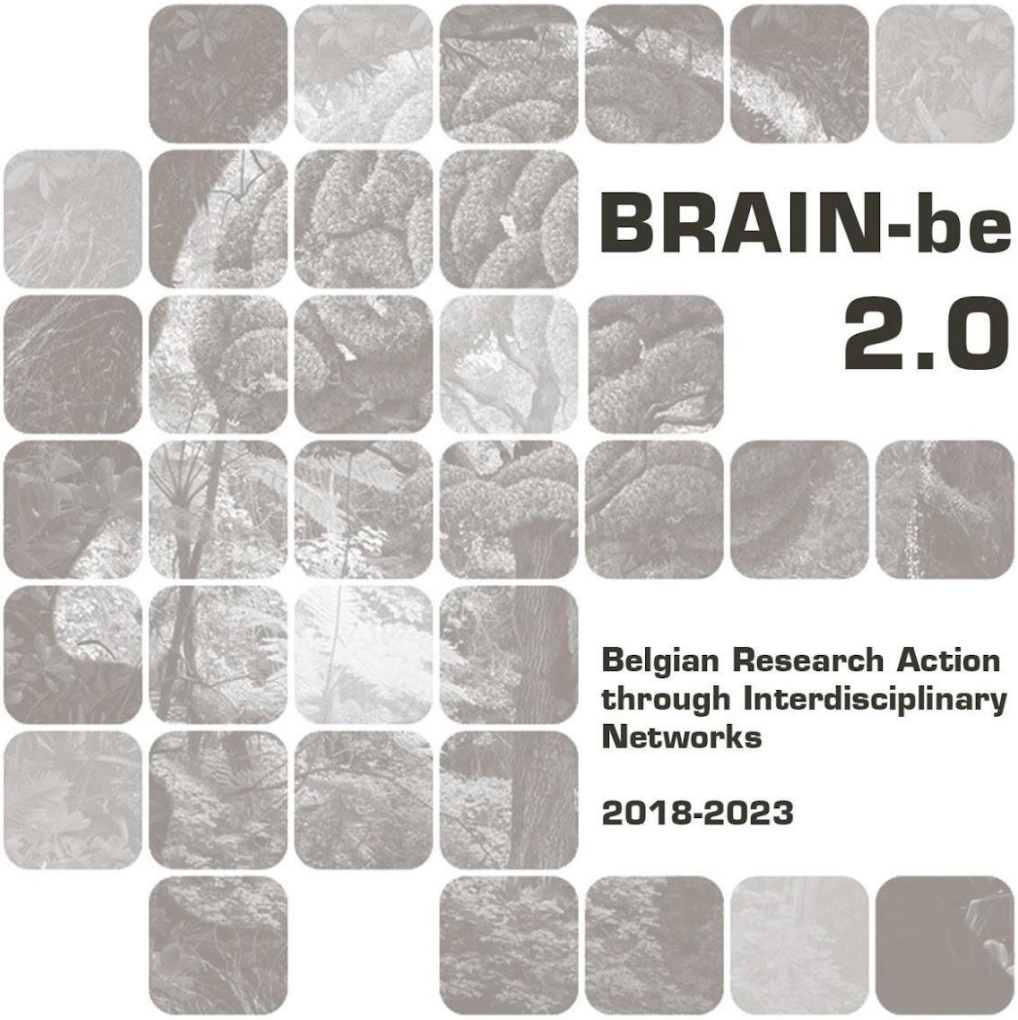


HOME

Human remains Origin(s) Multidisciplinary Evaluation

AUTHORS:
Patrick Semal, Royal Belgian Institute of Natural Sciences (RBINS), Tara Chapman, Royal Belgian Institute of Natural Sciences (RBINS) and Université Libre de Bruxelles, Caroline Tilleux, Royal Museums of Art and History (RMAH and RBINS), Jennifer Gonissen, Université libre de Bruxelles (ULB), Femke Van Puymbrouck, Nationaal Instituut voor Criminalistiek en Criminologie (NICC), Marie-Sophie de Clippele, Université Saint-Louis - Bruxelles (USL-B), Enika Ngongo, Université Saint-Louis - Bruxelles (USL-B). Lies Busselen, Royal Museum of Central Africa (RMCA), Els Cornelissen, Royal Museum of Central Africa (RMCA)

Pillar 2: Heritage science

belspo .be

NETWORK PROJECT

HOME

Human remains Origin(s) Multidisciplinary Evaluation

Contract - B2/191/P2/HOME

FINAL REPORT

PROMOTORS:

Patrick Semal, Royal Belgian Institute of Natural Sciences (RBINS) (Coordinator)
Maarten Couttenier, Royal Museum of Central Africa (RMCA)
Pierre-Olivier de Broux, Université Saint-Louis – Bruxelles (USL-B)
Luc Delvaux, Royal Museums of Art and History (RMAH)
Stijn Desmyter, Nationaal Instituut voor Criminalistiek en Criminologie (NICC)
Stéphane Louryan and Serge Van Sint Jan, Université Libre de Bruxelles (ULB)
Isabelle Ribot, University of Montreal (UdeM)

belspo .be

Published in 2023 by the Belgian Science Policy Office

WTCIII
Simon Bolivarlaan 30 bus 7
Boulevard Simon Bolivar 30 bte 7
B-1000 Brussels
Belgium
Tel: +32 (0)2 238 34 11
http://www.belspo.be
http://www.belspo.be/brain-be

Contact person: Georges JAMART
Tel: +32 (0)2 238 36 90

Patrick Semal, Tara Chapman, Caroline Tilleux, Jennifer Gonissen, Femke Van Puymbrouck, Marie-Sophie de Clippele, Enika Ngongo, Lies Busselen, Els Cornelissen. ***Human remains Origin(s) Multidisciplinary Evaluation***. Final Report. Brussels: Belgian Science Policy Office 2023 – 445 p. (BRAIN-be 2.0 - (Belgian Research Action through Interdisciplinary Networks)

TABLE OF CONTENTS

ABSTRACT (ENGLISH) **11**

ABSTRACT (DUTCH) **14**

RÉSUMÉ (FRENCH) **17**

KEYWORDS **21**

1. INTRODUCTION **21**

2. STATE OF THE ART AND OBJECTIVES **21**

3. METHODOLOGY AND 4. SCIENTIFIC RESULTS AND RECOMMENDATIONS **22**

WP 1: Management & Networking WPL RBINS **23**
Task 1.1 Project Coordination (TL RBINS) 23
Task 1.2 Networking (TL RBINS) 24
Task 1.3 Project Reporting (TL RBINS – RMAH, USL-B, RMCA, UdeM, ULB, NICC) 25
D1.3.1: Preliminary Report of the Project (M3) 25
D1.3.2: Data Management plan on dmponline.be (M6) 25
D1.3.3: Intermediate Report of the project (M12) 25
D1.3.4: Final report of the Project (M24) 25
Task 1.4 Business plan and sustainability (TL ALL) M24 25
D1.4.1: Report on the preparation of the collections in regard to a possible repatriation (M24) 25

WP 2: State of the Art of the existing collections of Human remains in the FSI, Universities, Regional or local administration or museums and private collections WPL RBINS **27**
Task 2.1 Inventory, documentation and digitization in the FSI (TL RBINS – RMCA, RMAH) 27
D2.1.1 RBINS: Inventory of the human remains of non Belgian Origin (M12) RBINS 27
D2.1.2. RMCA: Inventory of the human remains of African and other non Belgian Origin (M12) RBINS, RMCA 28
D2.1.3: RMAH: Inventory of the human remains of non-Belgian Origin (M12) RMAH 28
D2.2.1: ULB: : Inventory of the human remains of non Belgian Origin (M12) ULB 32
D2.2.2: ULB: : Overview of the human remains of Belgian Origin (M12) ULB 32
D2.2.3: Overview of the human remains collections in other academic institutions (M12) ULB, RBINS 32
Task 2.3 Inventory and documentation in the Regional and local Museums - Administration (TL RBINS) 33
D2.3.1: Overview of the human remains collections in Regional and local Museums – Administration (M12)RBINS 33
Task 2.4 Inventory of the known private collections including scientific societies (TL RBINS – ULB, RMAH) 33
D2.4.1: SRBAP: Inventory of the human remains (M12) ULB, RBINS 34
D2.4.2: Overview of the private human remains collections in Belgium (M12) ULB, RMAH, RBINS 34

WP3 Legal background (WPL USL-B) **35**
Task 3.1 Human remains in Belgian law: qualification, legal regime and restitution (TL USL-B) 35
D3.1.1: Report on the state of the art both from this study and previous studies (M6), USL-B 36
Task 3.2 Concealment and identification of human remains in penal matters (TL USL-B) 46

D3.2.1: Report on the state of the art both from this study and previous studies (M6), USL-B 46
Task 3.3. Historical perspective on Belgian colonial legislation for human remains and their acquisition (TL **USL-B, RMCA**) 53
D3.3.1: Report on the situation of Congo, Rwanda & Burundi (M12) USL-B, RMCA 54
D3.3.1. RMCA report for task D3.3.1. 54
D3.3.1 USL-B report task D.3.3.1 55
D3.3.2: Report on the situation in Other Countries(M12), USL-B, RMAH 60
Task 3.4 Systemic Violence in Belgian colonial context (TL USL-B) 62
D3.4.1: Report on the situation of Congo, Rwanda & Burundi (M18), USL-B 62
Task 3.5 The protection of the individual data (TL USL-B, RBINS) 64
D3.5.1:Report on the state of the art both from this study and previous studies (M6), USL-B, RBINS 64

WP4 Value of the Human Remains collections (WPL RBINS) 69
Task 4.1 Scientific anthropological value (TL UdeM, ULB, RBINS) 69
D4.1.1: value of the collection(s) for the study of the variability of Africa populations (M12) UdeM, ULB, RBINS 69
D4.1.2: value of the collection(s) for the study of the past ways of life (M12) UdeM, ULB, RBINS 70
Task 4.2 Scientific cultural heritage value (TL RMAH) 71
D4.2.1: Report on the value of the Mummies collection(s) for the study of Egyptian civilizations (M18) RMAH 72
D4.2.2: Report on the value of the Mummies collection(s) for the study of pre-colombian civilizations (M18) RMAH 73
D4.2.3: Report on the value of the modified human remains for the study of non European civilizations (M18) RMAH 73
Task 4.3 Scientific value of digitised collection and policy (TL ULB, RBINS) 74
D4.3.1: New simplified and 64bits version of lhpFusionBox for the visualisation and the study of Digital Human remains (M18) ULB, RBINS 74
D4.3.2: Comparison of the study of Human Remains based on physical and/or digital collections (M18) ULB, RBINS 76
D.4.4.1. Report on the state of the art both in this study and previous studies (M18) RMCA 78

WP 5: Societal and ethical importance (WPL RMCA) 79
Task 5.1 Status of human remains in the scientific collections (TL RBINS, USL-B, RMCA, ULB, RMAH) 79
D5.1.1: Report for the Belgian consultative committee of bioethics (M24) RMCA, RBINS, USL-B, ULB, RMAH 79
D5.1.2: Advice of the Belgian consultative committee of bioethics. 79
Task 5.2 Identification of the human remains (TL, NICC) 80
D5.2.1: Report on the potential and limits of the genetic identification in the question of repatriation requests (M18) NICC 81
D5.2.2: Best practices for sampling, DNA extraction, sequencing and genetic analysis for FSI's osteological collections (M18) NICC 81
Task 5.3 Creating dialogue and co-curation (TL RMCA) 82
D5.3.1: Report on the dialogue and debate concerning repatriation with the African society (M24) RMCA 82
D5.3.2: Report on the dialogue and debate concerning repatriation with the African Diaspora(M24) RMCA 83
Task 5.4 Evaluating multiple implications of repatriation: potential risks and benefits (TL RMCA) 83
D5.4.1: Report of the field consultations (Political authorities & Civil Society), and the advice of invited representatives of the, Academic, NGOs & Civil Society (M24) RMCA 84

WP 6: Case studies WPL RBINS 84

Task 6.1 Identified remains (TL RBINS, RMCA, RBINS, NICC, ULB, RMAH) 84
D6.1.1 Report on the case of Lusinga (M18) RBINS, RMCA, NICC 85
D6.1.2: Report on the cases of other identified individuals (M18) RBINS, RMCA, NICC, ULB, RMAH 85
Task 6.2 Osteological collections (TL RBINS, RMAH) 86
D6.2.1: Report on the cases of unidentified individuals (M18) RBINS, ULB, RMAH 86
Aboriginal human remains from Australia and Tasmania collected by the Royal Belgian Institute of Natural Sciences (RBINS) and the Société royale belge d'Anthropologie et Préhistoire (SRBAP) 87
The collections of François-Joseph Meisser (1793-1867) at the Royal Belgian Institute of Natural Sciences (RBINS) 89
Case study on the American collections (RBINS) 90
Task 6.3 Human remains in archaeological context (TL RMAH) 91
D6.3.1: Report on the cases of Egyptian Mummies (M18) RMAH 91
D6.3.2: Report on the cases of pre-Colombian Mummies (M18) RMAH 93
D6.3.3: Report on the cases of modified human remains (M18) RMAH 93
Task 6.4 Human remains from Belgian former overseas territories (TL RBINS, RMCA, ULB) 95
D6.4.1: Report on the cases of unidentified individuals from RDC (M18) RBINS, RMCA, ULB 95
D6.4.2: Report on the cases of unidentified individuals from Rwanda (M18) RBINS, ULB, RMCA 96
Task 6.5 Human remains from private collections (TL: RBINS, ULB, RMCA, RMAH) 99
D6.5.1: Report on the collection of the SRBAP (M18) RBINS 99
D6.5.2: Report on other private collections accessible or not by the public (M18) RBINS, RMCA, ULB, RMAH 102

WP7 Recommendations (TL: RBINS, USL-B, RMCA, ULB, RMAH) 102
Task 7.1: No repatriation 102
D7.1.1: Category of Human remains collections for which no repatriation is needed (M24) RBINS, USL-B, RMCA, ULB, RMAH 102
Task 7.2: Virtual repatriation with co-curation 102
D7.2.1: Category of Human remains for which the virtual repatriation is possible/requested and description of the " Modus Operandi" (M24) RBINS, USL-B, RMCA, ULB, RMAH, UdeM 102
Task 7.3: Repatriation to family – local community 102
D7.3.1: List of Human remains for which the repatriation is requested and description of the different "Modus Operandi" (M24) RBINS, RMCA 102
Task 7.4: Repatriation to State(s) authorities 102
D7.4.1: List of Human remains for which the repatriation could be requested by State authorities and description of the different "Modus Operandi" (M24) RBINS, USL-B, RMCA, ULB, RMAH 102

WP8 Dissemination WPL RBINS 129
Task 8.1 Communication strategy (TL RMCA,) 129
D8.1.1: Defined communication strategy for the FSI's and the Federal authorities(M24) RBINS, RMCA, RMAH, RBINS 129
D8.1.2: Defined communication strategy for the ULB (M24) , ULB 130
D8.1.2: Defined communication strategy for the SRBAP (M24) RBINS, ULB 130
Task 8.2 Professional portal with restricted access (TL RBINS) 131
D8.2.1: Project Portal and prototype of Professional portal (M24) RBINS 132
D8.2.2: Professional portal with restricted access allowing the sharing of Virtual remains and associated documentation with the academic and authorities of the countries of origin. (M24) RBINS 132
Task 8.3 General public (TL RBINS, all) 134
D8.3.1: Public web site of the project (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM 134
D8.3.2: Presentation of the Advice of the Belgian Consultative Committee of Bioethics (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH 134
D8.3.3: Press release about the project results (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM 134

Task 8.4 Scientific communication (TL = all) 135
D8.4.1: Scientific communication in workshops and conferences (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM 135
D8.4.2: Scientific papers in Impact Factor journals by the partners (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM 135
D8.4.3: Special issue of Anthropologica and Praehistorica with the complete results of the project (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM 135
Task 8.5 Public conference 136
D8.5.1: Public conference about the Human remains collections and the question of repatriation. RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM 136

5. DISSEMINATION AND VALORISATION 137

6. PUBLICATIONS 140

7. ACKNOWLEDGEMENTS 142

ANNEXES 143

ANNEX 1 RMCA REPORT 143

Introduction 145

Acknowledgements 147

Words matter 148

Disclaimers 150

1. Inventory of human remains from a colonial context at the RMCA 154
1.1. Anatomical Anthropology collections (1899-1960) 155
1.2. Current collections at the RMCA 158

2. Provenance as a part of the process 161
2.1. Tying together archival data 164
2.2. Engaging into oral histories 165

3. Identified and unidentified human remains 166
Results and perspectives of provenance research 168
Chief Mamboukou removed by lieutenant Alphonse Cabra (1861-1932) from Tsimbangu to Tervuren 168
Traditional chiefs Lusinga Iwa Ng'ombe, Malibu and Prince Kapampa removed by Emile Storms (1846-1918) from Mpala to Tervuren 170
Dignitaries Bene and Amakeo removed by Marcel Maenhout (1888-1972) from Irumu to Tervuren 171
Moreover 12 individuals removed Armand Hutereau (1875-1914) from Uele to Tervuren 172
Three violated cemeteries by Fernandus Van de Ginste in 1945-1946 (1912-1947) 174
Mummified human remains from Rwanda at the AfricaMuseum 176

4. Challenging collaborations in a changing museumscape 179
4.1. Partnerships and agreements in the DRC 180
4.2. Context and methodologies 182
4.3. Repatriation opinions in the DRC 183

4.4. Working with civil society 185
4.5. Field related exchanges 185
Travel from Belgium to the DRC 186
Travel from DRC to Belgium 187

Conclusive recommendations 190

Bibliography 194

Appendix 204

ANNEX 2 RMAH INVENTORY 222

ANNEX 3 HOME SURVEY ON HUMAN REMAINS 232

Executive summary 232

Introduction and aims 236

The survey 236

MEMOR and archaeological human remains from Flanders 237

CRUMBEL and collections of cremated bone in Belgium 237

Categories of human remains in the survey 237
Historical Periods 238
Artefacts and Mummies 238
Prehistory 238
Anatomical collections of human remains 239
Unknown origin 239

Methodology 239
Federal Scientific Institutions 239
Regional and local Museums 239
University Faculty departments and museums in universities 240
Schools 241
Private collections 241
Other institutions 242
Total Respondents to the survey 242

Results of the survey 242
Historical Periods 244
Historical Periods – Belgian origin and historical time 244
Historical Periods – European origin and historical time 248
Historical Periods – Democratic Republic of Congo, Rwanda and Burundi 250
Historical Periods – Non-European origin yet not from former Belgian colonies 251
Human Remains as part of an artifact from Belgium 256
HR Artefact Belgium 256
Human Remains as part of an artifact from Democratic Republic of Congo, Rwanda and Burundi 257
Human Remains as part of an artifact from the rest of the world. 257
Mummies 259

Human Remains from Belgium: Prehistory 260
Human Remains from the Democratic Republic of Congo, Rwanda and Burundi: Prehistory 261
Human Remains from the rest of the world: Prehistory 262
Fossil hominids 263
Anatomical collections of humans remains 264
Human Remains of Unknown origin 265
Named Individuals 266
Digitisation strategy 267
Repatriation requests 268

Conclusions 269

ANNEX 4 EXPLORATION OF CRANIAL DIVERSITY IN CENTRAL AFRICA 272

ANNEX 5 LONG BONE ROBUSTICITY IN PAST AND PRESENT CENTRAL AFRICAN POPULATIONS 279

ANNEX 6 GENETIC ANALYSIS OF HUMAN REMAINS - RECOMMENDATIONS 290

1. Basic principles 291
1.1. Genetic inheritance 291
1.2 Genetic markers 292
1.2 DNA processing 293

2. DNA degradation and conservation 294

3. Contamination management 295

4. Sampling of the human remains 298

5. DNA extraction 304

6. DNA profiling 306

7. Ethical management 311

8. Possibilities and limitations of genetic analysis 315
8.1 Gender determination 315
8.2 Genetic kinship testing 315
8.3 Inference of biogeographical origin 318

ANNEX 7 MRAH HUMAN REMAINS IN ARCHAEOLOGICAL CONTEXT 328

ANNEX 8 MRAH ATIFU 334

ANNEX 9 WP7 TASKS FROM RMAH 347
Task 7.2: Virtual repatriation with co-curation 347
D7.2.1: Category of Human remains for which the virtual repatriation is possible/requested and description of the " Modus Operandi" (M24) RBINS, USL-B, RMCA, ULB, RMAH, UdeM 347
Task 7.4: Repatriation to State(s) authorities 347
D7.4.1: List of Human remains for which the repatriation could be requested by State authorities and description of the different "Modus Operandi" (M24) RBINS, USL-B, RMCA, ULB, RMAH 347

ANNEX 10 WP7 TASKS FROM THE RMCA **351**
Task 7.3: Repatriation to family – local community 351
D7.3.1: List of Human remains for which the repatriation is requested and description of the different "Modus Operandi" (M24) RBINS, RMCA 351

ANNEX 11 RECOMMENDATIONS AND EXECUTIVE SUMMARIES IN DUTCH **352**

ANNEX 12 RECOMMENDATIONS AND EXECUTIVE SUMMARIES IN FRENCH **380**

ANNEX 13 PRESS RELEASES FROM 1ST DECEMBER 2020 IN THREE DIFFERENT LANGUAGES **408**

ANNEX 14 EOS ARTICLE PRINT VERSION **417**

ANNEX 15 EOS ARTICLE ONLINE VERSION **422**

ANNEX 16 PRESS RELEASES FROM 29TH MARCH 2023 IN THREE DIFFERENT LANGUAGES **428**

ABSTRACT (ENGLISH)

Context: Federal Scientific Institutions (FSIs), universities and private entities house human remains from many different geographical origins, periods and contexts. Some of these human remains were discovered during archaeological excavations. Others were obtained by colonial officers and doctors, members of scientific societies and museum staff with the aim of creating osteological collections of humans from different geographical and ethnic origins. Some of these remains were appropriated in the colonial era in very problematic circumstances and in some cases remains were used to classify human types and to establish a hierarchy of "human races" ideologically motivated on the basis of physical characteristics. Prior to the HOME project being set up:

• There were no complete inventories of these collections or of their associated documents.

• There was no policy or best practice in Belgium on how to manage human remains collections (both physical and digitised - as many of the human remains collections in the FSI's either have been or were in the process of being digitised).

• There was no policy or best practice on what to do in the event of repatriation requests or even how to consider the legal status of these remains. For example should they be considered as part of a person (the human body is an extension of the person), as Cultural Heritage objects, or constitute an entirely new category?

Objectives: The objectives of this BRAIN project were (1) to inventory the physical human remains and associated information from the archives on the historical, scientific, legal and ethical background of the human remains hosted by the Belgian Federal Scientific Institutions, as well as (2) provide an overview of human remains in other public, academic and private collections in Belgium. This included examining all relevant documentation associated with these remains to examine how they were acquired, under what circumstances and if there have been any previous repatriation requests, etc. The aim of the project was also to use specific case studies in order to (3) analyse different (management) outcomes for the collections, in dialogue with a broad range of interlocutors (government actors, source community representatives, academic experts and museum staff) from the countries of origin. Based on preliminary provenance research by re-assembling inventories and the conversations with different interlocutors from the countries of origin the objective was to (4) inform policy and the interlocutors who contributed to HOME on the possible end destinations of physical and virtual collections.

Conclusions: The following recommendations are the results of the work established during the HOME project. These recommendations are also intended as an overview of the results of the project HOME and how different public and private institutions in Belgium can manage their (pre)historical human remains collections in the future. Short executive summaries of the results of each partner are also available at the end of these recommendations.

The Home project recommends :

- Changes should be made to the law to better respect human remains, limit their trade and facilitate their repatriation. Repatriation of human remains is of societal importance because it touches upon human dignity.
    - We recommend that human remains are out-of-commerce.
- Human remains cannot be considered as 'objects' and the repatriation of ancestral remains can help promote healing and reconciliation between countries and within communities.

Repatriation is a part of a process and/or dialogue that signifies reparation and follow-up, possibly including:

- Joint collaborative provenance research with Belgium and countries and/or communities of origin in the respect of their cultural rights;
- All forms of commemoration(s) in the countries of origin;
- Sensitising projects including educational policies and tools in Belgium and the countries of origin.

- Repatriation of all historical human remains in federal collections relating directly to the colonial past of Belgium should be unconditionally repatriated if requested (with no conditions placed upon their return by the Belgian State).

  - The Belgian colonial past and its ongoing consequences must be taken into account in the management of colonial collections. These collections are directly linked to a specific context of domination of a territory and its populations by a foreign occupying state.
  - Repatriation could be to the descendants if the individual is identified, to the community of origin or to the country. An internal dialogue in the country of origin has to define the repatriation process.
  - In the event of a repatriation request coming from the family or the community, the Belgian State has to do due diligence and notify the country of origin, in recognition of their sovereignty. Given the potential impact of repatriation processes on relations between communities and families in the countries of origin, it seems important to allow States of the countries of origin to mediate and consult their source communities and other concerned citizens to achieve solutions between all parties involved;
  - Effective repatriation is performed through bilateral agreements between the Belgian State and the State of origin which determine the practical conditions of the repatriation of the human remains according to the will of the descendant and/or the community of origin where applicable;
  - Repatriation processes and effective repatriation have to be performed at the expense of the Belgian State. Modalities need bilateral agreements;
  - A moratorium must be observed on the study of human remains from the Belgian colonial past which are part of the Belgian State heritage. If the human remains are to be included in a study, this should only be done with the agreement of the descendants, or the representatives of the community or the country.

- These recommendations could also be applied to any other historical collections of non-Belgian origin. We recommend that the government should be open to the repatriation of all the human remains from the historical period which are part of the State heritage from outside of Belgium. This includes the repatriation of the Tasmanian skeleton and the Maori heads from the Federal collections, which were subject to previous repatriation requests. Guidelines of best practices related to human remains from (pre)historic periods of (non)Belgian origin will be available soon in a separate document after the publication of the advice on the status of the Human remains by the Belgian Advisory Committee of Bioethics.

- Genetic analysis alone is not recommended to prove a link between two persons or a community and a deceased person, as family relationships are not always based on blood ties, and other lines of evidence such as sociological, historical, and anthropological elements must be considered in each request.

- The repatriation of human remains is only part of a process. Detailed provenance research might be also of vital importance. In line with the recommendations of Restitution Belgium (2021), we recommend a significant increase in funding for provenance research in Belgium.

Provenance research must be a collaborative process but it remains the responsibility of funding bodies and political decision-makers to ensure sufficient funds and staff to meet these demands.

Concerning the human remains and the requests of repatriation we recommend to promote:

- PhD scholarships for students from countries of origin for research on human remains;
- Exchange programmes that allow researchers from both countries to work together on provenance research and repatriation;
- Funding for collaborative projects with countries of origin with the goal of repatriation and to share knowledge, oral histories in the countries of origin as well as archival and information from the human remains themselves;
- Funding for community-based projects focusing on the healing of the community and the repatriation of human remains;
- Funding for former colonised countries for the physical return of human remains;
- Continued funding for digitisation of archival materials for FAIR sharing of the information.

- A **focal point** related to human remains should be set up to provide all information to institutions, administrations, communities and private persons on the status and guidelines of best practices related to human remains to be applied in Belgium and link to the advice of the Belgian Advisory Committee on Bioethics on the status of human remains;
  - The focal point does not centralise a single inventory of the Human remains but provides links to the various local, regional and federal inventories of human remains hosted in Belgium as well as relevant contact information;
  - Concerning the repatriation of human remains of non-Belgian origin, it could:
    - centralise the repatriation requests and processes;
    - integrate into the repatriation process itself by providing support to individuals, communities and States of origin in the preparation of their request and by cooperating with the administration of the countries of origin to set up the practical conditions for the return;
    - act as an intermediary with Belgian institutions/individuals wishing to repatriate human remains;
    - facilitate provenance research by organising access to archives and documentation relating to collections of human remains.

- The activities of the focal point could be integrated into a broader ***Independent 'Centre of Expertise for provenance research'***. Its organisation could follow that of the Belgian Advisory Committee on Bioethics and be based on a co-operation agreement between the federal and regional levels.

  It could be composed by:
  - A permanent secretariat including scientific staff financed by a specific budget and/or by secondment from federal or regional administrations
  - A group of identified experts covering all aspects and disciplines related to provenance and restitution as well as representatives from the countries of origin, including the diaspora's;
  - A board of vice-chairpersons could be chosen from among the group of experts. This board would be independent from Federal Scientific Institutions's hierarchies and would be responsible for the main decisions of the Centre.

  The 'Centre of expertise' could be addressed by legal authorities and/or scientific/academic/cultural/civil society organisations from Belgium or from the countries of origin. The Centre may also give advice on its own initiative, regarding a question lying within its competence.

ABSTRACT (DUTCH)

Context: Federale Wetenschappelijke Instellingen (FSI's), universiteiten en particuliere instellingen bevatten menselijke resten van verschillende geografische oorsprong, historische periodes en contexten. Sommige van deze menselijke resten werden ontdekt tijdens archeologische opgravingen. Anderen werden verkregen door koloniale officieren en artsen, leden van wetenschappelijke verenigingen en museummedewerkers met als doel osteologische collecties aan te leggen van mensen van verschillende geografische en etnische oorsprong. Sommige van deze resten werden in het koloniale tijdperk in zeer problematische omstandigheden verworven en in sommige gevallen werden resten gebruikt om mensentypen te classificeren en een hiërarchie van "mensenrassen" op te stellen die ideologisch gemotiveerd was op basis van fysieke kenmerken. Vooraleer het HOME project werd opgezet:
- waren er geen volledige inventarissen van deze collecties of van de bijbehorende documenten.
- was er in België geen beleid of *best practice* voor het beheer van collecties van menselijke resten (zowel fysiek als gedigitaliseerd - veel van de collecties van menselijke resten in de FSI's zijn gedigitaliseerd of worden gedigitaliseerd).
- was er geen beleid of beste praktijk in geval van repatriëringsverzoeken noch een juridische status voor deze resten. Moeten zij bijvoorbeeld worden beschouwd als deel van een persoon (het menselijk lichaam is een verlenging van de persoon), als erfgoedobjecten, of vormen zij een geheel nieuwe categorie?

Doelstellingen: De doelstellingen van dit BRAIN-project waren (1) het inventariseren van de fysieke menselijke resten en bijbehorende informatie uit de archieven over de historische, wetenschappelijke, wettelijke en ethische achtergrond van de menselijke resten die bij de Belgische Federale Wetenschappelijke Instellingen zijn ondergebracht, en (2) het geven van een overzicht van menselijke resten in andere openbare, academische en particuliere collecties in België. Dit omvatte een onderzoek van alle relevante documentatie in verband met deze resten om na te gaan hoe ze werden verworven, onder welke omstandigheden en of er eerdere repatriëringsverzoeken zijn geweest, enz. Het doel van het project was ook om specifieke casestudies te gebruiken om (3) verschillende (beheers)resultaten van de collecties te analyseren, in dialoog met een brede waaier van gesprekspartners (overheidsactoren, vertegenwoordigers van de herkomstgemeenschap, academische deskundigen en museumpersoneel) uit de landen van herkomst. Op basis van voorafgaand herkomstonderzoek door het opnieuw samenstellen van inventarissen en de gesprekken met verschillende gesprekspartners uit de landen van herkomst was het de bedoeling om (4) het beleid en de gesprekspartners die bijdroegen aan HOME te informeren over de mogelijke eindbestemmingen van fysieke en virtuele collecties van menselijke resten.

Conclusies: De volgende aanbevelingen zijn het resultaat van het werk dat tijdens het HOME-project is verricht. Deze aanbevelingen zijn ook bedoeld als een overzicht van de resultaten van het HOME-project en hoe verschillende publieke en private instellingen in België hun (pre)historische collecties van menselijke resten in de toekomst kunnen beheren. Korte samenvattingen van de resultaten van elke partner zijn ook beschikbaar op het einde van deze aanbevelingen.

Het HOME-project beveelt aan :

- De wet moet worden aangepast om menselijke resten beter te respecteren, de handel erin te beperken en de repatriëring ervan te vergemakkelijken. Repatriëring van menselijke resten is van maatschappelijk belang omdat het over menselijke waardigheid gaat.
    - Wij bevelen aan dat menselijke resten uit de handel worden genomen.
- Menselijke resten mogen niet als "voorwerpen" worden beschouwd en de repatriëring van voorouderlijke resten kan bijdragen tot herstel en verzoening tussen landen en binnen gemeenschappen. Repatriëring is een onderdeel van een proces en/of dialoog dat herstel en opvolging inhoudt, eventueel met inbegrip van:

- Gezamenlijk herkomstonderzoek in samenwerking met België en landen en/of gemeenschappen van herkomst, met respect voor hun culturele rechten;
- Alle vormen van herdenking(en) in de landen van herkomst;
- Sensibiliseringsprojecten met inbegrip van onderwijsbeleid en -instrumenten in België en de landen van herkomst.

- Alle historische menselijke resten in federale collecties die rechtstreeks verband houden met het koloniale verleden van België moeten onvoorwaardelijk worden gerepatrieerd indien daarom wordt verzocht (zonder dat de Belgische staat voorwaarden stelt bij hun terugkeer).
  - Bij het beheer van koloniale collecties moet rekening worden gehouden met het Belgische koloniale verleden en de gevolgen daarvan. Deze collecties houden rechtstreeks verband met een specifieke context van overheersing van een grondgebied en zijn bevolking door een buitenlandse bezettingstaat.
  - Repatriëring kan geschieden naar de nakomelingen indien het individu is geïdentificeerd, naar de gemeenschap van herkomst of naar het land. Een interne dialoog in het land van herkomst moet het repatriëring proces bepalen.
  - Als de familie of de gemeenschap een repatriëringsproces indient, moet de Belgische staat de nodige zorgvuldigheid aan de dag leggen en het land van herkomst daarover inlichten, met erkenning van diens soevereiniteit. Repatriëringsprocessen kunnen gevolgen hebben voor de relaties tussen gemeenschappen en families in de landen van herkomst. Daarom lijkt het belangrijk de staten van de landen van herkomst toe te staan te bemiddelen en hun lokale gemeenschappen en andere betrokken burgers te raadplegen om tot oplossingen tussen alle betrokken partijen te komen;
  - Effectieve repatriëring vindt plaats door middel van bilaterale overeenkomsten tussen de Belgische staat en de staat van herkomst waarin de praktische voorwaarden voor de repatriëring van de menselijke resten worden vastgesteld overeenkomstig de wil van de nakomeling en/of de gemeenschap van herkomst, indien van toepassing;
  - Repatriëringprocessen en effectieve repatriëring moeten worden uitgevoerd op kosten van de Belgische staat. Voor de modaliteiten zijn bilaterale overeenkomsten nodig;
  - Er moet een moratorium in acht worden genomen op de fysieke studie van menselijke resten uit het Belgische koloniale verleden die deel uitmaken van het Belgische staatserfgoed. Als de menselijke resten in een studie moeten worden opgenomen, mag dit alleen gebeuren met de instemming van de afstammelingen of de vertegenwoordigers van de gemeenschap of het land.

- Deze aanbevelingen kunnen ook worden toegepast op andere historische collecties van niet-Belgische oorsprong. Wij bevelen de regering aan open te staan voor de repatriëring van alle buitenlandse menselijke resten uit de historische periode die deel uitmaken van het staatserfgoed. Dit omvat de repatriëring van het Tasmaanse skelet en de Maori-hoofden uit de federale collecties, waarvoor eerder repatriëringsverzoeken zijn ingediend. Richtlijnen van beste praktijken in verband met menselijke resten uit (pre)historische periodes van (niet-)Belgische oorsprong zullen binnenkort beschikbaar zijn in een afzonderlijk document na de publicatie van het advies over het statuut van de menselijke resten door het Belgisch Raadgevend Comité voor Bio-ethiek.

  Genetische analyse alleen is niet aanbevolen om een band te bewijzen tussen twee personen of een gemeenschap en een overledene, aangezien familiebanden niet altijd gebaseerd zijn op bloedbanden en bij elk verzoek moet rekening worden gehouden met andere bewijzen, zoals sociologische, historische en antropologische elementen.

- De repatriëring van menselijke resten is slechts een onderdeel van een proces. Gedetailleerd herkomstonderzoek kan ook van vitaal belang zijn. In overeenstemming met de aanbevelingen

van Restitution Belgium (2021) bevelen wij aan om de financiering van herkomstonderzoek in België aanzienlijk te verhogen.
Herkomstonderzoek moet een samenwerkingsproces zijn, maar het blijft de verantwoordelijkheid van de financieringsinstanties en de politieke besluitvormers om te zorgen voor voldoende middelen en personeel om aan deze eisen te voldoen.

- Wat betreft de menselijke resten en de verzoeken tot repatriëring bevelen wij aan om volgende initiatieven te steunen:
- Doctoraatsbeurzen voor studenten uit landen van herkomst voor onderzoek naar menselijke resten;
- Uitwisselingsprogramma's die onderzoekers uit beide landen in staat stellen samen te werken aan herkomstonderzoek en repatriëring;
- Financiering van samenwerkingsprojecten met landen van herkomst met het oog op repatriëring en het delen van kennis, mondelinge geschiedenis in de landen van herkomst,archieven en informatie over de menselijke resten zelf;
- financiering van projecten op gemeenschapsniveau die gericht zijn op het herstel van de gemeenschap en de repatriëring van menselijke resten;
- financiering voor voormalige gekoloniseerde landen voor de fysieke terugkeer van menselijke resten;
- voortzetting van de financiering van de digitalisering van archiefmateriaal voor het FAIR delen van de informatie.

- Er moet een **focal point** in verband met menselijke resten worden opgericht om alle informatie te verstrekken aan instellingen, administraties, gemeenschappen en particulieren over de status en richtlijnen van beste praktijken in verband met menselijke resten die in België moeten worden toegepast, en een link te leggen naar het advies van het Belgisch Raadgevend Comité voor Bio-ethiek over de status van menselijke resten;
  - Het focal point centraliseert niet één inventaris van de menselijke resten, maar biedt links naar de verschillende lokale, regionale en federale inventarissen van menselijke resten die in België worden bewaard, alsmede relevante contactinformatie;
  - Wat de repatriëring van menselijke resten van niet-Belgische oorsprong betreft, zou het kunnen:
    - de repatriëring verzoeken en -processen centraliseren;
    - zichzelf integreren in het repatriëring proces door steun te verlenen aan individuen, gemeenschappen en staten van herkomst bij de voorbereiding van hun verzoek en door samen te werken met de administratie van de landen van herkomst om de praktische voorwaarden voor de terugkeer te scheppen;
    - optreden als tussenpersoon met Belgische instellingen/individuen die menselijke resten willen repatriëren;
    - het onderzoek naar de herkomst vergemakkelijken door de toegang te organiseren tot archieven en documentatie over collecties van menselijke resten.

De activiteiten van het focal point zouden kunnen worden geïntegreerd in een ruimer onafhankelijk "**Expertisecentrum voor herkomstonderzoek**". De organisatie ervan zou die van het Belgisch Raadgevend Comité voor Bio-ethiek kunnen volgen en gebaseerd zijn op een samenwerkingsovereenkomst tussen het federale en het regionale niveau.
Het zou kunnen bestaan uit:

- Een permanent secretariaat met wetenschappelijk personeel dat gefinancierd wordt met een specifiek budget en/of gedetacheerd wordt door federale of regionale overheden.
- Een groep van geïdentificeerde deskundigen die alle aspecten en disciplines in verband met herkomst en restitutie bestrijken, alsmede vertegenwoordigers van de landen van herkomst, met inbegrip van de diaspora's;

- Een raad van vice-voorzitters zou kunnen worden gekozen uit de groep van deskundigen.
- Dit bestuur zou onafhankelijk zijn van de hiërarchie van de federale wetenschappelijke instellingen en zou verantwoordelijk zijn voor de belangrijkste beslissingen van het Centrum.
  Het "expertisecentrum" zou kunnen worden aangesproken door juridische autoriteiten en/of wetenschappelijke/academische/culturele/maatschappelijke organisaties uit België of uit de landen van herkomst. Het Centrum kan ook op eigen initiatief advies uitbrengen over een kwestie die onder zijn bevoegdheid valt.

RÉSUMÉ (FRENCH)

Contexte : Les institutions scientifiques fédérales (ISF), les universités et les entités privées abritent des restes humains provenant d'origines géographiques, de périodes et de contextes différents. Certains de ces restes humains ont été découverts lors de fouilles archéologiques. D'autres ont été obtenus par des officiers et médecins coloniaux, des membres de sociétés scientifiques et des employés de musées dans le but de créer des collections ostéologiques d'êtres humains de différentes origines géographiques et ethniques. Certains de ces restes ont été appropriés à l'époque coloniale dans des circonstances très problématiques et, dans certains cas, les restes ont été utilisés pour classer les types humains et établir une hiérarchie de "races humaines" idéologiquement motivée sur la base de caractéristiques physiques. Avant la mise en place du projet HOME :
- Il n'existait pas d'inventaires complets de ces collections ou de leurs documents associés.
- Il n'existait pas de politique ou de bonnes pratiques en Belgique sur la manière de gérer les collections de restes humains (qu'elles soient physiques ou numérisées - car de nombreuses collections de restes humains dans les ISF ont été numérisées ou étaient en cours de numérisation).
- Il n'y a pas de politique ou de bonne pratique sur ce qu'il faut faire en cas de demande de rapatriement, ni même sur la manière de considérer le statut juridique de ces restes. Par exemple, doivent-ils être considérés comme faisant partie d'une personne (le corps humain est une extension de la personne), comme des objets du patrimoine culturel, ou constituer une catégorie entièrement nouvelle ?

Objectifs : Les objectifs de ce projet BRAIN étaient (1) d'inventorier les restes humains physiques et les informations associées provenant des archives sur le contexte historique, scientifique, juridique et éthique des restes humains hébergés par les institutions scientifiques fédérales belges, ainsi que (2) de fournir une vue d'ensemble des restes humains dans d'autres collections publiques, universitaires et privées en Belgique. Il s'agissait notamment d'examiner toute la documentation pertinente associée à ces restes afin de déterminer comment ils ont été acquis, dans quelles circonstances et s'il y a eu des demandes de rapatriement antérieures, etc. L'objectif du projet était également d'utiliser des études de cas spécifiques afin (3) d'analyser différents résultats (de gestion) pour les collections, en dialogue avec un large éventail d'interlocuteurs (acteurs gouvernementaux, représentants des communautés d'origine, experts universitaires et personnel des musées) des pays d'origine. Sur la base d'une recherche préliminaire sur la provenance en réassemblant les inventaires et les conversations avec différents interlocuteurs des pays d'origine, l'objectif était (4) d'informer la politique et les interlocuteurs qui ont contribué à HOME sur les destinations finales possibles des collections physiques et virtuelles.

Conclusions : Les recommandations suivantes sont les résultats du travail établi au cours du projet HOME. Ces recommandations sont également destinées à donner un aperçu des résultats du projet HOME et de la manière dont les différentes institutions publiques et privées en Belgique peuvent gérer leurs collections de restes humains (pré)historiques à l'avenir. De courts résumés exécutifs des résultats de chaque partenaire sont également disponibles en français, à la fin de ces recommandations.

Le projet Home recommande :

- Des changements devraient être apportés à la loi pour mieux respecter les restes humains, limiter leur commerce et faciliter leur rapatriement. Le rapatriement des restes humains revêt une importance sociétale car il touche à la dignité humaine.
    - Nous recommandons que les restes humains ne fassent pas l'objet d'un commerce.
- Les restes humains ne peuvent être considérés comme des "objets" et le rapatriement de restes ancestraux peut contribuer à promouvoir la réconciliation entre les pays et la résilience au sein des communautés. Le rapatriement fait partie d'un processus et/ou d'un dialogue qui signifie la réparation et le suivi, incluant éventuellement :
    - Une recherche de provenance conjointe et collaborative avec la Belgique et les pays et/ou communautés d'origine dans le respect de leurs droits culturels;
    - Toutes formes de commémoration(s) dans les pays d'origine;
    - des projets de sensibilisation comprenant des politiques et des outils éducatifs en Belgique et dans les pays d'origine.

- Le rapatriement de tous les restes humains historiques des collections fédérales en rapport direct avec le passé colonial de la Belgique doit être effectué sans condition si la demande en est faite (sans que l'État belge ne pose de conditions à leur retour).
    - Le passé colonial belge et ses conséquences actuelles doivent être pris en compte dans la gestion des collections coloniales. Ces collections sont directement liées à un contexte spécifique de domination d'un territoire et de ses populations par un État occupant étranger.
    - Le rapatriement peut se faire vers les descendants si l'individu est identifié, vers la communauté d'origine ou vers le pays. Un dialogue interne au pays d'origine doit définir le processus de rapatriement.
    - En cas de demande de rapatriement émanant de la famille ou de la communauté, l'État belge doit faire preuve de diligence et avertir le pays d'origine, en reconnaissant sa souveraineté. Étant donné l'impact potentiel des processus de rapatriement sur les relations entre les communautés et les familles dans les pays d'origine, il semble important de permettre aux États des pays d'origine de jouer un rôle de médiateur et de consulter leurs communautés d'origine et d'autres citoyens concernés afin de trouver des solutions entre toutes les parties impliquées ;
    - Le rapatriement effectif s'effectue par le biais d'accords bilatéraux entre l'État belge et l'État d'origine qui déterminent les conditions pratiques du rapatriement des restes humains selon la volonté du descendant et/ou de la communauté d'origine le cas échéant ;
    - Les processus de rapatriement et le rapatriement effectif doivent être effectués aux frais de l'État belge. Les modalités doivent faire l'objet d'accords bilatéraux ;
    - Un moratoire doit être observé sur l'étude des restes humains du passé colonial belge qui font partie du patrimoine de l'État belge. Si les restes humains doivent être inclus dans une étude, cela ne doit se faire qu'avec l'accord des descendants, ou des représentants de la communauté ou du pays.

    - Ces recommandations peuvent également être appliquées à toute autre collection historique d'origine non belge. Nous recommandons au gouvernement d'être ouvert au rapatriement de tous les restes humains de la période historique faisant partie du patrimoine de l'État et provenant de l'extérieur de la Belgique. Cela inclut le rapatriement du squelette provenant de la Tasmanie et des têtes maories hébergées dans les collections fédérales, qui ont fait l'objet de précédentes demandes de rapatriement. Des lignes directrices pour les bonnes pratiques relatives aux restes humains des périodes (pré)historiques d'origine (non)belge seront bientôt disponibles dans un document séparé après la publication de l'avis sur le statut des restes humains par le Comité consultatif de bioéthique belge.

- L'analyse génétique seule n'est pas recommandée pour prouver un lien entre deux personnes ou une communauté et une personne décédée, car les relations familiales ne sont pas toujours basées sur les liens du sang, et d'autres éléments de preuve tels que des éléments sociologiques, historiques et anthropologiques doivent être considérés dans chaque demande.

- Le rapatriement des restes humains n'est qu'une partie du processus. Une recherche détaillée de la provenance pourrait également être d'une importance vitale. Conformément aux recommandations de Restitution Belgium (2021), nous recommandons une augmentation significative du financement de la recherche sur la provenance en Belgique. La recherche sur la provenance doit être un processus collaboratif, mais il reste de la responsabilité des organismes de financement et des décideurs politiques de garantir des fonds et du personnel suffisants pour répondre à ces demandes.

  En ce qui concerne les restes humains et les demandes de rapatriement, nous recommandons de promouvoir :

  - des bourses de doctorat pour les étudiants des pays d'origine pour la recherche sur les restes humains ;
  - des programmes d'échange permettant aux chercheurs des deux pays de travailler ensemble sur la recherche de la provenance et le rapatriement ;
  - le financement de projets de collaboration avec les pays d'origine dans le but de rapatrier et de partager les connaissances, les histoires orales dans les pays d'origine ainsi que les archives et les informations sur les restes humains eux-mêmes ;
  - le financement de projets communautaires axés sur la guérison de la communauté et le rapatriement des restes humains ;
  - la poursuite du financement de la numérisation des documents d'archives en vue d'un partage équitable de l'information.

- Un **point focal** relatif aux restes humains devrait être mis en place pour fournir toutes les informations aux institutions, administrations, communautés et personnes privées sur le statut et les bonnes pratiques relatives aux restes humains à appliquer en Belgique, et établir un lien avec l'avis du Comité consultatif de bioéthique belge sur le statut des restes humains:
  - Le point focal ne centralise pas un inventaire unique des restes humains mais fournit des liens vers les différents inventaires locaux, régionaux et fédéraux des restes humains hébergés en Belgique ainsi que des informations de contact pertinentes ;
  - En ce qui concerne le rapatriement des restes humains d'origine non belge, il pourrait :
    - centraliser les demandes et les processus de rapatriement ;
    - s'intégrer dans le processus de rapatriement lui-même en apportant un soutien aux individus, communautés et États d'origine dans la préparation de leur demande et en coopérant avec l'administration des pays d'origine pour mettre en place les conditions pratiques du retour ;
    - servir d'intermédiaire avec les institutions/individus belges souhaitant rapatrier des restes humains ;
    - faciliter la recherche de provenance en organisant l'accès aux archives et à la documentation relatives aux collections de restes humains.

- Les activités du point focal pourraient être intégrées dans un "**Centre d'expertise pour la recherche de provenance**" indépendant plus large. Son organisation pourrait suivre celle du Comité consultatif de bioéthique belge et être basée sur un accord de coopération entre les

niveaux fédéral et régional.
Il pourrait être composé par :

- Un secrétariat permanent comprenant du personnel scientifique financé par un budget spécifique et/ou par détachement des administrations fédérales ou régionales.
- Un groupe d'experts identifiés couvrant tous les aspects et disciplines liés à la provenance et à la restitution ainsi que des représentants des pays d'origine, y compris de la diaspora ;
- Un conseil de vice-présidents pourrait être choisi parmi le groupe d'experts.
  Ce conseil serait indépendant des hiérarchies des institutions scientifiques fédérales et serait responsable des principales décisions du Centre.

Le "Centre d'expertise" pourrait être saisi par des autorités judiciaires et/ou des organisations scientifiques/académiques/culturelles/de la société civile de Belgique ou des pays d'origine. Le Centre pourrait également donner des avis de sa propre initiative sur une question relevant de sa compétence.

KEYWORDS

Human remains, Belgium, colonisation, restitution, heritage, colonial-era, ancestral remains

WARNING: Readers are warned that the following report contains descriptions of deceased persons.

1. INTRODUCTION

Belgian Federal Scientific Institutions, Universities and private entities house human remains from many different geographical origins, periods and contexts. Some of these human remains were discovered in the framework of archaeological excavations, others were removed specifically by the Belgian administration, colonials, doctors and nurses from colonial hospitals, members of scientific societies and museums to create osteological collections of human remains from different geographical origins. In a few cases human remains were taken as war trophies, as for the known Chief Lusinga Iwa N'Gombe. Finally, some remains are the results of donated gifts by private collectors during the 19th and 20th centuries.

Prior to the HOME project being set up:

• There were no complete inventories of these collections or of their associated documents.

• There was no policy or best practice in Belgium on how to manage human remains collections (both physical and digitised - as many of the human remains collections in the FSI's either have been or were in the process of being digitised).

• There was no policy or best practice on what to do in the event of repatriation requests or even how to consider the legal status of these remains. For example should they be considered as part of a person (the human body is an extension of the person), as Cultural Heritage objects, or constitute an entirely new category?

2. STATE OF THE ART AND OBJECTIVES

The objectives of the HOME project were to evaluate the historical, scientific, legal and ethical background of the human remains housed by the Belgian FSIs, as well as those hosted in other public, academic and private collections in Belgium. This included studying all relevant collections, archives and documentation to examine how they were acquired and if there have been any previous repatriation requests. This also involved looking at how the remains contributed to an understanding of past ways of life, both culturally and biologically. The documentation associated with the remains further provided important insights into the histories of these diverse remains. Part of this study also included the history of colonisation and being colonised.

The inventories and research on the human remains and documentation were used to write recommendations setting out the best management of the physical and virtual collections by using facts and informed arguments based on the collections and provenance research. Specific case studies were examined in order to analyse different management outcomes for the collections. In the case of the Democratic Republic of Congo, this was done in dialogue with all stakeholders, including family members and experts from the DRC but also working with different institutions and governmental organisations as well as the Belgian diaspora. A case study on the Rwandese collections was also done in conjunction with members of the Rwandese government. Recommendations for repatriation were then written taking into account multi vocal opinions on the overall collections.

Case studies

Case studies were performed on the Rwandese and Democratic Republic of Congo collections housed in the Federal institutions RBINS and RMCA, including a specific study on the skull of Lusinga Iwa

Ng'ombe. The skull of the beheaded chief Tabwa was brought back to Belgium by Emile Storms as spoils of war at the end of the 19th century, now kept at RBINS. The Maori heads and a Tasmanian skeleton which had previously been requested to be repatriated were also examined. In addition, there were also case studies on other historical collections from around the world housed at RBINS, RMCA, RMAH and ULB, including precolonial collections, Egyptian and South America mummies and historical American and Australian collections.

Legal background

As part of the HOME project, a legal framework for the repatriation of human remains was investigated by the partner USL-B, as there is currently no existing framework. The USL-B argue that the status of human remains should be clarified in civil law to ensure respect for the human body. Human remains should also be seen as extra-commerical, meaning that they cannot be bought or sold for money. This recommendation would stop the sale of human remains and also facilitate deaccession of the human remains from the Federal institutions to enable those remains to be repatriated. They further found that repatriation procedures should be more in the realm of transitional justice, with the aim of reconciliation and reparation between people. As part of the project the law and violent practices relating to human remains in the DRC was also investigated.

Survey on human remains

A survey on human remains was conducted by the HOME project in conjunction with FARO and the Flemish project on Archaeological human remains (MEMOR). The four Federal Scientific Institutions who house human remains were all part of the HOME project and participated in the survey. The survey demonstrated that there are approximately 30,000 human remains currently housed with the 56 institutions who took part in the survey (including the FSI's). The vast majority of these human remains are from Belgian historical and prehistoric collections. However, this is certainly an underestimate of Belgian remains as the survey mainly focused on collections in museums, universities and private collections, without taking into consideration churches, commercial companies or heritage centres. This survey therefore gave an overview of the human remains that are currently housed in Belgium. The majority of the historical collections from outside of Belgium are collections of skulls from around the world which were previously collected in Belgian pre-colonial and colonial contexts. These collections are mainly housed in RBINS. There are over 500 historical remains from the Democratic Republic of Congo, Rwanda and Burundi which were collected in a problematic colonial context. The majority of these collections were transferred to RBINS from the RMCA (formerly, Musée du Congo) in 1964-65.

DNA analysis

A large study was also performed on DNA analysis - both on the practical way to perform DNA analysis and whether it should be performed in the context of repatriation. This was an important consideration. Although genetic analysis has its benefits, it also has its limitations, particularly when dealing with human remains from which only ancient DNA can be recovered and analysed. Even should there be a match for DNA, it was decided that one should consider the fact that a biological relationship is not necessarily relevant to prove social, legal or cultural relationships.

3. METHODOLOGY AND 4. SCIENTIFIC RESULTS AND RECOMMENDATIONS

The project was divided into eight different workpackages. We combined sections 3. Methodology and 4. Scientific results and recommendations as is allowed in the guidelines. We first detail the tasks that were specified in the project and then detail the methods used to carry out these tasks and the results achieved:

Legend : *WPL: Work Package Leader; TL: Task Leader ; WP: Work Package D: Deliverable; M: Month*

WP 1: Management & Networking WPL RBINS

The goal of this WP is to coordinate the implementation of the project as outlined in the work plan; ensure progress of the project, the adherence of the partners to administrative guidelines of the programme as required by BELSPO and so guarantee the timely delivery of the project's outputs. Furthermore this WP will ensure a proper communication flow between the funding agency, the partners of the project, the follow-up committee and with the international contacts. WP1 will see to the respect of the intellectual property rights (IPR) framework for the project. Finally WP1 will identify and implement means to ensure long term sustainability of the project.

Two physical meetings and one workshop will be organised in the framework of this project :

- *Meeting 1 (M3) Kick-off meeting with partners and follow up committee. Presentation of the preliminary report. Requirements of the documentation to be submitted to the Belgian consultative committee of bioethics.*
- *Meeting 2 (M11) Intermediary meeting with partners and follow up committee. Presentation of the first results and validation of the report. Validation of the documents to be submitted to the Belgian consultative committee of bioethics.*
- *Workshop 1 (M24) The final workshop will be open to both National and International scholars from other Federal Scientific Institutions, Universities and other Museums. The partners will present the results of the project and place them in the international context. This workshop will be organized (if possible) in collaboration with other stakeholders (Belgian consultative Committee of bioethics, Academy of Sciences, International Council of Museums (ICOM)).*

Task 1.1 Project Coordination (TL RBINS)

- *Project lead, chairing the Project Steering Committee; identification and troubleshooting of organisational problems*
- *Liaison between BELSPO services and the project partners. Ensure effective communication of administrative tasks and issues within the partners*
- *Representation of the project*

Activities realised

The first HOME project meeting was a physical meeting held on the 31 January 2020. This was one day before the start date of the project. Following the first meeting, we were affected by the Covid 19 pandemic and meetings between colleagues were mainly held online. A second group of meetings was held on June 19 2020, followed by bi-monthly meetings on 30 September 2020 and 3 December 2020. Another group meeting will be held in the beginning of February and a meeting with the follow up committee and with the representatives of the Diaspora in Belgium was also held on the 25 march 2021. Bi-monthly meetings have been since that date to the end of the project. Apart from the group meetings, regular project meetings between RBINS, RMCA, RMAH, NICC, USL-B, Udem and ULB and individual members of these institutions have been held depending on the needs of the project tasks on a weekly basis and this has been either online or in person. Liaison between project partners and BELSPO was effective with a request for extension to the project, largely due to the pandemic. A second follow up meeting was held with the follow up committee on 18th March 2023. The meeting was held later to be able to discuss the recommendations with the follow up committee. The members of the follow up committee are as follows:

Royal Belgian Institute of Natural Sciences
Katrien Van de Vijver
Caroline LaForest
Alexandre Chevalier

Université Libre de Bruxelles
Martine Vercauteren
Sarah Demart

Université Catholique de Louvain
Celiné Romainville

Museum aan de Stroom
Vincent Boele

University of Gent
Berber Bervernage

Universitair Ziekenhuis Antwerpen
Els Jehaes

The meeting minutes are available in the deliverables for the meeting of 18th March 2023 and are detailed in the first report for the meeting of June 19 2020.

Task 1.2 Networking (TL RBINS)

- *Ensure proper communication and coordination between partners, WPs, the follow up committee and other external contacts*
- *Organisation as needed of project assembly meetings (can be in the form of e-meetings)*
- *Project collaborative platform (using a Plone server already installed at RBINS)*

Activities realised

The creation of the website of the project on the RBINS Scientific Service Heritage Plone server was set up in the beginning of the project. All members of the project had access to the server with a unique user name and password. The members of the follow up committee also had access to the project website.

https://collections.naturalsciences.be/ssh-anthropology/home

The website has 9 different sections:

1. News and Events (where upcoming events and news relevant to the project is updated continually)
2. Project description (The executive summary of the project is available here in three different languages – French, Flemish and English)
3. Partners (details on the partners)
4. Workpackages (details on the tasks of each workpackage)
5. Deliverables (Deliverables for the project are uploaded onto this site)

6. Background documents (A useful source of background documents – divided into different sections; Rules, Laws, Background Documents, EU, Bibliography)
7. Communication room (a place to put press releases and communications to the general public later in the project)
8. HOME Forum (Here is a place to discuss different topics).
9. HOME Survey (the online survey which is related to WP2).

The section of news and events and the project description were made public so that anyone who was interested in the project could see the latest news and developments in HOME. Whilst only project members had access to the background documents relating to the project and the deliverables.

The survey was also placed online in this section and participants to the survey were only able to see their own survey.

The deliverables have all been placed on the project website where there are separate reports.

Task 1.3 Project Reporting (TL RBINS – RMAH, USL-B, RMCA, UdeM, ULB, NICC)

- *Production and consolidation of periodic external reports. Work plan maintenance, monitoring of progress, timely production and adherence to quality procedures to deliver projects output.*
- *Production and consolidation of cost-statements*
- *Project site (see WP 6). The project will use the Plone CMS available at RBINS to create the Project web site and to manage the data collected and generated by the project with both public and restricted access.*

D1.3.1: Preliminary Report of the Project (M3)

D1.3.2: Data Management plan on dmponline.be (M6)

D1.3.3: Intermediate Report of the project (M12)

D1.3.4: Final report of the Project (M24)

Activities realised

The previous project reports (D1.3.1, D1.3.3) have been submitted to date and the website has been completed. The reports are also uploaded onto the deliverables section of the HOME website. The data management plan is detailed in WP7 Recommendations.

Task 1.4 Business plan and sustainability (TL ALL) M24

This task is also related to the WP7 Recommendations

- *Establish a long term sustainability plan for the potential actions after the political work and decisions.*
- *Establish a strategic plan for other institutions in Belgium and abroad to follow the political decisions.*

D1.4.1: Report on the preparation of the collections in regard to a possible repatriation (M24)

Activities realised

Many countries have a single point of enquiries for repatriation (Australia, Greenland, New Zealand). We recommend that Belgium also has a specific contact point for repatriation with dedicated staff and running cost budgets.

This specific single focal point could accumulate all the available information on the human remains concerned by potential repatriation and centralise the administrative actions related to these procedures.

Importantly, the Focal point would not replace dialogue with countries of origin and their communities but would give details of all the information currently known on the different human remains and allow provenance research and information to be transparent and accessible. It cannot replace detailed provenance research but rather will be a hub of information and made it available to all stakeholders and interlocutors. This includes inventories, transcriptions and copies of archival documents.

The focal point would:

- have the goal of preserving and FAIR sharing collections and provenance information related to human remains concerned by a possible repatriation demand.
- for ethical reasons, allow sensitive information on human remains to be kept private and shared with interlocutors
- ensure that provenance research and information on human remains made in preparation of the repatriation procedure is not lost with time.

The focal point would further be a centralised entry point site giving information on how to request repatriation and who to contact. The focal point would be the first stop for States, families and communities of origin who wish to know what remains are present in the museums and Institutions in Belgium and how they are able to request those remains to be repatriated.

All Belgian museums, universities and other institutions in Belgium who wish to participate in the repatriation of the historical human remains collections should have the possibility to use this focal point. The focal point can also act as an intermediary with private persons who may want to repatriate human remains. The focal point could be developed in a co-operation agreement between the federal and regional levels.

The focal point could maintain:

- the documentation about the Belgian and international context facilitating any new repatriation demand.
- a list of experts in Belgium, helping to manage the repatriation.
- All information relative to the status of human remains and the best practices related to in scientific institutions, public and private collections.

The focal point could also act as an intermediate to contact the representative of the country of origin to ask permission as to whether access is granted and research is performed on the human remains. The creation of a focal point has been included as part of the recommendations of the project. See WP7 for further information on this.

RBINS is the institution who holds the most human remains in their collections. The majority of the human remains are of Belgian origin although RBINS also holds the most human remains from around

the world (See D2.1.1) and have developed a professional portal to hold information about these human remains (See D8.2.1 and D8.2.2).

WP 2: State of the Art of the existing collections of Human remains in the FSI, Universities, Regional or local administration or museums and private collections WPL RBINS

In this workpackage, the partners will make a complete inventory of all human remains collections hosted by the partners and other public and private collections. This includes the collections of human remains discovered in archaeological sites, human remains collected for comparative purposes, the collections of human remains showing anthropic modifications and finally the collection of anatomical specimens (dissections, plastinated specimens, wet collections).

Task 2.1 Inventory, documentation and digitization in the FSI (TL RBINS – RMCA, RMAH)

All related documentation will be identified for digitisation in the framework of the DIGIT-4 BELSPO program. If human remains are identified during the inventory as having important scientific or Heritage values they will be selected for digitisation (if they have not already been digitised as part of the museum's digitisation programme).

Activities realised

Taking inventories of the human remains collections and digitising those collections was not an easy task as access to the collections was restricted due to COVID-19. Staff members on the project were not allowed to work in the institutions or were only allowed to go to the institution at certain times of the week. Despite these difficulties, inventories have all been taken for the human remains of non Belgian origin in the FSI and an overview has been taken of human remains from Belgium.

D2.1.1 RBINS: Inventory of the human remains of non Belgian Origin (M12) RBINS

The inventory of the human remains of non Belgian origin has been realised. There are several different collections in RBINS which are entitled Europe, Africa, Asia, Oceania and America. These categories were set up many years ago. During the inventory taking it was noted that many of the human remains belonged to different continents than that they were assigned.

Many of the human remains from the Democratic Republic of Congo and Rwanda come from a transfer from the old Musée du Congo at Tervuren in 1964-65. RBINS worked extensively with the RMCA to perform a cross check on the original inventory from the MDC and the physical remains currently housed at RBINS. The majority of the human remains from the inventory of the Musee du Congo have been found, including some human remains from the RMCA which were presumed to be missing for many years. However, there still remains several human remains which are missing and unaccounted for, and which were never part of the transfer to RBINS.

The online inventory at RBINS links relevant documentation with the digitised human remains, photographs of the plateau where the human remains are kept and all information on the human remains including any provenance research files. The acquisitions archives (AA) (comprising 60 dossiers) of the human remains collection from the Democratic Republic of Congo (DRC) formerly housed at the MDC Tervuren, have all been transcribed (as understanding the written script can sometimes be challenging) and both the original file and the transcription have been digitised. All non–Belgian remains have been digitised, which is part of an ongoing programme in RBINS to digitise all the collections. Digitised files will be accessible to researchers upon request but at this stage will not be open to the general public due to ethical concerns of the content and the people documented within the digitised files. Further information on Digitisation and future management of human remains in relation to digitisation is available in the Short executive summaries in WP7.

Please see the deliverables D.2.2.1. for online access to the RBINS inventories. Please note that the inventories were taken from the original documentation in RBINS where descriptions of human remains can be shocking.

D2.1.2. RMCA: Inventory of the human remains of African and other non Belgian Origin (M12) RBINS, RMCA

At the RMCA there are human remains conserved at the Department of Cultural Anthropology and History and the Department of Biology at vertebrates, dispersed over two different buildings: the Centre d'Accueil du Personnel Africain (CAPA) and the colonial palace and three different collections: ethnographic, archaeological and biological.

The basis of all collections at the RMCA are the Anatomical anthropology (AA) collections. The historical inventory of the AA collections has been transcribed and analysed. Further provenance research including archival fieldwork in different archives could be conducted based on the transcription of the inventory of the handwritten general register and the transcribed AA files by RBINs. The cross-referencing for the physical presence in RBINs and the RMCA has been realised together with RBINs. Two registrations have been physically found at the RMCA.

In the ethnographic collections we have physically cross-referenced two mummified remains, registered as AA 45 and AA 46 in the AA collections and holding nowadays the entries a8.010-M-0004 and a8.010-M-0005 in the DaRWIN data system (a biological database). For more information please consult the RMCA report in **Annex 1**.

In the biological collections at vertebrates in the CAPA building Prince Kapampa, registered under entry AA 149, known as Prince ‘Mpampa’ in the body of research regarding Iwa N’Gombe Lusinga, has been found. For more information on this case study please also consult the RMCA report stored in **Annex 1.**

Next to the transcription and interpretation of the handwritten general register and cross-referencing work in RBINs and the RMCA, three updated inventories have been realised. The inventories are uploaded onto the deliverables section of the project HOME website D2.1.2.. Although inventories are practically finished they are not an end point. They may contain problematic wordings and interpretation errors. Other human remains from the AA collections, missing in RBINS, could be present at the RMCA.

Further collaborative research with countries of origin and physical cross-referencing at the RMCA is needed. Therefore, further collaborative provenance research with homologues in countries of origin and physical cross-referencing at the RMCA is needed to be able to clarify historical contexts of injustice.

D2.1.3: RMAH: Inventory of the human remains of non-Belgian Origin (M12) RMAH

The RMAH groups together 4 institutions but only the collections of the Art and History Museum (AHM) and the Musical Instruments Museum (MIM) are detailed here because they are the only two that preserve human remains. The MAH alone contains over 250,000 archaeological remains, including several hundred human remains. They come in many varieties: skeletons, mummified bodies, shrunken heads, relics, objects made from human remains (hair, skin, nails, etc.). Whatever the 'type' of human remains, they are incorporated into the research. While they are all included in the survey conducted by the RBINS, only some of them are further researched in relation to the 'provenance' issue highlighted in this project.

At the beginning of the project, the first containment period due to COVID-19 started. Only the objects listed in the digitised inventory accessible on the **MuseumPlus** (M+) platform could be inventoried. Several keywords were used to carry out this inventory: *human* (1638 records) – *bone* (5438 records)

– *relic* (105 records) – *sapiens* (368 records). An initial observation was made. On the digital platform, each curator and/or collection manager records data with their own terminology. Sometimes the term 'bone' is used for both human and animal bones, while others add to the information. Some use 'bone' only to refer to animal bones and prefer 'human' to identify human bones. The lack of a common terminology for the designation of anthropobiological remains made this step more complex. It was necessary to carry out different searches using various terms in order to be sure to cross-reference as much information as possible. In addition, these terms sometimes appear under the 'materials/techniques' tab, or in the 'description' or even in the 'name of the object'. This observation was relayed to the E-collection Service. The people in this department are responsible, among other things, for designing and improving the functionality of the MuseumPlus platform. By mutual agreement, it was deemed appropriate to propose an adapted terminology common to all users of the platform, as well as the creation of a category (and/or a location/tab) solely dedicated to human remains. M+ now contains easy access to the anthropobiological remains inventoried during this work. A shortcut to a tab on the platform allows the list to be displayed.

As the inventory was being carried out, it became necessary to collect and store the data acquired so that it could be used at a later date, particularly during the survey carried out by the RBINS. An ACCESS database was created for this purpose. *Tables* corresponding to each collection have been established. There are 13 of them, one of which is specifically dedicated to the Museum of Musical Instruments (MIM). The *Tables* are named as follows: America - National Archaeology - China - External Collections - Costumes - Egypt - Ethno-European - India and South East Asia - Merovingians - MIM - Oceania - Preciosa and Silver - Prehistory.

Musical Instruments Museum – MIM

14 musical instruments made from human remains are recorded. This number was obtained from the online inventory of the collections on M+. In addition, Ms Chantrenne of the MIM gave access to the storerooms in order to observe the objects and complete the pre-established list if necessary.

In the survey, they are distributed as follows:

- Artifacts & Mummies
    - Rest of the world
        - Asia (12)
        - Oceania (1)
- Prehistory
    - Rest of the world
        - Oceania (1)

It is important to specify here that the term "Other(s)" was added by the institution in the space dedicated to anatomical composition. Indeed, the initial proposals did not take into account composite elements and/or objects made from human remains. In the case of the MIM's instruments, they are often associated with other materials (metal, plant elements, animals, etc.).

Art & History Museum (AHM)

The AHM collections hold at least 424 anthropobiological remains, all sections combined (account completed in June 2021). They are of various kinds: skeletons, mummified bodies, shrunken heads,

relics, objects made from human remains, etc. Despite the great variety in the type of remains, they are all included in the survey.

In addition to the 'Other(s)' heading added earlier, the terms 'cremated bones', 'teeth' and 'hair' are added in the description of the anatomical composition. Again, this additional information does not provide an exhaustive list, but responds to the cases present in the museum's collections.

Cremated bones are human bones that have been burned and (mostly) preserved in cinerary urns. Although only ashes and bone fragments remain of the bodies, they are still anthropobiological remains.

The headings tooth(s) and hair are two additions due to the existence of these isolated elements. Sometimes teeth and locks of hair have entered the collections (whether or not associated with other objects). Although these are fragmentary elements, they are nevertheless considered in this census as human remains in their own right.

The 424 human remains are divided in the survey under the following tabs:

- Historical Periods (109)
    - Belgium
        - Flanders (3)
        - Wallonia (92)
        - Brussels capital (7)
    - Europe
        - European union (5)
    - Rest of the World
        - Africa (1)
        - Asia (1)
- Artifacts & Mummies (87)
    - Rest of the world
        - America (26)
        - Asie (19)
        - Europe (1)
        - Oceania (14)
    - Mummies
        - Egyptian (18)
        - South american (7)

        - § Rest of the world (2)

- Prehistory (206)
    - o Belgium
        - § Flanders (54)
        - § Wallonia (133)
    - o Rest of the world
        - § America (8)
        - § Europe (10)
        - § Oceania (1)
- Unknown Origin (22)

In order to establish a correspondence between the survey and the various museum collections, a summary table is drawn up. It lists all the collections that contain human remains, the number of remains in each of them and their distribution in the survey. In this way, each remains recorded in the survey can be found in the collections. Finally, at the end of the survey, the data can be retrieved from the site in Excel format.

It took a year to obtain this total count of human remains conserved within the RMAH. For the two museum institutions concerned, the census shows at least 438 anthropobiological remains of all types. It should be noted that this is not an exhaustive list. Indeed, it cannot be ruled out that a certain number of remains have fallen through the cracks. There are several reasons for this:

Although an online inventory exists (MuseumPlus), many objects are not included. Although the museum wishes to digitize all its collections, this is a colossal task that is best carried out by the staff (collection managers, scientists, preparators, etc.). It is still ongoing and is constantly being expanded with new data. The creation of a tab dedicated to the encoding of human remains on this platform during their inventory is intended to group them together and encourage users to continue this task internally.

Moreover, there is no specific terminology on the definition of "human remains". Each person therefore encodes the information on the platform according to their own point of view: *bone - human bone - human - sapiens* - etc. While many keywords were used to cross-reference as much information as possible, it is possible that human remains without any precision in their description, name, material, etc. were encoded but not 'found' for this research. In the future, it would be relevant to define 'human remains' more precisely and to use a univocal and adapted terminology when encoding them.

The encoding of the survey was relatively quick, although not always obvious and intuitive. Indeed, the sections proposed for data integration followed a different division from that of the museums. It was therefore necessary to extract all these data in order to be able to place them in the survey. Moreover, once the figures were entered, it seemed difficult to trace the object's journey. In other words, when the final number is obtained, how can we know which remains are included in this category and from which collection they come? To overcome this lack of visibility, a summary table was created.

Please see the complete french version of this task in **Annex 2**. For further information please see the overall report from RMAH in the deliverables D.2.1.3.

Task 2.2 Inventory, documentation and digitization in the Universities (TL ULB - RBINS)

- *A survey will be prepared and sent to the Flemish and French universities. The goal is not to have a detailed inventory of each collection but rather an overview and a general description of the collections of Human Remains hosted by the Belgian Universities.*
- *For ULB a more complete inventory will be produced for the collection hosted by the Laboratory of Anthropology and Human genetics -Science Faculty. The size of the collection is estimated to be about 300 individuals from different origins and periods.*

Activities realised

D2.2.1: ULB: : Inventory of the human remains of non Belgian Origin (M12) ULB

This has been completed with all the departments and faculties who took part in the study. A report has been made on the inventories which are present in the project. This is uploaded into the deliverables site in D2.2.2. and is available upon request.

D2.2.2: ULB: : Overview of the human remains of Belgian Origin (M12) ULB

An overview has been made of the ULB collections of Belgium Origin. This is uploaded into the deliverables site and is available upon request. See D.2.2.1.

D2.2.3: Overview of the human remains collections in other academic institutions (M12) ULB, RBINS

There are 11 Universities in Belgium. There are five Dutch-speaking Universities: Universitair Ziekenhuis Antwerpen (Antwerp), Vrije Universiteit Brussel (Brussels), Ghent University (Ghent), Hasselt University (Hasselt and Diepenbeek) and the Katholieke Universiteit Leuven (Leuven). There are six French speaking Universities: Université de Namur (Namur), Université Saint-Louis - Bruxelles (Brussels – UCL Louvain), Université Libre de Bruxelles (Brussels), Université catholique de Louvain (Louvain-la-Neuve, Brussels, Mons, Tournai, Charleroi and Namur), University of Liège (Liège, Gembloux and Arlon), University of Mons (Mons). All of the University communications departments were contacted and asked to send out letters requesting relevant Faculties and University museums to take part in the survey to find out if they housed human remains. Museums which are part of Universities were counted as belonging to Universities, as these are often directly linked to teaching in the Universities. There were no respondents to the survey following on from this initial communication. Following on from this, several people from relevant departments in each of the universities were contacted with a personal email to ask them if they would fill out the survey. This proved to be a difficult task as the Universities themselves are divided into different Faculties and there is no-one who is in charge of all Faculties. Initial emails were followed up by telephone calls to different people in the Faculties and Universities who were most likely to have human remains. In total 4 additional follow up reminder personal emails were sent to potential participants and at least 2 telephone calls were made to try to ask people to take part in the survey.

In total there were 13 University museums or Faculties who took part in the survey from 5 Universities. We also worked with several departments of Vrije Universiteit Brussel (VUB), and in those departments established that they either didn't have human remains or had human remains on temporary loan from archaeological depots. We established that there were not any human remains in Université Saint-Louis - Bruxelles (Brussels – UCL Louvain). Therefore we had 7 Universities out of 11 who may

have human remains who participated in the survey. The majority of the Universities, including the partner ULB, worked for several months to create inventories of different Faculties, which had not previously existed.

Please see **Annex 3** for a full report on the survey which will later be published in Anthropologica et Praehistorica.

Task 2.3 Inventory and documentation in the Regional and local Museums - Administration (TL RBINS)

In this task, the partners will make an overview of human remains collections hosted by the Belgian regional and local Museums from different periods and origins.

- *A survey will be prepared and sent to the target institutions. The goal is not to have a detailed inventory of each collection but an overview and a general description of the collections of Human Remains hosted by the Regional and local institutions.*

Activities realised

D2.3.1: Overview of the human remains collections in Regional and local Museums – Administration (M12)RBINS

To reach staff in museums we worked with Alexander Chevalier, who is a member of the HOME follow up committee and who is a president of International Council of Museums (Belgium). A letter was sent in the appropriate language to different mailing lists of the different organisations under the umbrella ICOM Belgium. This included a letter in French sent to Brussels museums (which have approximately 115 members), ICOM-Belgique Wallonie-Bruxelles (which have approximately 54 members – 19 of which are also part of Brussels museums). A letter was also sent in Dutch to ICOM Belgium Flanders and the Vlaams Museumoverleg as well as MSW and CBM. We further identified potential museums who may have human remains from different websites.

We also wrote individual letters to personal contacts in museums which came from other members of the HOME project, the follow up committee and from FARO (Faro is the Flemish Institution for the Cultural Heritage who worked in conjunction with us on the survey) and MEMOR. 112 museums in Brussels were contacted from the online tourist site listing museums in Brussels. The mailing list to Brussels museums was indiscriminate to try to find out if unexpected museums or fine art centres held human remains, although this was found to not be the case. 49 Museums in Wallonia were contacted from an online tourist site listing museums in Wallonia. We followed up with personal letters to 22 Wallonia museums who may be identified as having human remains. Of these only 3 confirmed that they had human remains. Five confirmed that they did not have human remains. 139 were contacted in Flanders and their names and addresses were taken from an online report on Museums and from a Tourism site. 14 confirmed they did not have human remains. Out of the museums who participated in the survey, 2 were from Brussels, 13 were from Flanders and 15 were from Wallonia.

Please see **Annex 3** for a full report on the survey which will be later published in Anthropologica et Praehistorica.

Task 2.4 Inventory of the known private collections including scientific societies (TL RBINS – ULB, RMAH)

In this task, the partners will make an overview of known human remains collections owned by scientific societies, private companies and private persons. Due to the private nature of such collections, HOME project will not produce a complete nominative list but a categorisation of the different types of

collections in order to question the legal background of such collections. Some of these private collections are accessible by scientists on demand (e.g. collection of the Belgian Royal Society of Anthropology and Prehistory (SRBAP), some are accessible by the general public (Pairi Daiza), some others are owned by private persons and generally not accessible by scientists or general public.

Activities realised

D2.4.1: SRBAP: Inventory of the human remains (M12) ULB, RBINS

A detailed inventory has been taken on the SRBAP collections by Jennifer Gonissen as part of her PhD. The SRBAP collections are split between the ULB and RBINS. Due to the sensitive nature of the collection, the detailed inventories for the collections of ULB and RBINS are available in the deliverables D.2.4.1 section on the HOME website on request.

D2.4.2: Overview of the private human remains collections in Belgium (M12) ULB, RMAH, RBINS

Alongside the press launch, letters were sent to individual private collectors that we were aware of in December 2020 (through contacts in MEMOR, FARO, the HOME project and follow up committee members). It is known that there are significant private collections in Belgium through personal contacts with private collectors. We are aware from different sources that private collections may entail a bigger number of human remains and a broader provenance-scope in comparison to the documented public collections. We received some feedback that the survey website was difficult to manage from some private collectors, although unfortunately, they did not respond after we wrote to them and stated that we could do the survey 'offline' or by telephone/ skype interview. We also made it clearer on our website that it was possible to do the interview offline and in complete anonymity. We worked closely with an external advisor, Jan Joris Visser who has knowledge of private collectors and we decided to set up a separate anonymous site as the original survey site asks for specific details which may have put off some private collectors. The site set up specifically for private collections also had the following text :

SURVEY ON HUMAN REMAINS IN PRIVATE COLLECTIONS IN BELGIUM

We are writing to ask your valuable help in participating in a survey on the collections of human remains housed in Belgium by private collectors. The aim of the survey is to know how many human remains are being housed in Belgium by private collectors and also what type of human remains they are (i.e. are they artefacts or mummies, bones from Belgium or worldwide). The survey is being conducted by the project HOME and is part of a larger survey on human remains. The survey can be anonymous and it is important to state that the survey is not for legal purposes, collectors can derive no rights from participation in the survey and the information in the survey will not be used in future legal processes.

https://collections.naturalsciences.be/ssh-anthropology/home/survey/private-collections/menu

This was posted to facebook groups of private collectors of human remains by Jan Joris Visser. However, both members of the project and advisors to the project told us there was no interest for the private collectors to provide inventories for the project. This was despite setting up a specific anonymous website, especially for private collectors. Despite the efforts that we undertook to try and communicate our survey to individual private collectors, we are aware that because of the possible restitution of human remains to the countries of origin that was also addressed in the HOME project, they may not wish to respond.

There were four people or institutions who took part in the general survey and can be seen as a private institution or person. This was an individual with human remains, a large private institution, a museum and a collection of a private society. Please **Annex 3** for a full report on the survey which will be published in Anthropologica et Praehistorica.

WP3 Legal background (WPL USL-B)

In this work package, the partners will analyse the legal questions around human remains, from two main and complementary perspectives : current legal questions and historical legal context. Where the first part will study specific questions in Belgian law (qualification, legal regime and restitution, as well as concealment and identification of human remains), the latter part will examine the legal historical context of the acquisitions of these human remains, mainly in the former Belgian overseas territories.

Task 3.1 Human remains in Belgian law: qualification, legal regime and restitution (TL USL-B)

Belgian legislation only once specifically mentions human remains, in the Law of 23 April 2021 concerning underwater heritage, calling for the respectful treatment of human remains found in underwater heritage. Besides this reference, human remains mostly fall into the category of cultural goods protected under the several Decrees in the three Communities as well as the recent Ordonnance in the Brussels Region.

Human remains are different from other cultural objects. As such, one of the questions this project will look into is that of how to **qualify** them:

- as part of a person (the human body is an extension of the person), as an object or as a third – intermediate – category?
- Does the passing of time have an impact on the qualification of these human remains?

This qualification question is important so as to determine which **legal regime** shall apply on these remains.

- If they were considered objects according to civil law, property rights should apply and they can be on the market.
- If, however, they are considered as human remains, or at least some of them as such and mainly those whose family or cultural bonds are still strong, such as with colonial remains, then they are not considered as objects and as such they cannot be owned. They are therefore extra commercial and should be treated as such. Some personality rights (the right to publicity and the right to privacy, sometimes even after death) may apply, or other rules from the public domain.

There is another important legal question to be resolved in this project: how to think about **restitution**? There is a broad consensus among States and scholars that human remains should be returned, as some international Resolutions and conventions indicate. However, some case specific questions will need to be addressed with:

- Who has the right to claim restitution, the State, the community? and how will these claimants be identified?
- How exactly will it legally leave the public or private collections?
- Should some damage be granted to the actual possessor, or on the contrary should some reparatory measures be provided to the claimant?

Particular attention should be given to the *deaccession of public collections* holding human remains, as a legal framework to facilitate these kinds of measures should be drawn and form an outcome of this project.

The **methodology** used in order to think about these main questions will follow comparative principles.

- Most neighbouring countries have already laid out some legal, political, administrative or deontological frameworks concerning human remains. Therefore, it seems essential to analyse these documents and more specifically: the Human Tissue Act in the UK (2004); the Guidelines of the Dutch National Museum of World Cultures *Return of Cultural Objects: Principles and Process (2019)*; the French law on the restitution of Maori heads (2012) and the recent French

report on the Restitution of African cultural heritage (2018) and the Recommendations of the German Museums Association for the Care of Human Remains in Museums and Collections (2013) as well its Guidelines on dealing with collections from colonial contexts (2018).

- On the international level, the Vermillion Accord on Human Remains (1989) contains interesting elements, as well as the ICOM Code of Ethics and the UN Declaration on the Rights of Indigenous Peoples (2007).
- In the USA, Native American Graves Protection and Repatriation Act (NAGPRA, 1990) requires relevant comparative analysis.

D3.1.1: Report on the state of the art both from this study and previous studies (M6), USL-B

Activities realised

The question of human remains in law is complex: how can their legal status or regime be determined, when the law does not necessarily have the relevant categories and principles, stuck in a dual logic between persons and things?

Certain fields are already more invested in positive law, such as medical research within the framework of bioethics laws, whereas the conservation of museum collections remains little explored. The situation of human remains in heritage collections nevertheless raises general questions (qualification, status, regime) and specific questions (cultural property, restitution) that are analyzed in this report. The first part concerns their legal qualification as special goods marked by the principle of dignity (1), the second goes more specifically into the qualification of human remains in museum collections (2). The third section provides some insights and prospective analysis of the legal regime attached to human remains, to be considered as out-of-commerce (3). The final part focuses on the repatriation of human remains (4).

1. Human remains as special goods worthy of respect

1.1.Analysis of the existing legislative framework

The qualification of human remains raises a certain uneasiness in the law, structured around the dichotomy between things and persons, even if animals have broken through this duality since the Belgian reform of property law. Indeed, **human remains do not constitute a person, insofar as legal personality ceases with death, but at the same time they cannot be reduced to a simple thing, so much so that they are imprinted with the deceased person**.

Yet, in the dual categories of civil law, **human remains fall in the broad category of things, even in the subcategory of appropriable things: goods**.

As Marie Cornu notes, the prism of property is still preferred to qualify human remains, functioning "by default, in the absence of other available figures"[1].

It would, however, be interesting to integrate, in a prospective manner, reflections insisting on the continuum between things and persons, proposed by Professor Gaële Gidrol-Mistral, rather than on a dual and outdated split in practice[2] (see recommendations).

Nonetheless, the inevitable reification of these human remains - if they are not a person, they are necessarily a thing - does not prevent from considering the **special nature of these remains**, notably because of the specific legislation that applies to them:

1) Right to burial (personality right)

- Cass. 3 July 1899 : « *l'homme, maître de sa personne pendant sa vie, dispose librement de sa dépouille ; (…) cette faculté (…) a été de tous temps et universellement admise comme de droit naturel* » [3]

2) Right of close relatives to assist burial (funerary laws)

3) Criminal sanctions: tomb violation, corpse concealment (see WP 3.2)

4) Right to image 20 years *post-mortem* (article XI.174 Code of Economic Law)

5) Human dignity principle: article 23 Belgian Constitution

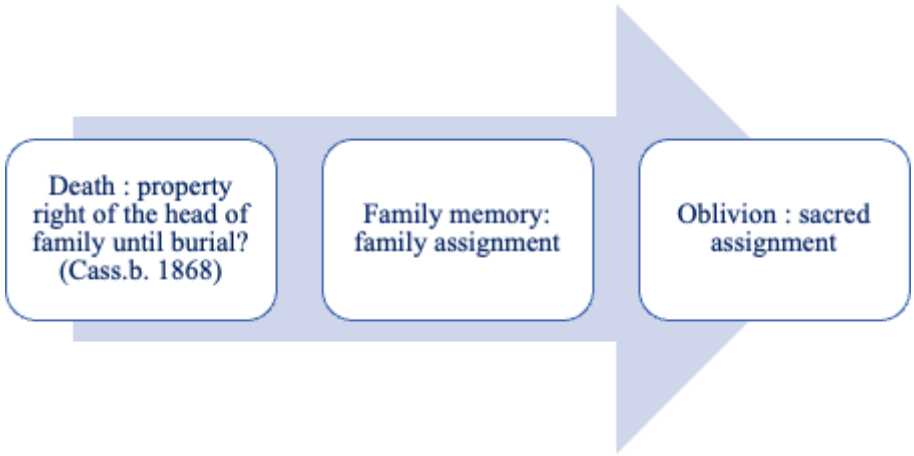
Considering the special treatment of human remains in several legislations, they are to be **considered as special things worthy of respect, giving substance to the sacredness of these human remains**. However, there is not a general provision to explicitly recognize this qualification, unlike French law.

The Bioethics Advisory Committee is currently drafting an opinion on the notion of sacredness for human remains and could complement the current findings.

1.2.Prospective interpretations for the qualification of human remains

The **special nature of these human remains can also evolve with time**. The "*affectation*" (assignment), i.e. the assignment, whether voluntary or forced, of an object or a person to a purpose, would make it possible to specify a timeline for the qualification of human remains. **First would be the time of family memory and then the time of oblivion**. In the first period human remains would be considered as closely linked to the family, their rights on the remains should supersede any other (property) rights. In the latter period, when family ties have vanished, the remains come into oblivion and could more be considered a good, to be owned by anyone without family members having precedence, but still marked by sacredness.

An old decision of the Belgian Court of Cassation also seems to insert a preliminary time, between the last breath and the burial, which grants a right of ownership to the head of the family over the remains.



