

The Legal and Ethical Aspects of Repatriation: An Analytical Study on the International
Repatriation of 9 Brazilian Indigenous Human Remains

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“THE KEEPING OF OUR DEAD TELLS WHICH SIDE COLONIZED HISTORY”

- Yanomami Tribe, 2015

In 1967, members of the Yanomami tribe were darted with sleeping bullets by American geneticists. While asleep, their blood was drawn. Around 5 gallons of Yanomami blood were illegally taken from the Amazon to Michigan. This quote was said during the repatriation of blood bags to the Yanomami (BBC, 2015)

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Abstract

This paper examines the legal and ethical complexities of international repatriation through a focused study of nine Brazilian Indigenous human remains currently housed at the American Museum of Natural History. While the United States' NAGPRA provides a domestic framework for repatriating Indigenous ancestors, it does not extend to remains of non-U.S. origin, leaving international cases such as Brazil's in a legal vacuum. To address this gap, the study employs a three-part methodology: coding AMNH's Repatriation Policy Constitution, process-tracing of three comparative case studies (Haida Nation, Pasqua Yaqui and Tribu Yaqui, and Te Papa Tongarewa), and ethical principle assessments measuring the degree of justice, autonomy, and wellbeing afforded to descendant communities, museums, researchers, and the public. Findings reveal that while AMNH's internal policies nominally allow for international repatriation, the language is vague and highly discretionary, creating significant barriers for Brazil. Among the comparative cases, the Te Papa Tongarewa framework emerges as the most ethically robust and legally adaptable, offering a model for Brazil to pursue repatriation through governmental leadership, UNESCO conventions, and culturally grounded protocols. Ultimately, this paper argues that the return of the nine Brazilian Indigenous remains demands not only legal negotiation but also ethical accountability, situating repatriation as a process of decolonization that restores dignity, cultural integrity, and historical justice to Indigenous peoples.

Chapter I: Review of Literature

Human Remains in Museums

According to Tiffany Jenkins, in her book “Contesting Human Remains in Museum Collections”, the 15th century marked a significant shift in the collection of human remains, with the initial intent being the study of human evolution (Jenkins, 2010). This era of colonization saw scientists and doctors becoming essential participants in European exploring fleets, traveling to study the native peoples who lived in the colonies. The increasing contact between Europeans and natives led to many natives being enslaved and taken to Europe to work in castles or be exhibited in “living zoos” (Jenkins, 2010). As native people passed away in these institutions, Europeans began studying their remains and exhibiting them in the first museums, marking the beginning of Native remains being exposed in Western institutions.

However, the practice of attaining native remains extends for a much longer period of time than the 15th century. In 1831, treaties such as the “Indian Removal Act of 1830” ruled in favor of the displacement of Native tribes east of the Mississippi River to modern-day Oklahoma (Cave, 2003). This displacement, which led to the killing and removal of thousands of native americans, also left behind artifacts, including ceremonial and religious objects, that are found today in private and museum collections. The displacement of natives left space for many researchers to explore indigenous cemeteries, leading to mass grave lootings. In the United States, grave looting is the main form in which museums used to acquire indigenous human remains (Cave, 2003). American researchers also illegally explored indigenous cemeteries in Brazil, Mexico, and Guatemala. The most recent case of illegal collection of indigenous remains was in 1967 with the attacks on the Yanomami described at the beginning of this paper.

The central problem with museums showcasing Indigenous remains is the perpetuation of colonial narratives. Museums are responsible for disseminating information and history to millions of visitors (Atalay, 2020). The way Indigenous peoples are represented in these institutions shapes how the public understands their histories. For centuries, museums have often portrayed Indigenous people as inferior and “animalistic,” reinforcing prejudice and the view that Indigenous cultures were primitive, uncivilized, and unworthy of equal recognition (Atalay, 2020). This portrayal is not merely a historical issue but an ongoing concern. The lack of consent in displaying or retaining human remains continues to deepen the wound of colonization, making repatriation an urgent ethical and political matter.

NAGPRA

By the 20th century, Museums, Universities, and private collections in the United States had assembled around 350,000 indigenous remains in their collections. With that, public manifestations started to occur against the acquisition of Native remains and artifacts through grave robbing, military actions, and “scientific” expeditions (Rose et al., 1996).

In 1990, a landmark piece of legislation, the Native American Graves Protection and Repatriation Act (NAGPRA), was passed by Congress and subsequently signed into law by President George H. W. Bush. This Act marked a significant shift, making it clear that the mere possession of art objects or remains no longer guaranteed museums the ability to retain title to them indefinitely (Rose et al., 1996). In a broad sense, NAGPRA is the federal law that grants federally recognized tribes, Native Hawaiian organizations, and Native individuals the right to petition for the return of human remains and specific categories of artifacts for which individuals and groups can establish lineal descent or prior ownership (Nash & Colwell, 2020). In this sense,

federal agencies or any private institution that received any form of federal support is required to inventory items in their collections that the law defines as “potentially subject to repatriation”.

While the NAGPRA was a significant step in the right direction to protect the cultural property of indigenous people, it also revealed its limitations. Firstly, NAGPRA is restrictive, as it only applies to federally recognized tribes. Furthermore, items that are dual-recognized are not available for repatriation. For example, if Harvard states that a remain is from the Laneige people, but University of Pennsylvania states that it is from the Tupinamba people, this remain cannot be repatriated.

Lastly, NAGPRA is a domestic law and does not bind institutions to repatriate indigenous remains that are not of United States origin (Nash & Colwell, 2020). Even though the repatriation movement of indigenous remains has been heavily led by Native American tribes advocating for the return of their ancestors, American museums also keep thousands of remains from Latin America, New Zealand, and Canada in their archives. With the implementation of NAGPRA, federally funded museums, such as the American Museum of Natural History (AMNH), have felt pressured to repatriate remains on an international level. The case of the Haida Nation from Canada, the Pasqua Yaqui and Tribu Yaqui in the United States and Mexico, and Māori ancestors through Te Papa Tongarewa in New Zealand were successful repatriation case studies that can be used as examples for other international repatriations. The 3 case studies will be further analyzed and explained in **Chapter III: Methodology** section of this paper. These ongoing issues with repatriation of non-US remains underscore the urgency of the problem and the need for further international cooperation in this area (Nash & Colwell, 2020).

Brazil

Brazil, much like the United States, has a long and complex history marked by the collection and displacement of Indigenous human remains. From the colonial period onward, European naturalists, missionaries, and researchers targeted Indigenous cemeteries and sacred sites across Brazil, often removing human remains and sacred objects without consent for “scientific” study or museum display abroad (Jedlicki et al., 2023). These practices reflected a broader colonial logic that objectified Indigenous peoples as specimens of inquiry rather than recognizing them as living communities with cultural continuity, rights, and agency. Although Brazil does not have a legislative framework comparable to NAGPRA, demands for repatriation have intensified in recent decades as Indigenous groups advocate for the return of ancestral remains and cultural patrimony from both domestic institutions and foreign museums (de Barros, 2024).

In this context, Brazil has taken significant steps to limit the removal of cultural and ancestral heritage. Archaeological excavations by foreign institutions have faced strict restrictions due to the cultural and environmental protections surrounding the Amazon. As affirmed by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Amazon is not only a vital ecological reserve but also the homeland of hundreds of Indigenous groups whose territories contain sacred sites and ancestral burial grounds (Jedlicki et al., 2023). In alignment with these principles, the Brazilian Federal Government established the National Historic and Artistic Heritage Institute (IPHAN), the federal agency responsible for safeguarding the tangible and intangible cultural heritage of national importance. IPHAN’s mandate includes the protection of Indigenous cultural property, and its regulations classify Indigenous lands and sacred sites as federally protected (de Barros , 2024). As a result, since 1951, foreign

archaeologists have been prohibited from conducting excavations in these areas without explicit government authorization and the consent of affected Indigenous communities.

