

NAGPRA: Effective Repatriation Programs and Cultural Change in Museums

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ABSTRACT

A survey of museums in the United States sought to identify evidence of broad impact on the organisational culture and practices of museums in their relationships with indigenous peoples as a result of the passage of the Native American Graves Protection and Repatriation Act 1990 (NAGPRA).

NAGPRA establishes a process for the repatriation of human remains and other specified items held in museum collections to Native Americans who can prove they are lineal descendants or members of tribes which are culturally affiliated with identified items covered by the legislation.

Effective repatriation programs are characterised by:

- a genuine belief in the primary rights of indigenous people in the management of their cultural material presently held in museum collections;
- a commitment to greater collaboration between the museum and indigenous people in the management of scientific research and public programs pertaining to items of indigenous cultural heritage;
- practices which are indicative of an organisational culture which acts in ways which go beyond the minimum requirements of the legislation.

Our research shows that museums are engaging in consultation with indigenous people in the management of collections of indigenous cultural heritage, and that this engagement is influencing conservation strategies. Museums espouse goals which promote external consultation, the involvement of indigenous people in their activities, respect for the cultural goals of indigenous people and a commitment to increasing public awareness of indigenous cultural heritage and social issues. However, only in the areas where NAGPRA has mandated it should happen—collections of human remains and secret/sacred material—is there evidence of communication and consultation, commitment of resources and sharing of authority with indigenous people consistent with the outcomes intended under NAGPRA.

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INTRODUCTION

The development of NAGPRA brought together two streams in the development of the relationship between museums and Native Americans. First, it drew on a stream of international museum dialogue begun in the late 1970s to reinvent the role of museums in promoting the development of living indigenous cultures and heritage, and in promoting a richer understanding of indigenous cultures by giving indigenous people a voice in managing and interpreting their heritage.

Second, it drew on a stream of political action by Native Americans seeking to address a long-standing human and civil rights issue: the right to control the fate of ancestral remains and secret/sacred cultural material held in museum collections. For many Native Americans, this represented an enduring symbol of their historic dispossession of lands, property and culture.

NAGPRA has created a confluence in these two streams of history. It is appropriate to consider the impact of NAGPRA on the further development of the relationship between Native Americans and museums in the United States. Taking as its basis that "effective" repatriation programs are those which align with the desired future:

- a genuine belief in the primary rights of indigenous people in the management of their cultural material presently held in museum collections;
- a commitment to greater collaboration between the museum and indigenous people in the management of scientific research and public programs pertaining to items of indigenous cultural heritage;
- practices which are indicative of an organisational culture which acts in ways which go beyond the minimum requirements of the legislation.

This paper reports on the results of a survey of U.S. museums which sought to identify evidence of museum practices indicative of an organisational culture which supports the intended outcomes of NAGPRA.

Part I of the paper addresses the historical context in which NAGPRA was developed. Part II addresses the ideas which shaped the particular practices considered supportive of "effective" outcomes. Part III presents the results of the research.

PART I: WHAT IS NAGPRA?

When Congress passed the Native American Graves Protection and Repatriation Act 1990, it acted, in a small measure, to reverse the historic pattern of one-way property transfers. (Echo-Hawk 1996).

NAGPRA establishes procedures and legal standards for the repatriation of Native American human remains and funerary objects¹, sacred objects² and cultural patrimo-

ny³ held in museum collections to the lineal descendants and members of those tribes which can prove cultural affiliation with those items. It establishes a legal framework within which consultation on the evidence supporting repatriation claims and the processes of repatriation can be conducted.

NAGPRA *requires museums to inventory their collection holdings within these categories, including information on geographical origin and cultural affiliation, manner of acquisition, and to then notify the culturally affiliated tribes⁴ (Trope 1996). The tribes can then initiate the process for claiming repatriation of items based on proof of lineal descent (for human remains) and cultural affiliation (for other items).*

The most important aspect of NAGPRA is the establishment of the rights of indigenous people to control their cultural property held by museums. It is for the tribes to decide whether to make a claim for repatriation:

The task for NAGPRA is to determine the cultural affiliation of remains and items in the categories described in the Act, which then establishes a tribe's rights to them and the right to decide what they want to do with them. They decide. There is nothing in NAGPRA which imposes any obligation on the tribe to do anything. It establishes a framework for a process to get items back if [the tribes] want them back. (McKeown 1999, personal communication)

The consultation is critical. Although the law establishes that the lineal descendants and culturally affiliated people have the legal right to control the disposition of the identified items, the processes of investigating the collections, of testing and discussing evidence and the way in which repatriation will be conducted has created opportunities for a richer dialogue with indigenous people about the history and significance of their cultural material.

THE TIMES, THEY ARE A-CHANGING

Through their collections, exhibits and programs, museums have long held power to make decisions about how other cultures are portrayed and defined to a public audience. That situation is being increasingly challenged today internally and by Native groups who are finding intellectual, legal and ethical grounds for taking back power for making decisions about how their cultures and material heritage are treated and displayed by museums. (Haas 1996)

The number of items of human remains held in museum collections in the United States is not precisely known, but is estimated to be between 120,000 and 200,000 lots (McKeown 1999, personal communication). Museums have asserted their right to control these collections, but as pointed out earlier, NAGPRA has established that the lineal descendants and culturally affiliated peoples have the right to control the

disposition of items of their cultural heritage held in museum collections. It redresses those collection practices which dispossessed Native Americans of their cultural property, often with the protection of:

... laws, policies and practices [which] authorised and resulted in deaths and physical and spiritual damage of unimaginable, incalculable, inhuman proportions, and in the demise of many of the traditional religions and ceremonies of Native Peoples. These policies permitted and encouraged the theft of human remains, funerary items, sacred objects and cultural property, which ended up in private collections globally and in America's museums, places of learning, historical societies, research and scientific institutions, amusement and entertainment centres and agencies of governments of all stripes. (Shown Harjo 1995)

The 1978 UNESCO Regional Seminar on *Preserving Indigenous Cultures: A New Role For Museums* in Adelaide, Australia, and meetings of the World Archaeological Congress in 1989 in Vermillion SD, USA, and in 1990 in Barquisimeto, Venezuela discussed the obligations of museums to respect indigenous cultural heritage and its contemporary importance in the lives of indigenous peoples (Edwards and Stuart 1980; Thompson 1991; Horse Capture 1991; and Griffin 1996). Principles developed at those meetings established the need for deeper and more mutually meaningful understandings of indigenous cultural heritage between indigenous peoples and museums.