However, this timeline assumes the identification of chronological periods: when do we leave the family bond to enter a more collective, even universal, perspective of this human remnant?

In this respect, it is interesting to note the disparity between Belgian legislations as to the timeline they designate for post-mortem treatment, which are indications of the establishment of a **time threshold**:

- 20 years *post-mortem* to exercise a right to the image of the deceased (Article XI. 174 of the CRC);
- 50 years *post mortem* for a concession in case of burial of a corpse (but possible renewals); after which the municipality "decides on the destination to be given to the mortal remains discovered in the cemetery enclosure"; in Brussels it is specified moreover that "the mortal remains are either deposited in an ossuary, or incinerated and the ashes are either dispersed on the plot reserved for this purpose, or deposited in an ossuary";
- 100 years to recognize an object of archaeological interest (see next point on human remains as cultural property)
- 1000 years to allow for repatriation of human remains under the UK Human Tissue Act;
- There are no limits for bringing a criminal action in case of violation of graves and tombs, except for the prescription of the action which is 5 years from the facts committed.

This linear temporality is also pierced by cultural approaches to the treatment of human remains and family and cultural ties.

The most edifying example of this cultural approach to family ties can be found in the Francis Hopu and Tepoaitu Bessert v. France case of 29 July 1997 before the UN Human Rights Committee. The case concerned Tahitians who felt that they had been dispossessed of a 4.5-hectare plot of land, on which a pre-European cemetery is located and which constitutes an important site of their culture, to the benefit of the territory of Polynesia, which was to build a hotel there. The main debate concerned the links between the bones discovered during the research and the applicants. France argues that respect for the dead cannot concern buried persons whose memory has been lost for centuries. The Committee's interpretation of the right to privacy and family life (articles 17 and 23 ICCPR) is interesting in that respect:

> The Committee observes that the objectives of the Covenant require that the term "family" be given a broad interpretation so as to include all those comprising the family as understood in the society in question. It follows that **cultural traditions should be taken into account when defining the term "family**" in a specific situation. (…)
>
> The Committee considers that the authors' failure to establish a direct kinship link cannot be held against them in the circumstances of the communication, where the **burial grounds in question pre-date the arrival of European settlers** and are recognized as including the forbears of the present Polynesian inhabitants of Tahiti.

2. Human remains as cultural goods in museums

2.1.Analysis of the existing legal framework

Human remains in museum collections are considered cultural goods, subject to conservation and management measures within the framework of public or private heritage collections and are thereby "patrimonialized" (*patrimonialisé*).

There is however no legal definition of human remains in (Belgian) cultural heritage law and no specific legal category for human remains in those legislations. Human remains are therefore to be found in several heritage categories for cultural goods.

Concretely, human remains may be of several interests:

- scientific (ex. anatomy collections),
- archaeological,

- religious (ex. relics),
- or sometimes aesthetic interest (ex. art objects containing human remains such as hair).

Human remains can be protected as treasures (*trésors*) or masterpieces (*topstuk*), provided they meet additional qualitative criteria (rarity, essentiality, etc.). For the moment, only a few human remains are listed.

2.2. Prospective interpretations for the qualification of human remains in museum collections

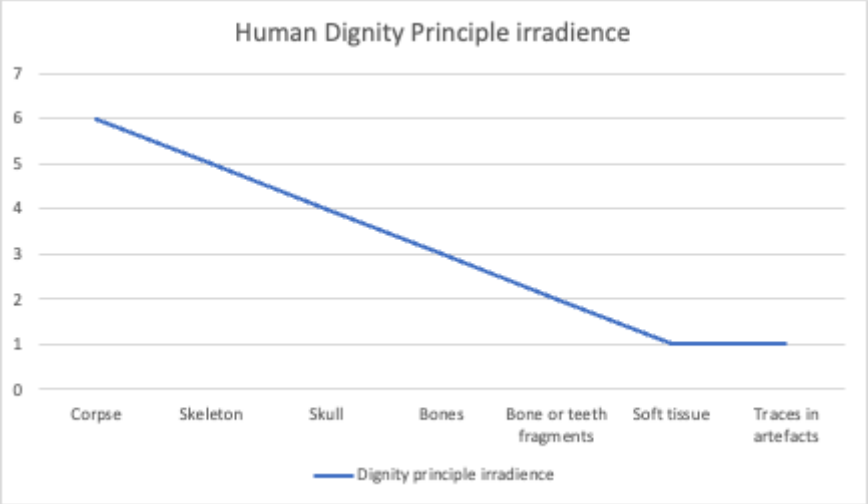
In the balancing effort between different interests (family, culture, heritage) attached to human remains, a multi-level approach could be elaborated. Indeed, **it could be argued that the principle of dignity varies according to the elements of human remains, the categories of human remains and their age**. In other words, the more representative the human remains would be of the human remains (if such a criterion could be identified), the more important it would be to respect the dignity of these human remains. The personality of the deceased may also play a role in the importance of the cultural heritage interest (e.g., the human remains of René Descartes have a greater cultural heritage interest than the unidentified remains of a soldier who died in combat), without diminishing the dignity attached to them, on the contrary.

With regard to the criterion of age, the more recent the remains, the more dignity they would have. These criteria should also be crossed with other perspectives on the respect of human remains and the sacred coming from other cultures and communities, thus valuing cultural identity, and therefore cultural rights.

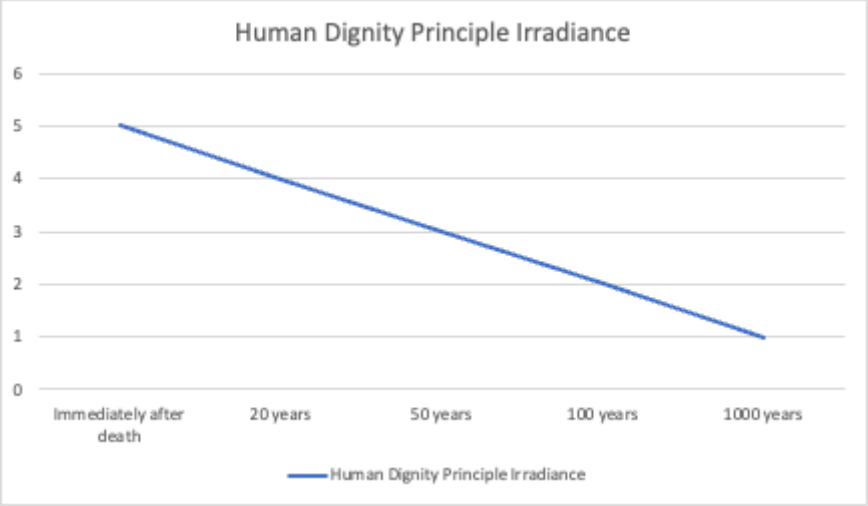
Elements of human remains	Categories of human remains	Age
- Corpse - Skeleton - Skull - Bones - Bone or teeth fragments - Soft tissue (hair, skin, nails…) - Traces of human remains in artefacts	- Medical collections - Archaeological finds - Ethnological collections - Relics	- Immediately after death - 20 years (right to image) - 50 years (burial concession) - 100 years (cultural good archaeological artefact) - 1000 years (UK *Human Tissue Act*)

Gradual approach: to intersect with human dignity principle

Elements of human remains:



Age thresholds :



3. Legal regime of human remains

3.1. A relative out-of-commerce regime

From the analysis of the preceding point, it appears that human remains are not property like any other, nor are they cultural property like any other. Their specificity is nevertheless not explicit, neither in property law or in cultural heritage law. What is clear, however, is the need to work on a specific legal regime to highlight the special nature of human remains.

Belgian law does not have a general article in the Civil Code on treating human remains with respect and dignity. However, since the federal law of February 8, 2001 (taken up in most regional texts), all funeral legislation specifies that:

> The ashes of the deceased shall be treated with respect and dignity and may not be the object of any commercial activity, with the exception of activities relating to the scattering or burial of the ashes, or their translation to the place where they will be kept.

This would be a formal recognition of the **extra-commercial nature of human ashes, thus constituting an embryo of the recognition of human remains as special, sacred things (to be treated with dignity**

and respect) and out of commerce. It is true that ashes do not include all human remains, but the principle stated could be extended by subsequent legislation, insofar as article 3.2 of the new Civil Code allows for it. Moreover, traditional doctrine, especially in biomedical matters, also considers human remains to be out of commerce.

However, the extra-commerciality of human remains would be relative, in that it would be prohibited only if the cause was illicit or contrary to public order and morality. Vansweevelt links this limited commerciality to the appropriation of human remains: if human remains can be the object of a property right, they can circulate in a licit manner[4]. We believe that this **limited commerciality would mean that human remains could circulate (also for repatriation) but that they could not be bought or sold for profit**. It would rather be **a non-venality principle than an absolute out-of-commerce principle**[5]. A distinction would thus be made between legal trade and commercial trade. The relevance of the use of this principle of non-venality could in fact be drawn from the French judgement censuring the Our Body exhibition precisely on the basis of the argument of profit.

3.2.Human remains as part of the public domain

If the human remains are part of public museum collections, they belong in principle to the public domain. Therefore, they are inalienable, imprescriptible and unseizable (see article 3.45 of the new Civil Code). This means specific rules must be followed in case of repatriation (see point 4.1. hereunder).

4. Repatriation – recent Belgian cases

International law does not provide a satisfactory answer to the question of the repatriation of human remains, even if interesting developments are to be noted, particularly in the field of human rights, and some interesting elements in soft law.

Therefore, **Belgian civil law is mainly applicable**. However, there is **currently no specific legal framework in Belgium** relating to the repatriation of human remains, despite some attention on the political scene. For human remains in public museum collections, specific rules apply as they are part of the public domain.

4.1.Repatriation of human remains in the federal public domain

For human remain in the public domain, specific rules must be respected, according to the following procedure:

1. Decision to withdraw from the public domain (*désaffectation*): the human remains are no longer inalienable and enter the private domain of the Federal State;
2. Effective disuse: removal of collections and loss of cultural heritage interest;
3. Repatriation: transfer of rights to human remains to the State of origin, or the community of origin or the individual, as appropriate.

a. Concerning the removal of human remains from the public domain

In principle, it is sufficient for the public owner to decide himself, without the need for a law, to withdraw the cultural property from his public domain, for the property to enter the realm of the private domain and to be able to be freely disposed of, in particular with a view to being returned to the country of origin. Thus, cultural property exhibited in federal museums belongs to the federal public domain and falls within the competence of the federal government to decide on a possible withdrawal for restitution.

In other words, the Council of Ministers could adopt a Royal Decree that decides on the de-allocation (*désaffectation*) of human remains in federal museum collections, with a view to their repatriation to the country or community of origin. It is possible that this power is delegated to the competent minister, in this case the Secretary of State for Science Policy, who may proceed by ministerial decree. However, there is no provision for such delegation, so that the federal government decides on de-allocating by royal decree.

The de-allocating decision must also be effective: the **human remains must actually be removed from the collections (removed from the inventory of collections)**. In fact, just as the decision to assign the remains must be implemented, so too must the de-allocation be effective. The fact that the decision must be carried out is recalled in a decision of the Court of Cassation as early as 1927, when the Court ruled "that movable objects qualified as antiquities and of interest to history and archaeology are not automatically part of the public domain", being so only if the decision to assign them has been taken and carried out[6] .

It should be remembered that the assignment to the public domain of the collections of the federal scientific establishments has been confirmed in particular since a ruling by the Court of Cassation, which states that "under the terms of the Royal Decree of 24 May 1912, the Royal Museums created by the Royal Decree of 12 January 1889 and set up in the buildings of the Parc du Cinquantenaire constitute a 'public depository' of objects and collections belonging to the State and falling within certain categories listed in these decrees", It goes on to say that these works of art are "the constituent part of museums" and as such come under public ownership "in the same way as the buildings that house them" insofar as "both are assigned, by virtue of the aforementioned Royal Decrees, to the use of the public"[7] .

As a result of being removed from public collections, human remains lose their heritage interest (scientific, archaeological, ethnological, etc.).

b. Concerning the assignment of rights to human remains

The repatriation of human remains would be a form of transfer of rights from the federal state to the state or community of origin or the individual.

For such a transfer of rights to take place, it is necessary that the human remains can be disposed of, i.e. :

- No longer in the public domain by a decision of disuse (*désaffectation*);
- Comply with the requirement of section 117 of the 2003 Act or go outside the scope of that requirement.

Indeed, Article 117 of the Law of 22 May 2003 on the organisation of the budget and accounting of the federal State[8] as amended by the Law of 27 June 2021[9] states that **the alienation of (movable) property in the public or private domain of the federal State must be made for money**. Exceptionally, it may be made free of charge, but only in the cases strictly provided for in § 4 of Article 117. This does not include the transfer of human remains to foreign countries.

Therefore, **a legal provision is needed to derogate from this requirement of Article 117 in order to repatriate human remains free of charge**. The Restitution Bill of 3 July 2022 recognising the alienable nature of property linked to the Belgian State's colonial past and determining a legal framework for its restitution and return[10] expressly derogates from the requirement of Article 117 of the 2003 law, but this bill excludes human remains from its scope. It is therefore not possible to rely on this future law to allow the return of human remains free of charge. This means that the restitution of human remains would require the adoption of an exceptional law to the 2003 Budget and Accounting Act.

However, it is **possible to avoid the application of Article 117 of the 2003 Act and to repatriate by executive decision**. Indeed, we argue that h**uman remains do not fall within the scope of the 2003 Act because they cannot be valued for money**. Human remains are in fact non-commercial and extrapatrimonial property, making it impossible to dispose of them for value. This interpretation seems to be the most appropriate to avoid falling within the scope of Article 117 of the 2003 Law. As amply commented on in this report, human remains are property of a special nature, subject to a limited extra-market regime. They have no intrinsic pecuniary value that would allow them to be disposed of for valuable consideration.

In short, the repatriation of human remains could take place by Royal Decree (or Ministerial Order in the case of delegation) insofar as this transfer of rights cannot imply monetary alienation due to the extra-commercial nature of human remains, which have no intrinsic pecuniary value.

4.2. Private collections of human remains

Human remains in heritage collections in private hands **must be treated differently, primarily because of respect for the right of ownership**, as protected by Article 16 of the Constitution and Article 1 of the First Additional Protocol to the European Convention on Human Rights.

Most collectors hold a perfectly legal (but perhaps not so legitimate) title to their property under the acquisitive rules of common law (supra). In the event that their title is challenged, the Belgian judge can always allow a claim by the original owner, despite the pitfalls of such proceedings[11]. But the public authority can hardly force the return of cultural property it doesn't own[12], unless it proceeds to massive expropriations and compensations, which does not seem to be the way followed by any other country[13].

However, there is nothing to prevent private owners from adopting a responsible approach to their collections and possibly proceeding with voluntary returns, in particular by relying on the legal framework provided for public collections, or even by participating voluntarily in the return policy of the public authority set up by bilateral agreement.

4.3. Several repatriation models

In Vanessa Tünsmeyer's recent thesis on the Repatriation of Sacred Indigenous Cultural Heritage and the Law, four models of repatriation are examined and evaluated, as shown in the diagram below [14].

Table 9.3 Relationship model and legislative goal

	Goals		
Models	Repatriation	Remedy unequal protection of religious and/or cultural rights	Reconcile different sovereign claims
Model 1: Mandatory repatriation provision	Mandates goal	Partially encourages	Depends: Neutral or hinders
Model 2: Voluntary negotiation between community and museum	Encourages goal	Partially encourages	Neutral
Model 3: Hybrid of repatriation and Indigenous heritage law	Depends: Encourages or mandates	Encourages goal	Partially encourages
Model 4: Large scale treaty negotiations	Depends: Encourages but can also hinder	Yes. But duration of negotiation can also increase inequalities	Encourages goal

Based on the study of several legislations in the United States (mainly NAGPRA) and Canada, the author draws a comparative picture of the existing models and proposes recommendations for future repatriation. She points out that the most appropriate model depends not only on the legal context of

the country concerned, but also on the primary goal underlying the repatriation effort. Thus, for her, Model 4 is the least likely to guarantee effective repatriation, since the broad scope of negotiations between two governments prevents direct repatriation agreements between museums and communities, limiting returns. This is, moreover, the path chosen by our Belgian legislator for the restitution of colonial collections, from which human remains are however excluded.

The author evaluates the advantages and disadvantages of each model, while underlining the potential hybridization or juxtaposition of them. Depending on the objective pursued, the legal framework adopted would in fact be different. Concretely, if the objective is to repatriate as many human remains as possible (its study extends to all sacred heritage), two models could be useful: (1) mandatory repatriation provided for in a legal provision or the second model (2) voluntary negotiations between a museum and a community, which are then incorporated into a law if necessary. If the objective is to remedy unequal protection of indigenous religious/cultural rights, model (3) would be the most appropriate, allowing past inequalities to be addressed through repatriation and indigenous cultural rights to be consolidated through heritage management measures. Finally, if the objective is to reconcile different sovereignties, model (4) addresses this through the development of a modern treaty between multiple sovereign entities regarding both land, resource, governance and cultural rights claims.

The determination of the most appropriate model involves, according to the author, first of all an open dialogue between the actors in order to determine this common purpose. Secondly, the elaboration of a legal framework for repatriation should be carried out with respect for human rights, following guidelines elaborated on the basis of international instruments by Tünsmeyer:

"*Drafting phase*

1. The repatriation framework itself should be developed in cooperation with the Indigenous Peoples concerned. It is important to collaborate with Indigenous Peoples to ensure respect for different Indigenous cultural rights that can be affected by the framework. This operationalizes different elements of a number of rights, in particular Art.11(2) UNDRIP[15] and Art.38 UNDRIP.

Repatriation legislation: Scope

2. Respect Indigenous beliefs in the definition of religious object by respecting Indigenous authority and practices to identify sacredness. Interference with Indigenous religious practices only permissible under the (very narrow) conditions of Art.18(3) ICCPR[16] and the additional limitation imposed by Art.27 ICCPR[17].

3. Respect the Indigenous right to self-identification; do not impose a governmental definition of Indigenous identity that is contrary to Indigenous self-identification. The definition of Indigenous Peoples used may not exclude Indigenous Peoples within the territory who identify as Indigenous in line with Art.33(1) UNDRIP.

Repatriation legislation: Regulating repatriation procedure

4. In connecting a sacred object to a community, Indigenous customary legal traditions should be respected. If scientific methods are used to connect objects to communities' actors

should obtain FPIC[18] for measures that affect Indigenous cultural rights.

5. The repatriation framework should not require a continuing practice between initial practice and the time of reclaiming if the object is reclaimed for contemporary use. This is an important safeguard to ensure that a state respects the Indigenous right to revitalization. This is also part of the fulfil dimension of freedom of religion. A decision not to repatriate must therefore be permissible under the relevant limitation clauses of Art.27 ICCPR and Art.18(3) ICCPR.

6. Respect Indigenous rights to their own legal traditions by incorporating Indigenous customary practices within a repatriation framework if these are in accordance with international human rights law. Examples of measures that can be taken in accordance with Indigenous legal traditions are

    a. identify linkage between object and community,

    b. identification of custodian of heritage,

    c. incorporation of oral testimony where relevant.

Implementing repatriation legislation

7. Identifying Indigenous cultural heritage should be done in consultation with Indigenous Peoples to guarantee Art.31 UNDRIP.

8. Do not dictate conditions for Indigenous Peoples to fulfil upon the repatriation of sacred objects in order to respect Indigenous right to their own heritage under Art.31 UNDRIP.

Sacred heritage in public collections that is not repatriated must be made accessible to Indigenous religious practitioners in private, in accordance with Art.12(1) UNDRIP and Art.18(1) ICCPR."

In so doing, the author does not take into account the possibility of repatriation through diplomatic channels, or through the elaboration of ethical principles of restitution, in the light of the 1998 Washington Principles for the Return of Nazi Looted Property, as suggested by Jos van Beurden[19] or the Belgian Researchers' Collective for colonial collections[20], including human remains.

---

[1] M. CORNU, « Les restes humains « patrimonialisés » et la loi », *Technè. La science au service de l'histoire de l'art et de la préservation des biens culturels*, novembre 2016, n° 44, p. 10.
[2] G. GIDROL-MISTRAL, « La (dia)logique du corps », in *Mélanges Robert P. Kouri - L'humain au coeur du droit*, Montréal, Thomson Reuters, 2021, pp. 41-63.
[3] Cass., 3 juillet 1899, *Pas*., 1899, I, p. 318.
[4] T. VANSWEEVELT, « Hoofdstuk IX. Het juridisch statuut van het lijk », *in* T. VANSWEEVELT et F. DEWALLENS (éds.), *Handboek Gezondheidsrecht volume II*, Antwerpen, Intersentia, 2014, pp. 1559-1609., p. 1573.
[5] See G. GIDROL-MISTRAL, « La (dia)logique du corps », *op. cit.*, p. 54.
[6] C. ROMAINVILLE, « Les collections des musées en droit domanial et le droit à la culture », *Chroniques de Droit Public Publiekrechtelijke Kronieken*, s.d., vol. 2009, n° 3, pp. 474-502.p. 481; Cass. 17 November 1927, *Pas.* 1928, I, p. 17.
[7] Cass. 2 October 1924, Pas 1924, I, p. 530.
[8] *M.B.*, 3 July 2003.

[9] Law of 27 June 2021 containing various tax provisions and amending the Law of 18 September 2017 on the prevention of money laundering and terrorist financing and on the restriction of the use of cash, *M.B.* , 30 June 2021, Article 104.
[10] https://www.lachambre.be/FLWB/PDF/55/2646/55K2646001.pdf
[11] See for instance Cass. 4 octobre 2012, *JT,* 2013, n° 6531, p. 565; *JLMB* 2013, n° 25, p. 1298, note J. VAN DROOGHENBROECK.
[12] B. DEMARSIN, « Verscheurd tussen koper en eigenaar - de kunst om de kloof in het goederenrecht te dichten », *Tijdschrift voor Privaatrecht*, 2019, n° 2, pp. 493-606, disponible sur https://lirias.kuleuven.be/retrieve/555518 (Consulté le 10 mars 2020)., p.p 552-564 ; J. VAN BEURDEN, *Treasures in trusted hands: negotiating the future of colonial cultural objects*, Leiden, Sidestone Press, 2017.
[13] See the Dutch Report, p. 61; the German Report, p. 16; the French Report, p. 99 et sv.
[14] V. TÜNSMEYER, *Repatriation of Sacred Indigenous Cultural Heritage and the Law: Lessons from the United States and Canada*, 3, Studies in Art, Heritage, Law and the Market, Cham, Springer International Publishing, 2022, disponible sur https://link.springer.com/10.1007/978-3-030-89047-6 (Consulté le 9 mai 2022)., p. 448.
[15] United Nations Declaration on the Rights of Indigenous People (Déclaration de l'ONU sur les droits des peuples autochtones).
[16] Article 18.3 du Pacte international des droits civils et politiques : « 3. La liberté de manifester sa religion ou ses convictions ne peut faire l'objet que des seules restrictions prévues par la loi et qui sont nécessaires à la protection de la sécurité, de l'ordre et de la santé publique, ou de la morale ou des libertés et droits fondamentaux d'autrui. »
[17] Article 27 du Pacte international des droits civils et politiques : « Dans les Etats où il existe des minorités ethniques, religieuses ou linguistiques, les personnes appartenant à ces minorités ne peuvent être privées du droit d'avoir, en commun avec les autres membres de leur groupe, leur propre vie culturelle, de professer et de pratiquer leur propre religion, ou d'employer leur propre langue. »
[18] Free Prior Informed Consent.
[19] J. VAN BEURDEN, *Treasures in trusted hands*, *op. cit.*
[20] Restitutionbelgium.be

Task 3.2 Concealment and identification of human remains in penal matters (TL USL-B)

A parallel question concerns the penal law: what about human remains acquired following a criminal act? And how should a criminal act be defined in a historical perspective? This approach is important because the concealment of human remains is prohibited under article 340 of the Belgian Penal Code. Furthermore, the act of concealment is deemed continuous and never statute-barred (meaning that there is no limitation period). A penal judge could condemn the concealer not only to penal sanction but possibly to return the concealed human remains. In that aspect, attention should also be given to the identification of the human remains through DNA research. The law of 22 March 1999 on the identification procedure through DNA analysis in penal matters and its several applications will also be looked into as the legal framework to identify the link between restitution claimants and the human remains. However, as this perspective is case-dependant and follows a judicial approach towards restitution instead of a broader political one, it will less be studied in this project.

D3.2.1: Report on the state of the art both from this study and previous studies (M6), USL-B

Activities realised

1. Prohibition of concealing corpses

According to Article 340 of the Penal Code:

> Anyone who conceals or causes to be concealed, hides or causes to be hided the corpse of a person who has been killed or died as a result of assault or injury shall be punished by imprisonment for a term of three months to two years and a fine of fifty [euros] to six hundred [euros]. (*Quiconque aura recelé ou fait receler, caché ou fait cacher le cadavre d'une personne homicidée ou morte des suites de coups ou blessures, sera puni d'un emprisonnement de trois mois à deux ans, et d'une amende de cinquante [euros] à six cents [euros]*)

Inserted in the Penal Code of 1867, this article 340 repeats the terms of article 359 of the Penal Code of 1810, indicating that this is a long-standing offence, well before the first periods of Belgian colonial conquest.

Unlike concealment and money laundering, which are focused on enforcing the ownership of things concealed or white goods (see point II), concealment of corpses emphasises “the danger that these offences pose to society”, undermining public safety[1].

The concealment of a corpse is limited to the corpse of a person who has died or been homicided (i.e. killed) as a result of assault and battery: there must be a crime or misdemeanour, whether voluntary or involuntary, on the part of the deceased person, whose corpse is concealed or hidden.

In other words, the offence of concealment of corpses is aimed more at preventing the disappearance of traces of a homicide “than at preserving the body from profanation”[2].

The statute of limitations is five years, as for any crime. The period begins to run on the day the offence of concealing stolen goods was committed, not when the offence ceased, as it is an instantaneous offence. The instantaneous nature can be inferred from the fact that the Code refers to the *act of* concealing and not to conduct that continues over time until it is stopped (continuous offence). In other words, as soon as someone removes the corpse from justice, knowing that the deceased died as a result of homicide or assault and battery, the 5-year period starts to run. For Mona Giacometti, the qualification of the concealment of a corpse as an instantaneous and not a continuous offence is confirmed in a decision of the Court of Cassation of 30 January 1961 in the matter of honey beehives[3] (!) which specifies that one must stick to the wording of the law to determine the instantaneous or continuous character of an offence[4]. Thus, the act of concealing or hiding, as specified in article 340 of the Criminal Code, refers to an instantaneous act rather than a continuous act, even if the effects have continued over time.

2. Concealment of property or laundering applicable to human remains

The possession of human remains could be considered as mere concealment, without having to satisfy the offence of concealment of a corpse. This means being able to argue that it is property, which is the case in civil matters, as demonstrated in the previous section. Furthermore, in the Netherlands, the judge recognised that a person who died as a result of being beaten and injured in the street, and who continued to be abused (kicked) once dead, was again the victim of crimes against his remains. The Supreme Court (*Hoge Raad)* held that this second attack constituted an offence of violence against property, considering the corpse to be property[5] . Thus, the offence of concealing stolen property could be invoked if the human remains are received without the deceased having been killed.

2.1.The offence of concealing stolen goods: an instantaneous offence

Under article 505 of the Penal Code:

> Shall be punished by imprisonment of fifteen days to five years and a fine of twenty-six [euros] to one hundred thousand [euros] or one of these penalties only: 1° those who have concealed, in whole or in part, the things taken, misappropriated or obtained with the help of a crime or a misdemeanour; (...) (*Seront punis d'un emprisonnement de quinze jours à cinq ans et d'une amende de vingt-six [euros] à cent mille [euros] ou d'une de ces peines seulement : 1° ceux qui auront recelé, en tout ou en partie, les choses enlevées, détournées ou obtenues à l'aide d'un crime ou d'un délit; (...)*)

The offence of concealing stolen goods has been part of the Criminal Code since its adoption in 1867.

The constitutive elements of concealing stolen goods consist, on the material level, of the possession or possession of an object obtained with the help of a crime or a misdemeanour committed by a third

party, as well as the pre-existing or concomitant knowledge of the illicit origin of the object, and on the mental level, of the intention to remove the objects from the search of the owner or the justice system (implicit special fraud)[6] .

More specifically, concealing stolen goods relates to a tangible object - unlike money laundering, which relates to any property benefit, including intangible ones - whose origin is illicit. Moreover, concealment consists of the act or fact of possessing or holding the object "even without hiding it, even for a few moments"[7] .

Since Article 505(1), 1° of the Criminal Code refers to the act of concealing and not to the state of concealing, it is an instantaneous offence, for which the statute of limitations starts to run from the moment the concealer enters into possession/holding of the object, and ends after 5 years. In this respect, Belgian law is favourable to the concealer, unlike its neighbouring countries such as France. Indeed, in France, concealing is considered as a continuous offence, according to which the concealer never stops running the statute of limitations of his concealing: the statute of limitations only starts when he gets rid of the object. In 2007, with the amendments made in the area of money laundering (Article 505, paragraph 1, 2° to 4°), some members of parliament also wanted to amend Article 505, paragraph 1, 1° and consider concealing stolen goods as an instantaneous offence, precisely with a view to tackling the problem of the illicit trafficking of works of art[8] . Belgium is considered to be a hub in this area, in particular because of its criminal legislation on handling stolen goods.

Moreover, under Belgian law, theft is an instantaneous offence, and if concealing stolen goods were to become a continuous offence, it would be prosecuted more severely than theft.

However, the legislative amendments only affected money laundering and not concealing stolen goods. In other words, a person can only be prosecuted for concealing stolen goods if the material and moral elements are present and if he or she did not come into possession of the thing received more than five years ago, otherwise any action against him or her is barred. This leaves aside the vast majority of human remains acquired in museum collections, insofar as they are considered to be tangible objects (see *above*, Work package 3.1.).

It is therefore to the offence of money laundering that one should turn, insofar as money laundering is considered a continuous offence.

2.2. Money Laundering: a continuing offence

The offence of money laundering concerns the financial benefits derived directly from the offence, the goods and values that have been substituted for them and the income from these invested benefits (Article 42, 3° of the Criminal Code). One must have:

> a) Purchasing, receiving in exchange or free of charge, possessing, keeping or managing property benefits in the broadest sense, when one knew or should have known their origin (Article 505, paragraph 1, 2° of the Criminal Code)
>
> (b) The conversion or transfer of the said patrimonial benefits for the purpose of :
>
> - conceal or
>
> - to disguise their illicit origin or
>
> - for the purpose of helping any person who is involved in the commission of the offence from which the property benefits derive to escape the legal consequences of his or her actions (Article 505, paragraph 1, 3° of the Criminal Code)

> c) Concealment or disguise of the nature, origin, location, disposition, movement or ownership of property benefits, when the origin was known or should have been known (Article 505, paragraph 1er , 4°)

Article 505 of the Criminal Code has been amended so that money laundering can be instantaneous or continuous, depending on "the moment when the perpetrator became aware of the illegal nature of the pecuniary advantage. If the intentional element is present at the time of the act, it is a continuous offence"[9] . The mental element of the offence of laundering consists in the knowledge of the illicit origin of the pecuniary advantage, property or value (Article 505, paragraph 1er , 2° and 4°), but also in the will to conceal or disguise this illicit origin or to help any person who is involved in the realisation of the offence, from which these pecuniary advantages originate, to escape the consequences of these acts (Article 505, paragraph 1er , 3°).

Moreover, as in the case of concealing stolen goods, it must be proved that the possession is the result of an offence, even if the offence cannot be identified, the criminal origin is sufficient.

This means that if human remains have entered by purchase, donation, exchange or theft the museum collections as a result of a criminal offence (violation of burial laws, mutilation of corpses, theft etc.), without necessarily being able to identify precisely what that offence was, and that the holder of these remains (the museum authorities and, more broadly, the Belgian State through its administration) knows or should know the criminal origin of these goods that they possess, keep or manage, he could be prosecuted for money laundering. The same applies if the perpetrator knowingly conceals or disguises this illegal origin.

Certain behaviours included in the laundering offence (possession, keeping, management...) constitute a continuous offence or can be repeated over time, means that the statute of limitations has not yet begun to run against museums in possession of human remains that could be subject to laundering. The fact that the primary offence that produced the patrimonial benefits that are the object of the laundering is statute-barred is irrelevant.

In other words, complaints for money laundering could be filed.

However, we recall the difficulties associated with going through a (criminal) judge to obtain the repatriation of human remains, particularly in terms of procedural delays, procedural costs, burden of proof, etc. The mental element of money laundering (the knowledge of the illicit origin but also, for certain behaviors, the will to conceal or disguise this illicit origin) seems particularly difficult to establish as most museums at that time were convinced the acquisitions of these human remains were legal and at least legitimate (see below, Work package 3.3). However, if it should be found that the actual holders (museums) now know or should know the illicit origin of the goods, they are obliged to dispose of them, otherwise, by continuing to possess or manage these goods, they could expose themselves to prosecution for money laundering.

No legal case is currently pending on these grounds, making it difficult to evaluate such a legal procedure[10] .

3. Violation of a grave or burial site

According to article 453 of the Penal Code:

> Anyone who violates a grave or burial site shall be punished by imprisonment of one month to one year and a fine of twenty-six [euros] to two hundred [euros]. (*Sera puni d'un emprisonnement d'un mois à un an et d'une amende de vingt-six [euros] à deux cents [euros], quiconque se sera rendu coupable de violation de tombeaux ou de sépulture.*)

The concept of violation of the burial ground is to be interpreted broadly, as not being limited to graves but to any act that would infringe the memory of the deceased[11] . In other words, it is not necessary

for the corpse to be already buried for an infringement of the deceased's burial to take place. This interpretation runs counter to the old case law, which considers that violation of the burial ground means "committing an act which, without respect for the final resting place, disturbs the ashes of the dead", and that it is a question of guaranteeing the dead the inviolability of the place where they are buried, and not of violating corpses[12] .

Thus, Thierry Vansweevelt specifies that: "Profanation of graves is understood to mean any material act committed intentionally with regard to the grave or final resting place of a deceased person and resulting in offence or harm to the memory of the latter. In this context, 'grave' means any place where a deceased person rests, and this from the moment the body is laid out for burial or entombment. In the case of desecration of graves, the intention or motive of the perpetrator is irrelevant. Anyone who intentionally and without authorization enters mortuaries to take photographs of the bodies of children unknown to him or her is acting against the respect due to these deceased children and this act constitutes desecration of graves"[13] .

One author wonders, however, whether the protection of the corpse should not be further separated from that of the burial. According to him, “the mortal remains would then be recognized as a legal asset to be protected in its own right, thus excluding any solution of continuity between the moment of death and the performance of funeral rites”[14] .

In addition, in 2007, the legislator doubled the criminal penalties if one of the motives for violating a grave is hateful or discriminatory (article 453 bis of the Criminal Code).

4. Crimes against burial laws

Article 315 of the Penal Code provides that:

> Will be punished by eight days to two months of imprisonment, or a fine of twenty-six [euros] to three hundred [euros] :
>
> Those who, without the prior authorization of the public officer, have proceeded or caused to proceed to a burial.
>
> Those who shall have contravened, in any manner whatsoever, the regulations relating to burial places and hasty burials.
>
> (*Seront punis de huit jours à deux mois d'emprisonnement, ou d'une amende de vingt-six [euros] à trois cents [euros] : Ceux qui, sans l'autorisation préalable de l'officier public, auront procédé ou fait procéder à une inhumation.; Ceux qui auront contrevenu, de quelque manière que ce soit, aux règlements relatifs aux lieux de sépulture et aux inhumations précipitées*.)

These offences are punished less severely than violations of burial rights, but their scope is broader. Article 315 punishes persons who have caused or carried out a burial (and not those who have caused a burial to take place)[15] , as well as any failure to comply with the rules relating to burials and funerals.

These rules were contained in the decree of 23 Prairial Year XII on burials, which was replaced by the law of 20 July 1971 on funerals and burials[16] .

Following the institutional reforms, competence in these matters has been transferred to the regions and the German-speaking Community, so that the following legislative provisions are currently applicable:

- Flemish Region: Decree of 16 January 2004 on burials, *M.B.*, 10 February 2004: repeals the 1971 law for the Flemish Region;

- Walloon Region: Decree of 6 March 2009 amending Chapter II of Title III of Book II of the first part of the Code of Local Democracy and Decentralisation relating to funerals and burials, *M.B.*, 26 March 2009: repeals the 1971 law for the Walloon Region;
- German-speaking Community: decree of 14 February 2011 on funerals and burials, *M.B.* , 28 March 2011: partially replaces the 1971 law and maintains certain articles (see article 33 of the decree);
- Brussels-Capital Region: Ordinance of 29 November 2018 on funerals and burials, *M.B.* , 27 December 2018 partially replaces the 1971 law and maintains certain articles (see article 38 of the ordinance).

In short, article 315 makes it possible, among other things, to "prevent the concealment of crimes, to alleviate the ancestral fear of being buried alive, to ensure public health and to guarantee the respect due to the memory of the deceased"[17].

5. Patrice Lumumba's tooth: a judicial restitution taken over by politics

In June 2011, the family of Patrice Emery Lumumba, the Congolese Prime Minister after independence in 1960, filed a complaint in the Belgian courts against 10 Belgian personalities for their alleged role in the assassination of Patrice Lumumba on 17 January 1961 [18] . This assassination is assimilated by the plaintiffs to a war crime and would therefore be imprescriptible.

The case is still ongoing [19], but on 10 September 2020, the examining prosecutor (*procureur*) decided to hand over an exhibit, Mr Lumumba's tooth, based on the criminal summary procedure provided for in Article 28sexies of the Code of Criminal Investigation. The tooth was in the possession of Gendarme Gerard Soete, a former police officer who was allegedly involved in the assassination of Patrice Lumumba. The tooth was confiscated from his daughter in the context of this criminal trial in 2016, following revelations in the press[20] and a complaint filed by the sociologist Ludo De Witte for concealing a corpse[21] . This tooth is the final remains of Patrice Lumumba and was returned to his family following the positive opinion of the federal prosecutor's office.

From the outset, political declarations were made and on 14 December 2020, the President of the DRC, Félix Thsisekedi, announced the return of Lumumba's remains on the national holiday of 30 June 2021[22] . It had been decided that this relic[23] would be transferred to the family on 21 June 2021, after which a public tribute would be paid in a procession through the country before an official burial was planned. However, this repatriation had to be postponed due to the COVID-19 pandemic[24] . The ceremony and the return finally took place on 20 June 2022[25] , at the Egmont Palace in Brussels, in the presence of the Belgian Prime Minister, Alexander De Croo and the Congolese Prime Minister, Jean-Michel Sama Lukonde Kyenge. Also, and despite the opposition of part of Lumumba's family, "the commemorative apparatus - the ceremony is broadcast live by the two largest television channels in Belgium and on RTNC (Congolese national radio and television) - gives the impression that it is a matter of state business"[26]. The remains were placed in a coffin rather than in a casket, as a reminder of the greatness of the man: "it is more than a tooth, it is the whole of Lumumba that is being buried" [27].

During this ceremony, the prosecutor took the floor in a surprising way to thank the Lumumba family: "because without these legal steps, we would not be where we are today, and this has allowed the justice of our country to move forward and to be able to examine a little more closely what happened in the events and I commit myself with the investigating judge to continue to try to move forward (...) it remains a fight and we really stay behind", thus implicitly confirming a denial of justice, by the judicial way for the moment. After the ceremony in Belgium, the body was repatriated to the DRC where it was taken to several places in the country to commemorate his return to his native land, to finally be buried in a mausoleum in Kinshasa, at the Palais des Peuples.

It should be noted that the Belgian justice system states that it is not certain that the tooth seized is indeed that of Mr Lumumba, insofar as the DNA test that was envisaged would probably have

destroyed the tooth[28] . The examining magistrate therefore preferred to return the tooth rather than carry out the DNA test, speaking of a “symbolic” restitution[29] .

This case is the first to our knowledge that intertwines criminal law with human remains of foreign origin. The case is interesting because the restitution is decided by the judiciary, without any intervention or negotiation by other parties. The prosecutor decides in favour of restitution, without attaching any conditions or other framework. However, this case also points out the limits of the use of justice: the slowness of the judicial procedures (complaint lodged in 2011 and still no decision in first degree, seizure of the tooth in 2016 and restitution only in 2020, difficulty of proof? statute of limitations (if the judge does not recognize the character of war crime of the assassination, this one will probably be prescribed)?). Moreover, the restitution of the tooth is only an accessory decision, made by the prosecutor during the proceedings. In this respect, it is not clear whether the restitution took place in the context of a complaint for war crimes or as a follow-up to the complaint lodged for concealment of a corpse. No mention of this second complaint was made by the investigating judge or the public prosecutor. It should be noted, however, that the statute of limitations for concealment of a corpse is five years (Article 340 of the Criminal Code), starting from the beginning of the act of concealment, and the case could therefore have been dismissed. It would therefore seem likely that the tooth was seized as evidence in the context of a war crime complaint and not as a sanction for concealing a corpse. The tooth was probably returned because there was little the judge could do with it, since DNA analysis would have destroyed it. In this sense, this case does not really constitute a precedent for a judicial decision on the restitution of human remains, even if it remains emblematic.

---

[1] M. Giacometti, "Chapter XXIII. Le recel de malfaiteurs et le recel de cadavre", in H.-D. Bosly and C. De Valkeneer (eds.), Les infractions - Volume 5 - Les infractions contre l'ordre public, Brussels, Larcier, 2013, pp. 655-669.See, e.g., H.-D. Bosly and C. De Valkeneer (eds.), Les infractions - Volume 5 - Les infractions contre le ordre public, Brussels, Larcier, 2013, pp. 655-669.

[2] J. C, "La protection de l'être humain post mortem, note sous Cass. 5 décembre 2003", Revue de Droit Pénal et de Criminologie, 2004, vol. 11, pp. 1058-1067.

[3] Cass. 30 January 1961, J.T. 1961, p. 501.

[4] M. Giacometti, "Chapter XXIII. Le recel de malfaiteurs et le recel de cadavre", op. cit., p. 669.

[5] Hoge Raad, 26 March 2022, on the basis of article 141, para. 1 of the then Dutch Criminal Code, cited by T. VANSWEEVELT, 'Hoofdstuk IX. Het juridisch statuut van het lijk", *in* T. VANSWEEVELT and F. DEWALLENS (eds.), *Handboek Gezondheidsrecht volume II*, Antwerpen, Intersentia, 2014., p. 1572, No. 2867.

[6] T. Henrion, "Recel", in Postal Mémorialis. Lexicon of Criminal Law and Special Acts, s.l., Wolters Kluwer, 2014, pp. 50/1-50/11.

[7] Ibid.p. R 50/3.

[8] Draft law amending Article 505 of the Criminal Code and Article 35 of the Code of Criminal Procedure concerning confiscation in the event of confinement, Report on behalf of the Committee on Justice by Mr Willems, Doc. No. 3-1610/7.

[9] Draft law amending Article 505 of the Criminal Code and Article 35 of the Code of Criminal Investigation concerning confiscation in the event of concealment, 10 April 2007, Parliamentary Doc. 3-1610/7, available at: https://www.senate.be/www/?MIval=/publications/viewPub.html&COLL=S&LEG=3&NR=1610&VOLGNR=7&LANG=fr

[10] The issue of money laundering is, however, being used as an argument by some action groups, cf. "Politics of Restitution: reclaiming Lusinga!", BePax, n.d., available at https://bepax.org/publications/politique-de-la-restitution-reclaiming-lusinga.html (Accessed 17 September 2022).

[11] T. VANSWEEVELT, "Hoofdstuk IX. Het juridisch statuut van het lijk", *op. cit.*, p. 1560.

[12] Cass. 2 November 1868, Pasic. 1869, I, p. 18 : available at the following link : https://cass.justitie.belgium.be/cass/pas/1869_Pasicrisie.pdf

[13] T. VANSWEEVELT, "Hoofdstuk IX. Het juridisch statuut van het lijk", *op. cit.*see also P. Arnou, "Grafschennis, het fotograferen van lijken en het betrden van mortuaria en funeraria - Noot bij K.I. Antwerpen, 3 juni 1999", Rechtskundig Weekblad, 2001 2000, n° 1, pp. 18-21.

[14] J. C, "La protection de l'être humain post mortem, note sous Cass. 5 December 2003", op. cit., p. 1064.

[15] This wording, which is different from that of article 358 of the 1810 Code, is said to stem from the fact that the legislator wanted to exclude the application of this article to stillborn children, Ibid., p. 1065.
[16] M.B., 3 August 1971.
[17] J. C, "La protection de l'être humain post mortem, note sous Cass. 5 December 2003", op. cit., p. 1065.
[18] For a much more complete history of this case, see. Yasmina Zian, Francis Mapanze Mangole, Matthias De Groof, "L'Odyssée de Patrice Lumumba. Enjeux autour du rapatriement de sa dépouille", *Revue d'Histoire Contemporaine de l'Afrique*, n° 3, 2022 (in review)
[19] Recently, the investigating judge had wanted to seize documents relating to the work of the 2000-2001 commission of inquiry, including documents covered by the closed session, but was refused by the president of the House of Representatives because of the confidential nature of these documents, which had been guaranteed during the hearings. On 6 October 2022, the Indictments Division of the Brussels Court of Appeal ruled that the search warrant should have been respected and that all the documents must be added to the investigation file, with the exception of those relating to the two remaining defendants, Etienne Davignon and Jacques Brassine de la Buissière, "La saisie de documents de la commission Lumumba par le juge d'instruction déclarée légale," *RTBF*, October 2022, available at https://www.rtbf.be/article/la-saisie-de-documents-de-la-commission-lumumba-par-le-juge-d-instruction-declaree-legale-11080274 (Accessed 21, November 2022).
[20] H.V. TENDELOO and J. ANTONISSEN, 'En plots lag de tand van Lumumba op de salontafel: 'De vingerkootjes heb ik niet gevonden. tanden, daarentegen...', *Humo*, 3 May 2021, available at https://www.humo.be/gs-bc4e5b0b (Accessed 21 November 2022). The article from 16 January 2016 is not online, but this article refers to it.
[21] "De tand des tijds van Patrice Lumumba," *De Standaard*, 23 January 2016, available at https://www.standaard.be/cnt/dmf20160122_02085076 (Accessed 18 November 2022). Ludo De Witte wrote about the assassination of Lumumba and it is partly thanks to his research that a inquiry commission was created at the Federal Parliament in 2000, Ludo De Witte, *De moord op Lumumba*, 1re éd., Leuven, Van Halewyck, 1999. and Chambre des représentants, Proposition visant à instituer une commission d'enquête parlementaire chargée de déterminer les circonstances exactes de l'assassinat de Patrice Lumumba et l'implication éventuelle des responsables politiques belges dans celui-ci, *Doc. parl.*, 1999-2000, n° 0312/001, https://www.lachambre.be/FLWB/PDF/50/0312/50K0312001.pdf
[22] https://mnctvcongo.net/rdc-felix-thsisekedi-annonce-le-rapatriement-des-restes-de-lumumba-en-juin-2021/
[23] On the use of the term "relic" (reference to the religious, to the martyr), "tooth" (remains as close as possible to the material reality) or "remains" (term used by Lumumba's children, in a desire for respect), see Yasmina Zian, Francis Mapanze Mangole, Matthias De Groof, "L'Odyssée Patrice Lumumba. Yasmina Zian, Francis Mapanze Mangole, Matthias De Groof, "L'Odyssée de Patrice Lumumba. Enjeux autour du rapatriement de sa dépouille", *Revue d'Histoire Contemporaine de l'Afrique*, n° 3, 2022 (in review).
[24] Flandreinfo be-L'Actu de Flandre, "Belgian justice will finally return a tooth of Patrice Lumumba to his family," *vrtnws.be* (10 September 2020), online: <https://www.vrt.be/vrtnws/fr/2020/09/10/la-justice-belge-rendra-finalement-une-dent-de-patrice-lumumba-a/> (accessed 18 November 2022)
[25] "Lumumba's tooth: Belgium's unfinished reckoning with its colonial past," *POLITICO*, June 2022, available at https://www.politico.eu/article/lumumba-tooth-belgium-unfinished-reckoning-colonial-past/ (Accessed 2, June 2022).
[26] Yasmina Zian, Francis Mapanze Mangole, Matthias De Groof, "L'Odyssée de Patrice Lumumba. Enjeux autour du rapatriement de sa dépouille", *Revue d'Histoire Contemporaine de l'Afrique*, n° 3, 2022 (in review).
[27] Yasmina Zian, Francis Mapanze Mangole, Matthias De Groof, "L'Odyssée de Patrice Lumumba. Enjeux autour du rapatriement de sa dépouille", *Revue d'Histoire Contemporaine de l'Afrique*, n° 3, 2022 (in review).
[28] F. be-L'Actu de FLANDRE, "Belgian will finally a tooth of Patrice Lumumba to his family," *vrtnws.be*, September 2020, available at https://www.vrt.be/vrtnws/fr/2020/09/10/la-justice-belge-rendra-finalement-une-dent-de-patrice-lumumba-a/ (Accessed 18, November 2022).
[29] "Belgium: the long story of Patrice Lumumba's tooth," *RFI*, 21 September 2020, available at https://www.rfi.fr/fr/afrique/20200921-belgique-la-longue-histoire-la-dent-patrice-lumumba (Accessed 21 November 2022).

Task 3.3. Historical perspective on Belgian colonial legislation for human remains and their acquisition (TL **USL-B, RMCA**)

This research aims to determine the existing legal provisions relating to human remains acquired during the Belgian colonial period. This study will be based on the acquisition files of human remains by the Africa Museum (Tervuren) in the late nineteenth century. These records of acquisition determine and

limit the geographical area of this research to the Congo Free State/Belgian Congo (extended to the Ruanda-Urundi territories from the League of Nations mandate) and its chronological framework from the late 19th century to the first half of the 1950s. Significant years which profoundly altered the Belgian colonial modes of administration under the influence of external factors (World War II, UN, Bandung Conference) and internal factors, including the Ten Year Plan (1949),

- *Study and identification of the acquisition files of the Africa Museum to :*
    - *identify the different actors involved (colonial administrators, religious congregations, scientific explorers, etc.)*
    - *map the various ethnic groups targeted by these acquisitions*
    - *determine the acquisition channels, transport, conditioning and scientific "valorization" of colonial human remains.*
- *Study of legislative printed sources (Codes et Lois du Congo belge, Bulletin officiel de l'EIC/ du Congo belge/ du Ruanda-Urundi, recueils de jurisprudence coloniale, etc.) and printed administrative sources (Bulletin administratif et commercial) to :*
    - *identify the legal provisions on human remains acquired in former Belgian colonial territories (Congo Free State/Belgian Congo + Ruanda-Urundi) between the end of the 19th century and the beginning of the 1950s and the legal status of these human remains as well as that of the various collectors*
    - *determine the legal terminology used at the time with regard to colonial human remains*

D3.3.1: Report on the situation of Congo, Rwanda & Burundi (M12) USL-B, RMCA

D3.3.1. RMCA report for task D3.3.1.

The historical perspective on the creation and development of collections for physical anthropological research in the 19th and 20th century is crucial. However, the situation in former colonial contexts from a historical perspective cannot exclusively be researched in 'the colonial archive'. At the RMCA different methodologies were used to study and interpret historical contexts of injustice in former colonies. The broader context of collecting is mostly marked by removals of human remains, seen as war trophies or booty, by activities such as grave robbing at traditional or even modern cemeteries or mortuary appropriations in colonial hospitals, most probably without any consent of family or source communities.

At the RMCA 12 entries of the cross-referenced human remains are from the DRC and 7 entries from Rwanda. These human remains are still conserved in the biological, ethnographical and archeological collections. The historical anatomical anthropology collections at RBINS count at least more than 90% of human remains from the DRC and 3% from Rwanda. Within the historical and physical collections of the RMCA no human remains from Burundi were identified.

The most effective combination of preliminary provenance research was a combination of archival research combining sources from different archives (the AfricaMuseum archives, State archives, University archives from the Ugent in Ghent and KADOC in Leuven) with fieldwork in the Kwango district in the DR Congo. The concerned case study on the 'anatomical anthropological collections' of Suku remains removed by the territorial administrator Ferdinandus Van de Ginste (1912-1947) has thus been studied in Belgium and the DR Congo, most importantly, in collaboration with Congolese homologues and interlocutors on the field. This case study reports on the historical context of removal in 1945 and 1946 in the Kwango District and the museological 'acquisition' at the RMCA of these remains in August 1947. This case study, next to existing research where archival and oral fieldwork are combined, could serve as a model for the needed provenance research on other cases.

Please see **Annex 1** for a more detailed report from the RMCA.

D3.3.1 USL-B report task D.3.3.1

Colonial 'human remains' in FSI

The colonial past is on the agenda of all former colonial powers. Official representatives are thinking about the most appropriate way to address historical grievances related to their former colonies. No one can escape the divergences, contradictions and other claims linked to the colonial past are inevitable. These tensions are at the focus of a growing number of judicial and non-judicial processes that are, with varying degrees of effectiveness, prompting critical reflection on the imprint of this past. In Belgium, this is not a new debate either. Public attention has also increased around the issue of human remains collected during the colonial period. The press and many members of civil society have questioned the presence of these human remains. For some it is a question of ethics and human dignity, for others it is a question of recognizing the structural violence and racism of the colonial period, and of starting a real process of 'reparation'. **It is no longer necessary to demonstrate that this period of history is marked by structural violence and racism**, as was recently recalled in the first report of the Congo Commission. According to the expert group *Restitution Belgium*, the term 'collecting' is far from neutral, as 'many objects were removed, sometimes violently, from their countries of origin and in structural contexts dominated by inequality'.

Research framework

This research aims to determine the existing legal provisions relating to human remains acquired during the Belgian colonial period in the territories of the present-day DRC, Rwanda, and Burundi. In drafting the outline of the HOME project, it was intended to **focus on the legal framework for the acquisition of 'human remains' to determine their legal/illegal character at that time**.

However, legislation is not everything, even less so in a colonial context: for the law to be applied in practice, there needs to be a mechanism for the sanctioning of the law, particularly by state agents. The split between legal sources and practices is justified by the sometimes-striking difference between written law and practice in the field. The question of the effectiveness of norms demonstrates the importance of one of the recommendations made by *Restitution Belgium*: to take into account 'the circumstances that led these objects to leave the communities that produced and used them' **and** therefore to **take an interest in acquisition practices and local communities**.

- This section should be read in conjunction with the RMCA report, which is in the deliverables D4.4.1.;

- This report focuses mostly to the Congo territory (1885-1960), as the majority of human remains preserved in FSI comes from the territory of the present-day DRC (about Rwanda see deliverables D4.4.1. and task 6.4.2 in the final report);

- The main sources consulted in this research are the legislative provisions published in the *Bulletin Officiel de l'État Indépendant du Congo* (Congo Free State, 1885-1908) and the *Bulletin Officiel du Congo Belge* (Belgian Congo, 1908-1960), as well as the *Codes et Lois du Congo Belge*. However, they do not reflect practices on the ground. To reduce this gap, publications of the *Société d'anthropologie de Bruxelles* and the *Institut royal colonial belge*, Belgian legal journals on colonial law as well as archival documents kept at the State Archives were used. As RMCA carried out provenance research (including archival fieldwork) based on the transcription of the inventory of the handwritten general register and the transcribed Anatomical anthropology (AA) collections files by RBINs (see deliverables D4.4.1.), this research focuses on other colonial sources to frame collections and acquisitions of human remains in a Belgian colonial context;

- The colonial context in which the collection of human remains took place was marked by violence, inequality, and racism, and this is reflected and imprinted in the terms used and the practices; the words chosen and used in the colonial sources are important. In this report, the use in-text quotation is frequent so as not to distort by paraphrasing, but also so that this research can be used beyond the HOME project as a basis for further study of any aspect that has only been touched upon.

Belgian colonial legislation for human remains and their collection

1. Congo Free State: colonial collections marked by dispersed practices

1.1. Human remains collections in colonial legal sources

- **The legislative framework of the Congo Free State**

While the idea that it is necessary to protect the African from others and from himself (*oeuvre civilisatrice*) was not new, there is an urgent need to preserve the authority and prestige of the European in the eyes of the local populations. In this context, local communities remain largely subject to the jurisdiction of their customary authorities, except in three cases :

- an offence committed to the detriment of a non-indigenous person or the State;
- an offence committed within one kilometre of a State or non-indigenous house or settlement;
- a related offence to a non-indigenous offence.

- **Collecting in the act of colonisation : Human remains as 'objects'**

The collection of ethnographic 'objects' in the Congo is linked to the establishment of colonial rule, led first by Leopold II and then by the Belgian state. In both systems, the colonial authorities were convinced that to effectively carry out the colonial project and exploit the territory, it was necessary to collect as much data as possible on the colony to master every aspect of it, including the Congolese populations - its greatest wealth. The colonial collections are therefore intrinsically linked to the conquest of the territory and its populations, and violence.

- **The specific prohibition of indigenous mutilation of human remains**

For the administration of the Congo Free State, the mutilation of corpses is a barbaric practice perpetrated by local populations that must be prevented. The main idea is that so-called 'barbaric' and therefore indigenous practices should be prevented by colonial agents. Although any mutilation of corpses seems to be covered by the Decree of 1896, this is only in theory. In fact, the judicial system considers that only indigenous peoples commit mutilations which, for the coloniser, are of a superstitious nature, and must be formally prohibited and severely repressed for this reason. In the same order, the mutilation of corpses ranks third, after homicide, voluntary or involuntary bodily harm, and anthropophagy, and before the 'N'Kassa' or poison test, among the main offences in force according to the Penal Code applicable in the Congo Free State. The regulation of 'barbaric practices' is of great concern to the colonial authorities.

§ *Decree of 18 September 1896 on the mutilation of human remains*

> *Art. 6. will be punished by a penal servitude of two months to two years and a fine of 25 to 500 francs, or by one of these penalties only,* ***whoever mutilates a corpse of a human being****.* [Art. 6. sera puni d'une servitude pénale de deux mois à deux ans et d'une amende de 25 à 500 francs, ou d'une de ces peines seulement, **quiconque aura mutilé un cadavre d'être humain** (BOEIC, 1896, p. 260.)]

- ***Commission d'enquête*, 1904-1905**

In the report of the *Commission d'enquête* of 1904-1905, the three magistrates confirmed the abuses and exactions committed by the agents of the state, including mutilations.

However, according to the report :

- the mutilation of corpses is an ancient and common indigenous practice which does not have the profane character that it has in the eyes of Europeans;
- Europeans do not mutilate living indigenous people.

The insistence on the 'living' stems from the objectives of the *Commission d'enquête* to refute the accusations of 'severed hands' (*mains coupées*), but nothing is said about 'European-style' mutilations of indigenous corpses. Since Belgian collections contain human remains from these periods (mostly war trophies), it can be assumed that 'European-style' mutilations of indigenous corpses did exist. They were simply not perceived as such by the colonial authorities or that they were considered insignificant by them.

1.2. Ethnography serving the colonisation: colonial perspectives on human remains and funerary practices

In the early 19th century onwards, 'anthropological' exhibitions (or 'human zoos') were organised throughout most of Europe. This passion for the exhibition of the 'Other' intensified with colonial incursions and the development of colonial empires. What began as an exhibition of curiosities and exoticism gradually became colonialism and racism in the last quarter of the 19th century. The exhibitions became universal and served as a showcase for colonial companies. The main import and export products for and from the colonised countries were exhibited alongside ethnographic objects, naturalised animals and '*villages nègres*' in which men, women and children from the colonies were staged, reduced to the status of objects of spectacle, merchandise, and subjects of study.

At the end of the 19th and beginning of the 20th century, explorers became collectors. During colonial expeditions, they collected exotic specimens, as well as human remains. The idea of a hierarchy of races was completely anchored in Western representations. Human Sciences, and particularly medical and anthropological sciences, supported these classifications into 'races', using physical measurements. It was within this scientific framework that the first colonial collections of human remains were made in the Congo Free State: some were bought, some were removed from their burial site, and others were looted as war trophies or booty. Human remains were clearly seen as 'objects', at best 'objects' of ethnographic interest.

However, numerous publications, including those of the *Société d'anthropologie de Bruxelles* Bulletin, show that **scholars, and colonial agents, were aware of funerary rites among the Congolese populations they were studying or administering**. **Yet, most indigenous ritual practices were completely disregarded even by 'scientists' looking for study material.**

2. Belgian Congo : institutionalised colonial collections

2.1. Human remains collections in colonial legal sources

- **The legislative framework of the Belgian Congo**

After the annexation of the Congo Free State by the Belgian state in November 1908, the *Charte coloniale* is the framework law that sets the basic principles for the functioning of the colony, including the judicial system. The main function of this racialized colonial justice is to serve the colonial enterprise, while preserving the prestige of 'White people'. The *Charte Coloniale* recognizes the *droit coutumier*, a law specific to each population group and in constant transformation. However, the law

of the coloniser and the public order that he imposes retain primacy. Only customs that are not 'contrary to public order' are recognized by the *Charte coloniale* and by the colonial agents. Burials and exhumations are strictly controlled by several decrees and legislative orders. However, the exception for scientific research lingers based on the notion of 'civilization'.

- **The clear prohibition of mutilation of human corpses and the exception for scientific reason**

§ Decree of 24 December 1923 on the mutilation of human remains

This decree modifies the art. 6 of the decree of 1896 relating to the mutilation of human remains by adding the notion of 'maliciously' (*méchamment*).

> *Art. 6, no. 12.* ***Anyone who maliciously mutilates a human corpse*** *will be punished by a penal servitude of two months to two years and a fine of 25 to 500 francs or by one of these penalties only.* [Art. 6, n° 12. Sera puni d'une servitude pénale de deux mois à deux ans et d'une amende de 25 à 500 francs ou d'une de ces peines seulement, **quiconque aura méchamment mutilé un cadavre humain** (*BOCB*, 1924, p. 49.)]

- Even if it is addressed to 'anyone', this article is mainly, if not exclusively, aimed at mutilations carried out by local populations in the context of ritual practice qualified as 'barbaric' by the coloniser (*Code pénal, Livre II, Section 1ter. 'Des épreuves superstitieuses et des pratiques barbares'*).

- 'Malicious mutilations' must be repressed when done for reasons contrary to Western mores - whatever they may be;

In 1923, when this article was amended, the *Conseil Colonial* specified that 'the mutilation of human remains shall not be punished if it results from an accident or if it is justified by the pursuit of a scientific or forensic purpose' (*Bulletin des séances du Conseil colonial*, 1923, p. 897.)

→ Adding the exception for scientific or forensic reasons the *Conseil Colonial* more than likely acknowledges and legitimates practices that have been in place since the early colonial period.

On 30 January 1940, with the revision of the Penal Code, the article relating to the mutilation of a human corpse was renumbered art. 61.

→ While many contemporary ethnographic studies demonstrate the importance of these rites within different communities, the legislator and the colonial authorities reduced most of these rites to 'barbaric practices contrary to Western mores'. And local peoples have no say.

- **Scientific collections as colonial heritage**

§ Decree of 16 August 1939 on the protection of sites, monuments and productions of indigenous art

This decree is intended to ensure the protection of sites, monuments and productions of indigenous art. The main objectives of this decree are to prevent :

1. 'interesting pieces' from leaving the country to foreign museums or private collections;
2. that indigenous art does not disappear.

This decree's main objective is to enable the general government in Leopoldville, after consulting a special commission, to grant classification to buildings and furniture 'of total or partial indigenous manufacture, which are of historical, prehistoric, archaeological, ethnographic or artistic interest'. Classified objects can no longer be alienated. (*BOCB*, 1939, p. 677-686.)

> *Art. 1. In order to ensure the protection and* ***conservation of immovable and movable goods of total or partial indigenous manufacture, which are of historical, prehistoric, archaeological, ethnographic or artistic interest****, the Governor General may order the* ***classificatio****n of these buildings or furniture.* [Art. 1. En vue d'assurer la protection et la conservation des immeubles, ainsi que des meubles de facture indigène totale ou partielle, qui présentent un intérêt historique, préhistorique, archéologique, ethnographique ou artistique, le Gouverneur général peut ordonner le classement de ces immeubles ou de ces meubles.]
> *Art. 19: On State-owned land, whether conceded or not, and on indigenous land,* ***no one may carry out excavations for the purpose of archaeological, ethnographic, historical, and prehistoric research without having obtained the authorisation of the Governor General.*** *The latter may determine the conditions under which the excavations will take place and the way they will be carried out.* [Art. 19. Sur les terres du domaine de l'État, concédées ou non et sur les terres indigènes, nul ne peut procéder à des fouilles dans un but de recherches archéologiques, ethnographiques, historiques et préhistoriques sans en avoir obtenu l'autorisation du Gouverneur général. Celui-ci détermine éventuellement les conditions dans lesquelles les fouilles auront lieu, et la manière suivant laquelle elles seront effectuée.]

With this decree, the Belgian government would follow the example of other colonial states, and more particularly of France, which had 'taken very valuable and meticulous measures' regarding the conservation of indigenous art in Indochina, Algeria and Morocco.

By organising scientific excavations, which was not yet the case in Belgium for example, this decree goes further than the classification of goods. In so doing, the decree reveals the need felt by the colonial authorities to provide a legislative framework for the numerous scientific collections and excavations carried out on colonial territory, and the destruction of indigenous heritage.

This Decree of 1939 :

- is more precise and broader than the Belgian law of 1931 which introduced the first legislation for the protection of monuments and sites to encompass more objects than those protected under Belgian law;
- 'reserves' the ownership of all discoveries falling within its scope to the Colony, thus the Belgian State ;
- is innovative and seems to demonstrate the need felt by the colonial authorities to provide a legislative framework for scientific collections and excavations carried out on colonial territory.

→ By providing a legal framework for scientific excavations, which was not yet the case in Belgium, this decree greatly facilitates the collection of colonial objects, including human remains.

2.2. Colonial collecting and institutionalised practices

- **The *Musée du Congo belge* and the institutionalisation of ethnographic collections**

In 1909, 'with a view to giving research into Congolese ethnography a more practical and scientific character', the *Ministère des Colonies* commissioned one of its departments to draw up an ethnographic survey which was sent to all the territorial administrators of the Belgian Congo. The following year, the Decree of 1st January 1910 (BOCB, 1910, p. 68-82.) transformed the *Musée du Congo belge* into a public institution and specified in its art. 1 that 'all objects from the Belgian Congo relating to the political, moral, scientific and economic history of the colony and which are not assigned to the service of a few particular establishments will be handed over to Tervuren', and then in its art. 22 that 'acquisitions by way of purchase or exchange' are decided by the *Ministre des Colonies* and that 'donations are accepted by him'. It was therefore expected that its collections would come from

purchases, exchanges, and donations. Between 1910 and 1914, its ethnographic section was enriched by nearly 200,000 'well-identified' objects.

→ From the 1910s, the colonial authorities encouraged the collection of colonial human remains. In the few cases of scientific expeditions, the respect due to the dead and their remains is never mentioned. Human remains are seen as objects, and local funeral beliefs are mostly disregarded.

→ As local communities had no say in the circumstances by which the remains of their elders were dug up, collected, studied and exported to Belgium, all human remains collected during the colonial era may fall into the category of 'biens mal acquis'.

- **Colonial authorities serving colonial collections**

Rather than being considered art, Congolese objects, including human remains, were seen by the scientists of the *Musée du Congo Belge* as 'relics'. These witnesses of a soon-to-be-gone era were to be collected to document and study the Congolese people. At the end of the 1920s, several circulars aimed exclusively at the colony's civil servants and agents were published. They facilitate the massive acquisition of scientific collections for the *Musée du Congo belge*.

- The Circular of 9 May 1929 on the destination to be given to **objects confiscated by the courts and of ethnographic interest**, organises the **direct dispatch** of this category of 'objects' **to the *Musée du Congo belge***. These objects, such as shields, weapons, hemp pipes, etc., could also include human remains from the Belgian Congo and Ruanda-Urundi. Shipments in parcels labelled 'Musée de Tervueren' were free of charge. (R.M., 1929, p. 77.)
- The circular of 24 May 1932 on ethnographic collections highlights the 'urgent need to save' the last Congolese vestiges. One can assume that this prompted colonial agents to collect objects that were symbols of a fantasised Africa. (R.M., 1932, p. 61-62.)

A full report entitled 'Historical perspective on Belgian colonial context for human remains and their acquisition' is in the deliverables D3.3.1.

D3.3.2: Report on the situation in Other Countries(M12), USL-B, RMAH

In this task, the partners intend to make occasional comparisons between the first results relating to human remains acquisitions specific to the Belgian colonial context and those relating to acquisitions made in another context (other countries). These comparisons would be based on the research of other members of the project to build bridges between different disciplines and topics.

At the beginning of the project, ad hoc comparisons between the initial results related to the acquisitions of human remains specific to the Belgian colonial context and those related to acquisitions made in another context (other countries) were planned. At the current stage of the HOME project, these comparisons are limited, mainly due to the different research questions and methods employed. To go further, it would have been necessary to study in depth the many legislative frameworks related to human remains held at MRAH, which would have required many more resources.

- The two case studies conducted by the MRAH (D.6.3.3 and D.6.5.1) can be compared with similar sensitive cases (e.g., the 'Affaire des têtes maories' in France for D.6.3.3 - Saartjie Baartman for D.6.5.1). Reflections and parallels on this subject are expressed in particular in **Annex 9** of this report.

- While both the collections from the Belgian colonial context and those from other countries were made on the basis of purchases or donations to museums, the colonial legislator organised or encouraged the acquisition and transfer of objects, including human remains, to the *Musée du Congo belge* (Tervuren), and only to this museum. This museum was intended to serve as a showcase for Belgian colonisation in Central Africa.

Decree of 1st January 1910 (*BOCB*, 1910, p. 68-82.)
Art. 1 : **all objects from the Belgian Congo relating to the political, moral, scientific and economic history of the colony and which are not assigned to the service of a few particular establishments will be handed over to Tervuren**;
Art. 22: **'acquisitions by way of purchase or exchange' are decided by the *Ministre des Colonies* and 'donations are accepted by him'.**

The importance of colonialism and imperialism in acquisitions?

At first glance, the provenance of certain collections of anthropobiological remains held in Belgian museum institutions and the conditions associated with their acquisition by these institutions have no connection with a colonial context (Belgian or foreign). This is notably the case for the 149 non-Belgian anthropobiological remains held at the RMAH. Although this is not an exhaustive list of the human remains kept at the museum due to the large number of remains listed and the possibility of not having had access to all the collections. However, the initial conditions of the collections (by purchase, collection, excavation, etc.) are not known in most cases. The context in which they were collected has not always been studied in depth, unlike the collection itself. And, often, the importance of colonialism and imperialism in these acquisitions is overlooked.

Museums must go beyond what is known to ask about the context of the provenance of their collections. They must rethink the imperial museum project. If Egypt had not been under British rule between the late nineteenth and early twentieth centuries, would the *Egypt Exploration Society*, of which Jean Capart (RMAH) was a member, have carried out such important excavations and collections? This kind of question, although complex, is worth asking. Today, museums must no longer separate the practice of science from the history of their collections. They must ensure that they include the history of acquisition of their collections (specimens and human remains), including social history. This work is essentmuseums to better reflect the societies they serve and to improve the general level of public knoial for wledge. It is not a matter of rewriting history, but simply of telling it more accurately.
It is up to institutions to act or not.

On this topic see :

- Jack Ashby, Rebecca Machin, Legacies of colonial violence in natural history collections. *Journal of Natural Science Collections*, vol. 8, 2021, p. 44-54. http://www.natsca.org/article/2631

- Caitlin L. Chandler, Skeletons from Kilimanjaro, *The Dial, Issue 3 : reparation*, 2023. https://www.thedial.world/issue-3/germany-reparations-tanzania-skeletons-maji-maji-rebellion

- Subhadra Das, Miranda Lowe, Nature Read in Black and White: decolonial approaches to interpreting natural history collections, *Journal of Natural Science Collections*, vol. 6, 2018, p. 4-14.
  http://www.natsca.org/article/2509

- D.W. Orchiston, Preserved Human Heads of the New Zealand Maoris, *The Journal of the Polynesian Society*, 1967, vol. 76, no 3, p. 297-329. https://www.jstor.org/stable/20704481

- R.K. Paterson, Maori Preserved Heads: A Legal History, *in: P. Mosimann* and B. Schönenberger (eds.), *Kunst & Recht / Art & Law*, Bern, Stämpfli Verlag, 2017, p. 71-88.

- Paul P. Stewens, Nussaïbah B. Raja, Emma M. Dunne, The Return of Fossils Removed Under Colonial Rule, *Santander Art and Culture Law Review*, vol. 2, 2022, p. 69-94. DOI: 10.4467/2450050XSNR.22.013.17026

- Jos van Beurden, Decolonisation and colonial collections : An unresolved conflict, *BMGN-Low Countries Historical Review*, vol. 133, 2018, p. 66-78. https://doi.org/10.18352/bmgn-lchr.10551

Task 3.4 Systemic Violence in Belgian colonial context (TL USL-B)

D3.4.1: Report on the situation of Congo, Rwanda & Burundi (M18), USL-B

Activities realised

1. Mutilation of human remains and scientific exceptions

Colonial violence is not limited to its most visible and direct forms. It manifested itself in many forms, affecting virtually every aspect of the lives of the colonised populations, including their ancestral funeral practices. While the legislator, and colonial authorities, do not openly confront the 'superstitions' of the indigenous populations, they firmly repress any (colonial) 'offences' that may result from them to the detriment of ancestral practices. This disdain for the indigenous populations, their practices and their beliefs reflect the violence of the colonial system towards them.

1.1. Indigenous rituals and colonial legal practices (1920s - 1950s)

The review of court cases involving 'indigenous' mutilations of indigenous people allows:

1. to establish the importance of beliefs and funeral rites for local populations and to put their practices into perspective ;

2. to give an account of the legislator's point of view and the way in which legislative directives are unevenly applied in a colonial environment.

→ 'Indigenous' mutilations on indigenous people were carried out within a framework of beliefs known and recognised by all members of the community. In this context, mutilation was charged with respect for the deceased, their body, and the rituals practised.

→ In court cases involving **indigenous mutilations, the vast majority were committed as part of intra-family rituals in a 'non-malicious way', according to the colonial legislator.** Although the *Conseil Colonial*'s opinion (1923) was optional, the reasoning was used in many judgements on cases of mutilation.

1.2. Van de Ginste's 'collection', 1945-1946 : the exhumation of 200 Suku skulls

In December 1945, the territorial administrator of Feshi (Kwango), Fernand Van de Ginste, obtained permission from the Governor General of the Belgian Congo to assemble a collection of 200 Suku skulls on the territory of Feshi with a view to carrying out an anthropometric study of the cranial indices. Its objective was to determine the 'specific characteristics of this race and to demonstrate its 'degree of purity'.

With scientific motives, exhumations and mutilations of human remains - even on a large scale - were admitted by the colonial legislator. The 'Van de Ginste' case provides information on certain scientific collection practices in the Belgian Congo, and more specifically the collection of human remains, conducted with the approval of the colonial authorities. (See the RMCA report on this case study).

Fernand Van de Ginste knew how to make his request to temporarily leave his duties as territorial administrator to carry out his excavations, and whom to contact to have it accepted.

- Van de Ginste requested a governmental authorisation based on Art. 19 of the Decree of 16 August 1939:

  Art. 19: On State-owned land, whether conceded or not, and on indigenous land, ***no one may carry out excavations for the purpose of archaeological, ethnographic, historical, and prehistoric research without having obtained the authorisation of the Governor General.*** *The latter may determine the conditions under which the excavations will take place and the way they will be carried out.* (B*OCB*, 1939, p. 684.)

- He undertook to publish the results of his research in a Belgian scientific journal;

- He undertook to hand over his collection to the Congo Museum, after having studied it;

- He explained the scientific nature of his request by the 'need to work on a large and homogeneous series' in order to obtain certain research conclusions;

- He stipulated that 'to avoid the slightest offence that these excavations could have on the indigenous populations, [he would do them] on the sites of abandoned villages, i.e. where there was no longer any worship of the ancestors'.

→ **According to the colonial authorities and the legislation:**

- **Van de Ginste did not profane any cemetery or indigenous practice** since he carried out his excavations in 'abandoned villages';

- Van de Ginste **was not subject to art. 61 of the Penal Code**, thanks to the clarifications made by the *Conseil Colonial* in 1923 regarding mutilations of human remains. He had not shown any 'malicious intent' towards the corpses he exhumed and his collection of skulls was justified by the pursuit of 'a scientific purpose'.

Van de Ginste formally states that he conducted his research in 'abandoned villages, i.e. where there is no longer any worship of the ancestors', yet **it is more than likely that these massive scientific exhumations and mutilations were experienced violently within the communities.** This is a far cry from the practice of mutilations as part of intra-family rituals. And there is nothing in the colonial archives to indicate that the Suku people received any consideration in exchange for the remains of their elders that Van de Ginste collected. **Suku people had no say in the matter.**

The colonial authorities knew and were aware that the practices of the TA could provoke incidents among the population and be perceived as profanations, contrary to community practices. In fact, Van de Ginste was officially instructed to stop collecting immediately in the event of incidents and not to offend the local population. However, with 200 skulls collected - for how many desecrated graves and exhumed corpses - **he does not seem to have been concerned about the consequences - even of a spiritual nature - that may have resulted from his actions.**

→ As local communities had no say in the circumstances by which the remains of their elders were collected, robbed from the graves, studied and exported to Belgium, the issue and the perspectives should be reversed : the legal/illegal nature of acquisitions should no longer be sought in relation to the legislation of the coloniser, but those of the local communities that have been disregarded throughout colonial rule.

For further information please see the full report entitled 'Historical perspective on Belgian colonial context for human remains and their acquisition' which is in the deliverables D3.3.1.

Task 3.5 The protection of the individual data (TL USL-B, RBINS)

- When digitising human remains, some legal rights may rise as to the protection of the data of these remains. Families and communities may hold rights on this individual data. Therefore, this project will study:
    - what rights may apply: data protection, intellectual property (moral rights and/or patrimonial rights),
    - how these rights shall be recognised to potential holders
    - how these holders may exercise their rights (judicial or non judicial)
    - best practices on how the institutions detaining the data should respect protection rights
- The methodology will analyse the European General Data Protection Regulation (GDPR) as well as other relevant national legislation (the Belgian Economic Law Code). It will also conduct some comparative analysis.

D3.5.1:Report on the state of the art both from this study and previous studies (M6), USL-B, RBINS

Activities realised

The digitisation of cultural heritage requires the elaboration of legal frameworks in order to determine several rights and obligations following that process, and this is particularly the case for the digitisation of human remains. Specific legal and ethical questions arise when digitising human remains (2D or 3D scans), even more so if these human remains come from other geographical origins and might be subject to repatriation. Nonetheless, the law does not provide much guidance as the question of ownership and access are not clear (1). Very often no copyright protection applies (2) and no personal data protection rules (3). Access to digitised human remains is therefore at the intersection between ethics and law (4).

1. The data of the digital human remains: a complex legal framework for their protection but no clear answer as to their ownership and sovereignty

Who owns the data generated by the digitization of human remains and their archives? Is it even to be owned as most scholars contest data being subject to property right, considering it rather as a common good[1]? And what about intellectual property rights on these digital derivatives (see point 2)?

Data in itself is indeed generally accepted as extrapatrimonial, out of commerce so to say. Yet the commodification of data, and of cultural heritage, including that of human remains, data, is an economic and social reality[2]. It could pave the way towards a “meta-cultural property that represents a shared global culture that we are creating today”[3].

Closely linked to the notion of data ownership is that of data sovereignty[4], showing the difficulty to think in terms of appropriation but still reflect the idea of exclusivity and control.

The data of these digital derivatives are subject to a certain form of data protection legislation. As such, the Digital Single Market Directive (transposed by the Belgian law of 19 June 2022) offers the best framework to date to deal with digital heritage. Moreover, the Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information was transposed in the Belgian Law of 14 May 2016 on the re-use of public sector information (modified in 2021) and contains relevant definition (of research data, dynamic data and re-use) that participate in the existing legal framework, but not much more. Also, the Regulation 2022/868 on European data governance (Data Governance Act) of 30 May 2022 gives a broad definition of data as “any digital representation of acts, facts or information and any compilation of

such acts, facts or information, including in the form of sound, visual or audiovisual recording;" (art. 2.1.). Finally, the Digital Services Act and the Digital Market Act specifically regulate (cultural) platforms displaying these data, raising the issue of open access.

2. No personal data protection of digitised human remains

2D or 3D-scans of human remains touches upon the personality rights of the deceased, i.e. his or her right to image, right to name and right to protection of private life (privacy). But these personality rights mostly cease after death, protecting the person during his or her lifetime.

On the matter of personal data (one aspect of personality rights), the data of these digitized human remains are normally not subject to data protection legislation as personal data protection ceases after death (see Recital 27 of the General Data Protection Regulation, GDPR).

However, there is some continuity of one's digital personality, implying a kind of objective *post mortem* legal protection (and not subjective right anymore). According to Belgian law the deceased himself or his/her heirs could exercise a right to his/her image up to 20 years after death (article XI.174 of the Belgian Code of Economic Law). This right will probably be time lapsed for the images of most human remains[5]. Besides the right to image no other personality rights apply after death either, providing no legal ground to protect the humain remains's personality in Belgian law.

3. No copyright protection of digitised human remains

A set of data can benefit from specific intellectual property rights and copyright may also apply in certain cases.

However, one may ascertain that, most of the time, the 2D or 3D human remains' models or digitized archives are not protected under copyright law, nor subject to any other intellectual property rights. They are merely copies or reproduction of the material/physical human remains and the material archives.

Nonetheless, intellectual property rights may apply for the software used: if the software is sufficiently new and inventive there may be a patent, or if the coding follows an original writing in an artificial language, there may be copyright (ex. design files, architecture models or virtual objects in computer games.

Moreover, copyright (in the Belgian sense of *droits d'auteur*) may apply if the digitized human remains or archives are original in themselves.

Finally, specific protection may apply for the database generated by the digitization, according to articles XI.186 and XI.305 and following of the Codex of Economic Law.

Because no copyright applies on the digital copies of human remains, anyone could be legally free to distribute, modify or make it available to the public. There are also no neighbouring rights on the 2D or 3D-scans.

Other IPR rights (industrial property rights such as patent law, design law, trademark, trade secret) will probably also not apply.

4. Access to digitised human remains and the need for ethical governance models

Even if there would be no intellectual property right nor any data protection right linked to the digitised human remains, access to these digital data is not always easy nor desirable[6].

Could access be refused because of ethical considerations linked to (the absence of) consent from the deceased or his/her family? When discussing the repatriation of human remains, the digital aspect is

often neglected even though it may be fundamental for the community and/or country of origin to determine how these data may be used and accessed.

Indeed, very few international legislations exist concerning the digital access to heritage collections, and even less so for humans remains. The UNESCO "Charter on the Preservation of Digital Heritage" (2003) and the "Recommendation of UNESCO Concerning the Preservation of, and Access to, Documentary Heritage Including in Digital Form" (2015) are the only two soft law instruments addressing the issue, but they ignore most other set of norms interacting with these issues (intellectual property rights, digital rights, data protection, information technology…). In other words, there is a legal void for addressing digital and digitised cultural heritage.

In Europe, some regulation exists however, mainly under the auspices of the European Union. The European Commission even adopted a Recommendation on a common European data space for cultural heritage (10 Nov 2021) and granted a tender on this project to Europeana, the EU's digital platform for heritage. These norms are still partially insufficient (some regulations are still in process of adoption) or some are not binding (recommendations).

Restitution of such digitised cultural heritage is even more a blind spot in the law. Only article 5.3. of the UNESCO 2015 Recommendation provides an interesting recommendation:

"Member States are invited to facilitate the exchange between countries of copies of documentary heritage that relate to their own culture, shared history or heritage, and of other identified documentary heritage, in particular due to their shared and entangled historical nature or in the framework of the reconstitution of dispersed original documents, as appropriate, which has been the object of preservation work in another country. The exchange of copies will have no implications on the ownership of originals."[7]

Yet, digitization has not really been addressed in the French Sarr-Savoy Report of Nov 2018, or at least not in the right nor sufficient way. The German Report on Colonial Collections of 2017 makes a clearer attempt. Yet, these attempts intertwine legal and ethical considerations - given the legal void - in order to offer a satisfying response to the issue.

In their "Statement on Intellectual Property Rights and Open Access relevant to the digitization and restitution of African Cultural Heritage and associated materials" Pavis, Wallace and several scholars underscore that "the validity of intellectual property claims (…) and the implementation of open access policies are contested (…)"[8]. To them, "decisions around digitization (including the waiver of any rights for open access purposes) are cultural and curatorial prerogatives. Accordingly, they must be made by African communities of origin, as they impact how heritage may be represented, preserved, and remembered. African communities must therefore enjoy full autonomy in devising any access strategies for restituted material *and* digital cultural heritage". They strongly recommend to "consider the opportunity to aid African communities in this process, both practically and financially, alongside other forms of reparation" because digital heritage is as important as material heritage.

Therefore and because of the legal void, the notion of access should be examined also from an ethical point of view: the desire to grant universal access to certain dematerialized natural history content may come up against certain rights and interests, particularly those of the communities of origin, let alone when it comes to digitising human remains. We recommend giving thought to the inclusion of these communities in the digitization process as well as in the access policies of these digital contents.

In other words, who gets to decide about the digitisation of natural history collections? Who controls the process of digitization? Indeed, as no ownership rights might apply, user's rights are nonetheless applicable (users such as cultural institutions, digitising companies, owners of the material support, countries, institutions, and communities of origin …) and careful governance models should be drafted in order to determine which party may claim which rights, in the context of commodification and even financialization of data.

Specifically with regards to the restitution debate, and particularly in the postcolonial context, the issue to handle digitisation in culture-specific ways is essential.

Therefore, ethical considerations must cross legal analysis when determining what legal framework (Belgian, European, or African? According to the place of digitization or the place of restitution?) should be applied; when exporting legal notions such as public domain and open access to foreign legal orders; or when determining the value of the digital derivatives (social and economic).

In that respect, the Australian example might prove very interesting to investigate. Scholars analysed the experiment of digitisation of the Pacific collections of the Australian museums as a social process of co-design and co-production and drafted a useful checklist regarding digitisation:

- "Resource the project with sufficient staff and budget.
- For whom do you want to digitise parts of your collection? What does your target audience want?
- Consult with source and diasporic communities.
- Collaborate with other museums and develop capacity within the organization.
- It is preferable to go for selective digitization about objects and areas where your museum professionals already have detailed knowledge.
- Check museum ownership of the object and museum copyright of the image.
- Should you digitise certain cultural objects? If an object is secret/sacred or ritual or human remains, the most responsible and respectful response would be not to digitize. If the community particularly wants any of these objects digitized, work together with the community to devise appropriate checks to access.
- Digitisation targets and costs will depend on the availability of good photographs, validating images (cross-checking with registration numbers), and the need to validate knowledge about the object, augmented with intangible knowledge.
- Protect images from modification and misappropriation.
- If you are allowing comments or tagging, then monitor and moderate those comments."[9].

Conclusion

In sum, there is no copyright on human remains, but the right to image via heirs (art. XI. 174 ode of Economic Law, until 20 years after death). Ownership rights may apply on the material remains (see WP 3.1). There is also most of the time no copyright on the 3D-scan of human remains unless the scan is original. There is no personal data protection on these scans unless the lawmaker would recognize an objective *post mortem* protection regime for personal data (with or without a time limit, under the principle of human dignity). Ownership rights apply however on the printed material support.

Ethical and legal frameworks should be developed around data management, respecting the memory of the deceased, including communities and families, especially in the context of repatriation. Therefore, it could be useful to have a gradual access to some digital resources: between forbidden or totally open, some limitations may apply or some conditions may be imposed. Mechanisms in public law provide useful tools to think about the right balance between rights and interests between the various stakeholders, about participatory governance measures; or about developing cultural policies. Tools in private law are also very relevant when drafting the legal landscape for digitised cultural objects: licence contracts; property rights; control and access mechanisms such as Digital Rights Management (DRM) [10]; legal governance models and structures, etc. The recommendation of setting

up a platform allowing for this kind of gradual and differentiated access and uses provides some answer to these questions (see General Recommendations).

Recommendations

As a way of recommendation, the legislator could provide for an objective *post mortem* protection regime, taking into consideration interests (no rights anymore) of:

- the deceased (see Belgian Bioethical Committee and the concept of "surviving interests", 2012),
- his family (close family or broad heirs ("spiritual heirs", French Report 2021), person designated in a will?),
- or society.

This protective regime could help take into consideration the several interests on access to the digitised human remains in order to determine the outset of the legal framework for the digitization of cultural heritage: the rights and obligations of the various stakeholders involved (the State that keeps heritage collections, the cultural institution, the community of origin, the owner of the work, the actor of the digitization, etc.), the consequences of the duplication of media generated by digitisation (material and digital media), the problems of exclusivity created mainly by property rights (particularly intellectual property rights) on these media as well as on the data of this heritage.

To complete another recommendation regarding the insertion of a principle of human dignity after death (See article 16.1.1 French Civil Code: "*Le respect dû au corps humain ne cesse pas avec la mort. Les restes des personnes décédées, y compris les cendres de celles dont le corps a donné lieu à crémation, doivent être traités avec respect, dignité et décence*."), it could be extended to the personal data of the human.