Given these legal restrictions, one might expect the number of Brazilian Indigenous remains in foreign museums—particularly in the United States, which has no direct colonial ties to Brazil—to be minimal (de Barros , 2024). In theory, the only way American museums could have acquired Brazilian remains legitimately would be through donations or exchanges with European institutions such as those in Portugal, France, or the Netherlands, all of which were directly involved in Brazil’s colonial history (Jedlicki et al., 2023).

Nevertheless, archival evidence suggests otherwise. Recent studies indicate that nearly 200 Brazilian Indigenous human remains are currently held in the collections of American museums, representing a significant portion of Brazil’s cultural and ancestral heritage displaced abroad. Mahmoud El-Najar, head of the Anthropology Department at Case Western University and former curator at the American Museum of Natural History (AMNH), has compiled extensive data on the provenance of Indigenous remains in U.S. institutions (Appendix A). According to his findings, the AMNH alone houses 30,857 Indigenous human remains, of which 12,343, roughly 40 percent, originate from outside the United States (El-Najar, 2022). Among these, nine are identified as Brazilian. Strikingly, when I contacted IPHAN regarding this matter, the institution was unaware of the existence of Brazilian Indigenous remains within the AMNH’s collection, highlighting the lack of transparency and international coordination that continues to hinder repatriation efforts (El-Najar, 2022).

Gaps in Literature

The literature reveals four significant gaps in understanding the repatriation of Brazilian Indigenous remains. First, no legal framework exists to regulate how American museums should

repatriate Indigenous remains that are not of U.S. origin. While NAGPRA provides a mechanism for federally recognized tribes within the United States, it does not extend to cases of international repatriation. Second, the provenance of the nine Brazilian Indigenous remains at the AMNH remains unclear, as there is no record of museum-led excavations in Brazil. This raises the likelihood that the remains were acquired through illicit means or exchanges with European institutions. Third, Brazil's own heritage management system, overseen by IPHAN, lacks updated and comprehensive tracking of Indigenous cultural property, leaving substantial informational gaps at the national level. Finally, no study has systematically compared successful repatriation cases, such as the Haida Nation, Pasqua Yaqui and Tribu Yaqui, and Te Papa Tongarewa cases, with the Brazilian context. To address these gaps, this research asks: What repatriation approach most effectively addresses the ethical principles and legal frameworks applicable to the nine Brazilian Indigenous remains currently held at the AMNH? Building on El-Najar's argument that identifying the most appropriate repatriation method requires comparison with successful precedents, this study hypothesizes that a model resembling the Te Papa Tongarewa repatriation framework offers the most viable pathway for addressing both the ethical and legal dimensions of the Brazilian case.

Chapter II: Methodology

A 3-part methodology was employed, involving the coding of the AMNH Repatriation Policy Constitution, process tracing of case studies, and ethical principle assessment of case studies. Three case studies where the AMNH repatriates internationally were chosen for these tests: the Haida Nation, the Pasqua Yaqui Tribe and the Tribu Yaqui case, as well as the Museum of New Zealand Te Papa Tongarewa case. Firstly, the AMNH's Repatriation Policy Constitution was codified to clearly define and establish the museum's requirements for the international repatriation of human remains. Secondly, the main factors, legal actions, and consequences of each repatriation case study were analyzed through "process tracing" (Evera, 1997). Lastly, the ethical principle assessment of the case studies' repatriation processes was calculated (Shellman, 2004). With this in mind, it is essential to break down the Methodology further and define its different components.

Coding of AMNH's Repatriation Policy Constitution

According to "The Oxford Handbook of Institutions: A Study on Law of Human Repatriation" by Peter M. Shane, one can conclude a museum's requirements for repatriation of human remains by implementing the "Feldman's Internal and External Legal Coding System for Museum Constitutions" (Feldman, 2022). This coding structure follows Feldman's theory, which posits that museums produce constitutions with "internal" and "external" view articles. Internal view articles afford room for legal actors, in this case, the AMNH, to involve their personal political and moral values legitimately in the process. Meanwhile, the "external view" articles are created to show the museum's compliance with international or national laws of repatriation, such as NAGPRA (Feldman, 2022). This "Coding System" provides a set of words, terms, and sentence structures that should be found in the Constitution if the speech has internal and

external view articles (Appendix B). If the Constitution possesses these two elements and incorporates at least seven specified words and structures, the requirements for international repatriation can be clearly stated within the Constitution. The Constitution in question was the "Repatriation Procedures Policy and Constitution" from 1992, as the three repatriation case studies analyzed in this research occurred while this Constitution was in effect. The repatriation of the nine Brazilian remains would also be done under this Constitution.

Van Evera's Process Tracing

According to Van Evera, in "Guide to Methods for Students of Political Science", process tracing analyzes the chain of events and the legal "decision-making" process by which initial case conditions are translated into case outcomes (Evera, 1997). This method thoroughly breaks down policies and repatriation cases, enabling comparison between case studies. For this "process-tracing," the independent variable is the international repatriation requests, and the dependent variable is the AMNH's reaction to each repatriation request initiated. The coding process for each case will consist of the analysis of the following five factors:

- 1. Who are the relevant actors;**
- 2. What is the item or remain;**
- 3. Was there public manifestation for the return of this artifact or remains;**
- 4. What laws or acts did the repatriation process follow;**
- 5. What was the outcome of the repatriation process.**

By examining each case study and establishing answers to the five points of process-tracing, this method concludes which legal process is the most optimal to follow for the repatriation case of Brazilian remains.

Ethical Principle Assessment

Lastly, after establishing the patterns and central events of each case study inspired by Evera's "process-tracing" method, measuring each case study's ethical principle is imperative to understand the AMNH relation to the indigenous community/institution that is requesting repatriation. The legal process of repatriation can be flawless and strict to the law, however, if the process is not managed ethically and respectfully towards the indigenous community it can not be considered successful. Therefore, case studies that are not ethically managed can not be an option for the Brazilian repatriation. With that, the Ethical Matrix for Human Remains Repatriation method from Eindhoven University will be used to measure the ethical impact of each case (Shellman, 2004). The Ethical Matrix for Human Remains Repatriation is a cultural heritage management scale developed to quantify how ethical the repatriation process occurred. The matrix establishes 4 actors: the descendant community/source nation, museum/holding institution, researchers/scientific community, and general public. For each actor the topics of "wellbeing", "autonomy", and "justice" are scored.

The highest score for each Matrix is 120. Each topic is scored out of 10 points. If the topic has an extremely high ethical score it is awarded a 9/10 or a 10/10. If it has a positive ethical score it is given a 8/10. If it is neutral to the ethical principle it is given a 7/10. A score of 6/10 and 5/10 is a negative ethical principle. Lastly, all scores 4/10 below are considered extremely negative ethical principles. All the scores on the Matrix are added to result in a number out of 120 ($x/120$). The percentage of $x/120$ is calculated. If the percentage is 100%-90% is an extremely high ethical principle, 89% to 77% is a high ethical principle, 76% to 65% is neutral, 64% to 50% is low ethical principle, and 50% lower is extremely low (Shellman, 2004).

Chapter III: Analysis of Data

Coding of AMNH's Repatriation Policy Constitution

The AMNH's Repatriation Policy Constitution has 7 articles and should only be used for items that are in Anthropology Division Collections. The Constitution can be coded with external view articles on articles **2.0 Applicable Law**, **4.0 Definitions**, and **5.0 Categories of Repatriation Requests**. **Article 2.0 Applicable Law** was coded with 2 structures and 7 terms that classifies it as an external view article. Terms such as "NAGPRA governs the repatriation and disposition", and "international constituencies will be also governed by these procedures" clearly show AMNH's intention to comply with national and international laws concerning repatriation. **4.0 Definitions** was coded with 6 terms and 1 sentence structure for external view articles. Lastly, **5.0 Categories of Repatriation Requests** was the article with most words, terms, and sentence structures coded positively for external view article. Specifically, clauses 5.2 and 5.3 contained terms of the coding, such as "AMNH accepts repatriation from external sources", "descendant communities", and "AMNH must give priority to compliance with its legal obligations under NAGPRA" show AMNH's concerns with external policies that it should legally follow. The sentence that most positively coded for external view is "The Museum recognizes that it has an overriding ethical obligation to treat human remains with dignity and respect and acknowledges the profound connections between living peoples, their ancestors, and important cultural items". The sentence uses "ethical obligation", "dignity", and "respect" to reiterate their commitment with the law, and indigenous communities.

