and cultural objects to specific repositories. It is unclear as of yet how Europeana treats the posting of sensitive material, such as photographs of human remains.

How should I keep track of the information I have found?

Create a Database. There are several types of spreadsheet applications that can assist you in your repatriation research. Microsoft® Access or Microsoft® Excel are great, inexpensive options. In the past, AAIA has created separate spreadsheets for each repository and included all of this information in a large spreadsheet to make searches easier.

You may also consider purchasing a database management system such as those used by museums and research institutions. However, these systems can cost several thousand dollars.

Information you might want to track:

- Museum Name
- Museum Contact Name
- Museum Contact Information
- Photograph(s) (If there are photos of the item, save copies and note in your spreadsheet where you have the file or hardcopy stored).
- Associated Native Community (or Region or Unidentified)
- Ancestral Remains or Cultural Object Name (as identified within the museum)
- Ancestral Remains or Cultural Object Name (as identified by your tribe)
- Collection Number within the Museum
- Alternative Collection Number within the Museum (or past collection number at other museums that still may be noted)
- Year Accessioned into Museum
- Date of Object/Date When Collected
- Original Collector
- Information about Original Collector
- Donors/Museums (The object may have passed through several owners or museums throughout its history. The ownership history is often called the object's "provenance" (or "provenience") by museums. Knowing this information can be very important for tracking items and proving a repatriation claim.)
- Donor to Current Museum
- Additional Information (e.g. archival information)
- Notes (may include connections with other museums)

Keeping a database up-to-date is important. A database is a great reference tool to use throughout the repatriation process. Make sure to back things up with an external hard drive or other means on a weekly basis so that if something happens to a computer, your work is not all lost. You can also find online back-up services that automatically back up your drive on a certain interval, such as daily or weekly.

If your drive does crash without a backup, you may be able to recover the information through a specialized service, but these recovery services can be expensive. It is better to avoid the problem altogether.

Note the Dates of Your Research. This may become important later on for repatriation claims. It is always good to note the dates you performed your research. One never knows when something may suddenly disappear from access on the internet.

Create Copies. Once you find an object, take a screenshot on your computer. This will save all visible information on the screen at the time, including any photos and textual details.

Saving Electronic Files

You can do this on a PC by pressing PrtScr on your keyboard, opening the program Paint and pasting the resulting screenshot, and then saving the file to your computer. On a Mac, you can press Command-Shift-3 to take a screenshot, which will save automatically to your desktop. Saving a screenshot will also record the date and time that you got this information from the website, which can be especially helpful if the museum takes the information off line. In addition, some web browsers have the option to save pages in .pdf.

If you have a printer, it is also a good idea to print out copies of these screenshots and keep them in a separate folder.

Recognize Patterns. As your research progresses, patterns may emerge. For instance, you may be able to identify specific individuals who collected from your community during certain years. That individual's name may then be used as a search term at another institution to help identify unidentified ancestral remains and cultural objects. The years in which an Ancestors or cultural item was collected may lead you to certain individuals who came to your community then. This, in turn, may lead you to an archive about that individual, which could uncover the identification of an Ancestors or cultural item.

It may be useful to keep a separate database noting these patterns as you discover them. These terms may include:

- Archives
- Donors
- Collectors
- Galleries
- Years Collected
- Prior Museums (For instance, a museum that once held the collection that no longer exists may have divided its collections among several museums. Noting prior museums may also help to identify museums in the United States that “exchanged” collections with the European institution.)
- Consistent “misidentifications”
- Whether ancestral remains or cultural objects have been listed as “exchanged”
- A large number of “unidentified” ancestral remains or cultural objects within a collection

It may also be helpful to collect information on past Indigenous Ancestors and cultural items, as many exchanges have occurred among museums and collectors, both in the U.S. and abroad. Such information might be helpful in claims and identifying unidentified Ancestors and cultural items.

Concerns about the Digitization of Collections

The digitization of Indigenous Ancestral remains and cultural objects in the form of online databases raises many objections among some Indigenous communities. These communities object to the continued exploitation of Indigenous cultures by the posting of possibly sensitive cultural and religious information online without consent. The posting of photographs of human remains taken from graves online is often recognized as inappropriate, but many sacred items in collections were also never intended to be seen by anyone except select members of the tribe, and especially not anyone outside of the community. These are important objections that museums and private collectors should respect. Even textual descriptions of objects may be offensive due to either the private nature of the information or the inaccuracy of the details provided about a sacred object.

The placement of collection information online, when done according to proper Indigenous protocols, could also be helpful for both tribes and museums involved in repatriation efforts. Many international museums wishing to repatriate do not know how to contact Native American communities and, conversely, many communities do not know that their ancestral remains and cultural objects exist in an international museum. Some repositories have responded by creating separate lists of human remains, posted without photographs.

If you see photographs of Ancestral remains and cultural objects displayed online that you would like taken down, contact the museum. Keep physical copies on file of the request and any response received from the museum.

How can we make the best use of our limited resources and move toward international repatriations?

International repatriation will take a large amount of research. Involving other community members in these efforts may prove helpful. High school and college students may be able to assist with research and building databases in return for class credit or volunteer hours. Students may also be helpful in collecting oral histories and testimonies from community members about past excavations and collectors coming into the community. This work can also encourage students in the tribe to take more of an interest in the community and educate students from outside the tribe in Native American issues.