In response, several countries developed policy or legislation reflecting the growing understanding and acceptance of indigenous rights to self-determination, to control of their lands and cultural property, and to a voice in the management, representation and control of their cultural heritage. In Canada, *Turning the Page: Forging New Relationships Between Museums and Indigenous Peoples*, and in Australia, *Previous Possessions, New Obligations: Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples*, were developed to promote the common interests of museums and indigenous people in all aspects of museum practice where cultural heritage is concerned (Thompson 1991; Bray 1996; Griffin 1996; and Haas 1996).

In the late 1980s, U.S. museums were increasingly involved in fending off political pressure for a national legislative framework to address what was increasingly seen by Native Americans and influential legislators in Congress as an issue of human rights: for Native Americans to "... get buried and stay buried, to recover our people and property from those who want to own them, to worship in the manner and with the objects of our choosing" (Shown Harjo 1995).

The American Association of Museums (AAM) proposed its Policy Regarding the Repatriation of Native American Ceremonial Objects and Human Remains (January 1988) as an alternative to legislation which gave significant or primary rights of access and control to indigenous people. The Policy required that museums make their Native American collections accessible to Native Americans, and that the care and interpretation of those collections should reflect Native American values and tradi-

tions. It suggested that museums should seek collaborative resolutions of requests for the repatriation of human remains and ceremonial materials in their Native American collections (AAM 1988). The Policy represented significant progress towards reconciling the views of museums and Native Americans, but left unresolved the issue of who had the right to control the collections of human remains.

During the course of Congressional hearings, a number of leading museum administrators proposed on behalf of the AAM that a panel of museum professionals and Native American representatives meet to develop principles for more appropriate management of Native American human remains and cultural artefacts held in museums. The ensuing process was called the National Dialogue on Museum–Native American Relations. The Panel members found much in common which enabled the development of a set of principles, but, getting the agreement of museums on how those principles could be implemented to effectively balance the rights of museums to control their collections with the rights of indigenous people remained elusive (McKeown 1999, personal communication).

Contemporaneously, the Smithsonian Institution moved to acquire the Gustav Heye Collection and incorporate it into a new National Museum of the American Indian in Washington, D.C. The proposed acquisition became an issue in the Smithsonian's response to the Senate Select Committee on Indian Affairs hearings on museum concerns with the development of repatriation legislation. The management and use of the Smithsonian collections of human remains and their importance in archaeological research were debated. The lack of documentation of much of the Smithsonian collections of skeletal remains (approximately 18,000 items in total), and the slow progress in documenting it, suggested the likelihood that much of the collections would never contribute to research. The Congress approved the Heye acquisition, but on the condition that documentation and information to Native Americans conformed to the principles which were to be embodied in NAGPRA.

The National Museum of the American Indian Act 1989 established culturally sensitive processes for the conservation, management and repatriation of human remains and sacred items that would characterise the operations of the planned National Museum of the American Indian. This Act, combined with the outcomes of the Panel discussions, provided the conceptual framework for the Native American Graves Protection and Repatriation Act 1990 (NAGPRA) (Rose et al. 1996).

PART II: DISSONANCE AND NEW OPPORTUNITIES

Dissonance—Opposition to NAGPRA was centred on the views of the scientific community and some museum professionals and administrators who hypothesised that repatriation would diminish scholarly research as items were removed from research collections. Claims concerning the deleterious effects on research imagined by many anthropologists and archaeologists have not been realised. Several authors cite increas-

es in archaeological research outputs on collections of Native American archaeological material since the passage of NAGPRA. Further, the collection inventory process required of all museums under NAGPRA has produced a vastly improved knowledge of those collections which can improve collection management (Griffin 1996 and 1998; Haas 1996; Killion and Molloy 1999).

The wider range of evidence acceptable in determining affiliation beyond the “scientific” evidence under NAGPRA was also contentious: affiliation can be determined on the preponderance of evidence presented in a claim, including the results of scientific analysis, oral history and tribal histories. This represented a significant challenge to the primacy of the rational (or scholarly) methodology applied by archaeologists and contributed to their opposition to NAGPRA.

Haas (1996) says that the struggle in museums is encapsulated in the efforts of museum professionals to balance:

their role as a voice for anthropology in public learning and the movement to cede decision-making power to the Native peoples represented in collections, exhibits and programs. Voice and power are inextricably intertwined in museums . . .

Goldstein and Kintigh (1990) saw the professional resistance to NAGPRA as essentially an ethical one. On the one hand, Native Americans advocating for reburial of human remains out of respect for the humanity of the remains rather than as objects or property, and on the other, archaeologists concerned with the integrity of the material evidence which they consider yields information about the physical heritage of being human.

They suggest two approaches to resolving culturally-centred conflicts of this type: (a) dominance by exercise of political and/or legal power to suppress another point of view; or (b) tolerance through conciliation, cooperation and compromise built on trust and mutual respect between the negotiating parties, a willingness to accept the legitimacy of the others, and access to the same information. They see that the barrier to achieving the cultural change necessary to promote more effective relationships with indigenous people are essentially within the profession itself, particularly the failure to inform some of its most important constituencies (especially indigenous people) about their work and its meaning:

The task we have before us is much more difficult and more important than [the easiest immediate solution of giving back the bones]—we have to address our various constituencies, educate all of the publics about the past, and make certain that we don't alienate or disenfranchise past, present, or future generations.

Meighan (1992) in responding to the issues raised by Goldstein and Kintigh (1990) said that scholarly obligations to protect physical evidence are put at risk by such proposals.

... the general rules of scholarship ... require honest reporting and preservation of the evidence. If the evidence (collections) is not preserved, who can challenge the statements of the researcher? Who can check for misinterpretations, inaccuracies or bias?

He asserts that the sweeping views of some activists about the nature of the whole profession are unfair. Native Americans have worked with archaeologists on projects over many years, and the exercise of political—and religious—pressure should not be allowed to dominate the discourse on scholarly values and practices.