Meanwhile, articles **3.0 Roles and Responsibilities**, **6.0 Procedures Applicable to All Repatriations**, and **7.0 Amendments and Periodic Review** were coded as internal view articles. **3.0 Roles and Responsibilities** has 7 terms that talk about internal actors such as

“President”, “Senior Vice President and Provost of Science”, “General Counsel”, “Division of Anthropology”, and “Dean of Science for Collections”. Article **6.0 Procedures Applicable to All Repatriations** was coded with 11 sentences as an internal view article. This article directly addresses how the DRC and CRO departments work with repatriation requests making the whole article an internal view article. Lastly, **7.0 Amendments and Periodic Review** is the shortest article of the Constitution and was coded for 3 words of internal view article.

In all, the use of Feldman’s Coding System made it easy to establish the museum’s requirement for repatriation. **Article 5.0** and clause **6.11** write the requirements for the repatriation of human remains; however, they are extremely vague. The usage of words such as “consider”, “review”, and “decide”, all show the legal ambiguity that is to request for an international repatriation. The possibility of repatriation is based on the approval of the *ad hoco committe*. There are no mentions of which rubric or how the committee approves or not the repatriation request. Nevertheless, for the repatriation of the nine Brazilian Indigenous remains the clauses of **Article 6** have to be followed, however vague they may be, in order to ensure the process is carried out legally correct.

Process Tracing: Haida Nation

The Haida Nation repatriation case study started in 1997 and concluded in 2002. The AMNH and Haida Nation have a long-standing history of repatriation of both remains and objects that started with the return of the Haida Gwaii wooden chest in 1989.

(1) The actors involved in this repatriation case were the **American Museum of Natural History**, the **Haida Nation**, and the government of **British Columbia in Canada**. The Haida Nation is an indigenous people whose ancestral territory is Haida Gwaii, a set of islands located on the northern coast of British Columbia. The Haida Nation is a United Nations-recognized

territory with its own constitution, official language, and passport. Throughout the repatriation process, the Nation was represented by the Haida Repatriation Committee and the Council of the Haida Nation. The AMNH acted in accordance with the Constitution that was previously analyzed; the museum received Haida's request and considered it valid (Gill, 2011).

The actors in this case differ from the actors in the Brazilian repatriation case. The Haida Nation is a highly independent indigenous nation that does not exist in Brazil. With that, the actors match the Brazilian case in the sense that it would be an international request to the AMNH, but it differs since the British Columbia Government played a minimal role in the repatriation request, while the Brazilian government will have to play the leading role in the repatriation of the nine Brazilian remains (de Barros , 2024).

(2) The Haida Nation **requested the repatriation of 100 Haida human remains** from the AMNH. However, they were able to **successfully repatriate only 48 ancestral human remains**. The reason for not repatriating the other 52 human remains was not made public by either AMNH nor the Haida Repatriation Committee (Gill, 2011). It is speculated that concerns of DNA identification were one of the reasons that around 20 bodies could not be repatriated. Another concern was that many of the remains were not skeletons, but in fact remains with intact flesh and hair. In order to keep human remains in that condition, chemicals with extremely high levels of mercury were used which made repatriation impossible due to high contamination or even death risks.

Haida Nation repatriation was on a much bigger scale than Brazil. It is estimated that there are over 7 thousand human remains of Haida people in museums around the world. Since the 1990s, the Haida Repatriation Committee has been able to repatriate over 500 human remains. In the case of Brazil, it is speculated at least 191 remains of indigenous Brazilians in

museums worldwide. In the Haida case over 50% of the requested remains were held back from repatriation. Hypothetically, if that were to occur to the Brazil case, almost no remains would be repatriated. Therefore, this reiterated that Haida case does not match the Brazilian repatriation case since there is uncertainty and discrepancy concerning the number of remains of each case, where Haida has many more remains being held in museums (de Barros , 2024).

(3) The Haida repatriation movement was not primarily driven by public protests or demonstrations. There are no records of protests, picketing, or large scale demonstrations by people or the Haida Nation, since its core principle is diplomacy, as it had previously negotiated its rights with Canada and the United Nations (Gill, 2011).

In Brazil the native communities are extremely outspoken about native rights. Many communities organize protests and riots that are often violent ending in broken infrastructure, museum fires, and even deaths. As seen in the review of literature, information of Brazilian indigenous remains is extremely scarce, where many native communities are not even aware of the possibility of repatriation. With that, it is unpredictable to know if the Haida Nation case study would match in concerns of public manifestation (de Barros , 2024).

(4) The Haida relied on the Council of the Haida Nation mandate that was passed in 1974. The Mandate declares that the Council of the Haida Nation should strive for self-sufficiency and has sovereignty over Haida Gwaii. It is rooted in the Haida Nation's Constitution and is carried out on behalf of the Haida people, ensuring their relationship with Haida Gwaii continues in perpetuity. The Haida Committee uses this Mandate to legally prove sovereignty and make repatriation requests as an independent nation, equalizing themselves upon international law. The Haida also established the *Yahguudangang* protocol and used it as a spiritual, cultural, and legal framework. The *Yahguudangang* protocol was accepted by both the

Canadian Court as a sovereign protocol and a legal institution for repatriation. With NAGPRA and growing international pressure, the repatriation of Haida remains was a great occasion for AMNH to show its commitment to repatriation, approving it valid for repatriation (Gill, 2011).

The legal aspect of the case **does not match the Brazil case**. Since Brazil is a country, it is restricted to different laws and international obligations in comparison to the Haida Nation. Concerning national law, Brazil has to follow the 1988 Constitution (Arts. 215–216, 231), heritage and museum laws, Articles 215 and 216, and Article 231 that recognizes Indigenous peoples' rights to their identities. These constitutional protections give legal basis for demanding the return of ancestors. The international legal frameworks include the UNESCO 1970 Convention, UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, and UNDRIP. For a successful repatriation case, Brazil will have to use a UNESCO mediated request, since no tribe in Brazil has sovereignty like Haida Nation (de Barros , 2024).

(5) In all the Haida Nation case is a successful repatriation case and a model for recognized indigenous nations to use for repatriation. Even though not all human remains requested were not repatriated, the process is considered a success.

Process Tracing: Pasqua Yaqui Tribe and Tribu Yaqui case

On June 3th, 2022, 24 human remains were repatriated to the Pasqua Yaqui Tribe and Tribu Yaqui by the AMNH. This case study represents a unique repatriation event, since the repatriation occurred in both the United States and Mexico. The Yaqui people used to live in a vast area ranging from the North of Mexico to parts of New Mexico. Nowadays, one part of the tribe is located in Arizona and the other in New Mexico (Barron, 2019).

(1)The actors involved in this repatriation case were the **American Museum of Natural History**, the **Pascua Yaqui Tribe of Arizona** (a federally recognized U.S. tribe), the **Tribu**

Yaqui traditional authorities in Sonora part of the **Ocho Pueblos**, and **Mexico's National Institute of Anthropology and History (INAH)**, with additional participation by scholars assisting the **Yaqui delegation**. The Pascua Yaqui Tribe initiated the claim and coordinated with INAH so that the ancestors could be returned to their homeland in Mexico (Barron, 2019). AMNH received the request through its repatriation office and worked towards a handover.

The Yaqui case resembles Brazil's case in terms of governmental involvement. The Mexican government and INAH are actively involved in the repatriation process. For repatriation to occur for the Brazilian remains, IPHAN, which is the Brazilian equivalent to INAH, will have to play a central role. The Brazilian government will also have to participate as much as the Mexico government did to ensure a legally safe international repatriation process (de Barros , 2024).