Collecting Oral Histories

A helpful article to start collecting oral history projects in your community is "Time Bomb: Recording Native Oral History Before Its Too Late" by Dennis Zotigh, which is available on the Smithsonian NMAI blog at: <http://blog.nmai.si.edu/main/2011/02/time-bomb-recording-native-oral-history-before-its-too-late.html>.

Students with international language skills may also help with translation of documents and communicating with the museums. If you reach out to history, art history, or foreign language teachers at your local schools, you might be able to get their help in starting your own student volunteer or internship program.

It may also be beneficial for you to reach out to AAIA's Indigenous Community Network. The Network consists of Indigenous peoples around the world working toward international repatriation of their Ancestors and cultural items. It will be useful for making allies in other Indigenous communities who may have already worked with repositories in the country you are

Success Story: The Return of Ancestors to the Salinan Tribe

Some museums have taken steps to return remains on their own. The medical school at the University of Birmingham in the UK has worked to contact several groups associated with remains in its collection. In this case, the time from the school's first contact with the tribe to the repatriation was only about a year. The relatively short time that this repatriation took from start to completion contrasts with Hui Mālama's 23-year repatriation, discussed on the next page.

In May 2012, a professor from the medical school personally brought seven Ancestors on a flight and returned them to the Salinan tribe of California. The University also took care of paperwork and funded the repatriation. The Ancestors were identified upon examination by an anthropologist; no DNA or other testing was performed.

John Burch, a spiritual leader of the Salinan tribe, led a reburial ceremony. "They didn't volunteer to leave the U.S.," Burch said to the Los Angeles Times in a May 20, 2012 article, "They were kidnapped, and now they're home."

trying to repatriate from. They may also be able to assist you with advice for improving your own research.

Case Study: Bringing *Iwi Kūpuna* Home to Hawai‘i

In 1989, lawyer and Hui Mālama leader Edward Halealoha Ayau asked the staff at the Bishop Museum in Hawai‘i about the location of *iwi kūpuna* (ancestral remains) disinterred from dunes at Honoka-hua, Maui. The museum informed him that the *kūpuna* had been given to an ethnographic museum in Kent, England, that has since closed. This started Ayau on a 23-year journey to recover the *Mo‘omomi kūpuna*. Ayau wrote a form letter to send to 200 institutions around the world, inquiring about Native Hawaiian Ancestors; the chair of the department of land and natural resources for Hawai‘i signed it. Shortly after, the British Natural History Museum sent them a two paragraph letter saying that the museum had about 140 registered items from Hawai‘i, mostly crania, and would release information about the items only to “bona fide scientific research workers.”

A year or two later, Ayau’s *kumu*, or cultural teacher, Edward Kanahale recruited a community college student going on a trip to London to visit the museum and find the *kūpuna*. With the help of a friend, the student found the records applying to the *kūpuna* and managed to hand copy the register. The record showed that the museum possessed 149 Hawaiian “specimens.”

Armed with the information, Ayau wrote a letter to the museum, citing law that concluded a human body, even a deceased one, cannot be owned by another. The Natural History Museum denied the request, noting that it was precluded from giving back the items by the British Museum Act of 1963 (although under this Act, museum staff could remove an item from a collection if it was “unfit to be retained” and doing so would not harm student interests).

For years, Ayau would write repatriation requests to the museum every 6-8 months, including letters, e-mails, and at least four major proposals. In that time, he also wrote to the UK Prime Minister, the British Secretary of State, and the cultural division of the British embassy in Washington, DC. Senator Daniel Inouye specifically wrote a letter of support for the repatriation of the remains. In 1999, Ayau traveled to the museum with Kūnani Nihipali (Hui Mālama’s leader) and Nihipali’s wife Ipō. They met with museum leadership, who stated they would stop doing any research with the *kūpuna* and would amend museum policy so that Hui Mālama could visit the *kūpuna*. The Hawaiians were not allowed to see the *kūpuna* on that trip, but with the help of a museum official, found a door in the direction of the *kūpuna* and offered *pule* (prayers, blessing).

Eventually, Hui Mālama presented testimony to the British Working Group for Human Remains. The report of this group led directly to the passing of the 2004 Human Tissues Act, which allows specific institutions, including the Natural History Museum (London) “to transfer human remains from their collection if it appears appropriate to do so for any reason.” After this, the Natural History Museum (London) finally sent archival research to Ayau which confirmed that they possessed some of the collection originating from the Bishop Museum.

The Museum trustees finally authorized the permanent release of 145 *iwi kūpuna* for repatriation in November 2012. The *kūpuna* came home in August 2013 and they were reburied on their respective islands of origin, beginning with Mo‘omomi, Molokai. The documentary *Ka Hoina: Going Home* is about this international repatriation and may be viewed at: <http://vimeo.com/114712444>.