---

[1] A. Strowel, « Omnia sunt ©ommunia : des opera au Big Data", *Revue interdisciplinaire d'études juridiques*, 2018/2, pp. 177-209.
[2] N. Silberman (2014). From Cultural Property to Cultural Data: The Multiple Dimensions of "Ownership" in a Global Digital Age. International Journal of Cultural Property, 21(3), 365-374. doi:10.1017/S0940739114000162
[3] N. Silberman (2014). From Cultural Property to Cultural Data: The Multiple Dimensions of "Ownership" in a Global Digital Age. International Journal of Cultural Property, 21(3), 365-374. doi:10.1017/S0940739114000162
[4] T. KUKUTAI et J. TAYLOR (dirs.), *Indigenous Data Sovereignty*, 38, Australia, ANU Press, 2016
[5] For an emblematic case in the USA concerning the image of a deceased, more particularly the daguerrotypes of a former slave, Renty, exhibited at Harvard University and for which one of his descendants, Tanny Lamier, claimed ownership, but was rejected by the judge due to a lack of standing (time lapse), see M. SHIRAZI, « 'Five Generations of Renty' | Magazine | The Harvard Crimson », 18 mars 2021, disponible sur https://www.thecrimson.com/article/2021/3/18/lanier-v-harvard-scrut/ (Consulté le 5 décembre 2022).
[6] L. LIXINSKI, « Digital Heritage Surrogates, Decolonization, and International Law: Restitution, Control, and the Creation of Value as Reparations and Emancipation », *Santander Art and Culture Law Review (SAACLR)*, 2020, vol. 2020, n° 2, pp. 65-86.
[7] For a critical analysis, see L. Lixinski, « Digital Heritage Surrogates, Decolonization, and International Law: Restitution, Control, and the Creation of Value as Reparations and Emancipation », Santander Art and Culture Law Review (SAACLR), 2020, vol. 2020, n° 2, pp. 71-72.
[8] M. PAVIS et A. WALLACE, « Réponse au Rapport Sarr-Savoy: Déclaration sur la numérisation, les droits de propriété intellectuelle et le libre accès du patrimoine culturel africain et des archives connexes », *JIPITEC*, 2019, vol. 10, n° 2, pp. 130-146, disponible sur https://www.jipitec.eu/issues/jipitec-10-2-2019/4911.
[9] S. SINGH, M. BLAKE et J. O'DONNELL, « Digitizing Pacific Cultural Collections: The Australian Experience », *International Journal of Cultural Property*, février 2013, vol. 20.

[10] See WIPO's study on that matter : https://www.wipo.int/edocs/pubdocs/en/copyright/1001/wipo_pub_1001.pdf

WP4 Value of the Human Remains collections (WPL RBINS)

The goal of this workpackage is to evaluate the importance of the Human Remains collections in regards to their scientific (Anthropology and Archaeology) and historical values collecting information from previous studies and adding new data collected by the project itself.

Task 4.1 Scientific anthropological value (TL UdeM, ULB, RBINS)

This task will look at the scientific value of the human remains to the National and International research community in consultation with stakeholders from museums as well as the countries of origin. The human remains housed in the FSI's and various institutions have been and continue to be part of numerous research projects. When human remains are identified, the collection is even more valuable as it can help in both devising and validating new methods of determining sex, age, post partum interval etc. The task will look at how these remains contribute to our understanding of populations in the past such as to examine:

- *reconstruction of past way of life (activities of past populations, occurrences of diseases and trauma in past populations, diet, etc)*
- *biological affinities between individuals and populations*
- *child growth and development*
- *DNA to investigate the epidemiology of recent and ancient diseases and family lineage*

Activities realised

D4.1.1: value of the collection(s) for the study of the variability of Africa populations (M12) UdeM, ULB, RBINS

The bioanthropological research conducted by the team of Université de Montréal underlines very clearly why the **Africans collections are so valuable to study human variability** as well as the past ways of life. The results obtained from the two Master's dissertation (2019-2022: Y Ghalem and M Klagba supervised by I Ribot & M Drapeau) allowed us to provide **data on a key region of the African continent (Central Africa) and in a diachronic manner, in order to explore population history and/or adaptation.**

Bioanthropology explore human diversity on various levels (genes *vs* morphology) and in relation to other fields (archaeology, history). In particular, the morphology of our human body and its variation are at the centre of our discipline. Not only genetics affect the body shape but also a long list of environmental variables such as climate and way of subsistence (diet and mobility). Last 20 years, researchers (ecomorphologists) have focused increasingly on a better understanding of the ecological variables on the morphology and this is also a key field to better understand the mechanisms of recent human evolution (eg. plasticity of the cranial complex, origin of the short stature).

As **Central Africa** is a region that offers a huge variety of habitats and climates as well as a diversity of human groups with many different cultural adaptations (economies), it has been always at the centre of bioanthropological research. The region is also at the centre of the attention of many fields (archaeology, linguistics, genetics) that work together to better understand the population history (eg. pre-agricultural phases, Bantu expansion). However, Central African skeletal collections are also very rare around the world although very demanded for the study of human diversity. Only a few institutions have large collections of Central Africans (with broadly known regional origins) such as the

Belgian institutions. The **Central African collections** have been therefore essential for the two Master's students of the Université de Montréal, who were extremely interested to explore African issues on population history and adaptation. Both of their respective research has contributed to highlight the importance of these collections. Although the short reports of the two students summarize their research, here are below the main contributions.

For palaeoanthropology, these **Central Africans skeletal** collections are key ones as they help to better understand human morphological variability. Myself in collaborations with one of my student and a researcher from Bordeaux University, we used this comparative data set (with 2D and 3D morphometrics) that enabled us to **replace very ancient human fossils of the Late Pleistocene** within the African variation (Hofmeyr, RSA, ± 40, 000 years ago) (Ribot, Ghalem & Crevecoeur, In press)(see attached version). For more recent period (last 10,000 years, Holocene), these collections are also extremely useful for comparative purposes when exploring the origin of modern human variation and the impact of economic changes on the morphology, as it was done here with the two Masters's studies that also included Mid-Holocene human fossils (eg. Shum Laka) as well Late Holocene ones (eg. Upemba).

Both the studies of Y Ghalem (focusing on the cranial anatomy) and M Klagba (focusing on the long bone robusticity) have explored with the Central African collections various aspects in a very spatio-temporal manner (around last 4000 years) and broad regional framework (from East to West of Central Africa). Y Ghalem explored mainly the biological affinities between individuals and populations looking at both the entire cranium and an isolated cranial bone (temporal bone). It appeared that the temporal bone (ideal to analyse when a cranium is badly preserved) is very informative about phylogenetics as previously observed but it also can reflect some possible environmental influences (eg. coarse diet) especially around its articular surface with the mandible. The badly preserved Shum Laka individuals, dated to the LSA-IA, could be finally compared to a recent sample of Central Africans and this shows how valuable are these recent Central Africans collections too. Unique morphological features could be identified that way for Shum Laka.

Furthermore, both Y Ghalem and M Klagba have applied and developed new techniques of observations on the Central African collections and experimented innovative research approaches. For example, Y Ghalem has built a 3D data set by creating 3D models *via* the photogrammetry in collaboration with P Semal (IRScNB). These virtual models enable to better curate the skeletal collection by minimising the manipulation the remains. In the same line, M Klagba by doing CT-scans (in collaboration with Dr Louryan, Erasme hosp.) allowed to collect unique data on the internal bone structure. Please see **Annex 4** for a full report from Y. Ghalem and **Annex 5** for a full report from M Klagba

D4.1.2: value of the collection(s) for the study of the past ways of life (M12) UdeM, ULB, RBINS

Report from UdeM

The study of morphological variability can also help us to study past ways of life. And the postcranial skeleton, much more prone to be modified by external influences than the cranium can be informative about past economies involving various degrees of mobility (eg. hunter-gathering *vs* farming, a more mobile way of life *vs* a more sedentary one). The Master's research of M Klagba is an illustration of that: by studying the robusticity or strength of the bones of the limbs, one can explore the biomechanical adaptation to various loads (such as in relation to subsistence activities). Although her sample was smaller than the cranial study (less long bones available in the collections) and the statistical tests not significant, it allowed us to perceive some variations between groups in relation to habitat and economy. More samples and studies are however needed.

In addition, as we mentioned above, the cranium could also indirectly provide some information about dietary influences. For example, Y Ghalem found that the shape of the articular surface of the temporal

bone seem to be much more circular and less elongated amongst pre-agricultural LSA-IA groups (eg. Shum Laka). Further research to explore this issue is ongoing on the mandible and teeth morphology that appear very robust in Shum Laka's population (PhD of Y Ghalem).

To conclude, the Central African collections have been a key reference for the bioanthropological researchers and still do but with new techniques (3D) that allow to preserve them better. A paper that underlines the contribution of these Central African collections for bioanthropology is in preparation for September 2022 and will be entitled*: 'What is the role of bioarchaeology nowadays? Exploring social and scientific implications through a few African case studies.'*

Report from RBINS

With the exception of 4 incomplete skeletons (Peru), a few long bones and bone fragments and two tsantsa heads (Ecuador), the majority of human remains from America (and mainly from South America) are skulls. In the 19th and early 20th centuries, it was common practice to collect only skulls (from archaeological context or not) in order to build up large osteological collections. Although partial, the information collected on these skulls provides information on the way of life of these ancient populations. It is already possible to estimate the age at death (stages of dental maturation) and possibly the sex of individuals (osteometric and morphological measurements of the skull). By simple observation, the skulls coming mainly from Bolivia, Peru and Chile can present important cranial deformations. They testify to cultural practices specific to these civilizations and confirm the ethnic belonging or even the intercommunity social status of these individuals. The sanitary state of certain skulls also indicates the presence of pathologies (such as nutritional deficiencies). It is not uncommon to observe traces of trepanning on individuals belonging to these ancient societies. This practice provides information on the extent of "medical" knowledge and actions taken to relieve and attempt to heal a member of the community. Additional analyses can also be carried out as part of more in-depth scientific research (isotopic, DNA, CT-scans, etc.).

Today, this part of the collection continues to be studied. It is of great historical interest. Specifying the geographical origin (to the point of determining the region if possible) and the temporal origin (to the point of identifying a chronological period) of these individuals would bring an important scientific added value and would offer the possibility of continuing, notably by means of comparisons with other collections, anthropological research.

Task 4.2 Scientific cultural heritage value (TL RMAH)

This task will address the value of large collections of different individuals housed in the different collections and how these collections can help us understand the past way of life of these individuals. For instance, collections of human remains can give insight into the variability of human populations and has the potential to yield important information about their different cultural activities, which can leave specific markers on the skeleton (such as basket weavers using the teeth as a third hand). The skeleton can also be modified due to cultural practices (i.e. dental mutilation and cranial deformation). RBINS, RMCA and RMAH collections have human remains from different countries including Africa and South America, which show these modifications which are largely for aesthetic or identity (i.e. showing that a certain individual belonged to a particular section of society or group) purposes. The RMAH and RMCA collections also store collections of mummies and objects made of or containing parts of human remains as well as objects made out of bones or with human skin. Some bones are also part of reliquaries of an ancestor or of holy people.

The study of pre-Columbian mummies aims to enhance our knowledge on the way of life and the way of thinking of these past Andean civilizations. These corpses record in and on their bodies information that we can reveal through anthropological observations and specific analyses. This study is important to understand their pathologies and also to attribute to them a chronology and a civilization, to understand their life and the reason for their death and overall, to learn about the process of

mummification, which is a very different process to that of Egyptian mummies. The study of hair and nails also gives interesting information about the use of hallucinogenic plants such as coca leaves. The analysis of the cranial deformation is also important as a social and ethnic marker.

There are also other different kinds of human remains : such as the shrunken head trophies of the Jivaro or the mummified Maori heads, some bone parts are also used in artistic and symbolic creations and some are fragments of bones in reliquaries. All those objects are important to study to understand the symbolic practices in past civilisations.

Activities realised

D4.2.1: Report on the value of the Mummies collection(s) for the study of Egyptian civilizations (M18) RMAH

The AHM holds 18 Egyptian mummies (complete or fragmentary). They have all been studied in depth. The interest shown in them for more than a century, both by the general public and by the scientific community, has made these investigations possible. The funerary practices associated with these bodies reflect the way of life and thought of ancient Egypt. The processes of mummification, carried out on individuals from the Old Kingdom onwards, and more widely disseminated among the different strata of the population from the Middle Kingdom onwards, are direct witnesses to their belief system but also to the state of their anatomical knowledge. The 18 mummies (adults and children) in the museum are a good example of the evolution of these funerary practices through time, as the historical periods attributed to them are diverse. The oldest dates back to the Middle Kingdom, while the most recent ones date back to the Roman period. A true sample of these ancient cultural practices, the individual study of these bodies has led to some interesting archaeological and anthropological discoveries. These include the estimation of the age at death, the sex and stature of each of them, and information linked to pathologies, which have been brought to light thanks to technical means and advanced technology favouring a non-destructive approach to the bodies. As early as the 1990s, a first study campaign used X-rays to conduct research (Francot *et al.*, 1999). Later, in 2015, a second campaign again used medical imaging by means of CT scans (Thesis in progress on *L'étude des momies égyptiennes du Musée Art & Histoire par l'imagerie médicale* - working title - by C. Tilleux).

The aim of this section is not so much to detail for each individual all the discoveries made during these investigations but to demonstrate that their sum adds up to a new insight into this ancient civilisation. It is obvious that the RMAH are not the only ones to provide this type of information but they are, like other major institutions that have studied Egyptian mummies, part of an international research effort by adding their data on this subject.

From an anthropological point of view, each individual was observed with the naked eye (when it was possible because some mummies are completely covered with bandages or embedded in cartonnage) and then on the basis of 2D or 3D images. Beyond that, data qualified as "standard" related to when they were obvious (or even to the probable causes of death) could be collected. The identification of a disease and/or trauma provides information on the lifestyle of these individuals. What diseases did they experience? Was this the cause of their death? Did they die as a result of physical trauma? If not, how were they treated? To illustrate this point, the mummy of Usirmes, dated to Dynasty XXV, is a good example of the scientific value added by the study of these human remains. The body of this mummy is completely covered with strips. It was therefore subjected to a CT scan at the Saint-Luc University Clinics in order to obtain the standard anthropological data. It is a man aged about 40 years at the time of his death. His stature is estimated at 170 cm. Although the cause of death is not clearly identifiable, it appears that this individual had undergone dental surgery to relieve a painful abscess by removing a root. Obtaining this information provides insight into the existing practices used to treat this man and reveals a significant knowledge of anatomy and procedures performed over 2700 years ago (Olszewski, 2021).

Francot Carry, Limme Luc, Van Elst Francis, 1999. *Les momies égyptiennes des Musées royaux d'Art et d'Histoire à Bruxelles et leur étude radiographique*, Bruxelles.

Olszewski Raphaël, Hastir Jean-Philippe, Tilleux Caroline, Delvaux Luc, Danse Etienne, 2021. « Medical and dental hidden treasures and secrets of a 2700-year-old Egyptian mummy : Osirmose – the doorkeeper of the Temple of Re », *Nemesis*, 17, 1.

D4.2.2: Report on the value of the Mummies collection(s) for the study of pre-colombian civilizations (M18) RMAH

The study of pre-Hispanic mummies preserved at the AHM allows us to obtain the same type of information as for Egyptian mummies. The museum collects 7 mummified bodies - adults and children - complete or fragmentary. Unlike the mummies in the Egyptian section, these mummies were unknown to the general public. The exception is the mummy known as "Rascar Capac", made famous by Hergé when he used it as inspiration for his emblematic character in the albums: *The 7 Crystal Balls* and *the Temple of the Sun*. Moreover, this mummy, still on display in the permanent collections of the Americas section, had the opportunity to undergo CT-scans in 1999 (Appelboom and Struyven, 1999). The other 6 individuals are kept in the museum's reserves and had never been examined.

In 2016, the IRAM project (*Interdisciplinary Research on Andean Mummies*) was dedicated to the study of these 7 bodies. They were all scanned at the Saint-Luc University Clinics. The funding granted by the King Baudouin Foundation to this project enabled further investigations to be carried out on them by calling on Belgian and foreign experts. Radiocarbon, archaeoentomological and toxicological analyses were carried out. The answers they provide have brought considerable scientific added value. From an anthropological point of view, all the standard data are known: estimated age at death, sex and stature (except for individual AAM5937 for which only the head remains). Pathological elements are also identified. They provide information on their "state of health" at the time of death. The cranial deformations of each individual are also recorded and attest to an ethnic and social affiliation within their community. From an archaeological point of view, without going into the enumeration of all the finds, the results attest to their geographical origins (Peru and Chile) and the historical periods to which they belong. This factor of origin added to a temporality already makes it possible to place each individual in a defined cultural and archaeological context. The funerary practices linked to these ancient communities, their diet and their consumption of psychotropic drugs are all elements that shed light on the way of life, thought and beliefs of these South American populations.

During this research, additional analysis will soon add to the knowledge already acquired. Thanks to partners from the National Institute of Criminalistics and Criminology (NICC), a DNA study is being carried out on one of the pre-Hispanic mummies. This is the child mummy AAM5936. A braided lock of hair belonging to an adult individual is associated with his funerary *fardo*, and therefore with his body. Hair samples were taken from both the braided hair and the child's skull. The aim is to establish a family link between the two human remains. Although the DNA collected is old and the techniques used still need to be refined, the results of such an analysis would have a direct impact on the knowledge of burial practices established during the burial of a young individual. At the end of the HOME project, the NICC will provide more details in its report on this review.

Appelboom Thierry and Struyven Julien, 1999. « Medical Imaging of the Peruvian mummy Rascar Capac », *Lancet*, 354, 18/25, p. 2153-2155.

D4.2.3: Report on the value of the modified human remains for the study of non European civilizations (M18) RMAH

Modified human remains or objects made from human remains are part of both the AHM and MIM collections. With the exception of the Maori heads in the Oceania collection (see WP 6) and the reduced heads in the Americas collection, this type of remains has been little studied. They generally

appear within larger groups of objects, such as musical instruments, ornaments, etc. However, they should not be neglected, as the use of anthropobiological remains to create an object with its own function often reflects the way of thinking of ancient populations. How did they regard human remains? What were their burial practices?

While for archaeological remains, we can only assume their use, it is different for certain ethnographic objects. This is the case, for example, with the reduced heads of the Shuar (Jivaros), where the object thus created from the skin of a prisoner does not retain a "human" status but in the language is grammatically of the order of objects. This *tsantsa* is therefore used, arranged and decorated as an object and no longer as a human remnant.

Task 4.3 Scientific value of digitised collection and policy (TL ULB, RBINS)

This task will also look at how best the digitised human remains collection can be of benefit to other institutions, including institutions in the countries of origin. ULB has strong collaborative links with different Faculties of Medicine in Africa. Teachers from the Faculty of medicine regularly teach medical courses in Africa and perform joint research and have previously shared digitised remains. The aim will be to see how the digitised collections can be shared with the countries of origin (although subject to ethical and legal conditions). This will include not only human remains from the countries of origin - but human remains collections from Belgium and Europe). ULB has also developed different software to perform analyses of 3D digitised remains and the software 'lhpFusionBox' which is a musculoskeletal software used for anthropological and biomechanical analyses. The software has recently been updated in a previous BRAIN project Neandertal_3D to perform anthropological analyses more easily (such as automated measurements), curvatures of bones and scaling of one bone to another. A further aim will be to share the software with other International institutions and countries around the world (including the Faculties of medicine in Africa) and then to have both an online and offline user manual.

The software 'lhpFusionBox' will be further modified in two ways:

- *from a 32 bit version to a 64 bit version - which will help with the application where computing of high resolution models with textures is needed.*
- *from a complex biomechanical software to a version which is useful for viewing, measuring, analysing and comparing 3D models with rich textures (as the aim is not to analyse biomechanics but a more comparative analysis)*

Activities realised

D4.3.1: New simplified and 64bits version of lhpFusionBox for the visualisation and the study of Digital Human remains (M18) ULB, RBINS

The LhpFusionBox upgrade was done with ULB and RBINS and also with the assistance of Fedor Moiseev, a subcontractor from Framosoft.

LhpFusionBox Upgrade

Introduction

LhpFusionBox is composed of three main subprograms, the MAF library, the MED library and the Lhp. In addition, the software is using multiple other opensource libraries such as VTK, ITK, Wxwidgets, Curl, BTK, Dcmtk, Eigen, Boost, Xerces-c, and Cryptopp. These libraries are used in their old versions, sometimes more than 10 years old. One task of this project was to develop a new version x64bits of the software. We took advantage of this opportunity to build the software with the updated libraries.

Github repository

A new repository on github was created to store and to better handle the versions of the lhpFusionBox. In addition to the software codes, the libraries needed for building the software are also stored there.

Libraries Updates

All libraries were updated to the most recent version. The update process was smooth for some libraries. In some others, we faced some difficulties. With the update of the wxWidget library for example, we had to consider the string variable as we had to modify all these variables that are the input of the wxwidget components in MAF, MED and Lhp folders.

However, the main difficulty was during the upgrade of the VTK library. In fact, the data processing pipeline in the VTK library changed during the last years. This means that many functions that are used in lhpFusionBox are no longer available if we build with the newer VTK versions.

The previous version of the software was using VTK4. We decided to build the new version using at least the version VTK6. We also offered the possibility to the user to build with the version 7.0, 8.0 and 9.0 via modifications in the Cmake file.

All classes of the MAF, MED, Lhp were revised in accordance with the new architecture of the VTK. After the modifications were made, a phase of tests was undertaken to clean the code from eventual bugs and corrections were made if necessary.

x64 version building

As the update of the VTK library was the most critical, we have made the choice to allow building the software in four different versions: two versions with the new VTK version (x32 and x64 bits) and two versions with the old VTK (x32 and x64 bits). When running the Cmake file, it creates four different folders, where each version of the software will be built.

Building Environment

A new cmake file was written allowing the installation of the software. The new file runs on cmake 3.22 while the version 2.8 was used previously. All the libraries are installed and linked to the project with this cmake file.

The last version of Microsoft Visual Studio (2022) is the platform used for the development of the software lhpFusionBox. The switch from the previous version in use (2013) needed some modifications and was done successfully.

Testing Phase

After all the modifications were made, a test phase was conducted to ensure that the software is working correctly. Four different people (TJ, FM, TC, SV) have made the tests and corrections were done each time bugs have been reported.

II LhpFusionBox New Features

Center Line

For long bones such as ribs or femurs, center lines make the virtual line inside the bone that is equidistant from the external bone structure. To construct this line, the 3D surface of the bone was used to compute virtual ellipses that cut the surface according to its long axis. The centers of all these ellipses make the centerline of the bone. A new feature in lhpFusionBox was added to compute this line and measure its length. In addition, useful angles are computed from this line like the curvature, the bending angles and twist angles. These angles better describe the deformation of the bone.

Muscle Wrapping

In this version of LhpFusionBox, we made a modification to the wrapping muscle feature that allow to define the direction of the wrapping. In fact, we noticed from the previous version, that in some cases, even if the wrapping looks correct and smooth, it goes into another direction that the anatomical one. To solve this problem, we added an option to the user, where he can define approximately, the insertion points of the muscle to the bone. The system computes from these approximations, the exact points of insertions that will also correspond to the real anotomy.

Virtual Osteometric Board

With this feature, we introduced a new way to simulate the osteometric board generally used by the archeologists. Having a reconstruction of a bone, the virtual osteometric board ask the user to define a plane using three landmarks. As the real OB, the virtual OB computes the distance from the farest point to the defined plane. The VOB could be used on a single bone or on a bone structure like a whole skeleton for example.

The updated software LhpFusionBox is now freely available with a researcher's agreement from Professor Van Sint Jan of ULB (serge.van.sint.jan@ulb.be)

D4.3.2: Comparison of the study of Human Remains based on physical and/or digital collections (M18) ULB, RBINS

RBINS and ULB have been working on several different studies on the comparison between human remains based on physical and /or digital collections as it is an ongoing topic of interest for both of these institutions. These studies are also a continuation of the Neandertal_3D BRAIN project.

Two studies are also ongoing on measurements on a series of skulls from seven identified osteological collections from Europe (Belgium, France, Switzerland and Portugal). A first study was undertaken on a series of measurements which were taken on these skulls both virtually in lhpFusionBox and physically to determine if it is possible to accurately sex skulls using specific landmarks and to look at the differences in measurements between physical objects and those objects digitised. The second examined geometric morphometric analysis of the skulls to look at the advantages of working with digitised objects.

1st Study - Comparing physical and virtual metrical variables on the skull base

• 100 skulls (50 females, 50 males) from a Western-European sample were digitalised with a surface scanner - NextEngine

• These skulls are coming from seven identified osteological collections from Europe (Belgium, France, Switzerland and Portugal). Age and sex are known for each individual. Among these collections, there are two identified collections of the Royal Belgian Institute of Natural Sciences (Schoten and Châtelet).

• A set of several measurements (ca. 70) were taken with a sliding calliper on the skull base (occipital and temporal bones) of these individuals, they represent the physical variables. Another observer took the same variables a second time.

• Virtual metrical variables were taken on this same sample of skulls with the software LhpFusionbox.

• To evaluate the measurement errors entailed by the virtual acquisition, a sub-sample of 30 skulls (15 females, 15 males) were measured virtually a second time by the project holder (A.B.) and by an additional experienced observer (T.C.). An intraclass correlation coefficient and both absolute and relative technical errors were calculated.

• Results showed that in intraobserver only one measurement is not repeatable. This variable is also not repeatable physically due to the inconstant nature of one landmark. The absolute and relative technical errors in physical and virtual are quite similar, in the same range.

• In the interobserver, seven measurements taken virtually are not reproducible. They are the same nonreproducible measurements than the ones taken physically except one variable that is based on a projection line. The absolute and relative technical error for virtual measurements are slightly higher than for the physical ones.

• As regards sexual dimorphism, the main goal of the research of the project holder is to apply the predictive models for sex estimation developed on physical measurements on the set of virtual variables to see if virtual models are reliable enough to replace in some methodological studies real skulls, especially when individuals of known-age and sex are not easily accessible.

This study will be published at a later date in *Anthropologica et Praehistorica*.

2nd Study – Exploring sexual dimorphism of the skull base through geometric morphometrics

• A sub-sample of 30 (15 females, 15 males from 25 to 93 years) adult individuals from Europe was selected for this analysis (maximum 50 can be included).

• The objective is to characterize the sexual dimorphism of shape and size of both areas of the skull base, i.e. occipital and temporals bones (that can be considered as two functional matrices).

• The use of geometric morphometrics will be beneficial in order to identify the sexual dimorphism existing in both areas in terms of pure shape and to evaluate potential allometric parts.

• For now, a set of 3D landmarks and semilandmarks were digitalized on the virtual skulls with the software Viewbox. The use of geometric morphometrics allows analysing curve, for example the curve forming the foramen magnum and the prominence formed by the mastoid process.

• Then, sexual dimorphism will be characterized on these two separate cranial areas through statistical analyses including PCA and discriminant functions (permutation tests for example) using the software MorphoJ.

In addition to the above studies, a digitisation of a skull was realized using photogrammetry at the Erasmus Hospital. Further digitisation and imaging of the 14 skulls will take place in 2021 by using photogrammetry. 3D-photogrammetry allows you to capture a replica of the model with real colours and surface texture. The digital copy of the skull will serve the purpose to allow a conservation of the virtual skull for potential future studies.

This study was published in 2022 in the American Journal of Biological Anthropology:

Boucherie A, Chapman T, Garcia-Martinez D, Polet C, Vercauteren M. 2022. Exploring sexual dimorphism of human occipital and temporal bones through geometric morphometrics in an identified Western-European sample. American Journal of Biological Anthropology;178.1. 1–15. https://doi.org/10.1002/ajpa.24485

D4.3.3: Online and paper manual of the new version of lhpFusionBox (M18) ULB, RBINS

A manual in PDF format is available alongside the program on request from serge.van.sint.jan@ulb.be. There are also videos available which detail some of the new experimental elements in lhpFusionBox. These are in deliverables D4.3.3.

D.4.4 Scientific historical value and policy (TL RMCA)

The study of archival documents and (oral) history can provide important insights regarding human remains that are now kept in the various institutions. Historical information on dates, names and locations provide useful data. Archival research and local expertise also offer the opportunity to document the often problematic conditions in which the 'objects' were 'collected': military conflict, illicit trade, exhumation, etc. Micro-histories on colonial 'collecting' can tell us more on the biography of the colonized and colonials, the history of natural and human sciences, and the macrohistory of colonization, geopolitics, European and African history in general. All these elements can be taken into account in the discussion concerning restitution and political decision making.

Activities realised

D.4.4.1. Report on the state of the art both in this study and previous studies (M18) RMCA

The historical study of sources can provide scientific insights regarding human remains that are currently kept in the various institutions. Historical archives mostly provide useful information on dates, names and locations. 'Colonial archives' reproduce a colonial and administrative viewpoint on certain events and mechanisms (Stoler, 2002, p. 98). However it is not only about truth-telling and fact-checking, but about integrating different perspectives on these so-called "acquisition" histories. Provenance research can be collaborative, multi-sited and multivocal, including oral and archival sources, in Belgium and countries of origin. This offers the opportunity to better understand the different perspectives on the problematic conditions in which human remains were removed. On the one hand, provenance research provides for re-assembled micro-histories on the removal of human remains. Micro-histories can be seen independently as object-biographies in the spirit of Kopytoffs theory on provenance (1986). On the other hand, different case-studies or subcollections were part of a bigger institutional and political agenda. The whole of these collections reveal the biopolitics behind racial sciences: *"Biopolitics deals with the population, with the population as a political problem, as a problem that is at once scientific and political, as a biological problem and as a power's problem."* (Foucault et al., 2008, p. 245).

This is how provenance research can reassemble biographical data from the donor and/or remover, data on the human beings behind the remains and on the acquisition history based on archival research and fieldwork, and at the same time help to contextualise the historical development of race science in the 20th century as part of colonial politics. Further research on the microhistories and the biopolitical roots of these collections are needed. The RMCA cannot breach out a broader perspective on the different microhistories from different perspectives. For this field research and collaboration within source countries concerning concrete case studies is necessary.

Foucault, M. et al. (2008) *The Birth of Biopolitics : Lectures at the Collège De France 1978-79*. Palgrave Macmillan.

Kopytoff, I. (1986). The cultural biography of things: Commoditization as process. In A. Appadurai (Ed.), *The Social Life of Things: Commodities in Cultural Perspective* (pp. 64-92). Cambridge: Cambridge University Press. doi:10.1017/CBO9780511819582.004

Stoler, A.L. (2002). Colonial archives and the arts of governance. *Archival Science* 2, 87–109. https://doi.org/10.1007/BF02435632

Archival fieldwork in the State Archives, the archive of Belgian Foreign Affairs, the institutional archive KADOC Documentation and Research on Region, Culture and Society at the KULeuven, the military archive of the Royal Military Museum in Brussels, the university archives of the University of Ghent and the Université Libre de Bruxelles.

Fieldwork in Feshi, Masi-Manimba and Kikwit in the Kwango and Kwilu District in the DRC regarding the case-study of colonial administrator Ferdinandus Van de Ginst. Together with anthropologist

Placide Mumbembele, Lies Busselen visited the former family house (still abandoned) of Ferdinand Van de Ginste, his grave in Feshi, the Huileries Plantation du Kwango from his best friend Léon Van Caeneghem at Masi-Manimba, the house of his clerk Bruno Kembo Kombo (1924) who still lives in Feshi, interview with the town historian Augustin Liwanda Muhika and owner of the local radio Falka and several other interlocutors in Feshi, Masi-Manimba and Kikwit regarding this case-study.

For more information on this specific case-study please read the RMCA report (p. 34-35) which is in the deliverables D4.4.1. An article on this case study will be published in 2023 in *(Re)Making Collections. Origins & Trajectories, edited by* Sarah Van Beurden, Didier Gondola, Agnès Lacaille, Placide Mumbembele (series "Studies in Social Sciences and Humanities", no. 181).

WP 5: Societal and ethical importance (WPL RMCA)

The goal of this workpackage is to evaluate the importance of the Human Remains collections in regards to their societal and ethical values collecting information from previous studies and adding new data collected by the project itself.

Task 5.1 Status of human remains in the scientific collections (TL RBINS, USL-B, RMCA, ULB, RMAH)

The consortium will create a report which will be sent to the Belgian consultative committee of bioethics who will be able to give advice on how the status of the remains should be seen in Belgium. The different case studies (see WP6) will allow for different scenarios of the different remains in the collections.

Activities realised

D5.1.1: Report for the Belgian consultative committee of bioethics (M24) RMCA, RBINS, USL-B, ULB, RMAH

The report for the Belgian consultative committee of bioethics was sent on 6th November 2020. The report was signed by Guido Gryseels (Directeur General) Musée royal de l'Afrique central, Alexandra De Poorter (Directeur General) Musées royaux d'Art et d'Histoire, Patricia Supply(Directeur General) Institut royal des Sciences naturelles de Belgique. The report concerned a demand for advice on the status of human remains conserved in public and private Museum and Scientific institutions in Belgium. D5.1.1. is available in the deliverables on the project website.

https://collections.naturalsciences.be/ssh-anthropology/home/deliverables#c0=all&b_start=0

D5.1.2: Advice of the Belgian consultative committee of bioethics.

This Deliverable was not produced by the consortium but by the Belgian consultative committee of bioethics and came in the form of Avis n 82 where the following question was answered:

Quel est le statut des restes humains dans les collections publiques et privées?

Résumé

Dans cet avis, le Comité consultatif de Bioéthique de Belgique, en sa qualité d'instance indépendante, examine la question du statut des restes humains dans les collections muséales et scientifiques ainsi que dans les collections privées.

Afin de rendre cet avis, le Comité consultatif de Bioéthique de Belgique s'est appuyé sur le pluralisme, l'expertise et l'interdisciplinarité qui le caractérisent ainsi que sur l'avis d'experts externes. La question a été examinée sous les angles éthique, juridique et anthropologique.

Treize recommandations ont été formulées.

Après l'établissement d'un état des lieux sur la base de deux méthodes ou approches de classification en vigueur chez les spécialistes, le Comité a examiné la question du statut qu'il convient de réserver aux restes humains présents dans les collections muséales et scientifiques.

D'une manière générale, on peut considérer que les restes humains bénéficient d'un statut spécifique en ce qu'ils participent, à différents niveaux, à la cohésion des groupes humains, laquelle implique la reconnaissance d'une histoire ou d'histoires partagées, bref, de l'histoire de l'humanité que les vivants poursuivent. Si les restes humains ont ainsi un statut spécifique, c'est dans la mesure où les morts sont vecteurs de sens pour les vivants, quelles que soient les coutumes et les usages des sociétés considérées, qui peuvent être très différents de ceux en usage dans les sociétés occidentales modernes. En raison de ce statut spécifique les restes humains doivent être traités avec respect, dignité et décence.

Par ailleurs, les restes humains anciens, par leur matérialité, permettent de mieux connaître l'histoire de l'espèce humaine. A ce titre, ils peuvent faire l'objet de recherches scientifiques, notamment dans le champ de l'archéanthropologie, de la paléontologie, l'archéobiologie ou de la paléopathologie. Ces recherches ont une légitimité certaine. Mais, parce ce que ces restes représentent plus que de la simple matière parce qu'ils sont revêtus, dans toutes les sociétés, d'un statut particulier, ils exigent de la part des scientifiques une attitude d'autant plus rigoureuse et respectueuse.

S'agissant de l'exposition de restes humains au public, le respect de principes éthiques tels que la préservation de l'intégrité du corps et des parties de corps et de la dignité, doivent s'appliquer tant aux collections institutionnelles qu'aux collections privées. Toutefois, les restes humains issus des pays colonisés, collectés en leur temps dans un contexte de violence et dans le but d'établir une hiérarchie des races, ne doivent plus être exposés.

En ce qui concerne la question de la restitution-rapatriement des restes humains provenant des pays colonisés, le Comité est d'avis qu'elle ne doit pas être réglée de manière détachée et purement administrative sans retour sur le passé, mais bien à partir d'un dialogue éclairé, sincère et serein tant sur la signification de ces restes humains pour la communauté à laquelle ils appartiennent qu'à propos des conséquences sociétales sur les populations colonisées des circonstances brutales de leur collecte ; on doit accorder une attention particulière à l'impact de cette dépossession sur les sociétés pour lesquelles le culte des ancêtres continue de revêtir une grande importance.
S'agissant enfin du commerce de restes humains, Le Comité estime que l'Union Européenne devrait adopter une règlementation visant l'interdiction de ce commerce tant au sein de l'Union qu'avec des pays tiers.

Avis n° 82 - Statut des restes humains - Advies nr. 82 - Statuut van de menselijke resten collections (https://www.health.belgium.be/fr/avis-ndeg-82-statut-des-restes-humains, 2023).
The report is also available in Flemish and the recommendations of the Belgium bio-ethics committee are broadly in line with the HOME project.

Task 5.2 Identification of the human remains (TL, NICC)

This task will look at how the remains can be identified. This will include DNA testing protocols:

- *Sampling of the remains in collection*
- *Contamination*
- *Sampling of related family*
- *Potential of nuclear and mitochondrial DNA*
- *Limits of the protocols*
- *Recommendation in case of repatriation/restitution*

Activities realised

D5.2.1: Report on the potential and limits of the genetic identification in the question of repatriation requests (M18) NICC

See D5.2.2 and **Annex 6** which contains a complete and extensive report from NICC on DNA testing protocols but is too long to include in the main report.

D5.2.2: Best practices for sampling, DNA extraction, sequencing and genetic analysis for FSI's osteological collections (M18) NICC

A literature study about sampling of human remains such as teeth, bones in general and petrous bone was conducted. For the sampling of bones powdering of the bone is described by several different articles. In our experience this approach is challenging because of the hardness of bones as well as the static electricity built up during the production of the bone powder. Another strategy described in literature is based on the production of bone shavings. Experiments on producing bone shavings from human remains available at NICC using a drilling machine were performed and completed.

For the sampling of teeth a minimally destructive method is described. The protocol describes the sampling of roots of teeth in order to preserve the morphology of the sampled human remain. We aim to test this protocol if teeth would be provided to us. Petrous bone is located inside the cranium which protects it from exogenous DNA contamination. High contents of endogenous DNA can be found when sampling the petrous bone because of the high density of the bone. Petrous bone is thus described as a good source of well-preserved endogenous DNA. This makes it an interesting sample target, especially in cases regarding ancient DNA. Overall, two different approaches to access the petrous part are described: an invasive method causing damage to the cranium and a method which prevents damaging of the cranium. We aim to test the latter when crania are supplied to us by the museums.

Secondly, in addition to the study of literature about sampling of human remains, literature about DNA extraction from (ancient) bones and teeth was studied. Since bones and teeth are challenging substrates to isolate DNA from, many different protocols with different outcomes for DNA extraction are described.

Extensive laboratory training was performed before experiments on DNA extraction of bones could be started. We aim to test several protocols and commercial kits, compare them and if necessary adjust them in order to select one. These tests are ongoing on human remains currently available at NICC. Quantification of DNA using RT-PCR is implemented to evaluate the protocols.

Since the bones available at NICC are relatively fresh and recent compared to the bones stored in human remains collections, we aim to test the protocol also on these older human remains. We requested from RBINs a scientific loan for some human remains to test our protocol.

Please see **Annex 6** which contains a complete and extensive report from NICC which is too long to put in the main report.

Task 5.3 Creating dialogue and co-curation (TL RMCA)

The 'social life' of human remains has dramatically changed by colonization and the impact of European science, turning bodies or body parts of deceased persons and local memories into detached scientific specimens lacking emotional value. Questions can however be raised on the definitive or permanent status of these scientific 'objects'. Should they remain in European institutes, to allow further scientific analysis with ever improving research techniques, or can they return to source communities as missing remains of deceased family members? By establishing durable relations with diaspora members in Belgium, Congolese universities, museums, decision makers, local experts, and concerned families and individuals, the goal is to create dialogue and debate concerning repatriation. Part of the budget for the RMCA will be used to support and facilitate discussions in Central Africa (focus groups, conferences). Another part will be used to allow visits from scholars, academics, NGO members, local chiefs and concerned family members, from Central Africa to Belgium to provide essential and valuable input to the project.

Activities realised

D5.3.1: Report on the dialogue and debate concerning repatriation with the African society (M24) RMCA

By establishing durable relations with Congolese museums, universities, decision makers, local experts, concerned descendants or representatives of source communities, and diaspora members in Belgium, the RMCA prioritised dialogue and debate in a second phase, starting from 2021 on, concerning repatriation. The RMCA facilitated and supported exchanges, presentations, preliminary discussions and public activities concerning colonial collections of human remains among academia, museum experts, traditional representatives of sources communities in the DR Congo and civil society representatives of the Congolese diaspora in Belgium.

Due to COVID 19 restrictions the original approach of organising seminars and moving discussion opportunities to Central Africa had to be reconsidered. A choice was made to proceed through Congolese agencies that are operating in the DRC, yet have relatively easy access to communication facilities. This way, the RMCA established two partnerships, one in Kinshasa with Collectif Faire-Part, an ensemble of documentary filmmakers, and the other in Lubumbashi with art centre Waza, a cultural centre, playing a central role in the public restitution debate in the DRC. Due to political instabilities at the end of 2020 and COVID restrictions planned exchanges with different interlocutors were delayed. In 2021 Waza managed to reach out to at least 30 interlocutors in Lubumbashi and Collectif Faire-Part organised three filmed conversations. The RMCA also established at an early stage in 2020 a collaboration with Dr. Prof. Placide Mumbembele, anthropologist and restitution expert from the DRC. On 26 October 2021, he was appointed general director of the Institute of National Museums (Institut des Musées nationaux du Congo, IMNC) in the DRC. This added an institutional dimension to the partnership between the RMCA and the IMNC in 2022.

From 15 January until 3 April 2022 Lies Busselen travelled to Kinshasa to facilitate and reinforce the partners Collectif Faire-part, Waza and the IMNC.

- Together with Noah Matanga and Paul Shemisi Collectif Faire-Part 20 filmed conversations were organised in Kinshasa between 24 January 2022 and 16 March 2022.
- Together with Prof. Dr. Placide Mumbembele, a field trip to research the oral history regarding the case study on Ferdinand Van de Ginste, part of the AA collections, had been organised.

- Together with Prof. Placide Mumbembele as the general director of the IMNC, a part of the IMNC staff and the partners Collectif Faire-part and Waza a national workshop concerning the restitution of human remains has been organised on 30 March 2022. Nizar Saleh from Collectif Faire-part filmed this activity.

- Together with the director Raoul Kienge Kinege and vice-director Sarah Liwerant of the School of Criminology a seminar concerning the HOME project had been organised on 31 March 2022 at the Faculty of Law at the University of Kinshasa. Nizar Saleh from Collectif Faire-part filmed this activity.

From 15 October until 12 November 2022 the partners Paul Shemisi, Nizar Saleh and Noah Matanga of Collectif Faire-Part and Patrick Mudekereza, Stéphane Kabila and Joseph Kasau of the art centre Waza visited Belgium and organised five public activities.

During the first two weeks Waza and CFP wished to meet with project colleagues, as well as with colleagues from various RMCA departments and visits. They attended different institutional activities: science days and official meetings at RBINS, the State Archives and the RMCA. For more information on the evaluation of these activities read the RMCA report in the deliverables D4.4.1 (p. 48-49).

D5.3.2: Report on the dialogue and debate concerning repatriation with the African Diaspora(M24) RMCA

The RMCA established preliminary meetings with civil society associations, represented by the Congolese diaspora and committed to restitution of cultural objects and/or repatriation of human remains. The HOME-team of the RMCA established a first introduction to HOME, a methodological note, a summary of the history preceding the HOME project, a more readable and accessible project summary on the website (translated as well in French, which was indispensable for partners in the DRC) and a plan of action with the public services to organise further consultations in 2021.

Throughout the partnerships coordinated by Marie-Reine Iyumva at the RMCA the scientific staff informed different representatives of civil society, members of the Congolese diaspora throughout 2021 and 2022. In total six meetings were organised between 15 July 2020 and 27 October 2022. The objective was to inform civil society associations, mostly represented by the Congolese diaspora, about the proceedings of collaboration with Congolese partners in the DRC and advancements in the provenance research on behalf of the RMCA within the HOME_project.

On 27 October 2022 a meeting was held to encourage exchange and dialogue between the members of civil society in Belgium with the Congolese partners. They discussed the organisation of an independent conference on 8 November 2022. In their press release for this conference they ask for a prolongation of HOME for at least one year.

Task 5.4 Evaluating multiple implications of repatriation: potential risks and benefits (TL RMCA)

Repatriation of human remains is a complex issue with multiple competing views and multiple outcomes.

- Repatriation can contribute to a more general healing process at a cultural and emotional level.

- Repatriation can open up historical wounds and confront today's societies in Belgium and countries of origin with historical contexts of injustice.

However, in any case repatriation of colonial collections of human remains is recommended and to be seen as a process and not a singular event. Repatriation should be accompanied with research, educational sensitising tools and different commemoration possibilities.

Activities realised

D5.4.1: Report of the field consultations (Political authorities & Civil Society), and the advice of invited representatives of the, Academic, NGOs & Civil Society (M24) RMCA

The RMCA established consultations with international and national experts concerning possible pathways of restitution/repatriation and provenance research. Consultations with Professor Charles-Didier Gondola (Indiana University), Professor Sarah Van Beurden (University of Ohio), Professor Bénédicte Savoy (Technische Universität BERLIN) Researcher Yasmina Zian (Université de Neuchâtel) and Professor Victoria Gibbon (University of cape Town) were organised in 2020. Consultations with different national and international experts will continue in 2021 with a survey on (alternative) pathways of restitution and provenance research. Consultations with Lärissa Förster (Carmah Berlin) and Yann LeGall (Technische Universität Berlin), Boris Wastiau (Former director Musée d'ethnographie de Genève – MEG) together with our colleagues of RBINs and Els De Palmenaer (curator Museum Aan de Stroom – MAS Antwerp) continued in 2022. The RMCA followed up the restitution, repatriation and repair debate in Europe and attended following conferences:

- Caring Matters // Research Center for Material Culture
- Provenance globale // Palais de Rumine
- Anthropo - Responsabilité // musée du quai Branly - Jacques Chirac
- Imperial Artefacts: History, Law and the Looting of Cultural Property // Leiden University
- The ethics and politics of burial archaeology, Liv Nilsson Stutz (Linnaeus University) /// seminar at the ULB
- https://hammer.ucla.edu/programs-events/2021/online-repatriation-and-ruin
- From Restitution to Repair - Berlin Biennale for Contemporary Art

These conversations with international experts exposed the need for a comparative study of political and institutional policies, guidelines and orientations regarding private and public collections of human remains, considering the different European contexts. At the same time these conversations confirmed the urgency of the matter. Please see the overall RMCA report in deliverables D4.4.1 for further information.

WP 6: Case studies WPL RBINS

The human remains collections in Belgium have been acquired by the various institutions and private collectors in diverse ways and encompass different types of remains from a wide variety of geographic origins which were acquired in different circumstances. Case studies will be made of the different types of collections with a view to how best manage these collections. This will include looking at both private and public collections. This may also involve either a physical/digital repatriation or a combination of these or no repatriation.

Activities realised

Task 6.1 Identified remains (TL RBINS, RMCA, RBINS, NICC, ULB, RMAH)

Some of the collections contain identified remains with a specific documented history. One such individual in the collection is the skull of Lusinga Iwa Ng'ombe where there has already been a repatriation request.

D6.1.1 Report on the case of Lusinga (M18) RBINS, RMCA, NICC

The RMCA decided not to assess identified and unidentified human remains separately. Provenance research should be conducted regardless of their status of identification, though in some cases there was more provenance information on the personal identity of a human remain available. We cannot blur the assumption that human remains are currently still treated as museum objects, identified or not. The starting principle is to treat all human remains in a dignified way and equally, identified or not. They all should be considered for repatriation. Provenance research should be larger than only wanting to assess identities, something which can be culturally different, depending on the country of origin.

The report on the case of Lusinga takes into account a body of research regarding chief Lusinga Iwa Ng'ombe (c. 1840-1884), Chief Malibu and Prince Kapampa:

Bouffioux, M., 2018. Lusinga… Et 300 autres crânes d'Africains conservés à Bruxelles (partie 1) : Un vieux registre du Musée du Congo [WWW Document]. parismatch.be. URL https://parismatch.be/actualites/societe/144577/lusinga-et-300-autres-cranes-dafricains-conserves-a-bruxelles-partie-1-un-vieux-registre-du-musee-du-congo (accessed 11.21.22).

Couttenier, M., 2005. Congo tentoongesteld. Een geschiedenis van de Belgische antropologie en het museum van Tervuren (1882-1925). Acco, Leuven.

Roberts, A.F., 2019. Is Repatriation Inevitable? Afr. Arts 52, 1–6.

Roberts, A.F., 2012. A Dance of Assassins: Performing Early Colonial Hegemony in the Congo. Indiana University Press.

Volper, J., 2021. La Mort et son numéro d'inventaire. Quelques réflexions autour des crânes humains en collections muséales, in: Beaufils, T., Peng, C.M. (Eds.), Histoire d'objets Extra-Européens : Collecte, Appropriation, Médiation, Histoire et Littérature Du Septentrion (IRHiS). Publications de l'Institut de recherches historiques du Septentrion, Lille.

Wastiau, B., 2000. ExItCongoMuseum 2000: un essai sur la vie sociale des chefs-d'oeuvre du musée de Tervuren. Musée royal de l'Afrique centrale.

Wastiau, B., 2017. The Legacy of Collecting: Colonial Collecting in the Belgian Congo and the Duty of Unveiling Provenance, in: Hamilton, P., Gardner, J.B. (Eds.), The Oxford Handbook of Public History. Oxford University Press, p. 0. https://doi.org/10.1093/oxfordhb/9780199766024.013.25

Furthermore the Congolese partner Waza consulted representatives of the academic Tabwa group 'Murumbi' at the University of Lubumbashi. For more information read the RMCA report in D4.4.1 (p. 29-30). Thierry Lusinga declined further interviews in 2022.

Joseph Kasau of Waza, curator and visual artist, has roots in Mpala and may easily continue his cultural research on this case study. This shows the importance and future possibilities of multi-sited and collaborative research.

D6.1.2: Report on the cases of other identified individuals (M18) RBINS, RMCA, NICC, ULB, RMAH

Report from RMAH

There are 5 identified human remains from non-Belgian origin kept in the Egyptian collection. Their names are Boutehamon, Tamen, Abou, Toutou and Osirmose. These individuals are from different periods and regions in Egypt. Osirmose could be related to two other mummies thanks to inscriptions on coffins. They are kept in other countries. DNA analyses could determine the familial link between them but it was impossible to realize these analyses during the project. However, this scientific study case is not retained for repatriation request.

The name of a sixth individual, from non-Belgian origin, is known. This is Atifu, the samoan arrived in Belgium in the beginning of the XXth century. An entire study case of this individual is accessible in the D.6.5.1 and in the overall report from RMAH.

Report from RMCA and RBINS

The RMCA considers all human remains in collections and wants to share as much of the existing and stated provenance information for each of the human remains in each collection. Consequently, personal names remain inevitable references for possible future dialogues and collaborations with and within source countries. Identification of human remains is an important point of debate regarding transparency, since for example different institutions in Germany still refuse to share the identification of their collections (Reimann et al., 2022). Therefore we refer to the following case studies taking the donated person and donor/collector as a starting point of this open-ended process:

- Chief Mamboukou was removed by Lieutenant Alphonse Cabra (1861-1932) from Tsimbangu to Tervuren.
- Traditional chiefs Lusinga Iwa Ng'ombe, Malibu and Prince Kapampa were removed by military officer Emile Storms (1846-1918) from Mpala to Tervuren.
- Dignitaries Bene and Amakeo were removed by territorial administrator Marcel Maenhout (1888-1972) from Irumu to Tervuren.
- Moreover 12 individuals were removed by scientist with military background Armand Hutereau (1875-1914) from Uele to Tervuren.

Task 6.2 Osteological collections (TL RBINS, RMAH)

Many of the collections are unidentified remains and were collected by the various institutions to make comparative scientific analysis. This can be unidentified human remains from different geographical origins and also unidentified human remains for medical and anthropological teaching purposes.

D6.2.1: Report on the cases of unidentified individuals (M18) RBINS, ULB, RMAH

Many of the human remains in museums are unidentified and this consists of the vast majority of the collections in Belgian Institutions (see the report on the Survey on human remains in Belgian Institutions (**Annex 3**). Researchers from all institutions have worked on provenance research on different case studies. Due to the sensitive nature of some of the case studies they are not produced in full for this report but will be published at a later date. Please see the deliverables D6.2.1. for the full reports at this current moment in time.

RMCA report

The RMCA researched different case studies of the AA collections, stating all the acquisitions of these collections were undoubtedly problematic, and conducted an in-depth multi-sited research on one

case study with archival fieldwork in Belgium and fieldwork in the Kwango and Kwilu district in the DRC.

- Three violated cemeteries by Fernandus Van de Ginste (1912-1947) after the Second World War in 1945 and 1946 and acquisitioned human remains at Tervuren in 1947.

- Two mummified human remains from Rwanda were removed in 1915 and arrived at the Congo museum in 1919 after the First World War.

For more information on all presented case studies by the RMCA please read the report in D4.4.1 (p. 29-38).

RBINS report

RBINS worked on several different case studies for osteological collections. A case study was performed on human remains listed as being Australian and Tasmanian aborigines. This was also done in collaboration with ULB. This study also included a previous request of a Tasmanian skeleton from RBINS. They also worked again with ULB on the collection of Dr Meisser which is a collection that was donated to RBINS in the 1800's. Executives summaries for both studies are shown below and the full reports are in the deliverables of the HOME project D6.2.1. They are also working on a case study of human remains which are listed as being from America.

Aboriginal human remains from Australia and Tasmania collected by the Royal Belgian Institute of Natural Sciences (RBINS) and the Société royale belge d'Anthropologie et Préhistoire (SRBAP)

One of the aims of the project was to take detailed inventories of human remains which are currently housed in public and private institutions. Human remains which are listed as being from Tasmania and Australia were found in the Royal Belgian Institution of Natural Sciences (Institut royal des Sciences naturelles de Belgique) in 1948 and also the collections of the Société royale belge d'Anthropologie et Préhistoire (SRBAP). The human remains collections of the SRBAP are in two different places, one is RBINS and the other is the Faculty of Sciences, Université Libre de Bruxelles (ULB).

There are 5 entries of human remains collected by RBINS, which are listed as being from Australia and Tasmania. They are over 100 years old and were bought, exchanged or donated between the years of 1868 and 1883:

· *1 Tasmanian cranium (75D) with mandible, from the collection of Dr Meisser which was bought as part of a collection in 1868, some of which was obtained at least in or prior to 1838. There is a doubt as to whether the person is a Tasmanian aboriginal (RBINS collection) (IG: 2653 Reg. 188).*

· *1 Tasmanian aboriginal skeleton (310) which is an exchange with or purchase from Morton Allport in 1873 and is detailed as coming from Flinders Island (IG: 3203 Reg. 46).*

· *1 Australian cranium and mandible donated by Dupont in 1872, detailed as coming from Australia, possibly also Adelaide* (IG: 2944 Reg. 189).

· *1 Australian cranium with mandible which was an exchange with the Sydney Museum in 1883 and is detailed as coming from Murray mouth, Adelaide* (IG: 5109 Reg. 190).

· *4 Australian crania (1 with mandible) which were an exchange with the Sydney Museum in 1883 and are likely to be from Adelaide* (IG: 5109 Reg. 191).

There are 6 entries of human remains collected by RBINS, which are listed as being from Australia and Tasmania. The dates are less sure but the Australian crania is at least dated to less than 1921:

· *1 Tasmanian cranium which may be donated from Alphonse Cels and which was possibly studied by Victor Jacques in 1909 (drawer 3183: SRBAP RBINS)*

· *1 Tasmanian cranium with no information and Tasmanie written on the cranium and then crossed out (drawer 3144: SRBAP RBINS)*

· *Four Australian crania from the collections of Emile Houzé:*

  o *1 Australian cranium with the name 'Charles Bore'. This could either be a person or it could refer to a location, as Charles Bore is a river in the north of South Australia about 880 km north northwest of Adelaide (ULB).*

  o *1 Australian cranium which has illegible annotations, although may refer to South Australia and has No. 5 on the skull (ULB).*

  o *2 Australian crania donated from Charles Feré from Adelaide graveyards (ULB).*

The Australian government supports the repatriation of ancestral remains and secret sacred objects to their communities of origin to help promote healing and reconciliation. In a document published by the Australian government in 2019, it is stated that to date, more than 1600 ancestors have been returned from collecting institutions and private holders in the United Kingdom, United States of America, Czech Republic, Germany, Sweden, Netherlands, Austria, Ireland and Canada (Indigenous repatriation, 2019). The Australian Government Policy on Indigenous Repatriation was established in 2011 and was updated to reflect the change in Department name in 2016 (Australian Government Policy on Indigenous Repatriation, 2016). The policy document states that:

'Repatriation is also a vehicle for healing and justice in Australian society. For Aboriginal and Torres Strait Islander peoples, the return of ancestral remains back 'to country' is the first step towards recognising their dignity. It restores their rightful place as Elders, mothers, fathers, grandmothers, grandfathers, uncles, aunts, brothers and sisters. It acknowledges the wrong done to them and allows the ancestors to finally rest in peace in their homelands. It recognises the unbreakable bond, customary obligations and traditional practices between the living, the land and the dead.

Aboriginal and Torres Strait Islander peoples success in achieving the return of their ancestral remains and secret sacred objects can also help promote broader respect and understanding of Indigenous cultures and provides positive role models for younger generations. It boosts the capacity of Aboriginal and Torres Strait Islander peoples to keep their culture, families and communities strong in response to contemporary challenges and opportunities and, to have the confidence and self determination to look and move forward'.

(Australian Government Policy on Indigenous Repatriation, 2016: 4).

Provenance research has been conducted on all the human remains currently housed in RBINS and SRBAP. The Tasmanian aboriginal skeleton housed in RBINS was subject to an earlier repatriation request in 1985 from the Tasmanian Aboriginal Centre (TAC) which was earlier refused by Belgium. This may have been as there was not a legal mechanism to repatriate the skeleton at this time but also by RBINS itself on the grounds that provenance was not known and that the skeleton would be destroyed. Documents have revealed more information on how these remains were obtained by Morton Allport and we are certain of the provenance of this skeleton. To this end, we recommend a non-conditional repatriation. We recommend working with the Tasmanian Aboriginal Centre (TAC), the Australian Government, Australian experts: Professor Paul Turnbull, University of Tasmania, (who assisted with provenance research with this report) and Professor Cassandra Pybus, who recently

visited RBINS, and the Tasmanian and Australian Aboriginal and Torres Strait Islander people to ensure the repatriation of this skeleton. The Tasmanian skeleton is currently part of Belgian state heritage. The report in WP3.1 gives further details on how the skeleton can be legally repatriated.

For the other Australian and Aboriginal remains housed by ULB and RBINS, the provenance is less certain. Further provenance research is important to ensure that the remains are Tasmanian and Aboriginal (as there are some doubts from visiting Australian Aboriginal researchers to the RBINS who have stated that certain skulls are not Aboriginal) and also to help identify the geographical origin of these people to ensure a repatriation to the right region. We recommend a first contact with Professor Paul Turnbull and Professor Cassandra Pybus. We feel that further research should also be undertaken in collaboration with all other stakeholders as detailed above.

The TAC also asked for the return of Tasmanian Aboriginal remains which are located in the Musees Royaux D'Art et D'Histoire. As far as we know, there are no remains in the MRAH, however, we do have other Tasmanian and Australian remains which became part of the SRBAP collections – therefore we recommend contacting the TAC to find out what further records they have. For those human remains identified as being Australian or Tasmanian then we again recommend non-conditional repatriation,as we believe the rights and beliefs of the indigenous communities in Australia and Tasmania, as supported also by the Australian government, should be fully respected.

Please see the deliverables on the HOME website for the full report in D6.2.1.

The collections of François-Joseph Meisser (1793-1867) at the Royal Belgian Institute of Natural Sciences (RBINS)

During the taking of the inventory of the RBINS collections, it was noticed that there were numerous entries which were listed as being bought at the same time on the 24th June 1868 and were given the name of 'Collection Dr Meisser.' As a case study for the HOME project looking at osteological human remains collections, we documented this collection and tried to find out more information on the human remains within the collection.

There are 36 entries from the Dr Meisser collection in the general register of RBINS. They came into the collections of RBINS on 24 June 1868. All entries have individual registration numbers in IG: 2653 (Table 1). Of these entries, 31 of them are skulls from all over the world. It should be noted that they have names such as crâne 'Polonais', crâne de Tasmanien, crâne d'arabe, crâne d'origine indienne, (Table 1). There are also five other entries in the collection IG: 2653. These entries collectively consist of 31 human remains with an unknown origin: a human foetus skull with mandible, 16 skulls + 3 without indications, 7 jaw bones without indications, then 4 other individual jaw bones without indications. Of the unknown skulls, there is one that is very small and one that has had syphilis. All human remains associated with the Dr Meisser collection were found in the RBINS archives and storerooms, although were in diverse locations. At a given moment in the history of the collections, the whole collection was split into the different geographical collections of RBINS (Africa, Asia, Europe, Oceania, America) and many of the skulls from around the world were found in these collections but some of the human remains were found in diverse locations such as 'unknown'.

The Dr Meisser collection was bought by the Royal Belgian Institute of Natural Sciences (RBINS) in 1868. There is no associated documentation with the collections, however, it is one year after a man in Belgium called Dr François-Joseph Meisser died (1793-1867). From research into Dr François-Joseph Meisser, we believe that it is his collection. François-Joseph Meisser was a Belgian doctor and Professor of Zoology at the Faculty of Sciences at the Université libre de Bruxelles. He is most cited for his contributions to geography and his association with Philippe Vandermaelen (1795-1869) and for being involved with the l'Établissement géographique de Bruxelles (Geographical Establishment of Brussels) (Silvestre, 2014). Whilst Dr Meisser worked extensively with Phillipe Vandermaelen (1795-1869), research to date seems to show that these skulls were not part of the collection of l'Établissement

géographique de Bruxelles (which had a number of skulls) as a collection of the skulls from this Establishment were later sold in an auction several decades after Dr Meisser had died.

It could be possible that the skulls were part of the ULB or were his own private collection, although it should be noted that the ULB was only created in 1834. Dr Meisser gave a course in the 'comparison of physiology and anatomy' at the Faculty of Sciences, ULB from 1836 – 1852 (Bardez, 2015). A seminar and memoire was also given in 1838 by a certain Dr Meisser which was entitled 'considérations sur les races humaines' (Meisser, 1838). This memoire discusses 'races' from different people all over the world. There was a report following the memoire that Dr Meisser gave by Dr Mouremans and in that report it stated, 'Dr Meisser is not content to say things but he has presented to us, as samples, the skulls of numerous types that he discussed in his memoire'. It seems therefore highly likely that the Dr Meisser of the collection and of the article was Dr François-Joseph Meisser and the collection currently held was purchased after he died.

The archives of Phillipe Vandermaelen and research into François-Joseph Meisser himself has not found any further information on these skulls. Given that there is no information accompanying the collection of Dr Meisser and to date we have found no trace of where the skulls came from, we looked at all the inventory numbers relating to his collection to see if we could discover more information. Amongst the 31 skulls from around the world there is a Tasmanian cranium (IG: 2653 Reg. 188). It is listed as 'Tasmanien'. We discussed this skull with Tasmanian experts who stated that the skull was not in fact Tasmanian.

This small study demonstrates the extremely difficult task of identifying the origin of a skull with limited or no information. Working with experts from the country of origin is the best way to discover more information. However, with the collection of Dr Meisser when there is only the information of 'Bohémien' for example, even the supposed country of origin is uncertain.

The collection of skulls can be seen as a collection created by Dr Meisser to study 'racial differences'. The Dr Meisser collection is a small scale collection of different populations which exists on a much bigger scale in other Natural History Musuems and University Collections, such as the Smithsonian Institution's National Museum of Natural History (NMNH) , le musee de l'homme and the Natural History Museum (NHM) in London. Whilst Dr Meisser published his text on the comparison of 'races' in 1838, he did not continue to publish in this field. His later works consisted of works with Phillipe Vanderladen and were mainly associated with geography.

Case study on the American collections (RBINS)

Whatever the period and the region, the identity of an individual is always multiple. During their lifetime, they can identify themselves according to many criteria of social categories (and this is at different levels - personal,community, cultural, religious, etc. Their social identity can be determined as much by their family name (directly linked to their individual genealogical history) or by their geographical origin (which already encompasses a larger part of his history). There are very few

Whilst none of the individuals are known in this part of the collection, their geographic origin can be determined. The latter remains an important constitutive element of an identity. If by the scientific research carried out on these osteological collections it is possible to identify the (geographical) origin of an individual, it is a whole part of its identity which is returned to them. The relative anonymity in which many human remains are immersed in no way excludes the possibility of working on the "restitution", even partial, of an identity and does not make them any less subjects of provenance study that deserve the greatest attention of collection managers.

Following the inventory made on this part of the collection, only 2 individuals are classified in Unknown Origin. This is due to the mention of "Indian" and "Caribbean" on the inventory cards. Since there is no information about these human remains or the donors, it is impossible to trace their backgrounds and for the Indian remain to determine whether this is referring to American Indians (now recognized as Native American) or Indians which are from India.

Three individuals also present in these collections are not in the reserves but in the laboratories of the Institute. They were chosen to show the morphological differences of the skulls according to their origin. They serve as a pedagogical support to the scientific discourse given for study purposes.

Report from RMAH

In the America collections in RMAH, there are several bones (skulls, jaws,..). They are exhibited for teaching interest. The jaw bone has sculpted teeth and is very specific to the Mixtec people. As well, tree skulls are presented in the South American collection to talk about the cranial deformation. The RMCA has studied the AA files and looked closely into the case of Van den Ginste. This case concerns unidentifiable individuals. Shared provenance research on unidentifiable individuals, with permission of and in collaboration with countries and communities of origin could possibly lead to more identifiable individuals.

Task 6.3 Human remains in archaeological context (TL RMAH)

Some of the Egyptian human or animal mummies preserved in the RMAH originate from collections gathered at the beginning of the 19th Century. Some other mummies were acquired by the Museum in the first half of the 20th Century according to the Egyptian law regarding the distribution of the finds discovered during official archaeological excavations, mainly through the British excavations of the Egypt Exploration Fund/Egypt Exploration Society and the Egyptian Research Account.

Activities realised

RMAH worked with NICC to do an analysis on a pre-Colombian mummy. The first analysis concerned an Egyptian mummy accommodated in the museum. This male Egyptian mummy is presumably the child of a male mummy accommodated in the British museum and a female mummy accommodated in a museum located in Oslo. RMAH asked if it was possible to evaluate this hypothesis by genetic analysis. Literature about best practices on how to take samples from a wrapped Egyptian mummy were studied, as well as literature about DNA extractions from mummies in general. This showed it is indeed possible to obtain samples from wrapped Egyptian mummies for DNA analysis. Some questions and concerns arised during this literature study. These questions and concerns were addressed to RMAH and discussed during a meeting (25/01/2021).

D6.3.1: Report on the cases of Egyptian Mummies (M18) RMAH

When it was founded in 1835, the AHM's first name was the Royal Museum of Ancient Weapons, Armour, Works of Art and Numismatics. This name illustrates its interests and it did not keep any Egyptian antiquities. B. van de Walle says: "In the following years, one can hardly find any piece of Egyptian origin in the museum. While some private collectors were already concerned with acquiring individual pieces, (...) the public authorities and the first curators did not show the slightest concern to reserve an honourable place for oriental antiquities in this museum, which was intended almost exclusively for national antiquities" (Van De Walle, 1980). The first objects that would make up what would become the current Egyptian collection did not enter the museum until 1844. It was not until three years later that the first two mummies entered the collections. The first is a child's mummy, E.01184. It was donated by Count Amédée de Beauffort, the museum's first curator. The second is the one called Boutehamon (E.05288) (Delvaux, in press). It was bought by the government from the widow of G. Belzoni.

Initially, the museum was housed in the former buildings of the Royal Library, but in 1847 it moved to the Porte de Hal. It was not until several years later that the first inventory of the museum appeared, written by A. Schayes, 1854. At that time, it contained only a few Egyptian antiquities. In the second edition by the same author, ten years later, the catalogue was increased by several hundred objects, thanks in particular to the acquisition of the Hagemans private collection in 1861, which contained no less than 150 Egyptian pieces, including a mummy hand (E.05627) and a "mummy lying in its coffin" (impossible to identify today).

In 1884, the donation of E. de Meester de Ravestein significantly increased the Egyptian collection by more than a hundred objects, including mummies and their coffins (E.05889 and E.05890).

In 1892, the museum received a donation from the Egyptian government following the discovery of the second cache of Deir el-Bahari. Belgium obtained a batch of several decorated coffins dating from the Third Intermediate Period (Delvaux, 2020).

The arrival of J. Capart as assistant curator of the museum in 1900 greatly favoured the development of this section. At that time, the museum had changed its name to the Museum of Decorative and Industrial Arts and had moved to the location it still has today, in the buildings that had been used for the Belgian Golden Jubilee Exhibition in 1880. As soon as he took up his post, J. Capart, having subscribed to the excavations organised by the Egypt Exploration Fund (which later became the Egypt Exploration Society) and the Egyptian Research Account, was able to acquire numerous lots from various important sites in addition to those that could be purchased from the Egyptian Antiquities Service.

In the early 20th century, several collections were purchased at public sales (Amélineau, Gayet and Philip) and many pieces were acquired from antiquarians, Egyptian dealers and private collections. Later, the collection was also enriched by donors (e.g. A. Stoclet, Baron A. Lheureux, etc.) and patrons (e.g. Baron E. Empain).

“J. Capart's successors at the head of the Egyptian section, M. Werbrouck (1943-1959) and M. P. Gilbert (1959-1970), endeavoured, with the limited means at their disposal, to resume the purchasing policy that their master had inaugurated, and moreover succeeded in ensuring that their department grew considerably” (Van De Walle, 1980).

Although the country of origin of the mummified bodies is obvious, not all of them are attributed to a specific Egyptian region. However, present or future research on these individuals, with the help of new technologies, will undoubtedly one day make it possible to refine their geographical origin.

Delvaux Luc, 2020. « New Lights on the Lot XV from Bab el-Gasus », Rogério Sousa, Alessia Amenta, Kathlyn Cooney, Bab el-Gasus in Context: Rediscovering the tomb of the priests of Amun, Roma & Bristol, p. 341-352.

Delvaux Luc and Labrique Françoise, « The coffin of Butehamun in the Royal Museums of Art and History, Brussels (Inv. E.5288): a preliminary approach and new investigations », Proceedings of the Second Varican Coffin Conference, Rome, sous presse.

Schayes Antoine, 1854. Catalogue et description du Musée royal d’Armures, d’Antiquités et d’Ethnologie, Bruxelles.

van de Walle Baudouin, 1980. « La collection égyptienne depuis ses origines jusqu’à la mort de Jean Capart (1835-1947) », La collection égyptienne. Les étapes marquantes de son développement, Bruxelles, p. 7-37.

For the complete French version of the WP6 Task 6.3.1 please see **Annex 7.**

D6.3.2: Report on the cases of pre-Colombian Mummies (M18) RMAH

According to the information collected in the various inventories of the Americas section and the general inventory, it appears that the seven mummies arrived at the RBINS in the early 1830s. The pre-Hispanic mummies were transferred in 1846 to the Royal Museums of Decorative and Industrial Arts, which changed their name to the Royal Museums of Art and History of Brussels. It would seem that the transfer was prompted by the presence of archaeological material associated with these bodies, which made them 'cultural' remains. As the RBINS only works with human remains as biological remains, the two institutions would have proceeded to an exchange, putting 23 skulls from the Andes in their inventory. Unfortunately, the documents of the time are missing or have been lost, which leads to confusion about the attribution of these mummies to their sender. Nevertheless, we can highlight the presence of three important figures that were at the origin of these anthropological collections.

° Auguste Serruys (1790-1862) was the Dutch consul in Lima.

° Corneille de Boom, a businessman, took over his father's business and owned a fleet of merchant ships. He established several trading posts in the Americas, including the port of Valparaiso (Chile) and San Francisco (USA). In January 1846 he was appointed by royal decree as Belgian vice-consul for Chile in Valparaiso. However, he continued his business and travelled throughout the country.

° Jean-Baptiste Popelaire de Terloo (1810-1870). Born on 31 August 1810, Jean-Baptiste Joseph Louis Popelaire de Terloo was orphaned at a very young age and raised by his aunt. With an independent spirit and an irresistible attraction to adventure, he first went to Prussia and then, at the age of 21, began a journey through Europe and Asia. In 1837, he had the inheritance left by his parents and this financial independence put him back on the road. He set sail for South America where he married a Chilean woman. He then tried to set up a business in California and took the opportunity to discover the United States and Canada before settling for a time in Mexico, where he became a faithful friend of the Emperor Maximilian and the Empress Charlotte. After a brief stay in Belgium, he set out to discover Africa but died in January 1870 in Algiers. A member of the Royal Academy of Belgium and the Royal Zoological Society of Antwerp, he was interested in the natural sciences and collected mainly birds and insects during his travels. A renowned ornithologist, he gave his name to several varieties of American birds. He was also passionate about music and produced numerous compositions. He was also interested in archaeology and pre-Hispanic remains. He regularly sent parcels containing animals and archaeological remains to the RBINS.

As with the Egyptian mummies, the two countries of origin for the 7 mummified bodies are known (Peru and Chile). The region of 3 of them has even been clearly identified through the associated archaeological material but also thanks to recent analyses carried out (radiocarbon, toxicological, archaeoentomological). This is the region of Arica, which borders the Atacama Desert in northern Chile. The continuation of the study of the other bodies and their material will also make it possible to determine their regions of origin.

For the complete French version of the WP6 Task 6.3.2 please see **Annex 7.**

D6.3.3: Report on the cases of modified human remains (M18) RMAH

The AHM holds several human remains that fit this description. However, two of them deserve special attention due to an official request for repatriation submitted to the AHM in 2009. They are therefore the subject of an in-depth case study here. They are two Maori heads (ET.960 and ET.38.15.1) kept in the AHM's Oceania collections. The research carried out on this subject led to a third head (D.R.1), which until recently was held in the zoological collections of the Aquarium-Muséum of Liège. It has since been placed on deposit in the AHM collections and has been added to the case study presented here.

These Maori heads (toi moko or mokomokai) have their geographical origin in New Zealand (the main island in Oceania also known as Aotearoa). The main feature intrinsically linked to Maori cultural practice is the facial tattoo. Indeed, all Maori heads are tattooed. Maori tattooing is complex and codified. It reflects an identity (individual through the diversity of tattoos) and a culture (common through the use of this practice within the community).

Maori tattooing consists in engraving/cutting the skin. Beforehand, the motif is drawn on the face. Then, using a chisel and a mallet, the officiant (tohunga) opens the flesh by percussion so that it can integrate the pigment. The tattooist uses a second notched chisel, which holds the pigment (usually made from burnt Kauri gum - Agathis australis resin - mixed with animal fat), to insert the colour into the previously drawn grooves. This is a long and painful process. Facial healing takes several weeks depending on the pattern.

It appears that facial tattooing was mainly reserved for people of high status within the community. This status was the result of a high rank in the community (lineage) or of the distinction by exploits (warriors) or particular facts. According to Blackburn, facial tattooing began in adolescence and was completed as life progressed and on specific occasions such as births or deaths, victories, acquisition of a new status, etc. (Blackburn, 1999). In this sense, a fully tattooed head at the time of death would indicate a relatively old individual. It was also intended to preserve the mana (internal strength) of those who had it. Tattoos were therefore done while the individual was still alive. However, many Maori heads show evidence of so-called 'post-mortem' tattoos. They can be identified by the grooves left in the skin in the absence of natural healing. The keen interest of 19th century foreigners in these tattooed heads as objects of trade encouraged the addition of tattoos to increase their market value. It is therefore possible to distinguish between ante-mortem tattoos that can be linked to a particular and significant meaning (Robley, 1896) and those made post-mortem without any real ethnic meaning (or geographical/regional affiliation).

In 2015, a partnership between the AHM and the Cliniques universitaires Saint-Luc (CUSL) was created. While the primary objective of this collaboration is the use of medical imaging in the study of the museum's Egyptian mummies (Thesis in progress by C. Tilleux), it is rapidly being extended to other anthropobiological remains. The two Maori heads (ET.960 and ET.38.15.1) were scanned in 2016. The purpose of using this technology is to supplement the data on them with anthropological and archaeological information. Obtaining 3D images of these individuals allows the data to be exploited without damaging their physical integrity. In addition, other complementary studies can be envisaged in the future (relating to the process of mokomokai, the making of tattoos, their state of conservation, etc.). In order to acquire identical information, a CT scan of the deposited Maori head (D.R.1) was envisaged within the framework of the HOME project. Due to the health situation related to the pandemic, access to the CUSL was temporarily postponed. However, the three individuals were photographed using photogrammetry (via the internal photo library service). The 3D surface rendering is a good starting point for the study of facial tattoos and the patterns present on each of them.

In 2003, the New Zealand government mandated Te Papa to create a programme dedicated to the repatriation of cultural human remains held in all overseas institutions. By 2009, a formal request for repatriation was sent to the RMAH. Although the collection managers responded favourably to this request at the time, the two Maori heads held at the museum have not yet been repatriated. However, thanks in part to the issues raised by the HOME project, the process has resumed. The person responsible for deciding on the third head (D.R.1) from Liège is now involved in these discussions. The objective is to eventually repatriate the three heads to New Zealand. WP 7 will raise a number of questions concerning these case studies.

Blackburn Mark, 1999. Tattoos from Paradise : traditional Polynesian Patterns, Atglen.

Robley Horatio, 1896. Moko or Maori Tattooing, Londres.

For the complete French version of the WP6 Task 6.3.3 please see **Annex 7.**

Task 6.4 Human remains from Belgian former overseas territories (TL RBINS, RMCA, ULB)

These are human remains 'collected' by the Belgian colonial Administration at the demand of the RMCA or other Belgian institutions (e.g. ULB). Extensive provenance research on colonial human remains has already documented part of the public and private collections. So far, the research points to existing problems with identification, while other case studies are well documented and allow a possible restitution. An overview of the best practices abroad, concerning colonial collections, can offer help to Belgian decision makers and policy.

D6.4.1: Report on the cases of unidentified individuals from RDC (M18) RBINS, RMCA, ULB

The RMCA decided not to assess identified and unidentified human remains separately. Provenance research should be conducted regardless of their status of identification, though in some cases there was more provenance information on the personal identity of a human remaining available. The case studies with identity-related information have been listed above in 6.2.1. on 'identified individuals'.

Based on the AA files and archival fieldwork in at least 6 different Belgian archives (see 4.4. Scientific value) the RMCA tried to reassemble the 'object biographies' of at least 49 case studies of 56 case studies related to the AA collections. The most important result of this assessment was the general geographical provenance on country-level for possible processes of repatriation. All entries in the AA collections have been geographically located on country-level:

Countries of origin	**human remains**	**mouldings**	**face casts**	animal	Total
DRC	415	132	21	1	569
Rwanda	19	0	0	0	19
Burundi	1	0	0	0	1
Zambia	3	0	0	0	3
Congo-Brazzaville	2	0	0	0	2
Tanzania	1	0	0	0	1
Kenia	1	0	0	0	1
Namibia	0	0	11	0	11
Germany	1	0	0	0	1

?	5	0	0	0	5
Total	448	132	32	1	613

However, each case study contains more contextual information. This research is unfinished, since no collaborative and joint research was possible for all 56 case studies of the AA collections.

D6.4.2: Report on the cases of unidentified individuals from Rwanda (M18) RBINS, ULB, RMCA

The Federal Scientific Institutions of the Royal Belgian Institution of Natural Sciences (RBINS) and the Royal Museum of Central Africa (RMCA) house different collections from all over the world, including remains from Rwanda. The remains from Rwanda are mainly those which are relatively recent (less than a hundred years old – although this may need to be verified) and those which are from archaeological digs which took place in Rwanda in the 1900's. From the HOME survey on human remains, as far as we are aware there are no other human remains from Rwanda in public museums, Universities, and public institutions in Belgium.

In RBINS there are 150 individuals, the majority of which are skulls. The largest collection of skulls appears to have been found in the Musanze cave whilst Jacques Nenquin was on an archaeological expedition in Rwanda (Giblin et al. 2017). There are 150 human remains donations which were registered between 1933 and 1967:

2.1.1: 118 skulls without mandibles donated by Jacques Nenquin in 1960, are detailed as coming from a cave in Ruhengeri (Musanze caves).

2.1.2: 1 skull without mandible donated by Becquet in 1933, is detailed as coming from a cave in Ruhengeri (there is no dossier).

2.1.3: 16 skulls with mandibles donated by Van Saceghem in 1922 and 1935, are detailed as coming from the little islands of the Lake Kivu River.

2.1.4: A quasi skeleton and a child's skeleton donated by Dr Marit in 1967 are detailed as coming from near Lac Kivu.

2.1.5: 3 human skulls, 7 mandibles and one sacrum donated by Professor Twiesselman in 1949 are detailed as coming from the cave of Mushubati, Kabgayi, Ruli.

2.1.6: 1 foetus donated by Dr Alexander Fain in 1950, are detailed as coming from Astrida (Butare-Rwanda) Two fragments of human mandibles donated by Dr Alexander Fain in 1953 are detailed as coming from a cave near to the mission of Nyakibanda (10km de Astrida).

2.1.7: 1 skull donated by Krenning in 1961 is detailed as coming from Bugesera, Moeras, Kibugabuga.

There are 5 different entries of human remains in the RMCA which were registered between 1916 to 1975:

2.2.1: 2 mummies which were found in 1916 and registered in 1919, are detailed as coming from the Tshandjarue Mountain (now Cyanzarwe), 12 KM north of Lake Kivu

2.2.2: 1 tooth fragment donated by Jacques Nenquin in 1960, is detailed as coming from Ruhengeri

2.2.3: 1 fragment of jaw and 2 teeth donated by the F. Standaert, Belgian Ambassador, are detailed as coming from Gisenyi

2.2.4: 4 partial individuals brought to RMCA by Francis Van Noten in 1973 during excavations, are detailed as coming from Masangano, which is close to Mukungwa

2.2.5: A jawbone, teeth and long bones collected in 1975 by Abbé A. Rwagema, are detailed as coming from Murunda

Some of the above human remains currently housed at RBINS were transferred to RBINS from the Musée du Congo (MDC) in the 1960's, and the Anatomical Anthropology (AA) files were also transferred with this collection. These AA files were used to gain as much information as possible on the human remains in the FSI collections. As far as we are aware, there are no other archives at RBINS associated with the human remains from Rwanda. However, the RMCA holds archival material on the different donors who sent the human remains to the museum and on the people who conducted studies on the human remains once in Belgium. Biographical information on donors was further collected in the publication of the series 'Belgian Colonial Biography', (https://www.kaowarsom.be/en/bbom) which was published between 1948 and 2015 by the Royal Academy of Overseas Sciences (RAOS) and contains some 5,600 entries on Belgians who were seen as having 'played an important role overseas', or of 'non-Belgians who were involved in overseas activities by Belgians'. The RAOS state that Congolese, Rwandans or Burundians are included as far as they are subjects of the former Belgian colonial empire. This book is now available in an interactive format entitled the electronic available reference work 'Biographical Dictionary of Belgians Overseas' and literature although it is currently in development (http://www.kaowarsom.be/en/bdob). HOME researchers also looked for further information in the African archive of Belgian Foreign affairs and the State Archives. Since the collections of Becquet, Van Saceghem, Fain and Styczynski were part of the historical AA collections these were also researched heuristically case by case both at the RMCA in collaboration with RBINS. In the framework of this historical collection a methodology of fieldwork in the archive has been applied (see WP4).

The details on each of the remains transferred from the MDC are the number given to the remains when they were first obtained by the museum, reference numbers, source (who sent them), date of receipt of the remains, country, province and local area as well as sometimes such as the supposed ethnicity and sex and age of the remains.

As part of the project we reached out to three archaeological researchers in Rwanda who had previously published a paper on the Musanze caves which mentioned that there were human remains in the cave (Giblin, Mugabowagahunde, & Ntagwabira, 2017). The researchers were Maurice Mugabowagahunde and André Ntagwabira (who are based in Rwanda) and who work for the Rwanda Cultural Heritage Academy and John Giblin who is Keeper of World cultures, National Museums Scotland. We spoke to Maurice Mugabowagahunde and André Ntagwabira to tell them about the provenance research we had done and to share inventories with them on the human remains which were present in RBINS and RMCA. André Ntagwabira was also a member of another collaborative project with the RMCA. During the course of the HOME project, we believe that the Rwandan government sent an official request for the human remains to be repatriated although we have not yet seen this document.

We had several meetings with André Ntagwabira and shared all information we had found to date in Belgium on the human remains from Rwanda. The Rwandan researchers told us about a **research project** in Rwanda where 1100 sets of historical human remains in Germany were examined from

Kenya, Tanzania and Rwanda. For further details see the link in the previous sentence but also the publication giving the results of the project 'Human Remains from the Former German Colony of East Africa: Recontextualization and Approaches for Restitution' (384 pages) by Bernard Heeb and Charles Kabwete-Mulinda' which was published in 2022 by Bohlau Verlag Gmbh U Co Kg. Archival and scientific research and fieldwork was undertaken as a part of this project. This had the aim of finding out as much information as possible about the human remains and also asking local people what they knew about the histories of the human remains that were previously taken from Rwanda. The project also aimed to find out what were the views of different stakeholders in repatriation and how it should be done. Following a series of conversations with André Ntagwabira, we tried to have a small initial project between RBINS and the Rwanda Cultural Heritage Academy. However, this proved to be frustratingly impossible due to the complexities of bilateral conventions and the short amount of time in the HOME project. The project would have involved André Ntagwabira and Jerome Karangwa of the Rwanda Cultural Heritage Academy and also Tara Chapman and Patrick Semal from RBINS as well as other stakeholders from Rwanda.

The following is an extract from the convention (translated into English) :

This partnership is part of a BELSPO BRAIN Network project, entitled H.O.M.E. 'Human remains Origin(s) Multidisciplinary Evaluation'. H.O.M.E. aims to map the pathways of restitution of human remains collections, by consulting different stakeholders here in Rwanda. The aim is to initiate dialogue and gather the necessary information to assess the opportunity, feasibility and cost of such a process. It is intended to define the final destination(s) of the human remains collected in Rwanda through consultation with governmental, academic, civil society, museum and source community stakeholders in Rwanda. The model chosen is based on the experience of restitution of human remains collected in Rwanda by German institutions during the colonial period, which was the subject of a joint provenance study and a concerted restitution process.

As part of the convention, fieldwork would have been undertaken in Rwanda in 2023 based on the locations identified by the archival research conducted thus far. Due to climatic constraints, fieldwork can only be undertaken during the summer months. This would have included visits to the geographical areas where the human remains were taken from and also a visit to the Institut pour la Recherche scientifique en Afrique centrale (IRSAC). In the archival documents currently housed in Belgium, we found several references to IRSAC. IRSAC was created at the end of the Second World War with the mission of "initiating, promoting, carrying out and coordinating, especially in the Belgian Congo and in Ruanda-Urundi, the study of the sciences of man and Nature". There were several research centres (four of which were in the Democratic Republic of Congo (Lwiro, Mabali, Uvira and Elisabethville) and one in Ruanda-Urundi (Astrida - now Butare)). The centre in Butare is now placed under the National Industrial Research and Development Agency (NIRDA). Whilst the centres of DRC have changed affiliation several times, those that still exist are now part of the Institut de Recherche Scientifique (IRS).

IRSAC in Butare currently houses human skeletons (of which there seems to be corresponding archival documents in Belgium) and also has archival documents which may relate to the human remains which are housed in Belgium (of which there are very few – apart from references to the donors of the skeletons. This shows the very clear benefit of collaborative research between countries when undertaking provenance research and how extremely important it is to work with the countries of origin in provenance research and questions of repatriation.

Alongside our Rwandan colleagues we have a working document which contains the archival research to date of the Rwandan human remains. This is available in the deliverables for BELSPO in D6.4.2 but will not be publicly available as part of the overall HOME report. Funds permitting we would like to continue to work with our Rwandan colleagues on further provenance research with a view to repatriation of the human remains to Rwanda.

Task 6.5 Human remains from private collections (TL: RBINS, ULB, RMCA, RMAH)

Private collections can be the property of scientific societies or of private persons. HOME project will evaluate how the FSI's can be an official hub for the potential repatriation of these private collections of human remains. A similar process already exists at RBINS for the repatriation of the Mongolian Dinosaurs where an official program links the Mongolian government and RBINS. Dinosaurs obtained illegally from private collectors worldwide are sent to RBINS which can study them for a short amount of time. After study, the fossils are repatriated to Mongolia. This and other case studies will be examined to see how this may also work with human remains from private collections.

D6.5.1: Report on the collection of the SRBAP (M18) RBINS

This task is complete as the collections of the SRBAP are the basis of the masters and (current) doctoral thesis of Jennifer Gonnisen. A selection of 14 skulls was taken from about 230 skulls held at ULB. The study of their origin was based on the inscriptions one can find written on the skulls themselves, depicting their origin as a country or as a smaller locality like a town, in Congo. This selection of 14 skulls represent the core of the study of origins and paleopathological conditions of the series. Documents from the Société Belge d'Anthropologie have been found, dating back to the 1930's. In these documents, we were able to explore the link between the Société Belge d'Anthropologie (to be named Société Royale belge d'anthropologie et de Préhistoire at this stage) and the Musées Royaux des Beaux Arts (Cinquantenaire), concerning the deposition of anthropological collections to this institution, as well as a discussion about the deposition of the scientific library. For a full report on the SRBAP please see the deliverables D6.5.1. This will be published at a later date in Anthropologica et Praehistorica.

Case study on the SRBAP

In addition to the overview of the SRBAP there was also a study on Atifu by members of the RMAH working in collaboration with ULB and RBINS.