(2)The items requested for repatriation were 12 sets of Yaqui human remains, principally skulls and associated bones. These remains were taken from victims of the **1902 Sierra Mazatán** massacre in Sonora. Furthermore, some associated items, such as blood-stained textiles and a baby carrying board, were also linked to the collection. Historical accounts identify anthropologist Aleš Hrdlička as the collector who removed heads from still-decaying bodies for study; the remains later entered AMNH's collections (Barron, 2019).

This case resembles the Brazilian situation. In the other case studies the quantity of remains being requested surpassed 100, while in this case only 12 remains are being requested. It differs from Brazil, since Mexican remains were attained from a massacre, and it is speculated that the Brazilian remains were attained through grave looting (de Barros , 2024).

(3)There were ceremonial public events rather than street protests. In the fall of 2009, a memorial ceremony was held at AMNH with Yaqui delegates; upon return to Sonora,

communal ceremonies and a reburial took place in Vícam, attended by Yaqui from both sides of the border and widely covered by the press (Barron, 2019).

(4) The Pascua Yaqui Tribe pursued the claim within the framework of NAGPRA, which governs U.S. museums and federally funded institutions (Barron, 2019). Because the ancestors were to be returned to Mexico, **INAH and Mexican** authorities collaborated to receive them and complete the international transfer. AMNH's internal repatriation policies and evolving museum ethics enabled the discretionary return in coordination with a foreign government and Indigenous leadership.

The legal process of this repatriation case is what differs the most from the Brazilian case. Since the Pasqua Yaqui Tribe and Tribu Yaqui were the same tribe located in two different countries, they approached repatriation differently than other tribes. The Pasqua Yaqui Tribe and Tribu Yaqui legally appealed to be considered as the same tribe. With that, if the Pasqua Yaqui Tribe is verified under NAGPRA, Tribu Yaqui should also be verified. Even though they are now located in different countries, their ancestral past of unity is undeniable. Their request was approved and they were able to file for repatriation under NAGPRA. The Brazilian case would not be able to repatriate their items through NAGPRA like the Yaqui did, since there are no tribes affiliated to NAGPRA that were once part of Brazilian tribes due to geographical distance (de Barros , 2024).

(5) The remains were released by AMNH, ceremonially escorted, and reburied in Vícam, Sonora in November 2009, marking a cross-border success led jointly by Pascua Yaqui and Tribu Yaqui with Mexican government support (Barron, 2019). The case has since been cited as a model for binational repatriation of Indigenous ancestors from U.S. museums.

Process Tracing: Museum of New Zealand Te Papa Tongarewa

The **Te Papa Tongarewa** case with the AMNH began in the early 2000s and is part of an ongoing international effort to return Māori and Moriori ancestral remains to Aotearoa, New Zealand. Since 2003, Te Papa's Karanga Aotearoa Repatriation Programme has coordinated with museums worldwide to retrieve remains that were taken during the 18th and 19th centuries (Henare, 2004).

(1) The primary actors were the **AMNH, the Museum of New Zealand Te Papa Tongarewa, the Karanga Aotearoa Repatriation Programme, and the New Zealand Government**. The Karanga Aotearoa Repatriation Advisory Panel, consisting of Māori and Moriori elders, guides the process, ensuring ancestral remains are returned respectfully. Te Papa acts as the national museum responsible for negotiating with foreign institutions and facilitating the return of remains (Henare, 2004). The AMNH, as the holding institution, played the role of receiving and validating the request under its internal repatriation policy.

The actors participating in this case resemble a possibility for the Brazilian case. The New Zealand Government was actively involved in repatriation and was responsible for creating and passing acts that gave the Te Papa Tongarewa sovereignty to request repatriation. Since this case did not go through NAGPRA, it is a plausible method of repatriation that Brazil can use (Henare, 2004).

(2) The case involved the repatriation of **103 ancestral remains, comprising: 35 Toi moko (preserved Māori tattooed heads), 2 tattooed thigh skins, 24 Moriori skeletal remains (kōimi tangata Moriori), 46 Māori skeletal remains (kōiwi tangata)**.

The Te Papa Tongarewa case, similar to Haida Nation's repatriation request, includes various human remains with numbers over 100. This differs from the Brazilian case and the Yaqui case which are requesting 9 and 12 remains to be repatriated (de Barros , 2024).

(3) There were no large-scale public protests outside the AMNH demanding the return of Māori or Moriori remains. Nevertheless, in New Zealand, there was a strong movement of "peaceful walks" calling for the return of ancestors (Henare, 2004). The peaceful manner that The Karanga Aotearoa Programme conducted repatriation was due to a belief that framed repatriation as a sacred duty, not a protest-driven movement.

(4) As seen with both other case studies, NAGPRA does not legally expand towards international repatriation. Unlike the United States, which established one legal program that should be used for all repatriation efforts, **New Zealand's framework for repatriation consists of creating a repatriation program for every tribe.** By individualizing the process New Zealand claims to have created better capabilities of successful and peaceful repatriation requests, since every tribe culturally differs and is requesting different artifacts and remains. With that, the **Karanga Aotearoa Repatriation Programme** was formally established by the **New Zealand Government in 2003**, mandated under the **Museum of New Zealand Te Papa Tongarewa Act 1992**. This mandate allows Te Papa to negotiate internationally for the return of remains. International frameworks, such as the **UNESCO 1970 Convention and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**, provided legitimacy for the passing of the Museum of New Zealand Te Papa Tongarewa Act 1992 as an internationally binding act. On the U.S. side, the AMNH's internal repatriation constitution allowed the return of remains to overseas communities since it was considered appropriate (Henare, 2004).

The legal method for repatriation matches the requirements for the Brazil case. Not only does the **Te Papa Tongarewa** case have a strong presence of the New Zealand government, just as the Brazilian case would require, it also utilizes international committees that Brazil is also a part of. The creation of programs, such as **Karanga Aotearoa Repatriation Programme, in Brazil would only reiterate the Brazilian constitution articles of protection to indigenous cultural property. In this sense, the method of repatriation used does not contradict any legal aspects that would appear in the Brazilian case** (de Barros , 2024).

(5)The repatriation process was successful (Henare, 2004). The AMNH agreed to return all of the requested remains of the Māori and Moriori to Te Papa. The remains were subsequently welcomed back to Aotearoa New Zealand in a ceremony guided by tikanga Māori’s customary law and protocol. These remains are temporarily held at Te Papa’s Wāhi Tapu, a sacred repository, until their iwi affiliation was confirmed. The case reaffirmed the legitimacy of Te Papa’s Karanga Aotearoa Programme as a global leader in repatriation efforts.

Ethical Principle Assessment: Haida Nation

TABLE 1				
	Descendant Community	Holding Institution	Researchers/Scientific Community	General Public
Wellbeing	(9/10)	(6/10)	(5/10)	(8/10)
Autonomy	(9/10)	(7/10)	(6/10)	(8/10)
Justice	(8/10)	(8/10)	(8/10)	(8/10)
SCORING	26/30	21/30	19/30	24/30

View Appendix C for full Matrix

90/120 → 75% ethical fulfillment

NEUTRAL ETHICAL PRINCIPLE

Ethical Principle Assessment: Pasqua Yaqui Tribe and Tribu Yaqui case

TABLE 2				
	Descendant Community	Holding Institution	Researchers/Scientific Community	General Public
Wellbeing	(9/10)	(7/10)	(6/10)	(8/10)
Autonomy	(8/10)	(8/10)	(7/10)	(7/10)
Justice	(9/10)	(7/10)	(8/10)	(8/10)
SCORING	26/30	22/30	21/30	23/30

View Appendix D for full Matrix

92/120 → 76,7% ethical fulfillment

NEUTRAL ETHICAL PRINCIPLE

Ethical Principle Assessment: Museum of New Zealand Te Papa Tongarewa

TABLE 3				
	Descendant Community	Holding Institution	Researchers/Scientific Community	General Public
Wellbeing	(9/10)	(7/10)	(6/10)	(8/10)
Autonomy	(8/10)	(8/10)	(7/10)	(7/10)
Justice	(9/10)	(7/10)	(8/10)	(9/10)
SCORING	26/30	22/30	21/30	23/30

View Appendix E for full Matrix

93/120 → 77,7% ethical fulfillment

HIGH ETHICAL PRINCIPLE

Chapter IV: Results

By combining the process tracing and percentage of ethical principle of each case study, the hypothesis can be confirmed. Te Papa Tongarewa case study is the best repatriation model to follow for successful repatriation of the nine Brazilian remains.