For Zimmerman (1986), repatriation poses “*an intriguing question of professional ethics for the profession of anthropology, and a challenge to their future*” as the competing views of people with an interest in the items held in museum collections became an increasingly significant factor to be resolved. Archaeologists and their supporters allowed their vested interest in the collections to dominate their response to the issue, and in the process, they “deluded” themselves into adopting positions which put the interests of “science” before the interests of people (Zimmerman 1992, 1997). These tactics have attempted to focus power in the established academic and professional groupings to the exclusion of Native peoples. In the end, the response of academics and professional groups, which was at odds with the general support and sympathy for the requests of Native peoples, ensured that legislation would be passed to force changes in behaviour and practice by archaeologists:

If nothing else, the reburial issue has caused archaeologists to rethink their relationships with Indian people and archaeological data ... some people change because they are forced to; others change because they have made a moral decision to do so. (Zimmerman 1992).

This is an important point in this study. Those seeking to advance the human rights of indigenous people in the USA saw that legislation was needed to force necessary change on museums in the management of their collections of indigenous cultural heritage. The debate about NAGPRA surfaced the strength of internal and external professional constituencies with a stake in controlling the management of museum collections. In this environment, making change to comply with the law would have been difficult enough. But museum managers were confronted with powerful vested interests challenging the change required by NAGPRA, and in acting on the “moral decision” to change the practices of museum professionals consistent with that moral decision.

New opportunities—The passage of NAGPRA in 1990 did not end discussion or debate about the issues of scholarly responsibility and ethical practice, but it did force museum practitioners to consider the implications of the new legal status of indigenous rights for a range of practices and behaviours in their institutions.

It is important to remember that even before NAGPRA, some museums were

engaged in repatriation processes to achieve more effective relationships with indigenous people. Many museum leaders contributed to the development of NAGPRA to achieve an appropriate balance between the external and internal constituencies competing for attention in museums. Implementing NAGPRA represented a significant challenge for museum leadership in shifting internal constituencies to comply with the legislated processes, but more than that, to be open to change which aligned the museum to achieving the larger political and social outcomes intended by NAGPRA.

Deloria (1992); Goldstein and Kintigh (1990); Griffin (1996); and Zimmerman (1996) have written of opportunities for archaeologists to better understand the past through more constructive relationships between scholars and the people they study if old attitudes and stereotypes are left behind. They assert that reconciliation is possible through change in practices consistent with international codes of ethics which in turn produces a cultural change:

Change will include standards of ethical practice, theory and method, and power relationships with those studied. As both groups realise mutual benefit, archaeologists and Indians will develop more covenantal programs. Reliance on law, historical precedent, or arguments of science versus religion are poor substitutes for real understanding. (Zimmerman 1996)

Engaging in the processes of repatriation provides an opportunity to develop collaborative ways of working with native peoples which produces a more inclusive context for museum work, improved interpretive strength and a far greater knowledge of the collections (Bernstein 1991; Rose et al. 1996; Powell et al. 1993; Isaac 1995; Haas 1996; West 1998; and Boyd 1999). A shift from an inward, profession-focused perspective to a more outward one should include indigenous people in the process of research and in its outcomes:

What the importance of our collections may be to those who experience them should be defined and continually refined by the users . . . there will be no defensible future for the museum if the interests of tribal groups cannot be actively engaged with the collections . . . (Isaac 1995)

McKeown (1997a, b, c) and Ruppert (1997) argue that those who stand to gain most from the framework established in NAGPRA are those institutions which commit to building partnerships with Native Americans based on consultation, open exchange of information and a genuine negotiation of outcomes:

Consultation no longer means letters of notification or even follow-up phone calls or visits to tribal offices. It has taken on more the characteristics of a negotiation with a sovereign entity. Tribes have asked for, and largely received, a place at the decision making table. (Ruppert 1997)

Griffin (1996) draws a distinction between consultation and simply "sending out proposals". He indicates that several museums have built more effective relationships with indigenous peoples by being open to learning from traditional people through research and exhibition programs based on consultation and respect. He points to the implications of genuine "access":

A comprehensive policy goes beyond repatriation, beyond the return of cultural material: it includes everything the museum does concerning [indigenous] culture[s]. Past lack of acknowledgment of indigenous people and their role characterises the inherently political nature of museums. (Griffin 1996)

It's an important point. NAGPRA is a legal framework for making a decision to approve or otherwise claimed items. However, many cases present ambiguities which can lead to a claim being rejected for lack of conclusive evidence of descent or affiliation. Ambiguities can arise in definitively establishing lineage over very long periods of time, complicated still further by the movement of indigenous peoples over the land over hundreds of years, including forced migrations and relocations, the rupturing of families leading to a discontinuity in the transmission of traditional knowledge, and in dealing with the remains of people accepted into the group culturally but without belonging to it genetically.

In overcoming these constraints, deployment of the human, financial and intellectual resources of the museum can make a significant contribution to achieving effectiveness in terms of the larger social outcomes implicit in the development of NAGPRA. Strategies which allow museums a greater range of sensitive responses, scope for innovation and an openness to learning from experience would be evidence of a culture which promotes the larger goals of repatriation programs.

Thompson (1991) says the availability of resources is a critical factor in determining the extent to which indigenous people become involved in pursuing cultural objectives with museums. West (in Haas 1996) asserts that museums which hold the cultural patrimony of Native peoples have historical and moral obligations to not only repatriate those items which should be returned, but to support Native peoples in other culturally relevant ways, and to ensure that access to their cultural material is maintained.

While for some groups repatriation is an opportunity to exercise political (or sovereign) power on museum policy or to seek redress for particular historical events, Haas (1996); Griffin (1999); McKeown (1999); Killion and Molloy (1999); and Boyd (1999) report that not all indigenous people have established goals of seeking repatriation, but are interested in creating a meaningful dialogue with museums to address issues of concern to them. Sometimes, repatriation processes are used to open that dialogue: to gain the access promised in NAGPRA, but without an intent to seek repatriation.

Bernstein (1991); Haas (1991); Boyd and Haas (1993); and Rosoff (1998) discuss cultural heritage collection management strategies which encourage direct and meaningful participation of Native people, respect Native cultural protocols, and the ways in

which cultural knowledge shared by Native peoples in consultation with museum staff is used. Bernstein says that repatriation does not have to be interpreted in the literal sense—to return or restore to the country of origin—but rather can be used as a means of opening up other alternatives which result in the desired growth and sharing of knowledge and information.