Experiences of Hui Mālama in International Repatriation

Edward Halealoha Ayau, Director of Hui Mālama I Nā Kūpuna O Hawai'i Nei, has been heavily involved in international repatriation work for his Native Hawaiian communities. In one case, Hui Mālama worked to repatriate kūpuna from a museum in the UK for 23 years. Here, he reflects on his experiences:

The repatriation efforts on the international level by Hui Mālama I Nā Kūpuna O Hawai'i Nei is a direct result of the level of training we received from our *kumu* (cultural teachers) Edward and Pualani Kanahale, who founded the organization. Our experiences over the past 25 years have taught us many things. The most important is that in order to deal with whatever awaits you with regard to the *kuleana* (duty; responsibility; privilege) of retrieving the ancestors and their possession and returning them to their one *hānau* (birth sands), is that you must have a very clear and strong understanding of your native identity and cultural values. As long as this aspect is strong and the commitment and focus to repatriate is present, the ability to be successful significantly increases.

Some lessons we have learned along the way include the following:

- 1. Initiate the Search:** If you are serious about returning your ancestors, then dedicate yourselves to finding them. Museums are not going to do so either because it is not a priority to them or because they don't know whom to contact. Conduct on-line searches, write to institutions inquiring about whether their collections include your ancestors, follow up with emails and phone calls.
- 2. Develop Partnerships:** Find those organizations, agencies or individuals willing to support the effort including US Embassies near the location of the museum suspected of having your ancestor's remains and/or possessions. Our partnership with the Office of Hawaiian Affairs and with Four Directions UK (David Meanwell) has led to give successful repatriations within 4 years in the United Kingdom.
- 3. Strength Through Humility:** We prefer to project strength, patience, professionalism and courtesy. Taking an aggressive approach won't work where there is no leverage: either legal, moral or political. We communicate to museums that our request for repatriation is not so much a matter of legal right, but a matter of cultural duty and that the duty only belongs to us. Ergo, we need them to support our efforts to be responsible living descendants that are providing requisite care to the ancestors which only we know how to do. We emphasize that these are family matters and that we would like the museum to produce documentation that the families of these individuals consented to the taking of their son, daughter, father, mother, grandmother, grandfather, etc. Absent such consent, we deemed the acquisition of the remains to be flawed which can only be corrected by returning them to their people. We explain why culturally and spiritually this is extremely important. This is not to say that we won't get aggressive, but only in a manner in which strength is projected firmly and respectfully.

4. **Focus on the Kūpuna (Ancestors):** We were trained to “keep your eye on the prize” which means this is about how best to achieve repatriation and reburial, nothing else. So, if any one of us is inserting his/her personal agenda that negatively impacts the ability to be successful in bringing them home, then he/she must stand down. Maintaining a *pono* (righteous) perspective is required. Don’t let them see that they rattled your cage; practice discipline in thought, word and deed. Self-regulation is practiced. We also constantly assess situations to determine how best to approach them and also do post repatriation assessments to determine if we could have conducted ourselves differently and in a more effective manner so that with each completed repatriation, we elevate the level of our understanding. This allows each successive repatriation to be conducted at a higher level than the previous one.

5. **Be Cultural Practitioners:** Because our training took place over 20 years ago, we try to figure things out ourselves without having to burden our *kumu* (cultural teachers) with the challenges that we are facing. So, we only consult them when facing complex issues. Our *kumu* did not teach us how to repatriate; we taught ourselves by using our acquired skills in the law, through common sense taught to us by our parents, and our own instincts. Our *kumu* provided us the cultural and spiritual tools to be effective in the Hawaiian spiritual realm, with the main tool of course being *pule* (prayer).

We are successful because we are not practicing Christians. Our spirituality is completely traditional because the ancestors we are seeking to support are pre-Christian in their own spirituality and we need to be able to connect with them without any confusion. We call upon the ancestors to help us to help them and thereby make the ancestors become part of their own rescue. Without the ancestors help, we do not believe we would be successful. Their ability to affect the spiritual side is imperative to overcome the myriad of challenges we face. We recognize that each native society has its own way and if Christianity is the spiritual foundation than so be it. For Hui Mālama I Nā Kūpuna O Hawai‘i Nei, we have found that maintaining a traditional spiritual approach is a key element in our success in repatriation and reburial on the national and international levels.

~ Edward Halealoha Ayau, Executive Director
Hui Mālama I Nā Kūpuna O Hawai‘i Nei

CHAPTER 3

CONTACTING AND CONSULTING WITH MUSEUMS



In this Chapter:

- How to contact museums in other countries
- Sample Inquiry Letter
- What if the museum does not respond or refuses to provide further information?
- What if museums claim they do not have the objects we think they have?
- Case Study: Fighting the Auction of Hopi Katsinam in France
- International Consultations: Virtual and In-Person
- Opportunities for Inter-Tribal Cooperation
- Case Study: Bringing a Ghost Dance Shirt Home
- AAIA Resources

How should we contact museums in other countries about researching Native American collections?

An online database may not be representative of an entire collection. Once your preliminary online research has been completed, it is important to contact the museum to request a full listing of Native American collections (inclusive of community-origin specific collections, regional collections e.g. Eastern Woodlands, ancestral remains, and cultural objects), as well as a full listing of “unidentified” human remains.

The request should be sent on official letterhead, either of your tribe or Native Hawaiian Organization, through email and through the postal system to the repository. You can view our sample inquiry letter in this chapter for an example of how to format such a document.