Even though the Yaqui case strikes resemblance to the Brazilian case, because of it being a latin american country and the usage of INAH likewise IPHAN, it cannot be considered as a method to follow. The Yaqui case is an international repatriation occurrence that used NAGPRA, which is impossible for Brazil. With that, it is automatically canceled as a repatriation option to follow. The Haida Nation case is the most autonomous process out of all the case studies analyzed. Since Haida Nation is an established and recognized Nation, it can independently require repatriation without Canada's aid. This would be impossible for Brazil because there is no sovereign established native nation. The Haida case is an excellent example of how repatriation is conducted but is at a more developed stage in comparison to Brazil. Meanwhile, the Te Papa Tongarewa repatriation method is a precise template for Brazil case study. The creation of a governmental Programme to request repatriation or artifacts and remains is extremely doable for the Brazilian government. Furthermore, the Te Papa Tongarewa case also scored the highest percentage (77,7%) of ethical principle. The high ethical principle and the process tracing make it imperative that the Te Papa Tongarewa case should be the method of repatriation followed for the Brazilian case.

Chapter V: Discussion and Implications

Even though the study was able to identify which repatriation model it should follow for a successful repatriation process, there are some implications in the results. Firstly, using case studies can provide guidance for repatriation processes, but it does not provide certainty. The fact that there have never been any human remain repatriation to Brazil makes it doubtful to know which repatriation case would best work. It would be best if there was a range of Brazilian repatriation cases, which "process-traicing" could be conducted. Second, there is no information concerning the tribal affiliation of the Brazilian remains in the AMNH. In all case studies

analyzed the tribal affiliation was known, which facilitated creation of program Programmes and countries to conduct genetic identification and aid the tribe in internationally requesting the remains back. With no knowledge of tribal affiliation it is hard for Brazil to organize programs to request repatriation. Further, the ethical assessment is a good way of measuring if processes were conducted ethically, but the lack of published information about these processes can cause harm to the final percentages. Repatriation processes are usually extremely secretive processes, which hampers the ability of fully analyzing how ethical they were conducted.

Lastly, there is a central implication concerning the repatriation of human remains: museums not allowing for repatriation. A native community or a foreign country can have a proper request, legal arguments, and genetic identification of remains; however, if the American museum is not open to the idea or simply does not want to repatriate internationally indigenous remains; **repatriation will not occur**. While undergoing research for my paper, I visited the 4 main museums in New York on Native Art and Artifacts: The American Museum of Natural History, The Metropolitan Museum of Art (MET), The Museum of the American Indian, and the Brooklyn Museum. In my visits it was clear that all museums are following NAGPRA rule of “no human remains or funerary objects shall be in public exhibition”. The Brooklyn Museum has a huge native american and mexican collection, but none of their items in the collection are placed for view. The Museum of the American Indian has a legal deal with the New York State government and the few artifacts they show are legally allowed. The AMNH has kept their artifacts and human remains in the place where the exposition was, but placed white drywall in front to block the public view of its remains and artifacts.



Image 1. Drywall at AMNH exhibition



Image 2. Sign explaining the closing of the Hall

However, what struck me during my visits to these museums was the language used to refer to Native peoples. On one visit, I was guided by an individual who agreed to be cited in this paper but requested anonymity. As we moved through the museum's older exhibits, the guide repeatedly referred to Native peoples as "primitives" and "Indians", terms that are not only outdated but deeply offensive. While such language may seem like an isolated lapse, it is rooted in a broader historical and systemic pattern. For example, the United States Declaration of Independence (1776) describes Native peoples as "merciless Indian savages" to justify the seizure of their lands, reflecting a long-standing colonial view that dehumanized indigenous communities. Museums, too, have historically perpetuated this perspective. For decades, wax figures of Native Americans were displayed in the Milstein Family Hall of Ocean Life and the Hall of Primates at the AMNH, often placed near impaled animals. Such arrangements reinforced the notion that Native peoples were akin to animals, embedding a colonial narrative in the public consciousness. This context underscores a significant challenge for the repatriation of the nine Brazilian indigenous remains: the reluctance of institutions to relinquish control over

these materials. Confronting and dismantling these entrenched colonial attitudes is essential. The repatriation process is not only about returning physical remains but also about correcting historical injustices, acknowledging centuries of violence and dispossession, and allowing indigenous communities the dignity of proper burial and remembrance.

Chapter VI: Conclusion

The plight of the nine Brazilian Indigenous remains held at the American Museum of Natural History highlights the enduring consequences of colonial violence and the urgent moral responsibility of museums to act. While U.S. law, through NAGPRA, has created pathways for domestic repatriation, international restitution remains largely neglected, leaving Indigenous communities powerless to reclaim their ancestors. AMNH's current policies, vague and discretionary, perpetuate this imbalance, allowing institutions to control the fate of human remains rather than returning them to the people to whom they belong.

Comparative cases, particularly the Te Papa Tongarewa model, show that repatriation is most successful when Indigenous communities are central to the process, supported by clear legal frameworks and ethical protocols. For Brazil, this means decisive governmental action, international advocacy, and Indigenous leadership to demand the return of ancestral remains. Repatriation is not merely a legal procedure; it is an act of justice, dignity, and recognition. Returning these remains is essential to restore cultural integrity, honor the rights of Indigenous peoples, and confront the historical violence that allowed these bodies to be taken. The failure to act perpetuates colonial harm; the act of repatriation, however, signals a meaningful step toward reconciliation, healing, and the ethical stewardship of human history.

Bibliography

- Atalay, S. (2015). A world indigenous movement: “We are the watchers, we are witnesses.” *Power of the Talking Stick*, 149–164. <https://doi.org/10.4324/9781315632636-12>
- Barron, N. (2019). *Applying anthropology, Assembling Indigenous Community: Anthropology and the pascua yaqui tribe in Southern Arizona*. UNM Digital Repository. https://digitalrepository.unm.edu/anth_etds/168/
- Breske, A. (2018). Politics of repatriation: Formalizing indigenous repatriation policy. *International Journal of Cultural Property*, 25(3), 347–373. <https://doi.org/10.1017/s0940739118000206>
- Cave, A. A. (2003). Abuse of power: Andrew Jackson and the Indian Removal Act of 1830. *The Historian*, 65(6), 1330–1353. <https://doi.org/10.1111/j.0018-2370.2003.00055.x>
- de Barros , P. (2024, August 19). *The return of the Tupinambá Mantle to Brazil: A cultural and historical milestone*. Sophie Su Art Advisory. https://sophiesuartadvisory.com/blog_articles/the-return-of-the-tupinamba-mantle-to-brazil-a-cultural-and-historical-milestone/
- El-Najjar, M. Y. (1977). The distribution of human skeletal material in the continental United States. *American Journal of Physical Anthropology*, 46(3), 507–512. <https://doi.org/10.1002/ajpa.1330460317>
- Enderson, J. (2023). *From Conservation to Conversation Rethinking Collections Care*.