PART III: BROAD AIMS AND RATIONALE OF THE STUDY

Much of the literature about the management of repatriation programs in museums has focused on addressing the concerns and interests of the professions directly concerned, i.e., museum managers, anthropologists, archaeologists and collection managers. The development and implementation of NAGPRA in the USA provided a forum for an intense debate between the various political and professional constituencies involved in museums, and enabled external constituencies to stake their claim for a larger involvement as stakeholders in the museum's role as managers of cultural heritage.

However, there has been little attention on the effectiveness of NAGPRA in creating change in specific museum practices which would indicate a broader cultural change aligning museums with the objectives of NAGPRA. "Effective" museums should be externally-oriented and sensitive to the interests of the constituencies which use or support them (Ames 1991; Weil 1990, 1994a, 1994b, 1997, 1998; Janes 1995; and Griffin et al. 1999). "Effective" museum programs (including repatriation) should similarly be assessed in terms of the outcomes—the social benefits—they deliver (Weil 1999).

Given that NAGPRA is the result of political and legal processes, its effectiveness must be assessed against the anticipated political and social outcomes implicit in the legislation (see Part I above). The measures of NAGPRA's success, and the working of museums within it, must therefore substantially address the expectations of external stakeholders. As Janes (1995) notes, traditional bureaucracies are notoriously unresponsive to anything but their own agendas:

... how museums do their work has great significance for how they serve the broader society. Balancing curatorial authority, for example, through a work structure which requires multidisciplinary collaboration and community outreach is the first step on the road to meaningful community participation in museum work. . . (in Haas 1996)

Museum managers, therefore, have a significant task in managing the expectations of the museum's external and internal political constituencies to achieve NAGPRA's intended social outcomes, often involving a significant change in the organization's culture—or at least aspects of it. Ames (2000) says:

Museums are complex social organizations composed of intertwined layers of routines, obligations, schedules and competing interests that frequently inhibit prompt or

consistent responses to new initiatives. In addition, archaeologists, anthropologists and art historians working in museums maintain allegiances to the traditions of their own professions, sometimes even at the expense of the interests of the institutions which employs them.

We hypothesise that if there is a broader cultural change in museums then we would see evidence of specific practices involving:

- genuine engagement and consultation with indigenous people in managing the disposition of, and care for, collections of human remains, secret/sacred material and general cultural heritage collections; development and delivery of public and scientific research programs and services;
- a willingness to commit resources to involve indigenous people in the museum ways which are meaningful and relevant to them and their goals/needs; and
- a sharing of authority between museum administrators and indigenous people to determine the disposition and interpretation of indigenous cultural items in museum collections.

We are testing for the presence of these outcomes across the management of collections of human remains and secret/sacred material; research practices and the general collections; public programs; and governance.

Research method—A questionnaire was designed to assess the presence of *specific museum practices* which would support the achievement of “effective” repatriation outcomes. Questions were arranged on a 5-point Likert scale, with 1 = strongly disagree and 5 = strongly agree. For most items, a higher score is associated with perceptions that the specific practice is present in the museum. The questionnaire items are shown in Appendix 1 and a brief description of their relevance is as follows:

Items 1–9 relate to specific museum practices associated with the treatment of *human remains and secret/sacred material*. Individual items emphasise commitment (item 1), involvement and participation (items 2, 9), proactive establishment of standards (item 3), respect for the wishes of indigenous peoples (items 4, 5, 7, 8), and consultation (items 6, 9).

Items 10–16 relate to specific museum practices associated with *research and collections in general*. Individual items again emphasise respect (item 10), communication (items 11, 12, 13, 16), consultation (item 15) and resource support (item 14).

Items 17–21 relate to specific museum practices associated with *public and other programs*. Individual items relate to promoting public awareness and understanding (item 17), recognition (item 18), participation (item 19), and resource support (items 20, 21).

Items 22–24 relate to specific museum practices associated with *governance*. Individual items relate to consultation and inclusion of indigenous people within the framework of museum governance.

Items 25–36 relate to effective *repatriation outcomes* which are considered to have a number of characteristic aims emphasising:

- a genuine belief that indigenous people have primary rights in the management of their cultural material in museum collections;
- a greater degree of self-determination by indigenous people in the management and use of indigenous cultural property held by museums; and
- greater collaboration between the museum and indigenous people in the development and communication of scientific research and public programs.

A total of 49 responses to the questionnaire were received from 19 museums across the United States. Respondents were typically practitioners directly involved in repatriation programs and/or NAGPRA coordinators, usually in anthropological/archaeological departments in their museums. A series of follow-up interviews with key personnel in selected museums and governmental bodies were conducted to obtain qualitative information.

The respondent museums were typically medium- to large-size natural history museums, history museums and historical societies with significant collections of Native American material. Most of the respondent museums were located in major cities in the northeast, mid-Atlantic, midwest, northwest and southwest of the United States.

A high significant correlation indicates that the particular item is closely associated by respondents to perceptions of effective outcomes. A high item mean indicates strong agreement across the sample of the prevalence of the particular practice.

Situations where there is a high correlation but low mean would imply that the practice is believed to be associated with effective outcomes, but that it is not prevalent among the museums in our sample. Similarly, high means and a low correlation would imply that although the practice is prevalent, it is not believed by respondents to be highly associated with effectiveness.

Each item was coded according to the elements of our research question. Where items could potentially fit within more than one category, we have allocated the code according to our assessment of its *primary relationship* with the research question. The coding was as follows:

- *genuine engagement and consultation* with indigenous people in managing the collections and the development and delivery of public and scientific research programs and services (Items 1, 2, 6, 9, 10, 15–18, 22).
- a willingness to commit resources to involve indigenous people in the museum (Items 3, 13, 14, 20, 21)
- a sharing of authority to determine the disposition and interpretation of indigenous cultural items in museum collections (Items 4, 5, 7, 8, 11, 12, 19, 23, 24).

Formation of organization-level variables and effectiveness composite measure—The unit of analysis for our purposes is the whole organization. The responses from all organizations were aggregated, and an average rating given for each item.

The research hypotheses for this study relate to the relationships between an organization's scores on the relevant item or items and the organization's perceived effectiveness in terms of *effectiveness*, as measured by the organization's scores on the outcomes (items 25 to 36).