When you send your request electronically, be sure to send requests on official letterhead as a .pdf file; otherwise, your recipients may be able to access your prior versions of the document through the metadata. Metadata is data that may not necessarily show up on the printable version of your document (such as in Microsoft® Word), but can be accessed by others to reveal information, such as prior versions of the document, edits made, and all prior authors of the document. While most programs have features that will erase this metadata, it can be complex to find. Converting your document to .pdf will ensure that the data has been properly erased. Record the day you sent the email and keep a copy in a file about the repository.

After sending the e-mail, send the same letter through the postal system. Record a copy of what was sent through the mail and the day on which it was sent. Keep a copy in a file. Add any responses to your email or mail to the file and note the day on which it was received within the same file. Maintaining a paper trail of requests sent to repositories will be important later when you may decide to make a repatriation claim.

How long should we wait for a response?

AAIA suggests a three month allowance for response to initial inquiries.

What if the museum does not respond or refuses to provide further information?

If the repository has not responded, first, re-send the letter through email and the postal system. If the museum still does not reply or refuses to provide you with information, it is time to get some help.

Reach out to the government, museums, and Indigenous advocates:

First, you can reach out to the government of the United States or other countries for help (See the contact list for you in Appendix 1 on page 38).

- Contact your Senators and Representatives. Send them a copy of your initial inquiry letter and any tribal Resolutions that support international repatriation. You will need to explain the issue and request a letter of support.
- Tribes can also turn to the U.S. State Department for help with communication among contacts, the tribes and international countries or entities.
- The U.S. embassy in the source country or the source country's embassy here may also be able to assist. This will open up lines of communications with individuals who know the laws and regulations of that country better than anyone else.

Look into whether the museum is privately or publicly owned. In Europe, many museum buildings and collections are owned by national and local governments. In this case, you should also communicate your repatriation request to the government with control of the items. For instance, the 1999 repatriation of a Ghost Dance Shirt held in the collection of Kelvingrove Museum was negotiated through the Glasgow City Council.²⁰

Museums may also be able to assist. The Smithsonian National Museum of the American Indian (NMAI) may be able to provide you with an introduction to a museum in another country, if they have a contact in that country. The NMAI will likely require a letter on tribal letterhead, stating the specifics of the issue and the request for introduction to the institution. Such requests may be directed to the Repatriation Office. If there is a local museum that your community has a good relationship with, ask them for a letter of support, as well. Keep track of all of the inquiries sent

²⁰ Select Committee on Culture, Media and Sport, Minutes of Evidence, Memorandum submitted by Glasgow City Council, April 2000, last visited July 16, 2014, <http://www.publications.parliament.uk/pa/cm199900/cmselect/cmcumeds/371/0051808.htm>.

to the museum, those contacted for support, and letters of support received, including the dates they were sent and whether you have received a response.

Indigenous advocates may already be active in the country from which you are trying to repatriate. Other non-profits are hard at work representing Indigenous Peoples, just as AAIA does in the U.S.; Four Directions UK; Survival International in London works with people from all over the world, and you may have heard of them from their recent work fighting the sale of sacred Hopi Katsinam in French auction houses (Read more about this issue on page 31. If there are other countries, such as Australia or New Zealand, that are working on repatriation in the country, they may have an office there. Any of these groups should be able to assist you with contacting museums and may be able to answer other questions you may have about repatriation from that country.

Telling the media and the local community about your cause:

The power of the media may also be helpful with persuading difficult museums to work with you. Reach out to local and national newspapers, along with prominent blogs and newsmakers on Twitter, to get your story and viewpoint out to the public. You can write your own blog posts on the subject and use social media such as Facebook or YouTube to drum up support for your cause. The museum may respond to avoid further bad publicity.

It also may be beneficial to engage the local community where the museum is located, particularly if a museum or the government is unwilling to respond to your requests. Local communities have been instrumental in putting pressure on institutions to return items in some cases.

Sample Inquiry Letter

[On Letterhead]

[Enter Date]

[Name of Native Community]
[Name of Tribal Leader]
[Full Address]
[Phone Number]
[Email Address]

[Dr./Mr./Ms.] [Contact Name]
[Title]
[International Museum]
[Full Address]

Dear Dr. Maria Museum,

The [name of tribe/community] officially requests information pertaining to human remains and other cultural objects within your collections that have been obtained from our communities. Specifically, we would like a listing and any other information available including archival information of human remains and other cultural objects originating from: 1) the [name of culture/tribe/community]; 2) the [e.g. Eastern Woodlands] region; 3) [name current and past places where you have resided, e.g. Indian Territory, Oklahoma, Tennessee, Georgia, Alabama, North Carolina, South Carolina, and Virginia]. We also request a listing of “unidentified” human remains within your collection.

[If you have found ancestral remains or cultural items that you would like more information about, list that here.] While researching your collections online, we have identified [enter what has been identified, e.g. two (2) ancestral remains] from [enter name of tribe/community]. We request additional information on these [individuals/cultural items], including collection date, origin, collector (and any information about the collector), whether the ancestral remains have been located in other collections, and any other information associated with them.

The [name of tribe/community] looks forward to working together on this study and we hope to continue building relationships with the [insert name of repository]. In addition, we would like a copy of any repatriation policy that the repository has instituted.

Best regards,

[Signature]
[Printed Name of Tribal Leader]

[Note: If a tribal resolution has been passed, mention it in the letter and include a copy].

What if museums claim that they do not have the remains or objects we think they have?

