

**National Repatriation Policy
for Kōiwi Tangata
and Associated Burial Taonga
within Aotearoa**

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Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu
The Museums of New Zealand Inc

National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa

1 Timatanga Kōrero | Introduction

The purpose of this policy is to offer guidance for museums in taking an ethical approach to the respectful management of kōiwi tangata¹ within their care, with a presumption that repatriation to the source community should be the outcome wherever possible. The institution's stance on, and plans for, the **care, research, display, and repatriation** of all modified and unmodified human remains and related burial taonga held domestically, should assert these guidelines.

As conversations surrounding repatriation in Aotearoa progress, policies created by museums should be viewed as living documents which are attuned to ongoing developments in the sector.

At this time, four key documents guide the relationships between tangata whenua and tangata tiriti in Aotearoa, which museums holding kōiwi tangata need to be aware of. These are: *Te Tiriti o Waitangi* (1840), *Ngāi Tahu Kōiwi Tangata Policy* (2019), *Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples* (1993), and *The United Nations Declaration on the Rights of Indigenous Peoples* (2007) (*UNDRIP*). As time passes there may be a need to update the above list as other iwi develop policies relating to kōiwi tangata.

Other related documents to be considered relating to the legality of collecting kōiwi tangata include: the Burial and Cremation Act (1964), the Human Tissues Act (2008), Heritage New Zealand Pouhere Taonga Act (2014).

The repatriation of kōiwi tangata Māori and kōimi tangata Moriori relates specifically to Article Two of Te Tiriti o Waitangi which states within the Māori version;

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou whenua o ratou kainga me o ratou taonga katoa.²

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise [te tino rangatiratanga] of their chieftainship over their lands, villages and all their treasures.³

These guidelines have been kept wide-reaching purposefully, to reflect the diverse views and approaches of source communities involved in repatriation efforts, while also identifying key outcomes for museum policy. What is non-negotiable within policy creation is that kōiwi tangata will be treated with the same respect and consideration for human dignity regardless of where they are from, therefore the same ethics of care apply for all kōiwi tangata held by museums throughout Aotearoa.

¹ **Kōiwi tangata** has been used to refer to **all** human remains held by museums throughout Aotearoa, acknowledging that all human remains should be treated with the same respect for human dignity irrespective of whakapapa, religion, nationality, custom or tradition.

² Te Tiriti o Waitangi <https://nzhistory.govt.nz/politics/treaty/read-the-treaty/maori-text>

³ Te Tiriti o Waitangi <https://nzhistory.govt.nz/politics/treaty/read-the-Treaty/differences-between-the-texts>

2 Te Whakahoki i ngā Kōiwi Tūpuna me ngā Taonga | Repatriation

Rights to the management of provenanced kōiwi tangata Māori and Moriori, along with associated burial taonga, remain with the iwi and/or hapū who are the source communities, as identified under Article Two of Te Tiriti o Waitangi. This should be recognised in all museum repatriation policies, with the repatriation of kōiwi tangata embedded as a key priority area for museums' future planning. The holding of provenanced kōiwi tangata against the will of source communities denies people of dignity and closure, and is therefore deemed unethical.

Museum repatriation policies should be guided by the following tenets:

- a Museums should, if not already developed, approach their iwi advisory committee, local iwi and/or hapū for assistance when developing repatriation policies. Irrespective of where kōiwi tangata are from, tangata whenua have a role in returning these ancestors to their descendants;
- b Museums will proactively engage with source communities of kōiwi tangata with the aim of building robust long term relationships;
- c The terms of repatriation for both modified and unmodified kōiwi tangata, as well as related burial taonga, are guided by the source community, if known, not by the museum;
- d Museums will show respect for tikanga Māori and ensure that human dignity is embedded in every step of the repatriation process. As tikanga vary between iwi and hapū, there is no 'one size fits all' approach to repatriation, therefore museums should seek guidance from each source community when discussing repatriation;
- e Museums will undertake proactive engagement with other museums and/or kindred institutions to jointly repatriate to iwi, hapū and source communities wherever possible;
- f Museums will inform the iwi and/or hapū and source communities of any associated taonga, including burial objects which should be repatriated with the kōiwi tangata they were separated from wherever possible;
- g Museums will demonstrate sensitivity and understanding for complex social, cultural, political and financial issues facing some iwi and/or hapū and source communities seeking repatriation;
- h Museums will allow adequate time and resources for the repatriation process, acknowledging and accepting that repatriation can take several months or even years to fully complete;
- i Museums will fully document each repatriation effort, consistent with formal record-keeping for deaccessions.

Where museums are approached by iwi and/or hapū and source communities seeking the repatriation of their ancestors and associated taonga, meaningful relationships should be established. Museums and iwi and/or hapū and source communities should work together from the beginning of each repatriation to develop clear guidelines for their relationship in order to co-facilitate the return. The museum should make necessary provisions for the iwi and/or hapū and source communities to visit their tūpuna (as descendants) prior to the return.