- Fran, M., & Velden, F. V. (1970, January 1). *Never quite abandoned, never sufficiently studied: Brazilian indigenous objects in European museums*. Indiana.
<https://www.redalyc.org/journal/2470/247065256001/html/>
- Françoço, M. (2020). *Never Quite Abandoned, Never Sufficiently Studied: Brazilian Indigenous Objects in European Museums. Introduction to the Dossier*.
- Gaudenzi, B., & Swenson, A. (2017). Looted art and restitution in the Twentieth Century – towards a global perspective. *Journal of Contemporary History*, 52(3), 491–518.
<https://doi.org/10.1177/0022009417692409>
- Giesen, M. (2013). The protection and repatriation of Native American cultural items in the United States. *Global Ancestors*, 34–49. <https://doi.org/10.2307/j.ctvh1dj79.8>
- Gill, I. (2011). All that we say is ours: Guujaaw and the reawakening of the haida nation. *Choice Reviews Online*, 48(05). <https://doi.org/10.5860/choice.48-2875>
- Henare, A. (2004). Rewriting the script: Te Papa Tongarewa the Museum of New Zealand. *Social Analysis*, 48(1). <https://doi.org/10.3167/015597704782352762>
- Jedlicki, C. A. M., Oosterman, N., & Christofolletti, R. (2023). *Colonial Heritage, power, and contestation: Negotiating decolonisation in Latin America and the Caribbean*. Springer.
- Jenkins, T. (2010). *Contesting Human Remains in Museum Collections*.
<https://doi.org/10.4324/9780203841310>
- Merryman, J. H. (1986). Two ways of thinking about cultural property. *American Journal of International Law*, 80(4), 831–853. <https://doi.org/10.2307/2202065>

- Nash, S. E., & Colwell, C. (2020). Nagpra at 30: The effects of repatriation. *Annual Review of Anthropology*, 49(1), 225–239. <https://doi.org/10.1146/annurev-anthro-010220-075435>
- Rose, J. C., Green, T. J., & Green, V. D. (1996). Nagpra is forever: Osteology and the repatriation of skeletons. *Annual Review of Anthropology*, 25(1), 81–103.
<https://doi.org/10.1146/annurev.anthro.25.1.81>
- Subotic, J. (2023). Scholars and the politics of International Art Restitution. *Contemporary European History*, 32(1), 33–37. <https://doi.org/10.1017/s0960777322000613>
- Turnbull, P. (2020). International repatriations of indigenous human remains and its complexities: The Australian experience. *Museum and Society*, 18(1), 6–18.
<https://doi.org/10.29311/mas.v18i1.3246>
- Tythacott, L., & Arvanitis, K. (2017). *Museums and restitution: New practices, new approaches*. Routledge.
- ‘definitely stolen?’: Why there is no alternative to provenance research in archaeological museums. (2016). *Museums, Ethics and Cultural Heritage*, 232–239.
<https://doi.org/10.4324/9781315560151-31>

Appendix A: Statistics of Remains

DUO

MAHMOUD Y. EL-NAJJAR

Abbreviations (continued)

RM, Rochester Museum, Rochester, New York
 RU, Rice University, Houston, Texas
 SBMNH, Santa Barbara Museum of Natural History,
 Santa Barbara, California
 SDM, San Diego Museum of Man, San Diego,
 California
 SFU, Stanford University, Stanford, California
 SHSC, State Historical Society of Colorado, Boulder,
 Colorado
 SI, Smithsonian Institution, Washington, D.C.
 UC, University of Colorado, Denver, Colorado
 UCMA, University of California, Berkeley, California
 UIMS, University of Illinois Medical School, Urbana,
 Illinois
 UMAA, University of Michigan at Ann Arbor, Ann
 Arbor, Michigan
 UNLV, University of Nevada at Las Vegas, Las Vegas,
 Nevada
 UO, University of Oklahoma, Norman, Oklahoma
 UP, University of Pennsylvania, Philadelphia,
 Pennsylvania
 USC, University of South Carolina, Columbia, South
 Carolina
 UV, University of Virginia, Charlottesville, Virginia
 WI, Wistar Institute, Philadelphia, Pennsylvania
 WSM, Washington State Museum, Pullman, Washing-
 ton
 WU, Washington University, St. Louis, Missouri
 YPM, Yale Peabody Museum, New Haven,
 Connecticut
 YU, Yale University, New Haven, Connecticut

1. AFRICA

Country	Number	Location
Angola	2	AMNH
Cameroon	49	AMNH
Congo	9	AMNH
Dahomey	14	AMNH
East Africa	90	AMNH
Egypt	530	AMNH
Egypt	107	AMNH
Egypt	36	NAS
Egypt	174	FM
Egypt	525	PM
Egypt	18	SI
Gold Coast	26	AMNH
Liberia	8	AMNH
Nigeria	30	AMNH
North Africa	549	AMNH
Sierra Leone	3	AMNH
South Africa	73	AMNH
Togu	11	AMNH
West Africa	199	AMNH

2. ASIA

Country	Number	Location
Afghanistan	12	AMNH
Buriat	31	ST
China	49	AMNH
China	12	FM
China	6	YPM
China	112	SI
China	17	WI
Cyprus	22	AMNH
East Asia	71	AMNH
Greece	346	AMNH
Greece	47	SI
Hindu	45	NAS
Hindu	19	YPM
Hindu	3	WI
India	100	AMNH
India	9	CSU
India	12	FM
India	3	NIU
Indonesia	3	UP
Indonesia	10	SI
Iraq	408	FM
Iraq	15	YPM
Israel	88	AU
Japan	17	AMNH
Japan	17	SI
Japan	11	WI
Korea	6	AMNH
Korea	5	SI
Lebanon	14	AMNH
Malay	93	AMNH
Malay	12	FM
Malay	26	NAS
Malay	19	SI
Malay	3	WI
Mongolia	30	AMNH
Mongolia	169	SI
Pakistan	9	AMNH
Palestine	25	AMNH
Palestine	151	SI
Persia	13	YPM
Persia	114	UP
Persia	46	USC
Persia	2	SI
Rhodes	22	AMNH
Russia	37	AMNH
Russia	196	SI
Siberia	47	AMNH
Siberia	39	SI
Syria	58	AMNH
Thailand	38	AMNH
Tibet	2	AMNH
Tibet	3	SI
Turkey	154	AMNH

HUMAN SKELETAL MATERIAL IN THE UNITED STATES

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3. AUSTRALIA AND NEW ZEALAND					
Country	Number	Location	Tribe	Number	Location
Australia	55	AMNH	Caddo	3	SI
Australia	11	NAS	Chehalis	3	SI
Australia	2	NMC	Cheyenne	31	SI
Australia	6	YPM	Chinook	39	SI
Australia	79	SI	Chippewa	21	SI
Australia	6	WI	Choctaw	4	SI
Tasmania	12	FM	Clallam	2	SI
New Zealand	46	AMNH	Clatsup	2	SI
New Zealand	24	FM	Cahokia	72	FM
New Zealand	30	SI	Comanche	9	SI
			Concon	5	SI
			Cowichan	7	SI
			Crow	2	SI
			Delaware	58	SI
			Dene	3	SI
			Digger	199	SFU
			Flathead	216	YPM
			Gros	4	SI
			Haida	38	AMNH
			Haida	421	FM
			Haida	4	SI
			Hopi	288	FM
			Hopi	144	FM
			Hopewell	132	FM
			Huron	35	SI
			Iroquois	24	FM
			Iroquois	55	RM
			Iroquois	34	NYSM
			Iroquois	25	SI
			Karankawa	5	RU
			Kaw	5	SI
			Kechi	6	SI
			Kickapoo	2	SI
			Kiowa	4	SI
			Kwakiutl	192	FM
			Kuteria	12	FM
			Lipan	3	SI
			Minnetavee	25	SI
			Modoc	7	SI
			Muskogean	35	MISU
			Mount	44	BMS
			Navajo	28	SI
			Nisqually	6	SI
			Newittee	5	SI
			Nez Perce	3	SI
			Nootka	156	FM
			Osagi	6	SI
			Papago	4	SI
			Pawnee	24	FM
			Pawnee	8	SI
			Piegian	22	SI
			Pima	4	SI
			Plains	12	FM
			Ponca	30	SI
			Pottawamie	2	SI
			Pueblo	2,000	ASM

4. EUROPE		
Country	Number	Location
Austria	1,084	AMNH
Austria	18	SI
Bavaria	8	SI
Bohemia	82	SI
Bulgaria	17	AMNH
Czechoslovakia	182	AMNH
Denmark	4	AMNH
England	4	AMNH
England	35	SI
France	6	AMNH
France	18	SI
Germany	435	AMNH
Germany	59	SI
Holland	8	SI
Hungary	962	AMNH
Iceland	80	YPM
Italy	16	AMNH
Lapp	7	SI
Poland	6	AMNH
Romania	4	AMNH
Sardinia	12	FM
Spain	13	AMNH
Switzerland	67	JH
Switzerland	65	SI
Yugoslavia	71	AMNH