During the creation of the inventory at the beginning of this research, it was brought to our attention that there was a naturalised tattooed skin stored in the AHM. Although the museum has kept this tanned skin in storage since the 2000s, it is not the decision maker. In fact, it is part of the RBSAP collections. On further investigation, it became clear that this human remain is associated with a skeleton still kept at the Laboratory of Anthropology and Human Genetics of the Université libre de Bruxelles (ULB). Thanks to a document co-authored by J. Gonissen, R. Orban, C. Polet and M. Vercauteren (Gonissen et al. 2016), it is possible to retrace the history of this RBSAP collection and to understand why a part of it is now preserved in the ULB premises:

> " Dès sa première année d'existence, en 1882, et jusqu'au début du XXe siècle, la Société d'Anthropologie de Bruxelles (SAB) a rassemblé une remarquable collection de matériel ostéologique, mais aussi non ostéologique (préhistorique et historique) provenant de différentes régions du monde. La majorité des pièces a été rassemblée à la fin du XIXe siècle, probablement par Émile Houzé (co-fondateur et Président de la SAB de 1882 à 1913) et qui les a publiées dans le Bulletin de la Société. Aujourd'hui, cette collection est localisée à deux emplacements différents : une partie à l'Institut royal des Sciences naturelles de Belgique, l'autre au Laboratoire d'Anthropologie et de Génétique humaine de l'Université libre de Bruxelles (…)".

The work on this ensemble is carried out in stages. This is due both to the dual geographical location of the same individual (AHM and ULB) and to the methods used. The first essential step consists of proposing a state of the art by researching and gathering all the literary data that could be a source of information on this subject. This collection is therefore based, initially, on the inventories of the two institutions. Successive discoveries lead us back to Dr. É. Houzé, who carried out an osteometric study

of a Samoan chief named Atifu, who arrived in Belgium in 1890 and died of measles a few weeks later. For study purposes, he had both Atifu's skeleton and the skin covering his lower limbs, which were covered with traditional Samoan tattoos, placed in the osteological collections of the RBSAP which he chaired at the time (Houzé, 1894).

In 1889, Robert A. Cunningham landed on the island of Samoa. His mission, as a Canadian agent working for the Barnum & Bailey circus, was to recruit men for a tour, worthy of human zoos, in America and Europe. He gathers a small number of men on the island of Tutuila who sign up for a 3 year contract. The first city they arrived in and performed in was San Francisco. They then continued on to New York before travelling to Europe. They arrived in Belgium in February 1890. At that time, Dr. Émile Houzé took the opportunity of their arrival to observe them and carry out an osteometric study of these 9 individuals at the Castan Museum, Passage du Nord (Brussels). He wrote a report on this subject which was published in the bulletin of the Anthropological Society of Brussels (Houzé, 1889). According to him, his intention was "to review the main physical characteristics that he had noted on the nine subjects, and then to compare them with those of the populations of the Indian Archipelago and Melanesia". He directly specifies the origin of these individuals, namely the locality of Leone, the south-western port of Tutuila Island.

A new study of Atifu's skeleton was carried out at the ULB. "Standard" osteometric measurements were taken. They were taken as part of the estimation of the individual's age at death, the determination of his sex and the estimation of his stature. Observations of any trace elements that might give pathological indications and on their geographical origin were also made. The skin is studied on the basis of observation with the naked eye, 3D photogrammetry and a more advanced photogrammetric system (with various light sources: UV and IR), the aim of which is to obtain, by contrast, both a better visibility of the tattoos and information about the process of their creation.

The identification of the sex of the individual was achieved by applying probabilistic sex diagnosis (PSD) to both coxal bones. A minimum of four measurements must be taken in order to obtain a first result, but the more measurements the higher the probability of obtaining a significant result, i.e. 0.95. In the explanatory chart of the software, it is specified that "ten variables are available, divided into two groups (Pum, Spu, Dcox, Iimt, Ismm, Ss, Sa - Sis, Veac). The first group (first eight variables) includes the variables with high discriminating power (in decreasing order). They should be used as a priority. The other two variables (Sis and Veac) are emergency variables, generally well represented in the archaeological context, to be used only if the minimum number of four variables is not reached from the first eight. This software, which provides an estimate of the sexes based on algorithms, is freely available on the University of Bordeaux website (http://www.pacea.u-bordeaux1.fr/DSP.html). In the case of this skeleton, the method indicates a 100% probability that the sex is male.

Then the age at death was estimated to be between 30 and 59 years. It is based on the Schmitt method which examines the appearance of the auricular surfaces. This involves following a scoring system by observing 4 morphological features of the iliac sacro-pelvic surfaces (Schmitt, 2005).

The estimation of stature is based on the measurement of the intervening bones (skull, vertebrae, femurs and tibias) by the application of Fully's method revised by Raxter (Raxter et al., 2006). The individual has an estimated height of 169 cm +- 2 cm. In addition, Dr C. Polet proposed the Houghton method "for Polynesian samples" (Houghton, 1996). This method, based on the length of the two femurs, gives an estimated stature of 172 to 173 cm.

The biogeographical origin of the individual can be estimated by metric analysis. The method used is that of AncesTrees presented on the Osteomics website (https://osteomics.com/). After validating the data, the algorithm calculates the individual's origin as a probability (in %). As the data are integrated, it is possible to see that the individual has an increasing probability of being 'Polynesian'. At the second to last data point, it is even assumed that 94% of the individual is Polynesian and 6% American.

However, at the last value added (OCS or Occipital subtense) the probability of being Polynesian collapses to 23%. The argument that can be developed here concerns the calculation of amplitude. These are more complicated measurements to take and the tools available to do so were limited. It cannot be excluded that the last 5 variables (especially the last one) are not correct. It would therefore be interesting to recalculate the amplitude and check whether this changes the final percentage.

In order to obtain more information about the cultural practice of Atifu's tattooed patterns, C. Marquardt's book (Marquardt, 1984) gives indications about the origin of this practice, the associated rites and processes, and the tools used. Although the period in which this Samoan tattoo came into being is unknown, as is the time taken to develop the final design, it seems that it changed little over time as it was fixed by tradition. Several hypotheses mentioned by Marquardt attempt to answer, if not the question "when", the question "why" was tattooing important to the Samoan community. Although he mentions the hypothesis of divine origin reported by oral tradition, the scientific community adheres to the diffusion of tattooing in Samoa through regular contacts between the populations for long periods of time. The creation of tattooed designs on the bodies would serve both a decorative and an attractive purpose. The decoration of bodies with specific patterns is therefore linked to community and status. In addition, tattooing plays an important role in the principle of seduction between men and women. Tattooed men, from their puberty onwards, would thus display their virility and strength by their resistance to the pain caused during the process.

The tattooing ritual and the motifs chosen and fixed by tradition are codified. The officiant (or tattooist) is a priest called tufuga. This knowledge, transmitted from father to son, is rewarded by a more or less important contribution of offerings according to the patron and his resources (often linked to his status). The quality and pattern vary according to these resources. The tools needed to make it are threefold. The main instrument is composed of three elements held together by plant fibres. Similar to a comb, needles made from teeth or bone are attached together to a tip (from pieces of wood,sea turtle shells, bones or shells), which is attached to a thin wooden handle. Tufuga uses combs of varying sizes depending on the part of the design to be made. For example, the large areas of black are made with combs made up of many larger teeth. The second necessary tool is the pigment. It is obtained from burnt walnut soot (Aleurites moluccana). The result of this 'cooking' by fire, in the form of sticky soot is scraped off and collected in a nutshell where it is preserved. Finally, the officiant takes a mallet (which varies in size). The comb is then soaked in pigment before being struck by the mallet. The tattoo is produced by percussion in order to mark the pigment in the skin.

Gonissen Jennifer, Orban Rosine, Polet Caroline, Vercauteren Martine, 2016. « Émile Houzé (1848-1921) et les collections de la première Société d'Anthropologie en Belgique », Poster pour le XXXIIème colloque du Groupement des Anthropologistes de Langue française à Toulouse, 7-9 juin 2016.

Houghton Philip, 1996. People of the Great Ocean. Aspects of human biology of the early Pacific, Cambridge.

Houzé Émile, 1889. « Conférence de M. Houzé. Les Samoans de Leone (Île Tutuila) », Bulletin de la Société d'Anthropologie de Bruxelles, t. VIII, p.241-256.

Houzé Émile, 1894. « Tatouages des Iles Samoa », Bulletin de la Société d'Anthropologie de Bruxelles, t. XIII, p.76.

Marquardt Carl, 1984. The Tattooing of both sexes in Samoa, Nouvelle-Zélande.

Raxter Michelle, Auerbach Benjamin, Ruff Christopher, 2006. « Revision of the Fully Technique for Estimating Statures », American Journal of Physical Anthropology, 130, p. 374-384.

Schmitt Aurore, 2005. « Une nouvelle méthode pour estimer l'âge au décès des adultes à partir de la surface sacro-pelvienne iliaque », Bulletins et mémoires de la Société d'Anthropologie de Paris, 17 (1-2), p. 89-101.

https://osteomics.com/

http://www.pacea.u-bordeaux1.fr/DSP.html

Please see **Annex 8** for a complete french version of D6.5.2.

D6.5.2: Report on other private collections accessible or not by the public (M18) RBINS, RMCA, ULB, RMAH

It proved to be very difficult to contact private collectors, despite the best efforts of the survey and the project. A full report has been created by a collaborator to the project J.J. Visser and is available in the deliverables D6.5.2. It will later be published in Anthropologica et Praehistorica.

WP7 Recommendations (TL: RBINS, USL-B, RMCA, ULB, RMAH)

Recommendations will be made to the appropriate public bodies based on the report from WP3 (legal background), WP4 (value of the human remains collections) & WP5 (societal and ethical importance) deliverables and WP6 cases studies looking at how best to manage the different categories of collections in order to achieve the needed historical contextualisation with all ethical perspectives. All these outputs will help the legislator and the political authorities to initiate the political, societal and diplomatic processes linked to the Human Remains question and could include possible changes to the current law. The following tasks will look at the recommendations in each category:

Task 7.1: No repatriation

D7.1.1: Category of Human remains collections for which no repatriation is needed (M24) RBINS, USL-B, RMCA, ULB, RMAH

Task 7.2: Virtual repatriation with co-curation

D7.2.1: Category of Human remains for which the virtual repatriation is possible/requested and description of the " Modus Operandi" (M24) RBINS, USL-B, RMCA, ULB, RMAH, UdeM

Task 7.3: Repatriation to family – local community

D7.3.1: List of Human remains for which the repatriation is requested and description of the different "Modus Operandi" (M24) RBINS, RMCA

Task 7.4: Repatriation to State(s) authorities

D7.4.1: List of Human remains for which the repatriation could be requested by State authorities and description of the different "Modus Operandi" (M24) RBINS, USL-B, RMCA, ULB, RMAH

Activities realised

An overall document on recommendations has been produced which covers all the above tasks as we do not see that it is necessary to differentiate between how human remains should be repatriated, rather this should be up to the country of origin.

Please see below the recommendations from all project members. Executive summaries from the different partners also form part of these recommendations.

The recommendations were based on all the deliverables produced during the project and reflections from each of the partners. Please also see **Annex 9** which is a reflection on the separate Tasks 7.2 and 7.4 by the RMAH and **Annex 10** on the activities undertaken during the project by Task 7.3 from the RMCA. Please note that the recommendations and Executive summaries are also available in Dutch and French. Please see **Annex 11** for Dutch and **Annex 12** for French.

Recommendations of the BRAIN HOME project for the repatriation of human remains

For whom are the recommendations intended?

Recommendations for repatriation are one of the outputs of the BRAIN 2.0 Human Remains Origin(s) Multidisciplinary Evaluation (HOME) project. The HOME project focused on taking inventories of collections of human remains in Belgian institutions.

These recommendations are intended as a scientific support for politicians and policymakers in Belgium on the question of how to manage the repatriation of human remains, with a particular emphasis on historical human remains from the colonial past of Belgium held in federal collections. These recommendations are part of a wider debate on repatriation and also on the colonial past in Belgium, as we have seen with the Congo commission, and its recommendations. With these recommendations the institutional HOME-partners hope to contribute to this debate.

Scope and definitions

Claims for repatriation have intensified worldwide in the last few decades and there is a large growing awareness of the need for repatriation and reparation relating to the human remains held in public and private institutions. Many leading museums and universities worldwide have large collections of (pre)historical human remains and are starting to engage in repatriation processes with different countries. Several European countries have produced guidelines on the care and management of human remains and we refer to the guidelines of other European countries where applicable.

There is no legal definition of human remains in Belgium. However, we refer to the working group for the development of the British Human Tissue Act who previously defined human remains. For the purposes we refer to this predefined terminology although we have made some adaptations.

When we refer to human remains, it can be any of the following:

- Osteological material, whether
  - whole or partial skeletons,
  - individual bones,
  - fragments thereof or teeth;
- Human tissue (preserved, dried, mummified, prepared) including
  - whole or parts of bodies,
  - embryos,

  - organs,
  - skin,
  - hair,
  - nails
  - etc.
- Artefacts which are made and/or contain wholly or partly from anything from the above.
  (The choice of the maker to include human remain(s) in an object and also the context could justify the inclusion of this category in cultural objects rather than human remains).

In heritage practice, several categories of human remains have been identified and these have been listed and described previously by the Ministry of Science Policy, which is responsible for Belgian federal museums:

A. Remains from archaeological excavations that no longer belong to living biological and/or cultural contexts. Their display is mainly related to issues of sensitivity of the target audience;
B. Remains collected during ethnological expeditions. This category is certainly the most ethically sensitive, since the collections in question come from cultural environments that are still alive or whose descendants can lay claim to them;
C. Collections of organs for research purposes. This category falls under medical ethics;
D. Relics. The deontology concerning this category, linked to practices, is a matter of respect for beliefs.

We are aware that words matter and we also note that human remains are at times referred to as 'ancestral remains', 'ancestors' and 'remains of the elders' amongst others. Given the broad collection of human remains currently housed within Belgian institutions, we refer throughout the document mainly to 'human remains' as a generic term. We refer throughout the document and reports to human remains from outside of Belgium. Although as it touches upon human dignity, we refer to 'ancestral remains' where we find it to be appropriate. In the specific context of human remains from Belgian colonial countries, the majority of the human remains are listed as originating from the Democratic Republic of Congo (DR Congo), and in response to current discussions with either Congolese people or from Congolese descent, 'ancestral remains' is suggested as an English equivalent of the currently suggested 'dépouilles des Anciens'. We also include in the scope of these recommendations the human remains of people who died during a stay in Belgium where they were taken overseas to participate in colonial propaganda as part of human zoos.

When human remains are concerned, is it a question of restitution, return, repatriation or transfer? Each of these terms has slightly different connotations. For the purposes of these recommendations, we adopt the concept of 'repatriation'. This notion makes it possible to insist on the specificity of human remains compared to other cultural objects concerned by the issue of their return or restitution because it touches upon human dignity. It also distinguishes itself from the notion of 'restitution' mobilised by the Bill of 3rd July 2022, which dealt with cultural objects but not human remains. However, we also note that at times the terms restitution and repatriation are sometimes used interchangeably. Please see Appendix 1 for detailed definitions.

Background

There have been several formal and informal requests for the repatriation of ancestral human remains housed by Belgian federal scientific institutions.

These include a Tasmanian skeleton which is currently located in the Royal Belgian Institute of Natural Sciences (RBINS) and two Maori heads located in the Royal Museums of Art and History (RMAH). These requests have not been addressed in part because of the previous belief that at the time of the request there was a lack of a legal framework in which to repatriate these remains, in part due to the era in which the requests were made where human remains were thought to be valuable for science and finally due to a lack of knowledge of how to proceed with such a claim.

In 2018, there was a request for the repatriation of the skull of the chief Lusinga from the Democratic Republic of Congo. This demand was addressed by a member of the family to the Belgian king and supported in 2019 by members of the Tabwa community, but never relayed by the government of the DRC. This became one of the incentives for the BRAIN HOME project.

Currently, one repatriation of a human remain between Belgium and DRC has occurred, namely the repatriation of the tooth of Patrice Lumumba. This is the result of a judicial decision that is part of the investigation into his assassination following a complaint filed by his family in 2011. In September 1999 a sociologist Ludo De Witte published his archival research on the murder of Lumumba. At the same time one of the assassins, Gerard Soete, of Patrice Emery Lumumba testified on national television how he dissolved his body parts in acid, showing two teeth of Patrice Emery Lumumba. In 2001 a parliamentary investigation into the murder started. The conclusion resulted in holding the Belgian State accountable for a moral responsibility. This encouraged the family to take steps in claiming back the remains of their father. In 2021 Juliana Lumumba sent a video letter addressed to the King and the Belgian State to ask for the repatriation of the tooth of her father. The tooth was ordered to be returned to the family by the Crown Prosecutor and the Prime Minister Alexander De Croo returned the tooth to the family in June 2022. A funeral ceremony was held on the 62nd anniversary of the central African country's independence.

One scientific institution in Belgium has transferred the ownership over a part of its collections of human remains in 2020: By convention, the Université libre de Bruxelles (ULB) transferred the ownership and associated rights of 10 skulls of Congolese origin held at the ULB to the University of Lubumbashi (UNILU). Laurent Licata, Vice-Recteur of the ULB in charge of this convention, argues that it is 'based on the fact that the presence of these human remains in our institution raises a moral question'. The agreement extends to four other skulls kept in the same laboratory in the event that it has been established that they are also of Congolese origin. The convention provides for the provision of these human remains to UNILU, that is to say that the human remains are temporarily housed at ULB 'at its exclusive expense, for the sole purpose of scientific research, and under conditions of protection, conservation and security appropriate', until UNILU requests 'effective repatriation'. This provision lasts a maximum of 5 years, renewable a maximum of three times for one year, or longer if both parties request joint renewal. Research on the human remains is given at the request of the UNILU who hold the property rights.

Finally, the Rwandese administration was contacted during the HOME project and a wish for the repatriation of the Rwandese human remains associated with a provenance study was expressed by Rwanda.

The HOME Project

The objectives of the HOME project were to evaluate the historical, scientific, legal and ethical background of the human remains housed by the Belgian FSIs, as well as those hosted in other public, academic and private collections in Belgium. This included different methodological approaches, such as the creating and re-assembling existing inventories, cross-referencing all human remains, historically contextualising the construction of collections, researching different archives, as well as the integration of oral history sources to understand how the human remains were acquired. Next to

this, meetings with a broad range of rights holders or interlocutors in the DR Congo and the Rwandese administration were held about the different possibilities of repatriation.

The aim of this multidisciplinary and multi-sited provenance research is to inform policy by setting out the best management of the physical and virtual collections using facts and informed arguments based on the collections and provenance research.

The HOME project involved a large multidisciplinary network which combines different disciplines represented by the 7 partners: 4 Federal Scientific Institutions: Royal Belgian Institute of Natural Sciences (RBINS) (who is the Coordinator of the project), Royal Museums of Art and History (RMAH), Royal Museum of Central Africa (RMCA), Nationaal Instituut voor Criminalistiek en Criminologie (NICC) and 3 Universities: Université Saint-Louis – Bruxelles (USL-B) Université Libre de Bruxelles (ULB) and the University of Montreal (UdeM).

Recommendations

The following recommendations are the results of the work established during the HOME project. These recommendations are also intended as an overview of the results of the project HOME and how different public and private institutions in Belgium can manage their (pre)historical human remains collections in the future. Short executive summaries of the results of each partner are also available at the end of these recommendations.

The Home project recommends :

- Changes should be made to the law to better respect human remains, limit their trade and facilitate their repatriation. Repatriation of human remains is of societal importance because it touches upon human dignity.
    - We recommend that human remains are out-of-commerce.
- Human remains cannot be considered as 'objects' and the repatriation of ancestral remains can help promote healing and reconciliation between countries and within communities. Repatriation is a part of a process and/or dialogue that signifies reparation and follow-up, possibly including:
    - Joint collaborative provenance research with Belgium and countries and/or communities of origin in the respect of their cultural rights;
    - All forms of commemoration(s) in the countries of origin;
    - Sensitising projects including educational policies and tools in Belgium and the countries of origin.

- Repatriation of all historical human remains in federal collections relating directly to the colonial past of Belgium should be unconditionally repatriated if requested (with no conditions placed upon their return by the Belgian State).

    - The Belgian colonial past and its ongoing consequences must be taken into account in the management of colonial collections. These collections are directly linked to a specific context of domination of a territory and its populations by a foreign occupying state.
    - Repatriation could be to the descendants if the individual is identified, to the community of origin or to the country. An internal dialogue in the country of origin has to define the repatriation process.
    - In the event of a repatriation request coming from the family or the community, the Belgian State has to do due diligence and notify the country of origin, in recognition of their sovereignty. Given the potential impact of repatriation processes on relations between communities and families in the countries of origin, it seems important to allow States of the countries of origin to mediate and consult their source communities and other concerned citizens to achieve solutions between all parties involved;
    - Effective repatriation is performed through bilateral agreements between the Belgian State and the State of origin which determine the practical conditions of the repatriation of the human remains according to the will of the descendant and/or the community of origin where applicable;
    - Repatriation processes and effective repatriation have to be performed at the expense of the Belgian State. Modalities need bilateral agreements;
    - A moratorium must be observed on the study of human remains from the Belgian colonial past which are part of the Belgian State heritage. If the human remains are to be included in a study, this should only be done with the agreement of the descendants, or the representatives of the community or the country.

- These recommendations could also be applied to any other historical collections of non-Belgian origin. We recommend that the government should be open to the repatriation of all the human remains from the historical period which are part of the State heritage from outside of Belgium. This includes the repatriation of the Tasmanian skeleton and the Maori heads from the Federal collections, which were subject to previous repatriation requests. Guidelines of best practices related to human remains from (pre)historic periods of (non)Belgian origin will be available soon in a separate document after the publication of the advice on the status of the Human remains by the Belgian Advisory Committee of Bioethics.

- Genetic analysis alone is not recommended to prove a link between two persons or a community and a deceased person, as family relationships are not always based on blood ties, and other lines of evidence such as sociological, historical, and anthropological elements must be considered in each request.

- The repatriation of human remains is only part of a process. Detailed provenance research might be also of vital importance. In line with the recommendations of Restitution Belgium (2021), we recommend a significant increase in funding for provenance research in Belgium. Provenance research must be a collaborative process but it remains the responsibility of funding bodies and political decision-makers to ensure sufficient funds and staff to meet these demands.
  Concerning the human remains and the requests of repatriation we recommend to promote:
  - PhD scholarships for students from countries of origin for research on human remains;
  - Exchange programmes that allow researchers from both countries to work together on provenance research and repatriation;
  - Funding for collaborative projects with countries of origin with the goal of repatriation and to share knowledge, oral histories in the countries of origin as well as archival and information from the human remains themselves;
  - Funding for community-based projects focusing on the healing of the community and the repatriation of human remains;
  - Funding for former colonised countries for the physical return of human remains;
  - Continued funding for digitisation of archival materials for FAIR sharing of the information.

- A **focal point** related to human remains should be set up to provide all information to institutions, administrations, communities and private persons on the status and guidelines of best practices related to human remains to be applied in Belgium and link to the advice of the Belgian Advisory Committee on Bioethics on the status of human remains;
  - The focal point does not centralise a single inventory of the Human remains but provide
  - s links to the various local, regional and federal inventories of human remains hosted in Belgium as well as relevant contact information;
  - Concerning the repatriation of human remains of non-Belgian origin, it could:
    - centralise the repatriation requests and processes;
    - integrate into the repatriation process itself by providing support to individuals, communities and States of origin in the preparation of their request and by cooperating with the administration of the countries of origin to set up the practical conditions for the return;
    - act as an intermediary with Belgian institutions/individuals wishing to repatriate human remains;
    - facilitate provenance research by organising access to archives and documentation relating to collections of human remains.

- The activities of the focal point could be integrated into a broader ***Independent 'Centre of Expertise for provenance research'***. Its organisation could follow that of the Belgian Advisory Committee on Bioethics and be based on a co-operation agreement between the federal and regional levels.
  It could be composed by:
  - A permanent secretariat including scientific staff financed by a specific budget and/or by secondment from federal or regional administrations
  - A group of identified experts covering all aspects and disciplines related to provenance and restitution as well as representatives from the countries of origin, including the diaspora's;
  - A board of vice-chairpersons could be chosen from among the group of experts. This board would be independent from Federal Scientific Institutions's hierarchies and would be responsible for the main decisions of the Centre.

  The 'Centre of expertise' could be addressed by legal authorities and/or scientific/academic/cultural/civil society organisations from Belgium or from the countries of origin. The Centre may also give advice on its own initiative, regarding a question lying within its competence.

Legal recommendations relating to human remains (Université Saint-Louis - Bruxelles)

There are no laws in Belgium which pertain to human remains. We therefore recommend to clarify in civil law the status of human remains, for instance by adopting a provision in the Belgian Civil Code. The civil code is broadly speaking legislation concerning the private interaction between individuals. This covers property, personhood, marriage, contracts, tort, etc. The Belgian civil code currently does not specify anything about the human body, let alone human remains. By contrast, the French Civil Code has adopted articles 16 to 16-9 in order to include general provisions on respect for the human body: 'Le respect dû au corps humain ne cesse pas avec la mort'.... 'Les restes des personnes décédées, y compris les cendres de celles dont le corps a donné lieu à crémation, doivent être traités avec respect, dignité et décence'. (Translation: The respect of the human body does not end with death…. The remains of deceased persons, including the ashes of those whose bodies have been cremated, should be treated with respect, dignity and decency). The Belgian civil code is currently under reform (see https://justice.belgium.be/fr/bwcc). The title concerning persons has not yet been reformed and we therefore recommend to integrate provisions in this regard.

We also recommend clarifying the regime of human remains: they should be deemed as extra-commercial, meaning that they can only be owned (as in a museum collection and thus eligible for repatriation) but they cannot be sold or bought for money. For the moment, their sale or acquisition is legally unclear and therefore considered authorised. We strongly denounce this practice because it disrespects human dignity. We refer to the Belgian funerary laws which specify that human ash is out of commerce and recommend to clarify that this goes for all human remains, not only ash.

Concerning the repatriation of human remains, neither international law nor national law provide a satisfactory response, even if interesting developments should be noted, particularly in the field of international human rights. There is currently no specific legal framework in Belgium for the repatriation of human remains, even if a bill has been adopted on 3 July 2022 for the restitution of cultural objects in federal museums but it excludes explicitly human remains from its scope.

On 21 July 2020, the United Nations Human Rights Council (Human rights council, 2020) published a report on : 'Repatriation of ceremonial objects, human remains and intangible cultural heritage under the United Nations Declaration on the Rights of Indigenous Peoples', recalling the importance of 'fair, transparent and effective mechanisms to ensure access to and their access to objects of worship and human remains' and for 'repatriation at the international and national levels'. The report also states that 'stakeholders take a human rights-based approach to the repatriation of indigenous peoples' ceremonial objects, human remains and intangible cultural heritage. This approach requires recognition of indigenous peoples' rights to self-determination, culture, property, spirituality, religion, language and traditional knowledge. The Declaration also recognizes the applicability of indigenous peoples' own laws, traditions and customs, which entail both rights and responsibilities towards ceremonial objects, human remains and intangible cultural heritage'.

We fully support the United Nations Declaration 61/295 on the Rights of Indigenous Peoples (UNDRIP), by the UN General Assembly on Thursday, September 13, 2007 which established a universal framework of minimum standards for the survival, dignity, and well-being of indigenous peoples around the world.

Article 12 explicitly enshrines the right of access and/or repatriation of objects of worship and human remains: '*Indigenous peoples have the right to manifest, practice, promote and teach their religious and spiritual traditions, customs and rites; the right to maintain, protect and have private access to*

their religious and cultural sites; the right to use and dispose of their ritual objects; and the right to repatriate their human remains'.

States of origin (i.e. the State from where the human remains come from) shall ensure access to and/or repatriation to objects of worship and human remains in their possession through fair, transparent and effective mechanisms developed in consultation with the indigenous peoples concerned.

We therefore recommend following a different approach for the repatriation of human remains than for the restitution of cultural objects as provided in the Bill of 3 July 2022. We recommend putting in place procedures that are more in the realm of transitional justice understood in the broad sense, with the aim of reconciliation and reparation between peoples, in particular the families of the deceased whose remains are in Belgian historical collections, not only in the realm of state-to-state negotiations. Human remains are not objects and their repatriation can be a healing process for different communities.

However, when the decision to repatriate human remains has been made - through the reconciliation and reparation procedures we recommend - there may be legal obstacles. Indeed, collections of the historical human remains in the Federal Scientific Institutions are currently in the public domain and are therefore deemed as State property. To repatriate the human remains they need to be deaccessioned from the public domain. This is done by a decision of the legal owner of the human remains in museum or other collections, i.e. for federal collections the Federal Government decides by Royal Decree to deaccession those human remains in order to repatriate them. However, in order for them to be no longer the property of the State, article 117 of the budget law of 2003 obliges deaccessioned property of the State to be sold. We therefore recall our recommendation that human remains should be deemed as extra-commercial, meaning that they can only be owned (as in a museum collection) but they cannot be sold or bought for money. If we consider human remains to be of no monetary value then they fall outside of the scope of the 2003 budgetary law and could therefore be more easily repatriated when deaccessioned from the public domain.

Finally, we recommend that going forward, human remains should have a specific treatment in heritage legislation, for example by taking up the provisions of the ICOM Code of Ethics, in order to justify why they should be treated differently, notably in terms of conservation, digitisation and repatriation.

From a legal perspective, the report therefore makes the following recommendations:

- To adopt a provision in civil law clarifying the status of human remains (federal jurisdiction)
- Clarify that human remains should be extra-commercial (regional jurisdiction or even federal if included in the civil code)
- Provide a specific treatment in heritage legislation for human remains
- Put in place repatriation procedures that are more in the realm of transitional justice.

Inventories of the humans remains housed in the Federal Scientific Institutions and in other scientific and cultural Belgian collections (RBINS, RMAH, RMCA)

There has never previously been a survey on the public and private institutions housing human remains in Belgium. The survey was designed to give a broad overview of all human remains collections hosted by the partners and other public and private collections in Belgium. Categories for the survey included collections of human remains discovered in archaeological sites, human remains collected for comparative purposes, the collections of human remains showing anthropic modifications and also the collection of anatomical specimens (dissections, plastinated specimens, wet collections).

The survey was widely advertised in the press and was sent to targeted institutions and individuals who may have human remains in their collections. There were 56 University Faculties, public and private institutions and collectors who have human remains in their collections and took part in the survey. In total there were 13 University Faculties or Museums (5 from Brussels, including the ULB, 4 from Flanders and 4 from Wallonia), 4 Federal Scientific Institutions (Royal Belgian Institute of Natural Sciences - RBINS, Museum of Musical instruments - MIM, Art and History Museum - AHM, AfricaMuseum (Royal Museum of Central Africa) - RMCA), 30 museums (2 from Brussels, 15 from Flanders and 13 from Wallonia), 4 private entities, 2 local institutions, 1 high school, 1 not for profit organisation and 1 provincial heritage site.

In personal correspondence and conversations with University and museum staff, many respondents did not have inventories prior to the survey and we would firstly like to thank them for the time and considerable effort it took for them to complete inventories for this survey. The response from those who took part in the survey was generally very positive and most thought that it was a very good idea to make inventories of human remains in Belgium.

There are over 30,000 human remains currently being housed in the institutions who took part in the survey. It is important to note that certain institutions count an individual bone as a single entry, whereas others count a whole skeleton as one entry (which has 206 bones). Where bones are fragmented, then some institutions have only given an approximate average of individuals based on the amount and type of bones. On occasions, it is only a single bone, such as a jawbone which is found with the next entry in the inventory being a complete skeleton. Other institutions have given only approximate figures for the amount of their collections as they have not had time to take detailed inventories (this is particularly the case for the Belgian collections) or only have volunteers and part time staff who work on their collections. Therefore, numbers should be regarded as approximate, unless otherwise stated and the number of figures can either include whole skeletons or single bones / or parts of bones.

There are only 250 human remains where the identities of the people are known. This indicates that more than 99% of the human remains collections in all institutions are unidentified people.

The identified remains are:

- 112 from Flanders,
- 106 from Wallonia
- 1 from the Brussels Capital Region
- 16 identified people from the European Union
- 7 identified people from the DRC
- 5 identified mummies from Egypt
- 1 from Ghana (died in Belgium)
- 1 from India

- 1 from the USA
- 1 from Samoa islands, USA (died in Belgium)

Amongst the different institutions, RBINS was responsible for the majority of the human remains collections housed in all Belgian institutions (7468 individuals (of which many are complete skeleton) or 24.7% of the overall amount of all collections from 56 institutions). Most of these human remains were from Belgium although RBINS also has the majority of the human remains collections from outside of Belgium. The RMAH houses 438 human remains (424 AHM + 14 MIM). Of the 424 human remains in AHM, the majority of human remains are also from Belgium (289 human remains of which 102 are from the historical period and 187 from Prehistory). The RMCA houses 35 human remains which are from around the world.

At the time of the HOME survey there was also the MEMOR project (funded by the Flemish regional government), running simultaneously, which sought to catalogue Flemish Archaeological Human remains and who contacted many different institutions outside of the scope of this survey (i.e. the Flemish Heritage Agency, churches, commercial companies). At the present date MEMOR have documented at least 20,000 individuals from archaeological remains in Flanders. Museums and University departments who had only Flemish archaeological collections mainly participated in the MEMOR survey, rather than the HOME survey, as both projects worked together, although several Museums and institutions participated in both surveys. Therefore, the Flemish archaeological collections detailed in the HOME survey should be seen as minimal and for the full extent of the Flemish archaeological collections, please visit the MEMOR database. Although a similar project has not yet been held in Wallonia, Brussels or the German speaking communities, there are likely to be many more archaeological human remains in those communities.

The **human remains from historical collections from Belgian sites** (defined in this instance as human remains which are less than 1,200 BC) are the biggest category of human remains which are housed in 31 of 56 Belgian institutions (12553 or 42% of the overall human remains collections: 7069 from Flanders, 4379 from Wallonia and 1105 from Brussels). These human remains are mainly whole or partial skeletal remains and come from old cemeteries, churches and archaeological excavations (from the Roman medieval, post medieval or the modern period and roman times) but also from accidental finds, past donations and other donations from public and private institutions/collections. RBINS holds a large amount of the historical Belgian human remains (4812); from Wallonia (1164), Flanders (2686) and Brussels Capital (962). RMAH holds 102 historical Belgian human remains, from Wallonia (92), Flanders (3) and Brussels Capital (7).

	Flanders	**Wallonia**	**Brussels Capital-region**
RBINS	2686	1164	962
RMAH	3	92	7
ULB	5	26	71
SRBAP	6	30	64
Other collections	4369	3067	1
Total	**7069**	**4379**	**1105**

The second largest collection are **human remains from Belgian prehistory** (Palaeolithic, Mesolithic, Neolithic, Protohistory, Metal ages) from 13 of 56 institutions with 8258 remains or 27% of the overall human remains collections: 501 from Flanders, 7693 from Wallonia and 64 from Brussels). For the prehistory human remains, they tended to consist of cremations (burnt remains), postcranial fragments and in some cases partial or complete skeletons recovered from burials. It should be noted however, that this is an underestimation of the amount of Prehistory and historical Belgian human remains housed in Belgium. RBINS holds a large number of entries relating to prehistory Belgian human individuals (362); from Wallonia (245), Flanders (53) and Brussels Capital (64) although it should be noted that this is underestimated, as only an overview was taken and a detailed inventory is in course. RMAH holds 187 prehistory Belgian human remains, from Wallonia (133), Flanders (54).

	Flanders	**Wallonia**	**Brussels Capital-region**
RBINS	53	245	64
RMAH	54	133	
ULB		230	
SRBAP		53	
Other collections	394	7032	
Total	**501**	**7693**	**64**

The third largest collection of **human remains relates to anatomical collections** (4090) and a vast amount of these collections are housed in Universities with a majority from body donation programmes. The majority of the collection consists of parts of bodies although a large portion of the anatomical collections are embryos (499). There are 57 anatomical human remains in RBINS and 3 in the RMCA.

Artefacts from Belgium (1618) was the fourth largest category of human remains housed in 7 Belgian institutions who took part in the survey. Most of the human remains from this collection are relics which are highly fragmented remains, but again the amount of human remains in this category should be seen as a vast underestimation of the true number, due to the scope of the survey. There are none in the 4 federal institutions.

The fifth largest category consists of remains which are listed as **unknown** (1463), where there is no information or documentation on the human remains. RBINS holds 441 unknown human remains, and 22 are held in AHM.

The majority of the **historical collections from outside of Belgium** are collections of skulls which were previously **collected in pre-colonial and Belgian colonial contexts**. The largest category of these skulls were historical remains from the Democratic Republic of Congo, Rwanda and Burundi which were collected in a highly problematic colonial context and are part of the collections which were transferred to RBINS from the Musée du Congo in 1964-65. RBINS houses human remains from 150 individuals from Rwanda, one skull from Burundi and human remains from 350 individuals from DRC. Whilst the majority are skulls, there are also partial skeletons. The RMCA currently houses 10 skulls from the DRC. The Université libre de Bruxelles (ULB) houses 10 skulls from DRC of which the ownership and associated rights are with the University of Lubumbashi (UNILU). There are a further 4 at ULB which should be of Congolese origin, then ownership will also be with UNILU. A possible further 3 of Congolese origin were also discovered at ULB during the project. The Royal Belgian Society of Anthropology and Prehistory currently houses 6 skulls from the DRC.

	DRC	Rwanda	Burundi
RBINS	350	150	1
RMCA	10		
RMAH			
ULB	17 (7 of which are possible)		
SRBAP	6		
Other collections			
Total	**383**	**150**	**1**

The RMCA has **8 artefacts from the DRC containing human remains**. We are not aware of any other institutions which house human remains or artefacts with human remains from Rwanda, DRC and Burundi.

During the course of the HOME project, provenance research was undertaken on these collections although a moratorium of scientific research was placed on the historical collections of skulls collected in a colonial context from DRC, Rwanda and Burundi. Therefore no study has been undertaken on these historical colonial collections to the present date to determine the exact number of individuals within the collection. Further study will not be done unless it is at the request of and with the joint collaboration of the countries of origin prior to repatriation.

There are **139 historical human remains listed as being from around the world** housed in 8 Belgian institutions. The federal institutions house 109 of these human remains. There are 23 from Africa (outside of DRC, Rwanda and Burundi in RBINS (20), RMCA (2), AMH (1), there are 1 from America (RMCA). There are 62 from Asia in RBINS (61) and RMAH (1) and 23 from Oceania in RBINS (16) and RMCA (7).

	Africa	America	Asia	Oceania
RBINS	20		61	16
RMCA	2	1		7
RMAH	1		1	
ULB		2	12	5
SRBAP		1	3	3
Other collections		3		1
Total	**23**	**7**	**77**	**32**

There are 136 **artefacts with human remains from around the world** in 11 different institutions, including the 4 Federal institutions. There are 4 in RBINS from Asia, 2 in RMCA from Africa, 13 in MIM (12 from Asia and 1 from Oceania) and 60 in AMH (19 from Asia, 25 from America, 1 from Europe, 14 from Oceania).

	Africa	**America**	**Asia**	**Oceania**	**Europe**
RBINS			4		
RMCA	2				
RMAH AMH MIM		25 25	31 19 12	15 14 1	1 1
ULB					9
SRBAP					
Other collections	1	6	9	28	5
Total	**3**	**31**	**44**	**43**	**15**

RBINS currently houses hundreds of fragmented human remains from 50 skeletons from DRC prehistory. There are 719 prehistory human remains listed as being from around the world housed in 3 federal institutions. There are 19 individuals from Africa (outside of DRC, Rwanda and Burundi in RBINS). There are 8 from America in AMH and 111 from America in RBINS. There is one from Oceania in MIM. There are 570 prehistory fragments from Europe in RBINS and 10 from RMAH.

Provenance research can sometimes demonstrate that the actual origins of skulls can be different to that listed in the inventories, particularly human remains from the pre-colonial period. Therefore throughout the survey we state that the human remains are listed as being from a particular country. The majority of the human remains in the museums are unidentified.

Neandertals have been found in well documented specific sites in Belgium and all of the institutions housing Neandertal remains took part in the survey, with a total of 213 Neandertal remains housed in different institutions.

There are also a significant number of institutions housing mummified remains from Egypt, South America and the rest of the world in Belgium (10). However, the number of mummies being housed in Belgian institutions is relatively small compared to other human remains collections.

Human remains from a Belgian colonial context

(RMCA, Université Saint-Louis - Bruxelles, RBINS)

All historical human remains in federal collections directly related to Belgium's colonial past are part of a painful and complex legacy. Human remains are not considered objects since they touch upon the principle of human dignity. Although processes of repatriation do not undo the past, they are imperative for the future. Repatriation can be part of processes of postcolonial repair between countries, communities, families and citizens in Europe, Africa and worldwide.

A critical assumption of the colonial past is on the agenda of all former colonial States. Official representatives are thinking about the most appropriate way to address historical grievances related to their former colonies. Divergences, contradictions and other claims linked to the colonial past are inevitable. These tensions are at the focus of a growing number of judicial and non-judicial processes that are, with varying degrees of effectiveness, prompting critical reflection on the imprint of this past. In Belgium, this is not a new debate either (Congo Commission). On June 30, 2020, King Philippe addressed a letter to Congolese President Félix Tshisekedi on the occasion of the 60th anniversary of the Independence of the DRC. For the first time, a Belgian sovereign acknowledges the 'acts of violence and cruelty' committed during the time of the Congo Free State (1885-1908), as well as the 'suffering' and 'humiliation' during the colonial period (1908-1962). This past affects Belgian society to this day. The existence of a political momentum is confirmed by the speed with which this theme mobilises all Belgian institutions.

Repatriation processes related to the colonial past involve a specific context of the extension of political and economic control over a territory by a foreign occupying state. The issue of colonial collections is directly related to this context, which is determined by inter-state relations, which is different in comparison with settler colonialism. In this respect, the repatriation of human remains out of colonial collections is also part of current relations between former colonies and former colonial powers. As a former colonial power towards former colonies, the Belgian State has a responsibility to conduct such processes with respect for the former colonised countries and serenity towards all parties involved. This responsibility also concerns financing these processes, which are part of a broader post-colonial recovery.

Manner of acquisition of the historical human remains collections

There has been the proposition in the Bill of 3 July 2022, largely in the context of colonial objects and at the exclusion of human remains, that the manner of the acquisition of objects during colonial times should be divided into those that the State are willing to repatriate : those that are badly acquired ('mal acquis' - acquired by force or in violent circumstances (e.g. war trophies)) and those that are not, according to the colonial legislation. However, this division is open to criticism since the primary objective of colonial legislation is to serve colonial rule, while preserving the interests of the colonial State. Various actors, including the Congo Commission, have challenged this division too, as there is no colonialism without violence. Colonial violence is not limited to its most visible and direct forms. It manifested itself in many forms, affecting all aspects of the lives of the colonised populations, including their funeral practices. The inherent nature of colonialism caused violent and unequal situations marked by paternalism, discrimination and racism from colonisers to colonised peoples. In these 'contexts of injustice' the impact of acquisition practices must therefore be taken into account.

Provenance research

Researching, knowing and identifying the historical and geographical contexts of provenance of human remains as such is the beginning of a process. Detailed provenance research might be of vital importance in this process. In line with the recommendations of Restitution Belgium (2021), we recommend a significant increase in funding for provenance research in Belgium and in countries of origin, as well as for sensitization, healing and cultural programs in the countries of origin. Provenance research must be a collaborative process. We strongly reiterate the German Guidelines on Dealing with Collections from Colonial Contexts (2018) which state that it remains the responsibility of funding bodies and political decision-makers to ensure that museums, universities and collection managers have sufficient funds and staff to meet these demands.

In various institutions such research is not standard, nor conducted yet, but ad hoc or project-driven whereas others have staff conducting provenance research. The large majority of the human remains are unknown individuals. In many cases, there is only the country and geographical region and name of the donor or purchaser of the human remains. We recommend broadening the scope of provenance research towards a better understanding of the circumstances in which human remains were taken from their communities. Instead of emphasising biological or cultural identity our responsibility is to historically understand why and how human remains were collected. In summary, historical heuristic research and collaborative fieldwork with social scientists of the source countries offers an appropriate methodological framework and we recommend to include projects which focus on sharing of information from both countries. Oral histories contribute significantly to provenance and to memory work within source communities. Requests by States of countries of origin, by communities and/or descendants can only be made when the concerned and demanding parties are informed. Therefore, provenance research, and in line with the recommendation made by the collective Restitution Belgium (2021), should be proactively conducted in agreement 'with and respect for the bereaved communities and/or countries of origin'. Institutional practices regarding human remains collected in colonial contexts should not be limited to their management, for example through open access inventories. While inventories can serve as a tool, they should not be considered the end goal of provenance research. Rather, proactive discussions around these collections should focus on the broader ethics and historical legacies of 'scientific' racism that shaped these collections. Future thinking on these collections should also be ethically evaluated from this critical perspective.

Acknowledgement and recovery

The repatriation of human remains by itself is not a reparation. Provenance research has highlighted dark and difficult histories of colonialism. The taking of war trophies, the taking of human remains from graves by Belgian colonial officers or priests, removing human remains from medical facilities and hospitals in Rwanda and the DRC, are difficult stories which are important to be acknowledged. These stories need to be told and we consider there should be continued dialogue with the countries of origin, in particular those related to the DR Congo, Rwanda and Burundi. This is an important step in processing the colonial past in the collective memories in Belgium and source countries. We can follow the examples of other countries by working closely with States of the countries of origin, source communities and descendants, when identified, to ensure that the repatriation process is carried out with the utmost respect, and in a constant dialogue. These processes should include a wide range of continuing memory related and commemorating activities: the organisation of ceremonies, memorials, art installations, exhibitions, Film making, and artwork related to the community…

Repatriation

Repatriation of all historical human remains in federal collections relating directly to the colonial past of Belgium should be unconditionally repatriated if requested (with no conditions placed upon their

return by the Belgian State). It could be a possibility to repatriate human remains to their descendants, if the individual is identified, to the community of origin if no descendant is identified but the community is identified, to the country of origin if no community of origin is identified. However, an internal dialogue in the country of origin has to define the repatriation process. In case of a repatriation request coming from the family or the community, the Belgian State has to do due diligence and advise the country of origin recognising their sovereignty. The Belgian State should not act unilaterally. Given the potential impact of repatriation processes on relations between communities and families in the countries of origin, it is important to allow States of the countries of origin to mediate and consult their source communities and other concerned citizens to achieve solutions between all parties involved. In the past it has been shown that some communities may not wish to have their human remains returned and a forced repatriation is the opposite of healing.

Repatriation should also apply to those human remains which on the surface can be said to have been acquired by purchase or donation. Whilst provenance research is often not known on the human remains prior to purchase, there may be a violent history as a forced disinterment or grave robbing. Most indigenous ritual practices were completely disregarded when collecting human remains. Even in cases with a legal purchase, we recommend repatriation if the repatriation of the remains is of significant emotional meaning to the State and communities within that state. The human remains collections from a colonial context also do not have prior consent from the deceased for the use of their bodies for scientific research/educational purposes. This can no longer be ignored.

Human Zoos

In the particular context of the colonial past of Belgium, we acknowledge the limited scope of human remains. For civil society, people who died in the context of the human zoos in Tervuren in 1897, Antwerp in 1894 and in Brussels during the Expo of 1958 and who were buried in Belgium – most likely without the consent of their relatives - are part of the debate too. The world exhibitions were the first acts of the museums that store human remains up till today. We recommend that the remains of people who died in the context of human zoos be considered as part of the collections to be repatriated. We recommend reckoning this historical dimension within repatriation processes of collections of human remains. Restoring their dignity might be achieved by repatriating these historical burials to the DRC or through commemorating in the case of their now destroyed graves in some cases. This should be in consultation with all concerned interlocutors in the DR Congo and Belgium, who have organised commemorations for these victims and advocated their repatriation for a long time. In this respect, the RMCA facilitated a historical commemoration activity on 1 November 2022 organised for the first time by civil society activists of the associations Change and Bakushinta in collaboration with Congolese partners of the film collective *Collectif Faire-part* and cultural art centre *Waza*.

Considerations and recommendations relating to human remains of non-Belgian origin but not related to the Belgian colonial context housed by the FSIs

(RMAH, RBINS, SRBAP)

The Royal Museums of Art and History (Brussels) and the Royal Institute of Natural Sciences adhere to the general recommendations made by the HOME project regarding the repatriation of human remains.

The human remains housed by the two FSIs consist of complete and fragmentary skeletons, mummies, relics, incinerated/calcined bones, shrunken heads but also numerous artifacts composed of human remains (musical instruments, ceremonial headdresses, etc.).

The chronological attribution of the human remains is mainly divided between prehistoric and historical periods. This relative chronology is conventionally accepted and determined by the presence/absence of writing by a culture and its use. Prehistory is therefore a period of History that preceded the appearance of writing. This chronology is therefore applied differently in different parts of the world. However, it does not presuppose the superiority of one period over another and/or of one culture over another.

Regarding the diversity of cultural practices, the chronology and geography of the human remains preserved in the two FSIs, we advocate a case-by-case procedure for official repatriation requests:

- The government should be open to the repatriation of all human remains of non-Belgian origin
    - We suggest that the Belgian State provides a tailored response to each application.

- The government should continue and deepen the provenance research of human remains of non-Belgian origin conserved in federal Belgian institutions.
    - We emphasize that one of the main objectives in each repatriation process is to certify the provenance of the requested (pre)historical human remains. This includes the analysis of the present state borders and the (past) geographic distribution of the community of origin.

In view of the diversity of contexts in which human remains are acquired by the Belgian State, we suggest that it should:

- Take into consideration the submission of an official request for repatriation by a State or a community of related origin if the individual is unidentified;
- Take into consideration the submission of an official request for repatriation by a State, family, person or community of related origin if the individual is identified;

As in the main recommendations, in the event of a repatriation request coming from the family, a person or a community, the Belgian State must do due diligence and advise the country-ies of origin, recognising their sovereignty. Given the potential impact of repatriation processes on relations between states, communities and families, it seems important to allow State(s) of origin to mediate and consult their source communities and other concerned interlocutors to achieve solutions between all parties involved;

The Belgian State has to be proactive in the repatriation process of identified human remains whose bodies have been retained on Belgian territory without the prior consent of the person, advertising the potential related interlocutors.

The repatriation process could be facilitated by the creation of a **focal point** related to human remains. It could:

- centralise the repatriation requests and processes;
- integrate into the repatriation process itself by providing support to individuals, communities and States of origin in the preparation of their request and by cooperating with the administration of the countries of origin to set up the practical conditions for the return;
- act as an intermediary with Belgian institutions/individuals wishing to repatriate human remains;
- facilitate provenance research by organising access to archives and documentation relating to collections of human remains.

DNA analysis as a tool/proof for repatriation demands (NICC)

Genetic analysis is known to be applied in many scientific fields. Within the repatriation of human remains, it could also potentially play a role. Although genetic analysis has its benefits, it also has its limitations, particularly when dealing with human remains from which only ancient DNA can be recovered and analysed. Even should there be a match for DNA, one should consider the fact that a biological relationship is not necessarily relevant to prove social, legal or cultural relationships.

The application of genetic analysis should be widely discussed between all parties involved in the repatriation process. Firstly, the relevance of genetic analysis in each particular repatriation case should be considered and discussed with all stakeholders before the start of the DNA analysis process. Genetic analysis can interfere in this process, but may not be considered as a stand-alone technique. A strictly biological approach would ignore the complexity of identity and could undermine family histories which is why a multidisciplinary approach is always required. The interpretation of the obtained DNA results should thus be considered in the light of primary information (e.g. historical records, other analytical data, archaeological findings), if available. Moreover, the impact of DNA sampling on the human remains should be assessed. Since results can be surprising and challenge previous assumptions, the possible outcome of genetic analysis and interpretation should also be clarified in advance. Even though it could be technically feasible, the implementation of genetic analysis in repatriation cases could be limited by the possible ethical, social and political outcome of the investigation.

If genetic analyses are undertaken in the framework of the repatriation process with the prior demand / consent of the country of origin and their communities, specific recommendations have to be followed:

- Strict agreements regarding transfer, storage and analysis of human remains between the stakeholders and laboratory staff must be made.
- Preventive measures to avoid contamination with modern DNA such as wearing a facial mask and disposable gloves should be implemented during every manipulation of human remains in DNA laboratories as well as in all other institutes.
- The impact of sampling on the human remains should be minimised.
- The morphology of the examined human remains should be documented appropriately before destructive sampling.
- Data obtained from human remains may never be exploited for other purposes other than its repatriation.
- Data obtained from human remains may never be submitted to any (scientific) database.

It should also follow recommendations regarding other ethical issues:

- Stated investigations and treatment of obtained data may never be in conflict with the applicable (inter)national legal framework(s).
- Members of communities associated with the human remains should be involved in the genetic analysis of human remains.
    - Living individuals engaging in the genetic analysis of human remains by providing DNA samples should only agree to participate through an informed consent.

- Genetic information obtained from participants may never be exploited for any larger genetic studies without a specific consent.
- Genetic information obtained from participants may never be uploaded to any (scientific) database without a specific consent.

Digitisation

(RBINS, ULB and U Montreal)

Representatives of communities of origin want to know where their human remains are, what has been done with them and what information is held on them in the archives. The provision of this information online and/or on demand allows for greater transparency.

The digitisation and transcription of archival documents is a necessary step in transparency from the Belgium government. In Belgium, there are numerous archival correspondence in either Flemish or French with handwriting which is sometimes difficult to decipher.

In the context of palaeoanthropological community, the sharing of digital human remains is an asset and allows analyses which are not possible on the skeletal remains, such as a detailed analysis of the internal organs and structures. It is also a part of the preventive procedures before a destructive sampling for genetic and/or chemical analysis.

Thousands of human remains and other objects housed in the Federal scientific institutions have already been digitised as part of ongoing digitisation processes of the federal collections (DIGIT) or in the framework of digitisation on demand. The benefits of digitisation means that digital human remains can be shared preserving original remains. This can be highly valuable when studying human remains such as fossil hominids or mummies. Next to digitisation of the remains, scientific tools should be developed to enable objective and quantitative analysis of specific anatomical features by comparing them with the same features obtained on a reference sample/database.

In the case of the historical human remains, digitisation can:

- assist provenance research in that researchers, families and communities finding out more information on the person such as the age and sex of the person in the case of unidentified individuals.
- help with knowing the cause of death by examining trauma on the skeleton.
- Be a record of the crime that took place.

However, there is a strong debate on whether historical human remains collections from a colonial context should be digitised. For some communities of origin, images of the deceased can be sensitive and Belgian institutions should be aware of these sensibilities. This can include photographs, 3D models, drawings, casts, measurement data, visual and sound recordings. Given that images were also sometimes taken by force during the colonial era whilst at the same time as submitting the participants to degrading practices, then the wishes of different communities should be respected when related to digitised remains. For example, certain Tasmanian and Australian Aboriginal groups are against any kind of reproduced image of ancestral human remains.

We recommend that the management of the digital collections of archives and human remains is performed as follows:

- We strongly recommend that digitisation practices should in the future take into account States and/or community groups of origin(s).
- We recommend the digitisation as well as the transcription of archival records relating to the human remains – to enable researchers, families and countries from other countries to have access to these records.

- Should source communities request that the digital records be deleted due to their beliefs, then we believe these requests must be accommodated where possible with all other stakeholders/interlocutors from the country of origin, with the State being given priority.
- Consideration should be given on the best manner to share information in each country. It should be noted that information held in archives such as photographs or 3D models of human remains, the description and stories of the human remains can be difficult and appropriate warnings should be made.
- Human remains from a painful colonial past are not to be digitised or included in further scientific comparative research.
- Digitised human remains from colonial context can never be used as teaching materials or other analyses outside of specific provenance research without a specific consent. This should only be done in collaboration with representatives of the country of origin.
- When ownership changes as a result of repatriation, the “owner” decides on the use or destruction of 3D copies or any other use of derived data.
- Where requested by the source countries and in collaboration with demanding countries, we recommend the further development of digital comparative methods of human remains with high-quality reference populations.
- Digitisation should also be considered in connection with memorial processes and not only for scientific research or conservation records.

Availability of the information

In some countries there is an infrastructure with a specific contact point for repatriation requests or enquiries (Australia, Greenland, New Zealand).

A specific single focal point could accumulate all the available information on the human remains concerned by potential repatriation and would centralise the administrative actions related to these procedures.

Importantly, the Focal point would not replace dialogue with countries of origin and their communities but would give details of all the information currently known on the different human remains and allow provenance research and information to be transparent and accessible. It cannot replace detailed provenance research but rather would be a hub of information and available to all stakeholders and interlocutors. This would include inventories, transcriptions and copies of archival documents.

The focal point could:

- have the goal of preserving and FAIR sharing collections and provenance information related to human remains concerned by a possible repatriation demand.
- for ethical reasons, allow sensitive information on human remains to be kept private and shared with interlocutors
- ensure that provenance research and information on human remains made in preparation of the repatriation procedure was not lost with time.

The focal point would further be a centralised entry point site giving information on how to request repatriation and who to contact.

The aim of the focal point is to facilitate repatriation and it will be a first stop for States, families and communities of origin who wish to know what remains are present in the museums and Institutions in Belgium and how they were able to request those remains to be repatriated. The focal point could also give information on how to proceed if you were currently holding human remains and were unsure of what to do with them.

All Belgian museums, universities and other institutions in Belgium who wish to participate in the repatriation of the human remains collections could have the possibility to use this focal point. The focal point could also act as an intermediary with private persons who may want to repatriate human remains. The focal point could be developed in a co-operation agreement between the federal and regional levels.

The focal point would maintain:

- the documentation about the Belgian and international context facilitating any new repatriation demand.
- a list of experts in Belgium, helping to manage the repatriation.
- All information relative to the status of human remains and the best practices related to in scientific institutions, public and private collections

The focal point can also act as an intermediate to contact the representative of the country of origin to ask permission as to whether access is granted and research is performed on the human remains.

The activities of the focal point could be integrated into a broader ***Independent 'Centre of Expertise for provenance research'*** which is currently under discussion.

APPENDIX 1 Definitions

1. Colonial Context

see definition of Restitution Belgium (repeated below)

This is also known as colonial frameworks (see Sarr and Savoy,2018), within the framework of collecting, denote all situations in which the transfer of material was characterised by deep structural inequality, and in many cases explicit actions of oppression and/or violence. They embody discriminatory ideologies, where those in power cultivate a self-image of superiority, as well as forced dependencies in which valuable assets are unequally divided among the involved parties. Colonial contexts go beyond relationships of formal colonisation both geographically and chronologically.

2. Communities of origin

see definition of Restitution Belgium (repeated below)

This refers to a community of people and their descendants from whom objects in museum collections originate, who live inside or outside their shared country of origin or ancestry but maintain active connections with it. Under this umbrella we can also understand the groups elsewhere defined as countries of origins, source communities and the diaspora. Criticism has also been levelled at the term communities due to its connection to evolutionist conceptions of social organisation in formerly colonised areas, an ideation in which people are seen to live in small communities and States are not given equal recognition (see Opoku in recommended reading). This term necessarily constitutes a simplification of a series of social networks at different scales, from sovereign state to individual families, and made up of a heterogeneous pool of stakeholders, consisting of individuals with for example different socio-economic or religious backgrounds, that do not all categorise their relationship to collections in the same way.

3. Restitution, return, recovery and repatriation

see definition of Restitution Belgium (repeated below)

Restitution, *return*, *recovery* and *repatriation* are four words often used interchangeably, however, they have particular connotations. Restitution is used to indicate a legal claim and process (though the exact terms of that process differ according to local law). Return and recovery are more general, with a focus on the 'returning party' in the case of the former and the 'recovering party' in the case of the latter. Repatriation is more commonly used for indigenous cultural objects, particularly sacred objects and human remains. This term implies rehumanisation.

WP8 Dissemination WPL RBINS

Communication activities will have the aim to engage all participants, related agents and interested parties. RBINS will coordinate these actions in order to reach the concerned stakeholders.

The dissemination material will be done in close collaboration with the communication and media services of the partners. It is expected to have communication packages adapted to the different audiences and media, be they hard copies or digital. The aim is that they can be used by the communication officers involved, but also by the partners or external stakeholders to advertise or explain the project and its tools to third parties at conferences or other events. It will also be a role under this task to communicate in an appropriate way to the different audiences about the scientific publications, by producing executive summaries or vulgarisation documents to advertise them to a non-scientific audience with an adapted wording, those based on the material provided by the other partners.

Task 8.1 Communication strategy (TL RMCA,)

One of the major goals is to set up a communication strategy to identify the appropriate stakeholders, make them aware of the project and seek their expert opinions and feedback.

This can be achieved after the setup and the feedback of the task 5.3 (Creating dialogue and co-curation).

Activities realised

D8.1.1: Defined communication strategy for the FSI's and the Federal authorities(M24) RBINS, RMCA, RMAH, RBINS

A press release in three different languages (French, Dutch, English) was sent out in December 2020 to help launch the survey and to tell the public about the HOME project. See **Annex 13** for the press releases. Members of the HOME project were also interviewed as part of a special edition on colonialism in the EOS magazine. A paper version was produced (**Annex 14**) and this was later updated in a digital version (**Annex 15**). The HOME project has been the subject of quite a bit of press attention since the start of the project (see section 5 Dissemination and Valorisation). Please also see the deliverables (D8.1.1) for a press review of articles which have been published on the HOME project and for a PDF of the EOS article aswell as the HOME project website (https://collections.naturalsciences.be/ssh-anthropology/home/news).

Due to the COVID pandemic, the DRC partners of the RMCA visited Belgium in October/November 2022. As it was important to take into account their views - reports and recommendations for repatriation (Task 7) were slightly delayed. It is important to share our final report and the recommendations for repatriation to the follow up committee before submission to BELSPO to be able to take into account their expert view. Nevertheless, the RMCA facilitated on 8 November 2022 a 'Press conference HOME' organised by the informed group of civil society associations represented by the Congolese diaspora at the Museum in Tervuren. This activity was independently conceptualised, but moderated and facilitated by Marie-Reine Iyumva, charged with partnerships at the AfricaMuseum.

A final press conference was held on the 29 March jointly with Belgian Bioethics committee to give the results of the project, which is primarily the Recommendations and Executive summaries of the partners (see WP7). The Belgian Bioethics committee gave the results of their investigation into the status of human remains. A press communication was done in English, French and Dutch (**See Annex**

16). The Recommendations and Executive summaries have also been translated into English, French and Dutch and accompanied the press release (See **Annexes 11** and **12**). Please also see the deliverables 8.1.1. for press articles following the press release aswell as the HOME project website (https://collections.naturalsciences.be/ssh-anthropology/home/news)..

D8.1.2: Defined communication strategy for the ULB (M24) , ULB

In the context of the project - the ULB has worked with the Federal institutions during the project for communication purposes.

D8.1.2: Defined communication strategy for the SRBAP (M24) RBINS, ULB

The Society of Anthropology of Brussels (SAB) was founded in 1882 and, according to its statutes, was aimed at "the study of anthropology in general and more specifically, the study of the populations in Belgium". Following the example of the Society of Anthropology of Paris (SAP), SAB largely devoted itself to the field of biological anthropology. This was obvious in its five first bulletins where about 40% of the topics covered were in this emerging discipline and were related to biometry, osteology, paleoanthropology, comparative anatomy, history and the description of ancient human populations. Previously nearly 30% of the papers have focused on prehistoric archaeology.

In 1928, the SAB was transformed into a non-profit association (A.S.B.L). In 1930, the SAB was renamed "Royal Belgian Society of Anthropology and Prehistory" (SRBAP attesting to the growing importance of archaeology. The Bulletin of the SAB was then renamed Bulletin of *the Royal Belgian Society of Anthropology and Prehistory*. In 2000, the statutes of the Society were adapted to bring them in line with the new aims of the Society, namely "the multidisciplinary study of Man and its cultures" and "the promotion and dissemination of scientific research in these fields".

Soon after the creation of the society, a bulletin was created. This bulletin still continues today, and was renamed Anthropologica et Praehistorica in 2000. This publication contains scientific articles by Belgian and foreign anthropologists and archaeologists, annual reports and news of the Society.

The SRBAP has gathered a large collection of human remains from the first year of it's existence from members of the society and also from outside donations. In general, as skull was seen to be the most valuable anatomical part for nineteenth-century anthropologists, and was previously seen as the centerpiece of their collections. The latter have become the nucleus of many institutional collections in the USA and Europe. The doctor Emile Houzé (1848-1921), one of the founding members of the Anthropological Society of Brussels, built his doctoral thesis on a study of skulls differentiating the Flemish and the Walloons and also concentrated on building up a collection of skulls for the society. The SRBAP human remains collections are now located in two different locations. Part of the collections are kept at the Royal Belgian Institute of Natural Sciences, the other at the Laboratory of Anthropology and Human Genetics, Faculty of Sciences, of the Université Libre de Bruxelles.

There is no documentation on who is the owner of the human remains from SRBAP housed at RBINS. However, the president of the SRBAP Professor Stéphane Louryan has stated that the human remains which are the part of the human remains housed at SRBAP should be considered as part of the RBINS osteological collections. Therefore all decisions taken with the RBINS collections will also apply to the SRBAP collections which are housed at RBINS. This is similar to the SAP collections which in 1952, were transferred from the Paris School of Medicine to the Musée de l'Homme.

The ULB considers that the human remains from SRBAP deposited at the Laboratory of Anthropology and Human Genetics, Faculty of Sciences, Université libre de Bruxelles should now be considered as part of the human remains collection of the University. This was based on a letter dated the 1st April 1936 to the Director of the Musées Royaux d'Art et Histoire from the Secrétaire-Général of the SRBAP and which stated that the Society has decided to offer to the Université Libre de Bruxelles, in a perpetual deposit, the osteological collections which are housed at the Musées Royaux d'Art et Histoire (they were later moved to the Laboratory of Anthropology and Human Genetics). On 28 August 2020, the Université libre de Bruxelles (ULB) transferred the rights of 10 skulls of Congolese origin held at the ULB's Laboratory of Anthropology and Human Genetics (these skulls previously belonged to the SRBAP) to the University of Lubumbashi (UNILU). The agreement extends to four other skulls kept in the same laboratory in the event that it has been established that they are also of Congolese origin. The convention provides for the provision of these human remains to UNILU, that is to say that the human remains are held temporarily at ULB "at its exclusive expense, for the sole purpose of scientific research, and under conditions of protection, conservation and security appropriate", until UNILU requests "effective repatriation". This provision lasts a maximum of 5 years, renewable a maximum of three times for one year, or longer if both parties request joint renewal. Research on the human remains is given at the request of the UNILU who hold the property rights. There were a number of press articles about this convention.

Therefore in the future the collections of the SRBAP are currently divided into two. Those that are housed in RBINS should be seen as part of the RBINS collections. Those that are housed in the ULB are part of the ULB collections and communication on these collections will be made respectively by the two institutions.

However, there will be a communication on the SRBAP society in general from Jennifer Gonissen. Jennifer Gonissen wrote a Masters thesis on the collections of SRBAP which are housed at RBINS. She is currently undertaking a doctorate at the Faculty of Medicine, which is based on the collections of the SRBAP which are housed at ULB. This includes the study of 14 skulls which are potentially from the Democratic Republic of Congo and which are subject to the convention with the Université de Lubumbashi.

Jennifer Gonissen will write an article for the Anthropologica et Praehistorica which will encompass all the collections of the SRBAP. This is an important communication which will be the first time that a detailed provenance study has been undertaken on these collections.

Task 8.2 Professional portal with restricted access (TL RBINS)

- *Web database with common search interface for archives, human remains, publications using the very stable Plone technology which has been used at RBINS since more than 10 years and allows good maintenance without external support. (TL RBINS)*

- *Web database (TL RBINS) with possible offline navigation allowing users without internet to obtain the information from usb sticks/HDD*

- *Online/Offline 3D datasets allowing the study of the virtual collection with the scientific tools developed by ULB in task 4.3.*

Activities realised

D8.2.1: Project Portal and prototype of Professional portal (M24) RBINS

The creation of the website of the project on the RBINS Scientific Service Heritage Plone server was set up in the beginning of the project. All members of the project have had access to the server with a unique user name and password. The members of the follow up committee also had access to the project website. The deliverables were also placed on the project website.

https://collections.naturalsciences.be/ssh-anthropology/home

The website has 9 different sections:

1. News and Events (where upcoming events and news relevant to the project is updated continually)
2. Project description (The executive summary of the project is available here in three different languages – French, Flemish and English)
3. Partners (details on the partners)
4. Workpackages (details on the tasks of each workpackage
5. Deliverables (Deliverables for the project are uploaded onto this site)
6. Background documents (A useful source of background documents – divided into different sections; Rules, Laws, Background Documents, EU, Bibliography)
7. Communication room (a place to put press releases and communications to the general public later in the project)
8. HOME Forum (Here is a place to discuss different topics).
9. HOME Survey (the online survey which is related to WP2).

The section of news and events and the project description were made public so that anyone who was interested in the project could see the latest news and developments in HOME. Whilst only project members had access to the background documents relating to the project and the deliverables.

The survey was also placed online in this section and participants to the survey were only able to see their own survey.

D8.2.2: Professional portal with restricted access allowing the sharing of Virtual remains and associated documentation with the academic and authorities of the countries of origin. (M24) RBINS

RBINS has the largest collection of human remains from other countries out of all the other ESF's, Universities and Institutions that took part in the survey. There is an existing technical infrastructure for the management of all the Natural History collections at RBINS which is a way to include all the available data on the collections. This technical infrastructure has been developed prior to the HOME project and is based on the PLONE technology. The infrastructure was further developed at RBINS during the HOME project.

The portal at RBINS links an inventory of the human remains with photographs of the plateau where the human remains are kept and all information on the human remains including any provenance research files (including transcriptions and copies of archival documents) and in some cases with the digitised file of the human remains. All Neandertal remains, many pre-history remains and all non–Belgian human remains have been digitised, as part of an ongoing programme in RBINS to digitise all

the collections. This platform is now part of the RBINS Museum web infrastructure and will therefore be updated with the overall technical infrastructure of RBINS. It is important to note that whilst some countries request access to the digitised human remains and files - digitisation of human remains is extremely sensitive and the portal will take this into account in future. As an example a collaboration with Tasmanian researchers have stated that they do not wish measurements, photographs or 3D models to be held on Tasmanian Aboriginal ancestors and this will be respected.

The portal at RBINS currently holds the following data:

- Digitised accessible inventories
- Digitised documents (with transcription where possible)
- Measurements
- Photographs
- Details of previous studies or reports (if any) on the human remains
- Other sources such as newspaper articles/relevant articles
- Digitised human remains

Plone technology allows the data to be made public but stored in a private folder. This has the advantage of meaning that sensitive human remains collections are not found by google searches. The portal also has the ability to allow specific access to certain files but not others. This means that access could be given to stakeholders who have a right to know the information held at the RBINS museum on human remains from their country or region, but only information on this country is shared, rather than sharing all information. This is due to ethical concerns of the content and the people documented within the digitised files.

All the digital files and inventories of RBINS are accessible upon request. Inventories of the human remains in RBINS have been established during the project HOME. These inventories and all information on the human remains are available with a password protection. As an example of how the database can be used, the acquisitions archives (AA) (comprising 60 dossiers) of the human remains collection from the Democratic Republic of Congo (DRC) formerly housed at Tervuren, have all been transcribed (as understanding the written script can sometimes be challenging) and both the original file and the transcription have been digitised). Links are given in the inventory of the human remains from Africa housed at RBINS which take the user directly to the AA files.

The Portal is :

- a first step in openness and transparency to share information on the human remains collections.
- for ethical reasons, allow sensitive information on human remains to be kept private and shared only with certain stakeholders with a password
- ensure that provenance research and information on human remains is not lost with time

Task 8.3 General public (TL RBINS, all)

The 3 FSI partners are Scientific Institutions, but they are also museums and as such they integrate specific communication teams addressing the general public. The communication plan to the general public of the HOME project will be defined during the project. RMCA will work with the African communities and define together the best approach(es) to communicate the topic of the project (popup exhibition, website, documentary, leaflet). HOME will then produce documents and recommendations which will help the communication teams of the FSI's to make a communication supported by all stakeholders.

RBINS will then produce - after the project - and depending on the decision(s) of the Belgian authorities, different supporting media to explain the origin of the collection, the "case studies" used by the HOME project and the decision(s) adopted by the Belgian authorities.

Activities realised

D8.3.1: Public web site of the project (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM

The project portal and prototype of the Professional portal is already completed. See task 1.2 for details of the different aspects of the website and task 8.1. News and events, and project description (Executive summary of project in French, Dutch and English), HOME survey and communication room is open to the public.

http://collections.naturalsciences.be/ssh-anthropology/home

The section of news and events and the project description were made public so that anyone who was interested in the project could see the latest news and developments in HOME. Whilst only project members had access to the background documents relating to the project and the deliverables. However, a difficulty with the public website of the project is that once the project ends, the project website is no longer updated (i.e. news and events will no longer be updated). However, it could be envisioned to put the final Recommendations and Executive summaries, project reports and final press releases in the Communication room so that if people search for information on the project HOME then they can still continue to find these documents from this public website. This is a problem common with all projects in that funding only exists for a specified period of time. However, one of the recommendations of the HOME project is to have a focal point (which will be a separate website) where anyone can go to find out more information about the human remains housed in Belgium.

D8.3.2: Presentation of the Advice of the Belgian Consultative Committee of Bioethics (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH

In coordination with the Belgian Consultative Committee of Bioethics we held a press conference on 29 March 2023 to give the results of both HOME and the Belgian Consultative Committee of Bioethics.

D8.3.3: Press release about the project results (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM

A press conference was held on the 29 March to give the results of the project, which is primarily the Recommendations and Executive summaries of the partners (see WP7). A press communication was

made in English, French and Dutch. The Recommendations and Executive summaries were also translated into English, French and Dutch. This accompanied the press release. This press conference was jointly held with the Bioethics committee, which gave the results of their investigation into the status of human remains.

Task 8.4 Scientific communication (TL = all)

In addition to the outreach towards the public and different stakeholders, is the valorisation of the work achieved via technical and scientific publications of prime importance for many staff members of the involved institutions. It is the responsibility of the Task leader in collaboration with the other partners, the follow up committee and the external stakeholder to identify topics fit for high level publications in relation with the project's activities or outputs. At the end of the project, a special issue of "Anthropologica & Praehistorica" edited by the Royal Society of Anthropology and Prehistory will summarise the results and outputs of the HOME project. The Anthropologica and Praehistorica publication will be available in Open Access for the electronic version but also as a printed version which is more convenient for a dissemination in Global South countries.

The advice of the Belgian Consultative Committee of bioethics will also be published electronically in English, Dutch, French and German allowing an international dissemination.

Activities realised

D8.4.1: Scientific communication in workshops and conferences (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM

There have been numerous scientific communications from all partners. Please see section 5 Dissemination and Valorisation

D8.4.2: Scientific papers in Impact Factor journals by the partners (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM

Please see Section 6 for a list of publications in Impact Factor journals by the partners.

D8.4.3: Special issue of Anthropologica and Praehistorica with the complete results of the project (M24) RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM

Activities realised

For a special issue on HOME, this is not as straightforward as it seemed at the beginning of the project as many of the reports are extremely detailed and lengthy and it is not possible to publish a paper copy of Anthropologica and Praehistorica when there are over 60 reports for the HOME project and some of these are many pages long . Whilst this can be seen as a success for the HOME project in the amount of reports that have been produced - the publication of this in a paper document is not at all easy. It requires partners to considerably shorten their reports for publication or find a different way to publish their data.

There is also the case that the provenance research on human remains from the colonial era is extremely sensitive and that careful consideration needs to be given on what information is published by working closely with counterparts from the countries of origin. For instance the way that inventories

and archival documents refer to the human remains can be shocking and against governmental policy in a different country.

Furthermore, some of the partners wish to publish in peer reviewed journals in their discipline to reach the audience of their discipline and also in one case to publish a book. Therefore we have to carefully consider how a publication in Anthropologica et Praehistorica will affect another publication (the article can be published in a different language or can be summarised for instance).

Therefore the Anthropologica et Praehistorica publication will be delayed until 2024. The following are potential articles that will be published in the Special edition:

1. *Chapman, T. Semal, P. The collections of RBINS (this maybe only RBINS but this may be extended to the Federal collections)*
2. *Chapman, T. Semal, P. Results of the survey of human remains by the HOME project*
3. *Tilleux, C. Polet C, Vercauteren, M. Étude des restes humains d'Atifu, un « guerrier » samoan décédé en Belgique au XIX^{e} siècle*
4. *Tilleux, C. Polet C, Vercauteren, M. De la Nouvelle-Zélande à la Belgique. Les têtes maories conservées aux Musées royaux d'Art et d'Histoire by Caroline Tilleux.*
5. *Gonissen, J. The collections of SRBAP by Jennifer Gonissen*
6. *Ribot I, Ghalem Y, Klagba M. What is the role of bioarchaeology nowadays? Exploring social and scientific implications through a few African case studies.*
7. *Louryan, S. Vanmuylder N. The museum of anatomy and embryology Louis Deroubaix from the « Université Libre de Bruxelles » : history, scientific interest and pedagogic usefulness.*
8. *De Clippele M.S., The Absence of a Legal Framework for Human Remains in Museum Collections*

Task 8.5 Public conference

Organised if possible with the Belgian Consultative Committee of bioethics and the Academy of Belgium. See also Workshop 1 of the WP1;

D8.5.1: Public conference about the Human remains collections and the question of repatriation. RBINS, USL-B, RMCA, ULB, NICC, RMAH, UdeM

Activities realised

A conference was originally planned to take place in Belgium at the end of the HOME-project. A small working group representing all project members discussed in three meetings, the concept, targeted public, composition of panels and timing. The consensus was on two half days including a roundtable discussion with the following format:

On the first afternoon (3 hours) :

- A general introduction to the HOME project by the Co-ordinators of 30-45 minutes.

- A brief introduction by Thomas Dermine if he would agree – the involvement of politics was discussed during the preparation. No-one was against and all agreed that the conference would offer the opportunity for them to be directly informed especially as the project intended to formulate recommendations in support of governmental policy to be developed on human remains

- 15 minute break

- 90 minute session of the first round table topic of Provenance.

On the second afternoon (3:15 hours):

- 90 minute session on the round table topic of Ethical management and display of human remains.

- 90 minute session of the round table topic of Repatriation.

The role of moderators was discussed; one moderator on behalf of the HOME project would introduce briefly the topic and formulate a series of questions whereas an external moderator would actually ask the questions and summarise the meeting. Various possible external members were proposed. There was particular attention for reporting the conference and making the minutes available in a timely manner. For this three interpreter companies were contacted. Due to the pandemic and in order to address an international audience, the conference would be virtual yet not hybrid as this could not be provided for by the project. The decision for a virtual venue was specifically intended to include partners in DRC, also for the topics to be addressed as well as for attendance.

In the meantime, RMCA had continued efforts for finding partners in DRC in order to learn on the opinion in DRC on the issue of human remains in Belgian collections and their repatriation. Also here due to the pandemic, the original design of the project had to be rethought. Establishing a network in DRC through a series of visits from and to DRC by Belgian and Congolese partners, evolved into online follow-up and a collaboration with cineastes-artists filming discussions with various Congolese interlocutors. There was a general attitude also from the artists to question their “representativity” and role in the project. This issue of who is representing who had caused conflictual and intimidating situations during a previous conference on how to decolonize the university in 2019 at ULB. Therefore the RMCA was of the opinion that inviting a few Congolese interlocutors to be taken as representing the society of DRC at a conference was in fact to be avoided. There also remained the practical issue of stable internet access to the virtual conference.

As a consequence, RMCA withdrew from the organization of the conference. After a long discussion, all other project partners decided not to continue the conference without RMCA or DRC partners. Alternatives to hear the opinion of the Congolese society were proposed; a conference in Kinshasa with a maximum number of attendants to whom a maximum of time and information would be given would replace inviting a small group to Brussels. The results of the conference in Kinshasa on March 30 2022, are provided in the report of the RMCA which is in deliverables D4.4.1. When the partners at the end of the project finally made it to Belgium, a museum talk at the RMCA was organised to learn about their experience in the project entitled Quel Avenir pour les restes humaines? Lies Busselen (RMCA) also participated in this museum talk.

Please see the minutes of the three meetings 16.11.2021, 10.12.2021 and 18.03.2021 in the deliverables D8.5.

5. DISSEMINATION AND VALORISATION

Dissemination by each partner:

UdeM dissemination

Academic presentations:

- Oral presentation: Ghalem, Y, Ribot, I. (2021, March 1-5). African Precolonial History: Extracting the Past from the Present [Re-examining Shum Laka and the Upemba depression: a 3D geometric morphometrics study of craniodental diversity]. International Conference, Brussels, Belgium.
- Poster presentation: Ghalem, Y., Ribot, I (2020, November 4-6). 48th Annual Meeting [A 3D analysis of the temporal bone: examining human variation in Equatorial Africa from the Late Stone Age]. Canadian Association of Physical Anthropology, Online, Canada.

RMAH and RBINS dissemination

Academic presentations :

- Tilleux C., Chapman T. (2021, January 28-29). *Anthropo-Responsabilité* [Le projet HOME et la création d'une charte éthique – deux initiatives belges], International Conference, Online, Musée du Quai Branly, Paris.
- Polet C., (2022, January 26-28). *1847es Journées de la Société d'Anthropologie de Paris* [Étude des restes humains d'Atifu, un « guerrier » samoan décédé en Belgique au XIXe siècle], International Conference, Paris.
- Lemaitre S., Tilleux C. (2022, September 05-09). *10th World Congress on Mummy Studies* [Interdisciplinary research on Andean mummies at the Royal Museums of Art and History], International Conference, Bolzano, Italy.

Media intervention:

- Lemaitre S., (18 January 2023, Podcast for Histoire vivante: les documentaires de la RTS) Fascinantes civilisations précolombiennes (3/5) - La momie de Rascar Capac (mention of the project HOME from the 27th minute) https://www.rts.ch/audio-podcast/2023/audio/fascinantes-civilisations-precolombiennes-3-5-la-momie-de-rascar-capac-25893748.html

USL-B dissemination

Academic presentations

- de Clippele, Marie-Sophie. Le passé colonial belge aux prismes du droit pénal. Séminaire du GREPEC (Université Saint-Louis - Bruxelles, 14/10/2022).
- de Clippele, Marie-Sophie. Restitution de collections coloniales : une loi pionnière, mais limitée par la structure fédérale belge. Comité national de l'ICOM - Journée professionnelle 2022 - A qui appartiennent les collections ? (Musée du Quai Branly, Paris, France, 23/09/2022).
- de Clippele, Marie-Sophie. The Body in the Museum - Experiences in Belgium and France. Negotiating the Human: Justice, Ethics and Culture in Dealing with Human Remains (Geneva, Switzerland, 16/09/2022).
- de Clippele, Marie-Sophie. Le projet de loi belge de restitution des collections coloniales – Une nouveauté ciblée. Commission spéciale passé colonial - audition experts sur la restitution (Chambre des Représentants, 10/06/2022).
- de Clippele, Marie-Sophie ; Gidrol-Mistral, Gaële. Patrimoine et pratiques muséales - Réflexions croisées sur le corps humain dépouillé de sa personnalité. Patrimoine et pratiques muséales - Réflexions croisées sur le corps humain dépouillé de sa personnalité (Université Saint-Louis - Bruxelles, 14/06/2022).
- de Clippele, Marie-Sophie. Le passé colonial belge, entre déni et justice. Crimes français en

Algérie : que dit le droit ? (Maison Internationale des Langues et de la Culture Amphithéâtre 35 rue Raulin Lyon 7ème, du 09/06/2022 au 10/06/2022).

- de Clippele, Marie-Sophie. Legal perspectives on dealing with Belgium's colonial heritage. Unwanted Histories: The legacies of contested monuments and objects: new homes, new interpretations, new meanings (Leiden University (online), 14/06/2021)
- de Clippele, Marie-Sophie ; Zian, Yasmina. Enjeux autour de la restitution de collections coloniales dans le contexte belge. Déboulonner les statues coloniales et après? (Académie royale de Belgique, 17/03/2021).
- de Clippele, Marie-Sophie ; Demarsin, Bert. Rights, wrongs and remedies - Working towards colonial heritage repatriation legislation for Belgium. Imperial Artefacts: History, Law and the Looting of Cultural Property (Leiden University, The Netherlands, du 28/01/2021 au 29/01/2021).
- de Clippele, Marie-Sophie. What legal framework for digitized human remains ?. International Conference of Terra Mosana: Sustainable Digital Heritage (Maastricht University, du 29/09/2021 au 08/10/2021

Media interventions - Marie-Sophie de Clippele

- Interview EOS Wetenschap (5 July 2022) – "Menselijke resten in Belgische collecties onder de aandacht: 'Dit vraagt om een maatschappelijk debat' » (R. Verbeke)
- Z-Science Kanal (15 June 2022) – Interview with Delphine Misonne on our work for the FNRS
- "La restitution d'objets, attendue au Congo, ne fait pas l'unanimité en Belgique", (10 June 2022) RTBF
- Het Journaal Laat (VRT) on the restitution of colonial collections (8 June 2022)
- Debate with lawyer Yves Bernard Debie – L'Echo, "Restitutions: de quel droit?" (J.-F. Hel Guedj), p. 46-47 (24 December 2021)
- Interview "La Belgique présente sa politique de restitution des œuvres: « Une approche systémique qui permet d'éviter de restituer au cas par cas »" - RTBF, Ghizlane Kounda (7 July 2021)
- Interview, "Comment éviter que la commission ne s'embourbe" – LeVif Hors-Série Colonialisme – De l'oeuvre civilisatrice à l'heure des comptes, Loïs Denis, p. 144-147 (June 2021)
- Interview Invité Afrique on the restitution of African art – Radio France International (RFI), Christophe Boisbouvier (21 June 2021)
- Interview "Belgian experts frustrated at 'lack of initiative from museums and government' call for restitution of colonial-era acquisitions" - The Art Newspaper, Catherine Hickley (3 June 2021)

ULB dissemination (Jennifer Gonissen)

Academic presentations

- 15/02/2019: preparation of the symposium "De l'Ombre à la Lumière" with R. Orban
- 25/03/2021: presentation of the analysis of 14 skulls to the GPLF symposium
- 01/02/2022: presentation of the analysis of 14 skulls to the University of Sheffield Lunchtime Lectures
- 03/07/2022: presentation of the ongoing process of identification to the Universeum Conference

Media Intervention:

- 02/05/2018 : Interview for Paris Match about the human remains stored at RBINS and ULB (analysed on my master thesis in 2011)

RMCA dissemination

Academic presentations:

- Mumbembele, P. and Busselen, L. HOME project presentation and fieldwork at Feshi. Seminar School of Criminology at the University of Kinshasa. 31/03/2022.
- Busselen, L. Collaborations in the DRC. Exchange in the framework of the Museumlab.
- Busselen, L. HOME project poster. *Science days of the RMCA*. From 17/10/2022 until 18/10/2022.
- Cancelled: Busselen, L. and Mudekereza, P. Challenging collaborations in a changing museumscape. *Annual SSE Conference "Give and Take: Anthropology as exchange"*. From 10/11/2022-12/11/2022.
- Couttenier, M. From Evolutionism over Diffusionism to Nazism. Joseph Maes and the Central African Lebensraum. *Conference Materials of Empire. Rethinking material legacies of colonialism and imperialism.* From 24/11/2022 until 24/11/2022.
- Couttenier, M. Being Casted by White Nganga Inventing Race. *Plaster face casts and the heritage of colonialism and racial science*, Royal Institute of the Netherlands in Rome. From 18/10/2021 until 19/10/2021.
- Couttenier, M. HOME. *Congo Commission, Belgian Parliament*. 10/06/2022.

Organisation of public activities and demonstrations in the DRC and Belgium:

- 30 March 2022 - National Workshop on the Restitution of Human remains at the Musée National de la République Démocratique du Congo - MNRDC in Kinshasa (DRC).
- 31 March 2022 - Seminar HOME project at the Law Faculty of the University of Kinshasa (Unikin) in Kinshasa (DRC).
- 1 November 2022 - Memorial walk and performance in memory of the Congolese victims of Belgium's human zoos at the museum in Tervuren (Belgium).
- 3 November 2022 - 'MuseumTalk: Quel avenir pour les restes humains ?' (virtually organised).
- 5 November 2022 - 'Screening: The Shadow of Words' at the CEC in Brussels.
- 8 November 2022 - 'Press conference HOME' by the informed group of civil society associations

6. PUBLICATIONS

UdeM publications

Master's thesis:

- Thesis submitted in Summer 2020 and corrections completed in Spring 2021 - Ghalem Y. (2020) *Exploration de la diversité crânienne récente et passée en Afrique centrale : analyses via la morphométrie géométrique tridimensionnelle*. Mémoire de Maitrise, Université de Montréal, 166p.
- Completed in Summer 2021 and corrections to be finalized in March 2022 – Klagba M. (2021) *La robustesse des membres des populations passées et récentes en Afrique centrale : des chasseurs-cueilleurs aux agriculteurs.* Mémoire de Maitrise, Université de Montréal, 181p.

Academic Articles

- Lipson, M, Ribot I, et al. 2020. Ancient West African Foragers in the context of African population history. Nature. 22P (Suppl info. 75P)
- Ribot I, Ghalem, Y & Crevecoeur I. Accepted. The position of the Hofmeyr Skull within the Late Pleistocene and Holocene African regional diversity. In Grine F (editor), Late Pleistocene

Human Skull from Hofmeyr, South Africa. New York, Springer Science & Business Media Publishers. 44p.

- Crevecoeur I, Thibeault A, Matu M, Ribot I & Grine F. Accepted. The Hofmeyr bony labyrinth: morphological description and affinity. In: Grine F (editor), Late Pleistocene Human Skull from Hofmeyr, South Africa. Springer Science & Business Media Publishers, New York. 10p.
- Ribot I, Ghalem Y, Crevecoeur I, Froment A. Bocherens H, Cornelissen E, Asombang R etc. In preparation. The Stone to Metal Age human remains from Shum Laka (North-West Cameroon). New insights on Mid-Holocene human diversity in West-central Africa. Journal of Human Evolution.
- Ghalem Y, Ribot I et al. In preparation. Re-exploring fragmented human remains from the Late Stone Age and the Iron Age: a 3D geometric analysis of the temporal bones of Shum Laka and the Upemba depression". Journal of Human Evolution. 20p.
- Ribot I, Ghalem Y, Klagba M. In preparation. What is the role of bioarchaeology nowadays? Exploring social and scientific implications through a few African case studies. Anthropologica et Praehistorica, +/-15p.
- Klagba M, Drapeau M, Ribot I. . In preparation. Robusticity of limb bones of past and modern Central Africans: exploring variations in relation to environment and economy. International Journal of Osteoarchaeology, 15p.
- Ribot I, Ghalem, Y & Crevecoeur I. In press. The position of the Hofmeyr Skull within the Late Pleistocene and Holocene African regional diversity. In Grine F (editor), Late Pleistocene Human Skull from Hofmeyr, South Africa. New York, Springer Science & Business Media Publishers. 44p.
- Crevecoeur I, Thibeault A, Matu M, Ribot I & Grine F. In press. The Hofmeyr bony labyrinth: morphological description and affinity. In Grine F (editor), Late Pleistocene Human Skull from Hofmeyr, South Africa. Springer Science & Business Media Publishers, New York. 10p.