It is important to remain persistent in international repatriation efforts. An initial, “We don’t have your tribes’ human remains” may not actually be true—though the reason may be due to misidentification or lack of identifying characteristics rather than malice. Don’t be discouraged by an initial negative answer; ask to see a list of the collections. Even if an object does not become immediately apparent as originating from your tribe, it may in the future. Familiarize yourself with both the administrative structure of the museum and the likely process by which an international repatriation would occur.

As our communities work with international institutions and the lines of communications among international repositories and Native American communities develop, more opportunities will emerge to build lasting relationships with other repositories. The international museum community is a small one; curators and officials of one museum may become advocates overseas and help communities investigate collections in other repositories. In addition, as time progresses, archives related to donors or collectors of unidentified Ancestors or cultural items may eventually help to make an identification.

Case Study

Fighting the Auction of Hopi Katsinam in France

Two French Auction Houses put a total of 123 Hopi *Katsinam* on sale in April 2013, December 2013, and June 2014. The Hopi believe that the *Katsinam* are living entities with divine spirits; collection, display or use of the *Katsinam* outside of ceremonies is sacrilege. London-based Indigenous rights organization Survival International retained French Counsel to argue in court against the sale of the *Katsinam* before each auction. The French courts consistently ruled against Native interests and for the auction houses. The negative publicity inspired the Annenberg Foundation to anonymously purchase 21 *Katsinam* at the December 2013 auction and return them to the Hopi Tribe. By the time the June, 2014 auction occurred, enough negative publicity had occurred that only 9 of the 29 masks on sale were sold. We can hope the decreased demand for the *Katsinam* demonstrated by this last sale will discourage future auctions.

The efforts to fight the sales of Hopi *Katsinam* by French auction houses illustrate several techniques suggested by this Guide for rallying support for your cause.

Reach Out to Indigenous Advocates: Survival International found the non-profit Lawyers for Civil Rights in France and obtained counsel through that group. A French court ruled that Survival International had standing to challenge the sale of the *Katsinam* due to its mission statement of protecting Indigenous rights. Though the Hopi Tribe was shut out of the case on other procedural issues, they could still have a voice through the non-profit's case.

Recruit Allies: French counsel Pierre Servan-Schreiber had never dealt with Native issues before taking on the case representing Survival International and the Hopi Tribe by proxy. He has now represented the group in three hearings challenging the auctions. He bought a *Katsina* of his own volition and personally returned it to the tribe. He also assisted in the anonymous effort by the Annenberg Foundation to purchase *Katsinam* and return them to the Tribe.

Ask the Government for Help: The US embassy in France attempted to intervene in the sales. The UNESCO ambassador also condemned the auctions. Though their efforts were ultimately unsuccessful in stopping the auctions, they increased pressure on the government and on potential purchasers.

Inform the Media: Media reporting of the auctions worldwide almost certainly affected the demand for the *Katsinam*. However, the coverage also illustrates some of the issues tribes might face in keeping sacred issues private. The Associated Press chose not to publish images of the *Katsinam* out of respect for the Hopi belief that such a display was sacrilege. Several other media outlets, including the Los Angeles Times and the New York Times, did use photos of the *Katsinam* in their coverage.

The museum staff has responded to our inquiries and confirmed they have the remains or object we would like to repatriate. What do we do now?

Once you have made contact with a museum, the next step is to set up a consultation to observe and discuss the remains or objects at issue. Though an entire repatriation could conceivably be negotiated through e-mail or letters, speaking directly to the museum staff will both speed up the process and allow you to make the case for repatriation personally.

Virtual Consultations

A virtual consultation can be an ideal way to engage with museum curatorial staff without spending a large amount of money. Using Skype (available for free online for use with a phone or a computer) or a similar video phone software (numerous video chat apps are available for smartphones), Indigenous communities can speak face-to-face with curators about the requested repatriation. A curator with a webcam can even directly show the items at issue through video to the tribal representative.

You may have to suggest a virtual consultation to the museum as you correspond about the repatriation; museums may not have used this method of consultation before.

In-Person Consultations

In-person consultations may be very expensive, but offer advantages that a virtual consultation cannot. First, you will be able to examine the remains or object up close. This can help with further identification of the item while avoiding concerns about taking photos or videos of remains or sacred objects. You will also be able to take stock of the condition of the object, which can help you determine the best way to transport it back to the United States.

Visiting a museum can also give you a better idea of the institution's resources and level of education on Native American issues. There may be opportunities for your tribe to offer assistance with improving Native American exhibits with your cultural knowledge, including introductions to contemporary artists from your community. Such exchange of knowledge and resources can establish a friendly relationship with the institution and ease the way for future repatriation efforts. For example, after the Curator of the Museum of Western Colorado repatriated a beaded vest and a buckskin dress to the Northern Ute of his state, the tribe donated new beaded items to the museum.²¹ "Everybody benefits when we return items and receive valuable information back," Curator David Bailey stated. "I would rather have a dialogue and exchange with living Indians to gain their respect and insight into our collections."