Repatriation to iwi and/or hapū and source communities should be undertaken within an open and constructive dialogue. Through embedding transparent policies within their practice, museums will ensure future endeavours and negotiations are as equitable as possible.

3 Kaitiakitanga | Care

3.1 Policy development

Museums should operate in Aotearoa with a grounding in Te Tiriti o Waitangi. Central to this treaty relationship is the development of institutional frameworks, based on a robust bicultural partnership between the Crown and tangata whenua who are the source communities in Aotearoa. Museums in Aotearoa must therefore be committed to working in collaboration with iwi and/or hapū in the first instance and other source communities where necessary in the care and management of their tūpuna.

Iwi advisory committees, local iwi and or hapū should be the first line of assistance in repatriation. If not already established, museums holding kōiwi tangata should develop relationships with their local iwi and/or hapū and source communities, prior to the development of any policies concerning any kōiwi tangata in their holdings. Museums are able to avoid making assumptions, on behalf of iwi and/or hapū or transgressing tikanga and kawa when these policies are developed in a partnership agreement. Where museums hold kōiwi tangata provenanced to source communities outside of Aotearoa, every effort should be made to ensure that their cultural beliefs and practices are taken into consideration.

3.2 Key tenets of care procedures within repatriation policies should be focused on ensuring that:

- a Any museum policy on the care of kōiwi tangata is guided by a deep respect for human dignity, irrespective of origin, religion, nationality, custom or tradition;
- b Museums will compile an inventory of all kōiwi tangata, in their collection, including information about the date of collection and/or acquisition, provenance, physical description/s, the circumstances around their acquisition, and any iwi, hapū or source community affiliation, if known;
- c Museums will compile an inventory of taonga either associated to kōiwi tangata or known to be from burial sites, including but not limited to urupā (cemeteries), ana (caves), rākau (trees), maunga (mountains), wai (waterways) and wāhi tapu (sacred sites).
- d Museum policies pertaining to kōiwi tangata are to be made publicly accessible.

While the repatriation of kōiwi tangata held by museums is the central goal of this Policy, museums should also develop their policy position on the contemporary depositing of kōiwi tangata into their care. Clear guidelines should be established for when an iwi and/or hapū and source communities make a request for their ancestors to be stored within a museum, whether temporarily or indefinitely.

3.3 Practical care procedures

Specific tikanga, guidelines and procedures surrounding the physical and spiritual care of all kōiwi tangata within the museum is to be established within museum policies. Museums should make every effort to seek advice from their iwi advisory committee, local iwi or hapū for guidance on developing tikanga in the first instance, before reaching out to the wider sector.

3.4 Guidance in establishing wāhi tapu tikanga

The following principles should govern the management of a dedicated space for the storage of kōiwi tangata, including the development of policies for both physical and spiritual care:

- a Protocols surrounding the housing of kōiwi tangata should follow museological best practice wherever possible and appropriate, and be clearly outlined in museum policy.
- b Kōiwi tangata should be kept separate from the rest of the museum's collections, in a space such as a wāhi tapu which has the same degree of respect as an urupā.
- c Tikanga developed by museums in partnership with local iwi or hapū should be grounded in pastoral care to include the cultural, spiritual and physical care of tūpuna, museum staff, members of the iwi and/or hapū and members of the public.
- d Tikanga should also be developed surrounding access to the wāhi tapu. Tikanga should include karakia, wai whakanoa, the prohibition of food and water inside the space, and processes of whakawātea. Staff training and adherence to tikanga Māori when in the wāhi tapu, should be standard to the museum's best practice.
- e Provision should be made for descendants and/or source communities to visit their tūpuna upon request.
- f Access to kōiwi tangata should be restricted to the discretion of the source community, iwi and/or hapū with access to unprovenanced remains outlined clearly in museum policy.

3.5 Images and other digital surrogates

The digital care of kōiwi tangata within a museum's collection needs to have appropriate policy and guidelines developed. Records pertaining to kōiwi tangata, including database records, images, 3D scans, footage and archives, should be appropriately restricted at the discretion of the iwi and/or hapū and source communities (where known) and the museum. Images of modified kōiwi tangata and associated taonga also need to be appropriately restricted. It is also recommended that there is a transfer of copyright ownership or a legally shared copyright ownership of images and digital surrogates where copyright is controlled/owned by the museum.

4 Rangahau | Research

Any research undertaken on kōiwi tangata (outside of provenance research required for the purposes of repatriation) should be done ethically and with the consent of the source communities. This includes both destructive and non-destructive scientific research. Ethically, any research on kōiwi tangata in Aotearoa needs to have cultural permissions from the source community, or informed consent from the deceased under the New Zealand Human Tissues Act 2008 (specifically Part 2 s.14 – 24).