5. NORTH AMERICA		
(A) American Indians (by tribe)		
Tribe	Number	Location
Algonquin	172	MHSU
Apache	36	FM
Apache	33	SI
Arapaho	12	FM
Arapaho	9	SI
Archare	9	MISU
Arikara and Mandan	32	UC
Arikara	3	SI
Blackfoot	132	FM
Blackfoot	9	SI

Tribe	Number	Location	State	Number	Location
Pueblo	10	CSU	Indiana	22	SI
Pueblo	288	FM	Iowa	24	FM
Pueblo	404	MNM	Iowa	31	SI
Pueblo	101	SDM	Kansas	48	SI
Pueblo	206	SHSC	Kentucky	40	AMNH
Pueblo and Basketmakers	60	UC	Kentucky	152	SI
Pueblo	24	UIMS	Louisiana	53	AMNH
Salish	132	FM	Louisiana	184	SI
Seminole	5	SI	Maine	2	AMNH
Shawnee	7	SI	Maryland	749	SI
Sioux	12	FM	Massachusetts	4	AMNH
Sioux	5	CM	Massachusetts	12	SI
Sioux	135	SI	Michigan	14	AMNH
Snake	4	SI	Michigan	24	FM
Songish	108	FM	Michigan	12	UMAA
Tlingit	7	SI	Michigan	29	SI
Tonkawa	5	SI	Minnesota	5	SI
Ukie	4	SI	Mississippi	120	SI
Ute	43	SI	Missouri	5	AMNH
Witchita	10	SI	Missouri	12	FM
Winnebago	3	SI	Missouri	235	SI
			Montana	47	AMNH
			Montana	30	SI
			Nebraska	34	SI
			Nebraska	2	AMNH
			Nevada	4	AMNH
			Nevada	150	UNLV
			Nevada	16	SI
			New Jersey	22	AMNH
			New Jersey	48	FM
			New Mexico	696	AMNH
			New Mexico	1,109	SI
			New York	170	AMNH
			New York	87	SI
			North Carolina	61	SI
			North Dakota	5	AMNH
			North Dakota	66	SI
			Ohio	45	AMNH
			Ohio	216	FM
			Ontario	60	FM
			Oklahoma	500	UO
			Oregon	173	AMNH
			Oregon	78	SI
			Pennsylvania	4	AMNH
			Pennsylvania	20	CM
			Pennsylvania	25	SI
			Rhode Island	2	AMNH
			Rhode Island	9	PMRI
			Rhode Island	3	SI
			Santa Barbara Island	300	SBMNH
			South Carolina	2	SI
			South Dakota	5	AMNH
			South Dakota	64	SI
			Tennessee	12	AMNH
			Tennessee	285	SI
			Texas	8	AMNH
			Texas	73	SI
			Utah	61	AMNH
			Vancouver Island	24	FM
			Vermont	2	AMNH
			Vermont	3	SI

(B) *American Indians (by state)*

State	Number	Location
Alabama	98	SI
Alaska	25	UP
Alaska	123	SI
Arizona	252	AMNH
Arizona	230	FM
Arizona	35	PC
Arizona	655	SI
Arkansas	22	AMNH
Arkansas	60	FM
Arkansas	347	SI
British Columbia	346	AMNH
California	30	AMNH
California	128	CSULB
California	72	FM
California	383	UCMA
California	6	UIMS
California	822	SI
Colorado	54	AMNH
Colorado	96	FM
Colorado	86	SHSC
Connecticut	820	SI
Delaware	69	SI
District of Columbia	144	SI
Florida	174	AMNH
Florida	12	FM
Florida	175	SI
Georgia	12	USC
Georgia	54	SI
Hawaii	211	SI
Illinois	276	FM
Illinois	734	UC
Illinois	548	SI
Indiana	24	FM

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State	Number	Location
Virginia	4	AMNH
Virginia	998	SI
Washington	79	AMNH
Washington	108	SI
Washington	29	WSM
West Virginia	22	SI
Wisconsin	24	FM
Wisconsin	189	MPM
Wisconsin	56	SI
Wyoming	9	SI

C. American Blacks

Number	Location
1,058	CMNH
74	FM
65	HOU
35	UV
382	SI
135	SI
498	WU
15	WI
7	YU

D. American Whites

Number	Location
1,775	CMNH
133	FM
23	JH
8	NAS
4,666	SI
562	WU

E. Eskimos and Aleuts

Group	Number	Location
Aleuts	57	AMNH
Aleuts	12	FM
Aleuts	749	SI
Baffin Bay	9	AMNH
Chuckchi	9	SI
Eskimo	13	AMNH
Eskimo	186	ASU
Eskimo	23	ASU
Eskimo	156	FM
Eskimo	160	SI
Greenland	37	AMNH
Greenland	49	YPM
Greenland	98	SI
Igluligarjuk	8	ASU
Kamarvik	127	ASU
Kodiak Island	76	SI
Kulaituijavik	26	ASU
Labrador	41	YPM
Point Barrow	110	AMNH
Point Barrow	15	UP
Southampton Is.	8	AMNH
Eskimo	127	WI

6. CENTRAL AMERICA

Country	Number	Location
Guatemala	12	AMNH
Guatemala	7	SI
Honduras	11	AMNH
Honduras	36	FM
Honduras	7	SI
Mexico	643	AMNH
Mexico	72	FM
Nicaragua	7	SI
Panama	74	SI
San Salvador	12	FM
Santo Domingo	7	AMNH
Northern Mexico	3,122	PMH
Northern Mexico	14,326	SI
Central	213	YPM
Central America	56	FM

7. SOUTH AMERICA

Country	Number	Location
Argentina	49	AMNH
Argentina	84	FM
Argentina	84	SI
Bolivia	866	AMNH
Bolivia	24	FM
Bolivia	27	SI
Brazil	9	AMNH
Brazil	3	SI
Chile	68	AMNH
Chile	24	FM
Chile	22	SI
Colombia	18	AMNH
Colombia	12	FM
Colombia	15	SI
Ecuador	35	SI
Paraguay	2	AMNH
Peru	414	AMNH
Peru	500	HVU
Peru	331	SDM
Peru	3,531	SI
Peru	816	UC
Venezuela	14	AMNH

8. CARIBBEAN

Island	Number	Location
Aruba	12	FM
Bahamas	5	AMNH
Bahamas	12	AMNH
Jamaica	2	AMNH
Puerto Rico	40	AMNH
Puerto Rico	6	SI
Cuba	6	SI
Haiti	27	SI
Haiti	3	AMNH
West Indies	94	SI

Appendix B: AMNH Repatriation Policy and Constitution

6.0 Human Remains

6.1 General Provisions

- 6.1.1 As a result of the Museum's long history in archeological and anthropological research, its collection includes human remains. While there is continuing scientific value in such a collection, today the issue of human remains in museums is sensitive and is framed more widely by both legal mandates, and the shared interest of the museum community and of lineal descendants and culturally affiliated Indigenous communities in the proper care and respectful treatment, including repatriation, of their ancestral human remains.
- 6.1.2 For the purposes of this Policy, "human remains" is defined as the physical remains of the body of a *Homo sapiens*. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets.
- 6.1.3 There is a need for dialogue and collaboration with recognized Indigenous communities that aims to develop mutually acceptable solutions. The Museum must respectfully consider the interests of related Indigenous communities and lineal descendants and the inherent connections that peoples of the World have with their

6.2 Acquisition of Human Remains

The Museum does not acquire human remains except in exceptional circumstances and only with the express written consent of the Indigenous peoples to whom the remains are ancestral. In such cases, specific approval of the President and Provost is required for new acquisition of human remains.

6.3 Research Loans

Human remains are generally not borrowed by AMNH from, nor loaned to, other institutions, except upon the approval of the Loan Committee of the Anthropology Division and the Anthropology Division Chair.