Opportunities for Inter-Tribal Cooperation

AAIA's Indigenous Community Network may help tribes to work together to reduce costs for multiple repatriations. In some cases, particularly with large museums, a consultation with

²¹ Cecily Harms, NOTE: NAGPRA IN COLORADO: A SUCCESS STORY, 83 U. Colo. L. Rev. 593, 621 (2012).

representatives from several Indigenous communities may be an efficient and cost-saving method of repatriating objects of varied origins from a collection. These representatives may participate in a joint video chat, or may come to the museum together to view the objects. The input of multiple Indigenous communities may also encourage institutions to develop formal international repatriation policies for the future. Other Indigenous communities outside of the U.S. within the Indigenous Community Network may also have suggestions for inexpensive ways to travel, places to stay, and other information.

You can also reach out to the Working Group on International Repatriation. This is a group of tribes, Indigenous Peoples, traditionalists, and others working together to address issues surrounding international repatriation, including the repatriation of Ancestors and cultural items. For more information, contact AAIA.

Case Study

Bringing a Ghost Dance Shirt Home

After four years of negotiations, the Glasgow City Council gave back a Ghost Dance shirt to the Lakota people of South Dakota in 1999. The shirt was taken from a victim of the massacre at Wounded Knee in 1890.

The Scottish Community of Lewis gathered support for the effort. Holding numerous community events, they helped raise money for Marcella LeBeau (Lakota) and other Lakota representatives to visit Scotland for a consultation at the museum. The community also wrote many letters to the Glasgow City Council and to local newspapers urging for the Ghost Shirt to be returned.

Marcella LeBeau, the secretary of The Wounded Knee Association who led the repatriation effort, made and presented Glasgow City Council with a replica Ghost Dance shirt to replace the original in the museum's collection. "This will bring about a sense of closure to a sad and horrible event," LeBeau said. "Now healing can begin." A Glasgow City Council member presented the Ghost Dance shirt to a descendent in the repatriation ceremony by the Wounded Knee mass grave in South Dakota; the ceremony was accompanied by bagpipes. The Ghost Dance shirt was held at a state museum until the Lakota were able to build a museum of their own to house it, as per the early agreement reached with the Museum.

This community-to-community assistance is exemplary of how international repatriation could occur. The Kelvingrove Museum (Museums Glasgow) is now seeking to notify Native American communities of ancestral remains and cultural objects within their collections. In addition, they have set aside a limited access area for community members to attend to sacred items, ancestral remains and other cultural items.

AAIA Resources

The Indigenous Community Network

AAIA and Indigenous Peoples in Australia and New Zealand are working to create an Indigenous Community Network, so that international Indigenous communities may help each other, most particularly by sharing information regarding ancestral remains or cultural objects within museums and other institutions. We are hopeful that cooperating communities will also be able to make additional information, such as published archival material, available to help communities with gathering information for international claims. Such archival materials may include journals of expeditions by specific explorers or collectors and information pertaining to the lives of collectors and affiliations with certain museums.

The International Repatriation Mentorship Program

The International Repatriation Mentorship Program, run through AAIA's International Repatriation Project, was established as an informal group of Native peoples with experience in international repatriations. They volunteer their time to help communities just beginning to engage in the process of international repatriation and are available to provide guidance about the process.

AAIA International Repatriation Project Database

AAIA has a password-protected website available for tribes, which is accessible upon request by a Native American community. Password protection helps ensure privacy, prevents public access to culturally sensitive information, allows communities to speak freely with each other about their experiences, and promotes the study of overseas collections.

AAIA has researched some international collections, provided samples of tribal resolutions on international repatriation, and collected information on country-specific museum laws and cultural heritage protection laws. We are hopeful that our website will provide a means for us to assist Native American communities and for Native American communities to assist each other, if requested.

For more information on any of these programs, please contact AAIA.

(Re)claim: Stories of Indigenous Repatriation

The Working Group on International Repatriation, in partnership with the AAIA and others, have put together an exhibit on international repatriation, told through the voices and perspectives of Indigenous Peoples. Please contact the AAIA to learn more or schedule the exhibit to come to your community.

CHAPTER 4

U.S. CUSTOMS AND REGULATIONS



In this Chapter:

- How can we transport Ancestors or cultural objects into the country?
- What agency has control over the importation of our items?
- What can we do to keep customs officers from opening packages?
- What customs restrictions apply to our repatriations?

What are some options for how we can transport Ancestors or cultural objects into the country²²?

- **You can carry the remains or objects yourself onto an international flight.**
 - Things to Consider: Be sure to pack the remains or object carefully, in an appropriately sized package for carry-on baggage. You might want to research different airline options to determine which flights have the best policies and the largest amount of carry-on space.
 - Advantages: You will have control over the object at almost all times and can ensure that it is carried properly. You will also be able to personally speak to the customs officer about the contents of the package.
 - Disadvantages: A round-trip international plane ticket can be very expensive. Given the small size allowed for carry-on packages, this may not be a good option for repatriations that include multiple objects.

U.S. Customs Sample Form:

http://www.cbp.gov/xp/cgov/travel/vacation/sample_declaration_form.xml

- **The museum can mail you the remains or objects through the international postal system, run jointly by the postal services of various countries.**
 - Things to consider: The sender of the package will need to fill out a declarations form for U.S. Customs, explaining its contents.²³

²² Information on ways of transporting ancestors and objects provided through examples by Edward Halealoha Ayau, Hui Mālama I Nā Kūpuna O Hawai'i Nei. E-mail on file with the Association on American Indian Affairs.