ULB publications

Article

- Gonissen J., Louryan S., Polet C. Gaston Daniel, Médecin colonial. **Accepted.** *Anthropologica & Praehistorica (2021-delayed).*

RMAH and RBINS publications

Article

- Tilleux and Chapman, 2021. « HOME project and the creation of an ethical policy – two Belgian initiatives », Ethics, Medicine and Public Health, 18.

USL-B publications

- Monography proposal accepted by editor (forthcoming 2023)
- de Clippele, Marie-Sophie ; Demarsin, Bert. Georganiseerde terugkeer van koloniaal erfgoed. Wetgeving biedt historische kans om geschiedenis te schrijven. In: Nieuw juridisch weekblad, Vol. 449, no.30, p. 706-715 (2021).
- de Clippele, Marie-Sophie ; Demarsin, Bert. Retourner le patrimoine colonial - proposition d'une lex specialis culturae. In: Journal des tribunaux, Vol. 19, no.6857, p. 345-353 (2021).
- Demarsin, Bert ; de Clippele, Marie-Sophie. Restitutie van koloniaal erfgoed: - Forever young, of terug van nooit echt weggeweest -. In: Sarah Schoenmaekers, Pauline Melin, Sergio Carrera, Joeri Michielsen (ed.), The Art of Moving Borders - Liber Amicorum Hildegard Schneider (Maastricht Law Series; 25), Eleven International Publishing: Maastricht, Netherlands, 2022, 403-421. 9789462362963.

RMCA publications

- Couttenier, M. 2020. 'Congo in Antwerpen (en in Berlijn en Leiden)'. In: Els De Palmenaer (ed), *100 x Congo. Een eeuw Congolese kunst in Antwerpen*. Kontich : BAI, pp. 46-57.
- Couttenier, Maarten. (2021). 'The Congo Museum (1898–1910): On collaboration, conflict, bureaucracy and immorality'. *History and Anthropology*. 10.1080/02757206.2021.1954632.
- Couttenier, Maarten. (2021). 'Being Casted by the Barbed Sorcerer: The Matton Mission in Belgian Congo (1911)'. 10.13140/RG.2.2.27663.51367.
- Couttenier, Maarten. (2022). 'Van evolutionisme over diffusionisme naar nazisme. Joseph Maes en de Centraal-Afrikaanse levensruimte'. 10.13140/RG.2.2.34941.03048.

- Blanchard, P., Couttenier, M. & Zana Etambala, M. 2021. Human Zoo. The age of colonial exhibitions. Tervuren : AfricaMuseum.

To be published in 2023:

- Busselen, L. and Mumbembele, P. (2023). 'Deterring the past at Feshi', in Van Beurden, S., Gondola, D., Lacaille, A. (eds). *(Re)Making Collections. Origins & Trajectories*. Tervuren : Royal Museum for Central Africa (series "Studies in Social Sciences and Humanities'', no. 181).

7. ACKNOWLEDGEMENTS

We thank the follow up committee members who gave valuable advice during the project. The members of the follow up committee were Katrien Van de Vijver, Caroline LaForest, Alexandre Chevalier, Martine Vercauteren, Celiné Romainville, Vincent Boele, Berber Bevernage, Els Jehaes, Sarah Demart.

We would like to thank everyone who participated in the survey on human remains. Many institutions did not have inventories prior to the survey, therefore we would like to thank them for the time and considerable effort it took them to complete the inventories needed for this survey. We would like to thank members of the Rwanda Cultural Heritage Agency (Maurice Mugabowagahunde, Jerome Karangwa and in particular André Ntagwabira for their input and collaboration during the project. We thank John Giblin and Eric Huysecom for taking the time to speak to us about repatriation and human remains. We thank the members of WAZA and FAIRE-PART for their contribution to the project and everyone else who worked with the RMCA.

We would like to thank Jan Joris Visser who has knowledge of private collectors and who sent our message requesting participation in the survey of human remains to private collectors websites. We also thank him for his report on private collectors.

ANNEXES

ANNEX 1 RMCA REPORT

H.O.M.E. 'Human remains Origin(s) Multidisciplinary Evaluation'

From colonial collections of human remains towards processes of repatriation and beyond

Report on the colonial collections of human remains of the Royal Museum for Central Africa (RMCA)

With original contributions from project researcher Lies Busselen

Edited by project promoter Maarten Couttenier, senior researcher History and Politics

Department head of Cultural Anthropology and History a.i. Els Cornelissen

and Head of service of Culture and Society Jacky Maniacky

Introduction

Focusing on the convoluted and painful provenance of colonial collections of human remains and conscious of its own complex historical role, the Royal Museum for Central Africa (RMCA) adopted a range of methodologies and disciplinary approaches from archival ethnography to collaborative and multi-sited fieldwork with unique partnerships in the Democratic Republic of Congo (DRC). The objectives of the RMCA within HOME-project were threefold. First, to gain insight in the whole of the colonial collections of human remains by assembling an updated inventory with exact numbers and geographical indices. Secondly, understanding the provenance of these human remains by deepening the museum epistemologies of classification and collecting, brought us to institutional biographies of donations, without ascribing a so-called social life to death (Appadurai, 1986; Halperin, 1994, p.119). Archival research formed a necessary basis for a better understanding of the trajectories of these sensible collections. This resulted in an updated inventory and the assembling of descriptive biographies for the anatomical collections, today managed at the Royal Belgian Institute for Natural Sciences (RBINs). The RMCA still holds human remains in biological, ethnographical and archaeological collections. Inspired by the theoretical approach of Kopytoff, we stretched cultural and structural questions concerning the biographies of the collections to make "salient what otherwise remains obscure" (Kopytoff, 1986, p. 67). However, provenance research should go beyond the concept of object biographies and inscribe collaboration. Therefore, a third goal was to establish contacts with diverse interlocutors in the DR Congo and civil society actors, represented by Congolese diaspora, in Belgium to, simply put, question them about suitable pathways of repatriation. This process engaged us to critically look at proclaimed collaboration, dialogue and co-creation within the project. At the same time this exercise confronted us with the need to open up provenance research to oral histories and collaborative fieldwork initiated by the current collection holders towards different interlocutors, from government actors to source communities. Dialogue with interlocutors in the DRC and the fieldwork research concerning the limited biographies of the collections was not only central to value the past and present, but confronted us with the past in the present (Clifford, 2019, p. 120). This confrontation was, lastly, also present in Belgium, when consulting different associations of civil society with representatives of Congolese diaspora in Belgium. Engaging into dialogue with civil society was no matter how crucial in a growing societal debate on how to deal with our colonial past, as we have seen in the process of the

Congo commission. Hence, several sessions for informing various actors of civil society were organized.

This reports is structured around four chapters. Each chapter focuses on a principal aspect of colonial collections of human remains. The first chapters centers on the principle of a reassembled or an updated inventory. To this end, the different colonial collections of human remains related or still present at the RMCA were historically contextualized. The second chapter challenges and questions the definition of provenance research on colonial collections of human remains. Open-ended and collaborative ways of researching were suggested. Provenance research is therefore imagined as an accompanying process. In chapter three a number of case studies that are peculiar to these collections were developed. We looked into the known case of Lusinga N'Gombe (1840-1884), which gave rise to a public debate on repatriation. We also researched and addressed new cases, such as that of Ferdinand Van de Ginste (1912-1947). In the last chapter a first light is shed upon challenging collaborations in a fast-changing museumscape in Belgium and the DRC. Awareness of the necessity of equal collaborations grew even more throughout the HOME-project. Due to late programming of a visit of the Congolese partners to Belgium in October and November 2022 the different collaborations and consultations were not fully processed in this chapter. However, the various collaborations ae extensively described and a first reflection on challenging collaborations is developed in the conclusions of this report.

Acknowledgements

This research was conducted as part of the federal BRAIN project H.OM.E. (Human Remains Origins Multidisciplinary Evaluation) financed by BELSPO. We thank all the scientific partners, namely the federal scientific partners, Royal Belgian Institute for Natural Sciences, National Institute of Criminalistics and Criminology and Royal Museum of Art and History, and the three universities Université de Saint-Louis, Université Libre de Bruxelles and Université de Montréal for the exchanges, feedback and ideas for finalizing this report.

Many Congolese interlocutors and partners helped us to shed light on the dehumanization of the colonial collections of human remains from the DRC. We want to sincerely thank our partners Paul Shemisi, Nizar Saleh and Noah Matanga of Collectif Faire-Part and Stéphane Kabila, Joseph Kasau and Patrick Mudekereza of the Art Center Waza for their critical and insightful contributions. Our gratitude extends to Dr. Prof. Placide Mumbembele for his optimistic and illuminous contributions in the DRC, all the staff of the Institut des Musées Nationaux du Congo (IMNC) as well as to the School of Criminology in Kinshasa for facilitating the public activities in the DRC. The Parish of Feshi kindly provided housing and nourishment, Honorable Boko and his staff provided logistical support to get from Kinshasa to Feshi. He also introduced us to so many people in the Kwango district. A special thank you to all close contacts and important interlocutors like Juliana Lumumba, Augustin Bikale and Sinzo Aanza in Kinshasa, who helped us to reach out to new contacts and guided us throughout the process.

At the RMCA we had support from different departments and colleagues. To all our colleagues who helped out during the activities, who gave feedback and tried to encourage us: thank you. A special thank you for the instructive support of Marie-Reine Iyumva during the informative sessions with Congolese-Belgian activists and experts from civil society and the public activities in November 2022. We want to thank Suzanne Monkasa from the Platform of Congolese women of the diaspora, Mireille Tsheusi-Robert of Bamco-cran, Anne Wetsi Mpoma of Wetsi Art Gallery, Georgine Dibua of Bakushinta, Isabelle Minon of Intal Congo, Dido Lakama of Change asbl, Aline Bosuma and François Makanga both freelance guides at the RMCA and many others who engaged into exchanges and conversations during the HOME-project.

Words matter

Human remains //

In this text, we adopt the term "human remains", inscribed in the project language, because it requires debate on an equal footing with various interlocutors in Congo and Belgium to arrive at a correct designation. A number of valuable initiatives, to articulate ‘human remains’ in colonial collections, have been organized and communicated in recent months. A press release written by activists and experts from civil society, organized on November 8, 2022 referred to the ‘remains of ancestors’; which is translated from the French articulation ‘dépouilles des ancêtres’. This press release has been attached to this report : n°5. In the DRC, several interlocutors spoke of ‘ancestors’, ‘ancestral remains’, as well as ‘human remains’. Prof. Donatien Dibwe dia Mwembu proposed the use of the term ‘remains of the elders’; which is translated from the French articulation ‘dépouilles des anciens’ to avoid cultural and biological affiliation issues (Personal communication, Enika Ngongo, 30 November 2022).

Interlocutor (noun) //

‘Interlocutors’ refers in this report to the different conversational partners in DRC throughout the project. More particularly, the term refers to Congolese academia, museum experts, political representatives, traditional representatives and representatives of source communities who accepted filmed conversations on colonial collections of human remains within the framework of the HOME project. We consciously preferred to talk about ‘interlocutors’, because the meetings were informative and interrogative in both ways. The term “stakeholder” is rooted in colonial practices, making from indigenous peoples subjects of study and giving little to no space to their own agency (Darchen and Searle, 2018, p.18). Indigenous organizations plead for new terms like ‘rights and title holders’ instead of stakeholders (Joseph, 2017). Other terms, like ‘interlocutor’, ‘right holder’ or ‘title holder’ can open up the possibility to more mutual processes of decision-making, which allows for more equal involvement and ownership (Pulver, 2022, p. 39).

Countries of origin and source communities //

‘Countries of origin’ and ‘source communities’ refer to the geographical origin of human remains. The countries and communities are multiple and diverse when looking at the colonial

collections of human remains. Therefore, we used a more generic term to refer to all countries and communities that are related to this specific cultural heritage (Lealy, et al., 2018: 7-8). In the context of this report this cultural heritage centers around displaced human remains in colonial collections. The use of both terms is different depending on different perspectives in the international debate. A more communitarian approach, referring moreover to 'indigenous communities', is defended in the UN Declaration of 2007 applying an overall rights-based approach of indigenous peoples (2007, p. 5). The idea of repressed or vulnerable communities in certain countries is evoked in this declaration. Bénédicte Savoy and Felwine Sarr make clear in their restitution report to return cultural objects to countries of origin in respect of the cultural sovereignty principle (Sarr and Savoy, 2018, p. 70). In this text we refer to 'countries of origin' and 'source communities' in two combined perspectives. On the one hand, confirming the principle of cultural sovereignty, by referring to 'countries of origin' to address political decisions regarding repatriation. On the other hand, not excluding collaboration with various concerned interlocutors at the level of 'source communities' in organized and concrete repatriation processes.

Chances are that the conversation and awareness about language use is well advanced. Certain concepts or ideas in this report will certainly caught up with. Hence, it is important to emphasize continuous research, exchange and debate regarding human remains in colonial collections. A shared use of words between Belgium and the countries of origin in future repatriation processes will be of value to future processes. However, in this report the use of language remains complex, ambiguous and problematic, since no institutional questioning of language use has been developed for more ethical and equitable readings of the colonial archive and collections at the RMCA. Racist, prejudiced and charged harmful language was present during this research, since colonial collections of human remains were embedded in a dominant racial paradigm. The readers of this report should be aware that ambiguous terms will be used in all transparency. Further mitigation towards sensitivities should be addressed in organized dialogues and collaborations with countries of origin and/or source communities.

Disclaimers

Bantu philosophy //

Bantu-philosophy and the ambiguity of death is a recurring theme in DRC and among Congolese diaspora when addressing colonial collections of human remains. In Bantu thought death is not contemplated nor discussed or prepared, because life does not end with death. It continues in another realm. The deceased is given more attention than the sick or dying person. The body cannot be left alone and needs to be acknowledged in its social anchorage, throughout funeral practices (Ekore and Lanre-Abass, 2016, p. 370; Mujynya, 1972, p. 34). However, in the 1980s Professor Yoka Lye, one of the interlocutors in Kinshasa within the HOME-project, described in his novel Le Fossoyeur how the dead and graves are peripheric (1987). This statement, addressed by Filip De Boeck in his article about the relation between death, memory and history, illustrates the ambiguity of both the importance of death as its omission (Boeck, 1998, p. 23 and p. 26).

The importance of being able to re-inscribe the colonial past in the national history of the DRC is evoked by Isidore Ndaywel when he wrote about 'the invention of contemporary Congo'(Ndaywel è Nziem, 2016). Today he holds a political position as Congolese representative in the African Union. His first reaction as a historian during the filmed conversation in the framework of HOME was: "(...) colonial history really does have many mysteries. I have been studying the history of the Congo for 40 years and I discover new things every day. I could not imagine that during the colonial period 600 human remains were collected by Belgium" (Transcribed to English by Lies Busselen – Personal communication Isidore Ndaywel, 27 January 2022). The impossibility to place, locate or understand the dead in colonial collections of human remains needs to be addressed as well spiritually and epistemically. This report lacks a profound understanding of the spiritual and epistemic connection between death, memory and history in Central-Africa. It does acknowledge the ethical and historical importance to recognize the dead in colonial collections of human remains in relation to the present.

Human Zoos //

Colonial collections of human remains do not include theoretically the displaced victims of the human zoos in Belgium. In the summer of 1897 seven Congolese Ekia, Gemba, Kitukwa,

Mpela, Zao, Samba and Mbange lost their lives after they were exposed in inhuman conditions during the World Exhibition at Tervuren. They are now buried next to the Parish Church of Saint John Evangelist in Tervuren. They were part of 267 Congolese who were deported from Belgian Congo to Tervuren to be exposed in four staged villages. Sabo, Bitio, Isokoyé, Manguesse, Binda, Mangwanda and Pezo are seven Congolese who died in 1894 during the universal exhibition in Antwerp. They were among the 144 Congolese exhibited in the human zoo of the Antwerp World Fair. Their graves no longer exist. Juste Bonaventure Langa was a baby who died on 8 May 1958 during the World Expo 58. He was buried in the municipal cemetery of Tervuren. It is important to address this painful and inhuman practices based on a body of research on human zoos with experts in Belgium and DRC next to colonial collections of human remains.

A huge body of literature and initiatives is already created (Baloji and Couttenier, 2014; Bancel et al., 2014; Blanchard et al., 2022, 2008; Blanchard and Couttenier, 2017; Chikha and Arnaut, 2013; Couttenier, 2005; EXPO | Zoo humain - Mensentuin, 2022). From 9 November until 6 March a temporary exhibition was organized by the AfricaMuseum on the phenomena of human zoos. This exhibition was curated by Maarten Couttenier, Pascal Blanchard and Zana Etambala (Blanchard et al., 2022). During the HOME-project special attention to this topic was embedded in the public activities of the Congolese partners during their stay in Belgium ("Memorial walk and performance in memory of the Congolese victims of Belgium's human zoos," 2022).

This is to be considered an important historical context of injustice when looking more broadly at displaced human remains due to colonial practices. These remains are the most known and addressed displaced human remains in broader society in Belgium and DRC. Many interlocutors within the HOME-project stressed the importance of including these displaced human remains in recommendations for future repatriation processes.

Repatriation of Patrice Emery Lumumba //

As already mentioned, this report is limited to collections of human remains related to the RMCA as an institution. Recently, the Belgian and Congolese population were able to witness the repatriation of Patrice Emery Lumumba, the former Prime Minister of Independent Congo. This repatriation process took place after a debate that started a long time ago when the Belgian

sociologist Ludo De Witte revealed how the murder on Patrice Lumumba was plotted by the Belgian and American governments. He concluded how and why the Belgian government was responsible and implicated in the murder (De Witte, 1999, 2001). The same year an episode 'Histories' on Belgian television showed a detailed testimony of Gérard Soete, a Belgian police agent, on the murder of Patrice Lumumba. Gerard Soete explained how he cut his body in pieces and dissolved them in sulfuric acid. He described this as well thoroughly in one of his published novels published in the late seventies (Soete, 1978). In the same episode he showed two teeth, claiming they were from Lumumba. Afterwards, he gave an exclusive interview to a Flemish magazin Humo (Antonissen and Van Tendeloo, 2016; Coninck, 2021). When this reached a larger audience in DRC as well and caused movement on diplomatic level, this led to the creation of a special commission of inquiry to state the precise circumstances of the murder on Patrice Lumumba.

In 2004 four historians Luc De Vos, Emmanuel Gerard, Philippe Raxhon and Jules Gérard-Libois published a report commissioned by the Lumumba-commission, according the Belgian government to a moral responsibility for the murder on Patrice Lumumba (De Vos et al., 2004). With this report the arguments and discussions between historians did not end, but the debate on the judicial responsibility of Belgium faded away in the media. A national consensus on Belgians 'moral complicity encouraged however a shift from framing Patrice Lumumba to new stories (De Wilde, 2000, p. 6; Verbeeck, 2007, p. 363). The credence of oral testimonies, which was also a critique on the Lumumba commission, became more popular when looking at the context of Lumumba's murder in research and broader media. In 2016 Hanne Van Tendeloo and Jan Antonissen, two reports from Humo sought out Gerard Soete's daughter, since Gérard Soete himself died in 2000 from a heart attack, for an interview. During the interview, journalists cited the teeth of Patrice Lumumba, which were according to Gerard Soete thrown into the North Sea. The daughter believed this was a mistake and brought out a box containing a tooth (Coninck, 2021). Not much later, after Ludo De Witte filed a complaint, the tooth was confiscated by the Belgian Justice Department.

In 2019 the Flemish tv series 'Children of the colony' showed an important interview with Juliana Lumumba (daughter of Patrice Lumumba) demanding justice from the Belgian government for the murder on her father ("60 jaar geleden werd Patrice Lumumba vermoord, zijn dochter," 2021). In 2020 the youngest son Guy-Patrice Lumumba, started a petition for the repatriation of the tooth of his father and addressed the Belgian King being opposed to repatriate the remains of his father to the Congolese government ("Jongste zoon van Lumumba wil

stoffelijke overschotten van vermoorde vader terugkrijgen," 2020). In 2021 Juliana Lumumba addressed the Belgian King and government and asked for a dignified rest place for her father, demanding his remains need to be repatriated to the DRC.

On 20 June 2022, during a ceremony organised by the Belgian government, the Belgian justice system repatriated Lumumba's tooth to the DRC. Once his relics arrived in the DRC they would travel throughout the country to Lumumba-ville in Sankuru were Lumumba was born (Personal communication with Marie Omba Djunga, 24 february 2022). On 30th June 2022 a burial ceremony was held at Echangeurs at Kinshasa (Kabeya, 2022).

This case study needs appropriate consideration concerning the highly symbolic political and historical ownership of Patrice Emery Lumumba as the first Prime Minister of independent Congo. The repatriation is part of a larger judicial inquiry that is ongoing. Family members are presently awaiting the continuing insights and final conclusions of this inquiry. The repatriation of Patrice Lumumba shows, however, the possibility of repatriation and gives hope for a broader consideration of repatriation as a process of reparation, as stated by Suzanne Monkasa during the museum talk on the HOME-project (*MuseumTalks | Quel avenir pour les restes humains ?*, 2022).

1. Inventory of human remains from a colonial context at the RMCA

The emergence of race science, physical or anatomical anthropology, in the 18th and 19th century laid the foundations for the construction of collections of human remains from colonial contexts in western museums. The scientific premise served the objectification and dehumanisation of human remains in a growing competition for the "rarest" and biggest collections of human remains between western museums (Jenkins, 2010; Legassick and Rassool, 2015; Redman, 2016; Saini, 2019). All scientists working with human remains in the beginning of the 20th century were highly influenced by this dominant paradigm, framing everything with racial description or features (Redman, 2016: 66-67). The collections of human remains in the RMCA were developed between 1899 and the 1970s against this problematic background.

Historically, human remains were deposited at the direction pavilion in the RMCA and from there allocated to different museum sections. According to different historical and scientific understandings and approaches, collections were transferred and re-allocated, between departments and sections (Couttenier, 2010, p. 93). The general register of the Anatomical Anthropology (AA) collections can be read as a palimpsest with overlapping and convoluting classifications, time-bound paradigms and personal biases in the museum. Based on the interpretation of the notes and reports included in the AA files and the scientific viewpoints of the three identified writers, namely Émile Coart (1860-1943), Jean Colette (1901-1936) and Maurice Bequaert (1892-1973), scientific biases and different accents according the viewpoints of each writer could be distinguished in the acquisition premises (For more biographical info, please consult: (Cornelissen and Livingstone-Smith, 2015; Couttenier, 2012; Lacroix, 1948).

Human remains were obtained by various means in colonial and postcolonial contexts. Within the historical context of the RMCA the means and time frames to obtain human remains could be understood in four relative categories of (1) collected human remains as war trophies after colonial expeditions and exhumed remains for racial study, allocated to the AA collections from 1887 until 1960, (2) human remains excavated during archaeological surveys from 1960 until 1975, (3) remains integrated in cultural objects, allocated to or purchased by the ethnographical service from 1912 until 1981 and (4) human remains that were classified to wet and dry collections of the biological department from 1962 until 1992 after the dismantling of physical anthropology collections in the 1960s. The decline of physical anthropology already started at the turn of the century and made place for a growing interest in archeology at the museum in Tervuren (Couttenier, 2012).

1.1. Anatomical Anthropology collections (1899-1960)

The AA collections obtained in colonial context were partly transferred in 1964 and 1965 to the Department of Paleontology at RBINs in Brussels. Since the RMCA had been transferred from the Ministry of Colonies to the Ministry of Education and Culture in 1962, certain responsibilities of the RMCA and RBINs were aligned in the 1960s. The collections of mineralogy, petrography and prehistory were transferred from RBINs to the RMCA and the collections of physical anthropology and paleontology from the RMCA were supposed to go to RBINs (Allen F., Roberts, 2012; 2018; Wastiau, 2000, Leloup, 2008). This was ratified on 24 August 1964 by ministerial agreement (Belgisch Staatsblad, 27/05/1965).

The historical AA collections counts at least 448 registered human remains from the DRC (415), Rwanda (19), Congo-Brazzaville (2), Tanzania (1), Burundi (1), Kenia (1) and Germany (1). Furthermore, there is one registration of an animal skull (AA 449) and 133 mouldings and 32 face casts.

Countries	Human remains	Mouldings	Face casts	Animal	Total
DRC	415	133	21	1	529
Rwanda	19	0	0	0	19
Burundi	1	0	0	0	1
Congo-Brazzaville	2	0	0	0	2
Tanzania	1	0	0	0	1
Kenia	1	0	0	0	1
Namibia	0	0	11	0	11
Germany	1	0	0	0	1
?	5	0	0	0	5
Total	448	132	32	1	614

These numbers are estimates based on the inventory registrations and not on the physical presence of human remains in RBINs. The majority of the Africa collection at RBINS comes from the transfer in 1964 and 1965, although there are numerous human remains which were bought or donated to RBINS directly. Note that some of the human remains currently at the RMCA were identified as originally registered in the general register of the AA collection. Namely AA 149 the skull of Prince Kapampa, AA 45 and AA 46, two mummified human

remains, now registered in the biological and conserved in the ethnographical collections at the RMCA.

A rough estimation of more than 85% from the human remains comes from the DR Congo with an estimated number of 374 remains donated by more than 32 donors, counting six military expeditors, five colonial agents, six scientific expeditors of the museum, four international scientists, three doctors and nurses, five missionaries and three entrepreneurs:

Democratic Republic Congo						
Military expeditors	Colonial administrators	Scientific expeditors RMCA	International scientific staff	Medical staff	Missionaries	Entrepreneurs
Société d'Anthropologie de Bruxelles (SAB)	Ferdinandus-Arthur Feshi (1912-1947)	Pierre Golenvaux (1901-1972)	James Paul Chapin (1889-1964)	Dr. Jörensen	Jozef Basiel Costermans (1903-1957)	Valckenaere (?)
Alphonse Cabra (1862-1932)	Marcel Maenhaut van Lemberge (1888 - 1972)	Gaston De Witte (1897-1980)	Lidio Cipriani (1892-1967)	Mme. Harford-Jordens	Marist Brothers	Paul Quarré (?)
Émile Storms (1846-1918)	René Antoine Théophile Luja (1891-?)	Maurits Leopold Maria Bequaert (1892-1973)	Jean-Baptiste Jadin (1906-1999)	Friedrich Hautmann (1890 - 1976)	[Arsène] Henrion (?-?)	F. Vandelanoitte
Armand Hutereau (1875-1914)	Marc Marie Joseph Florent Ghislain Gérard (1918-?)	Narcisse Leleup (1912-2001)	Laszlo Scheitz (1897-1963)		Karel Dillen (?-?)	J. Lubinsky (?-?)
Maurice Bonnevie (?-?)	Leo Franz Marquet (1902-?)	Olga Boone (1903-1992)				William Frédéric Padwick Burton (1886-1971)
Michel Styczynski (1886-1917)		Edmond Dartevelle				

		(1907-1956)				

Apart from DRC, human remains of the AA collection come from Rwanda (12 records), Tanzania (6 records), Congo-Brazzaville (2) and finally there is a single entry for Kenia as well as for Germany. There are 41 fragmented bones and five jars of vertebrates donated in 1948 by a certain J. Lubinsky for whom no further biographical information was found. According to the correspondence in AA file 46 on this donation, these registrations consisted of skull and bone fragments. These were found by a certain Dr. Rasquinet doing a geological prospect in a cave in Lukala. The fragments should be part of at least 4 human beings. Furthermore, the origin village was cited for these remains[1]. Further research should be done on this donation for a better historical understanding. The human remains from Rwanda count eight skulls and one fetus donated between 1922 and 1935 by a veterinarian Dr. René Van Saceghem (1884-1965), one skull donated in 1933 by the Belgian agricultural engineer Augustin Bequet (1899-1974) and one fetus donated in 1950 by the government doctor working at the medical centre Astrida, Dr. Alexandre Fain (1912-2009). Furthermore, the six skulls from Tanzania were donated by the commander Théodore Van de Heuvel (1846-1902), two skulls from Congo-Brazzaville were donated in 1913 by a Dutch entrepreneur Elso Dusselje (1881-1964). The skull from Kenia, donated in 1913 by Dr. Léon Bayer (?-?), and that from Germany in 1931 by the Belgian herpetologist Gaston De Witte (1897-1980). The last entry, registered under the number 566, of a human skull, probably refers to a larger collection of archaeology and history Professor Jacques Nenquin (1925-2002) who collected approximately 118 skulls in a cave in Ruhengeri (Rwanda).

Other countries: Rwanda, Tanzania, Congo Brazzaville, Kenia, Germany						
Military expeditors	Colonial administrators	Scientific expeditors	International scientific staff	Medical staff	Missionaries	Entrepreneurs
Théodore Van de Heuvel (1846-1902)		Gaston De Witte (1897-1980)	Augustin Bequet (1899-1974)	René Van Saceghem (1884-1965)		Elso Dusselje (1881 - 1964)
		Jacques Nenquin (1925-2002)		Alexandre Fain (1912-2009)		

[1] Anatomie Anthropologie Lubinsky,1948 (IRSNB, n° 46).

				Dr. Léon Bayer (?-?)		

1.2. Current collections at the RMCA

The RMCA currently has human remains in three collections dispersed over two departments and three sections. The department Cultural Anthropology and History included different sections with corresponding collections that changed throughout time: Ethnography (now part of 'Heritage Studies'), Ethnomusicology (now part of 'Culture and Society'), History (integrated in 'History and Politics'), or Physical Anthropology which was disbanded in the 1960s but used to be part of the ancient section of 'Prehistory and Archaeology' (personal communication Els Cornelissen, November 2022). The human remains that were held in Physical Anthropology were, as previously mentioned, transferred to RBINs in 1964 and 1965. The department of Cultural anthropology and History still holds human remains in ethnographic collections and from an archaeological context. The scientific institute has, apart from the Department of Cultural anthropology and History, two other scientific departments: Earth Sciences and Biology with their corresponding collections. The biology department still holds human remains within the section of vertebrates in wet and dry collections ("Organisation chart of the RMCA | Royal Museum for Central Africa - Tervuren - Belgium," n.d.). It is ethically contrary to the intentions of the HOME project and the trajectory of the RMCA to hold human remains. The reader should be warned, human remains were regarded as objects in the RMCA, as in many ethnography museums, throughout their trajectories within the museum.

Human remains that were conserved in alcohol were allocated to the wet collections of the biological department. In the biological collections, also listed as the Zoological and Vertebrate collections, 13 human remains were found in the inventory of vertebrates registered by Wim Wendelen between 2008 and 2016, and retrieved out of the DaRWIN data source system. Surprisingly, seven skulls, two brains and one embryo were cross-referenced in 2021 in this collection. Two entries of the AA collection were re-registered in the biological collection and are still present at the RMCA. The first, is Prince Kapampa, taken by Émile Storms to Belgium and donated by his wife to the Congo Museum (Musée du Congo) in 1935 (Roberts, 2019; Volper, 2021; Wastiau, 2017). Prince Kapampa was transferred to the biological department of the RMCA to the section of vertebrates in closet 5 in the mammalogy storeroom after they

found him in the office of Dr. Jean-Sébastien Laurenty (1926-1996), an ethnographer and musicologist attached to the RMCA, in 1992 (Emannuel Gillissen, personal communication, 8 July 2021). Throughout his career he was responsible for the description, inventorying and studying of the collection of musical instruments coming from Congo, Rwanda and Burundi (Laurenty, 1996). The second case is the most known human remains preserved by the Africamuseum, namely, two mummified remains, registered in the general register of the AA collections under the entries AA 45 and AA 46 and entered in DaRWIN as a8.010-M-0004 and a8.010-M-0005. In 2003 and 2004, the RMCA sought to determine the exact origin of these mummified remains. The data from the scientific analyses located their origin in eastern Congo or Rwanda and indicated two middle-aged men. As the exact provenance remained unclear, no further steps were taken for repatriation (Van Neer, 2004). Today the mummified remains are stored in the ethnographical collections (Personal communication Siska Genbrugge, 18 April 2021). The provenance of the mummified remains has been fully clarified by Lies Busselen throughout archival fieldwork in the State archives and the archive of the Royal Military Museum in Brussels in 2021 and 2022.

Human remains integrated in cultural objects were mostly allocated, loaned to or purchased by the ethnographical service. At the RMCA 22 human remains were registered as ethnographic objects throughout time, of which 18 have been physically cross-referenced, including the conservation of two mummified remains, registered in the AA and biological collections. Most of these human remains were purchased from private collectors and in five or six cases they are loans from the 1960s and 1970s from the Royal Museum of History and Art. The remaining human remains are ritual objects consisting of skulls and skull fragments. Specifically, they consist of 3 musical instruments made from 3 skulls and a necklace composed of skull fragments (presumably from 1 skull). Some human remains in this collection are kept in ritual baskets or were complemented by ritual objects, such as an ivory horn. The geographical provenance needs further investigation, although we can say with certainty that this collection has a more diverse character, with human remains from Oceania, South America (Columbia) and Africa (Gabon, Angola, New Guinea, DRC) acquired in the 1960s (1967-1969). On December 29 1967 the RMCA registered four skulls, one from Angola, two from Oceania and one from South America, and a mummy of a male child from South America in exchange (on loan) from the Royal Museums of Art and History (Lacaille and Gomez, 2011). Further archival research would be necessary to understand why this loan was organized that year. The same year a temporary exhibition on musical instruments from Oceania and Africa was organized on the occasion of the International Folk Music Council (Personal communication Maarten

Couttenier, 25 November 2022). A number of human remains in the ethnographic collection were donated by well-known collectors, like Jef Van der Straeten and Emilé Déletaille, who donated two skulls, one from Columbia and one from New Guinea. These Belgian collectors are known for their collections of Oceanic, Colombian and African 'traditional' art (Haentjens, 2016).

In the archaeological collections there are 24 human remains consisting of either a single tooth fragment or an almost complete skeleton. Fifteen come from archaeological documented excavations, one fragment of a jaw with two teeth was collected from a natural layer during construction works and for eight the collection circumstances are unknown. For three of the latter the geographic location is known (2 skulls from Kabinda, DRC and 1 tooth fragment from Ruhengeri Rwanda) yet for the remaining five skulls the geographic origin is unretrievable. Eleven out of the 24 human remains have an RMCA inventory number and will need deaccessioning from the State property. Two skulls have no RMCA number but also no further identification. The remaining eleven with no RMCA inventory number are all archaeologically excavated remains that were exported for detailed analysis. These can be returned at any time to the countries concerned. They are two probably neolithic skeletons from Jebel Uweinat, Libya. From Rwanda these are partial remains of 4 individuals found in 1973 during a survey at the site of Masangano. Another case concerns an individual from Murunda. A letter dated 6.1.1975 in the Archives AP 1554 by Abbé Rwagema explains that he had found “plusieurs vieilles tombes mises à jour par l’érosion” near the church and houses. For DRC some very fragmentary human bones were found in 1973 in three different Late Stone Age occupation levels at the cave site of Matupi (Van Neer, 1989, p.25). A skeleton was excavated at Sanga where numerous ancient graves dating to testify to the rich precolonial history in the region (Nenquin, 1963, pp. 142, 144). Possibly fragmentary human remains might be present in two soil samples in plaster encasements from the 1969-excavations at the Stone Age site of Kamoa, and a single tooth was found during the 1973-excavation of the top layer of a sequence running from the Stone Age into the early Iron Age at the cave of Dimba in 1973.

For each case study of the AA collections Lies Busselen conducted preliminary provenance research, as well separate reports have been written on the biological collections and collections from Rwanda. The Rwanda report in joint collaboration with our colleague Tara Chapman from RBINs. The research remains unfinished, due to time limitations and since no specific collaborations with homologues and concerned interlocutors could be developed for each case

study in DRC or other source countries related to the collections. Further heuristic research on the ethnographic and archaeological collections in collaboration with partners in countries of origin would be recommended as well for these collections. During the public activities of the HOME project, both in the DRC and Belgium, awareness regarding these collections grew among a wider public. The reactions revealed a discrepancy between the legacy of these human remains as collection material in their current context and the ethical concerns and objections to further objectifying human remains.

2. Provenance as a part of the process

A revived debate on restitution and repatriation orients western research institutions, museums and universities towards a more profound institutional questioning of (post)colonial cultural heritage. In 2022 two reports on human remains saw the daylight: the scientific report on human remains published by an independent association Decolonize Berlin evaluating all the collections of human remains from colonial contexts in Germany and a guidance for ethical research on human remains in Norvegia (*Guidelines for Ethical Research on Human Remains*, 2022; Reimann et al., 2022). In 2021 Sarah Van Beurden has written about contested collections from former colonies in light of the Expert report for the special Commission charged with the examination of Belgium's colonial past. In this report she referred to human remains and the HOME-project (Beurden, 2021). In 2021 the National Museum of World Cultures (NMVW) and the Vrije Universiteit Amsterdam in the Netherlands started a research project 'Pressing Matter' (2021-2025), which includes looted objects and possible solutions for human remains ("Pressing Matter: Ownership, Value and the Question of Colonial Heritage in Museums | Research Center for Material Culture," n.d.). The consideration of provenance on colonial collections of human remains in the European museumscape is growing throughout pilot projects, studies and policies year by year.

The beginnings of the HOME project in Belgium started long before 2019, when researchers Toma Luntumbue and Boris Wastiau actively questioned the collections during the temporary exhibition 'CongoExitMuseum' in 2001 (Wastiau, 2000). The art historian and curator Toma Luntumbue, and currently guest lecturer at Higher Institute for Fine Arts (HISK), stated in 2018 that he will never set foot again at the RMCA (Ceuppens and Luntumbue, 2018). Boris Wastiau became the director of the ethnographic museum of Geneva in February 2009 until February 2022.

Questions about human remains must have been raised earlier, in the context of demands for restitution of cultural heritage during the round table in 1960 and later in 1973, when president

Mobutu Sese Seko (1971-1997) addressed the United Nations on the topic of restitution of colonial heritage (Isar, 2014, p. 45; Van Beurden, 2015, P. 16). The skull of the Iwa N'Gombe Lusinga was located by Boris Wastiau in 2005 and the story mediated in 2018 by Michel Bouffioux. The historical development of physical anthropology in Belgium, and the case of Iwa N'Gombe Lusinga had been studied in-depth by Couttenier (Couttenier, 2005). His research clarified and continues to clarify the entanglement between physical anthropology and the construction of collections of human remains from colonial contexts (Baloji and Couttenier, 2014; Couttenier, 2014, 2009a, 2009b, 2005). In 2012 members of the consultative committee representing Congolese diaspora at the RMCA questioned the presence of human remains. Henry Mova Sakany, Congolese ambassador at the time, addressed the director of the RMCA for more information about human remains at the RMCA. In this letter he referred more precisely to the skull of Iwa 'N Gombe Lusinga and two mummified remains of Eastern DR Congo. They had apparently been seen by Albert Tuzolana, a member of the consultative committee COMRAF at the time.[2]

During a fiery debate at the colloquium 'From the dark into the light' organized at the ULB in 2019, the historian prof. Elikia Mbokolo (DRC) emphasised how Belgium would be overtaken by its colonial past, referring to the collections of human remains in Belgium (Braeckman, 2019; *Elikia M'Bokolo ULB 15 février*, 2019). Institutionally there was occasional concern for human remains in the collections at the RMCA, yet not in a systematic way by questioning the provenance of these remains. A first case study was the previously mentioned internal scientific research on the two mummified remains AA46 and AA47. This report presented a forensic analysis of the mummified remains (Van Neer, 2004). A second case was the publication of human remains in the ethnographic collections from a conservation perspective (Lacaille & Garcia-Gomez, 2011). Other European scientific institutions and museums holding collections of human remains from colonial contexts are thus confronted with omitted collections, when stating almost no provenance of human remains has been documented and recorded throughout time (Bendix and Kurzwelly, 2021; Kurzwelly, 2022; Redman, 2016, p. 60).

"Provenance" refers in the strict sense to "the history of ownership". This is traditionally assumed from the perspective of collection management in museums (Knoeff and Zwijnenberg, 2016; McKeown, 2013; Milosch and Pearce, 2019; Mooren and Stutje, 2022). A strict interpretation of provenance as a basis for the research on human remains, would discard the

[2] Heny Mova Sakany. (11/07/2012). [Lettre sur la découverte de restes humains à MRAC].

historical injustices in which human remains were removed. However, this definition exposes the current status of human remains as possessable objects. How to approach the provenance of these collections in respect of human rights and dignity remains a complex and much debated question (Fletcher et al., 2014; Onciul, 2015; Hicks et al., 2021; Kurzwelly, 2022). Another pitfall would be to limit provenance to acquisition information in museum archives. In many cases larger contextual understanding throughout written and oral sources, both in the countries of origin as in Belgium, brings provenance data to the foreground. Moreover, if we only include sources from the Belgian colonial archive for the provenance of collections of human remains, we keep on grasping colonial narratives (Dirks, 2002; Stoler, 2002, 2009; Hilden, 2022). A re-examination of these archives by colleagues in former colonial countries would allow them to produce "more accurate narratives of the colonial experience"(Gathara, 2019). People are carriers of their history. The use of oral tradition as a dynamic window to the past is indispensable in provenance research. It is a vital reminder of the unique perspectives on the past and present. As well, oral data from direct witnesses of the past should be taken into account in provenance processes (Vansina, 2006; Sommer and Quinlan, 2009). However, this should not slow down or block any processes of repatriation nor restitution. If geographical provenance is known on country level any repatriation process of human remains can and should be able start. The provenance research can accompany repatriation, which is the beginning of a larger process, demanding follow-up procedures and modalities, as for example remembrance practices, ceremonies and monuments, and possible provenance processes to consider the stories behind these so-called collections. The repatriation of Patrice Lumumba shows how any process of repatriation cannot be obstructed because of research. The judicial (and societal) follow-up of this process will ask for more contextual understanding beyond the more restricted provenance: in this case biological affiliation, which is not proven because of the destructive effects of DNA analysis, regarding the tooth.

When taking a closer look at the construction of these collections, we developed two approaches at the RMCA during the HOME project: (1) archival fieldwork applying heuristics, which can be read as a form of reading against and along the grain, in the colonial archive and (2) engaging into oral histories. Both approaches can be applied in Belgium and the countries of origin by social scientists and community builders. During the HOME project we studied different archival data concerning the donors, expeditors and the administration for the acquisition of human remains in Tervuren. In DRC the partners of the RMCA went into dialogue with more than 40 interlocutors on the stakes of collections of human remains in the present. Together with Lies Busselen, Dr. prof. Placide Mumbembele went in conversation with interlocutors in

Feshi, concerning one case study of colonial agent Ferdinand Van de Ginste, which is 700 km from Kinshasa (for more precise info on this case go to 3.2).

2.1. Tying together archival data

The acquisition data found in the AfricaMuseum archives and the acquisition files of the AA collection conserved at RBINS were useful to see which people were involved in the collection constitution process. Biographical information was collected in the memoriam-styled publication of the series Belgian Colonial Biography and the electronic available reference work Biographical Dictionary of Belgians Overseas, a (post)colonial historiographic instrument encompassing all the biographies of Belgians and non-Belgians that were active in the colony (Vanthemsche, 2011, p. 218). When no biographical information was found in the Belgian Colonial Biography, for example in case of judicial proceedings against colonial agents or suicide of a colonial agent, we looked for further information in the AfricaMuseum Archives, the African archive of Belgian Foreign affairs and the State Archives in Brussels. Most biographical information was found in the personnel files of colonial agents in the State Archives. We only looked for the personnel files of the donors. Relations between donors and other actors central to the practices of collecting, reveal the historical and cultural contexts and circumstances behind these practices (Stoler, 2002, p. 88).

We also scrutinised personal funds at the archives of the University of Ghent, the Université Libre de Bruxelles, the institutional archive KADOC Documentation and Research Centre on Religion Culture and Society at the KULeuven, and the military archive of the Royal Military Museum in Brussels. Different funds were consulted, as for example the fund of the anthropology Professor François Twiesselmann (1910-1999) who had an interest in anatomical anthropological research on fetuses in the 1940s (Leguebe and Orban, 1999, p.5-7). The fund of the criminology professor Frédéric Thomas (1906-1986) informs on his intention to purchase the collection of the colonial agent Ferdinand Van de Ginste in the 1950s. At the military museum the personnel file of a Belgian lieutenant Michel T.JA. Styczynski (1886-1917) yields more information on the mummified remains at RMCA. He was appointed sous-lieutenant in the Force Publique in Congo in 1915, and donated two mummified remains to the Belgian Congo Museum during the first World War. Furthermore, the connections and relations within and between the colonial administration, donors and museum staff were researched mostly in the AfricaMuseum Archives combined with data from the Archives of Foreign Affairs and the State Archives. Next, we related a series related to the Belgian Congo Museum in the State Archives registered under the entry ‘M17’. This series contained notes and correspondence

concerning loans for exhibitions and two important cases, namely the collection of the colonial agent Ferdinand Van de Ginste and the mummified remains collected by the Belgian army in Rwanda.

In the archive of Belgian Foreign affairs we consulted various funds; of the General Governor (GG), of Indigenous affairs and Hand Labour (Affaires Indigènes et Main d'Oeuvre - AIMO) and the series of annual reports of the Kwango district in order to explore and register the archival logics of the colonial archive. We studied both the way these sources were constructed, as well as their content, what Stoler defines as "the move from archive-as-source to archive-as-subject" (Stoler, 2002: 92). We have analysed these reports specifically for the Kwango district between 1940 and 1947 for the case of Fernand Van de Ginste. The reports contained data related to territorial administration, which focused on forcing laws and decrees, levy taxes, recruit or mobilise workers, infrastructural investments, etc.

More Belgian institutions hold important archives regarding the activities related to the colonial collections of human remains in the former Belgian colony. We were not able to retrieve archival files and documents of the archives of defence, of the Royal Palace, of the cabinets and of certain enterprises (De Vriendt, 2022). Therefore, further and in-depth heuristic research on the institutional and informal networks of collectors or donors within the colonial archive is recommended.

2.2. Engaging into oral histories

During a study visit to DRC, Lies Busselen and Prof. Dr. Placide Mumbembele drove from Kinshasa to Feshi on 7 March 2022. Due to different shortcuts on sand roads with a national representative from Feshi, who took the time to talk to the people in the villages, the drive took almost 34 hours. One of the most remarkable encounters in Feshi was the meeting with Bruno Kembo Kombo (born in 1924) a man of 102 years of age. He was the clerk of Ferdinand Van de Ginste in Feshi during his tenure as territorial administrator (1940-1947). Bruno Kembo Kombo was held logistically responsible for a part of the Suku skull exhumations in 1945 and 1946 by Van de Ginste. He gave his personal account which corresponded to parts and bits of archival data, but this especially reveals how detailed these histories are remembered. Complex and sound perspectives on past situations and relations were shared. Kembo's account testified for example on the continuing violent effects of the unearthing of the ancestral remains nowadays in Feshi. During his testimony children and women from the neighbourhood followed his discourse with curiosity. Provenance is thus not solely a scientific process, but

contributing to a societal process by enabling exchanges and confrontations between researchers, communities, community builders, descendants and other people concerned (Vansina, 2006).

Reaching out to a broad range of concerned interlocutors in the DRC regarding the collections of human remains in the HOME-project, opened up as well the importance to consider oral history in the provenance research process within HOME. Oral histories are produced through human contact, making them key to human-centred provenance research. Oral testimonies are dialectic tools. This does not mean that oral tradition is by nature less reliable than written sources, yet much like written texts, there is constant enrichment and evaluation by their transmitters. Oral history depends on the memory/ies of those producing oral histories. When talking to people who are often not prevalent in written accounts of the past, and certainly not in colonial archives, we need to listen and consult counter accounts. Oral history is gathering as well different forms of oral sources to process: interviews about the past, recordings of the past, informal testimonial accounts and others forms of oral data (Mulvihill and Swaminathan, 2022; Roberts and Brown, 1980). The way these data are gathered, processed and constituted is part of collaboration and dialogue. Most important is how the recognition of oral history is useful for memory healing when talking about human remains. Throughout these stories people can transmit their knowledge and be restored in their civil dignity. Oral history is in this sense not a supplement to historical research (Field, 2012). Furthermore, oral history invites larger parts of the communities to engage in conversations about the past. This can be very useful in reconciling with historical injustices. The case of Van de Ginste showed how the communities in Feshi still live the effects of past injustice and especially to help defuse tensions in the communities involved. This will be further explained and discussed in chapter three.

3. Identified and unidentified human remains

RMCA decided not to assess identified and unidentified remains separately. Provenance research should be conducted regardless of their status of identification, though in some cases there was more provenance information on the personal identity of a human remaining available.

The reasons for this are multiple:

(1) The point of departure in the provenance research at the RMCA starts from cultural object biographies of the collections of human remains, perceived as objects throughout their

trajectory (Kopytoff, 1986). Historically the colonial archive will only testify on this "life-part" of the human remain ("Conversation Piece: Necrography – Death-Writing in the Colonial Museum | Issue 19 - February 2021 | Issues | British Art Studies," 2019). We cannot blur the assumption that human remains were perceived and continue to be treated as a museum objects. Considering the collections of human remains as part of colonial epistemologies, the collectors were the starting points for the cultural biographies of the collections. We developed a draft document containing a continuing descriptive inventory in the form of short biographies, exploring the trajectories of these human remains and the circumstances in which they were collected for each donation of the AA and biological collections. This document attempts to address this gap, but more and collaborative research is needed to actually fill it.

(2) The general assumption is that poor provenance data show their limits and especially in the process of identification make it impossible to identify human remains. Thus, as previously mentioned, this complicates possible repatriation processes. There is a tendency to put an emphasis on the gaps (von Oswald, 2020, p. 119). In doing so the concept of identification limits the possibilities of looking at these collections in multiple ways in past and present. We suggest to go beyond identification. Multi-sited research means reconstructing (object) biographies, including oral histories and researching the historical contexts, by looking at colonial administration, donors and their networks in multiple ways. Identification should be done in a collaborative approach.

(3) The identification of human remains in biological terms has been a main reference for bioforensic, bioarchaeological, osteoarchaeological and anthropological data management. It constitutes one of the most important starting points in valuing these collections in museums (Alves Cardoso, 2018; Licata et al., 2020). The concept of biological identification is closely to a conception of human remains as continuous scientific objects and makes us maybe concern less for uncontested and "forgotten" human remains (Jenkins, 2010). The premise of identification reinforces as well the scientific discourse and value of these human remains. While it may apply as a valuable research orientation, especially in case of requests, this alienates us from the systemic historical violence behind collecting practices and management in museums. Another interesting response to this within the disciplines of bio-archeology and physical anthropology focuses on how violence has been embodied in human remains, as many injuries or abnormalities reveal racial or gender related experiences (Zuckerman et al., 2021). This young research field departs from the premise of 'structural violence' in colonial contexts.

(4) However, the "victims" should from an ethical and moral viewpoint be central to the research on colonial collections. This should be recognised in collaboration with interlocutors from source countries, communities, families and descendants. Less could be the case in the present dialogue with source countries, when inventories and classifications according to Belgian epistemologies are presented. Related names and/or related communities have been clarified where possible on each case study, but remain troubling and "historically situated artefacts", if not confronted in a present dialogue with source interlocutors (von Oswald, 2020: 115).

Results and perspectives of provenance research

We conducted multi-sited research on different cases by studying geographical data, archival data, literature and by looking at concerned historical parties and networks in the DRC in the archives and out in the field (Marcus, 1999).[3] The inventory research evoked the question of (1) the limitations of provenance research and (2) the pragmatic and ethical challenges of reproducing 19th and early 20th century museum categories. As we explained in the first chapter a complete inventory has not been realistic. Inventories reproduce questionable categories today. Therefore the inventory must be seen as a basic first step of research in a larger and more sustainable provenance process. Shared research with permission of and in collaboration with countries and communities of origin could possibly complete so-called blind spots in the inventory for identifiable and unidentifiable individuals.

The RMCA considers all human remains in collections and wants to share as much of the existing and stated provenance information for each of the human remains in each collection. Consequently, personal names remain inevitable references for possible future dialogues and collaborations with and within source countries. Identification of human remains is an important point of debate, since for example different institutions in Germany still refuse to share the identification of their collections (Reimann et al., 2022, p. 14). Therefore we refer to the following case studies taking the donated person and donor/collector as a starting point of this open-ended process:

Chief Mamboukou removed by lieutenant Alphonse Cabra (1861-1932) from Tsimbangu to Tervuren

[3] For more information on the conducted research and methodologies we recommend chapter 2.

The case of the colonial lieutenant Alphonse Cabra who 'donated' the skull of a Mayombe chief, registered under entry AA 15. After he contributed to the inauguration of he railway line in Congo Free State in 1896, Alphonse Cabra was designated for a scientific mission to the Mayombe region. During a month and a half he collected geological samples, objects and human remains in 1897 in the Mayombe region (Robyns, 1952; Liben, 1977). Cabra donated at least seven human skulls and two donations of bones, with entries AA 11 until AA 17 and AA 21 to the museum after his missions, respectively in 1897, 1904 and 1909. The human bones with entries AA 13 and AA 14 should, according to the general register, be related to the human skulls with entries AA 11 and AA 12.

Entry AA 15 could possibly refer to the identity of a person. The description begins with "crane du chef du Mayombe". Although around a dozen chiefs were seated in the Mayombe region, thus the label 'chef du Mayombe' does not specify the identity of a person. However, the human skull was as well accompanied by a label mentioning 'Chef Mamboukou'. According to the description in the register he had been killed during a palaver in May 1896 and was deterred again on the first of february 1897. In February and March 1896 there was a military operation by a detachment of the Force Publique in that area, but very little is known about it. The reports were never found. It could be possible this archive was destroyed on orders from Leopold II (Hein Vanhee, personal communication, August, 12, 2020). The palaver, which initially refers to a discussion with a chief on the part of the expeditionaries, takes on a macabre form here by revealing itself to be the origin of a murderous conflict. The word 'palabre', which refers to the tradition of conflict resolution, was appropriated by colonial officials at the time as an euphemism for violent (unequivocal) conflicts (Bidima, 2014, p. 30-31). Cabra had found the remains of Chief Mamboukou in the village of Tsimbangu in 1901 and donated the skull to RMCA on the 3rd of January in 1903. His skull has however not been found in the RMCA nor at RBINs. His skull had no teeth and missed the inferior jaw bone, according to the general register. On the skull was encrypted the number 19 instead of the number 15, under which he had been registered in the inventory. The skull was part of the public exhibition of the Musée du Congo until 1959, and probably removed from public display in that same year.[4] The remains of the chief must have been in storage for 4 years before all human remains from the Anatomic Anthropological collection were transferred to RBINs in 1964. Although the AA File is stored at RBINs, the skull of 'Chef Mamboukou' did not arrive at RBINs in 1964 and might still be in the RMCA (Personal communication Tara Chapman and Maarten Couttenier, 8 October, 2020).

[4] Anthropologie Anatomique Cabra, 1903 (Archives RBINS, n°1).

Although no skull with the number 19 encrypted was found, chief Mamboukou might be one of the non-identified skulls in the biological collections at the RMCA.

Traditional chiefs Lusinga Iwa Ng'ombe, Malibu and Prince Kapampa removed by Emile Storms (1846-1918) from Mpala to Tervuren

The case of the colonial lieutenant Émile Storms who beheaded the much debated chief Lusinga Iwa Ng'ombe of the Tabwa people from the nortwest of Mpala and brought his skull to Belgium as well as the skull of Prince Mpampa or Kapampa of the Bemba community from the village Uriro, and that of Chief Malibu (spelled 'Maribou' by Storms) of the Marungu people from the South of Mpampa (Bouffioux, 2018; Couttenier, 2005; Roberts, 2012; Volper, 2021). The skull of Prince Kapampa has been found in the section of vertebrates at the RMCA in February-March 2021 in depot closet 5. The skulls of Chief Malibu and Chief Lusinga, registered respectively under AA 149 and AA 151 are located on trays AF45 and AF51 in RBINs. The research and publications by historian and social anthropologist Maarten Couttenier, anthropologist Allen Roberts, art historian Julien Volper and journalist Michel Bouffioux on Iwa Ng'ombe Lusinga continue to serve as a learning practice for multi-sited research on other cases and enabled a next step in the provenance (research) process in the DRC. The art centre Waza in Lubumbashi organized several consultations with different interlocutors involved and developed an expertise in field consultations and community-based exchange practices regarding the Lusinga case study. Waza is in contact with representatives of the Tabwa community and of the Murumbi research group of the University of Lubumbashi. Thierry Lusinga, one of the descendants of Lusinga had been asked in 2021 to be part of the focus group composed by Waza. They established an interview with a representative of the academic Tabwa group 'Murumbi' in 2021, but Thierry Lusinga declined further interviews in 2022. One of the WAZA-partners, Joseph Kasau, curator and visual artist, has roots in Mpala and may easily continue his cultural research on this case study. This shows the importance and future possibilities of multi-sited and collaborative research.

The case of Chief Lusinga stands in contrast to other cases as it is thoroughly known, studied and publicly discussed. The research started four decades ago when Allen Roberts did fieldwork among the Tabwa. The interest grew because the historical context became more clear and known throughout the years. Boris Wastiau showed interest in early 2000 for the skull of Lusinga during his broader questioning of the colonial collections of the AfricaMuseum together with artist and lecturer Toma Luntumbue, for the temporary exhibition "ExitCongoMuseum" (Wastiau, 2000). In 2005 Maarten Couttenier published his PhD

dissertation on the historical background of physical anthropology in Belgium. One of the case studies he researched was the provenance and historical context of the murder of Lusinga and how his skull served physical anthropological research (2012). Afterwards, Lusinga has been the object of internal dispute at the RMCA in 2012, when Albert Tuzolana, a member of COMRAF at the time said he had seen the skull of Lusinga and asked for repatriation (Busselen, 2012).[5] The possible return of chiefs Lusinga, Malibu and Kapampa to the DRC became a more obvious end destination in subsequent discourse and publications (Roberts, 2019). The Belgian journalist Michel Bouffioux dedicated a whole website to this end goal: https://www.lusingatabwa.com/. As Bouffiaux reported, Thierry Lusinga Ng'ombe requested in a letter in October 2018 to the Belgian king and State to return the remains of his forefather to DRC in order to organize a dignified burial (2019). Since this official request of one of the descendants, a platform of scientists from the University of Lubumbashi, called 'Groupe Murumbi', is continuing to develop a request for collective restitution, actively involving representatives of the Tabwa community.

Dignitaries Bene and Amakeo removed by Marcel Maenhout (1888-1972) from Irumu to Tervuren

The colonial agent Marcel Maenhout van Lemberge[6] exhumed the dignitary Bene and noble woman Amakeo in the presence of the second chief Apawanza Sisanionge of the Walese community on 27 February 1936. According to the judicial reports found the AA file 34 Bene was exhumed on the Romvu hill, in the cheffery of Walese Vonkutu at Irumu, the sub-chiefdom of the Befwalu. Amakeo was exhumed on the Dodo ground near the Mabasu falls of the Mambasa cheffery. Their exhumation took place in the presence of a sous-chef who belonged to a different clan of dignitaries. Apayembe was a third person who was exhumed and reburied the same day on 27 February 1936. According to the sous-chef Apawanza was a child of 5 to 6 years old, buried on the 23th August 1931. Due to the poor state of preservation of the child's bones, it was reburied in the same place. This also happened with the exhumation of a fourth individual, named Baite. Her body was found decomposed at a depth of 1.30 m. Since the recovery of a skeleton in the soggy ground was impossible, they gave up the operation. Based on the testimonies of the representatives Baite died while giving birth to a twin and was buried with these two children on a bed of branches and leaves.[7]

[5] Heny Mova Sakany. (11/07/2012). [Lettre sur la découverte de restes humains à MRAC].
[6] Marcel Maenhout van Lemberge (AGR2, SPA. Fonds colonie, Minicol, 19621).

[7] Anatomie anthropologique Maenhout, 1936 (Archives RBINS, n°34).

On 23 December 1936 the skeletons of Bene and Amakeo were transmitted together with casts of different body parts of Amakeo and different iron objects, probably as grave gifts, to the Section of Anthropology and Prehistory. Further research in the archaeological collections of the RMCA might shed light on these donations of Maenhout and his relation to the museum at the time.

On 21 December 1937 they were sent to Vienna for examination by the Austrian anthropologist Dr. Victor Lebzelter (1889–1936), an Austrian anthropologist opposing nazi race theory. After the sudden death of Dr. Lebzelter they were sent to the Anthropological Section of the National Museum of Prague (Schebesta, 1933; "Viktor Lebzelter," 2022). There they were studied by the Czechich anthropologists Jindrich Magtiegka and Jiri Maly. In their study on four skeletons of so-called Pygmies of Ituri. In their publication they refer to the unearthed skeletons from entries AA 207 and AA 208 (Malý and Matiegka, 1938). The colonial-era term 'Pygmy' refers to equatorial rainforest people of Central-Africa, who have been the object of intensive research because of their stature. The term evokes racial labelling, charged with cultural and social inflictions. The closest term is the term they use to appoint themselves, namely 'forest people' which is the spelling 'BaAka' used in Central-Africa (Ballard, 2006; Kisliuk, 2010; Laden, 2012).

The 27th of August in 1937 Bene and Amakeo were returned to the Section of Anthropology and Prehistory of the Musée du Congo together with a series of 17 casts of the skeletal elements registered with entry AA 208 and registered under the entry AA 214 in the AA collections. In 1940 Dr. Jadin published in the *Annales of the Royal Institution of Colonial Belgium* a study on the sanguine groups (blood types) entitled "Les groupes sanguins pygmoides et des nègres de la province Equatorial (Congo Belge)". In this report Jadin also describe the organisation of the expedition in the Ituri forest and recounts the habits and customs of "Pygmies", focusing on their hygiene and particular diseases (Dubois and Jadin, 1937; Jadin, 1936; Leiris, 1935).

Moreover 12 individuals removed Armand Hutereau (1875-1914) from Uele to Tervuren

The first class commander of the Force Publique and expeditor for the Museum of Congo, Armand Hutereau (1875-1914) donated human remains of at least 12 individuals in 1912. He collected more than 8000 ethnographic objects during the Hutereau expedition by the instructions of the Ministry of Colonies for the 'Museum of Congo' from 1911 to 1913. Joseph Armand Hutereau was a first class commander of the Force publique. He first went to Congo Free State in 1986. During his different missions in Africa Hutereau always showed military interest in customs and habits of the local population. After working as a military agent

Hutereau on different missions in Congo Free State he was appointed by the Ministry of Colonies to execute an ethnographic scientific mission to Uele (Engels, 1950). These human remains were accompanied with extensive provenance information, when looking closely into the archival documents related to Hutereau in the AfrciaMuseum Archives.

Three skulls could be identified to some extent: a chief, labelled 'Momfu' with entry AA 26, which is probably 'Mamfu' and refers to the head of a local community (Hutereau, 1922); Memili from the Azande people with entry AA 24 collected in the village Aparambo; Makere, which may refer to the population of the region, with entry AA 25 and, found nearby Niapu at the village of the Azande chief Zokere; and finally the skull of Memili Boro collected in the village of chief Bafuka, with entry AA 39.[8] Skull with entry AA 26 is probably the only female skull labeled 'Momfu' in the general register. The word 'momfu' is actually written correctly 'mamfu' and refers to the head of a local community (Hutereau, 1922). The skulls registered under the numbers 27 to 31 were described as male Azande. According to the general register, numbers 24 and 25 were both from the region of Uele, where Hutereau collected and assembled his collection during his mission, and were donated to the Congo museum in 1912. Although the donor is not mentioned in the general register, these skulls were probably part of the Hutereau donations of human remains. Entry 24 carries number 362 and refers to the skull of the identified individual named Memili from the Azande. The skull was collected in the village Aparambo (Jangare) according to the collection slip of acquisition file 244 of the Hutereau mission (Ethnographic File N° 244, 1912, p. 6). Entry 25 is linked to consignment 413 and describes the skull is to be of 'Makere' found nearby Niapu at the village of the Azande chief Zokere at the Westside of the post Poko, according to the same acquisition file of the Hutereau mission (Ibid, p. 5). 'Makere' could refer in this context to the population of the region Makeret.

Niapu is a place in the center of the region of Makeret indicated on an ethnographical map made by Armand Hutereau (*Map by Dr Joseph Maes outlining the journey of the expedition of Commander Hutereau* © RMCA, HO.1987.18.122). Both skulls 24 and 25 were transferred from Léopoldville on 8 February 1912 to the Congo museum according to a letter from the Director of the company of Industry and Commerce to the Ministry of Colonies (Ernst, 1912).

During a verification of the collection, the teeth of Bikiti, a chief from the village of Nekbengué, with entry AA 38 were identified in RBINs on tray AF61. It could be that the name of the chief was misspelled. According to the acquisition file (number) the teeth were collected from the

[8] Etnographic file n°298, 1912: 67 (AfricaMuseum Archives, Mission Hutereau, 1912-14, AA.1.-N.13).

person Tikitiki who was killed during battle.[9] Further research and collaboration is needed to reconstruct the biography or contextualize Tikitikiti as a chief. There might in fact be a link between the teeth AA 38 and an identified person carrying number 3/43. The latter entry is described as “dents de Pygmee "Bikitiki" id. village de chef Nekbengué (Momfu) 3/43 Nom indigène Uele" in the General Register. It was also found on tray AF61 in RBINs. In acquisition file 298 of the mission of Hutereau these teeth are described as the teeth of “tikititi” from the village of Chef Nekbengué. Probably “bikitiki” was a spelling error. According to the information in the acquisition file the teeth were collected from a certain Tikitiki who was killed during battle. The number 298 of the acquisition file was listed in AA file 13 accompanied by notes including various measurements, descriptions of cranial structures and diagrams. [10]

The skull with entry 39 carries the number 4/249 and is referred to as a Zande skull, named “Memili Boro” and collected in the village of chief Bafuka according to the ethnographic file 298 of the Hutereau mission. Skull number 40 was referred to as a Zande skull, carrying the number 4/250 and donated by chef Bwalu at the Sili post according to the same file. Both skulls 39 and 40 were transported from the post of Amadis Bambili to Léopoldville. The package left Léopoldville on the 19th of December 1912 according to a second letter from the general vice-governor Henry Cornelis to the minister of Colonies Jules Renkin (1912) [11]. For her doctoral research (2016-2021), anthropologist Hannelore Vandenbergen investigated the Hutereau collection, from the perspective of the Congolese chief Maroka. The aim is to shed new light on early twentieth-century colonial collecting practices. Her research shows how contemporary accounts can compel and enrich an open-ending provenance process (“Early twentieth-century colonial collecting practices scrutinised,” n.d.).

Three violated cemeteries by Fernandus Van de Ginste in 1945-1946 (1912-1947)

Lies Busselen has studied under supervision of Maarten Couttenier the AA files and looked closely into the case of Van de Ginste. This case concerns at least 230 “unidentifiable” individuals, from entries AA 238 to AA 451, deterred between 1941 and 1947 in the Kwango district. His collection arrived in the museum shortly after his suicide (7 March 1947) in Belgian Congo on 30 August 1947 in Tervuren. The collection counts 189 skulls, 39 skull fragments, 4 bones (probably part of certain skulls) and 10 teeth to be associated with the skulls between

[9] Ethnographic file N°298, 1912:2 (AfricaMuseum Archives, Mission Hutereau, 1912-14, AA.1.-N.13).

[10] Anatomie anthropologique Hutereau, 1912 (Archives RBINS, n°13).

[11] Etnographic file n°298, 1912: 68 (AfricaMuseum Archives, Mission Hutereau, 1912-14, AA.1.-N.13).

entries AA 237-248, according to the general register of the AA collections. The museum had first been in contact with Van de Ginste about his collection of skulls in 1946.

The human remains collected by Van de Ginste represent approximately 45% of the AA collection. Eleven records refer to the acronym "B.K." (AA 241- 246, AA 248 and AA 254-56) and 1 registration to Buka Kipangu, namely under the entry AA 247. Another skull with entry AA 238 has the name Buka-Tsona written on it and the acronym "B.T." This is also present on the skulls with entries AA 239 and AA 240. Buka is a city center in the Kwango district at a distance of 547 km from the former and current administrative center Feshi. Six skulls bear a reference to the locality Ganaketi in the territory of Feshi, 60 km to the north-east in a straight line from Feshi. On March the 8th and 9th 2022 Lies Busselen and Placide Mumbembele conducted fieldwork in Feshi, but there was no time left to go to Ganaketi and Buka. According to different testimonies in Feshi, the grave violations took place in the localities of Bwangongo, Bukatsona, Masengu and Menikongo at the end of the Second World War in 1945 (Personal communication, Bruno Kembo Kombo, 8 mars 2022).

During his first contacts with the Congo museum, Van de Ginste explained to the ad-interim museum director Floribert Duchesne that he would like to excavate graves in cemeteries. His letter was positively received.[12] After his sudden dead the museum director Duchesne contacted the Minister of Colonies Robert Godding on the 18th March 1047 to ensure the transmission of the collections of Van de Ginste to the Congo museum. The colonial administration secured and guaranteed the conveyance of the hundred of skulls and other human remains to the Congo museum in the summer months of 1947.[13]

Maurice Bequaert, at the time in charge of the Section of Prehistory and Anthropology, meticulously noted various data concerning Van de Ginste in terms of context and conditions of the grave violations and the probable scientific value of these collections. In this respect his correspondence with Father Lamal, who published two years after the death of Van de Ginste, a population study on the Basuku in 1949 (Lamal, 1949) is very informative.[14]

Lies Busselen has contacted Robert Eugene Smith, an independent researcher interested in oral history as historic sources and who was a teacher in the Kwango district in the 1980 ties.

[12] Lettre 'Collection 200 crânes Basuku' de Ferdinand Van de Ginste à Floribert Duchesne, 25 septembre 1946 (Archives Africaines, AIMO (1580) 9053).

[13] File with correspondence between direction and Van de Ginste (AfricaMuseum Archives, I. Coordination Gestion de collection, 1898 - 1989, AA 2. D2. 1947).

[14] Anatomie Anthropologie Van de Ginste,1947 (IRSNB, n° 45).

In his spare time he carried out historical research on the colonial past ("Robert E. Smith - Oxford Bibliographies," n.d.). He interviewed Congolese in the Kituba language in the Due and Kwilu Secteurs of Bulungu Territoire in 1966 and 1976, and in Bindungi Secteur of Masi-Manimba Territoire in 1981 and 1986. He published part of these interviews in the paper "Les Kwilois parlent de l'époque coloniale" (Smith, 2005). Thanks to these exchanges it became clear that Van de Ginste had a reputation and surname, which was very useful when Lies Busselen had the opportunity to travel to Feshi with Placide Mumbembele in March 2022. His surname wai-wai, waia-waia or way-way referred to a repressive character, which was confirmed as well in a second personal file of Van de Ginste at the State Archives. 15 When administrators carried surnames given by the population often this was an expression of resistance on a local level. These surnames were representations of the situation from a local viewpoint (Likaka, 2009).

Mummified human remains from Rwanda at the AfricaMuseum

In 2001, the AfricaMuseum made the press several times on two mummified people that are preserved there to this day. The press spoke of 'mummies', but research has pointed out in the meantime that their mummification has been natural and not intentional process, therefore we speak of mummified people. They were registered as a8.010-M-0004 and a8.010-M-0005 in the biological collections. Before that they had also been recorded as AA-46 and AA-47 in the anatomical anthropological collections of the AfricaMuseum. Today the museum accommodates the mummified people in a respectable manner at the C.A.P.A. (Centre Acceuil Personnel Africain) building in Tervuren. Because of their poor provenance information and unidentifiable ethnic origins, they were not transferred to the Royal Belgian Institute of Natural Sciences in 1964 and remained in the AfricaMuseum ("Persdossier KMMA: Laatste expo voor de renovatie," 2011). The mummified humans appeal to the imagination, since so little is known about them by the Belgian public. Although mummies are in general a main attraction for bigger audiences, the AfricaMuseum never put them on display (Jenkins, 2010). With research conducted for the HOME project, we hope to offer some elements for a demystification of their presence. In 2003, a multidisciplinary study consisting of isotope analysis, pollen research, radiocarbon dating, physical measurements and historical testimonies was initiated under the direction of biologist Wim Van Neer, then head of the Vertebrates department at the AfricaMuseum. The aim was to determine the exact origin of the two mummified people.

[15] Dossier personnel Ferdinandus-Arthur Van de Ginste (AGR2, SPA. Fonds Métropole, n°4697).

According to the researchers, they might be the remains of two male herders/pastoralists from the Kivu region that arrived at the museum in the 1930s. Because the exact provenance remained unclear, no further steps were taken to repatriate these human remains (Van Neer, 2004). The original assumption in the report's conclusions was that the mummified people lived in the late 1930s. They were possibly from a cave in the Kivu region of the Democratic Republic of Congo. The information from the pollen analysis confirmed that the environment in which they were found is similar to that in the eastern region of the DRC. The mummification of both people is similar to the natural mummification of animals found on the Mikeno volcano in Kivu, based on the reading of a publication on birds in Congo (Chapin et al., 1953). Physical anthropological research assumed that both mummified humans were probably men of about 30 and 45 years of age. Compared to people from the Horn of Africa, Rwanda and South-Central Congo, they may have been closer to Rwandan communities, according to the report. Radiocarbon dating gave an estimated time of death between 1660 and 1960. Isotope analysis on their teeth showed that they were carnivores and thus would rather have been pastoralists than farmers (Van Neer, 2004). Within the HOME project new evidence was found in the State Archives, located in the Hopstreet in Brussels. The military report "Expédition de deux momies trouvées par les troupes coloniales à Tshandjarue, 1916" is part of the documentation folder *M17 Objets transmis (ou renseignés) au Musée par l'Adeministration d'Afrique*, concerning objects transferred by the colonial administration to the Musée du Congo (belge). According to this newly located source, Belgian troops under the command of Officer Defoin of the *Force Publique* found the two mummified people on November 30 1915 at the opening of a volcanic crater (Stiénon, 1918: 62). This happened during their military campaign that they had started from East to Central Africa at the time of the First World War. The two persons were found in Rwanda on Mount Tshandjarue, according to the report of Styczynski, a few hundred kilometres from the Mikeno mountain chain already mentioned.[16] Styczynski started as a grenadier at the warfront in 1914 and, after being wounded, was appointed sous-lieutenant in the Force Publique in Congo in 1915. On April 12th 1915, Styczynski started his career in the Belgian Congo.[17] The military report is undated, but it is attached to a letter from the general governor to the Ministry in London on the 29th of July 1916. From his personal file we know that Styczynski left Congo for Belgium one month later. Presumably, Styzynski located the

[16] M17 Objets transmis (ou renseignés) au Musée par l'Administration d'Afrique (ARA2, MiniCol, °132).

[17] Registre Anthropologie Anatomique (Archives Africamuseum, Section d'Archéologie et préhistoire, 1897 – auj, D.A.10.11).

Belgian troops on mountain Tshandjarue in the aftermath of the battle, found both mummified remains whilst he was there and wrote the report not long after the battle at the end of 1915. Today, the Tshandjarue mountain is called Cyanzarwe according to the geologist Francois Kervyn de Meerendré, Head of Natural Hazards & Cartography Service at the RMCA (Personal communication, 27 June 2022). However, the name Tshandjarue can be found on a map from 1948 of the then Albert National Park, today Virunga Park ("Congo Belge et Ruanda-Urundi," 1948). This mountain is located 12 km north of Lake Kivu. Only a few days before, on 27 November 27th 1915, a devastating battle against German soldiers had taken place there. Almost all soldiers of the Belgian company lost their lives that day (Ergo, n.d.). The battalion was led by lieutenant Defoin and general major Charles Tombeur (1867-1947), known as "Baron Tombeur de Tabora", who took Tabora on 19 september 1916 (Dellicour, 1968). Probably, the two mummified remains were removed when the bodies of the fallen soldiers were collected.

Based on the data in the general register of the AA-collections at the RMCA, the Belgian lieutenant Michel T.JA. Styczynski (1886-1917) would have donated the mummified remains to the museum in 1919. However, according to the M17 file, the mummified remains left Belgian Congo in 1916 and were sent to the British Museum in London on the 21st of August 1916 at the request of the Minister of Colonies Jules Renkin (1862-1934). At that time, the Belgian government stayed in London pending the end of the war. In 1919, the mummified remains were transferred to the Congo museum in Tervuren without further explanation. Edouard De Jonghe (1878-1950), became the brand new director of the cabinet of the Ministry of Colonies. He had a particular interest for colonial ethnography and was in contact with the British Museum (Schampaert, 2012).[18] On the 28th of August 1919, he referred to the post-war transfer of 29 acquisitions, which had been at the British Museum during the war.[19] Probably the mummified remains were returned from the British Museum, but until now no data was found on this post-war acquisition.

In his military report, Styczynski, gave a description of the location, the mummified people and of their state of preservation. According to him, they were a man and a woman, one with skull and the other without. He also describes how difficult it was for the Belgian troops to estimate the timing of the volcanic eruption that would have trapped them in the cave and why these people were inside the crater in the first place. Styczynski hypothesized that the people probably

[18] Dossiers coordination période 1910-1931 (Africamuseum Archives, AA 1.A.1919).

[19] Personal military file Michel T.J.A.Styczynski (Cdoc. KLM-MRA, DO 11912).

farmed on the mountain massif and sought shelter in the cave from the eruption.[20] According to the 2004 scientific report, the people were mummified naturally by a volcanic eruption.

Although Styczynski ascribed so-called Watuzi ethnic features to the mummified remains, when they were compared throughout MT-scans and craniological measurements with the Rwandan collections of RBINs for the scientific report coordinated by Wim Van Neer in 2003 and 2004. The conclusions were twofold, on the one hand a so-called racial origin was not identifiable and, on the other hand, their similarity to Rwandan human remains pointed to a likely location on the Rwandan side of the mountain chain. Collections of the Bahutu showed how Rwanda housed the necessary conditions for the conservation of these remains (Van Neer, 2004).

After retracing provenance data in the colonial archive more data can be clarified. This results inevitably in descriptive provenance case studies, lacking of analysis and different perspectives on the historical context in which human remains were removed, but no stories or contextual information of source communities or descendants are discussed, nor valorized. This is why collaboration is indispensable in further provenance processes.

4. Challenging collaborations in a changing museumscape

In a shifting museumscape the awareness to encourage contact zones with conversations and exchanges with interlocutors of and in source countries in museums is growing fast in these "times of the curator", as Clifford puts it (2019). For the HOME project the RMCA prioritised this throughout multivocal partnerships in the DRC. The exchange and/or conversation has been institutionally integrated in the project throughout partnerships in the DRC and an informal civil society group with a high representation of the Congolese diaspora in Belgium. Inevitably, (the perception of) the RMCA as biased influenced the collaborations. The RMCA established, however, throughout this process new and restored old relations in the DRC and Belgium. For the partners an exceptional opportunity occurred, namely the possibility to cause movement in outside narrow disciplinary boundaries (Costache and Kunny, 2021, p.14-15). These practices in relation to the historical heritage of the RMCA brought many frictions and paradoxical dynamics to the fore, but enabled as well changes in an inherently asymmetric contact zone (Boast, 2009). The informal civil society work group in Belgium challenged the institutional

[20] M17 Objets transmis (ou renseignés) au Musée par l'Administration d'Afrique (ARA2, MiniCol, °132).

boundaries and actively questioned the presence of human remains out of colonial contexts during the HOME project.

The collaboration consisted of different activities and performances with Congolese partners in the DRC and in Belgium and representatives of the civil society in Belgium. Due to the pandemic and complicated visa situation for the DRC the study visit of the Congolese partners could only be organized at the very end of the project in October and November 2022. The relatively short duration of the project prevented as well in-depth cocreation and participation with both partners in DRC and civil society partners in Belgium. This implies that collaborative reporting has not been feasible and the report below on behalf of the RMCA team is in need of further elaboration and consent prior to publishing.

4.1. Partnerships and agreements in the DRC

In its original concept the HOME-project would provide for a series of visits from and to Belgium and DRC, Rwanda and Burundi to identify and meet with interlocutors in the concerned countries in order to listen to the local opinions on restitution and/or repatriation. The DRC was especially an important source country since more than 85% of the colonial collections of human remains come from the DRC. Due to the COVID 19 pandemic a collaborative and network-oriented approach at distance was implemented. This was the start of several partnerships with Congolese interlocutors.

The RMCA established three partnerships in September 2020. Firstly a collaboration was discussed with a group of documentary filmmakers, Collective Faire-Part (CFP) in Kinshasa, and with a cultural centre, playing a central role in the public restitution debate in the DRC, Centre d'Art Waza (Waza) in Lubumbashi.[21] We also established at an early stage in 2020 collaborating with Dr. Prof. Placide Mumbembele, anthropologist and restitution expert from the DRC. On 26 October 2021, he was appointed general director of the Institute of National Museums (Institut des Musées nationaux du Congo, IMNC) in the DRC. This added an interesting and re-enforcing institutional dimension to the partnership between the RMCA and the IMNC at the end of 2021 and in early 2022.

The cultural partners CFP and Waza had experience and expertise regarding restitution of cultural objects, a topic which is considerably related to the topic of repatriation of human

[21] https://www.centredartwaza.org/
https://www.collectif-fairepart.com/

remains. Most of them had previous and sometimes long standing experience of collaboration with the RMCA. This to some extent mitigated the lack of direct contact.

Placide Mumbembele holds a PhD in political and social sciences entitled 'Les musées, témoins de la politique Culturelle, de l'époque coloniale à nos jours' from the Belgian ULB. His scientific residency at the RMCA in 2021 focused on the provenance of the Yaka masks . He developed an argued discourse on restitution and participated in several public events concerning the restitution of cultural patrimony. In July 2021 he gave a Museum talk organized by the RMCA on provenance research concerning the ethnographic collections (*Placide Mumbembele - Recherche de provenance*, 2021). He argued that the focus should shift from the museum as a site of locus to the source communities. He emphasized the perpetuation of culture throughout cultural objects within local communities, even throughout iconoclastic histories (Mumbembele, 2020).

Patrick Mudekereza is the artistic director of Waza. He had informal discussions in 2016 regarding collections of human remains with anthropologist Dr. Maarten Couttenier, promotor for the RMCA of the HOME-project, paleoanthropologist Patrick Semal, Principal Investigator of the HOME project and co-opted senator Bert Anciaux and former representative of the Socialist party sp.a in Belgium. These discussions were followed by Prof. André Yoka Lye, at the time general director of the National Institute of Arts in Kinshasa. Waza organized together with the German Goethe Institute "Les Musées en Conver(sa)tion, perspectives congolaises sur la restitution des biens culturels et la transformation des pratiques muséales en Afrique" in Kinshasa in October 2018 ("RDC," 2018). During this conference the restitution of human remains were evoked as well, notably by Dr. Prof. Sarah Van Beurden (Personal communication Patrick Mudekereza, 20 July 2020). The former director of the RMCA Guido Gryseels participated at these discussions. Within the framework of Voix Contemporaines Echos Mémoires (VCEM) a second activity was organized in december 2018 in Brussels, on transforming museum practices in Africa ("Table Ronde," n.d.). In June 2020 Patrick Mudekereza was invited to participate at a four-day colloquium on the reconstitution of cultural patrimony in the DRC, attended by political representatives, academia and cultural operators. The topic of restitution was discussed, but needed to be part of a broader challenge of the "reconstitution" of Congolese patrimony (Beurden, 2021). A delegation of Belgian participants was invited to participate at this colloquium (*Kinshasa*, 2021).

The filmmakers of CFP produced a documentary 'In many Hands' (40') in 2020 for the Museum Aan de Stroom in Antwerp regarding their colonial collection. During this

documentary they talked about the meanings of these collections and what was evoked when looking at the collections with different people in Kinshasa and Antwerp. This movie was part of an exhibition “100 X Congo” curated by Nadia Nsayi and Els De Palmenaer. Furthermore, CFP organized two editions of the decolonizing performance festival SOKL and produced different movies telling stories about the many connections between Kinshasa and Brussels

The partnership agreements with Waza and CFP concerned the transfer of information to the DRC on the collections of human remains historically affiliated to and human remains present at the RMCA . Originally the intention was to asses opinions in the DRC by means of 20 to 40 audio-visual interviews/conversations/consultations[22], including their transcriptions and end report. For this, Waza and CFP selected a number of profiles such as academia, government actors, journalists, lawyers, representatives of descendant communities, artists and activists. Their selections were based on the experience, expertise and/or knowledge of their interlocutors on the topic of restitution and repatriation . The project team for Waza consisted of Patrick Mudekereza (artistic director of Waza), Joseph Kasau (video artist and photographer) and Stéphane Kabila (curator and researcher), and for Collective Faire-part, of Nizar saleh (filmmaker and photographer), Paul Shemisi (director and cameraman) and Noah Matanga (visual artist and designer).

The partnership agreement with Dr. Prof. Placide Mumbembele consisted of the organization of a field trip to Feshi, the geographical key location of one of the case studies from the ancient AAcollections, the organization of a concertation of source interlocutors concerning the repatriation of human remains and an assessment report.

4.2. Context and methodologies

Due to COVID 19 restrictions and a growing insight in the colonial collections of human remains, the original approach of the RMCA of organizing seminars in Central Africa had to be reconsidered. The RMCA decided to search for interlocutors in the DRC to collaborate at distance.

In the first phase different online meetings were held with all partners. The second phase focused on a better understanding of the HOME project, namely by developing some documents on request: an adapted summary of the project, a summary of a case study of the collection

[22] Each contact perceived the exchange, interview, consultation and/or conversation differently. That’s why we chose not to categorize these filmed practices to fixed formats.

donated by Ferdinand Van de Ginste, a survey format, proposed by the RMCA for the audio-visualized conversations, timetables, etc. In a third phase Waza and CFP organized preliminary meetings and audio-visualized conversations with Congolese interlocutors, respectively in Lubumbashi and Kinshasa. In a fourth phase fieldwork concerning one case study was prepared and organized in collaboration with Prof. Placide Mumbembele. A final phase consisted of bringing together the Congolese interlocutors throughout public activities and disseminating the HOME-project at the University of Kinshasa (UniKin).

At the methodological level, Waza formed a focus group with a representative of each profile to analyze the survey, the list of interviewees and discuss the results. The focus group consisted of Professor Donatien Dibwe (historian), Pierre Kahenga (civil society leader), Denise Maheho (journalist) and Clotilde Mutita (political actress and former deputy mayor of Lubumbashi). This made it possible to revise the survey and adress a certain number of people in each category. CFP organized their first meetings with lawyer Théodore Nganzi, the sculpture artist Freddy Tsimba and at the time our third partner Dr. Prof. Placide Mumbembele. Together with Dr. Prof. Placide Mumbembele, Lies Busselen discussed and prepared the case study on Ferdinand Van de Ginste for the field trip to Feshi. They established their first contacts with key interlocutors from Feshi and found two of our important gatekeepers, namely Lardin Kunonga Nzadimwena, the general secretary of the Superior Institute of medical techniques (ISTM) in Feshi and Fabien Boko Matondo, national deputy from Feshi (“Fabien Boko,” 2021).

4.3. Repatriation opinions in the DRC

The goals were to actively set up as much collaboration, partnership and dialogue in the DRC as possible through informing and sensitizing various interlocutors about the existence of the human remains collections at the RMCA and in RBINS in Belgium. The RMCA wished to better understand which opinions prevailed regarding the existence of these collections and their possible final destination. Who were the prior interlocutors for the RMCA when considering possible repatriation processes? For this purpose, a representative sampling exercise and reaching out to various interlocutors was needed, at the time referred to as “stakeholders”, including academics, politicians, museum professionals, experts, civil society organizations, communities, families and descendants. The partners Waza and CFP informed and contacted concerned Congolese academia, museum professionals, politicians, descendants and possible source communities in both cities. They have established preliminary meetings, interviews and a focus group. They sensitized various interlocutors and built, throughout their encounters, a restitution- and repatriation-concerned community in the DRC. These knowledge

exchanges have been captured for each encounter. In attachment both reports of Waza and Faire-part on their respective results are provided (Attachment n° 1 and n°2).

In Lubumbashi Waza reached 28 interlocutors, in Kinshasa three people were consulted in a first phase. In the beginning of 2022 CFP reached out to 21 interlocutors together with project researcher Lies Busselen. The consulting process was different in Lubumbashi and Kinshasa, explained by a difference in urban contexts, infrastructure and political situation. Where Lubumbashi is a provincial capital, Kinshasa is the political centre of the DRC. Political, cultural and economic interests weigh heavily in Kinshasa as a centre of decision-making. Furthermore, CFP has no infrastructure in Kinshasa sa as Waza has in Lubumbashi. So CFP did not have a fixed work place and specific office equipment to prepare and organize surveys. They also experienced difficulties in getting appointments with the various interlocutors and government institutions in Kinshasa because of the simultaneous discussion on restitution and repatriation during the 34th summit of the Heads of State of the African Union ("34e sommet des Chefs d'Etat de l'UA," 2021). A national commission was created afterwards, presided by the prime Minister Jean-Michel Sama Lukonde, to develop a national policy on the restitution and repatriation of Congolese cultural heritage kept outside of the continent. This commission would include political representants, experts and scientist, as well as traditional authorities such as representatives of source communities, chiefs and monarchs. Therefore, it was felt necessary to wait for the Head of State president Félix-Antoine Tshisekedi Tshilombo to communicate on his intentions before these institutional interlocutors would commit themselves to filmed conversations ("Colonisation," 2021).