6.4 Access for Scientific Research

- 6.4.1 AMNH supports the American Association of Biological Anthropologists Code of Ethics, which states that all biological anthropologists have an ethical obligation to consult actively with individuals or groups with whom they are doing research. Researchers are also required to explain how they identified consulting partners (agency, institution, group, individual) and why that is the appropriate authority to speak for the community.
- 6.4.2 Consistent with the American Association of Biological Anthropologists Code of Ethics, requests to conduct research that involves human remains must involve individual and/or community consultation and be accompanied by a statement identifying the method of community consultation, how the consulting partners were selected, relevant permissions granted, including, where possible, permission of affiliated groups to conduct the research and publish the findings. If obtaining ethical permissions from the community is not relevant/feasible, researchers must describe why consultation is not being pursued or was not granted.

Appendix C: Ethical Principle Assessment

Haida Nation

TABLE 1				
	Descendant Community (Haida Nation)	Holding Institution (AMNH)	Researchers/Scientific Community	General Public
Wellbeing	The return of ancestors restored spiritual and cultural wellbeing. The reburial strengthened cultural healing, identity, and intergenerational continuity. (9/10) +2	Museum reputation improved by acting in good faith, but loss of collections sometimes framed as a negative internally. (6/10) -1	Some researchers lost access to remains for study, but many shifted to collaborative, community-driven research models, mitigating negative impact. (5/10) -2	Public benefits from seeing reconciliation, increased trust in museums, and more accurate understanding of history. (8/10) +2
Autonomy	Haida representatives were directly involved in negotiations and ceremonial return; decisions about reburial followed Haida protocols, showing respect for sovereignty. (9/10) +2	AMNH acted within its internal policies and had discretion to approve international repatriations, though the legal framework (NAGPRA) didn't obligate it. (7/10) 0	Scientific autonomy limited (cannot study remains without consent), but aligns with evolving ethical research practices. (6/10) -1	Public no longer has potential access to viewing the remains as "specimens," but gains richer cultural narratives through exhibitions about repatriation. (8/10) -1
Justice	Restored ancestral dignity after colonial violence. Some	Corrected historical wrongs and demonstrated	Recognition that research should not outweigh human dignity	Society's ethical responsibility toward Indigenous

	justice delayed (remains were held for decades), so not full marks. (8/10) +2	moral responsibility, though the late action and lack of proactive initiative lower the score slightly. (8/10) +2	and descendant rights; marks an ethical correction in anthropology. (8/10) +2	rights is advanced, though awareness of the case remained limited outside Haida and heritage circles. (8/10) +2
SCORING	26/30 very high ethical outcome	21/30 positive, but partly reactive rather than proactive	19/30 balanced, with shifting norms	24/30 positive educational and moral benefit

90/120 → 75% ethical fulfillment NEUTRAL

Appendix D: Ethical Principle Assessment

Pasqua Yaqui Tribe and Tribu Yaqui

TABLE 2				
	Descendant Community (Pasqua Yaqui Tribe and Tribu Yaqui)	Holding Institution (AMNH)	Researchers/Scientific Community	General Public
Wellbeing	<p>The reburial of 12 massacre victims restored spiritual, cultural, and emotional balance after more than a century of displacement. The ceremonies in New York and Sonora allowed communities on both sides of the border to mourn, heal, and honor their ancestors.</p> <p>(9/10) +2</p>	<p>AMNH improved its reputation through cooperation and respect. However, its historical role in storing massacre victims for scientific use weighs negatively on its ethical wellbeing.</p> <p>(7/10) 0</p>	<p>Researchers lost access to physical remains but gained legitimacy by aligning with ethical standards. Some anthropologists involved even assisted in the return, showing a positive shift in research-community relations.</p> <p>(6/10) -1</p>	<p>The public gained from a more ethical museum practice and greater awareness of the Yaqui genocide, strengthening collective historical consciousness.</p> <p>(8/10) +2</p>
Autonomy	<p>The Yaqui had strong leadership in requesting and guiding the process. However, because NAGPRA does not directly apply internationally, they had to rely on AMNH's</p>	<p>Without legal compulsion, AMNH retained discretion in approving the return, which it used responsibly. Yet, reliance on its internal decision-making process indicates autonomy</p>	<p>While restrictions increased (no further study of human remains), researchers retained freedom to collaborate with Yaqui communities on cultural knowledge, traditions, and</p>	<p>Public access to remains was reduced, but alternative educational programming and public ceremonies ensured knowledge-sharing.</p>

	discretionary policies and INAH's facilitation, which slightly limited their autonomy. (8/10) +2	skewed toward institutional control. (8/10) +2	oral histories. (7/10) 0	(7/10) 0
Justice	The return of massacre victims symbolically addressed historic atrocities and colonial violence, giving the Yaqui an avenue of justice after over 100 years. The process was collaborative and respectful. (9/10) +2	Justice was partially achieved by acknowledging and addressing past harms, though delayed recognition of unethical collection practices limits this score. (7/10) 0	Justice advanced by rejecting exploitative practices (removing heads from massacre sites) and reorienting research to respect Indigenous sovereignty. (8/10) +2	Justice was enhanced as the public saw institutional accountability and Indigenous peoples' rights acknowledged. (8/10) +2
SCORING	26/30	22/30	21/30	23/30

92/120 → 76,7% ethical fulfillment NEUTRAL

Appendix E: Ethical Principle Assessment

Museum of New Zealand Te Papa Tongarewa

TABLE 3				
	Descendant Community (Haida Nation)	Holding Institution (AMNH)	Researchers/Sci entific Community	General Public
Wellbeing	<p>The return of kōiwi tangata (ancestral remains) has deep cultural and spiritual importance. Repatriation allowed for reconnection with ancestors and facilitated rituals of mourning, healing, and cultural renewal.</p> <p style="text-align: center;">(9/10) +2</p>	<p>Justice was pursued by undoing historical injustices of colonial collecting and grave robbing. Recognition of Māori and Moriori rights over their tūpuna (ancestors) demonstrates restorative justice.</p> <p style="text-align: center;">(7/10) 0</p>	<p>Researchers lost access to human remains that had been subject to scientific study, but the repatriation process encouraged a shift toward collaborative research with descendant communities, which enhanced credibility.</p> <p style="text-align: center;">(6/10) -1</p>	<p>The public benefited from transparency, seeing museums act ethically and learning more about colonial histories and Indigenous rights. Rituals and ceremonies were made visible through media coverage.</p> <p style="text-align: center;">(8/10) +2</p>
Autonomy	<p>Māori and Moriori tribes are represented through Te Papa’s Karanga Aotearoa Repatriation Programme, which leads negotiations and ensures iwi/hapū determine final reburial. Autonomy was strong but still mediated by the state museum as</p>	<p>AMNH acted voluntarily, as U.S. law (NAGPRA) does not cover international claims. Its autonomy was preserved, though exercised within ethical pressure and growing international norms.</p>	<p>Research autonomy decreased in terms of studying human remains, but pathways remain open for cultural, linguistic, and historical research alongside Māori/Moriori partners.</p>	<p>Public access to human remains as objects of curiosity or display was removed, but this shift aligns with contemporary values and replaced “viewing” with deeper cultural education.</p>

	the official negotiator. (8/10) +2	(8/10) +2	(7/10) 0	(7/10) 0
Justice	Justice was pursued by undoing historical injustices of colonial collecting and grave robbing. Recognition of Māori and Moriori rights over their tūpuna (ancestors) demonstrates restorative justice. (9/10) +2	By acknowledging the harm caused and transferring ancestors, AMNH contributed to justice, but the slow timeline and its colonial legacy limit full recognition. (7/10) 0	Justice improved as the scientific community publicly acknowledged unethical past practices (grave robbing, collecting toi moko for display). The process modeled ethical accountability. (8/10) +2	Justice was reinforced by showing museums could respond to Indigenous demands and engage in respectful international repatriation. (9/10) +2
SCORING	26/30	22/30	21/30	23/30

93/120 → 77,7% ethical fulfillment **HIGH ETHICAL PRINCIPLE**