²³ Mail – Forms required for sending goods from abroad, *U.S. Customs and Border Protection*, October 19, 2013, accessed August 2, 2014.

https://help.cbp.gov/app/answers/detail/a_id/119/kw/receiving%20international%20packages.

- Advantages: This may be the least expensive method of transportation.
- Disadvantages: The quality of postal service varies from country to country; you may have no control over the delivery time or how the remains or object are handled during transportation. It might be more difficult to track the package on its journey than with a private service. There is a risk of the package getting lost or damaged.

U.S. Postal Service Declaration Form: <http://about.usps.com/forms/ps2976.pdf>

- **You can arrange for the remains or object to be shipped through a commercial delivery service.**
 - Things to consider: Be sure to speak to the commercial delivery service about what the package contains so that they may appropriately label it as fragile. There is no formal documentation required by the U.S. Government for the tribes to ship these items back, as commercial delivery services usually use private customs brokers or agents to clear the package through Customs.²⁴ The museum should make a declaration of the contents to accompany the shipment for U.S. Customs information. It may be beneficial to inform Customs officials at the appropriate embassies, as to what will be transported into the U.S., to ensure that the shipments do not run into any problems.
 - Advantages: This will likely be cheaper than the cost of a round-trip international flight. You can have more control over the process than through the postal system. Such a company will likely have experience dealing with transportation of sensitive goods and will be able to customize your options to ensure safe delivery. The company will also deal with Customs for you
 - Disadvantages: You will not have the individual control of the package and ability to explain to customs officers in person what the package means that is offered by carrying the package onto a flight.

What agency has control over whether our item is allowed into the country?

The U.S. Customs and Border Agency covers the basic restrictions for objects being imported into the country. However, several other government agencies administer Customs regulations.

What can we do to keep Customs officers from opening packages containing remains and cultural objects?

If you are physically carrying the repatriated items on a flight into the U.S., ask the museum for formal documentation that states what the packages possess and explain the sensitivity of the contents. It is also a good idea to ask for a letter of support from the U.S. embassy in the country you are repatriating from or from the U.S. State Department. Be sure that these documents

²⁴ Mail – Mailing vs. shipping packages, *U.S. Customs and Border Protection*, accessed August 2, 2014. https://help.cbp.gov/app/answers/detail/a_id/116/~/mail---mailing-vs.-shipping-packages

particularly emphasize that the integrity of the item could be compromised by an intrusive approach to examining it.

On international flights, passengers are given forms to fill out declaring what they are bringing back to the U.S. The individual transporting the remains will need to fill out one of these forms declaring the contents. Hopefully, this Customs form and the documentation from the museum and government officials should be sufficient to explain the situation to the U.S. customs officials.

What Customs restrictions apply to the repatriation of human remains?

The Center for Disease Control (CDC) sets out the regulations that must be followed to bring human remains into the United States.²⁵ The CDC has no restrictions on or requirements for importation into the United States if the human remains consist entirely of the following:

- Clean, dry bones or bone fragments
- Human hair
- Teeth
- Fingernails or toenails
- Human remains that are cremated before entry into the U.S.

If remains you are trying to repatriate do not fit within the categories on this list, please contact AAIA for assistance.

What Customs restrictions apply to the repatriation of cultural objects?

There are many different restrictions on what items are allowed into the U.S. These restrictions are the result of concerns about health or safety, or concerns about goods trafficking that the U.S. wishes to discourage. First, you need to determine of what materials the object is comprised. Once you have done this, you can refer to Appendix 2 of this Guide to determine what regulations apply to the object.

What is the worst case scenario for our attempts to import remains or objects?

In a worst case scenario, an object could be seized and held for additional inspection and processing. If this happens, we highly suggest you speak to the AAIA. You may also have to consider obtaining an attorney specializing in Customs seizure.

²⁵ Guide for importation of Human Remains into the United States for Interment or Subsequent Cremation, Centers for Disease Control and Prevention, last updated July 31, 2014, accessed August 2, 2014. <http://www.cdc.gov/quarantine/human-remains.html>

Appendix 1

U.S. government officials

U.S. Representatives:

<http://www.house.gov/representatives/find/>

You can navigate to your Representative's personal website from this database and find the contact information you need to write letters or make phone calls.

U.S. Senators:

Contact Information for Senators:

http://www.senate.gov/general/contact_information/senators_cfm.cfm

Tips on Contacting your Senator:

http://www.senate.gov/reference/common/faq/How_to_contact_senators.htm

You can also send mail to your Senator at:

The Honorable (Name)
United States Senate
Washington, D.C. 20510

Dear Senator (Name)

You may phone the U.S. Capitol Switchboard at (202) 224-3121. A switchboard operator will connect you directly with the Senate office you request.

U.S. Department of the Interior:

Eric Bruce Wilson
International Affairs Coordinator
Office of the Assistant Secretary - Indian Affairs
U.S. Department of the Interior
Washington, DC
202-384-6330
eric.wilson@bia.gov

and

Karen Senhadji
Director of International Affairs
U.S. Department of the Interior
Washington, DC
202-208-5479
karen_senhadji@ios.doi.gov

Individual U.S. Embassies Abroad:

<http://www.usembassy.gov/>

You can use USEmbassy.gov to navigate to the websites in each individual country. Each website lists contact information for the embassy under the “About Us” tabs.