Inspection of the correlations (across organizations) amongst these 12 effectiveness items showed them to be relatively strongly and positively associated (Cronbach alpha = 0.9407), which suggested that these items may be validly combined to form a composite *effectiveness* score for each organization. Appendix 1 shows the means, standard deviations and the correlation of the respective item with the composite effectiveness score.

RESULTS

In this section, we present the survey results in terms of the three parts of our research question: engagement in consultation; commitment of resources; and evidence of a sharing of authority between indigenous people and museums in managing and interpreting items of indigenous cultural heritage held in museum collections.

Human remains and secret/sacred material—Of the nine items in this section of the survey, all but one (item 9) are considered to be correlated strongly with effective repatriation outcomes.

Consultation. The respondent museums are typically engaging in consultation with culturally affiliated indigenous people in the disposition and provenancing of human remains and secret/sacred material (items 1 and 2). This is not surprising, as these two items are fundamental in the repatriation processes under NAGPRA.

There was less support for consulting indigenous people in dealing with storage and preservation issues (item 6), but there was strong support for implementing the expressed wishes of indigenous people when museums are requested to act as custodians for human remains and secret/sacred material (item 4).

Although NAGPRA places the onus for initiating repatriation with the indigenous communities, museums occasionally initiate repatriation processes (item 9). These initiatives are then guided by the policy of the institutions involved, often using processes which replicate those described in NAGPRA, but these initiatives are not considered to be strongly associated with effective repatriation outcomes.

Resources. Timeliness in responding to repatriation claims (item 3) is principally driven by the standards set in the legislation. It is evident that museums are committing the

resources to meet these standards, and that museums consider it important that communication on repatriation claims is dealt with promptly.

Authority. Consultation is influencing decision-making in the disposition of human remains and secret/sacred material. The wishes of indigenous people are being respected in determining access to collections of human remains and secret/sacred material for exhibition and research (items 5, 7 and 8). This is especially so when the museum is asked by indigenous people to act as custodian for human remains and secret/sacred material (item 4 with the highest mean in the survey), although the standard deviation of 2.93 was also the highest in the survey, indicating there is significant variability in museum practice related to this item.

Research and collections in general

Consultation. Museums are responsive to the wishes of indigenous people in the conservation and management of access to the general collections (item 10). Museums generally consult with the culturally affiliated indigenous people prior to research on material in the general collections (item 15) (although this practice is not considered to be strongly correlated with achieving effective outcomes.) However, this does not translate into a willingness to communicate the results of that research to the affiliated indigenous people (item 16), even though this is correlated strongly with effectiveness.

Resources. Whilst indigenous people are encouraged to research collection items relevant to them (item 13), museums are less likely to provide resources to support indigenous people in conducting this research (item 14) even though both items are considered to be correlated with effective outcomes.

Authority. Museums are less likely to provide information on the general collections to affiliated indigenous people (item 11) even though it is considered to be an important factor. There is little support for repatriation of material from the general collections (item 12 scored the lowest mean in the survey) which might flow from this communication.

Public and other programs

Consultation. Museums have established corporate goals relating to their role in promoting increased public awareness of indigenous history, culture and contemporary issues in their public programs (items 17 and 18). Both items also correlated strongly with perceptions of effective outcomes.

Resources. Museums are less likely to commit museum resources to support tribal museums and cultural centres (item 21), nor is this considered an important factor in achieving effective outcomes.

Authority. The direct involvement of indigenous people in development of the museum's public program (item 19) was considered important but less likely to be implemented by the museum. Museums are less likely to lend collection items to support tribal museums and cultural centres (item 20), nor are such institutions considered important in achieving effective outcomes.

Governance—All three items in this section relate to the sharing of authority with indigenous people. Whilst consultation at the Board level and the presence of indigenous people on Boards (items 22, 23 and 24) were all correlated with effectiveness, museum boards are less likely to consult with (item 22) or involve (item 24) indigenous people on cultural heritage policy. Having indigenous people on Boards (item 23) was highly correlated with effectiveness, but uncommon.

Outcomes—The statements in this section describe the outcomes of an effective repatriation program. Respondents do not believe that repatriation has clearly resulted in acceptance of the primary rights of indigenous people in the management of their cultural material held in museum collections nor contributed to a greater degree of indigenous self-determination (items 25 and 26). Nor has it resulted in a clearer understanding between museums and indigenous people of the legal rights in management of the collections retained by museums (item 30).

There is only weak support for the proposition that repatriation programs have produced a greater degree of collaboration between museums and indigenous people in public programming and in collection management (specifically, in the general collections) (items 27 and 29). There is even less support for evidence of an increased collaboration in scientific research (item 28).

Engagement between museums and indigenous people through repatriation programs has not produced an increased public understanding of indigenous cultural heritage and social issues (items 33 and 34), nor has it necessarily resolved the issues of conflict between groups within the museum with a vested interest in the manner in which the collections are managed (items 32 and 33).

Only two items were supported strongly (means above 4.00): that museums go beyond the minimum legal requirements in supporting repatriation (item 35) and that the goals of indigenous people are respected in the museums' formulation of strategy (item 36). Both these outcomes are supported in regard to those collection items covered under NAGPRA, but not in the areas of public programming or collection management.

DISCUSSION

Human Remains and Secret/Sacred Material

Consultation. NAGPRA has succeeded in bringing museums and indigenous people together in talking about issues of mutual interest—even if initially this has focused on human remains and secret/sacred material—with more equitable access to information, and recognising the rights and interests of all parties in the discussions. It has provided a framework for parties to participate in consultations about repatriation, and establishes review mechanisms which respect the knowledge and worldviews of all parties.

Through involvement in the inventory/summary processes required under NAGPRA, museums have gained a much improved knowledge of what they hold in their collections (although many of the items cannot be culturally affiliated because of inadequate provenancing).

Only in regard to consultation on the storage and preservation of human remains and secret/sacred material (item 6) was there a less positive response: this may reflect an ambiguity in the question, with respondents expressing a concern with involving non-technically trained people in complex conservation work. The strong support for developing conservation practices which respect the wishes of indigenous people (items 1, 2, 4 and 10) indicates that consultation in accordance with NAGPRA is proving effective.