The final reports of Waza and CFP (in attachment) resulted in an analysis based on the conversations they had with many interlocutors. Every conversation was rich in information, which cannot be pour into statistics nor general assumptions. On the whole, we observed three points of convergence:

(1) All interlocutors assume repatriation of ancestral remains is not a point of discussion. Many added how this should be discussed bilaterally, assuming the responsibilities of the Belgian and Congolese State to ensure open, equal and equitable repatriation processes.

(2) All interlocutors want information on the presence, use and any provenance or other scientific research carried out on the human remains of Congolese held in collections in Belgium to be made accessible, without any restriction. The interlocutors thus called for an end to any policy that could be considered a concealment of data on this sensitive subject.

(3) All interlocutors would like to see an equal and equitable dialogue between Congolese and Belgian actors on all levels. This consultation should be open to all those who wish to discuss the subject and facilitation should be provided to enable them to contact their counterparts in the other country. The interlocutors thus demanded the establishment of a consultation mechanism based on openness.

There were, on the other hand, several points of divergence, notably on the question of reparation (financial or moral), and the debate on the scientific value of human remains, the symbolic or memorial value in defining the future for these remains. The points of divergence that emerged out of these consultations and conversations express the need for further equal and equitable exchange, dialogue and debate on these issues.

4.4. Working with civil society

Throughout the partnerships coordinated by Marie-Reine Iyumva at the RMCA the scientific staff informed different representatives of civil society, members of the Congolese diaspora.

Six meetings were organized in 2021 and 2022 (15/07/2020; 22/02/2021; 25/05/2021; 14/07/2021;06/09/2022; 27/10/2022) to inform the civil society members about the proceedings of the HOME-project at the RMCA. Minutes of these meetings are available if necessary. The RMCA established throughout these informative sessions a project presentation on the website that could be used in broad communication, a summary of the history of the questions regarding these kinds of collections and a methodological note (attachment n°3).

On 25 March 2021 Suzanne Monkasa of the Platform of Women of the Congolese diaspora presented a statement with three recommendations regarding ethical viewpoints, the legal framework and political responsibilities of the Belgian government regarding the collections of human remains from colonial contexts during the first follow-up committee of the HOME-project (attachment n° 4).

On 27 October 2022 one meeting was held to encourage exchanges and dialogue between the members of civil society in Belgium with the Congolese partners. They discussed the organisation of an independent conference on 8 November 2022. In their press release for this conference they ask for a prolongation of HOME for at least one year (attachment nr° 5).

4.5. Field related exchanges

Throughout the HOME-project our awareness for vocabulary and underlining significations of words grew. One of these important words to which we were confronted was the word 'mission' still used in administrative tools and instruments for 'sendings' to other countries. A word we automatically associate in relation to the DRC with missionary engagements and structures during colonialism. In latin referring 'to send' it seems a neutral word for travelling abroad, but historically it first has been used by Jesuit missionaries to establish schools and churches (Strong, 2018). That's why we wanted to find a more appropriate word that was usable and recognizable in both ways. For the travels we simply used the term 'travel', but in a broader understanding we could speak of field research in both ways and valuable exchanges. Field exchanges can thus be considered as important zones of contact in an international museumscape (Clifford, 2019).

Travel from Belgium to the DRC

During her stay in Kinshasa from 15 January 2022 until 3 April 2022, Lies Busselen organized with P. Mumbembele a study visit the Feshi, situated 700km from the capital. The oral history data, mainly stemming from dialogue and participatory observation, informed on how people perceive and embed their histories in Feshi.[23] This memory in the present is another aspect of current provenance research (Hunt, 2016). In Kinshasa most conversations and exchanges focused on present ideas about restitution. Images and sounds were captured and hopefully will lead to a movie intended for a larger audience to become aware of Congolese perspectives on a mostly European managed debate. Congolese interlocutors, from political representatives, community representatives, museums expert to artists, journalists and lawyers talked and shared their ideas and views on the existence of collections of Congolese ancestral remains from colonial times in Belgium.

As explained previously, more than 20 interlocutors were contacted in Kinshasa. In an institutional context, meetings were set up with partner and the general IMNC director Placide Mumbemble as well as with the Minister in charge of Culture and Arts, Cathérine Kathungu Faruhu. The IMNC belongs to her ministerial competences.

In the second phase, Lies Busselen and Dr. Prof. Placide Mumbembele travelled to Feshi, Kikwit and Masi-Manimba in order to comprehend and contextualize the complex case of the

[23] This case study has been developed in the unpublished article 'Deterring the past. Retracing ancestral traces' written by Lies Busselen and Placide Mumbembele. This article will be published by the Africamuseum in 2023.

colonial agent Ferdinand Van de Ginste by means of informal and formal conversations, exchanges and interviews.

In a final phase, sensitizing, discussing and informing was central to two public events. Lies Busselen accompanied the IMNC in programming and holding a national workshop, a historic moment where political, academic and traditional representatives discussed this issue on 30 March 2022 at the museum in Kinshasa MNRDC (Musée National de la RDC). She also accepted an invitation from the School of Criminology with a focus on transitional justice to present the HOME project on 31 March 2022 to students, PhD students and academic staff from the Faculty of Law and the School of Criminology at the University of Kinshasa. In doing sot, the actual restitution, reconstitution and/or reparation debate and provenance as a process became shared topics with academic interlocutors at the UNIKIN and a larger spectrum of political and traditional interlocutors at the MNRDC.

Travel from DRC to Belgium

From 16 October to 12 November 2022, the filmmakers Paul Shemisi, Nizar Saleh and Noah Matanga from CFP and the artistic researchers Stéphane Kabila, Joseph Kasau and Patrick Mudekereza from Waza travelled from the DRC to Belgium to visit the archives and collections of human remains in the RMCA and RBINS, collaborate with Congolese-Belgian experts and activists of civil society and meet the institutional partners of the HOME-project.

As part of the collaborations within HOME, the artistic researchers and cineastes of Waza and Faire-part contributed to a program of diverse public and scientific activities during their stay.[24]

During the first two weeks Waza and CFP wished to meet with project colleagues, as well as with colleagues from various RMCA departments and visits. After their arrival on Sunday, October 17, 2022 and a first event on restitution the partners followed two internal Science days at the RMCA consisting of scientific presentations and a poster sessions. One of the presentation regarded the RMCA contributions to the HOME-project and the collaboration with partners in the DRC. Waza and CFP attended the whole program and were astonished by the amount of expertise on the DRC in various fields at the RMCA. On 19 October 2022 and 28 October 2022 the colleagues of Waza and CFP visited the paleontology collections at RBINs and the ethnographic and biological collections of human remains at the RMCA. They met with

[24] The program was shared online: https://www.africamuseum.be/en/research/discover/visit_waza_faire-part

colleagues from other federal scientific institutions and universities and shared their views on colonial collections of human remains . On 26 October 2022 they visited the State Archives to have a better understanding of the vast archives regarding Belgian's colonial past and look into several files that Lies Busselen had consulted during archival research (Cuvelier depot).

From 1 to 11 November 2022 five public activities were programmed in agreement with Waza and CFP. The public activities served a variety of different objectives: Waza and Faire-part wanted to (1) translate in an artistic approach the need for repatriation towards a broad audience, (2) reflect critically upon and share their collaboration experiences within HOME and finally, (3) show a carefully selected amount of rushes of the filmed conversations they organized in Lubumbashi and Kinshasa. The first objective resulted in the creation of two performances as a tribute and contribution to existing public commemorative activities on All Saints Day of 1 November and the Armistice of 11 November. With their performances CFP and Waza wanted to complement and reinforce the existing activities. The second objective was partly integrated in a museum talk, on 3 November 2022, and an academic presentation on the annual meeting 'Give and Take. Anthropology as exchange' on 10 November 2022. The third and last objectives were fulfilled during the main activity of CFP and Waza, when they presented their compilation 'Shadow of Words' at Grand Hospice organized by CEC (Coopération Education Culture) at the city center of Brussels on 5 November 2022.

On All Saints' Day, the AfricaMuseum and Change asbl invited a broad audience to a *Memorial walk and performance in memory of the Congolese victims of Belgium's human zoos*. The colonial exhibition of Belgian King Leopold II was held in 1897 in the vicinity of the present museum. In the past Congolese were exhibited in a human zoo. The memorial walk was merged with another commemorative walk dedicated to the same histories. More than 70 people attended this activity. The audience was diverse in age and cultural background. François Makanga, historical guide at the RMCA shared his views on the history of human zoos and the world exhibition at Tervuren in 1897 with Prof. Mavambu Mavungu, a Kongo dignitary and member of the citizen movement of the Congolese diaspora (Mouvement Citoyen de la Diaspora Congolaise – MCDC). The participants stopped at different places starting at the museum entrance and finishing at the Parish Church of Saint John Evangelist at Tervuren next to the graves of seven Congolese Ekia, Gemba, Kitukwa, Mpela, Zao, Samba and Mbange ("Memorial walk and performance in memory of the Congolese victims of Belgium's human zoos," n.d.).

During the walk, the Congolese artists of CFP and Waza put on a performance *You have to see it to believe it* as a tribute to the above-mentioned deceased, as well as to other Congolese who

died at world exhibitions organised in Belgium. The walk was also developed at an earlier stage in collaboration with Georgine Dibua. Her association Bakushinta organises guided tours and commemorative events in Brussels. Change ASBL participated with introductive discourses on the impact of these histories on racism today and pleading in conclusion for the repatriation of all ancestral remains.

On 3 November 2022 the AfricaMuseum organized a museum talk with Paul Shemisi (CFP), Stéphane Kabila (Waza), Suzanne Monkasa (Plateforme des femmes de la diaspora congolaise) and Lies Busselen (RMCA) to exchange on their experiences and understanding of the HOME-project. Lies Busselen presented the larger objectives of the HOME-project, and the joint events in DRC to reinforce collaboration with Congolese partners. Paul and Stéphane explained how they got involved and how they contributed to the discussion on repatriation in the DRC. Suzanne Monkasa talked about the way civil society was implicated in the HOME-project, how they firstly were informed and later on contributed to the first recommendations for the follow-up committee of the HOME-project. She pleaded for an ethical consideration of the collections of human remains and collaboration with civil society and Congolese partners in the DRC (*MuseumTalks | Quel avenir pour les restes humains ?*, 2022).

The main activity with a premiere of the short film of rushes "The Shadow of Words" took place on Saturday 5 November 2022. More than 100 people attended. The CFP, the Waza Art Centre, the AfricaMuseum and the CEC invited a broad audience to a preview screening of a compilation of excerpts from discussions held in DRC on human remains in Belgian collections. Restitution, repatriation and reparation are some of the topics discussed. Afterwards, the film researchers from Waza and Faire-part exchanged with the audience. One of the most striking reactions during the conversation was the fact that the visions related to colonial past, and certainly a sensitive topic such as human remains, that live in Congo among Congolese experts, artists, museum people, politicians are completely unknown to their Belgian interlocutors. Another important remark, was how vocabulary formed problems from the beginning. Congolese speakers were surprised that they had never been informed about this subject and that it was young artists who informed them about the urgency of the situation. Coming to Belgium made it possible to realize the extent of the problem, but this not the case for all the Congolese speakers they talked with in the DRC. The Congolese scientists were disappointed that they were not more informed on this subject. The research is not done by people from the source communities and sometimes without dialogue with the community, so it is necessary to facilitate this dialogue. The Congolese experts must bring knowledge that is

not present among Belgian scientists. Lastly, the rushes showed how many Congolese speakers found it necessary to have state-to-state agreements prior to repatriation.

On 10 November 2022 Patrick Mudekereza and Lies Busselen were scheduled to present a paper on the collaborations within the HOME-project at the annual SSE conference in Neuchâtel. This presentation was canceled due to unforeseen circumstances.

Lastly, on 11 November 2022 the partners of CFP and Waza held a last performance 'The past future' before their departure on occasion of the commemoration at Schaerbeek for the Congolese ancient combatants who lost their lives during the world wars.

Conclusive recommendations

Everybody that we consulted as RMCA in DRC and Belgium agrees on the urgency of repatriation processes of human remains still held in unethical and questionable environments at the RMCA and RBINs today. Therefore the RMCA-team of the HOME-project recommends a State-to-state repatriation, demanding no further research concerning their origin, unless by the countries of origin in collaboration with Belgian researchers. This process is continuing and open-ended. This signifies that a need for reparation, follow-up modalities and further historical understanding is developed by countries of origin and their interlocutors in collaboration with Belgian interlocutors and homologues. However, this process should be financially supported by the Belgian State, since these painful collections are the result of Belgian colonialism. The RMCA recommends a moratorium on further research or manipulation of these human remains such as measurements, photographs, scans or printing 3D copies unless on explicit demand or request from the countries of origin. When provenance processes are asked for, the RMCA proposes case-by-case studies in close collaboration between Belgian researchers and their source country homologues. A moratorium does not intend to exclude further transparent research on a historical understanding of the development of colonial collections of human remains in Belgium and to clarify the circumstances in which these human remains were removed.

Inventories are helpful but not the end goal. Each collection consists of a number of human remains that have been classified in many different ways as is visible in the categories used in the inventories. The mentioned categories reflect choices and convictions that changed and overlapped through time, from war trophies to prehistoric artefacts. The way these categories were used make even an estimation of the number of individuals a hazardous exercise. Errors

in registration, transcription and interpretation were made in the past and are repeated in the present. Thus, a complete and accurate inventory is impossible; or even sometimes results in confusing and elusive classifications, repeating erroneous past classifications. An insight into the mechanisms of past institutional decisions might improve the historical understanding on how collections were developed and are in need of an institutional follow-up of provenance research in this regard.

A human centered approach in future research is needed, with consent and in dialogue with concerned homologues and interlocutors of countries of origin. More understanding is needed of the contexts of historical injustice through the study of the institutional structures and networks in Belgium and in the countries of origin. This provides insight into the construction of these collections, as the collecting practices were clearly encouraged by the Belgian colonial administration. Also, provenance research is not a fixed methodology, but rather "a troubling practice" and a continuing negotiation (von Oswald, 2020). Therefore we propose to approach the provenance research of human remains in dialogue with concerned interlocutors based on collaborative research. Provenance research at the same time responds to a highly political question of postcolonial responsibility of the countries that removed human remains from their contexts in the past and hold them today.

Many unidentified human remains are contextualized more thoroughly when reading the provenance files. These include descriptive geographical and contextual explanations. But even when putting these different fragments of information together, the histories remain incomplete and descriptive. If not part of collaborative processes the contextual understanding of donations remains relying essentially on data within the colonial archive. Going beyond identification and object-centered biographies of human remains implies to leave decisions up to homologue researchers and institutions in countries of origin. In other words, the biographies of the subcollections of human remains are limited readings of the colonial archive and are not to be confused with personal biographies of the human remains. They mainly reveal the ways in which these human remains were acquired, a topic that has not been researched for decades in a "conspiracy of silence" (Legassick and Rassool, 2000:1).[25]

[25] For more extended provenance information on these case studies you can consult the continuing descriptive inventory at the AfricaMuseum (contact: Lies Busselen).

A long term heuristic historical method is needed in provenance processes in order to analyse sufficiently and effectively institutional and colonial perspectives on the provenance of human remains. Inclusion of oral sources in present collaborative re-constructions of the past is mandatory as well. The importance of dialogue and collaboration in heuristic research has been shown during the "long summer of provenance" in 2017 in Germany, which was a mediatized debate on provenance of colonial heritage in Germany. Since the art historian Bénédicte Savoy left the Humboldt Forum due to a lack of provenance research opportunities, an intense discussion on collaboration, dialogue, access and research has been triggered (Förster, 2016; Förster and Bose, 2019), which shows how this must be seen as an open-ended process. Further multivocal and collaborative research, allowing fieldwork, including oral history and other methodological approaches, could reveal historical and cultural layers to these trajectories, and foremost nurture conversations with concerned interlocutors in DR Congo. A more equal-to-equal collaboration was developed throughout the case study of Van de Ginste, resulting in a co-written article, going to be published in 2023. This shows how collaborations should be developed in equal ownership in dialogue with and by countries of origin, to be embedded in equal partnerships and scientific collaborations on concrete case studies.

The HOME-project provided, at the level of the RMCA, the opportunities to establish initial and informal contacts with individual and institutional partners in the DRC and various partners from civil society represented by the Congolese diaspora in Belgium . This, however, created confusion on the scope of the HOME-project, which includes all collections of human remains in Belgium, whereas the interlocutors in DRC and Belgium assumed that the colonial collections were at the center of the HOME-project. Partners in the DRC regretted being restricted to the level of the RMCA as one of the institutional partners. The general objective concerned the inventory, legal aspects, feasibility of scientific research, DNA analyses, bio-ethical and moral questions regarding all human remains in public and private collections in Belgium. Ownership on how to proceed from a methodological point of view was a continuous source of tension throughout institutional and partnership collaborations of the RMCA. In fact, there was an inherent ambiguity between the nature of a research project albeit with a political component, and the societal and political questions among interlocutors in DRC as well as in Belgium, expecting formal decisions on repatriation. However, the RMCA could only recommend repatriation to be integrated in a policy concerning human remains at the Belgian federal level. This explains why the partners in the DRC and representatives of various

associations organized a press release and sought to directly meet with the political authorities in Belgium to transmit their recommendations.

Bibliography

60 jaar geleden werd Patrice Lumumba vermoord, zijn dochter: “Hebben recht om waarheid te kennen,” 2021. . VRTNWS.

Alves Cardoso, F., 2018. Alves Cardoso F. 2018. Lives not written in bones: discussing biographical data from identified skeletal collections. In: Henderson, C. e Alves Cardoso, F. (ed). Identified Skeletal Collections: The testing ground of anthropology? Oxford Archeopress: 151-167.

Antonissen, J., Van Tendeloo, H., 2016. De man die Lumumba deed verdwijnen. Humo.

Appadurai, A., 1986. The Social Life of Things: Commodities in Cultural Perspective, ACLS Humanities E-Book. Cambridge University Press.

Baloji, S., Couttenier, M., 2014. The Charles Lemaire Expedition Revisited: Sammy Baloji as a Portraitist of Present Humans in Congo Far West. Afr. Arts 47, 66–81. https://doi.org/10.1162/AFAR_a_00123

Bancel, N., David, T., Thomas, D. (Eds.), 2014. The Invention of Race: Scientific and Popular Representations, 1st ed. Routledge. https://doi.org/10.4324/9781315813318

Bendix, R.F., Kurzwelly, J., 2021. Custody and custodianship: A reflection on collection terminology through the lens of human remains. Anthropol. Today 37, 21–24. https://doi.org/10.1111/1467-8322.12679

Beurden, S.V., 2021. Colonial Collections, Contested Collections. Rapp. Experts Comm. Spéc. Charg. D39examiner L39état Indep. Congo Passé Colon. Belg. Au Congo Au Rwanda Au Burundi Ses Consequences Suites Qu39il Convient D39 Réserver.

Blanchard, P., Bancel, N., Boetsch, G., Deroo, E., Lemaire, S., 2008. Human Zoos: Science and Spectacle in the Age of Colonial Empires. Liverpool University Press.

Blanchard, P., Couttenier, M., 2017. Les Zoos humains. Nouv. Études Francoph. 32, 109–115. https://doi.org/10.1353/nef.2017.0010

Blanchard, P., Couttenier, M., Etambala, Z., 2022. Human Zoo. The Age of Colonial Exhibitions. Africa Museum.

Boast, R.B., 2009. Neocolonial Collaboration: Museum as Contact Zone Revisited 17.

Boeck, F. de, 1998. Beyond the Grave: History, Memory and Death in Postcolonial Congo/Zaire.

Ceuppens, B., Luntumbue, T.M., 2018. ‘Dit museum heeft een Belgisch perspectief op Congo’ - ‘Het staat dan ook in België’ | De Standaard. Stand.

Chikha, C.B., Arnaut, K., 2013. Staging/caging "otherness" in the postcolony: spectres of the human zoo. Crit. Arts 27, 661–683. https://doi.org/10.1080/02560046.2013.867589

Clifford, J., 2019. The times of the curator, in: SCHORCH, P., McCARTHY, C. (Eds.), Curatopia, Museums and the Future of Curatorship. Manchester University Press, pp. 109–123.

Coninck, S.D., 2021. Kijk terug: Humo-journalisten in documentaire over de tand van Lumumba. Humo.

Cornelissen, E., Livingstone-Smith, A., 2015. De archeologie van Congo in kaart gebracht. De geschiedenis van 130 jaar veldwerk. Mus. Landschappen En Archeol. 34, 4–27.

Costache, I.D., Kunny, C., 2021. Academics, Artists, and Museums: 21st-century Partnerships. Routledge.

Couttenier, M., 2014. "We Can't Help Laughing": Physical Anthropology in Belgium and Congo (1882–1914), in: The Invention of Race. Routledge.

Couttenier, M., 2012. Sociétés scientifiques, musées, universités. Nouv. Archéologie 128, 23–27. https://doi.org/10.4000/nda.1636

Couttenier, M., 2010. Als muren spreken: het Museum van Tervuren, 1910-2010. Koninklijk museum voor Midden-Afrika.

Couttenier, M., 2009a. Fysieke antropologie in België en Congo 1883-1964. pp. 96–113.

Couttenier, M., 2009b. De ethiek van het verzamelen en tentoonstellen van menselijke ... [Online document]. URL https://www.yumpu.com/nl/document/view/20565815/de-ethiek-van-het-verzamelen-en-tentoonstellen-van-menselijke- (accessed 11.25.22).

Couttenier, M., 2005. Congo tentoongesteld. Een geschiedenis van de Belgische antropologie en het museum van Tervuren (1882-1925). Acco, Leuven.

Darchen, S., Searle, G., 2018. Global Planning Innovations for Urban Sustainability. Routledge.

De Vos, L., Gerard, E., Gerard-Libois, J., Raxhon, P., 2004. Lumumba. De complotten? De moord. Davidsfonds.

De Vriendt, W., 2022. Aanbevelingen Bijzonder Commissie "Koloniaal Verleden" (Recommendations). La chambre, Brussels.

De Wilde, B., 2000. De commissie Lumumba. Wetenschap en politiek zoeken samen naar de waarheid. SAMPOL 7, 4–8.

De Witte, L. de, 1999. De moord op Lumumba. Van Halewijck.

De Witte, L., 2001. The Assassination of Lumumba. Verso.

Dirks, N.B., 2002. Annals of the Archive:, in: Axel, B.K. (Ed.), From the Margins, Historical Anthropology and Its Futures. Duke University Press, pp. 47–65. https://doi.org/10.2307/j.ctv1131256.5 55

Ekore, R.I., Lanre-Abass, B., 2016. African Cultural Concept of Death and the Idea of Advance Care Directives. Indian J. Palliat. Care 22, 369–372. https://doi.org/10.4103/0973-1075.191741

EXPO | Zoo humain - Mensentuin, 2022.

Fabien Boko, 2021. . Wikipédia.

Field, S., 2012. Oral History, Community, and Displacement: Imagining Memories in Post-Apartheid South Africa. Springer.

Fletcher, A., Antoine, D., Hill, J.D. (Eds.), 2014. Regarding the dead: human remains in the British Museum, British Museum research publications. The British Museum, London.

Gathara, P., 2019. The path to colonial reckoning is through archives, not museums [Online document]. Al Jazeera. URL https://www.aljazeera.com/opinions/2019/3/14/the-path-to-colonial-reckoning-is-through-archives-not-museums (accessed 11.25.22).

Guidelines for Ethical Research on Human Remains (No. 4th edition), 2022. . National Committee for Research Ethics on Human Remains, Oslo.

Haentjens, E., 2016. Waarom Brussel wereldtop is voor Afrikaanse kunst. Bruzz.

Halperin, R.H., 1994. Cultural Economies Past and Present, Texas Press Sourcebooks in Anthropology. University of Texas Press.

Hicks, D., Basil, P., Geismar, H., Kadar, M., Ogboh, E., Rubio, F.D., Deliss, C., Mirzoeff, N., Bennett, B., Rassool, C., Araujo, A.L., 2021. Necrography: Death-Writing in the Colonial Museum. Br. Art Stud. https://doi.org/10.17658/issn.2058-5462/issue-19/conversation

Hilden, I., 2022. Absent Presences in the Colonial Archive: Dealing with the Berlin Sound Archive's Acoustic Legacies. Leuven University Press.

Isar, Y.R., 2014. UNESCO, Museums and 'Development,' in: Museums, Heritage and International Development. Routledge.

Jenkins, T., 2010. Contesting Human Remains in Museum Collections: The Crisis of Cultural Authority. Routledge.

Jongste zoon van Lumumba wil stoffelijke overschotten van vermoorde vader terugkrijgen, 2020. . Bruzz.

Joseph, B., 2017. 9 Terms to Avoid in Communications with Indigenous Peoples [Online document]. URL https://www.ictinc.ca/blog/9-terms-to-avoid-in-communications-with-indigenous-peoples (accessed 12.8.22).

Kabeya, A., 2022. Relique de Lumumba : 61 ans après, Patrice-Emery Lumumba aura officiellement une tombe le jour de la commémoration de l'indépendance de la RDC 56 (Congoforum). Congoforum.be. URL https://www.congoforum.be/fr/2022/06/249476/ (accessed 12.11.22).

Knoeff, R., Zwijnenberg, R., 2016. The Fate of Anatomical Collections. Routledge.

Kopytoff, I., 1986. The cultural biography of things: commoditization as process, in: Appadurai, A. (Ed.), The Social Life of Things: Commodities in Cultural Perspective. Cambridge University Press, Cambridge, pp. 64–92. https://doi.org/10.1017/CBO9780511819582.004

Kurzwelly, J., 2022. Bones and injustices: provenance research, restitutions and identity politics. Dialect. Anthropol. https://doi.org/10.1007/s10624-022-09670-9

Lacaille, A., Gomez, I.G., 2011. Les états du corps : conservation préventive des restes humains au sein des collections ethnographiques du Musée Royal de l'Afrique centrale. Vie Mus. Restes Hum. 23, 29–42.

Lacroix, A., 1948. COART (Emile Jean Baptiste). Biogr. Colon. Belge T.1, 245–246.

Laurenty, J.-S., 1996. L'organologie du Zaïre: Les membranophones. Musée royal de l'Afrique centrale.

Legassick, M., Rassool, C., 2015. Skeletons in the cupboard: South African museums and the trade in human remains, 1907-1917, Second edition. ed. Iziko Museums, an agency of the Department of Arts and Culture, Cape Town.

Leguebe, A., Orban, R., 1999. In Memoriam - François Twiesselmann (1910-1999). Anthropol. Préhistoire 5–15.

Licata, M., Bonsignore, A., Boano, R., Monza, F., Fulcheri, E., Ciliberti, R., 2020. Study, conservation and exhibition of human remains: the need of a bioethical perspective. Acta Bio Medica Atenei Parm. 91, e2020110. https://doi.org/10.23750/abm.v91i4.9674

Marcus, G.E., 1999. What Is At Stake–And Is Not–In The Idea And Practice Of Multi-Sited Ethnography. Canberra Anthropol. 22, 6–14. https://doi.org/10.1080/03149099909508344

McKeown, C.T., 2013. In the Smaller Scope of Conscience: The Struggle for National Repatriation Legislation, 1986–1990. University of Arizona Press.

Memorial walk and performance in memory of the Congolese victims of Belgium's human zoos [Online document], 2022. URL

https://www.africamuseum.be/en/see_do/agenda/commemorative-HOME (accessed 12.8.22).

Milosch, J., Pearce, N., 2019. Collecting and Provenance: A Multidisciplinary Approach. Rowman & Littlefield.

Mooren, J., Stutje, K., 2022. Clues of Provenance: Tracing Colonialism and Imperialism through Museum Objects | IIAS [Online document]. Int. Inst. Asian Stud. URL https://www.iias.asia/the-newsletter/article/clues-provenance-tracing-colonialism-and-imperialism-through-museum-objects (accessed 9.7.22).

Mujynya, E.N., 1972. L'homme dans l'univers "des" Bantu. Université de Lubumbashi, Zaïre.

Mulvihill, T.M., Swaminathan, R., 2022. Oral History and Qualitative Methodologies: Educational Research for Social Justice. Taylor & Francis.

Mumbembele, P., 2020. Iconoclasm and the restitution of African cultural heritage What role for the communities of owners? HAU J. Ethnogr. Theory 10, 953–956. https://doi.org/10.1086/712204

MuseumTalks | Quel avenir pour les restes humains ?, 2022.

Ndaywel è Nziem, I., 2016. L'invention du Congo contemporain: traditions, mémoires, modernités. L'Harmattan.

Onciul, B., 2015. Museums, Heritage and Indigenous Voice: Decolonizing Engagement. Routledge.

Organisation chart of the RMCA | Royal Museum for Central Africa - Tervuren - Belgium [Online document], n.d. URL https://www.africamuseum.be/en/about_us/mission_organisation/organisation_chart_text (accessed 11.21.22).

Placide Mumbembele - Recherche de provenance : quels enjeux pour les collections ethnographiques, 2021.

Pulver, F., 2022. The Implementation of Free, Prior and Informed Consent and Indigenous Peoples' Rights under the OECD Guidelines for Multinational Enterprises: An Analysis of the Regulatory Framework and OECD National Contact Point Cases. buch & netz.

Redman, S.J., 2016. Bone Rooms: From Scientific Racism to Human Prehistory in Museums. Cambridge, Massachusetts ; London, England.

Reimann, I., Nguherimo, J.U., Mboro, M.S., Küppers-Adebisi, M., Kopp, C., Hitorangi, S., Huki, E., Ayau, E.H., 2022. We want them back. Scientific report on the presence of human remains from colonial contexts in Berlin (Scientific report). Berlin.

Roberts, A.F., 2019. Is Repatriation Inevitable? Afr. Arts 52, 1–6.

Roberts, M., Brown, K. (Eds.), 1980. Using oral sources: Vansina and beyond. Dept. of Anthropology, University of Adelaide, Adelaide.

Saini, A., 2019. Superior: The Return of Race Science. Beacon Press.

Sarr, F., Savoy, B., 2018. Restituer le patrimoine africain. Philippe Rey.

Soete, G., 1978. De Arena: Het verhaal van de moord op Lumumba. Raaklijn.

Sommer, B.W., Quinlan, M.K., 2009. The Oral History Manual. Rowman Altamira.

Stoler, A.L., 2009. Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense. Princeton University Press, Princeton, NJ.

Stoler, A.L., 2002. Colonial archives and the arts of governance. Arch. Sci. 2, 87–109. https://doi.org/10.1007/BF02435632

United Nations Declaration on the Rights of Indigenous Peoples | United Nations For Indigenous Peoples [Online document], 2007. URL https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf (accessed 12.13.22).

Van Beurden, S., 2015. Restitution or Cooperation? Competing Visions of Post-Colonial Cultural Development in Africa. https://doi.org/10.14282/2198-0411-GCRP-12

Van Neer, W., 2004. Intern rapport over twee menselijke mummies bewaard aan het Koninklijk Museum voor Midden-Afrika. KMMA, Tervuren.

Vansina, J., 2006. Oral Tradition: A Study in Historical Methodology. Taylor & Francis Group.

Vanthemsche, G., 2011. Van de Belgische Koloniale Biografie naar het Biografisch Woordenboek van Belgen Overzee. Bull. Zéance Acad. R. Sci. O.-m. 57, 215–235.

Verbeeck, G., 2007. De Lumumba-commissie. Geschiedschrijving en collectieve herinnering. BMGN - Low Ctries. Hist. Rev. 122, 357–373. https://doi.org/10.18352/bmgn-lchr.6590

Volper, J., 2021. La Mort et son numéro d'inventaire. Quelques réflexions autour des crânes humains en collections muséales, in: Beaufils, T., Peng, C.M. (Eds.), Histoire d'objets Extra-Européens : Collecte, Appropriation, Médiation, Histoire et Littérature Du Septentrion (IRHiS). Publications de l'Institut de recherches historiques du Septentrion, Lille.

von Oswald, M., 2020. Troubling Colonial Epistemologies in Berlin's Ethnologisches Museum:, in: von Oswald, M., Tinius, J. (Eds.), Across Anthropology, Troubling Colonial Legacies, Museums, and the Curatorial. Leuven University Press, pp. 106–129. https://doi.org/10.2307/j.ctv125jqxp.11

Wastiau, B., 2017. The Legacy of Collecting: Colonial Collecting in the Belgian Congo and the Duty of Unveiling Provenance, in: Hamilton, P., Gardner, J.B. (Eds.), The Oxford

Handbook of Public History. Oxford University Press, p. 0.
https://doi.org/10.1093/oxfordhb/9780199766024.013.25

Wastiau, B., 2000. ExItCongoMuseum 2000: un essai sur la vie sociale des chefs-d'oeuvre du musée de Tervuren. Musée royal de l'Afrique centrale.

Yoka, L.M., 1987. Le fossoyeur et 7 autres nouvelles. FeniXX.

Zuckerman, M.K., Austin, R.M., Hofman, C.A., 2021. Historical Anatomical Collections of Human Remains: Exploring Their Reinterpretation as Representations of Racial Violence. Ann. Am. Acad. Pol. Soc. Sci. 694, 39–47. https://doi.org/10.1177/00027162211008815

Appendix

°1 Rapport final Collectif Faire-part a Belgo-Congolese collectif

°2 Rapport de la consultation des acteurs concernés à Lubumbashi par le centre d'art Waza

°3 Note méthodologique et premiers résultats de MRAC dans HOME

°4 Présentation S. Monkasa Follow-up committee HOME

°5 Communiqué de presse: pour le rapatriement des dépouilles des ancêtres congolais

Attachment °1

H.O.M.E. 'Human remains Origin(s) Multidisciplinary Evaluation'

RAPPORT FINAL

COLLECTIF FAIRE-PART

a Belgo-Congolese film collective

Belgique & R.D. Congo
Représenté par Paul Shemisi,
Noah Matanga et Nizar Saleh,
membres du collectif à Kinshasa
www.collectif-fairepart.com

Dans le cadre du projet de BELSPO (2019-2022), intitulé H.O.M.E. 'Human remains Origin(s) Multidisciplinary Evaluation'.

Vers la fin de l'année 2020, le collectif Faire-Part à Kinshasa, a commencé une convention de partenariat avec MRAC (Musée Royal d'Afrique Centrale) pour participer à l'élaboration d'une liste de minimum 20 et maximum 40 personnes ciblées et diversifiées dans la ville de Kinshasa, la préparation d'un questionnaire pour les entretiens filmés avec les partenaires du projet, une concertation d'introduction du projet et préparation d'une consultation filmée avec les intervenants/répondants, , une présentation du projet H.O.M.E., un formulaire d'autorisation des interviews qui a été changé en 'consentement de consultation' avec spécifications pour le partage de l'utilisation du matériel filmé. Toutes ces engagement étaient liés à deux thématiques : l'existence des collections de restes humains et la restitution/rapatriement des collections de restes humains.
Au long du processus nous avons travaillées en étroite collaboration et en consultation avec le Centre d'arts WAZA de Lubumbashi et l'équipe de MRAC.

Equipe du projet
Noah Matanga (artiste vidéaste)
Paul Shemisi (cinéaste)
Nizar Saleh (cinéaste)

Première phase

Malgré les emails envoyés et les coups de fils téléphoniques vers le début de l'année 2021, nous avions connu des difficultés pour avoir des rendez-vous avec les différentes parties prenantes et les différentes institutions du gouvernement à Kinshasa sous prétextes que le Président de la République Félix Tshisekedi a créé une commission spéciale au parlement congolais pour la restitution et qu'il faut d'abord attendre que le Chef de l'état dévoile ses intentions avant que ces institutions s'engagent à entretenir avec nous dans les interviews. Et cela avait un peu ralentis les enquêtes à mener.

Méthodologie
Notre méthodologie était d'approcher une personne avec une connaissance sur le sujet de la restitution et de restes humains congolais qui sont en Belgique, présenter à cette personne une

série de questionnaires auxquels elle choisira de répondre et qu'après qu'elle puisse nous recommander chez quelqu'un d'autre et ainsi de suite.

Cependant pour une discussion autour du projet, nous avons été reçus par le professeur Yoka dans son bureau à l'INA qui n'avait pas le temps de nous répondre mais nous avait proposé de chercher les fragments de l'histoire de ses restes dans leurs lieu de provenance et dans les ouvrages. Quant à Juliana Lumumba, elle nous avait promis de répondre aux questionnaires qu'après la restitution du relique de son père sera effectué.

Nous sommes allés aux musée de mont Ngaliema rencontré le directeur mais il n'avait pas de temps de nous recevoir à cause du déménagement. Enfin nous avons suggéré que MRAC puisse arranger pour nous les prises de contact avec les parties prenantes à Kinshasa. Mais nous avions pu quand même enregistrer seulement 3 interviews en audio et vidéo avant que Lies Busselen est arrivé à Kinshasa au début de 2022.

1.	30/01/2021	Théodore Nganzi	Juriste pour questions reliées aux patrimoines
2.	10/03/2021	Freddy Tsimba	Artiste Sculpteur
3.	01/04/2021	Placide Mumbembele	Actuel DG IMNC

Deuxième phase

Dès l'arrivée de Lies Busselen à Kinshasa, l'ordre du jour de la première réunion était axé sur le réseautage et les appels, mais aussi d'élaborer un programme fiable des différents rendez-vous.

Le travail était ambitieux, il fallait parler des personnes qui font partie de l' élite de la RDC, des personnes très occupées et parfois pas très à l'aise sur des questions épineuses de colonisation ou de relations historiquement perplexe entre le Congo et la Belgique.

Nous avions sur la période du 13/01/2022 au 16 /03/2022 réussi à faire 21 captations visuelles et sonores des différents intervenant choisi par le projet Home.

En même temps nous avions travaillé sur le montage de 20 entretiens. Nous avons essayé de réduire le temps pour chaque entretien entre les 30 et 35 minutes. Notre tâche était de mètre chacune des vidéos des entretiens filmés dans des disques durs pour le MRAC mais également dans des clés USB respective avec le nom de chacune des personnes ayant participé au projet Home de Kinshasa et invité pendant les débats.

Nous avions réussi à arrangé des entrevues des personnes ciblées au préalable par Home. Bien calculé son trajet pour être à temps au rendez-vous. Kinshasa est une grande ville, on ne compte

plus les embouteillage et l'insuffisance des moyens de transport. Je suis fière qu'on a relevé ce défi mais aussi d'avoir pu tenir les engagements pour le projet Home.

Ci-dessous, vous trouverez la liste complète des noms et des fonctions des intervenants consultés dans le cadre du projet Home de Kinshasa.

1	13/01/2022	Henry Kalama	Directeur de L'Académie des Beaux Art
2	24/01/2022	Joseph Ibongo Gilungula	DG MNRDC et Professeur d'Histoire
3	25/01/2022	Bruno Lapika	Prof. Anthropo./ UNIKIN
4	25/01/2022	Placide Mumbembele Sanger	DG IMNC/ Prof.Anthropo./UNIKIN
5	27/01/2022	Isidore Ndaywel Nziem	Prof. Histoire F. des lettres/ UNIKIN
6	28/01/2022	Jeannette Van de Ginste	Fille Biologique de Van de Ginste
7	02/02/2022	Steve Bandoma	Artiste sculpteur et peintre
8	02/02/2022	Fernand Tshobi Kayolo	Secrétaire Exécutif/comité Consultatif nat.
9	04/02/2022	Roland Mulumba	Professeur d'art à L'INA
10	04/02/2022	Joël Ipara Motema	DG Comité Consultatif nat./Prof. Anthropo.
11	11/02/2022	Josette Shaje	Prof. Anthropologie
12	15/02/2022	Augustin Bikale	Exécutive national de la culture/ UNESCO
13	15/02/2022	Sinzo Aanza	Artiste contemporain / Ecrivain
14	18/02/2022	Joseph Ibongo Gilungula	DG MNRDC et Professeur d'Histoire
15	19/02/2022	Pamphile Mabiala Mantumba	Prof. d'Histoire/ UNIKIN
16	23/02/2022	André Yoka Lye Mudaba	DG INA/ Ecrivain
17	23/02/2022	Dada Kahindo	Directrice plateforme contempo./Comédienne
18	24/02/2022	Marie Omba Djunga	CEO/ Organisatrice Lumumba ville
19	02/03/2022	Roland Lumumba	Architecte et Juriste
20	03/03/2022	Raoul Kienge Kienge	Prof. de droit/ DG école crim./UNIKIN
21	16/03/2022	Catherine Furaha Kathungu	Ministre de la Culture RDC

Bref résumé des avis recueillis

Toutes les personnes consultées ne parlent que d'une chose fondamentale, c'est que la Belgique restitue et qu'ensemble avec les congolais ils trouvent la bonne manière de le faire. Et cela sans entaché aux relations entre les deux pays. L'attitude des congolais est celui de la concorde, de l'harmonie, que tout se déroule dans le calme et à l'issue d'un dialogue. Toutes les personnes

consultées ne sont pas fondamentalement opposées à la restitution et/ou au rapatriement des restes humains. Il y a deux aspects importants qui peuvent faciliter des processus de restitution et/ou rapatriement et qui semblent nécessaires à tous les répondants :

(1) Coopération encadrée dans des relations égales et équitables entre les acteurs congolais et belges.

(2) Processus visant l'harmonie, la paix et la tranquillité. Il faut du temps pour que de telles blessures guérissent.

(3) Nécessité fondamentale de privilégier le dialogue comme base de tout processus de restitution et/ou de rapatriement. Nous avons noté que les répondants ont attiré notre attention sur un certain nombre de points sensibles concernant l'utilisation des mots comme « restes humains », « collections », « restitution », « rapatriement », etc. Peut-on parler de restes humains ? Souvent, les répondants ont automatiquement utilisé le mot "ancêtres".

(4) La restitution est souvent confondue avec les objets, ce qui a entraîné l'abstraction et la supposition d'"objets" et de "collections" de "restes humains", mais n'a pas immédiatement fait l'association avec "nos ancêtres". En bref, il est nécessaire de mieux informer et partager les données concernant ces "collections".

Difficultés

La mise en réseau et la prise de contact ont été incroyablement exigeantes en termes d'énergie, de temps et de ressources. Il faut plus qu'un simple contact et des exigences pour établir des relations de confiance. Ces relations prennent forme entre égaux : un juriste congolais avec un juriste belge, un ministre belge de la culture avec un ministre congolaise de la culture, et ainsi de suite. Les homologues sont des interlocuteurs naturels. Un jeune collectif de cinéastes qui souhaite immortaliser sur pellicule les opinions, positions et points de vue les plus chargés politiquement et historiquement est une tâche très ambitieuse, voire impossible.
Le projet était de grande envergure et les estimations en matière de faisabilité et de budget n'étaient pas réaliste. Sur papier et sur le terrain il y a une marge. Les moyens mis à notre disposition n'étaient conséquents pour permettre de travailler dans le contexte Kinshasa, une ville rempli d'imprévu les rendez-vous ne tienne qu'à un fil.
Collectif Faire-Part se focalise sur les images comme médium. Nous n'avons pas des compétences pour des analyses des parties prenantes et des rapports d'évaluation. C'est dans

ce contexte délicat que nous avions travaillé, et si c'était à refaire les conventions et contrats aurait été discuter différemment.

Perspective future

Au final nous espérons que toutes ses ressources d'images et de sons qui sont le point de vu des congolais sur la question des restes humain ne finiront pas dans des tiroirs de l'oubli. Nous voulons retravailler ses images et pouvoir le monté dans un documentaire (?).

Le Collectif Faire-part a enfin réalisé (1) des enquêtes enregistrées (audio/audiovisuelles) auprès de minimum 24 intervenants, (2) des montages de vidéo de 20 interviews et (3) deux couvertures filmique en 2022 pendant les ateliers au musée National le 30 Mars 2022 et une conférence à l'UNIKIN le 32 Mars 2022 à Kinshasa concernant les collections de restes humains en Belgique. Finalement nous avons créés de chaque entretien et/ou évènement (4) une reportage des photos.

Attachment °2

centre d'art waza de Lubumbashi

Human remains Origin(s) Multidisciplinary Evaluation H.O.M.E
Rapport de la consultation des acteurs concernés à Lubumbashi.

588 Avenue Adoula, Lubumbashi
contact@centredartwaza.org
www.centredartwaza.org
+243826766667

Rappel du contexte, méthodologie et équipe du projet

Depuis 2020, le Centre d'art Waza collabore au projet Human remains Origin(s) Multidisciplinary Evaluation, en sigle H.O.M.E, par l'entremise du Musée Royal d'Afrique Centrale (AfricaMuseum/Terve). Le rôle du Centre d'art Waza est de mener des consultations d'acteurs congolais dans la région de Lubumbashi et dans la partie Est de la RDC et de recueillir leurs avis sur la présence des restes humains dans les collections publiques en Belgique.
Une convention de partenariat prévoit un nombre minimal de 20 interviews audiovisuels avec une analyse de partie prenantes. Waza a effectué une sélection de personnes regroupant les profils ci-après : artistes et acteurs culturel, journalistes, avocat, chercheurs/académiques, acteurs politique, activistes/personnalité de la société civile, etc. Au final 28 personnes ont été interviewées comme indiqué dans la liste en attache.
Au niveau méthodologique, Waza a constitué une équipe d'amis critiques avec un représentant de chaque profil pour analyser le questionnaire, la liste des interviewés et discuter des résultats. Le groupe d'amis critiques était constitué du professeur Donatien Dibwe (Historien), de Pierre Kahenga (responsable de la société civile), Denise Maheho (Journaliste) et Clotilde Mutita (actrice politique et ancienne maire adjointe de Lubumbashi). Ce travail en amont a permis de revoir le questionnaire et de cibler un certain nombre de personnes dans chaque catégorie.
L'équipe du projet était constitué de Patrick Mudekereza (directeur de Waza), Joseph Kasau (artiste vidéaste) et Stéphane Kabila (curateur et chercheur).

Résumé des avis recueillis

Dans l'ensemble, nous avons observé deux points de convergence :

- Toutes les personnes consultées souhaitent que l'**information** sur la présence, l'usage et toutes les recherches de provenances ou autres recherches scientifiques effectués sur les restes humains des congolais détenus dans les collections en Belgique soit rendue accessible, et cela sans aucune restriction.

Les interviewés ont ainsi demandé de mettre fin à toute politique qui pourrait être considérée comme une dissimulation de données sur ce sujet sensible.

- Toutes les personnes consultées souhaitent qu'une **concertation** entre les acteurs congolais et belges, y compris la diaspora, soit amorcées et maintenu pour dialoguer e sur le sujet. Cette concertation doit s'ouvrir à toutes les personnes qui souhaitent échanger sur le sujet et une facilitation doit leur permettre d'entrer en contact avec leurs homologues dans l'autre pays.

Les interviewés ont ainsi exigé la mise en place d'un mécanisme de concertation basé sur une ouverture pour faire entendre les avis des congolais dans leur diversité de profils.
Il y a eu, à l'opposé, plusieurs points de divergences, notamment sur la question de réparation (financière ou morale), et le débat l'accent à mettre sur la valeur scientifique, symbolique ou mémorielle dans la définition d'un futur pour ces restes. Plusieurs tendances ressortent de ces matériaux et nous informent sur la nécessité de poursuivre les échanges et le débat sur ces questions.

Difficultés

Dans le cadre de la réalisation de ce projet, nous avons rencontré des difficultés. Une première difficulté a été les contacts avec les représentants de l'Etat et les politiciens en général. En dépit de nos efforts, aucun acteur politique n'a consenti à nous accorder un entretien enregistré. Nous avons néanmoins eu des échanges non enregistrés avec certains d'entre eux. Cette réticence semble être justifiée par le fait que le président de la République et tous les grands mouvements

politiques du pays n'ont pas encore pris position sur le sujet, et donc les autres semblent réticents à prendre publiquement position.
Comme projet de collaboration entre une organisation congolaise et une institution belge, le projet n'a pas été exempt de malentendu. Si la communication avec l'AfricaMuseum a été maintenu avec beaucoup d'efficacité, certains points de friction été mis à jour, notamment sur le contenu du questionnaire (quelle perspective adopter), la description du projet (qui a réduit dans un premier l'évidence de la violence coloniale qui a donné lieu à ces collections), et certains aspects méthodologiques (consultations préalables de certains professionnels dont nous n'avons pas été informés, refus d'utilisation du matériel pour un projet ARES par Waza alors que la convention nous y autorise, etc). Dans l'autre sens, le timing du projet a été allongé au niveau congolais bien au-delà des délais convenus et cela a suscité des frustrations du côté belge.

Perspectives d'avenir
Les interviews sont de la matière première pour des activités de vulgarisation (publications, expositions), de recherche, mais aussi de création artistique.
Ils constituent à la fois un outil de recherche et un outil de création. A court terme, deux actions peuvent être mené pour fixer les deux approches :

- Mener une analyse de parties prenantes à partir de ces interviews. Comme éléments d'archives, les vidéos nécessitent une première analyse pour faciliter les études ultérieures. Il serait souhaitable que cette analyse se fasse par un spécialiste congolais. Damien Kahambwe, qui fait partie des interviewés peut assurer cette tâche.

- Dévolopper un premier projet de création artistique. Le Centre d'art Waza, tout comme le Collectif Faire Part qui assuré le même travail à Kinshasa, est avant intéressé par les dispositifs de création artistique et de curation. A ce titre, développer un premier travail de création, de préférence en résidence en Belgique et au Congo, pourrait faciliter le développement d'un premier projet de création qui va dans ce sens.

Il s'avère aussi important de multiplier les tables rondes sur le sujet, à l'image de celle organisé à Kinshasa en février 2022.

Liste des personnes consultés et dont les interviews ont été enregistrées

Prénom / Pseudo	Nom	Profil 1	Profil 2	Organisation
Igor	Becker	Avocat		
Donatien	Dibwe	Chercheur	Historien	Université de Lubumbashi
Iragi	Elisha	Journaliste	Ecrivain	
Brillant	Isanzo	Animateur social		Mutuelle Tshokwe
Damien	Kahambwe	Animateur communautaire	Consultant en responsabilité sociétale des entreprises	Entreprises minières et agence de consultant
Pierre	Kahenga	Activiste	Expert en développement organisationnel	Fondation Communautaire du Katanga et Pole Institute
Chadrack	Kakule	Curateur	Philosophe	Centre d'art Waza
Agathon / Agxon / Chef Tumpa	Kakusa	Artiste sculpteur	chef coutumier Tabwa	Chefferie village Tumpa
Albert	Kapepa	Ecrivain	Juriste	Collectif d'écrivains Libr'écrire
Feza	Kayungu	Opératrice culturelle	chercheuse en littérature	Centre d'art Waza
Denise	Maheho	Journaliste radio		Correspondante RFI et directrice éditoriale Waza Radio
Jacques	Makonga	Avocat		
Paul	Malaba	Artiste		
Douglas	Masamuna	Réalisateur	Opérateur culturel	DL Multimedia
Philippe	Mikobi	Historien de l'art		Musée National de Lubumbashi
Dorine	Mokha	Chorégraphe	Auteur	Art'Gument Project
Kady	Mpiana	Chorégraphe	Danseur	Harlem2Arts
Placide	Mukebo	Activiste	Expert en développement	Bureau Diocésain de développement
Rita	Mukebo	Artiste		
Olivier	Mulumbwa	Archéologue		Université de Lubumbashi
Ferdinand	Numbi Kanyepa	Chercheur	Activiste (Lusinga/tabwa)	Université de Lubumbashi / Groupe Murumbi
Godelive	Nyemba	Journaliste	Activiste (presse féminine)	La Guardia Magazine
Véronique	Poverello Kasongo	Opératrice culturelle	Coopération universitaire	Waza/ ULB
Nicole	Sapato	Educatrice	Historienne	Musée National de Lubumbashi
Costa	Tshinza	Critique d'art	Médecin	Habari RDC
Hubert	Tshiswaka	Activiste des droits humains	Avocat	Institut de Recherche en Droits Humains
Antoine	Tshitungu	Chercheur	Ecrivain	Université de Lubumbashi
Simplice	Zaidi	Chercheur	Activiste	Groupe Murumbi

Attachment °3

02032021

Note méthodologique et premiers résultats de MRAC dans HOME

Introduction

Pour une introduction générale nous conseillons l'introduction au projet d'HOME sur le site web de l'Africamuseum :
https://www.africamuseum.be/fr/research/discover/projects/prj_detail?prjid=718
Cette note résume d'abord les objectifs et responsabilités de MRAC dans le projet d'HOME. Par après nous avons essayé de résumé les premiers résultats du projet pour chaque objectif. Nous sommes conscients que dans un projet scientifique fédéral tel que HOME, de nombreuses sensibilités ont été oubliées lors de la préparation du projet. S'il est clair que le vocabulaire doit être adapté, c'est un fait important à prendre en compte dans les recommandations du MRAC à la fin du projet.
Lors de la rédaction des recommandations pour le gouvernement belge, il semble approprié de jeter un regard critique sur les visions du projet, mais aussi formuler ensemble avec l'équipe HOME en Belgique et en RDC des recommandations concernant les possibilités de restitution pour notre gouvernement belge.

1/ Inventaire des « collections » de restes humains

Les partenaires (IRSNB, INCC, MRAH, MRAC, ULB, USL, UM) dresseront un inventaire de toutes les collections de restes humains détenues par les partenaires et d'autres collections publiques et privées.
Cela comprend les collections de restes humains découverts dans des sites archéologiques, les restes humains collectés à des fins de comparaison, les collections de restes humains présentant des modifications anthropiques et enfin la collection de spécimens anatomiques (dissections, spécimens plastinés, collections humides).

Résultat intermédiaire // L'inventaire des restes humains au MRAC est toujours en cours en raison des restrictions imposées par le COVID. Au MRAC, des restes humains sont conservés au département d'anthropologie culturelle et d'histoire et au département de biologie.

La majeure partie de l'inventaire des anciennes collections d'anthropologie anatomique a été réalisée en collaboration avec l'IRSNB, étant donné le transfert de cette sous-collection aux IRSNB en 1964.

- Nous avons identifiés des personnes sur base de leur nom (exemple Iwa N'Gombe Lusinga).
- Nous avons étudiés plusieurs parties de cette collection en focalisant sur l'anthropologie physique.

Les restes humains au MRAC sont dispersés dans les collections ethnographiques, archéologiques, vertébrées et zoologiques. L'inventaire des restes humains des collections ethnographiques a été réalisé. L'inventaire et l'étude des documents d'acquisition des collections archéologiques, vertébrées et zoologiques est en cours.

- Nous avons identifiés plus qu'une trentaine de restes humains qui sont toujours présent dans les différentes collections.
- Nous tenons compte des 8 morts à Tervuren, respectivement en 1897 et 1958 et les 8 morts à Anvers à 1894.

2/ Valeur historique scientifique et politique des « collections » de restes humains

Nous prévoyons de poursuivre les recherches sur les différentes trajectoires des restes humains au sein des archives historiques coloniaux (MRAC, Archives national).

Nous avons l'intention de faire des recherches sur maximum deux cas d'études, ainsi qu'un aperçu global des informations sur la provenance provisoire des restes humains provenant des anciens territoires belges d'outre-mer.

Résultat intermédiaire // Le MRAC a identifié différents cas d'études basées sur des données d'archives et des dossiers d'acquisition des anciennes collections d'anthropologie anatomique. Les différents cas d'études sont liés aux « donateurs » de restes humains et à leur micro-histoire. Les études de cas identifiées fournissent des données utiles sur les différents modes de collecte. Une étude de cas se concentre sur l'agent colonial Fernand Van den Ginste qui a recueilli environ un tiers de l'ancienne collection d'anthropologie anatomique du MRAC. Nous examinons différentes archives afin de reconstituer sa biographie en relation avec la pratique de la collecte de restes humains à des fins anthropométriques.

Nous considérons les recherches existantes sur les différentes expéditeurs et expéditions pendant le temps colonial (Hutéreau, Storms ; Cabra, …) et les trajectoires des objets collectés par les acteurs coloniaux pour contribuer aux résultats de HOME.

3/ Créer le dialogue et la cocréation

En établissant des relations durables avec les membres de la diaspora en Belgique, les universités congolaises, les musées, les décideurs, les experts locaux et les familles et individus concernés, l'objectif est de créer un dialogue et un débat (réseau) sur le rapatriement.

Résultat intermédiaire I / En raison des restrictions imposées par COVID 19, le choix a été fait de passer par des partenaires congolais qui opèrent en RDC. En raison de l'instabilité politique persistante à la fin de 2020 et des restrictions imposées par COVID, les réunions préliminaires, ainsi que les entretiens prévus, ont été retardés en RDC.

MRAC a établi deux partenariats, l'un à Kinshasa avec le Collectif Faire-Part, un ensemble de réalisateurs de documentaire, et l'autre à Lubumbashi avec WAZA, un centre culturel, jouant un rôle central dans le débat public sur la restitution en RDC.

WAZA a mené des entretiens avec au moins 25 parties prenantes et a créé un groupe de discussion avec la participation de l'un des descendants d'Iwa Ng'ombe Lusinga (chef local tué par l'explorateur colonial Emile Storms en 1884).

Le Collectif Faire Part a contacté une vingtaine de parties prenantes, dont des universitaires, des experts en muséologie, des décideurs politiques et un représentant de l'UNESCO, tous basés à Kinshasa.

Résultat intermédiaire II/ Concernant le dialogue et le débat sur le rapatriement avec la diaspora africaine, le MRAC a organisé des réunions préliminaires avec trois acteurs de la société civile engagés dans le débat sociétale autour la restitution d'objets culturels et/ou le rapatriement de restes humains.

- L'équipe HOME du MRAC a établi une première présentation de HOME et un plan d'action avec les services publics pour organiser d'autres consultations en 2021.
- Ces consultations ont confirmé la nécessité d'un échange et d'une transparence accrue avec les experts de la société civile.
- Leur expertise concernant la valeur sociale des restes humains est importante pour l'élaboration des recommandations du rapport final.

4/ Évaluation des implications multiples du rapatriement

- Le rapatriement des restes humains est une question complexe, qui suscite de multiples points de vue contradictoires et donne lieu à de multiples résultats : non restitution, restitution physique ou virtuelle, incorporation dans des collections de musées/universités à l'étranger, réinhumation, etc.
- Le retour des restes humains aux membres de la famille, aux instituts ou aux États concernés implique d'abord que les origines des restes humains soient connues.

Résultat intermédiaire/ Le MRAC a établi des consultations avec des experts internationaux et nationaux concernant les voies possibles de restitution/rapatriement et la recherche de la provenance.

- Des consultations avec le professeur Charles-Didier Gondola (Université de l'Indiana), le professeur Sarah Van Beurden (Université de l'Ohio), le professeur Bénédicte Savoy (Technische Universität Berlin), la chercheuse Yasmina Zian (Université de Neuchâtel), le professeur Victoria Gibbon (Université de Cape Town), les chercheurs Lärissa Förster et Yann Le Gall (CARAM Berlin) ont été organisées en 2020 et 2021.
- Les consultations avec différents experts nationaux et internationaux se poursuivront en 2021 avec une enquête sur les voies (alternatives) de restitution et la recherche de provenance.
- Le MRAC a assuré le suivi du débat académique sur la restitution en Europe et a participé aux conférences et webinaires, comme 'Caring Matters // Centre de recherche sur la culture matérielle' ; Provenance globale // Palais de Rumine ; Anthropo - Responsabilité // musée du quai Branly - Jacques Chirac ; …

Responsabilité 5/ Cas d'études des restes humains identifiables et non-identifiables

Il peut s'agir de restes humains non identifiés provenant de différentes origines géographiques, mais aussi de restes humains non identifiés à des fins d'enseignement médical et anthropologique.

Résultats intermédiaire / Des recherches dans les archives ont été effectuées sur l'Inventaire général du Musée du Congo (collections d'anthropologie anatomique).

Nous avons d'une part identifié les donateurs et les détenteurs dans le cadre de cet inventaire et d'autre part identifié au moins cinq personnes dans le registre général du Musée du Congo. Ces individus seront examinés plus en détail dans la seconde moitié du projet.

Beaucoup de ces collections sont des restes non identifiés et ont été rassemblées par les différentes institutions pour faire une analyse scientifique comparative.

Le MRAC a étudié les dossiers AA (les dossiers d'acquisition) et s'est penché sur le cas de Van den Ginste. Ce cas concerne presque 200 personnes non identifiables. La recherche de provenance partagée sur des individus non identifiables, avec l'autorisation et en collaboration avec les pays et les communautés d'origine, pourrait éventuellement conduire à des individus plus identifiables.

Les recherches menées par Maarten Couttenier sur la provenance d'Iwa Ng'ombe Lusinga, ainsi les recherches de Allen Roberts, le groupe de Murumbi à l'Université de Lubumbashi et les recherches journalistiques de Michel Bouffioux serviront de base d'apprentissage sur la recherche de la provenance pour d'autres cas.

Attachment °4

Présentation de Suzanne Monkasa pour le comité de suivi de HOME le 25 March 2021

Cette présentation qui fait suite aux différentes rencontres auxquelles j'ai eu l'opportunité de participer, à l'invitation des membres du personnel du MRAC dans le cadre du projet HOME, se doit d'être traitée en se plaçant au départ de trois angles que sont l'éthique, le juridique et le politique.

Importance du volet éthique

La remise en perspective dans les domaines culturel- en ayant en vue les rapports de force lors des échanges qui ont fait que l'on en arrive en ce moment à aborder les questions qui portent sur ce que l'on est convenu de nommer « les restes humains »-, devrait pouvoir être le maître-mot. Et pour cause. Tout le monde, quelle que soit sa culture, fait un jour l'expérience de la perte d'un être cher. Mais les réactions sont différentes d'une personne à une autre. Hormis les différences individuelles, on note également des rituels et des habitudes spécifiques qui émanent d'une culture et/ou d'une religion en particulier.

Dans la mesure où l'on est prêt à admettre l'importance que revêt le travail de la mémoire pour les personnes et les membres de la famille de la personne qui décède, il sera envisageable de parler de la restitution de ce que l'on nomme « les reste humains ».

L'importance du volet juridique

C'est en se basant sur le principe de la dignité humaine que l'on retrouve dans la Constitution belge que l'on considère, que s'agissant de la restitution des « restes humains » ,la Belgique dispose à ce jour d'un mécanisme qui rendra possible la prise en compte du volet juridique de la restitution 'des restes humains'. Par ailleurs, est-il besoin de le rappeler à nos mémoires le fait que la Belgique, en tant que l'un des Etats membres des Nations Unies, a l'obligation de respecter les engagements qu' elle a pris lorsque qu'elle a ratifié cet instrument juridique international, qui met le respect de la dignité humaine comme un des principes des droits fondamentaux.

L'importance de la prise en compte du volet politique

La Belgique aura à s'efforcer d'amorcer un dialogue au niveau politique et dans le cadre de ce dialogue, aura à veiller à une mise en perspective historique des relations entre la RDC et la Belgique.

Attachment °5

Communiqué de presse :
Pour le rapatriement des dépouilles des ancêtres congolais

Cher.e.s journalistes,

Nous vous invitons à notre conférence de presse sur les dépouilles des ancêtres congolais qui se tiendra le mardi 8 novembre à partir de 10h00, au musée de Tervuren, située à Leuvensesteenweg 13, Tervuren 3080. Cette conférence de presse se tiendra en présence des artistes congolais du Collectif Faire-Part et du Centre d'art Waza, qui ont réalisé des consultations auprès de différentes personnes, en RDC, à travers des interviews. Celles-ci portaient toutes sur le sujet des dépouilles des ancêtres congolais.es présent·e·s en Belgique.

Pourquoi cette conférence de presse maintenant ?

À l'AfricaMuseum, dans d'autres musées et institutions en Belgique, ainsi que dans certaines collections privées, sont gardées des dépouilles d'ancêtres congolais·es massacré·e·s et déporté·e·s par les autorités coloniales belges. Certaines de ces dépouilles sont celles de personnes ayant été décapitées lors de combats les opposant aux colons, d'autres sont celles de personnes mortes de faim, de maladies après avoir été forcées à venir en Belgique pour être exposées comme des animaux. Les dépouilles présentes en Belgique font partie des millions de victimes de la barbarie de la colonisation.

Elles ont été découpées et étudiées comme des animaux de laboratoire, sous le prétexte de l'analyse scientifique, réduites ainsi à du matériel didactique. Ce même matériel a servi de fondement aux théories de racialisation qui, aujourd'hui encore, influencent notre regard sur l'autre.

Aujourd'hui, il est temps que toutes ces victimes soient connues du grand public, leur histoire racontée, que le gouvernement belge reconnaisse explicitement ces crimes et que les dépouilles soient rapatriées au Congo pour que les âmes des défunt·e·s puissent reposer en paix sur leur terre.

C'est pourquoi, nous, activistes décoloniales·ux de la société civile, nous demandons que justice soit faite pour les ancêtres congolais·es et que leur dignité soit restaurée :

« Mamans Sambo et Mpemba, Papas Ekia, Kitukwa, Midange et Nzau, bébé Juste Bonaventure Langa, vous qui êtes enterré·e·s à Tervuren, Sabo, Bitio, Isokoyé, Manguesse, Binda, Mangwanda et Pezo, vous qui êtes en terré·e·s au Schoonselhof à Anvers, loin de vos terres, vous avez été forcé·e·s à venir en Belgique, vous êtes mort·e·s de froid, de manque d'eau, de nourriture, de maladie faute de soins adéquats parce que la Belgique avait décidé d'occuper vos terres, de chasser, tuer ses habitantes et d'exploiter des travailleur·euse·s pour enrichir de grandes sociétés belges et étrangères.

« *Chef Lusinga et d'autres résistants, vous avez eu le courage et la force de vous opposer à cette con-quête militaire barbare, votre résistance a conduit l'autorité coloniale à vous couper la tête et faire venir une partie de votre dépouille en Belgique.*

Et bien d'autres ancêtres encore inconnu·e·s. »

Depuis le 15 décembre 2019, l'État belge a mis en place le projet « Home » dont les résultats annoncés par l'AfricaMuseum visent à « *réaliser une évaluation multidisciplinaire des collections des restes humains en Belgique […], les rapports détailleront la façon de gérer les diverses collections des restes humains* 1». Le projet se terminera fin décembre 2022, soit à la même période que se clôture la commission parlementaire sur le passé colonial belge au Congo, Rwanda et Burundi.

À la veille de l'issue de ce projet, nous déplorons le fait que la majorité des dépouilles n'ont pas été identifiées et rendues publiques, le fait que l'histoire de ces femmes et hommes reste manquante et le fait que les moyens humains et financiers pour réaliser ce travail n'ont pas été à la hauteur des besoins pour réaliser ce travail de mémoire.

Au regard des consultations lancées par le musée via le collectif Faire-part de Kinshasa et le Centre d'art Waza de Lubumbashi, des discussions qui en ressortent notamment avec la diaspora en Belgique et des actions plus qu'urgentes à mettre sur pied, entre autres recommandations, nous demandons au gouvernement belge et à son Secrétaire d'État, Thomas Dermine :

- de prolonger le projet Home et de lui allouer les moyens humains et financiers pour que dans un délai d'un an, toutes les victimes soient connues et leurs dépouilles rapatriées ;
- de veiller à ne pas reproduire en RDC ce qui se fait ici ; ce sont des corps d'ancêtres qui méritent le respect et le repos en paix sur leur terre ;
- de mettre en place un groupe de travail pour décoloniser la pensée et le langage utilisé par les différent·e·s acteur·rice·s du projet HOME ;
- de diffuser publiquement l'évolution du projet durant sa poursuite, tant en Belgique qu'en RDC, au Rwanda et au Burundi ;
- de réaliser une brochure (et autres supports d'information) destinée au grand public et racontant l'histoire de ces défunt·e·s sans sépulture.
- qu'après le rapatriement des défunt·e·s sur la terre des leurs, la Belgique finance, sous l'initiative des communautés congolaises (RDC et diaspora), et en lien avec les initiatives similaires menées au Congo, ait lieu la construction de statutaires, stèles honorifiques ou œuvres artistiques (en priorité d'artistes d'origine congolaise ou plus largement africaine) aux endroits symboliques de leur captivité.

Programme :

10h : Accueil (devant l'entrée du musée, à l'intérieur du parc).

10h15 : Visite guidée explicative sur les ancêtres autour des étangs et des tombes (Parc de Tervuren)

11h à 12h : Conférence de presse à l'AfricaMuseum. Rendez-vous à l'entrée du musée.

En cas d'impossibilité, la conférence de presse pourra être suivie de en ligne.

Pour une meilleure organisation, nous vous remercions de nous confirmer votre présence par e-mail ou par téléphone.

Contact presse : +32 476 90 26 75 / +32 492 76 24 21

Adresse : Chaussée de Louvain 13, 3080 Tervuren

Associations et personnalités signataires : Ambali Achaiso, journaliste La Diaspora chuchote — Ba-kushinta —— Beljïk MoJaïk — Change asbl — Clette-Gakuba Véronique, sociologue — Intal Congo— Makanga François, guide conférencier décolonial et acteur/comédien — Mavumbu Mavangu — Mu-dekereza Patrick, Centre d'art Waza — Passy Nsawela — Shemisi Paul, Collectif Faire Part (Kinshasa – RDC).

ANNEX 2 RMAH INVENTORY

Task 2.1 : Inventory, documentation and digitization in the FSI - other

D2.1.3: RMAH: Inventory of the human remains of non-Belgian Origin

Cette étape induit la réalisation de l'inventaire, la collecte de documentation et, éventuellement, la numérisation des données. Toute information relative à la présence de restes humains dans les collections doit être enregistrée. L'objectif de cette étape est de pouvoir intégrer les données au sein d'une enquête élaborée par l'IRSNB. Cette enquête permet ainsi d'obtenir une vision globale et quantifiée du nombre de vestiges anthropobiologiques conservés dans les institutions muséales mais aussi dans les milieux académiques et privés.

Comme l'indique le sous-titre proposé au début de cette recherche, la tâche du musée devait se limiter aux vestiges humains d'origine non belge. Cependant, rapidement, et suite à la création de l'enquête online, il est apparu que les restes humains provenant également de Belgique seraient pris en compte. Le sous-titre peut donc désormais se nommer : D2.1.3 : RMAH : Inventory of the human remains. Cette tâche est donc l'une des plus conséquentes à mener. Au préalable, il est donc nécessaire de présenter la méthodologie appliquée pour la mener à bien.

Méthodologie

La première étape nécessaire au bon déroulement du travail a été la prise de contact avec la Directrice du Musée Art & Histoire (en mars 2020, la direction de l'établissement était confiée à Mme A. De Poorter) ainsi qu'avec les conservateurs des différentes sections. En effet, les collections du musée sont réparties en 4 catégories : Antiquité – Archéologie nationale – Arts décoratifs – Civilisations non-européennes. Chacune de ces catégories est elle-même subdivisée par type de collection (généralement basé sur la provenance géographique des objets archéologiques). Les conservateurs sont à la tête de ces collections dont ils ont la charge.

Une description du projet leur a été fournie en plus d'explications quant à la collaboration en tant qu'institution partenaire du projet. Il a été demandé à chaque conservateur ayant des vestiges humains dans sa collection de les signaler afin d'obtenir une première vue globale des restes humains concernés par la recherche. Ensuite, un listing/inventaire leur a été demandé. Dans le cas où cet inventaire n'était pas disponible, une entrevue avec eux a été suggérée afin d'accéder directement aux pièces de collections présentes soit en réserves soit dans l'espace d'exposition.

À ce moment, la première période de confinement due au COVID-19 a démarré. Seuls les objets repris dans l'inventaire numérisé accessibles sur la plateforme MuseumPlus (M+) ont pu être inventoriés. Pour réaliser cet inventaire, plusieurs mots-clés ont été utilisés : humain (1638 fiches) – os (5438 fiches) – relique (105 fiches) – sapiens (368 fiches). Un premier constat a été posé. Sur la plateforme numérique, chaque conservateur et/ou gestionnaire de collections enregistre les données avec des terminologies qui leur sont propres. Parfois le terme « os » reprend tant os humain qu'os animal alors que d'autres complètent les renseignements. Certains indiquent « os » uniquement pour désigner des ossements d'animaux et préfèrent « humain » pour identifier les ossements humains. L'absence d'une terminologie commune relative à la désignation de vestiges anthropobiologiques a complexifié cette étape. Il a été nécessaire d'effectuer différentes recherches en usant de termes variés afin d'être sûr de recouper un maximum d'informations. De plus, ces termes apparaissent parfois sous l'onglet « matériaux/techniques », ou dans « description » ou encore dans le « nom de l'objet ». Ce constat a été relayé auprès du Service E-collection. Les personnes attachées à ce service ont la charge, entre autres, de concevoir et d'améliorer les fonctionnalités de la plateforme MuseumPlus. D'un commun accord, il a été jugé pertinent de proposer une terminologie adaptée et commune à l'ensemble des

utilisateurs de la plateforme mais également la création d'une catégorie (et/ou d'un emplacement/onglet) uniquement dédiée aux restes humains. M+ contient désormais un accès facilité aux vestiges anthropobiologiques inventoriés lors de ce travail. Un raccourci vers un onglet de la plateforme permet d'en afficher la liste.

Au fur et à mesure de la réalisation de l'inventaire, il s'est imposé la nécessité de rassembler et conserver les données acquises afin de pouvoir les utiliser ultérieurement, notamment lors de l'enquête élaborée par l'IRSNB. Une base de données ACCESS a été créée dans cette optique. Des Tables correspondant à chaque collection ont été établies. Elles sont au nombre de 13 dont une est spécifiquement dédiée au Musée des Instruments de Musique (MIM). Les Tables sont nommées comme suit (par ordre alphabétique) : Amériques – Archéologie nationale – Chine – Collections externes – Costumes – Égypte – Ethno-européenne – Inde et Sud Est asiatique – Mérovingiens – MIM – Océanie – Preciosa et Argenterie – Préhistoire.

Chaque Tables reprend les mêmes informations « standards » afin de relever le même type de données pour chaque vestige.

Le numéro d'inventaire de l'objet est indiqué en premier lieu. C'est lui qui permet de rechercher et d'obtenir tous les éléments d'informations concernant ses modalités d'acquisition mais également son appartenance à une collection et sa localisation dans celle-ci. Le nom de l'objet et une brève description interviennent ensuite. La Provenance du vestige est essentielle dans toute fiche identitaire mais d'autant plus importante dans cette recherche dont la problématique touche principalement cette question. Une entrée nommée « contexte colonial » est également proposée. Elle permet de mentionner rapidement si le pays d'où provient l'objet d'étude est attaché (ou a été attaché) à un contexte politique colonial lors de son acquisition. Ensuite, la période et la culture sont indiquées lorsque celles-ci sont connues. Ces deux informations permettent souvent d'identifier la communauté culturelle de laquelle est issu le vestige. Pour la suite de l'étude, ces renseignements sont utiles pour déterminer si ces communautés sont toujours existantes et/ou représentées par un groupe (ou État) officiel. La matière dont est constitué le vestige est mentionnée. S'il est évident que les squelettes humains sont repris sous « os humain », certains objets composites façonnés par certaines communautés nécessitent plus de précisions. Par exemple, une coiffe amazonienne myhara (ETAM 2020.1.004) est réalisée à partir de cheveux humains mais aussi de plumes et de coton. Les dimensions des vestiges sont annotées lorsqu'elles sont connues. Des onglets acquisition, modalités d'acquisition et date d'entrée dans les collections sont proposés. Chacun renseigne une information différente. Dans le premier cas, un déroulant multiple propose d'indiquer s'il s'agit d'un don, d'un legs, d'un achat, d'un dépôt ou d'un apport de fouilles archéologiques. Les possibilités « autre » et « inconnu » sont également disponibles dans le menu déroulant. Dans le second cas, plus de détails peuvent être apportés lorsque le type d'acquisition est connu. Par exemple, le nom du donateur, la campagne de fouilles archéologiques, la vente au cours de laquelle le vestige a été acheté, etc. Toutefois, ces renseignements ne sont pas systématiques. Leur encodage lors de leur acquisition n'a pas toujours eu lieu eu égard à la période d'acquisition (parfois dès le milieu du XIXe siècle) ou à la personne en charge de l'inventaire des collections. Enfin, la date d'entrée dans les collections est ajoutée lorsque celle-ci est connue. Une entrée dédiée à la localisation de l'objet dans le musée est reprise. Elle permet directement de constater si le vestige se situe dans l'espace d'exposition permanent/temporaire ou dans les réserves. Son état de conservation est ensuite renseigné. Au moment de la création de ces champs d'encodage, un onglet statut de l'objet a été créé. L'objectif de celui-ci est d'indiquer des informations liées au caractère sacré du vestige lorsqu'il est évident et connu. Enfin, des données supplémentaires peuvent être annotées telles : des références bibliographiques, une documentation associée, sa présence sur MuseumPlus et notamment sur Carmentis (plateforme accessible online au grand public), des photos et toute autre information complémentaire qui n'aurait pas été reprise dans les onglets précédents. Après avoir établi les Tables et les Champs de la base de données, elle a pu être fonctionnelle et complétée. Les figures suivantes illustrent par l'exemple de la collection

Amériques la base de données ACCESS créée reprenant les différents champs et leur remplissage (Fig. 1 et 2).

Fig. 1 : Champs créés dans la base de données ACCESS

Amériques

N° d'inventaire	Nom de l'objet	Description de l'	Provenance	Colon	Période	Culture	Matière(s)	Dimensions	Acquisition
AAM00066.23	Os gravé	Os sculpté d'un vis	Mexique - Cape	Non	Classique récen	Maya	Os humain	H.18,3cm X D.2	
AAM00068.12.1	Crâne humain	Crâne humain com	Mexique - Régic	Non	Postclassique (1	Mixtèque			Achat
AAM00068.12.2	Crâne humain sans		Mexique - Régic	Non	Postclassique (1	Mixtèque			Achat
AAM00068.12.3	Crâne humain sans		Mexique - Régic	Non	Postclassique (1	Mixtèque			Achat
AAM00068.12.4	Mâchoire adulte	Mandibule, incisive	Mexique - Régic	Non	Postclassique (1	Mixtèque	Reste humain	H.6,2cm X l.11,8	Achat
AAM00081.23	Figurine funéraire		Pérou	Non	Intermédiaire ré	Chancay	Composite dont d	L.30cm	Achat
AAM00095.3	Coiffe funéraire	Coiffe en laine et c	Chili	Non	Formative (150	Camarones	Cheveux humains	D.20cm	Achat
AAM00096.3.182	Crâne adulte	Crâne déformé	Inconnue	Non					
AAM00096.3.183	Crâne adulte	Crâne déformé	Inconnue	Non					
AAM00096.3.184	Crâne adulte	Crâne déformé	Inconnue	Non					
AAM00106	Os	Os de clavicule pro	USA - Alabama	Non	Inconnue	Inconnue	Os humain		Don
AAM00107	Os	Os de clavicule pro	USA - Alabama	Non	Inconnue	Inconnue	Os humain		Don
AAM02018.1.004	Bandeau de tête		Inconnue	Non	Inconnue				Don
AAM03319	Raspador - Racleur	Instrument Omichi	Mexique	Non	Inconnue	Inconnue	Os humain		Don
AAM03320	Raspador - Racleur	Instrument Omichi	Mexique	Non			Os humain	L.32cm	Don
AAM03321	Raspador - Racleur	Instrument Omichi	Mexique	Non	Postclassique ré	Aztèque	Os humain	L.34,7cm	Don
AAM04063	Os décoré (gravé)		Equateur ?	Non	Inconnue	Inconnue	Os humain		
AAM05934	Momie adulte com	Fardo funéraire, te	Pérou	Non			Reste humain		Don
AAM05935	Momie adulte com	Fardo funéraire, te	Pérou	Non			Reste humain		Don
AAM05936	Momie enfant frag	Fardo funéraire, te	Pérou	Non			Reste humain		Don
AAM05937	Momie adulte frag	Crâne	Pérou (Pachaca	Non			Reste humain		Don
AAM05938	Momie adulte com	Fardo fuénraire, te	Chili - Arica (Pla	Non			Reste humain		Don
AAM05939	Momie adulte com	Fardo funéraire, te	Chili - Arica (Pla	Non	Horizon récent	Inca	Reste humain		Don
AAM05940	Momie adulte frag	Fardo fuénraire, te	Chili - Arica (Pla	Non	Horizon récent	Inca	Reste humain		Don
ETAM00046.6	Tête humain réduit		Equateur	Non	Inconnue	Jivaro	Cheveux humains	H.13cm	Don
ETAM00084.1	Tête humaine rédu		Pérou? Equateu	Non	Inconnue	Inconnue	Cuir humain		Don
ETAM02002.1.3	Coiffe cérémoniell		Amazonie	Non		Rikbaktsa	Cheveux humains	L.74cm X l.65cn	Achat
ETAM02009.3.1	Tête humaine	Fausse tête réduite	Equateur	Non	Inconnue	Shuar			
ETAM02009.4.1	Tête humaine	Fausse tête réduite	Equateur	Non		Shuar	Cheveux humains	D.5,9cm X H.23	Don
ETAM02009.4.2	Tête humaine	Fausse tête réduite	Equateur	Non		Shuar	Cheveux humains	D.9,3cm X H.26	Don
ETAM02366	Tête humaine	Tête réduite	Equateur	Non		Jivaro			Dépôt
ETAM03366	Tête humaine	Tête humaine Tsan	Equateur	Non		Jivaro			Dépôt
ETAM03367	Ceinture de cheveu		Pérou	Non	Inconnue	Jivaro		L.75cm	Dépôt
ETAM04566	Tête humaine	Fausse tête réduite	Equateur/Pérou	Non	Inconnue	Jivaro			Achat

Fig. 2 : Table Amériques et l'insertion des données

Il a été nécessaire de prévoir plusieurs semaines exclusivement dédiées à cette tâche au vu du nombre de vestiges anthropobiologiques et de leur grande variété. Cette base de données s'est avérée utile, non seulement à la préparation de l'encodage de l'enquête mais également à l'amélioration de nos connaissances concernant le type de vestiges et leur nombre au sein des collections des MRAH.

Résultats

Avant de détailler les résultats de l'institution pour cette tâche, il est nécessaire d'apporter des éclairages sur l'enquête réalisée par l'IRSNB. Rapidement après le lancement du projet, un canevas est soumis aux différents partenaires. En effet, cette enquête a pour but de centraliser les informations concernant les vestiges humains conservés tant dans les institutions muséales que dans les collections académiques et privées. Ci-joint, se trouve le document explicatif lié à cette enquête (https://collections.naturalsciences.be/ssh-anthropology/home/survey), co-rédigé par l'ensemble des partenaires impliqués.

Les informations reprises par l'enquête ciblent le nombre de vestiges humains et leur provenance ; ayant à l'esprit ce souhait de répondre à ces deux questions : « combien » de restes humains sont conservés en Belgique et « d'où » proviennent-ils ?

L'enquête est proposée online via le site Internet de l'IRSNB (https://collections.naturalsciences.be/ssh-anthropology/home/?_authenticator=e0554e23a21aa60090456d7a32337defe44359f1). Des codes d'accès sont transmis aux MRAH afin de pouvoir la compléter. Elle scinde en deux les données car il y a une distinction entre les collections du MIM et du MAH. Cependant, dans les deux cas, elle se présente sous différents onglets à remplir :

- Historical Periods
    - Belgium (Flanders, Wallonia, Brussels capital, German-speaking Community)
    - Europe (European Union, Other European countries, Greenland, Sami)
    - DRC, Rwanda, Burundi
    - Rest of the world (Africa, America, Asia, Oceania/Pacific)
- Artifacts & Mummies
    - Belgium (Flanders, Wallonia, Brussels capital, German-speaking Community)
    - DRC, Rwanda, Burundi
    - Rest of the world (Africa, America, Asia, Europe, Oceania/Pacific)
    - Mummies (Egyptian mummies, South american mummies, Rest of the world mummies)
- Prehistory

- Belgium (Flanders, Wallonia, Brussels capital, German-speaking Community)
- DRC, Rwanda, Burundi
- Rest of the World (Africa, America, Asia, Europe, Oceania/Pacific)
- Fossil Hominids (Belgium, DRC/Rwanda/Burundi, Rest of the world)

- Anatomy (Human Bodies, Human embryos/fœtus, Part(s) of human bodies, Organs)
- Unknown Origin

À chaque étape, il est également possible de donner plus de précisions concernant la composition anatomique du vestige consigné (crânien, infra-crânien, squelette complet, etc.).

Le Musée des Instruments de Musique – MIM

14 instruments de musique façonnés à partir de restes humains sont comptabilisés. Ce nombre est obtenu sur base de l'inventaire online des collections sur M+. De plus, Mme Chantrenne, du MIM a donné l'accès aux réserves afin d'observer les objets et de compléter la liste préétablie si nécessaire.

Dans l'enquête, ils sont répartis comme suit :

- Artifacts & Mummies
  - Rest of the world
    - § Asia
      - · Other(s) = 12
    - § Oceania
      - · Other(s) = 1
- Prehistory
  - Rest of the world
    - § Oceania
      - · Skull : 1

Il est important de spécifier ici que le terme « Other(s) » a été rajouté par l'institution dans l'espace dédié à la composition anatomique. En effet, les propositions initiales ne prenaient pas en compte les éléments composites et/ou les objets façonnés à partir de restes humains. Dans le cas des instruments du MIM, ils sont souvent associés à d'autres matériaux (métal, éléments végétaux, animaux, etc.).

Le Musée Art & Histoire

Les collections du MAH conservent au moins 424 vestiges anthropobiologiques, toutes sections confondues (compte réalisé en juin 2021). Ils sont de natures diverses : squelettes, corps momifiés, têtes boucanées, têtes réduites, reliques, objets façonnés à partir de restes humains, etc. Malgré la grande variété dans le type de vestiges, ils sont tous repris dans l'enquête.

En plus de la rubrique « Other(s) » adjointe précédemment, les termes « ossements incinérés », « dents » et « cheveux » sont ajoutés dans le descriptif de la composition anatomique. À nouveau, ces informations complémentaires n'en dressent pas une liste exhaustive mais répondent aux cas présents au sein des collections du musée.

° Les ossements incinérés reprennent les ossements humains brûlés et conservés (la plupart du temps) dans des urnes cinéraires. Si, des corps, ne restent plus que cendres et fragments osseux, ils n'en restent pas moins des vestiges anthropobiologiques.

° Les rubriques dent(s) et cheveux sont deux ajouts dus à l'existence de ces éléments isolés. Parfois des dents et des mèches de cheveux sont entrés dans les collections (associés ou non à d'autres objets). Bien qu'il s'agisse d'éléments fragmentaires, ils sont néanmoins considérés dans ce recensement comme vestiges humains à part entière.

Les 424 restes humains sont répartis dans l'enquête sous les onglets suivants :

- Historical Periods (109)
    - Belgium
        - Flanders
            - Teeth = 1
            - Bones = 1
            - Burned bones = 1
        - Wallonia
            - Cranial = 18
            - Infra-cranial = 1
            - Skeletons = 12
            - Teeth = 4
            - Bones = 22
            - Burned bones = 35
        - Brussels capital
            - Cranial = 2
            - Skeletons = 1
            - Burned bones = 1
            - Bones = 2
            - Hair = 1

- Europe
  - European union
    - Skeletons = 1
    - Other(s) = 4
- Rest of the World
  - Africa
    - Hair = 1
  - Asia
    - Teeth = 1

- Artifacts & Mummies (87)
  - Rest of the world
    - America
      - Soft tissues = 4
      - Bones = 11
      - Other(s) = 11
    - Asie
      - Other(s) = 19
    - Europe
      - Soft tissues = 1
    - Oceania
      - Others = 14
  - Mummies
    - Egyptian
      - Cranial = 3
      - Infra-cranial = 4
      - Skeletons = 1
      - Bodies = 10

        - § South american
            - · Cranial = 1
            - · Bodies = 4
            - · Incomplete bodies = 2
        - § Rest of the world
            - · Cranial = 2

- Prehistory (206)
    - o Belgium
        - § Flanders
            - · Burned bones = 54
        - § Wallonia
            - · Burned bones = 130
            - · Bones = 3
    - o Rest of the world
        - § America
            - · Cranial = 5
            - · Bones = 3
        - § Europe
            - · Cranial = 2
            - · Bones = 7
            - · Others = 1
        - § Oceania
            - · Cranial = 1

- Unknown Origin (22)
    - · Cranial = 14
    - · Burned Bones = 7
    - · Articfacts = 1

Afin d'établir une correspondance entre l'enquête et les différentes collections du musée, un tableau récapitulatif est réalisé. Il reprend toutes les collections qui conservent des restes humains (par ordre alphabétique), leur nombre dans chacune d'entre elles et leur répartition dans l'enquête. De cette façon, chaque vestige consigné dans l'enquête peut être retrouvé dans les collections. Enfin, au terme de l'enquête, les données peuvent être récupérées sur le site dans un format Excel.

Conclusion

Une année a été nécessaire pour obtenir ce décompte total des restes humains conservés au sein des MRAH. Pour les deux institutions muséales concernées, le recensement fait état d'au moins 438 vestiges anthropobiologiques tous types confondus. Il faut préciser qu'il ne s'agit pas d'une liste exhaustive. En effet, il n'est pas à exclure qu'un certain nombre de vestiges soient passés entre « les mailles du filet ». Cela pour plusieurs raisons :

° Bien qu'un inventaire en ligne existe (MuseumPlus), de nombreux objets n'y sont pas repris. En effet, le musée contient plus de 250.000 objets archéologiques. Si le musée a pour souhait de numériser l'ensemble de ses collections, il s'agit d'un travail colossal mené au mieux par les membres du personnel (gestionnaires de collections, scientifiques, préparateurs, etc.). Il est toujours en cours et sans cesse augmenté par l'ajout de données. La création d'un onglet dédié à l'encodage des restes humains sur cette plateforme lors de leur inventaire a pour objectif de les regrouper et d'encourager les utilisateurs à poursuivre cette tâche en interne.