Individual museums need to develop protocols for research on unprovenanced kōiwi tangata, while remaining consistent with normative research ethics, human subject research ethics and professional standards. In all cases, research efforts should be undertaken to identify the provenance of kōiwi tangata. If provenance cannot be confirmed, museums should seek advice from their respective advisory committee (i.e. museum governance boards, iwi or tangata whenua representatives, iwi advisory boards, repatriation komiti) as well as their local iwi or hapū.

Scholars involved in any approved research are required to demonstrate sound cultural competency, along with holding appropriate support from their institution or research team, and most importantly, have the necessary permissions and consent from the source community if the kōiwi tangata are provenanced, or from tangata whenua if provenance is unknown. Tikanga Māori should therefore be adhered to by researchers. Copies of all research should be given to the source community, as a matter of respect.

5 Te Mahi Whakaatu i te Kōiwi Tangata | Display of Human Remains

The display of kōiwi tangata within Aotearoa is a contentious issue, with key divisions around the definitions of modified and unmodified human remains (e.g. continued debates surrounding the display of Egyptian mummies as ‘modified’ human remains). Any kōiwi tangata remaining in museum collections should not be displayed, unless in the rare circumstance where the iwi and/or hapū, whānau or source communities request otherwise, and where express permission has been given.

Museums in Aotearoa should develop, in partnership with the iwi and/or hapū and source communities, explicit protocols identified within their policies any planned exhibitions which may include kōiwi tangata. These protocols should aim to maintain the mana and dignity of the person or the taonga displayed, with the utmost respect upheld throughout the exhibition design and display process.

If source community and tangata whenua consent is granted, museums should exercise further due diligence by giving careful consideration to display and the following protocols should be observed:

- a wai whakanoa available nearby the displayed kōiwi tangata;
- b clear labelling of the display to elucidate the presence of the kōiwi tangata, even for taonga only partly comprised of human remains, for example objects made from human hair and/or bone including whakairo, kākahu, taonga puoro etc;
- c cautionary signs at the entrance to the exhibition/gallery holding kōiwi tangata, allowing visitors the discretion to enter the space, prior to coming into contact with the display.

Any museum policy on kōiwi tangata and associated taonga should include protocols for responding to public/community questions and any requests for the withdrawal of kōiwi tangata from exhibitions and public display. It should be a priority that these requests are handled expeditiously and with sensitivity.

Kōiwi tangata and taonga which are deemed exceptions to the no-display rule should undergo in-depth consultation with tangata whenua and the relevant source community.

6 He kōrero anō | Further advice

The advisory body for this policy is both the New Zealand Repatriation Research Network, as well as Museums Aotearoa | Te Tari o ngā Whare Taonga o te Motu. The creation of this policy has been undertaken with the support of Manatū Taonga Ministry for Culture and Heritage. This policy will be reviewed every 5 years, in consultation with the New Zealand Repatriation Research Network.

For information relating to policy development and the repatriation process, please contact:

National Services Te Paerangi, Museum of New Zealand Te Papa Tongarewa:
natserv@tepapa.govt.nz
Museums Aotearoa | Te Tari o ngā Whare Taonga o te Motu:
mail@museumsaotearoa.org.nz

Additional resources about the repatriation process are also available on request from National Services Te Paerangi.

7 Kupu taka | Glossary

Definitions of terms relevant to domestic repatriation, are defined here:

Grave goods/burial objects – any object buried or laid to rest with kōiwi tangata in either graves, burial caves or similar contexts;

Kākahu – clothing, garments or cloaks;

Karakia – ritual chant or prayer;

Kōimi tangata – is the Moriori dialect for human remains, as defined below;

Kōiwi tangata – under this addendum be defined as bone, soft tissue, teeth, hair and nails from a human body. Cremated, embalmed and mummified human body parts are also considered human remains. In this document all human remains are referred to as kōiwi tangata. Kōiwi tangata can be provenanced to Aotearoa or overseas, and can be modified or unmodified;

Modified kōiwi tangata – taonga made entirely or partly from human remains;

Repatriation – under this addendum repatriation can be understood as the processes of returning both kōiwi tangata and burial taonga to their iwi, hapū or source community by museums within Aotearoa;

Tangata tiriti – non-indigenous peoples of Aotearoa here under Te Tiriti o Waitangi;

Tangata whenua – those indigenous to the takiwā/motu (region/province) or Aotearoa;

Taonga puoro – musical instruments;

Tikanga – customary cultural protocol/s;

Toi moko – preserved Māori human head;

Unmodified kōiwi tangata – all human remains which are not modified. This includes Toi moko;

Urupā – cemetery/ancestral resting place;

Wāhi tapu – designated permanent, discreet and restricted space within a museum specifically for kōiwi tangata;

Wai whakanoa – cleansing water used to remove tapu from the body;

Whakairo – carving or decoration;

Whakawātea – cultural protocol used to clear space and remove tapu before and after contact with kōiwi tangata.