Sometimes, the lack of information on provenance means that affiliation cannot be adequately determined and the culturally affiliated people with whom the museum should consult cannot be easily identified. In these situations, there is scope for museums to develop alternatives to repatriation to suit the unique circumstances of each case, e.g., long-term loans, mutually agreed custodianship and access, or other arrangements (item 35). The extent to which museums will deploy these non-standard alternatives reflects a willingness to achieve outcomes satisfactory to all parties. It may also indicate that museum professionals are adapting museum practices to align with changed views of what constitutes sensitive collection management.

Resources. For many indigenous groups, the competition for resources to support social and cultural programs leaves little to devote to the time- and resource-intensive effort needed to undertake successful repatriation claims. Sometimes, affiliation can only be determined as an outcome of the intensive research which accompanies a claim for repatriation. Resources to support this activity are scarce, and are often targeted at items where there is adequate information to suggest a good probability that affiliation can be proved.

Museums and indigenous people are often drawing on the same limited pool of government funding for research projects to determine cultural affiliation. For museums, the commitment of resources to comply with the legislated deadlines for documentation under NAGPRA required an extensive reallocation of internal resource and project priorities.

An important element in effective repatriation outcomes is the way in which the

collection documentation required by NAGPRA is communicated to indigenous people. Several respondents were communicating with hundreds of different indigenous groups, making it impractical within the legislated timeline and the resources allocated to customize collection inventories and summaries to meet the needs of the indigenous users, or to follow-up with personal communication. For many tribes with limited capacity to respond to the information from museums, no action was taken; in other cases, initiation of the process has not been followed through to completion, especially where research to prove affiliation became complex and increasingly resource intensive. So collaboration to get the most value from scarce resources for research projects could improve effectiveness.

Interviews and related research (Abraham, Sullivan and Griffin, in press) have shown that having indigenous people on staff dealing with repatriation issues is correlated highly with effectiveness, and contributes significantly to improved access for indigenous communities and individuals.

Authority. NAGPRA has transferred the power to control the disposition of human remains and secret/sacred material from museums to the culturally affiliated indigenous people. This shifting of power is underpinned by the sharing of information on the collection holdings through the NAGPRA inventories and summaries. This information allows for more effective negotiation of repatriation issues with indigenous people. The fears of those who saw museum collections being stripped of material for research have not been realised. Instead, there is evidence of increases in scholarly research output in the collection areas specifically covered by the NAGPRA inventories—human remains and secret/sacred material (Griffin 1998; Killion and Molloy 1999; Gurian 1999; Boyd 1999).

Museums do not display human remains or secret/sacred material without the approval of the relevant indigenous people (item 7) and will restrict access to secret/sacred material (item 5). However, the difficulties of acting appropriately when there is inadequate information to determine whether an item is secret/sacred was highlighted in interviews. These cases often test the extent to which the organisational culture of the museum will support responses which are consistent with the spirit of NAGPRA and which go beyond the minimum legal requirements.

The willingness of museums to consult before conducting research in the collections of human remains and secret/sacred material (item 8), and to initiate repatriation where an item to the museum's best knowledge is significant to the cultural and spiritual life of the relevant indigenous people, is evidence of a genuine engagement with indigenous people.

Research and collections in general

Consultation. Research on, and management of, the general collections is outside the NAGPRA framework; i.e., museums are not required to inventory their general collections, inform culturally affiliated indigenous people of the museum's holdings, to

consult with them on the disposition and management of those items, or to repatriate from the general collections. Consequently, the museum's practices in dealing with these items would indicate the extent of cultural change generated by the consultation opened by NAGPRA. If such change has taken place, we would expect to see evidence that the museum:

- acknowledged that indigenous people have primary rights in the management of their cultural material in museum collections;
- encouraged a greater degree of self-determination on the part of indigenous people in the management and use of the collections of indigenous cultural property; and
- greater collaboration between the museum and indigenous people in the development and communication of scientific research and public programs.

Consultation has influenced the development of collection management practices which are respectful of the wishes of indigenous people (item 10). Curiously, consultation with indigenous people in advance of any research on their material in the general collections (item 15) was more strongly supported than the corresponding item dealing with human remains and secret/sacred material (item 8), but was not seen to be important in achieving effectiveness and was not a routine practice. Even more curiously, museums consider communicating the results of that research to the relevant indigenous people (item 16) to be important in achieving effectiveness, but are less likely to actually do it.

Resources. Whilst indigenous people are encouraged to research collection items relevant to them (item 13), museums are less likely to provide resources to support this research (item 14). However, there is a strong tradition of engaging young indigenous people as interns in U.S. museums to provide hands-on training and development opportunities to complement formal studies in relevant fields such as anthropology, museum studies or ethnography. Often the interns are involved in projects related to the museum's NAGPRA commitments. The employment of indigenous people in liaison roles is highly correlated with effectiveness in repatriation programs, and is also a significant factor in improving access for indigenous communities (Abraham, Sullivan and Griffin in press).

Authority. The lowest scoring items in the survey were those relating to the sharing of authority to determine the disposition of indigenous cultural items in the general collection: communication of information about the museum's holdings in the general collections and the direct involvement of indigenous people in managing the collections (item 11); communication of the results of research on the general collections to the relevant indigenous people (item 16); and the repatriation of items from the general collections (item 12)—the lowest scoring item in the survey and one of the lowest correlations with effective outcomes of repatriation programs.

This reluctance to provide information about the general collections and to repatriate from them may be influenced by the large number of items held in the general collections, the complexity of determining the culturally affiliated groups with whom to communicate, and the level of interest by indigenous people in seeking repatriation of such items (which by definition does not include human remains or secret/sacred material). It may also be a result of competition for resources whilst the focus is on the NAGPRA processes as much as it may reflect a choice not to address matters not specifically required under NAGPRA.

Public and Other Programs

Consultation. Several museums reported in interviews that they are (or have been) involved in collaborations with indigenous people to develop public programs associated with a repatriation or as an agreed alternative to repatriation (e.g., long-term or special purpose loan of items for ceremonial or other cultural purposes).

We hypothesise that initiatives like these are important steps in building effective relationships out of the processes of consultation initiated by NAGPRA. They are indicative of levels of trust and empathy being supported by a commitment to action. They afford indigenous people a greater opportunity to determine the context and interpretation of the material for themselves and in the place of their choosing.