° Comme cela a été mentionné dans le point méthodologie, aucune terminologie spécifique n'est arrêtée sur la définition de « restes humains ». Chaque personne encode donc les informations sur la plateforme selon son propre point de vue : os – os humain – humain – sapiens – etc. Si de nombreux mots clés ont été utilisés pour recouper un maximum de renseignements, il est possible que des vestiges humains sans précision aucune dans leur description, nom, matériau, etc. aient été encodés mais non « trouvés » pour cette présente recherche. Dans le futur, il serait pertinent de définir plus précisément les « restes humains » et d'user d'une terminologie univoque et adaptée lors de leur encodage.

La création d'une base de données ACCESS a grandement facilité le travail. Bien que cette tâche fût laborieuse, les données récoltées peuvent être utiles aux gestionnaires de collection. De plus, plusieurs constats peuvent être formulés :

° Le premier est qu'aucun vestige ne semble lié à un passé colonial. En effet, bien que cette possibilité ait été envisagée par la création d'un onglet spécifique, ce dernier n'a jamais été complété. Les modalités d'acquisition liées à l'entrée de certains objets au musée ne sont pas toujours évidentes mais leurs origines géographiques sont largement renseignées. Seuls 22 d'entre eux n'ont pas de provenance clairement définie.

° L'onglet « statut de l'objet » est le second non complété. Il était dédié à informer sur la valeur et/ou fonction sacrée attribuée par sa communauté d'origine. Force est de constater que les anciens inventaires ne comportent pas ce type de renseignements et que seules des études plus approfondies permettraient d'étayer cette question.

L'encodage de l'enquête a été relativement rapide bien que pas toujours évident et intuitif. En effet, les sections proposées pour l'intégration des données suivaient une division différente de celle des musées. Il a donc fallu extraire toutes ces données afin de pouvoir les replacer dans l'enquête. De plus, une fois la donnée chiffrée renseignée, il semblait difficile de retracer le parcours de l'objet. Autrement dit, lorsque le nombre final est obtenu, comment savoir quels sont les vestiges repris dans

cette catégorie et la collection de laquelle ils proviennent ? Afin de pallier ce manque de visibilité, un tableau récapitulatif a été créé.

https://collections.naturalsciences.be/ssh-anthropology/home/survey

https://collections.naturalsciences.be/ssh-anthropology/home/?_authenticator=e0554e23a21aa60090456d7a32337defe44359f1

ANNEX 3 HOME SURVEY ON HUMAN REMAINS

Executive summary

There has never previously been a survey on the public and private institutions housing human remains in Belgium. The survey was designed to give a broad overview of all human remains collections hosted by the partners and other public and private collections in Belgium. Categories for the survey included collections of human remains discovered in archaeological sites, human remains collected for comparative purposes, collections of human remains showing anthropic modifications and also the collection of anatomical specimens (dissections, plastinated specimens, wet collections).

The survey was widely advertised in the press and was sent to targeted institutions and individuals who may have human remains in their collections. There were 56 University Faculties, public and private institutions and collectors who have human remains in their collections and took part in the survey. In total there were 13 University Faculties or Museums (5 from Brussels, including the ULB, 4 from Flanders and 4 from Wallonia), 4 Federal Scientific Institutions (Royal Belgian Institute of Natural Sciences - RBINS, Museum of Musical instruments - MIM, Art and History Museum - AHM, AfricaMuseum (Royal Museum of Central Africa) - RMCA), 30 museums (2 from Brussels, 15 from Flanders and 13 from Wallonia), 4 private entities, 2 local institutions, 1 high school, 1 not for profit organisation and 1 provincial heritage site.

There are over 30,000 human remains currently being housed in the institutions who took part in the survey. It is important to note that certain institutions count an individual bone as a single entry, whereas others count a whole skeleton as one entry (which has 206 bones). Where bones are fragmented, then some institutions have only given an approximate average of individuals based on the amount and type of bones. On occasions, it is only a single bone, such as a jawbone which is found with the next entry in the inventory being a complete skeleton. Other institutions have given only approximate figures for the amount of their collections as they have not had time to take detailed inventories (this is particularly the case for the Belgian collections) or only have volunteers and part time staff who work on their collections. Therefore, numbers should be regarded as approximate, unless otherwise stated and the number of figures can either include whole skeletons or single bones / or parts of bones. Amongst the different institutions, one Federal Scientific institution was responsible for the majority of the human remains collections. This institution also had the majority of the human remains collections from outside of Belgium.

Provenance research can sometimes demonstrate that the actual origins of skulls can be different to that listed in the inventories, particularly human remains from the pre-colonial period. Therefore throughout the survey we state that the human remains are listed as being from a particular country. The majority of the human remains in the museums are unidentified. From the approximately 30000 listed entries in the inventories, there are only 250 human remains of whom the identity is known. This indicates that more than 99% of the human remains collections in all institutions are unidentified people.

The identified remains are:

- 112 from Flanders,
- 106 from Wallonia
- 1 from the Brussels Capital Region
- 16 identified people from the European Union
- 7 identified people from the DRC
- 5 identified mummies from Egypt
- 1 from Ghana (died in Belgium)
- 1 from India

- 1 from the USA
- 1 from Samoa islands, USA (died in Belgium)

At the time of the HOME survey there was also the MEMOR project (funded by the Flemish regional government), running simultaneously, which sought to catalogue Flemish Archaeological Human remains and who contacted many different institutions outside of the scope of this survey (i.e. the Flemish Heritage Agency, churches, commercial companies). At the present date MEMOR have documented at least 20,000 individuals from archaeological remains in Flanders. Museums and University departments who had only Flemish archaeological collections mainly participated in the MEMOR survey, rather than the HOME survey, as both projects worked together, although several Museums and institutions participated in both surveys. Therefore, the Flemish archaeological collections detailed in the HOME survey should be seen as minimal and for the full extent of the Flemish archaeological collections, please visit the MEMOR database. Although a similar project has not yet been held in Wallonia, Brussels or the German speaking communities, there are likely to be many more archaeological human remains in those communities.

Human remains type	**No of institutions holding remains**	**Number of remains (by the most to the least)**	**% of human remains from total human remains held by all institutions**
HR History Belgium	31	12253	41.6
HR Prehistory Belgium	13	8258	27.4
HR Anatomy	14	4090	13.6
HR Artifact Belgium	7	1618	5.4
HR Unknown	12	1463	4.9
HR Prehistory World	4	935	3.1
HR History RDC	4	534	1.8
HR Fossils Hominid	5	213	0.7
HR History Europe	6	160	0.5
HR History World	8	139	0.46
HR Artifact World	11	136	0.45
HR Mummies	10	52	0.17
HR Prehistory RDC	1	50	0.17
HR Artifact RDC	1	8	0.04
Total	**56**	**30169**	**100**

Total number of human remains housed by institutions who took part in the survey.

The **human remains from historical collections from Belgian sites** (defined in this instance as human remains which are less than 1,200 BC) are the biggest category of human remains which are housed in 31 of 56 Belgian institutions (12553 or 42% of the overall human remains collections: 7069 from Flanders, 4379 from Wallonia and 1105 from Brussels). These human remains are mainly whole or partial skeletal remains and come from old cemeteries, churches and archaeological excavations (from the Roman medieval, post medieval or the modern period and roman times) but also from accidental finds, past donations and other donations from public and private institutions/collections. The type of human remains were not always listed in the inventories.

The second largest collection are **human remains from Belgian prehistory** (Palaeolithic, Mesolithic, Neolithic, Protohistory, Metal ages) from 13 of 56 institutions with 8258 remains or 27% of the overall human remains collections: 501 from Flanders, 7693 from Wallonia and 64 from Brussels). For the prehistory human remains, they tended to consist of cremations (burnt remains), postcranial fragments and in some cases partial or complete skeletons recovered from burials. It should be noted however, that this is an underestimation of the amount of Prehistory and historical Belgian human remains housed in Belgium.

Artefacts from Belgium (1618) was the fourth largest category of human remains housed in 7 Belgian institutions who took part in the survey. Most of the human remains from this collection are relics which are highly fragmented remains, but again the amount of human remains in this category should be seen as a vast underestimation of the true number, due to the scope of the survey. There are none in the 4 federal institutions.

The third largest collection of **human remains relates to anatomical collections** (4090) housed in 14 institutions and a vast amount of these collections are housed in universities with a majority from body donation programmes. The majority of the collections consists of parts of bodies although a large portion of the anatomical collections are embryos (499).

Artefacts from Belgium was the fourth largest category of human remains housed in the Belgian institutions who took part in the survey. Most of the human remains from this collection are relics which are highly fragmented remains, but again the amount of human remains in this category should be seen as a vast underestimation of the true amount, due to the scope of the survey. The fifth largest category consists of remains which are listed as **unknown** and where there is no information or documentation on the human remains.

The majority of the **historical collections from outside of Belgium** are collections of skulls which were previously collected in pre-colonial and Belgian colonial contexts. The largest category of these skulls were historical remains from the Democratic Republic of Congo (DRC), Rwanda and Burundi which were collected in a highly problematic colonial context and are part of the collections which were transferred to RBINS from the Musée du Congo in 1964-65. There are human remains from Rwanda and DRC housed in the Federal Scientific Institutions. The remains are both partial skeletons and skulls. There is also one human remain from Burundi. There is one university and one private society which also has human remains from DRC. We are not aware of any other institutions which house human remains or artefacts with human remains from Rwanda, DRC and Burundi.

During the course of the HOME project, provenance research was undertaken on these collections although a moratorium of scientific research was placed on the historical collections of skulls collected in a colonial context from DRC, Rwanda and Burundi in the Federal Scientific institutions. Therefore, no study has been undertaken on these historical colonial collections to the present date to determine the exact number of individuals within the collection. Further study will not be done unless it is at the request of and with the joint collaboration of the countries of origin prior to repatriation.

There are well documented specific sites in Belgium where Neandertals have been found and all the institutions which are known to house Neandertal remains took part in the survey. This gave a total of 213 Neandertal remains housed in the different institutions which is listed in the category **Fossil Hominids**. These include the sites of Engis, La Naulette and Spy and Goyet, which are all well-known Neandertal sites in Belgium as well as lesser known sites such as Fonds-de-Forêt, Scladina and Walou.

There are some human remains and also artefacts of human remains from other countries in some of the museums and Universities of Belgium and the majority are held in the Federal Scientific Institutions. There are 160 **human remains listed as being from Europe** in 6 different institutions.

There are also 139 **historical human remains listed as being from around the world** housed in 8 Belgian institutions and 136 **artefacts with human remains from around the world** in 11 different institutions.

There are also a significant number of institutions housing mummified remains from Egypt, South America and the rest of the world in Belgium (10). However, the number of mummies being housed in Belgian institutions is relatively small compared to other human remains collections.

One institution has **8 artefacts from the DRC containing human remains**. We are not aware of any other institutions which house human remains or artefacts with human remains from Rwanda, DRC and Burundi.

Introduction and aims

A survey on human remains was recently undertaken by the Human Remains Origin(s) Multidisciplinary Evaluation (HOME) project. The aim of the survey was to make a catalogue of the human remains housed by both public and private collections in Belgium. The survey could be anonymous and participants could agree on how their data was to be represented. Most agreed that the data could be used anonymously in the context of the HOME project, although if the data was used for any other purpose then permission needed to be obtained. Therefore, this report should be deemed as confidential. It should also be noted that this report details human remains from ancient inventories which can classify human remains based on the country of origin or based on 'race' using terms which are no longer deemed acceptable. Therefore, we issue due warning.

The survey was designed and produced by members of the BELSPO BRAIN 2.0 project (Human Remains Origin(s) Multidisciplinary Evaluation) in conjunction with FARO (Flemish interface centre for cultural heritage). We also worked with MEMOR who are separately creating a database of Flemish archaeological skeletal collections.

Belgian federal scientific institutions (FSIs), universities, regional and local institutions, and private entities house human remains from many different geographical origins, periods and contexts. Some of these human remains were discovered in the framework of archaeological excavations. Others were collected specifically by the Belgian administration(s), colonials and members of scientific societies and museums to create collections with the aim of documenting humans from various geographical and ethnic origins or to preserve human remains from archaeological sites. Some human remains collections result also from hand gifts or donations by private collectors during the 19th and 20th centuries. There is currently no complete inventory of these collections and their associated documents.

Taking inventories of the human remains collections was not an easy task as access to the collections was severely restricted due to COVID-19. Personnel were not allowed to work in their institutions or were only allowed to go to the institution at certain times of the week. Despite these difficulties, all partners in the project have made complete inventories of the non-Belgian human remains collections. Inventories have also been made of the human remains collections hosted by *other public and private* collections.

The survey of human remains was extended to the end of the project (December 15th, 2022) to have the maximum amount of participants in the study. This was to give people time to take physical inventories, given the difficulties in accessing the collections. We are also continuing to contact institutions through personal contact.

The survey

The survey was an online survey held at the Royal Belgian Institute of Natural Sciences PLONE website (https://collections.naturalsciences.be/ssh-anthropology/home/survey). Participants to the survey first requested a user name and a password. This was done from a box on the screen of the HOME page from a box on the right or by return email. Once users had a username and password – they could log into their survey. The survey was in English although a helpfile was produced in three different languages and was either sent by email to respondents or was accessible on the Home screen of the survey. In some instances, some respondents found it difficult to complete the survey and therefore we also sent them an 'offline' version of the survey which they could fill out. We also visited museums and University departments in person to assist them with their surveys.

The survey was designed to be as short as possible whilst receiving the maximum amount of information. We asked respondents to provide additional information about this collection if it was available, such as inventories, provenance and the documentation associated with the collection. Where institutions had relevant documentation, they either uploaded it with their survey or sent it to us by email. General questions were asked of each institution. We were interested in the location of the institution and who was responsible for the collection. We asked if they agreed with the data being stored and used in agreement with the General Data Protection Regulation (GDPR), the Data Protection Law Enforcement Directive and other rules concerning the protection of personal data.

As part of the survey, we asked if respondents agreed with the anonymous use of their data. We also asked if they had a digitisation strategy in their institution. Once the general information was filled out then we asked respondents to fill out how many human remains they had and which categories they were in.

MEMOR and archaeological human remains from Flanders

At the time of the HOME survey there was also the MEMOR project (funded by the Flemish regional government), running simultaneously, which sought to catalogue Flemish Archeological Human remains. Members of the MEMOR and HOME projects worked together to share information on the human remains from Flanders and to try to reach as many participants for their respective surveys as possible. One of the aims of MEMOR was to make an open access inventory of the human remains from archaeological research in Flanders. This included human remains from archaeological sites dating from prehistory up to the 20th century AD. To this end they worked with government institutions and archaeological departments, including federal, regional (the Flemish Heritage Agency), provincial and municipal institutions and authorities, church councils, Flemish Universities, as well as commercial companies. They also worked with Heritage depots (often associated with governmental/municipal archaeology departments) and most of the larger archaeological museums in Flanders to catalogue their Flemish archaeological collections. To date MEMOR have established that there are over 1000 collections holding Flemish archaeological remains and current estimates for the amount of Flemish archaeological human remains curated in Belgium are over 20,000 individuals. Whilst many of the collections are composed only of a few individuals, 7 collections already registered in the database include over 1000 individuals. Museums and University departments who had only Flemish archaeological collections mainly participated in the MEMOR survey, rather than the HOME survey, although several Museums and institutions participated in both surveys. Therefore, the Flemish archaeological collections detailed in the HOME survey should be seen as minimal and for the full extent of the Flemish archaeological collections, please visit the MEMOR database.

CRUMBEL and collections of cremated bone in Belgium

The CRUMBEL project was also running at a similar moment to the HOME project. One of the aims of the CRUMBEL project was to study the collections of cremated bone found in Belgium dating from the Neolithic to the Early Medieval period. The aim of the CRUMBEL project is to also create a database detailing all those collections. Therefore it should be noted that this project will also give a much more detailed overview of the ancient cremated bone collections in Belgium. There are also limited information on the cremated bone collections from the HOME survey.

Categories of human remains in the survey

There were five broad categories and subsections within each category. For each category, respondents were asked if the human remains were on public display, if they were available for research, the anatomical composition of the remains, if there was a demand for restitution, how many estimated individuals there were and if any of these were known individuals. Each human remain was only counted in one category (even though some categories were not completely mutually exclusive).

The categories were as follows:

Historical Periods

1. **Human Remains from Belgian origin and historical time.**
   This includes all human remains collected in Belgium (e.g. cemeteries).

2. **Human Remains from European origin and historical time**
   This includes all human remains collected in Europe (Belgium excluded)
   see the list of European countries on Worldometers

3. **Human Remains from the Democratic Republic of Congo, Rwanda and Burundi**
   This includes all human remains collected during the colonial period or collected within a colonial context (e.g. Congo Free State). The human remains as a part of an artifact/relic are evaluated in a separate category (see below)

4. **Human Remains of Non-European origin but not Belgian colonies**
   This includes all human remains collected within a colonial context (e.g. from colonies of other European countries). The human remains as a part of an artifact/relic are evaluated in a separate category (see below).

Artefacts and Mummies

1. **Human Remains as part of an artifact from Belgium**
   This includes all human remains as part of an artefact from Belgium (inc. religious relics, skull tropies, etc).

2. **Human Remains as part of an artifact from** Democratic Republic of Congo, Rwanda and Burundi
   This includes all human remains as part of an artefact from Democratic Republic of Congo, Rwanda and Burundi (inc. religious relics, skull tropies, etc).

3. **Human Remains as part of an artifact from the rest of the world.**
   This includes all human remains as part of an artefact from the rest of the world (inc. religious relics, skull tropies, etc).

4. **Mummies**
   This includes all This includes all human mummies (natural and anthropic)).

Prehistory

1. **Human Remains from Belgium : Prehistory**
   This includes all human remains from the prehistoric period from Belgium (Upper paleolithic, Mesolithic, Neolithic, Protohistory).

2. **Human Remains from the Democratic Republic of Congo, Rwanda and Burundi: Prehistory**
   This includes all human remains from the prehistoric period from the Democratic Republic of Congo, Rwanda and Burundi (Late Stone Age, pre-colonial period).

3. **Human Remains from the rest of the world: Prehistory**
   This includes all human remains from the prehistoric period (according to the local chronologies but pre-colonial period).

4. **Fossil hominids**
   This includes all fossil hominids from other species than Homo sapiens sapiens (e.g. Neanderthals, early Homo).

Anatomical collections of human remains

This includes all human remains as part of a medical collection (anatomical preparations, wet collections). This includes all human anatomical preparations of Homo sapiens sapiens.

Unknown origin

This includes all human remains of unknown origin.

Methodology

The intention of the survey was to have an overview of the different collections of human remains in the Federal Scientific Institutions (FSI's), Museums, Universities and private societies. We launched the survey on 1st December 2020 at the same time as we informed the press about the launch of the project HOME. We worked with the communications department of RBINS to create a press communication in three different languages (French, Dutch and French). This ensured that we had a broad media coverage to reach the maximum number of potential respondents. One television interview was held with project partners from RMAH and was broadcast on BX1. Seven articles were written in the French and Flemish press (see Annexe 12). The same survey was initially sent out to all potential respondents with a letter tailored to the different private and public institutions. Emails and letters were also produced in three different languages (French, Dutch and English).

Federal Scientific Institutions

In total there were four Federal Scientific Institutions who took part in the survey. Three were all partners in the HOME project, Royal Belgian Institute of Natural Sciences (RBINS), Royal Museum of Central Africa (RMCA) and the Royal Museums of Art and History (RMAH). There are four museums which are part of the RMAH, although only the Art and History Museum (MAH) and the Museum of Musical Instruments (MIM) took part in the survey as the Halle Gate and the Museums of the Far East do not house human remains.

Regional and local Museums

To reach staff in museums we worked with Alexander Chevalier, who is a member of the HOME follow up committee and who is a president of International Council of Museums (Belgium). A letter was sent in the appropriate language to different mailing lists of the different organisations under the umbrella ICOM Belgium. This included a letter in French sent to Brussels museums (which have approximately 115 members), ICOM-Belgique Wallonie-Bruxelles (which have approximately 54 members – 19 of which are also part of Brussels museums). A letter was also sent in Dutch to ICOM Belgium Flanders and the Vlaams Museumoverleg as well as MSW and CBM. We further identified potential museums who may have human remains from different websites.

We also wrote individual letters to personal contacts in museums which came from other members of the HOME project, the follow up committee and from FARO (Faro is the Flemish Institution for the Cultural Heritage who worked in conjunction with us on the survey) and MEMOR. 112 museums in Brussels were contacted from the online tourist site listing museums in Brussels. The mailing list to Brussels museums was indiscriminate to try to find out if unexpected museums or fine art centres held human remains, although this was found to not be the case. 49 Museums in Wallonia were contacted from an online tourist site listing museums in Wallonia. We followed up with personal letters to 22

Wallonian museums who may be identified as having human remains. Of these only 3 confirmed that they had human remains. Five confirmed that they did not have human remains. 139 were contacted in Flanders and their names and addresses were taken from an online report on Museums and from a Tourism site. 14 confirmed they did not have human remains. Out of the museums who participated in the survey, 2 were from Brussels, 13 were from Flanders and 15 were from Wallonia (Fig. 1).

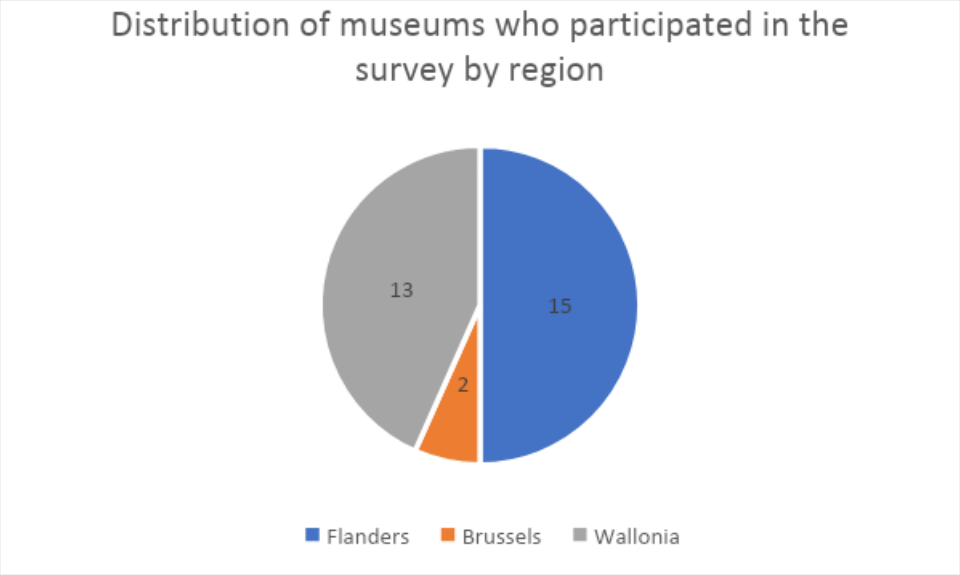


Figure 1 Distribution of museums who participated in the survey by region (excluding FSI's who are all in Brussels)

University Faculty departments and museums in universities

There are 11 Universities in Belgium. There are five Dutch speaking Universities: Universiteit Antwerpen (Antwerp), Vrije Universiteit Brussel (Brussels), Universiteit Gent (Ghent), Universiteit (Hasselt and Diepenbeek) and the Katholieke Universiteit Leuven (KUL) There are six French speaking Univesities: Université de Namur (Namur), Université Saint-Louis (Brussels – UCL Louvian), Université Libre de Bruxelles (Brussels), Université Catholique de Louvain (Louvain-la-Neuve, Brussels, Mons, Tournai, Charleroi and Namur), Université de Liège (Liège, Gembloux and Arlon), Université de Mons (Mons). All of the University communications departments were contacted and asked to send out letters requesting relevant Faculties and University museums to take part in the survey to find out if they housed human remains. Museums which are part of Universities were counted as belonging to Universities, as these are often directly linked to teaching in the Universities. There were no respondents to the survey following on from this initial communication. Following on from this, several people from relevant departments in each of the universities were contacted with a personal email to ask them if they would fill out the survey. This proved to be a difficult task as the Universities themselves are divided into different Faculties and there is no-one who is in charge of all Faculties. Initial emails were followed up by telephone calls to different people in the Faculties and Universities who were most likely to have human remains. In total 4 additional follow up reminder personal emails were sent to potential participants and at least 2 telephone calls were made to try to ask people to take part in the survey.

In total there were 13 University museums or Faculties who took part in the survey from 5 Universities. We also worked with several departments of Vrije Universiteit Brussel (VUB), and in those departments established that they either didn't have human remains or had human remains on

temporary loan from archaeological depots. We established that there were not any human remains in Saint-Louis University (Brussels – UCL Louvain). Therefore, we had 7 universities out of 11 who may have human remains who participated in the survey. The majority of the Universities, including the partner ULB, worked for several months to create inventories of different Faculties, which had not previously existed.

Schools

We also sent a letter regarding the survey to all Flemish and French Secondary schools as sometimes human remains are used as teaching aids. To date we have had a response from one school to say that they have some human remains which are used as a teaching aid. We received a response from 30 schools to say they do not have human remains as part of the school teaching materials. We have sent out a second reminder but did not receive any further responses.

Private collections

Alongside the press launch, letters were sent to individual private collectors that we were aware of in December 2020 (through contacts in MEMOR, FARO, the HOME project and follow up committee members). It is known that there are significant private collections in Belgium through personal contacts with private collectors. We are aware from different sources that private collections may entail a bigger number of human remains and a broader provenance-scope in comparison to the documented public collections. We received some feedback that the survey website was difficult to manage from some private collectors, although unfortunately, they did not respond after we wrote to them and stated that we could do the survey 'offline' or by telephone/ skype interview. We also made it clearer on our website that it was possible to do the interview offline and in complete anonymity. We worked closely with an external advisor, Jan Joris Visser who has knowledge of private collectors and we decided to set up a separate anonymous site as the original survey site asks for specific details which may have put off some private collectors. The site set up specifically for private collections also had the following text :

SURVEY ON HUMAN REMAINS IN PRIVATE COLLECTIONS IN BELGIUM
We are writing to ask your valuable help in participating in a survey on the collections of human remains housed in Belgium by private collectors. The aim of the survey is to know how many human remains are being housed in Belgium by private collectors and also what type of human remains they are (i.e., are they artefacts or mummies, bones from Belgium or worldwide). The survey is being conducted by the project HOME and is part of a larger survey on human remains. The survey can be anonymous, and it is important to state that the survey is not for legal purposes, collectors can derive no rights from participation in the survey and the information in the survey will not be used in future legal processes.

https://collections.naturalsciences.be/ssh-anthropology/home/survey/private-collections/menu

This was posted to facebook groups of private collectors of human remains by Jan Joris Visser. However, both members of the project and advisors to the project told us there was no interest for the private collectors to provide inventories for the project. This was despite setting up a specific anonymous website, especially for private collectors. Despite the efforts that were undertook to try and communicate our survey to individual private collectors, we are aware that because of the possible restitution of human remains to the countries of origin that was also addressed in the HOME project, they may not wish to respond.

There were four people or institutions who took part in the general survey that can be seen as a private institution or person. There was an individual with human remains which they had in their possession as part of their work (not listed in Appendix 1), a large private institution, a museum and a collection of a private society.

Other institutions

In addition to the categories above there was also a non- profit organization, 1 provincial heritage site and 2 local institutions that filled out the questionnaire. These were not contacted as part of the survey although responded following the press release. There were also five other Flemish institutions who partially completed the survey, but then worked only with the project MEMOR as they are specifically cataloguing Flemish Archaeological human remains. We note that the Walloon archaeological human remains collections in this study will be vastly underestimated as the Wallonia Heritage Agency, provincial and municipal institutions and authorities, church councils, Heritage depots and private companies were not contacted as they were outside the scope of this survey.

Total Respondents to the survey

There were 56 respondents in total, 34 museums (4 of which were FSI's and are part of the HOME project -these are Royal Belgian Institute of Natural Sciences, Royal Museum of Central Africa and two which are part of the Royal Museum of Arts and History which are the Museum of Musical instruments and the Museum of Art and History). 13 University Faculties and Museums, 3 private institutions, 1 private person, 1 high school, 2 local institutions, 1 non profit organisation and 1 provincial heritage site also took part in the survey (Fig. 2).

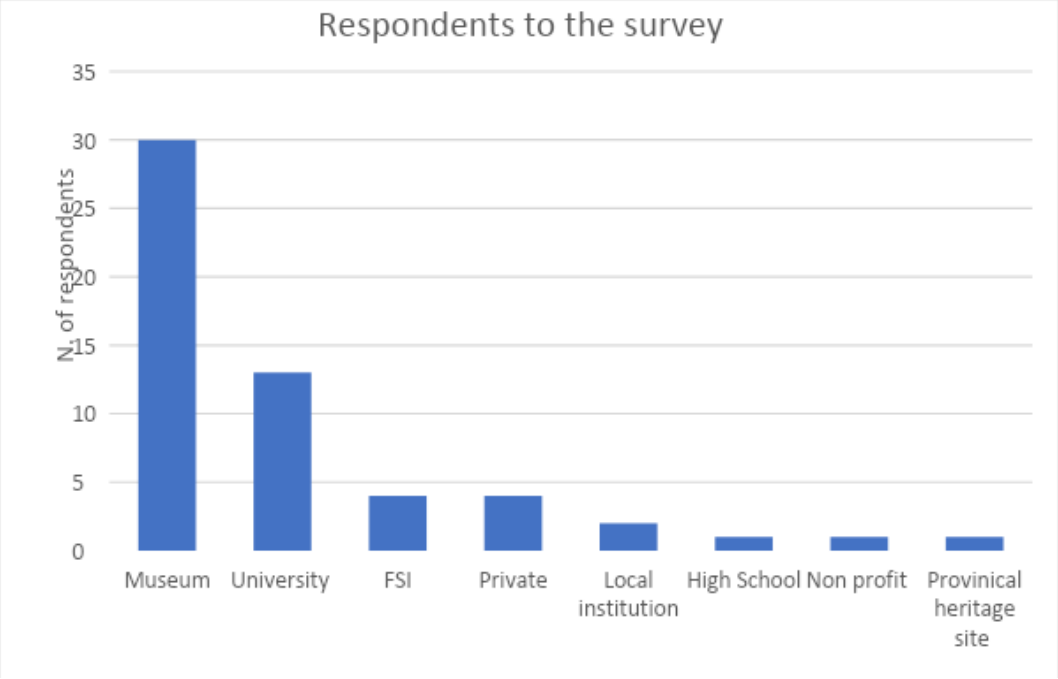


Figure 2 Respondents to the survey

Results of the survey

In the interpretation of results, it should be noted that the way the human remains are inventoried can be very different in different institutions. For example, certain institutions count an individual

bone as a single entry, whereas others count a whole skeleton as one entry (which has 206 bones). Where bones are fragmented, then some institutions have only given an approximate average of individuals based on the amount and type of bones. On occasions, it is only a single bone, such as a jawbone which is found with the next entry in the inventory being a complete skeleton. Other institutions have given only approximate figures for the amount of their collections as they have not had time to take detailed inventories (this is particularly the case for the Belgian collections) or only have volunteers and part time staff who work on their collections. It is important to take the context in mind as the numbers should be regarded as approximate, unless otherwise stated and the number of figures can either include whole skeletons or single bones / or parts of bones.

In total there are over 30,000 human remains currently being housed in the institutions who took part in the survey (Table 1). However, as noted above there are many more human remains which are of Belgium origin which are not included in this survey. Fig. 3 also gives the breakdown of how many human remains each institutions is currently housing.

Human remains type	**No of institutions holding remains**	**Number of remains (by the most to the least)**	**% of human remains from total human remains held by all institutions**
HR History Belgium	31	12253	41.6
HR Prehistory Belgium	13	8258	27.4
HR Anatomy	14	4090	13.6
HR Artifact Belgium	7	1618	5.4
HR Unknown	12	1463	4.9
HR Prehistory World	4	935	3.1
HR History RDC	4	534	1.8
HR Fossils Hominid	5	213	0.7
HR History Europe	6	160	0.5
HR History World	8	139	0.46
HR Artifact World	11	136	0.45
HR Mummies	10	52	0.17
HR Prehistory RDC	1	50	0.17
HR Artifact RDC	1	8	0.04
Total	**56**	**30169**	**100**

Table 1. Total number of human remains housed by institutions who took part in the survey.

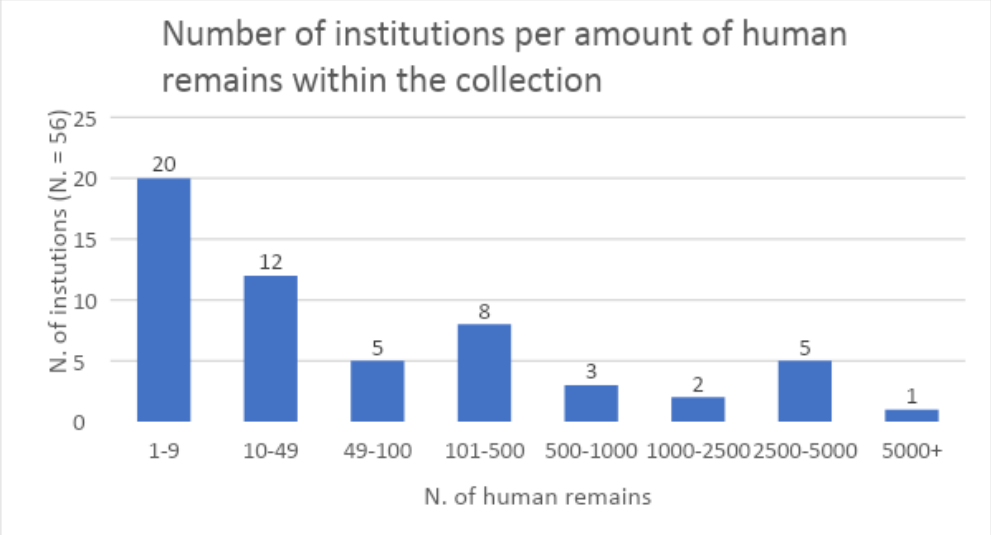


Figure 3 Number of institutions per amount of human remains within the collection

The following gives results of the survey by category of human remains:

Historical Periods

Historical Periods – Belgian origin and historical time

Human Remains from Belgian origin and historical time.
This includes all human remains collected in Belgium (e.g., cemeteries).

In the Belgian historical collections of human remains, we divided the categories into Flanders, Wallonia, Brussels and the German speaking region communities. This proved problematic for some institutions who had never organised their human remains from Belgium in this way, including one of the Federal Scientific institutions. There was also the case for one of the Universities who had collected human remains through body donations in the 19th, 20th and 21st centuries. Whilst it is likely that the majority of human remains were of Belgian origin, there was no regional identification. Therefore, these remains were listed as 'unknown' (see later section). We also note that although these human remains were found on Belgian territory and thus listed as Belgian origin, some may not have been.

Human remains from Belgian origin and historical time account for the most human remains housed in the different Institutions. These remains mainly come from old cemeteries, churches and archaeological finds (from medieval and roman times) but also from body donations, public and private institutions. As detailed earlier, not all inventories count the bones in the same way and some bones are mixtures of longbones, skeletons and skulls. The type of human remains is listed wherever it was possible to do so.

There is also the fact that with the larger collections, held in the FSI for instance, skeletons recovered from excavations or old cemeteries or churches are not stored as the complete skeleton but rather by bone type (i.e. by femora or humerii or crania). Sometimes individual numbers are written on the bones enabling an identification of a complete skeleton. However, this is often not the case and then it is not currently possible to identify individual skeletons in these collections.

In total the number of entries for human remains was 12,553 from Belgium in historical times (less than 1,200 BC). The largest amount of human remains came from Flanders, followed by Wallonia and then Brussels (Fig. 4). There are no human remains from the German speaking region held in the institutions who took part in the survey. However, it should be noted that this is a vast underestimate of the amount of historical Belgian human remains. As noted earlier, the project MEMOR documented all archaeological human remains in Flanders and found that with both the historical and prehistorical collections of human remains from Flanders, there were at least over 20,000 individuals. It is unknown how many bones there are in Wallonia, Brussels and the German speaking region – however, the true amount must exceed the reported records. This is also because as in Flanders, there are many institutions outside the scope of this survey who are holding archaeological human remains, i.e. the Wallonia heritage agency, heritage depots and city councils. We also note that although these remains were found in different regions of Belgium, there is no guarantee that all of these human remains are of Belgian origin.

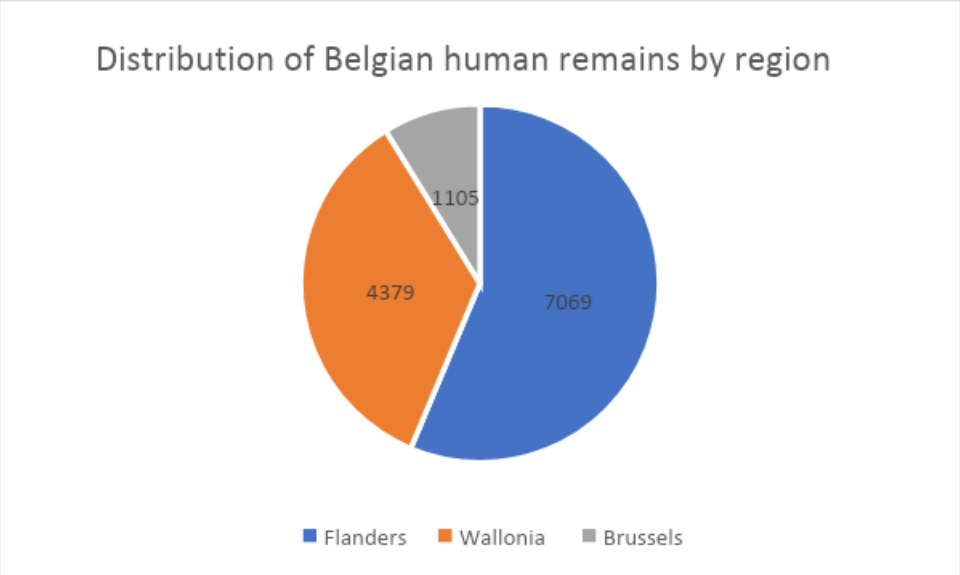


Figure 4 Overall Distribution of Belgian human remains by region

Table 2 lists the number of entries in inventories for Belgian historical human remains by Institution type for those who took part in the survey. (Table 2). There were 31 institutions out of 56 (55.4%) in total holding human remains from Belgium. There were 6 of 13 (46.2%) of University Faculty departments or museums, 2 of 4 FSI (50%) museums, 18 of 30 (56.7%) of Museums, 1 of 4 (25%) of private institutions and people and 4 of 5 (80%) of other institutions housing Belgian historical human remains. As detailed earlier, the total number is mainly that of individuals although some institutions did not specify if it was individuals or bones. Therefore, figures should be seen as approximate and rather as the total number of entries listed in inventories (mainly individuals but not in all cases).

Institution	Total number of entries	Number of institutions holding remains	Number of institutions who took part in survey	% of institutions from the survey holding human remains
Universities	398	6	13	46.2
FSI's	4914	2	4	50.0
Museums	1088	18	30	60.0

Private	100	1	4	25
Other	6053	4	5	80.0
Total	**12553**	**31**	56	55.4

Table 2 Number and type of institutions holding Belgian human remains from historical times

The largest amount of Belgian historical human remains human remains are held by the FSI and other institutions (Table 2). Other institutions are composed of a high school, local institutions, a non profit organisation and a provincial heritage site. The largest amount of remains are from Flanders (Fig. 4 and Fig.5).

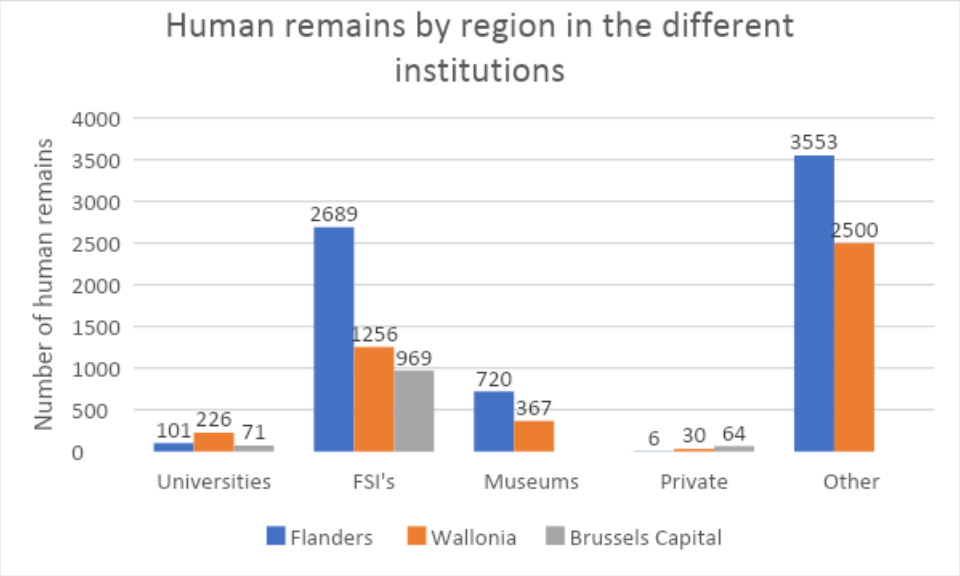


Figure 5 Human remains by region in the different institutions

The spread of human remains over the different types of institutions is quite large. Ten of the institutions had less than 9 human remains whereas one of the FSI's was responsible for the largest amount of human remains (more than 5000 entries). Two other FSI's also had large numbers of entries of human remains (2500 – 5000) (Fig. 6). This demonstrates that the largest amounts of human remains are held in only three institutions (FSI's and Other) whereas much smaller amounts of human remains are held by many institutions.

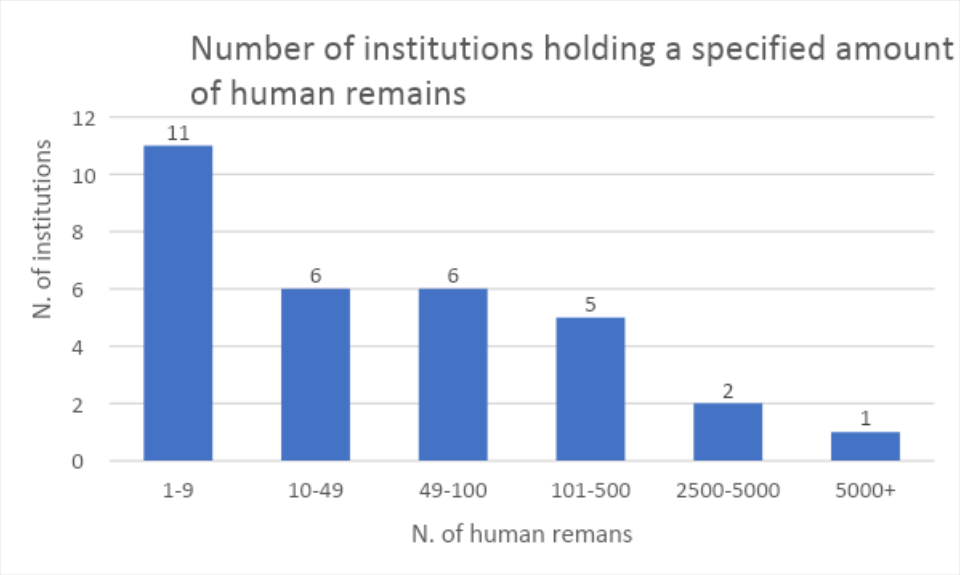


Figure 6 Number of institutions holding a specified amount of human remains

Of the 12553 entries listed for Belgian human remains, some of the institutions gave a very accurate listing of their human remains. For some of these human remains, which were listed as estimates of individuals), the following breakdown was given (Fig. 7). Fig. 7 demonstrates that many of the remains from Belgian historical times are either complete skeletons or partial skeletons or individual post crania).

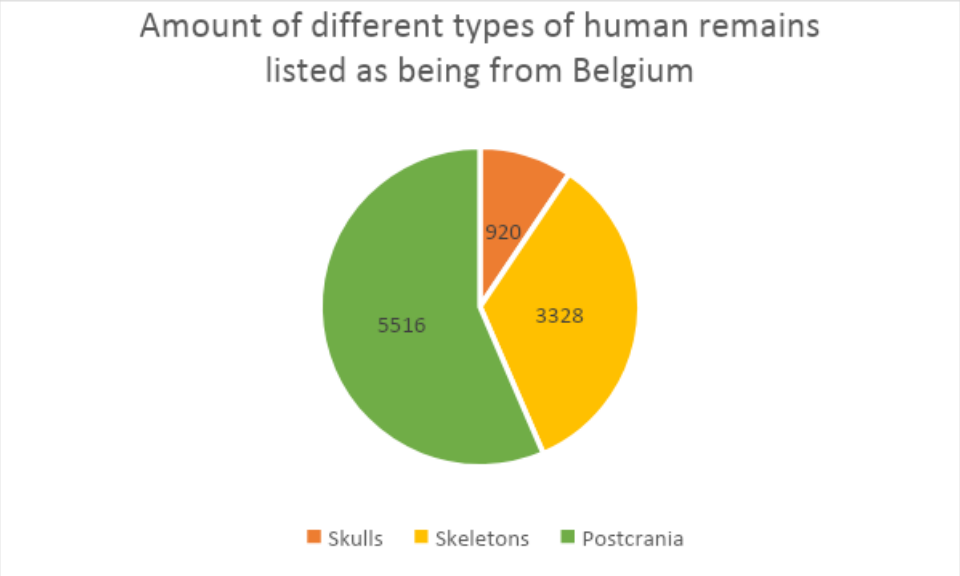


Figure 7 Amount of different types of human remains listed as being from Belgium in all institutions who participated in the survey

There are 31 institutions that currently house human remains from Belgium. Of those institutions, 14 have human remains from Belgium on public display. 29 have human remains from Belgium available for research. There are 112 identified individuals from Flanders, 106 from Wallonia and 2 from Brussels Capital.

Historical Periods – European origin and historical time

Human Remains from European origin and historical time
This includes all human remains collected in Europe (Belgium excluded)
see the list of European countries on Worldometers

There are only 6 out of 56 institutions (10.7%) who have historical human remains from Europe. In contrast to the Belgian human remains, most of the human remains from Europe are crania. The following lists the amount of European historical human remains by Institution type. There were 1 of 13 (7.7%) of University Faculty departments or museums, 2 of 4 FSI (50%) museums, 1 of 30 (3.3%) of Museums, 1 of 4 (25%) of private institutions and people and 0 of 5 (0%) of other housing Belgian historical human remains (Table 3).

Institution	Total number of entries	Number of institutions holding remains	Number of institutions who took part in survey	% of institutions from the survey holding human remains
Universities	1	1	13	7.7
FSI's	91	2	4	25
Museums	18	2	30	6.7
Private	50	1	4	25
Other	0	0	5	0
Total	**160**	**6**	56	10.7

Table 3 Number and type of institutions holding European human remains from historical times

Of the two museums, one has cremated remains listed as from Austria, Czech Republic (Czechia), Germany, Poland and France whereas the other has 2 skulls listed as being from Spain. The university respondent mentions a single skull listed as being from France whereas the FSI's and private collection have diverse skulls and postcrania listed as being from around Europe and part of historical osteological collections. From one FSI there are 17 cranial remains, 60 postcranial remains and 2 complete skeletons. There is 1 skeleton listed as being from Finland and 1 from France. Post cranial remains indicate at least 4 individuals listed as being from Italy. Two skulls are listed as being from Madeira, 5 from France, 2 from Italy, and then 1 from each of the following countries, Norway, Holland, Greece, Germany, Poland and Spain and one listed "European". There are also 7 skulls listed as being from Greenland and a tooth which is listed as being from Russia (Fig. 8). Fig. 9 demonstrates the distribution of human remains by country. From the other FSI the remains are being listed as from Austria and France and there is one complete skeleton and four post cranial remains. From the private collection there are 15 skulls, 30 post crania, and 1 skeleton listed as being from France (with an estimation of 24 individuals), then there are 4 skulls listed as being from the Netherlands.

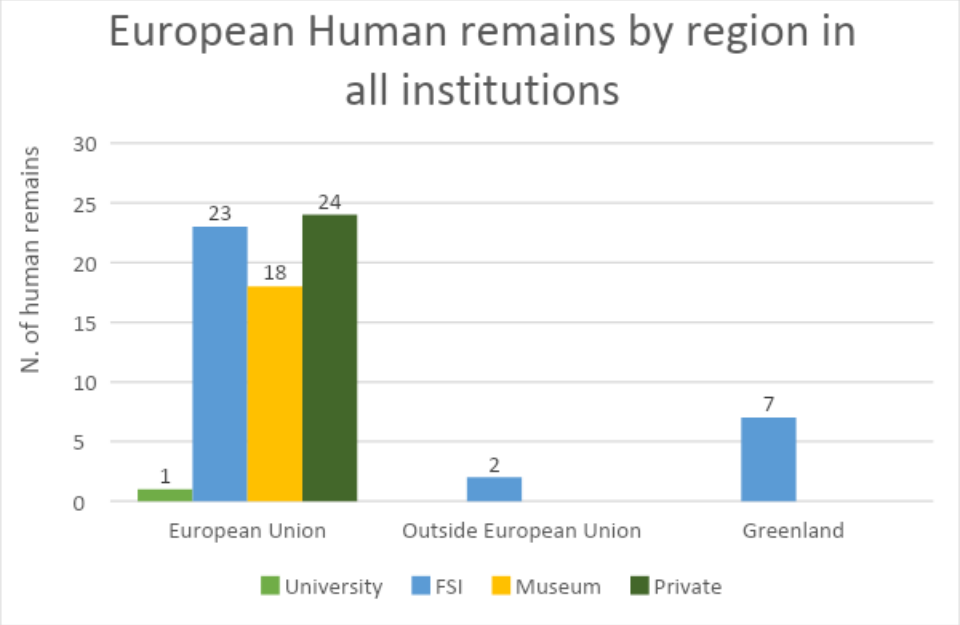


Figure 8 European Human remains by region in all institutions

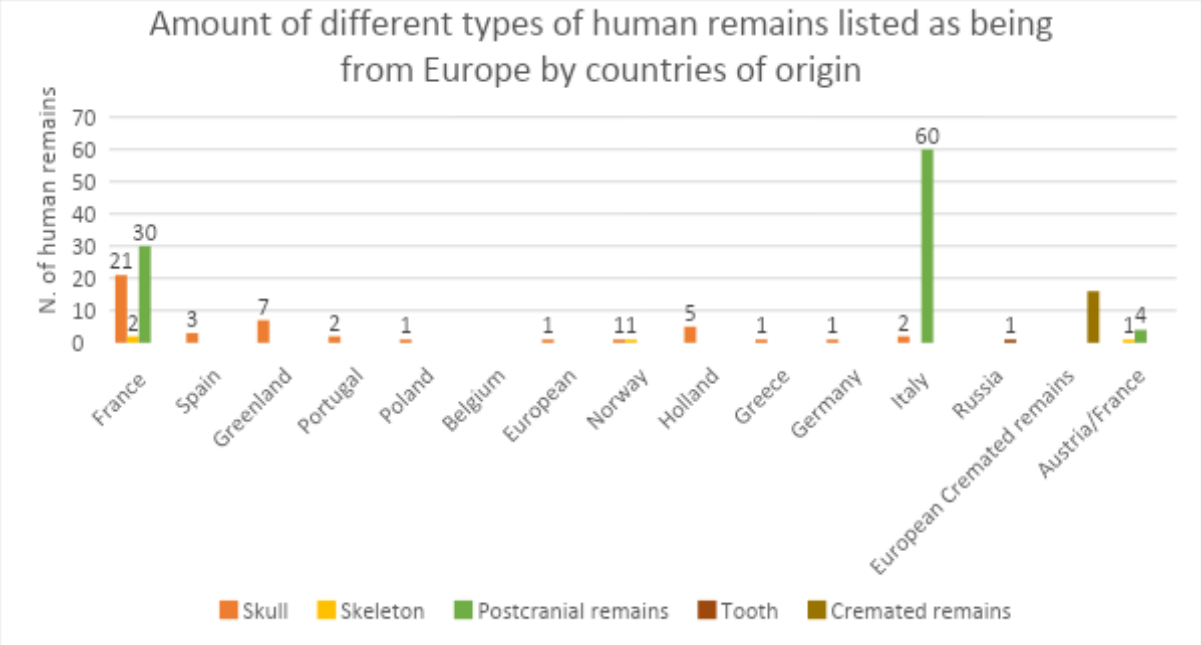


Figure 9 Amount of different types of human remains listed as being from Europe by countries of origin in all institutions who participated in the survey

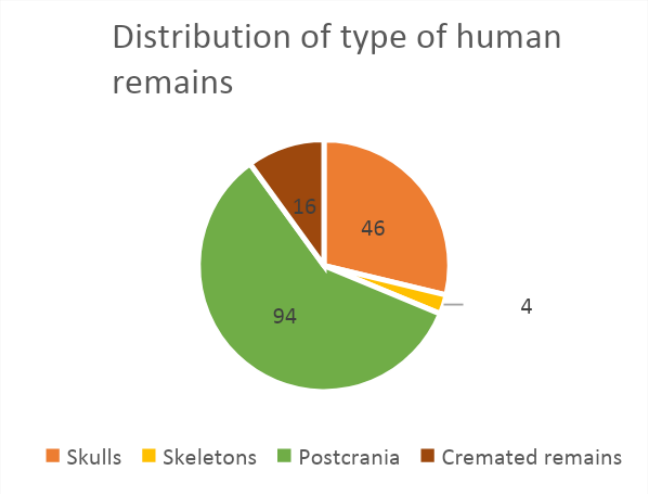


Figure 10 Distribution of types of human remains

Fig. 10 demonstrates the different types of human remains in the different institutions. Whilst the majority of remains are postcrania (94), they are postcrania which have been attributed to only eight individuals. Therefore, the most amount of human remains are skulls (46) (Fig. 10).

Of the 6 institutions currently housing human remains from Europe, 1 has the human remains on public display and 3 have the remains available for research. There are 16 identified individuals from the European Union.

Historical Periods – Democratic Republic of Congo, Rwanda and Burundi

Human Remains from the Democratic Republic of Congo, Rwanda and Burundi
This includes all human remains collected during the colonial period or collected within a colonial context (e.g. Congo Free State). The human remains as a part of an artifact/relic are evaluated in a separate category (see below)

There are 534 entries for human remains from the Democratic Republic of Congo, Rwanda and Burundi in four Belgian institutions. Three of the institutions house crania from the Democratic Republic of Congo. There is one University department which houses 17 crania (10 of which are now owned by another University in DRC and 7 of which where the origin is not certain), one private institution housing 6 crania and one of the FSI's housing 10 crania from the DRC (Table 4).

Institution	Total number of entries	Number of institutions holding remains	Number of institutions who took part in survey	% of institutions from the survey holding human remains
Universities	17	1	13	7.7
FSI's	511	2	4	50
Museums	0	0	30	0
Private	6	1	4	25
Other	0	0	5	0
Total	534	4	56	7.1

Table 4 Number and type of institutions holding human remains from Democratic Republic of Congo, Rwanda and Burundi in historical times

The other FSI has the majority of the humans remains (501) and these are skulls, complete or partial skeletons which are listed as being from the DRC, Rwanda and Burundi (Fig. 11).

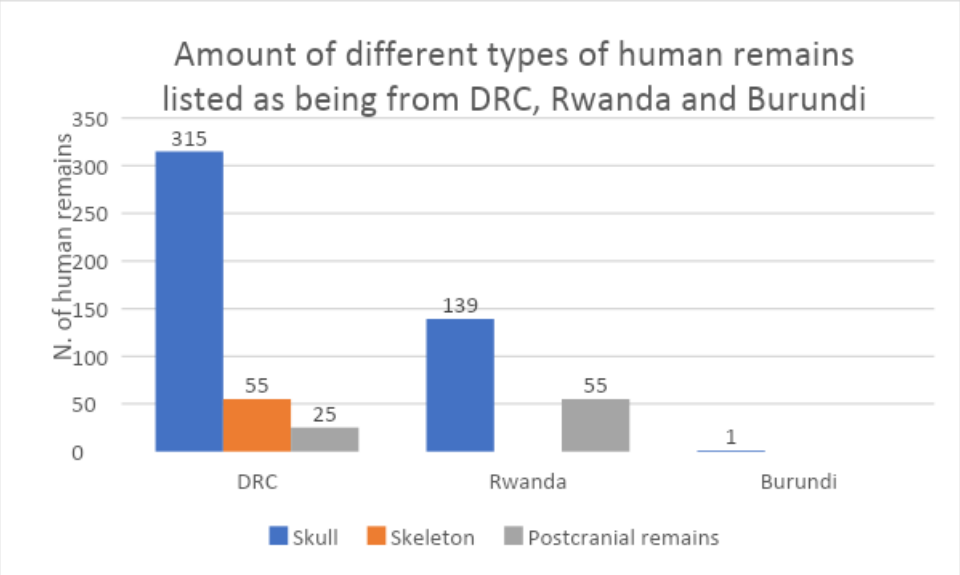


Figure 11 Amount of different types of human remains listed as being from DRC, Rwanda and Burundi in all institutions who participated in the survey

Please note that the amount of postcranial remains and skeletons differs from the total amount of estimated individuals as several postcranial remains are believed to belong to the same individual. During the course of the HOME project, provenance research was undertaken on these collections although a moratorium of scientific research was placed on the historical collections of skulls collected in a colonial context from DRC, Rwanda and Burundi. Therefore no study has been undertaken on these historical colonial collections to the present date to determine the exact number of individuals within the collection. Further study will not be done unless it is at the request of and with the joint collaboration of the countries of origin prior to repatriation.

From the entries of human remains from the Democratic Republic of Congo, 7 of these are identified people. The remains are not on public display and two of the four institutions allow research to be undertaken on the crania but only with permission with the country of origin. A repatriation request has been received for a cranium from the DRC from a private person and a foreign government. There has also been a repatriation request from a foreign government for the human remains of Rwanda. There are 7 identified individuals from the DRC from two different institutions.

Historical Periods – Non-European origin yet not from former Belgian colonies

Human Remains of Non-European origin but not Belgian colonies
This includes 139 human remains collected within a colonial context (e.g., from colonies of other European countries). The human remains as a part of an artifact/relic are evaluated in a separate category (see below).

8 out of 56 institutions (14.3%) have historical Human Remains of Non-European origin but not Belgian colonies. Most of the human remains from this collection are also crania (122 skulls, 12 skeletons, 4 postrcrania and 1 hair out of the 139 human remains). Table 5 lists the amount of historical Human Remains of Non-European origin by Institution type. There were 4 of 13 (30.7%) of University Faculty departments or museums, 3 of 4 FSI (75%) museums, none of 30 (0%) of Museums, 1 of 4 (25%) of private institutions and collections and none of 5 (0%) of other housing Belgian historical human remains (Table 5). Throughout this section we refer to human remains only as being listed as being from a particular origin from their inventories. However, as many of these human remains are from old historical collections, the provenance may not be correct.

Institution	Total number of entries	Number of institutions holding remains	Number of institutions who took part in survey	% of institutions from the survey holding human remains
Universities	23	4	13	30.7
FSI's	109	3	4	75
Museums	0	0	30	0
Private	7	1	4	25
Other	0	0	5	0
Total	139	8	56	14.3

Table 5 Number and type of institutions holding historical Human Remains of Non-European origin but not Belgian colonies

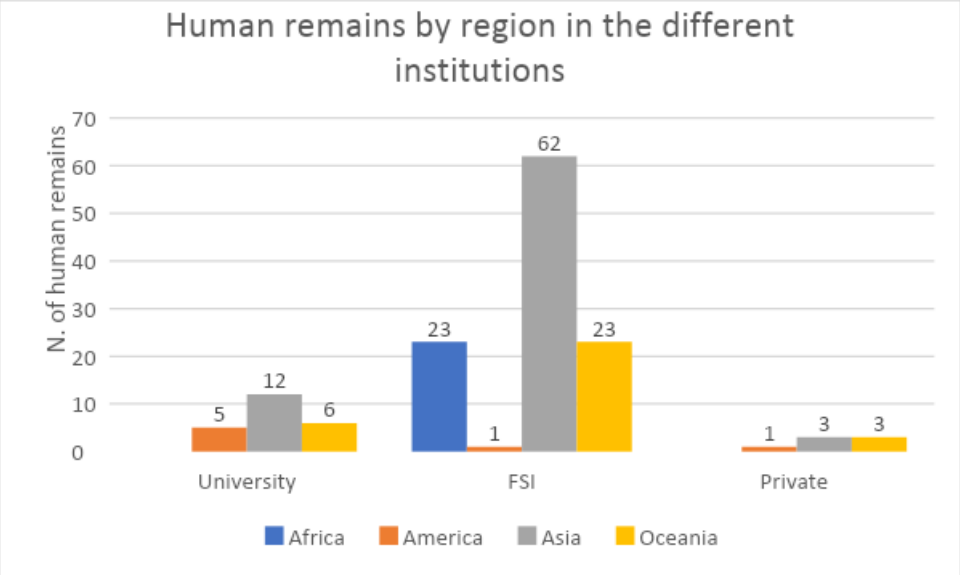


Figure 12 Human remains by region in the different institutions

Within the world historical collections of human remains there are four categories:
Africa, America, Oceania, Asia. One of the FSI's has the largest collection of human remains from all continents (Fig.12). Whereas the four universities and one private institution have much less human remains from around the world (Fig. 12, Table 5).

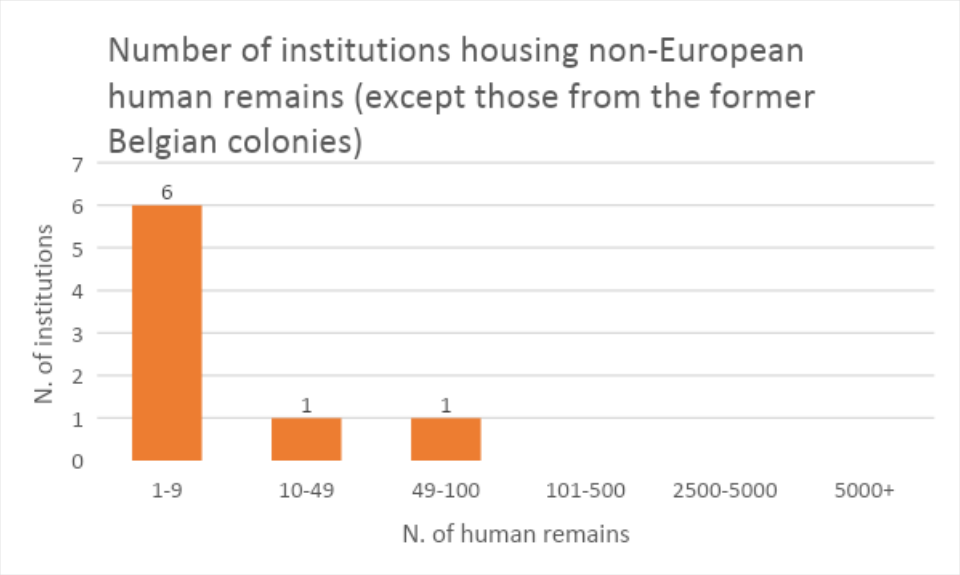


Figure 13 Number of institutions housing non-European human remains (except those from the former Belgian colonies)

6 of the institutions are housing less than 9 human remains whereas one of the FSI was responsible for housing the largest amount of human remains (which was between 49-100 human remains (See Fig. 12 and 13) whilst one other institution only had between 10-49 human remains (Fig. 12, 13 and Table 5). This shows again that there is a single FSI which holds the largest amount of human remains, whereas much smaller amounts are present in the other institutions.

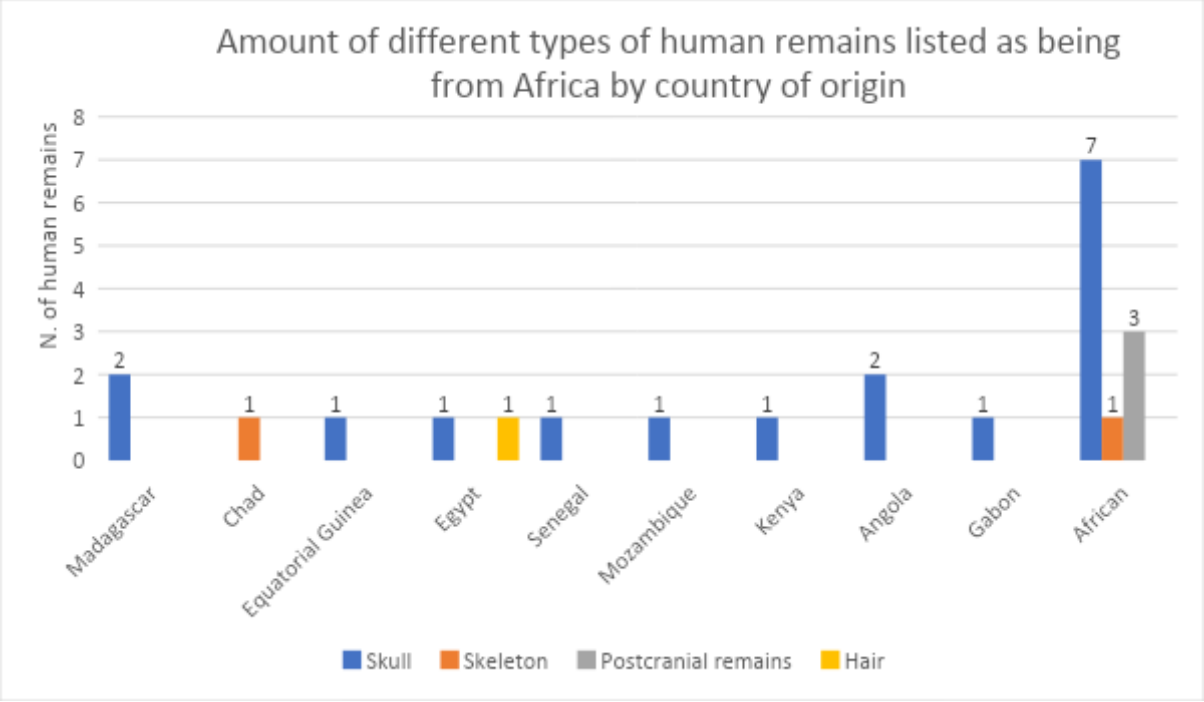


Figure 14 Amount of different types of human remains listed as being from Africa by country of origin in all institutions who participated in the survey

Human remains listed as being from Africa, outside of the Democratic Republic of Congo, Rwanda and Burundi are present in three FSI's and in no other institutions. There are 23 human remains listed as being from Africa housed in the different FSI institutions. 20 of these human remains are housed in one FSI, two human remains are in a second FSI and one of them (a hair) in housed in a third FSI (Fig.14). There is 1 skeleton listed as being from Chad, 1 skeleton, 7 skulls and 3 postcranial bones listed only as being from Africa, 2 skulls are listed as being from Madagascar, 2 skulls listed as being from Angola, 1 skull respectively is listed as being from Guinea, Gabon, Kenya, Mozambique, Senegal and Egypt as well as 1 hair from Egypt. None of the human remains from these collections have been identified.

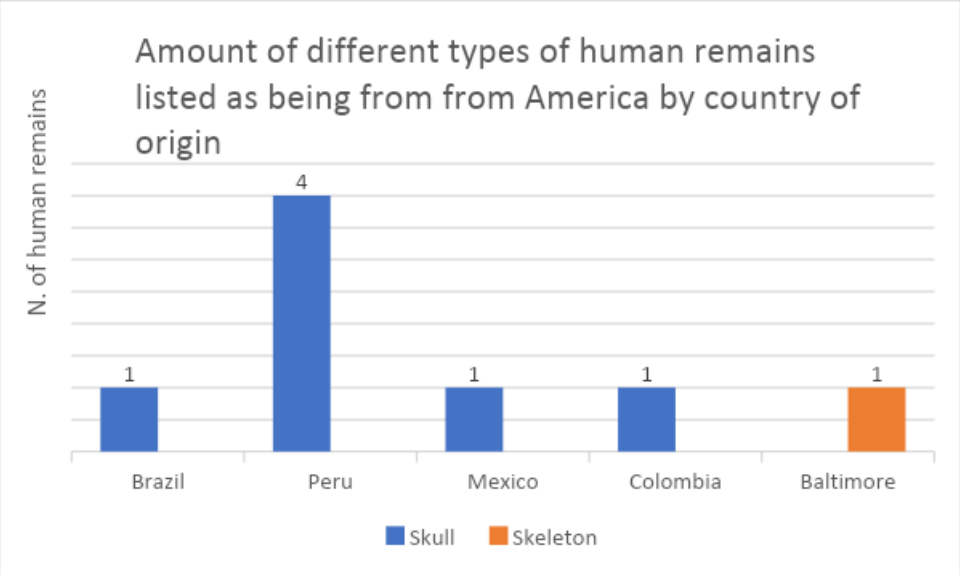


Figure 15 Amount of different types of human remains listed as being from America by country of origin in all institutions who participated in the survey

Historical human remains listed as being from America are present in one FSI's, 3 Universities and 1 private society (Fig.15). There are 8 human remains listed as being from America housed in the different institutions. There are 4 skulls listed as being from Peru, 1 skull from Brazil, Colombia, Mexico and one known person from Baltimore, the United States of America.

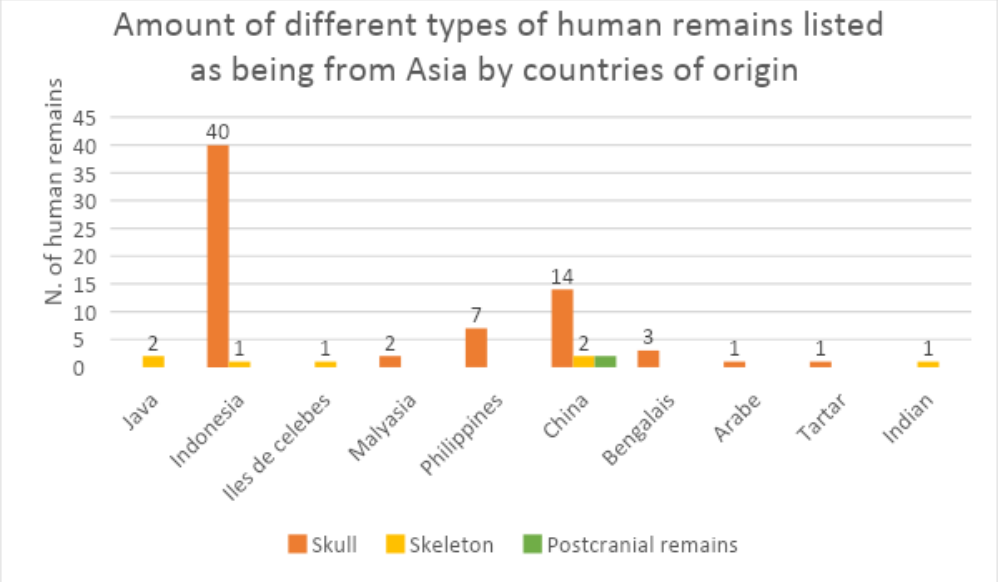


Figure 16 Amount of different types of human remains listed as being from Asia by countries of origin in all institutions who participated in the survey

Human remains listed as being from Asia are present in two FSI's, one university and one private society (Fig. 16) totalling 77 human remains. 3 skeletons are listed as being from Indonesia, 2 of are listed as being from Java and the other is listed as originating from Indonesia. One further skeleton is listed as being from the Celebes Islands in Malaysia, another one from India and a last skeleton comes from China. For skulls, 2 skulls are listed as being from Malaysia, 7 from Philippines, 14 skulls from China as well as two postcranial bones which are detailed as being from China and 40 skulls from Indonesia (two of which are written as being 'half Chinese' in the inventories). There are also three skulls detailed as Bengalais, one skull detailed only as Arabe (which was previously placed in the Asian colletions) and one detailed as Tartar. The skeleton listed as being from India has a name yet all others are unidentified.

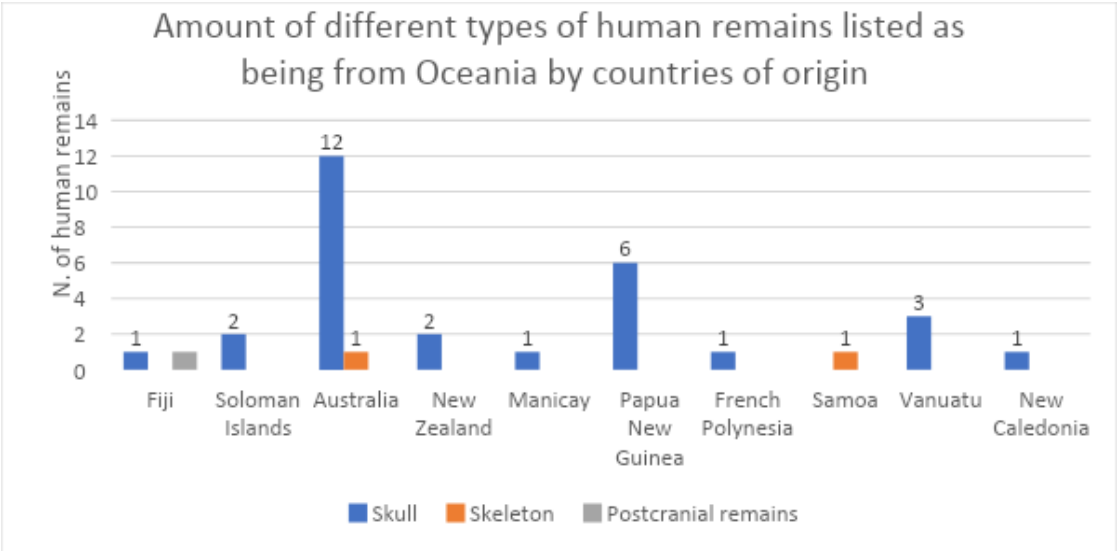


Figure 17 Amount of different types of human remains listed as being from Asia by countries of origin type in all institutions who participated in the survey

Human remains listed as being from Oceania are present in two FSI's, two universities and one private society (Fig. 17). Of a total of 32 human remains listed as being from Oceania a single postcranial remain and a skull are listed as being from Fiji, 12 skulls and 1 skeleton from Australia, 2 skulls from New Zealand and the Soloman Islands, 6 are listed as being from Papua New Guinea, 3 from Vanuatu and 1 skull each listed as being from French Polynesia, Manicay and New Caledonia. There is one identified person from Samoa.

From the 8 institutions that are currently housing human remains from around the world, 1 has the human remains on public display and 3 have the remains available for research. A repatriation request has been received for a Tasmanian skeleton. There are 3 identified persons respectively from Asia, Oceania and America.

Artefacts and Mummies

Human Remains as part of an artifact from Belgium

HR Artefact Belgium

This includes all human remains as part of an artefact from Belgium (inc. religious relics, skull tropies, etc).
There are 7 out of 56 institutions (12.5%) that have human remains as part of an artefact from Belgium. The following lists the amount of human remains as part of an artefact from Belgium by type of institution. These institutions are 1 out of 13 (7.7%) university Faculty departments or museums, 5 out of 30 (16.7%) of museums and 1 out 5 (20%) of other institutions. None of the four FSI or four private institutions and collections contain this category of human remains (Table 6).

Institution	Total number of entries	Number of institutions holding remains	Number of institutions who took part in survey	% of institutions from the survey holding human remains
Universities	3	1	13	7.7
FSI's	0	0	4	0
Museums	1115	5	30	16.7
Private	0	0	4	0
Other	500	1	5	20
Total	1618	7	56	12.5

Table 6 Number and type of institutions holding human remains as part of an artefact from Belgium.

Most of these human remains from are fragmented bones which are part of relics (1600). They are held in institutions in both Flanders and Wallonia. There are also 16 identifiable bones (also as part of relics) and then there is also a painting on human skin and a book binding of human skin. However, it should be noted that for relics and skin, there is no way of knowing the origin of these human remains.

Of the 7 institutions with Belgian artefacts containing human remains 3 have them on public display and all 7 have these available for research. There are no identified persons among this category.

Human Remains as part of an artifact from Democratic Republic of Congo, Rwanda and Burundi

This includes all human remains as part of an artefact from Democratic Republic of Congo, Rwanda and Burundi (inc. religious relics, skull trophies, etc).

Human remains as part of an artefact from Democratic Republic of Congo, Rwanda and Burundi are only present in one FSI (1 of 56 institutions). This FSI houses 3 cranial remains which are artefacts from the Democratic Republic of Congo and 5 cranial remains plus 4 postcrania from Rwanda. Human remains as part of artefacts are not held in any of the other institutions.

There is only 1 institution housing artefacts with human remains from the Democratic Republic of Congo. One of the artefacts are on display and are available for research. There are no identified persons as part of artifacts.

Human Remains as part of an artifact from the rest of the world.

This includes all human remains as part of an artefact from the rest of the world (inc. religious relics, skull tropies, etc).

There are currently 136 human remains as part of an artifact from the rest of the world being held in 11 of the 56 (19.6% surveyed institutions in Belgium. Table 7 lists the amount of human remains as part of an artefact from the rest of the world by institution type; in 3 out of 13 (23.1%) university Faculty departments or museums, all 4 FSI (100%) museums, in 4 of the 30 (13.3%) of museums, none in private institutions and collections nor other institutions.

Institution	Total number of entries	Number of institutions holding remains	Number of institutions who took part in survey	% of institutions from the survey holding human remains
Universities	29	3	13	23.1
FSI's	78	4	4	100
Museums	29	4	30	13.3
Private	0	0	4	0
Other	0	0	5	0
Total	**136**	**11**	**56**	**19.6**

Table 7 Number and type of institutions holding human remains as part of an artefact from Belgium

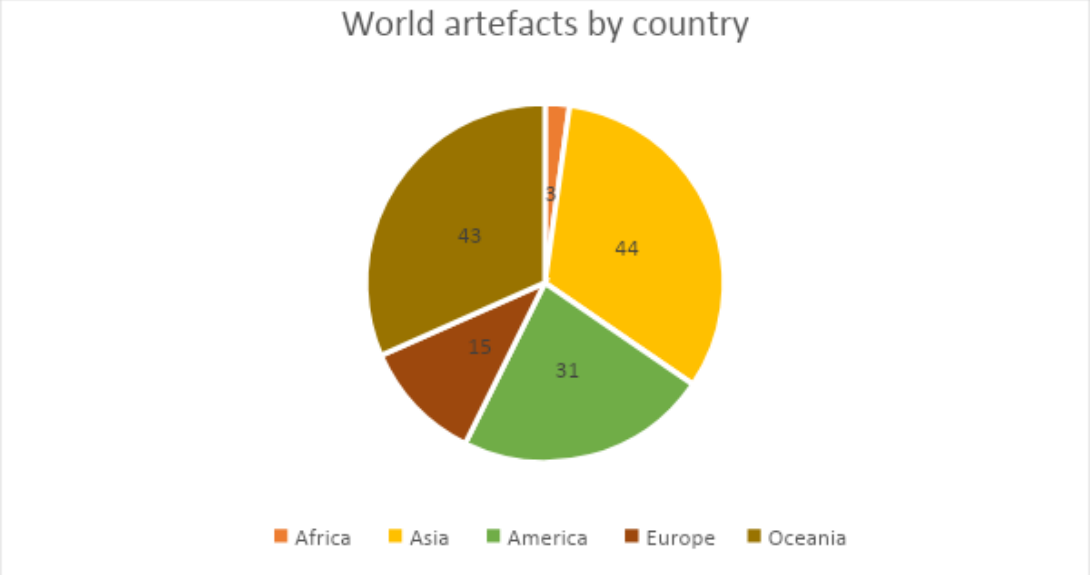


Figure 18 World artefacts by country

The human remains as part of an artefact from the rest of the world are from all over the world covering all five continents (Fig. 18). The majority are from Oceania and Asia. There are few artefacts from Africa. Fig. 19 describes the type of artefacts that are currently being housed in museums. The largest amount is related to 'other' which are artefacts such as hair and blood samples, soft tissue etc. There are also artworks such as masks which contain human samples such as hair. There are a number of modified skulls, and these are mainly from Oceania, but also from Asia and Africa. There are also European anatomical pieces which are prepared anatomical wax models from the 19th and 20th Century (Fig. 19).

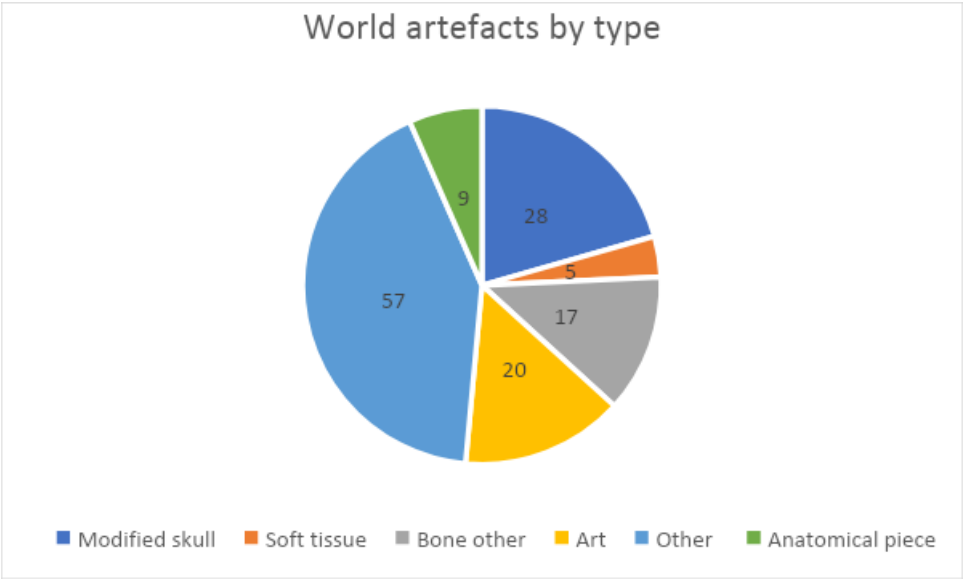


Figure 19 World artefacts by type

Of the 11 institutions that are currently housing artefacts with human remains from around the world, 2 have these artifacts on public display and at 4 these are available for research. There are 4 identified persons from America and one identified hair from Europe. A repatriation request has been received for one modified Maori head.

Mummies

This includes all human mummies and naturally mummified human remains (natural and anthropic)).

In total there are 52 mummified human remains in 10 Belgian institutions. These remains include complete adult, child and baby skeletons, hands and feet and heads. There were 3 university museums housing mummies as well as all 3 FSI, 3 museums and 1 private institution (Fig. 20). The majority of mummies are from Egypt but there are also mummies from South America and from around the world (Fig. 20).

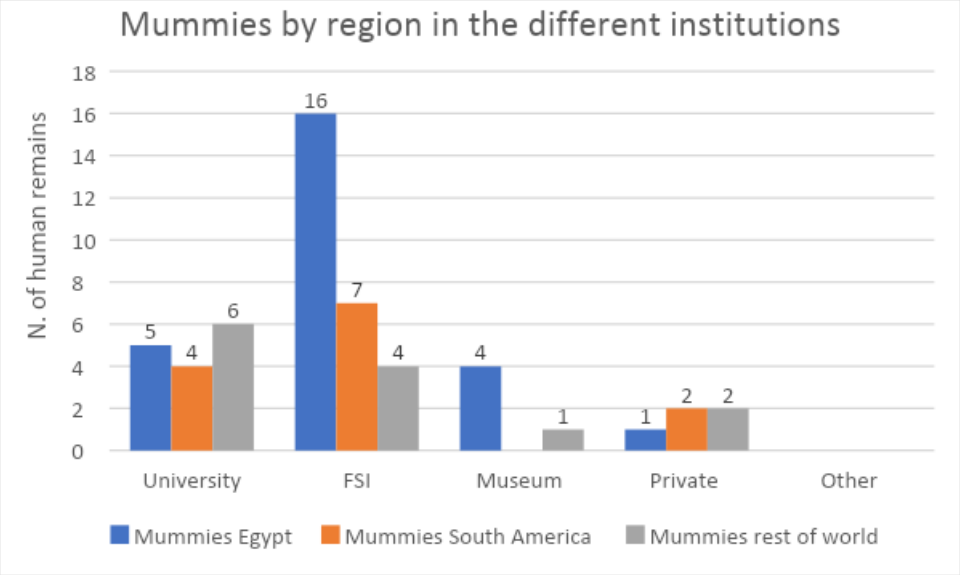


Figure 20 Type of Mummies by institution

The mummies are from different locations. Fig. 21 gives a breakdown of mummies by place of origin.

Figure 21 Mummies by place of origin

From the 10 out of 56 institutions (17.9%) who are currently housing mummies, the following shows how many there are by institution type. There are 3 of 13 (23.1%) of university Faculty departments or museums, 3 of 4 FSI (75%) museums, 3 of 30 (10%) of museums, 1 of 4 (25%) private collections and none of 5 (0%) of other housing mummies (Table 8).

Institution	Total number of entries	Number of institutions holding remains	Number of institutions who took part in survey	% of institutions from the survey holding human remains
Universities	15	3	13	23.1
FSI's	27	3	4	75.0
Museums	5	3	30	10.0
Private	5	1	4	25.0
Other	0	0	5	0.0
Total	52	10	56	17.9

Table 8 Number and type of institutions holding Mummies.

Of the 10 institutions currently housing mummies, 4 have mummies on public display and 9 of them have mummies available for research. A repatriation request was received from community representatives from the rest of the world and from official representatives for mummies from South America. There are 5 identified individuals from Egypt.

Human Remains from Belgium: Prehistory

This includes all human remains from the prehistoric period from Belgium (Upper paleolithic, Mesolithic, Neolithic, Protohistory).

The human remains from Belgian prehistory form the second biggest collection of human remains. Inventories submitted in this category tended not to have a breakdown of what type of human remains were in the category – only a general indication of the number of human remains and details of what type they were. Notably there were few skulls alone in this category and the remains tended to consist of cremations, burnt remains, postcranial fragments and in some cases partial or complete skeletons recovered from tombs. There are remains from the Neolithic, Mesolithic, Bronze Age andIron Age.

As noted earlier, the project MEMOR documented all archaeological human remains in Flanders and found that with both the historical and prehistorical collections of human remains from Flanders, there are at least over 20,000 individuals. Wallonia is likely to have similar collections to Flanders yet these remain undocumented due to the many institutions either outside the scope of this survey or non-participation in the survey.

From 56 institutions there are 13 (23.2%) currently housing Prehistory human remains from Belgium (Table 9). There are 1 of 13 (7.7%) of university Faculty departments or museums, 2 of 4 FSI (50%) museums, 7 of 30 (23.3%) of museums, 2 of 4 (50%) of private institutions and collections and 1 of 5 (20%) of other institutions housing mummies in their collections (Table 9).

	Total number of entries	**Number of institutions holding remains**	**Number of institutions who took part in survey**	**% of institutions from the survey holding human remains**	**Flanders**	**Wallonia**	**Brussels capital**
Universities	230	1	13	7.7	0	230	0
FSI's	549	2	4	50	107	378	64
Museums	6626	7	30	23.3	394	6232	0
Private	553	2	4	50	0	553	0
Other	300	1	5	20	0	300	0
Total	8258	13			501	7693	64

Table 9 Number and type of institutions holding Prehistory human remains from Belgium

Of the 13 institutions that have prehistorical human remains from Belgium, 7 have human remains on public display and 11 have the human remains available for research. There are no identified persons.

Human Remains from the Democratic Republic of Congo, Rwanda and Burundi: Prehistory

This includes all human remains from the prehistoric period from the Democratic Republic of Congo, Rwanda and Burundi and pre-colonial history.

There are an estimated 49 skeletons which consist of fragmented remains and one skull from the prehistorical collections of the Democratic republic of Congo. All these remains are in one FSI. These remains are not on public display and they are not available for research. There are no identified persons.

Human Remains from the rest of the world: Prehistory

This includes all human remains from the prehistoric period (according to the local chronologies but pre-colonial period).

There are only 4 institutions with prehistorical human remains from around the world and these are housing 935 human remains. Three institutions are FSI's and one is a private collection. Most of the remains are highly fragmented and the majority are in one of the FSI's (889) as opposed to there being only 19 prehistorical human remains and 1 human remain in the other FSI's and 26 prehistorical human remains in the private collection. From these fragmented remains there are an estimated 18 individuals listed as being from Cameroon, Africa (consisting of numerous fragments) and 2 postcranial remains from Zambia, Africa. There are 774 fragmented human remains (amount of individuals unknown) listed as being from France and Spain and 1 listed as being from Oceania (Papua New Guinea). Fig. 22 gives a breakdown of individuals and fragments of remains.