Foreign Embassies in the U.S.:

<http://www.state.gov/s/cpr/rls/fco/>

Contact information for each foreign embassy in the U.S. is available in the searchable database of the Foreign Consular Book.

Appendix 2:

U.S. Customs Checklist

Unsure where to start looking for the Customs regulations that may affect your regulation? This list should be able to help you.

- Are you repatriating human remains?
 - If they fall into the below categories, the Center for Disease Control (CDC) has no restrictions or requirements for importation.
 - Clean, dry bones or bone fragments
 - Human hair
 - Teeth
 - Fingernails or toenails
 - Human remains that are cremated before entry into the U.S
 - If your remains do not fall into the above categories, contact the CDC for more information. <http://www.cdc.gov/quarantine/human-remains.html>
- Are you repatriating objects which contain animal parts such as hides, feathers, teeth, eggs, or bone?
 - Are these parts from a bald or golden eagle?
 - The Bald and Golden Eagle Protection Act of 1940²⁶ governs the importation and exportation of eagle feathers/parts and prohibits the possession of parts of bald or golden eagles, including feathers. However, there are limited exemptions for Indian religious ceremonies, as well as certain scientific and exhibition uses.²⁷
 - You will probably need an import permit. Contact the U.S. Fish and Wildlife Service Department of Migratory Birds for more information and to obtain a permit: <http://www.fws.gov/migratorybirds/mbpermits/addresses.html>
 - Are these parts from an endangered species?
 - You can check here: <http://www.earthsendangered.com/list.asp>
 - The Endangered Species Act of 1973²⁸ and the Convention on International Trade in Endangered Species of Wild Flora and Fauna²⁹

²⁶ Bald and Golden Eagle Protection Act <http://www.fws.gov/midwest/midwestbird/EaglePermits/bagepa.html>.

²⁷ 50 C.F.R. § 22.21-22.23 (2013)

²⁸ Endangered Species Act, <http://www.fws.gov/endangered/esa-library/pdf/ESAall.pdf>

²⁹ Convention on International Trade in Endangered Species of Wild Flora and Fauna, <http://www.cites.org/sites/default/files/eng/disc/E-Text.pdf>.

apply customs regulations to items containing parts of some animals and birds. You will need an import permit. Contact the U.S. Fish and Wildlife Service: <http://www.fws.gov/permits/ImportExport/ImportExport.html>

- If the object is at least 100 years old and has not been repaired or modified with any part of an endangered or threatened species since December 28, 1973, it may be imported into the U.S. with documentation and a CITES Pre-Convention Certificate.³⁰
<http://www.fws.gov/endangered/permits/faq.html>
- Does your object contain dog or cat fur?
 - It is illegal in the U.S. to import items with dog or cat fur. The only listed exception is for the deceased body of a personal pet. However, if your item is religious in nature, you may be able to raise a freedom of religion claim. Contact AAIA if this is the situation with your item.
- Does your object contain ivory?
 - Walrus, narwhal, and seal ivory are prohibited from importation into the United States.
 - If the ivory was acquired before its 1978 Endangered Species Act listing or is antique (over 100 years old and qualifies under ivory identification) you may be able to import it. To import antique ivory, you must obtain a Convention on International Trade in Endangered Species pre-Convention certificate from the CITES Management Authority for the country where the piece containing ivory is located.

Export of Pre-Convention, Pre-Act, or Antique Specimens Form:
<http://www.fws.gov/international/pdf/permit-application-form-3-200-23-export-of-pre-convention-pre-act-or-antique-specimens.pdf>

For fossilized walrus ivory removed from the wild after 1972:
<http://www.fws.gov/international/pdf/permit-application-form-3-200-27-export-of-wildlife-removed-from-the-wild.pdf>

- Depending on the type of animal species involved, there may be other permits required for import under other treaties, state, or local laws. We suggest you thoroughly research what may be required to import the specific animal part included in your object before attempting to repatriate.
- Does your object contain a plant product? (leaves, seed, straw, etc.)
 - You may need to obtain a U.S. Department of Agriculture permit. You may also need to package your item in a particular way. You can find the guidelines and import applications on this website.

³⁰ Export of Pre-Convention, Pre-Act, or Antique Specimens Form: <http://www.fws.gov/international/pdf/permit-application-form-3-200-23-export-of-pre-convention-pre-act-or-antique-specimens.pdf>

<http://www.aphis.usda.gov/wps/portal/footer/topicsofinterest/applyingforpermit>

- Does your object contain anything that could be construed as food?
 - Objects containing oil or honey are generally admissible. It's best to check with the U.S. Food and Drug Administration.
<http://www.fda.gov/Food/GuidanceRegulation/ImportsExports/Importing/>
- Could your object be construed as a weapon?
 - Customs and Border Protection restricts importation of firearms, but not other weapons such as spears or knives (as long as they are spring-loaded).³¹ However, airlines often have their own restrictions, so be sure to check their policies before you travel. Additionally, it might be a good idea to notify police in your local jurisdiction about your importation of the object.
- Does your object contain soil?
 - If your object may contain soil, please contact AAIA for more information on how this may affect your repatriation.

³¹ https://help.cbp.gov/app/answers/detail/a_id/329/kw/importing%20swords

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