For museums, this means empathising with the goals of indigenous people; releasing resources to support local initiatives which support the cultural needs of indigenous people; and developing measures of return on that investment which embrace the goals of indigenous people.

The survey indicated that museums espouse goals relating to their roles in promoting increased public awareness of contemporary indigenous cultural issues and history (items 17 and 18). Both items are considered to be strongly related to achieving effective outcomes. However, museums are less likely to seek the direct involvement of indigenous people in development of the museum's public program (item 19), even though they recognise that such actions contribute to effectiveness.

Resources. Museums are less likely to loan collection items to communities (item 20); and to commit museum resources (item 21) to support tribal museums and cultural centres. Neither the lending of items nor the commitment of resources to support local initiatives by indigenous people were considered to contribute to achieving effectiveness. Evidence from interviews suggests that museum professionals are generally more likely to provide expertise and knowledge (as an in-kind support to stretch limited resources) than to divert financial resources from the museum's public program funds. This may have provided a better indicator of genuine engagement and consultation.

However, the reluctance to lend cultural material to indigenous cultural centres and keeping places (item 20) or to provide resource support may indicate that

museums are inclined to an introspective view of their roles in achieving the objectives to promote indigenous history and cultures (items 17 and 18) which were so strongly supported.

Authority. Museums have a crucial role in promoting increased self-determination for indigenous people by supporting their efforts to interpret their cultural heritage for themselves. Repatriation was conceived as a strategy to help promote that outcome: respondents indicated in interviews that a number of collaborations between museums and indigenous people—sometimes as a result of consultations over a claim for repatriation—have been effective bridging mechanisms to stretch resources and bring mutual benefits. But the extent to which they account for the goals of indigenous people and progress towards achieving self-determination is problematic (item 19). It may be that museums are assessing the benefits to them in terms of a tight fit with their own public program goals, and in-house initiatives where influence over the outcome may be maintained.

Governance—Although indigenous involvement at the Board level was seen to be correlated with effectiveness (items 22, 23, and 24), museums are less likely to engage in routine consultation at the board level in the development and management of policy for indigenous cultural heritage issues.

On the other hand, unless a board seeks to intervene in operational matters and then follows through on their intervention, it is most likely that operational issues will derive their importance in the museum from the actions and values modelled by senior management, especially the CEO (Griffin et al. 1999). Interviews indicated that, in practice, the most effective consultation on repatriation and collection management issues typically occurs directly between operational staff and indigenous people.

However, it is not to be denied that boards have an influential relationship with the CEO and senior managers in developing the organization's policy and budget settings.

Outcomes—Museums are often going beyond the minimum requirements of the law (item 35) in regard to human remains and secret/sacred material. But it is also apparent that the outcomes of consultation are not routinely integrated with the development of public programs or the general collections: those areas not covered by NAGPRA.

As a consequence, there has not been a wider impact in building more effective collaboration with indigenous people (items 27, 28, 29), nor in producing increased understanding of indigenous cultural heritage and social issues through the public program (items 33 and 34).

The gap between the espoused support for the goals of indigenous people (item 36) and the allocation of resources to achieve those common goals is an important constraint on effectiveness. It suggests museums retain an internal focus in assessing the outcomes of repatriation, with success defined in terms of their own corporate goals rather than the goals shared with indigenous people.

CONCLUSIONS

We have proposed that effective repatriation programs are characterised by outcomes which promote:

- a genuine belief that indigenous people have primary rights in the management of their cultural material in museum collections;
- a greater degree of self-determination by indigenous people in the management and use of indigenous cultural property held by museums; and
- greater collaboration between the museum and indigenous people in the development and communication of scientific research and public programs.

We have hypothesised that achieving these outcomes will require a cultural change in museums which would be characterised by *specific practices* involving:

- genuine engagement and consultation with indigenous people in development and delivery of public and scientific research programs and services;
- willingness to commit resources to involve indigenous people in the museum in ways which are meaningful and relevant to them and their goals/needs; and
- a sharing of authority between museum administrators and indigenous people to determine the disposition and interpretation of indigenous cultural items in museum collections.

The evidence is strong that this is being achieved in the areas covered by NAGPRA: the management of collections of human remains, secret/sacred material and cultural patrimony. But having opened access to indigenous people in those areas covered under NAGPRA, are doors in other areas being kept locked? There has been little flowing-through of the successes achieved in the areas covered under NAGPRA into the management of the general collections or public program outcomes. Whilst consultation is considered important in the conservation of indigenous cultural material in the general collections, museums are less likely to provide comprehensive information on their holdings in these collections, to repatriate from them or to communicate the results of research on them to indigenous people. Whilst they encourage indigenous people to research the collections, museums are less likely to provide resources to support them or involve indigenous people in the management of those collections.

Museums have espoused goals in their public programs relating to areas of shared interest with indigenous people in promoting awareness of indigenous heritage and contemporary issues (items 17, 18). But the involvement of indigenous people in the development of these programs or the commitment of resources to support local initiatives by indigenous people in promoting those shared goals is still sporadic (items 19, 20, 21, 36). It seems that museums are more likely to invest resources in indigenous cultural heritage programs where the measures of success are aligned with the museum's own public program goals and audience needs.

The evidence from NAGPRA's first decade suggests that there is nothing to be feared in sharing the power to manage and interpret the collections of cultural material with indigenous people. Realising NAGPRA's full potential in the next decade will require museums to embrace the cultural goals of indigenous people within the museum's corporate goals (especially in the public program and the management of scientific research and collection development); taking up opportunities for collaboration in public program and research projects to get the best value from resources; recognizing the positive impact of indigenous people on staff in key areas; and developing externalized measures of success in promoting increased public awareness of cultural and social issues for indigenous people.

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NOTES

1. *Funerary objects* are objects reasonably believed to have been placed with individual human remains either at the time of death or later as part of the death rite or ceremony.

2. *Sacred objects* are objects which are ceremonial in nature and needed by Native Americans for the present day practice of traditional Native American religions—this is ultimately determined by the Native American religious leaders themselves.

3. *Cultural patrimony* are objects which have historical, traditional or cultural importance to the Native American group and are the cultural property of the tribe or a subgroup; no individual has the right to dispose of such items without the consent of the group.

4. For the purposes of making claims for repatriation under NAGPRA, "tribes" refers to those groups recognised by the United States Government as "*eligible for the special programs and services provided by the United States to Indians because of their status as Indians*".

Appendix 1 Human Remains and Secret/Sacred Material

Item	Mean	Std dev	Correlation with effectiveness	Code
1. Our museum is committed to involving indigenous people in determining the appropriate disposition of indigenous human remains and secret/sacred material.	4.61	0.68	0.67**	1
2. Our museum involves indigenous people in identifying and describing human remains and secret/sacred items in its collections.	4.28	0.83	0.59*	1
3. Our museum has established standards for ensuring prompt response to claims for repatriation of material held in its collections.	4.31	1.03	0.76**	2
4. When our museum is requested to act as custodian for human remains and secret/sacred material, it does so in accordance with the wishes of the relevant indigenous people (lineal descendants or culturally affiliated people).	4.92	2.93	0.52*	3
5. Access to human remains and secret/sacred material is controlled in accordance with the wishes of the relevant indigenous people (lineal descendants or culturally affiliated people).	4.31	0.86	0.66**	3
6. The relevant indigenous people (lineal descendants or culturally affiliated people) are consulted on the storage and preservation of human remains and secret/sacred material.	3.89	0.85	0.75**	1
7. It is policy of our museum not to display indigenous human remains or secret/sacred material without the approval of the relevant indigenous people (lineal descendants or culturally affiliated people).	4.48	0.90	0.59*	3
8. Research on human remains and secret/sacred material is conducted only with the approval of the relevant indigenous people (lineal descendants or culturally affiliated people).	4.06	1.08	0.71**	3
9. Our museum <i>initiates</i> consultation with the appropriately affiliated indigenous people over human remains and secret/sacred material held in museum collections to determine whether that material should be repatriated or retained by the museum (acting as custodian).	4.46	0.80	0.41	1

Appendix 1 Human Remains and Secret/Sacred Material (continued)

Item	Mean	Std dev	Correlation with effectiveness	Code
RESEARCH AND COLLECTIONS IN GENERAL (ITEMS OTHER THAN HUMAN REMAINS OR SECRET/SACRED MATERIAL)				
10. Our museum takes into account the expressed views, wishes or cultural traditions of the relevant indigenous people (lineal descendants or culturally affiliated people) in planning the acquisition, conservation and disposal of items and access to collections.	4.17	0.63	0.72**	1
11. Our museum communicates information on its holdings of indigenous cultural material to communities so that they can contribute to planning and managing those collections.	3.44	0.87	0.78**	3
12. Our museum is prepared to consider repatriation of general collection items (i.e., those not covered under NAGPRA) to affiliated indigenous communities upon request.	2.65	0.91	0.35	3
13. Our museum encourages indigenous people to research the collections of indigenous cultural material and other items of cultural heritage held by the museum.	4.45	0.67	0.78**	2
14. Our museum provides resources for indigenous people to research the collections of indigenous cultural material and other items of cultural heritage held by the museum.	3.62	0.81	0.64*	2
15. Our museum consults the relevant indigenous people in advance on the relevance of scientific research on collections items affiliated with them.	4.43	1.58	0.34	1
16. Our museum communicates the results of scientific research on its collections to the relevant indigenous people (lineal descendants or culturally affiliated people).	3.35	0.77	0.65*	1

Appendix 1 Human Remains and Secret/Sacred Material (continued)

Item	Mean	Std dev	Correlation with effectiveness	Code
PUBLIC AND OTHER PROGRAMS				
17. Our museum has a specific public program objective to promote awareness of indigenous history and cultural heritage	4.03	0.97	0.57*	1
18. Our museum promotes recognition and understanding of contemporary indigenous cultural issues in its public programs.	4.16	0.73	0.81**	1
19. Indigenous people are typically invited to participate in the development of programs about indigenous cultural heritage.	3.98	0.86	0.63*	3
20. Our museum lends indigenous cultural material from its collections to indigenous keeping places, cultural centres, and museums without conditions on their interpretation.	3.92	0.78	0.49	2
21. Our museum contributes resources and expertise to the long-term support of indigenous keeping places and cultural centres.	3.61	1.21	0.42	2

GOVERNANCE

22. Our museum consults with indigenous people at the highest level (Board or Trust) on the range of its activities concerning indigenous cultural heritage.	3.45	1.24	0.65**	1
23. Our museum has indigenous members on its Board (or Trust).	3.69	1.51	0.76**	3
24. Indigenous people are involved in the development of policy concerning the museum's activities in indigenous cultural heritage.	3.58	1.20	0.57*	3

** indicates a correlation at the 0.01 level / * indicates a correlation at the 0.05 level
Key to codes: 1 = engagement/consultation; 2 = committing resources; 3 = snaring authority

Appendix 1 Human Remains and Secret/Sacred Material (continued)

Item	Correlation with effectiveness	Code
OUTCOMES		
Repatriation has clearly resulted in the following outcomes:		
25. A genuine belief in the primary rights of indigenous people in the management of, access to, and the presentation of their cultural material in museum collections.	3.84	1.30
26. A greater degree of self-determination by indigenous people in the management and use of indigenous cultural property held by museums.	3.91	1.20
27. A greater degree of collaboration between the museum and indigenous people in public programs.	3.93	1.04
28. A greater degree of collaboration between the museum and indigenous people in scientific research programs.	3.21	1.07
29. A greater degree of collaboration between the museum and indigenous people in collection management.	3.60	1.24
30. A greater degree of shared understanding between museums and indigenous people—of those legally retained rights, interests and obligations held by museums in the collections they hold.	3.65	1.17
31. A greater degree of cohesion and integration <i>within the museum</i> between public programs and scientific research related to repatriation and collection management.	3.19	1.06
32. A lower level of conflict within the museum between scientific researchers and those implementing repatriation and managing collections.	2.88	1.02
33. A greater impact on the public understanding of indigenous cultures.	3.36	1.22
34. A greater impact on the public understanding of social justice issues for indigenous people.	3.18	1.27
35. The museum goes beyond the minimum requirements of the law in supporting the goals of repatriation.	4.30	1.19
36. The goals of indigenous people are respected in formulating strategy for our museum.	4.07	1.20