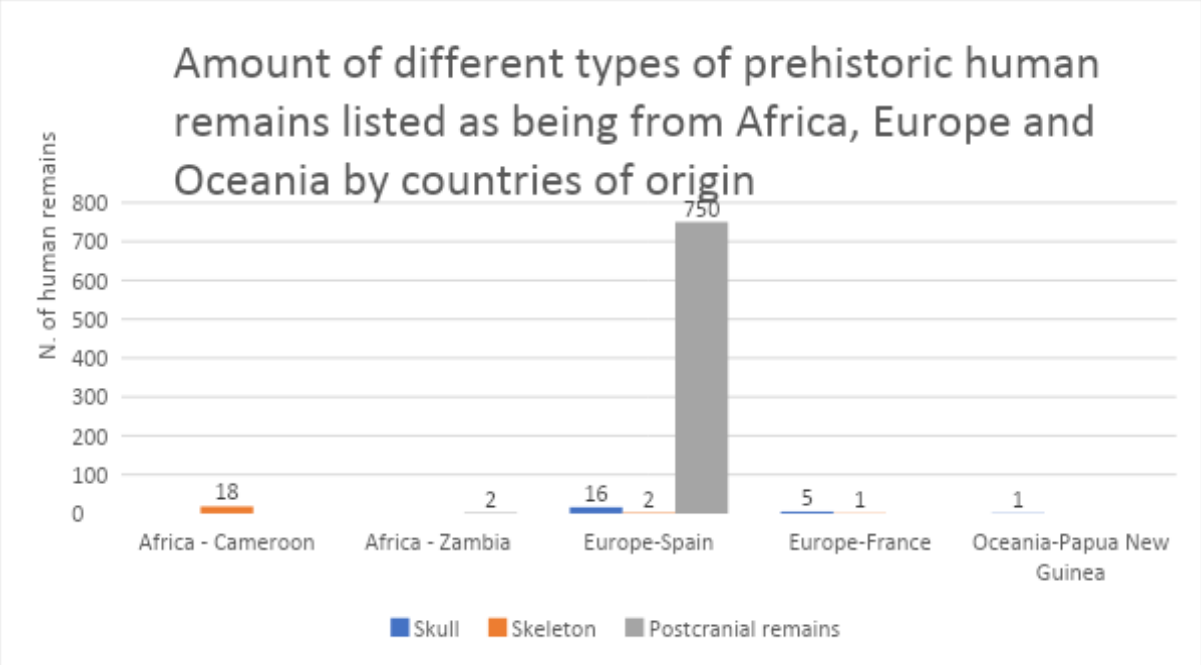


Figure 22 Amount of different types of prehistoric human remains listed as being from Africa, Europe and Oceania by countries of origin

There is a large collection of prehistorical human remains from America (Fig. 23). From one FSI there are 4 skulls and 4 skeletons listed as being from Peru, 1 skull and 1 tooth from an unknown provenance,15 skulls and 24 post crania from Chilli, 33 skulls from Bolivia, 8 skulls and 6 postcranial remains from Venezuela, 3 skulls from Caribbean, 2 skulls from the Cayman Islands, 6 skulls from Mexico, 4 skulls from Argentina. From the other FSI there are 2 skulls from Chile, 3 from Mexico, 1 postcranial remain from Mexico and 2 postcranial remains from the U.S.A. Of the 4 institutions that have prehistory human remains from around the world 2 have human remains on public display and 2 have the remains available for research.

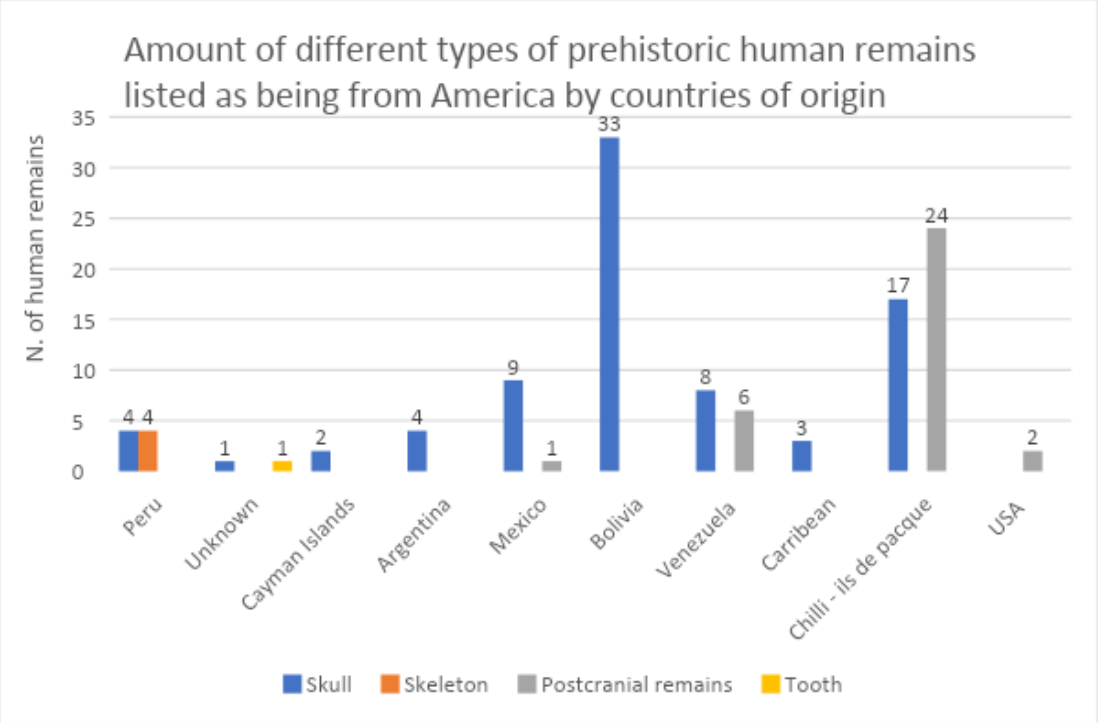


Figure 23 Amount of different types of prehistoric human remains listed as being from America by countries of origin

Fossil hominids

This includes all fossil hominids from other species than Homo sapiens sapiens (e.g. Neanderthals, early Homo).

There are well documented specific sites in Belgium where Neandertals have been found. These include the sites of Engis, La Naulette and Spy and Goyet, which are all famous sites in Belgium. The discovery of these remains has helped to shape palaeoanthropological history and these Neandertal remains are well known and studied by both Belgian and international researchers. There are also lesser known finds such as Fonds-de-Forêt, Scladina and Walou. These remains are particularly important for the understanding of evolution and palaeoanthropology as they represent children and young adult Neandertals. All of the institutions housing known Neandertal remains from Belgium participated in the survey.

It is difficult to give accurate figures on the paleoanthropological remains as it depends on how the human remains are counted. For ancient remains such as palaeolithic and Neolithic human remains the bones are highly fragmented. For example, a total of 99 Neandertal remains were found in the Troisième caverne (Third cave) of Goyet in Belgium (Rougier et al., 2016). Of these, 47 fit together making this a total of 64 isolated Neandertal remains. The minimum number of individuals is difficult to determine. However, based on detailed study which includes morphology and morphometric characteristics, developmental stage and side for paired elements, as well as the recovery of endogenous mitochondrial DNA (mtDNA) sequences it is thought to be five (four adolescents/adults and one child represented by a single tooth) (Rougier et al., 2016).

The Spy fossil hominins found in 1886 represent two adult individuals and a child. Fossils found in Engis include two skullcaps (Engis 1 (adult) and Engis 2 (child)), various cranial fragments and some postcranial remains. There are some remains which are represented only by a tooth (Walou) or an

individual such as Scladina (19 individual pieces from the same individual).The La Naulette mandible was Neandertal found in 1866 and is also associated with an ulna and third metacarpal. In 1895 the femur of Fonds de Foret was found (Toussaint et al., 2001).

There are five institutions holding fossil remains that are Neandertal; 1 university , 1 FSI and 3 museums. One museum is holding 19 remains from the Neandertal Scladina child (right and left hemi-mandible, maxilla and teeth) which are thought to belong to one individual. The two other museums each hold an individual Neandertal tooth. The university has fragments of several different individuals and the FSI is holding the majority of the Neandertals (approx. 167 bones) This includes two adults and a child from Spy II four to five adults from Goyet, a jaw from La Naulette and some post crania, a femur and tooth from Fonds-de-Forêt and a tooth from Walou. Of the 5 institutions that are currently housing fossil hominids from Belgium (all of which are Neandertal human remains), 1 has fossil hominids on public display and 4 make the Neandertal fossils available for research. There are no identified individuals.

Rougier, H., Crevecoeur, I., Beauval, C., Posth, C., Flas, D., Wißing, C., . . . Krause, J. (2016). Neandertal cannibalism and Neandertal bones used as tools in Northern Europe. *Scientific Reports, 6*, 29005. doi:10.1038/srep29005 http://www.nature.com/articles/srep29005#supplementary-information
Toussaint, M., Pirson, S., & Bocherens, H. (2001). Neandertals from Belgium. *Anthropologica et Præhistorica*(112), 21-38.

Institution	Total number of entries	Number of institutions holding remains	Number of institutions who took part in survey	% of institutions from the survey holding human remains
Universities	25	1	13	7.7
FSI's	167	1	4	25.0
Museums	21	3	30	10.0
Private	0	0	4	0
Other	0	0	5	0
Total	**114**	**5**	**56**	

Table 10 Number and type of institutions holding fossil hominids (Neandertals) from Belgium

Anatomical collections of humans remains

This includes all human remains as part of a medical collection (anatomical preparations, wet collections). This includes all human anatomical preparations of Homo sapiens sapiens.

There are a large amount of anatomical collections of human remains (4090) and a vast amount of these collections are housed in universities. The majority of the collections consist of parts of bodies although a large portion of the anatomical collections are embryos (499).

Institution	Total number of entries	Of which are embryos	Number of institutions holding remains	Number of institutions who took part in survey	% of institutions from the survey holding

					human remains
Universities	3988	438	7	13	53.8
FSI's	60	50	2	4	50
Museums	39	11	3	30	10
Private	0	0	0	4	0
Other	3	0	1	5	20
Total	4090	499	13	56	

Table 11 Number and type of institutions holding anatomical collections of human remains

The anatomical collections tend to be held in faculties of anatomy or medicine or museums with a connection to those departments. The anatomical human remains tend to be connected to body donation programmes. Several institutions stated that their collections were part of teaching collections, one of which began their collections in 1817. Two institutions stated that the human anatomical remains were body donations and more than half of the total number of remains are from one institution which stated that the human remains are from body donations with respect of Belgian laws between 19th and 20th Century. One smaller collection is also detailed as an old collection form the late 1970's with very little information accompanying the collection. Another museum states that the human remains they house are probably a very old acquisition as the museum was founded in 1828. 1 high school has a brain, a spinal cord and a skull with three vertebral bones which is shown when discussing the nervous system for lessons in 5th grade.

From the 13 institutions that have anatomical collections, 6 have these human remains that are on public display, although 2 museum specified that the visit of the public was only by appointment. 11 of the 13 institutions are willing to make the remains available for research.

Human Remains of Unknown origin

This includes all human remains of unknown origin.

The vast majority of individuals housed in the different institutions in Belgium

In total there are 1463 human remains of unknown origin in 12 Belgian institutions for which there is no information at all about the origin. There is one private institution that holds the majority of these human remains of unknown origin. This private institution also has holdings in a University (included as part of the University collections). Therefore, the true figure held by the private institution is greater. Many of the human remains of unknown origin are postcranial, but there is also a large number of crania in the different institutions.

There are 12 institutions that have human remains from an unknown origin. Of those institutions, 6 have human remains on public display and 6 have the remains available for research.

Institution	Total number of entries	Number of institutions holding remains	Number of institutions who took part in survey	% of institutions from the survey holding human remains
Universities	196	3	13	23.1
FSI's	463	2	4	50.0
Museums	9	5	30	16.7
Private	795	2	4	50
Other	0	0	5	0.0
Total	1463	12	56	21.4

Table 12 Number and type of institutions holding human remains of unknown origin

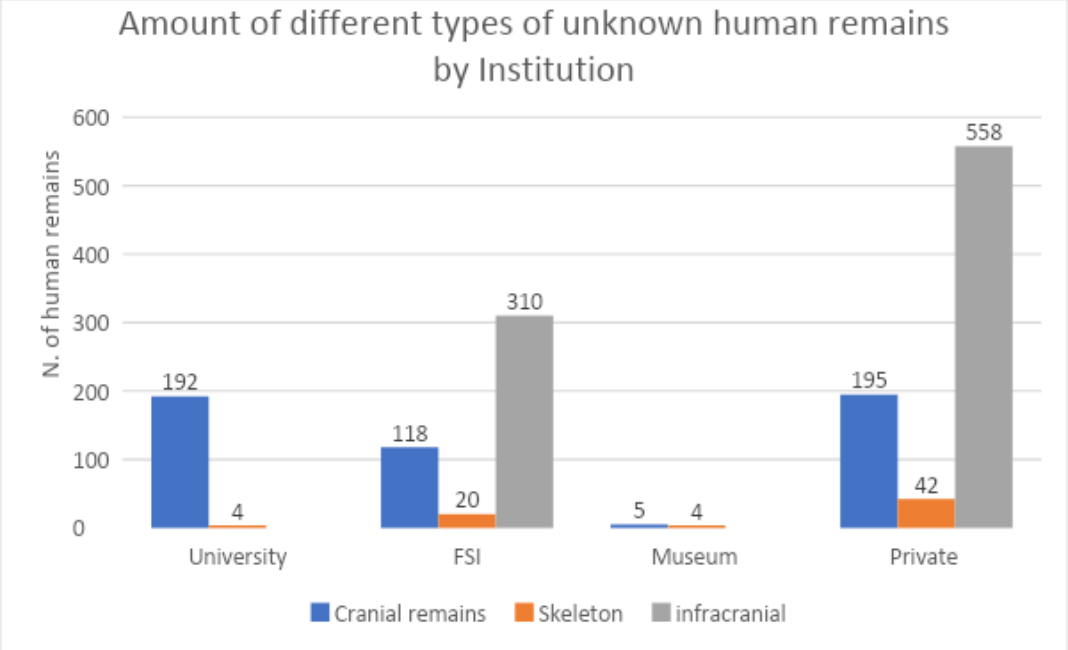


Figure 24 Amount of different types of unknown human remains by institution

Named Individuals

Most of the human remains which are housed in Belgium institutions are unidentified. This demonstrates the great need for provenance research. However, it is highly unlikely that the human remains can be identified by name, due a lack of information on collecting circumstances and precise location where the remains were found. Whilst ancient human remains prior to records are impossible to identify, this also applies to human remains from the last century. From the Belgium collections there are several collections which are identified persons. However, a cautionary note should be given that even when the names of the deceased are known, it may still prove to be difficult to establish the

identity of the deceased. This is particularly the case for itinerant populations. It is also important to note that whilst some human remains are listed from a particular country, the remains may not actually be from that country, they may be from another population entirely.

We write that human remains are listed as being from a particular country based on the inventories. However, as has been found with similar ancient historical collections, provenance research has demonstrated that the origins of a particular human remain can be different to that listed in the inventories. Most of the human remains in the institutions who took part in the survey are from unidentified people. From the approximately 30000 listed entries in the inventories, there are only 251 human remains of whom the identity is known. This indicates that less than 1% (0.82%) of the human remains collections are identified persons. There are 3 known persons respectively from India, from Baltimore, USA and from Samoa. There are also 8 identified persons from the Democratic Republic of Congo where the names of the deceased are known. There are 5 identified individuals from Egypt and 16 identified persons from within the European Union. There are also 112 identified persons from Flanders, 106 from Wallonia and one from Brussels Capital from the Belgium historical human remains collections.

Digitisation strategy

As part of the survey we asked the participants what their digitisation strategy was. We also asked how they had used their digitised specimens. Table 13 gives details on the digitisation strategies and use of the digitisations in each institution. While 23 out of the 56 institutions (41%) had 2D photographs of the human remains, only 9 (16%) of the institutions state that they have a digitisation strategy. There are 6 (11%) institutions who have performed surface scanning or who had 3D medical CT scans, 3 (5%) of them took 2D pictures with anatomical orientation, 5 (9%) institutions performed 3D photogrammetry and only one undertook 3D MicroCT (2%). The photographs or digitised materials are often used for popular science (8 institutions or 14%), patrimonial purpose and teaching (7 institutions or 13%), for sharing with virtual communities (5 institutions or 9%) and for scientific studies on request (16 institutions or 29%).

Some of the museums that participanted in the study state that a 2D picture was taken only when defined as necessary and useful and for human remains. They claim this is rather exceptional, with the main reason to produce a 2D picture of human remains being when the physical condition of the item is poor and thus digital preservation is crucial. One of the museums that utilised 3D photogrammetry stated that all the human remains preserved in their institution come from archaeological excavations and that these remains were photographed in situ as far as possible. Afterwards, most of them were photographed in the laboratory. The other museum that performed 3D photogrammetry states that they are in the process of digitising their collection to share on their website. The last museum using 3D photogrammetry also uses all the other 3D technology in their strategy. They state that the digitised files will be accessible to researchers upon request, but will not be open to the general public due to ethical concerns of the content and the people documented within the digitised files

From the other institutions, one stated that they are in the process of mapping out their digital strategy for the next years, with an ambition to open up access to their collection. This institution wishes to share their collection and expertise as widely as possible.

	FSI	University	Museum	Private	Other	Totals
Overall	2	5	1	0	1	**9**
Metadata	1	0	5	0	3	**9**
Surface scanning	2	1	2	0	1	**6**
3D photogrammetry	2	1	1	0	1	**5**
2D picture	2	8	12	0	1	**23**
3D medical CT	2	2	1	0	1	**6**
3D MicroCT	0	0	1	0	0	**1**
2D picture in anatomical orientation	0	1	1	0	1	**3**
Popular science	1	4	1	0	2	**8**
Patrimonial purpose	1	1	3	0	2	**7**
On request scientific studies	2	4	7	0	3	**16**
Teaching	0	4	1	0	2	**7**
Virtual sharing with communities	1	3	0	0	1	**5**

Table 13 Digitisation in the different Institutions

Repatriation requests

Repatriation requests have been received for human remains of the Democratic Republic of Congo and Rwanda during the course of the project HOME. There has also been a prior repatriation request for a Tasmanian skeleton and for a modified Maori head.

A repatriation request was received from official representatives for mummies from South America and from community representatives for a mummy with an origin outside of South America and Egypt.

Conclusions

There has never previously been a survey on the public and private institutions housing human remains in Belgium. The survey was designed to give a broad overview of all human remains collections hosted by the HOME project partners and present in other public and private collections in Belgium. The survey was widely advertised in the press and was sent to targeted institutions and individuals who may have human remains in their collections From our personal correspondence and conversations with university and museum staff we learned that many institutions did not have inventories prior to the survey. So we would firstly like to thank them for the time and considerable effort it took them to complete the inventories needed for this survey. The response from those who took part in the survey was generally very positive. Most respondents thought that it is a very good idea to make inventories of human remains in Belgium.

Private collectors on the other hand did not wish to take part in the survey. This was in a way predictable, although the survey was anonymous. The project title is called 'HOME' which implies in some ways that human remains may find their way 'HOME' in the project through future repatriation processes. There was a very good response from many universities, although we also noticed that among some of them there was a reluctance to participate in the survey. A major problem is that human remains collections are not centrally managed in universities. It was difficult to know who to contact and who is responsible for the human remains kept at universities. One Director of a university museum stated they did not have any human remains in their museum, although this was contradicted by researchers who told us they had worked with human remains within the museum and that the museum itself had human remains on public display. Another department we contacted stated that they have human remains but unless it was a direct obligation from the government then they would not participate. They mentioned the time and effort it would take to do an inventory and also the sensitive nature of some of the human remains. One other university spoke to us in detail about all the human remains in their possession, but then declined to take part in the survey. This shows the difficulties in trying to reach participants in universities.

A similar human remains survey undertaken in England in 2013 (Weeks and Bolt, 2013) found that the majority of their non-respondents came from universities. They stated 'Their failure to reply may be attributed to various factors. Recent surveys of university collections indicate that they are often poorly resourced. Staff responsible for university collections are frequently isolated from and do not identify with the museum community. Often they have responsibility for collections as only one small part of their remit. Neglect because of pressure of other work, or because collections are seen as being of lower priority than teaching or research, results in 'orphan collections'. Some who did respond expressed a certain weariness over the frequency with which they had been asked about human remains in recent months'.

Weeks and Bolt (2013) also highlighted that smaller institutions with limited staff resources found it hard to respond quickly for a variety of reasons which included either working on exhibitions and staff posts being vacant. Indeed one university museum had a part time staff member one day per week. This person does not have enough time to complete an inventory when there are numerous other tasks to do. Smaller museums and universities also have volunteers who help to manage their collections, but there is hardly any time or incentive to be able to make inventories.

The partners in the HOME project had staff members on the project who were paid to take the inventories, and this continued throughout the HOME project. From this it is clear that making an inventory is a considerable task, particularly for those who are not funded to do this work.

Consideration should be given to fully understanding collections in museums and universities as often there is no or poor documentation on the collections and they are not inventoried.

From the institutions that took part, there are approximately 30000 human remains currently being housed in Belgian institutions. Amongst the different institutions, 1 institution was responsible for the majority of the human remains collections. This institution also had the majority of the human remains collections from outside of Belgium. In total there were 13 University Faculties or Museums, 4 Federal Scientific Institutions, 30 museums, 4 private entities, 2 local institutions, 1 high school, 1 not for profit organisation and 1 provincial heritage site. As detailed earlier it is important to note that certain institutions count an individual bone as a single entry, whereas others count a whole skeleton as one entry and other institutions have given only approximate figures for the amount of their collections. Therefore, the numbers in the report should be regarded as approximate, unless otherwise stated and the number of figures can either include whole skeletons or single bones / or parts of bones.

There are many kinds of collections in different Belgian institutions. The human remains from historical collections from Belgium are the biggest category of human remains that are housed in Belgian institutions (12553), followed by prehistorical human remains from Belgium which form the second biggest collection of human remains (8258). Human remains from Belgian origin and historical time are mainly whole or partial skeletal remains and mainly come from old cemeteries, churches and archaeological finds (from medieval and roman times) but also from body donations, public and private institutions. The type of human remains were listed where it was possible to do so as not all inventories detailed the type of human remains. For the prehistory human remains there was only a general indication of the number of human remains and not details of what type they were. Notably the remains tended to consist of cremations, burnt remains, postcranial fragments and in some cases partial or complete skeletons recovered from tombs. There are remains from the Stone Age and Metal Age. It should be noted however, that this is a vast underestimation of the amount of prehistorical and historical Belgian human remains housed in Belgium due to the scope of the survey.

The third largest collection of human remains relates to anatomical collections (4090). A vast amount of these collections are housed in universities. The majority of the collection consists of parts of bodies although a large portion of the anatomical collections are embryos (499). These collections consist of numerous bones which are used for teaching medical and biology students. There is also a very small anatomical collection in a high school (which are in fact the only type of remains they had) and these were used as a teaching aid for lessons in the 5th grade.

Artefacts from Belgium is the fourth largest category of human remains housed in the Belgian institutions who took part in the survey. Most of the human remains from this collection are relics which are highly fragmented remains, but again the amount of human remains in this category should be seen as a vast underestimation of the true amount, due to the scope of the survey. The fifth largest category consists of remains which are listed as unknown and where there is no information or documentation on the human remains.

The majority of the historical collections from outside of Belgium are collections of skulls which were previously collected in colonial contexts and date from precolonial and historical times. The next largest category of human remains were historical remains from the Democratic Republic of Congo, Rwanda and Burundi. There are human remains from Rwanda and DRC housed in the Federal Scientific Institutions. The remains are both partial skeletons and skulls. There is also one human remain from Burundi. However, apart from one University, which also has human remains from DRC we are not aware of any other institution which houses human remains or artefacts with human remains from Rwanda, DRC and Burundi. There are some human remains and also artefacts of human remains from

other countries in some of the museums and Universities of Belgium, although it is limited to very few with the majority being held in the Federal Scientific Institutions.

Provenance research may sometimes demonstrate that the actual origins of a human remain can be different to that listed in the inventories, therefore throughout the report we refer to human remains as being listed from a particular place and detail only what the inventories state. The majority of the human remains in the museums are unidentified leaving less than 1% (0.86%) of the human remains to belong to identified persons.

There are well documented specific sites in Belgium where Neandertals have been found and all of the institutions housing Neandertal remains participated in the survey with a total of 213 Neandertal remains housed in different institutions. There is also a significant amount of institutions housing mummified remains in Belgium (10).

ANNEX 4 EXPLORATION OF CRANIAL DIVERSITY IN CENTRAL AFRICA

Title: Exploration of past and present cranial diversity in Central Africa: a 3D geometric morphometric analysis

Author: Yassmine Ghalem

Masters in anthropology at Université de Montréal

Supervisor: Isabelle Ribot

Abstract

The biological diversity of the African continent, cradle of humankind, impels us to explore the multiple sources of variation that shape past and current human morphology. Morphometry, a complementary tool to genetics, explores current and past diversity. Therefore, by exploring various factors (phylogeny, geography, climate, history), this Masters' research (Ghalem 2020) aimed to re-examine the morphological variation in Central Africa, a key geographical region for understanding the history of the continent. Thus far, craniometric studies have been carried out with two-dimensional methods on complete crania, and rarely included fragmentary archaeological collections. The aim of this research was also to overcome this problem, by analyzing the whole cranium versus the temporal bone. The latter has the advantage of an exceptional state of preservation and provides information of phylogenetic nature. Therefore, a sample of 147 crania from Central Africa was selected. Recent individuals (137 complete crania) originating from various localities spread over a geographical area of 760,000 km2. The archaeological sample (11 temporal bones) originates from two sites: Shum Laka, Cameroon (~7,000 – 3,000 BP) (n=2); and Upemba Depression, R.D.C (~1,3000 BP) (n=9). After creating a 3D models database using photogrammetry, 3D geometrics morphometrics was performed to analyze separately crania and temporal bones. Results demonstrate a weak influence of sexual dimorphism on morphology and raise four points:

- *The analysis of current cranial morphology reflects various phylogenetic (ethnicity), environmental (geography, climate), and possibly histological (movement of populations) aspects.*
- *The morphology of the temporal bone also reflects a high inter-population variation. However, because distances between groups are relatively short, this could be explained by the fact that the temporal bone reflects mostly phylogeny.*
- *A continuity of some morphological traits of the temporal bone through time has been detected, particularly in the Iron Age group (Upemba Depression).*
- *Finally, a possible anatomical adaptation to environmental pressures (diet, economy) was observed, especially in the shape of the mandibular fossa of the temporal bone, changing from a circular form during the LSA to an ellipsoid form in recent times.*

Research questions

Research questions are divided into two sections. The first set of questions attempted to explore cranial diversity of recent and archaeological samples. The second one focused on the methodological setting of this study by examining the concordance and discordance between various data sets (skull *versus* temporal bone).

Morphological diversity

- Question 1: How does the morphology of the cranium vary in relation to several qualitative variables (sex, ethnic group, and climate) in Central Africa? To answer this question, a 3D geometric morphometrics method was carried out to re-examine the samples.

- Question 2: Are the morphological traits between past populations and current populations different or similar? This question could suggest changes or continuities at the population level, over more than 6000 years, including the key period of the transition between the LSA and the Iron Age, a phase possibly contemporary with the Bantu expansion.

Temporal bone *versus* whole cranium

- Question: Are the results of the analysis of the morphology of the temporal bone concordant or discordant with the results of the analysis of the morphology of the whole cranium? Knowing that the morphology of the temporal bone makes it possible to estimate phylogenetic relationships more reliably than other parts of the cranium, this question allowed us to address the respective roles of genetics and environment in shaping human variation.

Sample & Methodology

The following study is based on a sample of 147 adult crania originating from various regions in Africa. More precisely, the sample is composed of: i) recent populations having occupied East Africa and Central Africa during the 19th – 20th centuries; and ii) archaeological populations from the Late Stone Age (LSA) and Iron Age (IA), respectively from the Shum Laka site in Cameroon and various sites in the Upemba Depression, D.R.C (table 1).

The crania are kept at the Royal Institute of Natural Sciences of Belgium (IRScNB) and at the Université Libre de Bruxelles and permission to study them for research was granted by these various Belgian institutions (eg. IRScNB: Patrick Semal; ULB: Pierre de Maret). According to the documents available (IRScNB), the crania selected for this study correspond to unidentified individuals.

Table 1. Composition of the Central African crania used in this study (Ghalem, 2020).

Samples	Geographical regions	Current state	Chronological period	Ethnic affiliation / archaeological site	*n*	Collections*
Archaeological populations	West Africa	Cameroun	6 000 BP – 3 000 BP Transition period LSA to IA	Shum Laka	2	IRScNB

	Central Africa	R.D.C Uoemba Depression	600 – 1 900 AD Iron Age	Sanga	2	IRScNB ULB
				Malemba-Nkulu	3	ULB
				Kikulu	3	
				Katongo	1	
Modern populations	Central Africa	R.D.C	1 800 – 1 900 AD	Basuku	64	IRScNB
				Azande	5	
				Mamvu	5	
				Mongo	5	
				Bassoko	3	
				Mbuti	3	
	East Africa	Rwanda		Bahutu	58	

*Abbreviations: IRScNB, Institut Royal des Sciences Naturelles de Belgique; ULB, Université Libre de Bruxelles.

The methodology and the phases of the present work are summarized below in the Figure 1.

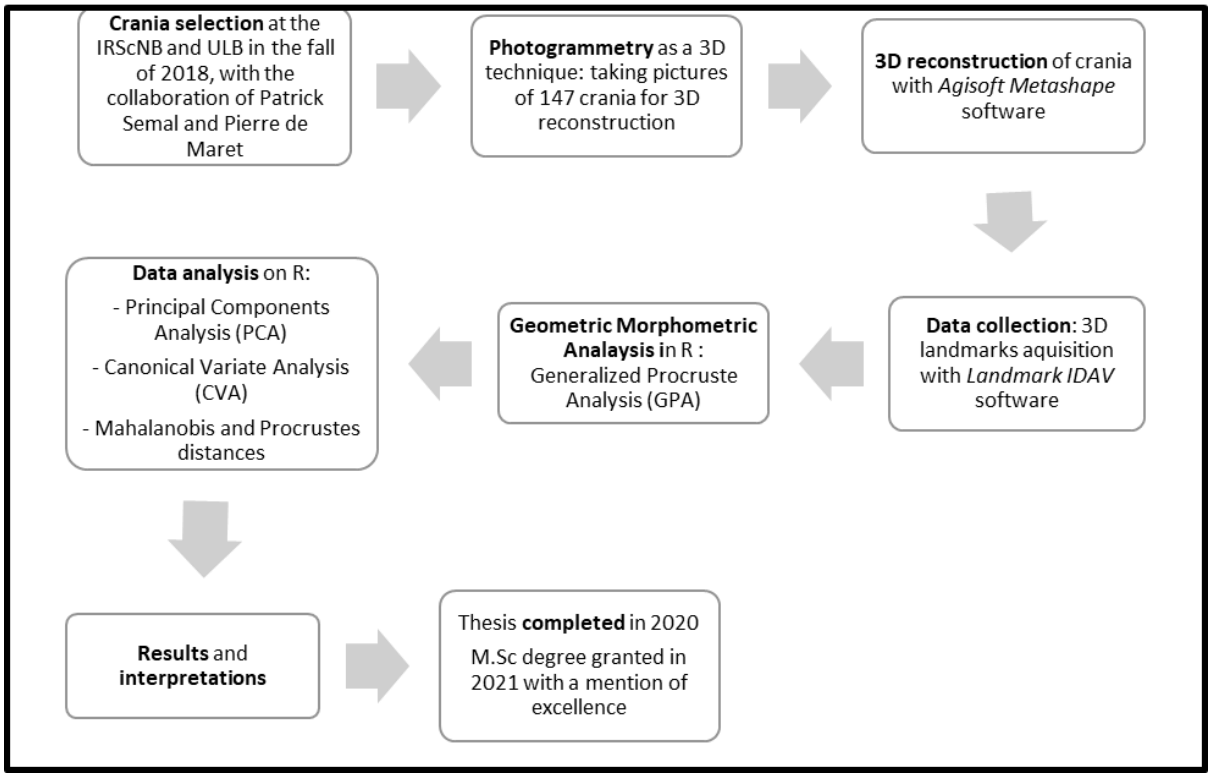


Figure 1. Phases of the research and the methodology used (Ghalem 2020).

Results and contributions

- First, this study on recent and past populations of Central Africa found that **cranial morphology reflects both phylogeny and environmental factors**, consistent with previous studies (Hefner et al., 2016; Hubbe et al., 2009; Larsen, 2018; Noback et al., 2011; Pietrusewsky, 2014; Relethford, 1994, 2001; Roseman, 2004) (Figure 2, p4).

- Second, our research confirms that the **temporal bone does reflect biological affinities**, as supported by the literature (Harvati & Weaver, 2006; Pinhasi & von Cramon-Taubadel, 2009; Smith, 2009; Smith et al., 2007; von Cramon-Taubadel, 2014). The morphology of this isolated bone can be an alternative and complementary approach to the entire cranium when unavailable for estimating phylogenetic relationships (Figure 2, p4).

- Third, it was possible to detect a continuity of certain morphological traits of the temporal bone over time, as well as the adaptation of certain anatomical regions. Among other things, the **3D analysis of the temporal bones identified variability in the shape of the mandibular fossa** between groups of the three chronological periods, a detailed morphological feature that is otherwise imperceptible to the naked eye. This anatomical region showed extremely high levels of variability from one population to another, but also within a population, especially pre-agricultural ones (eg. Shum Laka). In addition, this study indirectly analysed the mandibular morphology *via* the articular fossa and suggests the possible **influence of environmental and economic factors** (e.g., diet, activities) (Figure 3, p4).

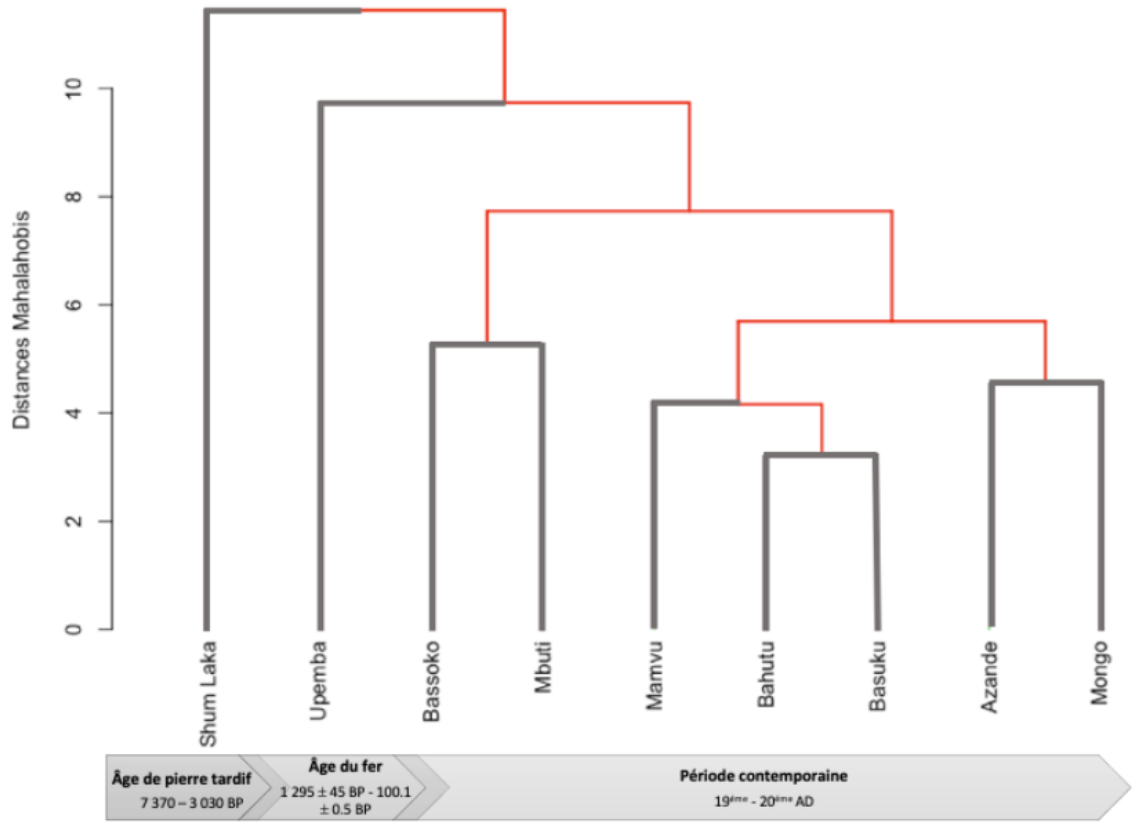


Figure 2. Dendrogram of biodistances (Mahalanobis) obtained from the temporal bones morphology of both past and recent populations (Ghalem 2020: 107).

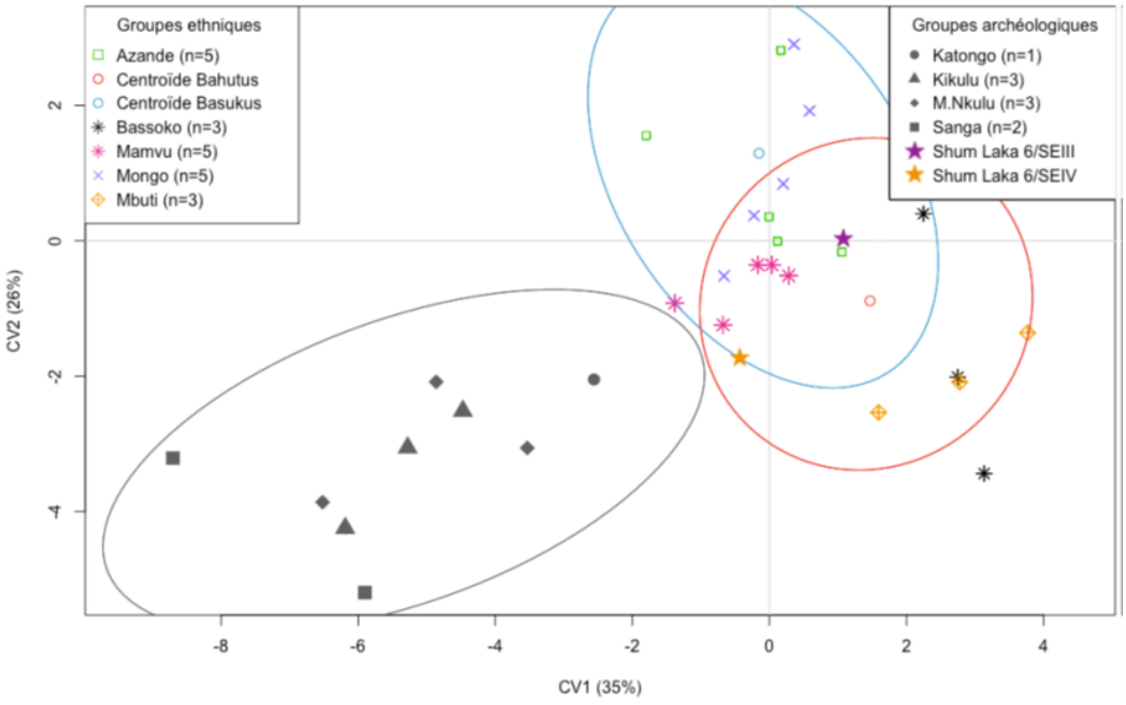


Figure 3. Biplot showing results of multivariate analysis based on the temporal bone of past and recent populations. 95% confidence ellipses (p = 0.05) for Upemba, Bahutu & Basuku groups. Shum Laka already show high intra-sample variability.

Impacts of the project

This research was the **first to apply a 3D geometric morphometrics analysis on recent and past osteological collections from Central Africa, a key region to understand to understand past population history for the continent**. First, the study of recent osteological collections from a geographical region, known for its great biological diversity, has been beneficial in understanding the implications of multiple factors on human variation. Aspects such as environment (e.g., geography and climate) and populations' history (e.g., movement of populations, fission-fusion) need to be considered as they are sources of human diversity. Hence, by considering these factors in the analysis of osteological collection from Central Africa, this research offers a glimpse at microevolutionary processes and their implications in shaping human morphology. Second, in a geographical region where osteological collections are fragmentary, 3D geometric morphometrics applied to the morphology of the temporal bone (a better preserved bone than other ones on the cranium) has proven to be relevant. This is especially the case for the LSA-IA site of Shum Laka, where individuals appeared to show unique morphological features (e.g., circular shape of articular surface of temporal bone). Dietary influences (e.g., coarse food, pre-agricultural diet) might have shaped some details of the temporal bone.

Thus, this alternative method that is complementary to the analysis of the whole cranium and genetics, allowed us to explore Mid- to Late Holocene population diversity that have never been studied before due to poor skeletal preservation (e.g., Shum Laka and Upemba sites).

References (& conference presentations)

Ghalem, Y. (**2020**). Exploration de la diversité crânienne récente et passée en Afrique centrale: analyses via la morphométrie géométrique tridimensionnelle. Master's Dissertation, Université de Montréal, 166p. http://hdl.handle.net/1866/25432

Ghalem, Y., & Ribot, I. (**In preparation**). A 3D geometric morphometrics analysis of the temporal bone to explore phylogenetic relationships in Equatorial Africa: from the Late Stone Age to modern times. *Journal of Human Evolution,* 30p.

Ghalem, Y. & Ribot, I. (2021). *Re-examining Shum Laka and the Upemba depression: a 3D geometric morphometrics study of craniodental diversity.* International and Interdisciplinary Conference on African Precolonial History: Extracting the Past from the Present», 1-5 March 2021, Bruxelles, Belgique

Ghalem, Y. & Ribot, I. (2020). *A 3D analysis of the temporal bone: examining human variation in Equatorial Africa from the Late Stone Age.* Poster presentation: Canadian Association of Physical Anthropology, 4-6 November 2020, Online meeting, Canada.

Ghalem, Y. & Ribot, I. (2019). *Exploring cranial diversity within Central Africa through the Holocene: a geometric Morphometric approach.* Poster presentation: « International Conference: Africa, the cradle of human diversity », 22-25 May 2019, Uppsala, Sweden.

Harvati, K., & Weaver, T. D. (2006). Human cranial anatomy and the differential preservation of population history and climate signatures. *The Anatomical Record Part A: Discoveries in Molecular, Cellular, and Evolutionary Biology*, *288A*(12), 1225–1233.

Hefner, J. T., Pilloud, M. A., Buikstra, J. E., & Vogelsberg, C. C. M. (2016). Chapter 1—A Brief History of Biological Distance Analysis. In M. A. Pilloud & J. T. Hefner (Eds.), *Biological Distance Analysis* (pp. 3–22). Academic Press.

Hubbe, M., Hanihara, T., & Harvati, K. (2009). Climate Signatures in the Morphological Differentiation of Worldwide Modern Human Populations. *The Anatomical Record*, *292*(11), 1720–1733.

Larsen, C. S. (2018). Bioarchaeology. In *The International Encyclopedia of Biological Anthropology* (pp. 1–14). American Cancer Society.

Noback, M. L., Harvati, K., & Spoor, F. (2011). Climate-related variation of the human nasal cavity. *American Journal of Physical Anthropology*, *145*(4), 599–614.

Pietrusewsky, M. (2014). Biological Distance in Bioarchaeology and Human Osteology. In C. Smith (Ed.), *Encyclopedia of Global Archaeology* (pp. 889–902). Springer.

Pinhasi, R., & von Cramon-Taubadel, N. (2009). Craniometric Data Supports Demic Diffusion Model for the Spread of Agriculture into Europe. *PLoS ONE*, *4*(8).

Relethford, J. H. (1994). Craniometric variation among modern human populations. *American Journal of Physical Anthropology*, *95*(1), 53–62.

Relethford, J. H. (2001). *Genetics and the search for modern human origins*. Wiley-Liss.

Ribot, I., Ghalem, Y. & Crevecoeur, I. (**In press)**. The position of the Hofmeyr Skull within the Late Pleistocene and Holocene African regional diversity. *In* Grine F (editor), *Late Pleistocene Human Skull from Hofmeyr, South Africa*. New York, Springer Science & Business Media Publishers. 44p.

Ribot, I, Ghalem, Y., Klagba, M. et al. (**In preparation**) Re-exploring Shum Laka's human remains using 3D geometric morphometric analyses. *American Journal of Biological Anthropology.*

Roseman, C. C. (2004). Detecting interregionally diversifying natural selection on modern human cranial form by using matched molecular and morphometric data. *Proceedings of the National Academy of Sciences*, *101*(35), 12824–12829.

Smith, H. F. (2009). Which cranial regions reflect molecular distances reliably in humans? Evidence from three-dimensional morphology. *American Journal of Human Biology*, *21*(1), 36–47.

Smith, H. F., Terhune, C. E., & Lockwood, C. A. (2007). Genetic, geographic, and environmental correlates of human temporal bone variation. *American Journal of Physical Anthropology*, *134*(3), 312–322.

von Cramon-Taubadel, N. (2014). Evolutionary insights into global patterns of human cranial diversity: Population history, climatic and dietary effects. *Journal of Anthropological Sciences = Rivista Di Antropologia: JASS*, *92*, 43–77.

ANNEX 5 LONG BONE ROBUSTICITY IN PAST AND PRESENT CENTRAL AFRICAN POPULATIONS

Long bone robusticity in past and present Central African populations: from hunter-gatherers to farmers.

Author: Malwine-Octavia KLAGBA

Supervisors:Michelle DRAPEAU & Isabelle RIBOT

ABSTRACT

Previous studies suggest that through biomechanical analysis of long bone diaphysis we can reconstruct behavior of past populations. We explore here the impact of transition from foraging to agriculture in Central African populations, by studying the robusticity of the long bones of past and recent groups. Therefore, this research uses cross-sectional geometric properties (CSG) to analyse upper and lower limbs strength. The CSG results show that the long bones robusticity is similar between populations practising different economic strategies. As robusticity was also compared between groups of similar economy but of different environment, no significant differences appeared between hunter-gatherers from both forest and mountain habitats. Although in the future, we need a larger sample to verify our hypothesis, this study allowed to analyse for the first time the robusticity of the upper and lower limbs throughout time in a key region of Africa.

Keywords: Central Africans, environment, farmers, hunter-gatherers, lower limbs, upper limbs, robusticity

1. Introduction

Ecomorphological studies explore the relationship between the ecological role of an individual or group and its morphological adaptation. Indirectly, they allow us to reconstruct paleoenvironments and past behaviors (Curran 2009; Meloro & al. 2017; Barr 2018; Quiblier 2020; Gruwier & Koravic 2021; Koravic & al. 2021; Meloro & Tamagnini 2021). In our case, cross-sectional properties are used to analyse long bones robusticity. In fact,

> "*Cross-sectional geometric properties are presumed to reflect the strength and shape of the long bone. These properties develop during life and are influenced by the intensity and frequency of physical activities undertaken. Consequently, they reflect the habitual activities and biomechanical patterns of an individual*" (Cameron & Pfeiffer 2014, 2).

Indeed, biomechanics helps to reconstruct behavioral patterns of past and recent human populations. Consequently, it is a tool to understand human robusticity or long bone strength that reflect indirectly the adaptation of human societies with various economies and habitats.

Previous studies on robusticity revealed that the early humans tend to appear more robust than recent humans. Furthermore, technological advances and sedentism reduced mechanical loads and lead to a gracilization of the human skeleton (Ruff & al.1993; Ruff 2005, 2008; Mummer & al. 2011). As a result, researchers assumed that pre-agricultural and more mobile societies were more robust than sedentary agricultural groups (Stock & Pfeiffer 2001; Weiss 2003; Stock 2006; Knobbe 2010; Davies & al. 2014; Crevecoeur & al. 2016; Durruty & al. 2017). In fact, as suggested by Stock & Pfeiffer (2001), when populations have mainly a terrestrial mobility, the lower limbs are more robust than populations with mainly marine mobility. These last ones have high upper limb robusticity due to the frequent use of watercraft and therefore paddling movements. According to Oligivie & al. (2011), agriculturists tend to have more robust upper limbs than hunter-gatherers, since the frequent use of upper limbs for the cultivation of fields. In other word, physical activity can shape bone strength.

However, other factors affect human robusticity, like the ruggedness of the terrain (Ruff 1999). Actually, the nature of the terrain (eg. topography, lowlands, highlands) is an environmental factor, which can impact the mechanical loads on the lower limbs (Ruff 1999, 2007).

In the light of this literature review, the following general question is raised: is the transition hunter-gathers/agriculturists characterised by reduced mobility, therefore reduced robusticity? Two hypotheses were tested:

1. As repeated physical or **economic** activity can affect morphology, farmers who have to work the fields, will have stronger upper limbs; while hunter-gatherers, more mobile, will have more robust lower limbs.

2. The environment, like the **topography** of the land will be mentioned, because this last one, can influence the subsistence strategy and intensity of mobility. Thus, those living in a more rugged terrain (eg. mountainous habitat *vs* flat lowland) will have more robust (upper and) lower limbs.

2. Materials & Methods

The skeletal collections under study corresponded to 43 individuals, aged between 18 to 75 years and originated from Central African sites or regions grouped into five groups with different economies (Farmers *vs* Hunter-Gatherers) (figure 1):

1-Ishango, Democratic Republic of the Congo (DRC) (Late stone Age, LSA), (n=2)

2-Shum Laka, Cameroon (Stone to metal Age, SMA), (n=3)

3-Upemba Valley, DRC (7^{th}-18^{th} c AD), (n= 34)

4-Azande, DRC (19^{th} – 20^{th} c AD), (n=2)

5-Mbuti, DRC (19^{th} – 20^{th} c AD), (n=4)

Therefore, 47 humeri, 40 radius, 40 ulnas, 57 femurs, 33 tibias and 33 fibulas were analysed.

Access to the collections were obtained from two Belgian Institutions (ULB, IRSCNB) where the skeletal remains were curated.

Figure 1. Central African populations studied. 1: Ishango; 2: Shum Laka; 3: Upemba valley; 4: Azande; 5: Mbuti. (Map modified from Google 2022).

Methods

Chronological, age and sex data were compiled from various sources (eg. Ribot & al. 2001; Dlamini 2013, 2016). For some individuals (eg. Ishango, Azande, Upemba), sex was established according to the cranial morphological features (Buikstra & Ubelaker 1994), the sacrum (Byers 2005) and the coxal bones morphology and morphometrics (Bruzek 2002; Steckel & al. 2005; Bruzek & al. 2017). Finally, age was determined by the degree of dental wear (Lovejoy 1985) and the degenerative changes of vertebrae (Albert & Maples 1995), the auricular surface and pubic symphysis, both on coxal bones (Schwartz 1995).

All the bones of both upper and lower limbs were CT-scanned at Erasme Hospital (Dr S. Louryan, Université Libre de Bruxelles), in order to analyse their cross-sectional geometry (CSG). After determining maximum length of each bone, bone areas at various location (20 %, 35%, 50%, 65% and 80% in CSG) (figure 2) were analysed with two softwares (ImageJ and BoneJ pluging).

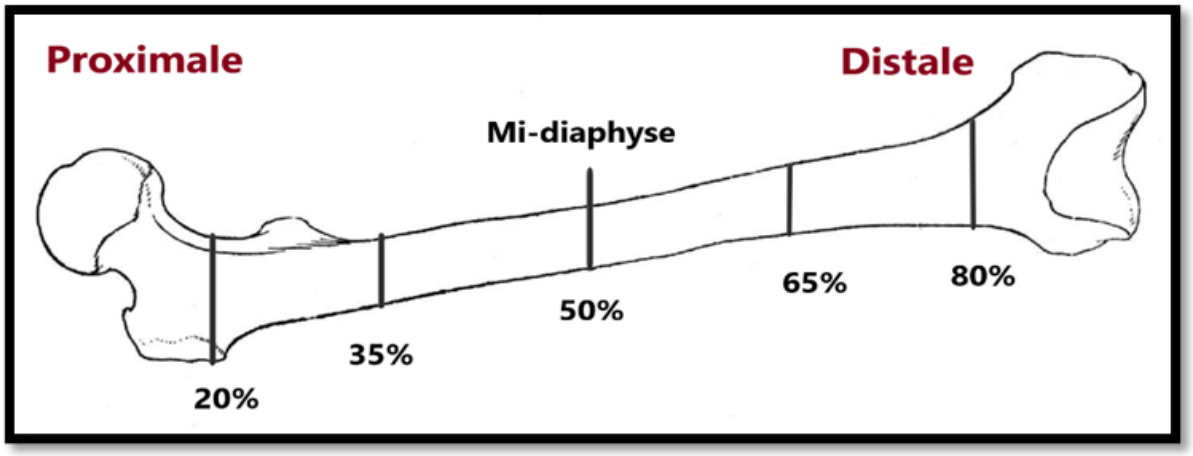


Figure 2. The five cross- sections selected along the length of the femur.

To determine the rigidity of the long bones, five variables were used (table 1). These were standardized by body size using powers of bone length and only lower limbs were standardized by body mass using mass and power of bone length (Ledger & al. 2000; Ruff 2000, 2008; Cameron & al. 2014). Finally, non-parametric tests were used for the statistical analysis with two softwares (SPSS v.26 and PAST).

Table 1. Cross-sectional Geometric Properties of the long bones studied (Ruff 2008; *Cameron & al. 2014).

Geometric properties	Units	Abbreviations	Definitions
Cortical area	mm^2	CSA	Compressive/tensile strength
Minimum second moment of area	mm^4	Imin	Minimum bending rigidity
Maximum second moment of area	mm^4	Imax	Maximum bending rigidity
Polar second moment of area	mm^4	J (=Imin+ Imax)	Torsional and (twice) average bending rigidity
***Diaphyseal circularity index**		Imax/Imin	Directionality of bending strength

3. Results

Table 2 summarises the statistical results obtained for the biomechanical properties of the long bones according to the subsistence strategies. **CSA at the left proximal humeri and Imax/Imin at the right distal humeri** are both significant. In this case, farmers are more robust than hunter-gatherers. However, the **midshaft right radius and Imax/Imin at the 65%** right ulnae are significantly higher in hunter-gatherers. Here, the last ones are more robust than farmers. But generally, upper limbs robusticity is similar in the two groups (H-G and F).

Table 2. Significant (or nearly significant) properties with the Man-Withney Test between different sections of the hunter-gatherers (H-G) and farmers (F) long bones.

Mann-Whitney	**CSA**	**I_{min}**	**I_{max}**	**J**	**I_{max}/I_{min}**
Humeri[1]	Left proximal F > H-G	none	none	none	Right distal F > H-G
Radius[1]	Right midshaft H-G >F	Right midshaft 65% H-G >F	Right midshaft H-G >F	none	65% right F >H-G
Ulnas[1]	none	none	none	none	65% right H-G > F
Femurs[2]	20% left significant 35, 50 & 65% left, nearly 20 & 65% right, nearly 35, 50 80% right significant F > H-G	none	none	none	35% right H-C>F

Tibias[2]	none	none	[1]35 % & left midshaft H-G> F	[1] left midshaft H-G> F	[1]35% right H-G >F
Fibulas[2]	none	none	none	none	none

[1]Standardized by length only. [2]Standardized by length and mass

Almost all **CSA of femora** are significantly higher for farmers than hunter-gatherers, while Imax/Imin are significantly higher at the distal right femora. Moreover, Imax and J, at the **midshaft left tibiae and Imax/Imin at the 35% right tibia**e are higher in hunter-gatherers than farmers. Finally, fibulae are not significant. In consequence, lower limbs of the hunter-gatherers and farmers have more or less the same robusticity, to some exceptions.

Table 3 summarises the statistical tests obtained for the properties of the long bones for only hunter-gatherers but according to two habitats (forest *vs* mountains). Only **CSA at the distal right fibulae** is significant. In this case, the distal sections are more robust in the mountains than the forest. Otherwise, upper and lower limbs in these two environments seem generally to have the same strength.

Table 3. Significant long bone properties with the One-way PERMANOVA Test according to the environments (forest (F)/ mountains (M)) of hunter-gatherers.

PERMANOVA	CSA	I_{min}	I_{max}	J	I_{max}/I_{min}
Radius	None	none	none	none	none
Ulnas	none	none	none	none	none
Fibulas	Right distal M> F	none	none	none	none

*long bones standardized by bone length.

4. Discussion

The aim of our project was to observe transition foraging/agriculture, which could result in reduced mobility and robusticity, as suggested by several studies on hunter-gatherers in South Africa (Ledger & al 2000; Stock & Pfeiffer 2001,2004; Weiss 2003; Stock 2006; Shaw & Stock 2013; Cameron & al.

2014; Cameron & Stock 2018) and throughout the world (Marchi & al. 2006; Ruff 2008; Boucher 2012; Püschel & Benitez 2014; Sparacello & al. 2014; Ruff & al. 2015; Crevecoeur & al. 2016).

Unexpectedly, the robusticity of the upper (humeri, ulnas, radius) and lower limbs (femora, tibiae, fibulae) is almost similar for the groups defined according to both economic activities and environment. Several reasons can explain these results.

First, many of these groups (F and H-G) share similar physical activities, which could explain the lack of numerous significant differences. The first agricultural populations of Upemba Valley (7^{th}-18^{th} c AD) and the Azande (19^{th} - 20^{th}) although sedentary, still practice to some extent some hunting, fishing and gathering, Thus, they remained partly mobile on a small scale, and even if social hierarchy ensured that only some were more commonly dedicated to special physical activities (eg. blacksmith). We also need to remember that socio- economic changes took place very progressively and it is the same for the morphological modifications, less visible. On the other hand, the so-called 'hunter-gatherer' populations (eg. Shum Laka, Ishango, Mbuti) were rather mobile, but recent and past groups also relied on subsistence strategies such as horticulture. Hence, they could be considered as partly sedentary.

Second, the sample size is small. Farmers often outnumbered hunter-gatherers. Overall, few long bones were preserved and were not all well represented. Then the number of ancient populations per site was very small. For example, the Ishango individuals for the LSA were only two, so they were most likely not representative of the robusticity of that community at that period.

Third, bone fragmentation prevented us from studying all limbs and sections from the same individual. In addition, the fragmentation of the femoral necks prevented us from having enough data standardized by the body mass, an essential point in the study of the robusticity of the lower limbs. The increase of the sample size, by the addition of modern and past hunter-gatherers, as well as farmers would help to better understand the variation of Central African bone robusticity.

5. Conclusion

This research allowed us to apply the ecomorphological approach. These human long bones, which belonged to groups that lived in varied environments with various ways of subsistence, allowed us to explore the ecomorphological diversity in Central Africa, although no marked differences in robusticity were observed between H-G and F. These data are the first biomechanical ones collected in this region and in a fairly broad time frame (from the end of the Stone Age to the 20^{th} c AD). They provide unique information on robusticity, because very few studies of this type have been carried out so far in this region of the world.

ACKNOWLEDGEMENTS

This paper is part of the Master's thesis that the first author completed at the Université de Montréal (Canada). We would like to thank our two Master's supervisors Michelle Drapeau and Isabelle Ribot for their work and the Université de Montréal for various funding (eg. Exploration, Maison Internationale). We also thank Patrick Semal (curator of anthropological collections, Institut Royal des Sciences Naturelles de Belgique), Dr Stéphane Louryan (Erasme Hospital, Brussels) and Pierre de Maret (Université Libre de Bruxelles).

REFERENCES

Alfonso-Durruty, M., B. Giles, M. San Román, and F. Morello. 2017. « Assessment of an east-west phenotypic variation in body height, body form and body mass among prehistoric hunter-gatherers of

Patagonia and Tierra del Fuego, Chile ». *Chungara* 49 (4):623-634. https://doi:10.4067/S0717-73562017005000112

Andrew Barr, W. 2018. « Ecomorphology ». In *Methods in Paleoecology: Reconstructing Cenozoic Terrestrial Environments and Ecological Communities*, édité par Darin A. Croft, Denise F. Su, et Scott W. Simpson, 339-49. Cham: Springer International Publishing. https://doi.org/10.1007/978-3-319-94265-0_15.

Boucher, K-L. 2012. « A Comparative Ontogenetic Study of Biomechanical Adaptations in the Long Bones of South African Khoisan and Sadlermiut Inuit ». PhD, *University of Western Ontario.* https://ir.lib.uwo.ca/etd/1019

Brüzek, J., F. Santos, B. Dutaillly, et E. Cunha. 2017. « Validation and reliability of the sex assessmen of human hip-bone unsing freely available DSP2 software in bioarcheology and forensic anthropology». *American Journal Physical Anthropology* xxx

Buikstra, J. E., et D. H. Ubelaker. 1994. *Standards for data collection from human skeletal remains*. Vol. 44. Arkansas Archeological Survey Research Series. Fayetteville: Arkansas Archeological Survey.

Cameron, M. E., and S. Pfeiffer. 2014. « Long bone cross-sectional geometric properties of later stone age foragers and herder-foragers ». (Report). *South African Journal of Science* 110 (9-10):78. https://doi: 10.1590/sajs.2014/20130369.

Cameron, M. E et J. Stock. 2018. « Ecological variation in later stone Age southern African biomechanical properties ». *Journal of Archeologial Science* 17: 125-136. https://doi.org/10.1016/j.jasrep.2017.10.033

Crevecoeur, I., A. Brooks, I. Ribot, E. Cornelissen, et P. Semal. 2016. « Late Stone Age human remains from Ishango (Democratic Republic of Congo): New insights on Late Pleistocene modern human diversity in Africa ». *Journal of Human Evolution* 96 (juillet): 35-57. https://doi.org/10.1016/j.jhevol.2016.04.003.

Curran, Sabrina Christiene. 2009. « Hominin Paleoecology and Cervid Ecomorphology ». *ProQuest Dissertations and Theses*. Ph.D., Ann Arbor: University of Minnesota. 304954009. ProQuest Dissertations & Theses Global. https://www.proquest.com/dissertations-theses/hominin-paleoecology-cervid-ecomorphology/docview/304954009/se-2?accountid=9641.

Davies, T.G., and J.T. Stock. 2014. « Human Variation in the Periosteal Geometry of the Lower Limb: Signatures of Behaviour among Human Holocene Populations. » Dans *Reconstructing Mobility* 67–90. Springer, Boston, MA

Dlamini, Nonhlanhla. 2013. « IN SEARCH OF THE EARLY INHABITANTS OF CENTRAL KATANGA, DEMOCRATIC REPUBLIC OF CONGO ». *Goodwin Series* 11:78–87.

Dlamini, Nonhlanhla, Judith Sealy, and Alan G. Morris. 2016. « Carbon Isotopes and Dental Caries as Evidence for Regional Variation in the Diets of Early Farming Communities from Katanga, Democratic Republic of the Congo. » *Journal of African Archaeology* 14 (2):135–153. https://doi: 10.3213/2191-5784-10290

Gruwier, Ben J., et Kris Kovarovic. 2021. « Ecomorphology of the cervid calcaneus as a proxy for paleoenvironmental reconstruction ». *The Anatomical Record* n/a (n/a). https://doi.org/10.1002/ar.24845.

Holt, M. 2003. « Mobility in Upper Paleolithic and Mesolithic Europe: Evidence from the lower limb ». *American Journal of Physical Anthropology* 122 (3): 200-215. https://doi.org/10.1002/ajpa.10256.

Knobbe, S. 2010. « Reconstructing Activity Patterns in Prehistoric Jomon People Using Long Bone Cross-Sectional Geometry ». M.A., University of Missouri--Columbia. https://doi.org/10.32469/10355/9278.

Kovarovic, Kris, J. Tyler Faith, Kirsten E. Jenkins, Christian A. Tryon, et Daniel J. Peppe. 2021. « Ecomorphology and ecology of the grassland specialist, Rusingoryx atopocranion (Artiodactyla: Bovidae), from the late Pleistocene of western Kenya ». *Quaternary Research* 101: 187-204. https://doi.org/10.1017/qua.2020.102.

Ledger, M., L-M. Holtzhausen, D. Constant, et A. G. Morris. 2000. « Biomechanical Beam Analysis of Long Bones from a Late 18th Century Slave Cemetery in Cape Town, South Africa ». *American Journal of Physical Anthropology* 112 (2): 207-16.

Lovejoy, C. O., R. S. Meindl, T. R. Pryzbeck, et R. P. Mensforth. 1985. « Chronological metamorphosis of the auricular surface of the ilium: A new method for the determination of adult skeletal age at death ». *American Journal of Physical Anthropology* 68 (1): 15-28.

Marchi, D., V. S. Sparacello, Brigitte M. Holt, et Vincenzo Formicola. 2006. « Biomechanical approach to the reconstruction of activity patterns in Neolithic Western Liguria, Italy ». *American Journal of Physical Anthropology* 131 (4): 447-55. https://doi.org/10.1002/ajpa.20449.

Meloro, Carlo, et Davide Tamagnini. 2021. « Macroevolutionary ecomorphology of the Carnivora skull: adaptations and constraints in the extant species ». *Zoological Journal of the Linnean Society*, septembre, zlab075. https://doi.org/10.1093/zoolinnean/zlab075.

Meloro, Carlo, Jonathan Hunter, Louise Tomsett, Roberto Portela Miguez, Francisco J. Prevosti, et Richard P. Brown. 2017. « Evolutionary ecomorphology of the Falkland Islands wolf Dusicyon australis ». *Mammal Review* 47 (2): 159-63. https://doi.org/10.1111/mam.12085.

Mummert, Amanda, Emily Esche, Joshua Robinson, et George J. Armelagos. 2011. « Stature and robusticity during the agricultural transition: Evidence from the bioarchaeological record ». *Economics and Human Biology* 9 (3): 284-301.

Püschel, T. A. et Bénitez, H. A. 2014. « Femoral functional adaptation: a comparison between hunter-gatherers and farmers using geometric morphometrics ». Int. J. *Morpho*l 32 (2): 627-633.

Ogilvie, M.D. 2000. « A biological reconstruction of mobility patterns at the foraging to farming transition in the American *Southwest ». Ph.D., Ann Arbor, United States. http://search.proquest.com/docview/304614630/abstract/F3B8F007322549A2PQ/1.

Ogilvie, M.D., and C.E. Hilton. 2011. “Cross-Sectional Geometry in the Humeri of Foragers and Farmers from the Prehispanic American Southwest: Exploring Patterns in the Sexual Division of Labor.” *American Journal of Physical Anthropology* 144 (1): 11–21. https://doi.org/10.1002/ajpa.21362.

Quiblier, Lauriane. 2020. « Étude comparative de la morphologie du crâne d’artiodactyles et de périssodactyles: une approche écomorphologique ». https://matheo.uliege.be/handle/2268.2/9887

Ribot, Isabelle, Rosine Orban, et Pierre de Maret. 2001. *The Prehistoric Burials of Shum Laka Rockshelter: North-West Cameroon*. Annalen, Menswetenschappen = Annales, Sciences Humaines, vol. 164. Tervuren, Belgium: Royal Museum for Central Africa.

Ruff, C.B .1999. "Skeletal Structure and Behavioral Patterns of Prehistoric Great Basin Populations." *Prehistoric Lifeways in the Great Basin Wetlands: Bioarchaeological Reconstruction and Interpretation*, 290–320.

. ——— 2000. « Body Size, Body Shape, and Long Bone Strength in Modern Humans ». *Journal of Human Evolution* 38 (2): 269–90. https://doi.org/10.1006/jhev.1999.0322.

———2005. « Mechanical determinants of bone form: insights from skeletal remains ». *Journal of musculoskeletal & neuronal interactions* 5 (3): 202–212. https://pubmed.ncbi.nlm.nih.gov/16172511/

———. 2008. « Biomechanical Analyses of Archaeological Human Skeletons ». In *Biological Anthropology of the Human Skeleton*, édité par M. Anne Katzenberg et Shelley R. Saunders, 183-206. Hoboken, NJ, USA: John Wiley & Sons, Inc. https://doi.org/10.1002/9780470245842.ch6.

Ruff, C. B., E. Trinkaus, A Walker, et C. S. Larsen. 1993. « Postcranial robusticity in Homo. I: Temporal trends and mechanical interpretation ». *American Journal of Physical Anthropology* 91 (1): 21-53. https://doi.org/10.1002/ajpa.1330910103.

Ruff, Christopher B., Brigitte Holt, Markku Niskanen, Vladimir Sladek, Margit Berner, Evan Garofalo, Heather M. Garvin, et al. 2015. « Gradual Decline in Mobility with the Adoption of Food Production in Europe ». *Proceedings of the National Academy of Sciences* 112 (23): 7147-52. https://doi.org/10.1073/pnas.1502932112.

Ruff, Christopher B., Brigitte Holt, Markku Niskanen, Vladimir Sladek, Margit Berner, Evan Garofalo, Heather M. Garvin, et al. 2015. « Gradual Decline in Mobility with the Adoption of Food Production in Europe ». *Proceedings of the National Academy of Sciences* 112 (23): 7147-52. https://doi.org/10.1073/pnas.1502932112.

Shaw, C. N., et J. T. Stock. 2013. « Extreme Mobility in the Late Pleistocene? Comparing Limb Biomechanics among Fossil Homo, Varsity Athletes and Holocene Foragers ». *Journal of Human Evolution* 64 (4): 242-49. https://doi.org/10.1016/j.jhevol.2013.01.004.

Sparacello, V. S., D. Marchi, et C N. Shaw. 2014. « The Importance of Considering Fibular Robusticity When Inferring the Mobility Patterns of Past Populations ». In *Reconstructing Mobility*, édité par Kristian J. Carlson et Damiano Marchi, 91-110. Boston, MA: Springer US. https://doi.org/10.1007/978-1-4899-7460-0_6.

Stock, J.T. 2006. « Hunter-Gatherer Postcranial Robusticity Relative to Patterns of Mobility, Climatic Adaptation, and Selection for Tissue Economy ». *American Journal of Physical Anthropology* 131 (2): 194-204. https://doi.org/10.1002/ajpa.20398

Stock, J. T., et S. Pfeiffer. 2001. « Linking structural variability in long bone diaphyses to habitual behaviors: Foragers from the southern African Later Stone Age and the Andaman Islands. » *American Journal of Physical Anthropology* 115 (4):337-348. doi:10.1002/ajpa.1090.

Stock, J. T., et S Pfeiffer. 2004. «Long bone robusticity and subsistence behavior among later stone age foragers of the forest and fynbos biomes of south Africa ». *Journal of Archeological Science* 31: 999-1013. https://doi.org/10.1016/j.jas.2003.12.012

Stock, J T., and C. N. Shaw. 2007. « Which measures of diaphyseal robusticity are robust? A comparison of external methods of quantifying the strength of long bone diaphyses to cross-sectional geometric properties. » *American Journal of Physical Anthropology* 134 (3):412–423. doi:10.1002/ajpa.20686

Weiss, E. 2003. “Effects of Rowing on Humeral Strength.” *American Journal of Physical Anthropology* 121 (4): 293–302. https://doi.org/10.1002/ajpa.10240

ANNEX 6 GENETIC ANALYSIS OF HUMAN REMAINS - RECOMMENDATIONS

Recommendations regarding the genetic analysis of human remains in the context of repatriation

Femke Van Puymbrouck*, Stijn Desmyter

National Institute of Criminalistics and Criminology, Brussels, Belgium

Genetic analysis is known to be applied in many scientific fields. Within the repatriation of human remains, it could also potentially play a role. Although genetic analysis has its benefits, it also has its limitations, particularly when dealing with human remains from which only ancient DNA could be recovered and analysed (1). Since stakeholders with different competences and interests are involved in the decision making process of repatriation cases, it is important to provide comprehensible information in advance. This document aims to provide information regarding the possibilities and challenges of DNA typing and interpretation within the scope of the repatriation of human remains.

The relevance of genetic analysis in each particular repatriation case should be considered and discussed with all stakeholders before the start of the DNA analysis process. Genetic analysis can interfere in this process, but may not be considered as a stand-alone technique. A strictly biological approach would ignore the complexity of identity and could undermine family histories (2). A multidisciplinary approach is always required. The interpretation of the obtained DNA results should thus be considered in the light of primary information (e.g. historical records, other analytical data, archaeological findings), if available (3–9). Moreover, the impact of DNA sampling on the human remains should be assessed. Since results can be surprising and challenge previous assumptions, the possible outcome of genetic analysis and interpretation should also be clarified in advance. So even though it could be technically feasible, the implementation of genetic analysis in repatriation cases could be limited by the possible ethical, social and political outcome of the investigation.

Genetic analysis can thus have a place in certain repatriation cases of human remains. However, its application should be widely discussed between several parties involved in the repatriation process. Importantly, this document does not at all intend to impose genetic analysis. It merely serves as a guidance in the decision making process and during the procedure of genetic analysis.

This work was submitted as part of the project HOME within the research programme BRAIN-be 2.0

* Corresponding author: Van Puymbrouck F., National Institute of Criminalistics and Criminology (NICC), Department of Biology, Vilvoordsesteenweg 100, 1120 Brussels, Belgium.

E-mail address: femke.vanpuymbrouck@just.fgov.be

1. Basic principles

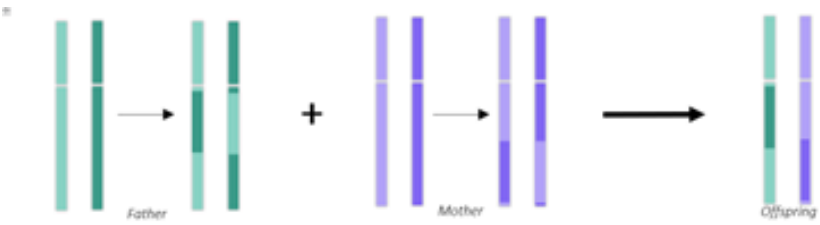
1.1. Genetic inheritance

Human DNA, short for deoxyribonucleic acid, is a double-stranded molecule composed of three billion pairs of building blocks called nucleotides. These building blocks each consist of one of four bases: adenine (A), cytosine (C), guanine (G) or thymine (T). Bases form base pairs by binding two complementary bases (A-T, C-G), creating the double strand. The sequences of these four nucleotides contain all genetic information inside the human body. Identical copies of DNA are located inside almost all human cells of an individual where it is found inside the cell's nucleus, referred to as nuclear DNA (nucDNA), and inside the cell's mitochondria, called mitochondrial DNA (mtDNA) (10). This means that DNA in buccal cells is identical to DNA in bone cells or blood cells, for instance.

NucDNA is organized in coiled, dense structures called chromosomes. Every cell consists of 46 chromosomes arranged in pairs of homologous chromosomes, resulting in diploid cells comprising 23 pairs of chromosomes. Homologous chromosomes have similar structures but the genetic information in corresponding regions isn't necessarily the same (11). For example, if a certain region of homologous chromosomes houses information about a person's eye colour, the information on one chromosome could code for blue eyes whilst the information on the other one could code for another colour.

During sexual reproduction, a male and female haploid reproductive cell consisting of only one set of chromosomes merge. As a result, each chromosome pair consists of one chromosome inherited from the father and one from the mother. However, inherited chromosomes are not exact copies of parental chromosomes because of chromosomal recombination upon production of reproductive cells, called meiosis. During recombination, homologous chromosomes overlap causing crossover. This results in partial exchange of information within a pair of homologous chromosomes. Recombination occurs randomly in each meiosis, contributing to variability between individuals (Figure 1).

Figure 1: Chromosomal recombination in parental chromosomes resulting in mixed inherited chromosomes in offspring



One pair of chromosomes determines sex by two types of sex-chromosomes: X- and Y-chromosomes. The remaining 22 pairs of chromosomes are referred to as autosomal chromosomes. Male cells are characterized by one X- and one Y-chromosome, while female cells are characterized

by two X-chromosomes. Since X- and Y-chromosomes are not homologous, very little recombination happens between these two types of sex-chromosomes. Y-chromosomes have a non-recombining region that is inherited directly from father to male offspring (paternal inheritance). The Y-chromosome is thus inherited by all male descendants present in a paternal line. (Figure 2A).

Since autosomal DNA is highly variable between unrelated individuals and even relatives, it is ideal for individualisation. It is also possible to determine genetic kinship between close relatives by determining the amount of shared autosomal DNA by descent. Autosomal DNA shared by descent however declines rapidly across generations because of its specific inheritance characteristics, making it quite challenging to identify more distant relatives. Unlike autosomal DNA, Y-chromosomal DNA is shared almost in its entirety by all male individuals related by parental line across several generations. It allows for the identification of paternal lineages over a long period of time. Distant relatives paternally related can thus be associated with each other. Conversely, Y-chromosomal analysis is less discriminating then autosomal DNA analysis.

In addition to nucDNA, numerous copies of small, circular mtDNA are present inside each mitochondrion. Mitochondria are cellular organelles found in all cells of the human body. Moreover, one cell contains several mitochondria. This results in high copy numbers of mtDNA per cell. MtDNA is inherited strictly and integrally (without recombination) from mother to all offspring (maternal inheritance). Consequently, both males and females present in a maternal line will, in principle, share the same mtDNA (Figure 2B).

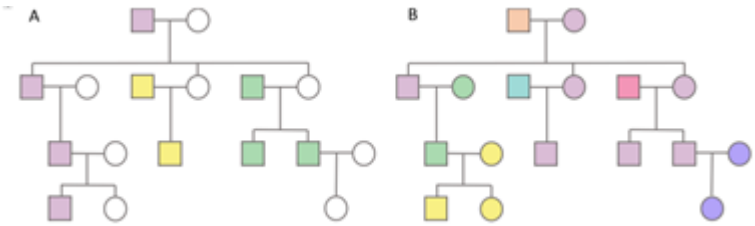


Figure 2: Identical four-generations pedigrees demonstrating paternal inheritance of the Y-chromosome (A) and maternal inheritance of mtDNA (B). Similar colours represent similar Y-chromosomes (A) or mtDNA (B). ¨ : males, ¡ : females.

Hence, mtDNA also allows for the identification of maternal lineages across many generations, similar to the Y-chromosome. Whilst the Y-chromosome is only present in males, limiting the analysis to male-male kinship, mtDNA is present in both males and females. Thus, MtDNA analysis could be useful in female-female as well as female-male kinship testing.

1.2 Genetic markers

The vast majority of the human genome, all genetic material of a person, is identical among individuals (10,12). However, the human genome consists of small regions of variability, polymorphisms, which makes it unique for each individual, excluding identical twins. These polymorphic regions in the genome are referred to as loci or genetic markers, the possible variants for each locus are called alleles. For example, multiple DNA regions comprising repetitive DNA sequences of varying lengths are spread throughout the genome. Microsatellites, better known as

short tandem repeats (STRs), are DNA repeat units ranging from 2 base pairs (bp) to 7 bp in length. The number of unit repeats in these regions can vary greatly between individuals, therefore STRs are adequate as markers for genetic analysis. Furthermore, substitutions of single base pairs at specific positions in the genome can also occur. These genetic variations are known as single nucleotide polymorphisms (SNPs). Usually only two alleles are observed per nuclear SNP. Compared to STRs, SNPs are thus limited in variability. However, because of a higher prevalence in the human genome, larger numbers of SNPs can also provide evidence for genetic analysis. Besides substitutions of nucleotides, certain nucleotides or even complete sequences can be present (insertion) or absent (deletion) in specific locations of the human genome. Insertions and deletions, referred to as InDels, are thus also limited in variability, owing to their diallelic nature. Particularly Y- and autosomal STRs as well as SNPs and InDels present in both nucDNA and mtDNA can be of interest in the process of repatriation of human remains.

Most polymorphisms located on the Y-chromosome and all polymorphisms located on the mtDNA are inherited in block since little (Y) to no (mtDNA) recombination of these DNA-strands occurs (11). These polymorphisms are thus inherited together from a single parent as single units, termed haplotypes. Similar haplotypes can be clustered in one group, called a haplogroup.

Genetic analysis is based on the comparison of DNA-profiles. These DNA-profiles are composed of several aforementioned genetic markers or loci (STRs or SNPs) on specific locations in the genome. Only small, highly variable parts of the human genome are thus compared during genetic analysis. Possible applications of genetic analysis in the context of repatriation of human remains are the determination of gender, the identification of genetic relationships among individuals (kinship analysis) and the indication of biogeographical ancestry. In some extremely rare cases, the identification of individuals is also possible (human identification). Comparison of a DNA-profile of a questioned biological sample with a reference DNA-profile originated from its alleged donor or relatives can be made to infer genetic relationships between individuals. Several approaches to assess the degree of relationship between individuals can be implemented, with or without the need of specific population databases containing allele frequencies. DNA-profiles can also be compared directly to specific population databases to indicate for biogeographical ancestry. However, not all genetic markers discussed before are useful for all types of applications. Applications of genetic analysis most significant within the scope of repatriation will be discussed in the final chapter.

1.2 DNA processing

Prior to genetic analysis, several steps are involved in order to generate a DNA-profile from a biological sample. As mentioned before, DNA is stored in cell nuclei and mitochondria inside various body cells. Consequently, any available biological tissue (e.g. hair, bone, nail) or body fluid (e.g. blood, saliva) must be collected first, followed by DNA-extraction. DNA-extraction involves the isolation and purification of DNA from cells. Different extraction strategies are implemented depending on the source of the biological material. Subsequently, the quantity of the extracted DNA can be measured and a sample enrichment strategy is implemented. DNA fragments are generally amplified to obtain large amounts of copies of specific DNA fragments through polymerase chain reaction (PCR). Capturing specific targets using target enrichment is also applicable (13). Finally, the targeted genetic markers are analysed followed by the generation of DNA-profiles. Several detection

techniques can be applied according to the type of polymorphism under investigation. When analysing autosomal STRs or Y-STRs, capillary electrophoresis (CE) can be used for the detection of alleles in genetic markers. Since the number of repeats can vary greatly, the length of each allele also differs. By simply measuring the length without knowing the exact sequence using CE it is therefore possible to distinguish and detect different alleles. The analysis of SNPs and InDels however requires the determination of the order of nucleotides. Sanger sequencing used to be the standard method to analyse SNPs and small InDels (14). However, Sanger based sequencing only allows for the sequencing of a limited amount of nearby targets at once. With the advent of Massive Parallel Sequencing (MPS), also known as Next-Generation Sequencing (NGS), more SNPs and InDels can be detected genome-wide in a single experiment. Moreover, NGS can also be implemented for the detection of STRs.

Since the analysis of SNPs and InDels both require the determination of the sequence of nucleotides, we will mention the term SNPs to refer to both SNPs and InDels further on.

Issues in DNA processing of human remains will be discussed and recommendations will be given in the following chapters.

2. DNA degradation and conservation

Human remains present in Federal Scientific Institutions (FSI's) and private collections date back several decades to centuries. Since DNA degrades over time, these human remains usually contain low quantities of (highly) degraded DNA, often referred to as ancient DNA (aDNA) (15,16). After death, DNA degrades as a result of chemical processes affecting it and the discontinuation of enzymatic repair processes maintaining the genome integrity in living cells (16,17). DNA degrading factors involve endogenous enzymes and environmental microorganisms and invertebrates as well as hydrolytic and oxidative processes (16–19). Degradation, causing DNA fragmentation and modification of bases, is one of the main factors complicating DNA analysis. Degraded DNA is usually fragmented because of strand breaks into pieces of 40 to 500 bp in size (20). In addition, the length of amplified DNA is also limited by modifications blocking DNA polymerases during PCR (16,17,21). Moreover, other types of modifications result in incorrect incorporation of nucleotides during amplification because of nucleotide transformations.

Environmental factors can influence the state of DNA preservation in skeletal remains (18,19). These factors include temperature, pH and humidity. High temperatures increase DNA degradation rates, whereas low temperatures slow down chemical reactions responsible for degradation. Therefore, samples originating from hot climates are particularly prone for DNA damage. Besides high temperature, humidity also causes deterioration of DNA. Moreover, it favours the penetration and growth of microorganisms because of the porosity of bone allowing for moisture accumulation in the pores. Thus, humidity induces DNA degradation as well as environmental contamination by microorganisms. Additionally, when human remains are in direct contact with soil, soil acidity influences DNA preservation. Low pH values damage DNA, whilst DNA is more stable at neutral to slightly alkaline conditions.

Human remains should be stored in optimal conditions to prevent further endogenous DNA degradation and microbial growth. Consequently, it is recommended to store the human remains in a dry, cold and clean place. Fixation in formaldehyde solutions, frequently applied to soft tissues and organs for preservation purposes, must be avoided. Treatment with formaldehyde complicates DNA extraction as well as amplification (22,23). In addition, conservation conditions should not be in conflict with other scientific disciplines (e.g. morphology, isotopic investigation).

DNA degradation occurs in both nuclear and mtDNA. MtDNA however is more resistant to degradation than nucDNA because of its smaller and circular appearance. Moreover, one cell contains multiple copies of mtDNA, whilst only one copy of nucDNA. MtDNA is thus abundant compared to nucDNA. Therefore, nucDNA is more prone for degradation whilst mtDNA is more robust.

Compared to SNP-analysis, relatively large sized fragments of DNA are being analysed during STR-analysis. When analysing degraded DNA fragments, the STR-fragment length can exceed the actual fragment length present in the degraded sample. This leads to the non-amplification of the DNA fragments. Conversely, ultrashort fragments can be analysed during SNP-analysis which is beneficial for the analysis of heavily degraded samples.

In order to obtain reliable results, protocols accounting for the expectation of low amounts of degraded DNA should be implemented.

Recommendations – Conservation

The storage facility of the human remains should be dry, cold and clean.

Fixation in formaldehyde solutions must be avoided.

Conservation conditions should not be in conflict with other scientific disciplines

3. Contamination management

Besides dealing with limited amounts of degraded DNA, contamination of the human remains with exogenous DNA complicates the analysis even more (18,24). Since DNA contamination interferes with downstream analysis and interpretation, controlling and preventing further DNA contamination is of utmost importance. Common sources of contaminating DNA are of human origin and microorganisms originating from the environment (18,25). Contaminating human DNA can occur from individuals handling or examining the human remains without precaution. Resultant contemporary human DNA contamination will lead to false positive results and the possible reporting of contamination as authentic DNA. DNA contamination can also arise whilst handling multiple human remains, resulting in cross-contamination between the substrates. Microbial DNA

contamination however occurs from environmental microorganisms entering bones and teeth during decomposition (24,25). In general, DNA extracts generated from bones or teeth contain 95 to 99% of co-extracted microbial DNA molecules.

Preventive measures should already be implemented during storage of the human remains in FSI's. Firstly, precautions against further contamination with contemporary human DNA should be taken when handling the stored remains. It is advised to always wear protective gear during manipulation including disposable gloves and a surgical mask (18,25). Other protective equipment such as hairnets and arm sleeves, clean protective suits or gowns are optional. Secondly, to avoid cross-contamination, changing disposable gloves between handling different specimens is recommended (25,26). It is also suggested to store the remains separated per individual to prevent sample mix-up.

Controlling contamination continues when processing the human remains and samples in dedicated DNA laboratories. Laboratories suited for working with ancient DNA are equipped to avoid introduction of contaminating DNA to samples or specimens. Standard set-up requirements for these facilities include separation between ancient DNA extraction, PCR preparation and post-PCR working areas since carry-over of PCR amplification products is one of the main issues in DNA analysis (25,26). Moreover, spatial isolation between different activities within the ancient DNA lab to prevent cross-contamination is also recommended (26). Ideally, preparation of human remains, sampling, DNA extraction and PCR set-up are performed in different rooms or hoods. Laboratory personnel entering and working in these dedicated rooms must always wear protective clothing (25,26). Laboratory clothing such as protective overalls or gowns, face masks, hairnets and regularly changed gloves help to avoid introducing exogenous human DNA into the working areas. However, contemporary human DNA contamination is not only caused by direct contact between individuals and the human remains or samples (27). Contamination by indirect transfer from contaminated equipment, consumables or surfaces is also possible. Standard cleaning protocols for surfaces and equipment should therefore be in place (25,26). Regular chemical cleaning using for example DNA degrading detergents or bleach followed by UV irradiation is recommended. Moreover, the use of UV irradiated reagents, clean laboratory equipment and sterilised consumables also controls the introduction of contaminating DNA molecules. Furthermore, samples originating from human remains may never be processed together with reference samples originating for example from potential relatives of the human remains. Since reference samples contain high amounts of contemporary human DNA, parallel analysis could lead to contamination of ancient samples. Ancient samples and other contemporary casework samples should also be separated during analysis whenever possible. Lastly, traceability, the ability to trace back all laboratory steps, is of utmost importance. All completed steps, from the receipt of the human remains until the reporting of results, should be described in detail. For instance, a detailed description of all procedures with timing and documentation of all involved laboratory personnel per analysis step, used consumables and products should be recorded (28). Traceability not only allows for the monitoring of possible introduction of contamination, but also ensures for quality control during laboratory procedures.

The creation of elimination databases allows for the monitoring of contamination during sample handling by comparing the DNA profiles obtained from the human remains and the profiles recorded in the database (27,29). All laboratory staff employed at the dedicated laboratory responsible for the analysis of the human remains should be included in an elimination database. An exclusion database

containing profiles of museum staff could also be created. Because of their intense contact with the human remains during manipulation, the risk of them contaminating the substrates is elevated. However, this database is only useful when records of all people who handle the human remains are being kept (25). Museum personnel as well as laboratory staff participating in an elimination database should be well informed about the database and its application. It is therefore important that staff give their permission through an informed consent. Even though both elimination databases can identify modern human DNA contamination, not all modern human contamination will be detected since there are no records or DNA-profiles available of all individuals who handled the remains in the past.

Other contamination measures that can be taken during specific steps of the analysis will be discussed per subject bellow.

Recommendations – Contamination management

Recommendations for FSI's

Protective clothing such as a facial mask and disposable gloves should be worn whenever handling human remains. Arm sleeves, protective suits or gowns and hairnets are optional.

Disposable gloves should be changed in between handling two different specimens.

Human remains originating from one individual should be stored separately from other individuals.

An elimination database containing DNA-profiles of the museum personnel is optional.

Recommendations for dedicated DNA laboratories

Pre-PCR working areas should be separated from post-PCR rooms.

Spatial isolation between different pre-PCR activities is recommended.

Personnel entering and working in the laboratory should wear protective clothing including a protective suit or gown, regularly changed disposable gloves and a hairnet.

Surfaces and equipment should be cleaned chemically followed by UV irradiation.

UV irradiated reagents, clean laboratory equipment and sterilised consumables should be used.

Separation of ancient samples and reference samples during analysis is required.

Traceability allows for contamination management as well as quality control.

Comparison between DNA-profiles obtained from a substrate and an elimination database containing DNA-profiles of all laboratory staff should be performed regularly.

4. Sampling of the human remains

In the context of repatriation, the only available biological tissues are usually bones or teeth. Exceptionally, hair, dried skin or nail is also available as a potential source of DNA. Successful recovery of DNA from these challenging human remains starts with targeted sampling of DNA-rich biological material. Furthermore, the choice of sampling location is also influenced by the potential contamination of the human remains under investigation. Lastly, awareness of the destructive

nature of genetic analysis is important and can influence the selection of a substrate for sampling as well.

Differences in initial DNA quantity and DNA preservation contribute to varying DNA concentrations among various human remains. Regarding bones, DNA is generally best preserved in dense cortical bone (30). Sampling of skeletal human remains should therefore aim to target areas containing the densest cortical bone available (31). Samples generated from the midsection of weight-bearing long bones (femur and tibia) for example perform better compared to all other long bones (30,32). Diaphyses of femora and tibiae should therefore be prioritized over other long bones whenever possible. However, the densest bone of the human body is the petrous portion of the temporal bone which is located inside the cranial vault at the base of the skull (33–35). The petrous bone or pars petrosa consists of the sensory organs of the inner ear protected by a bony labyrinth, termed the otic capsule. Because of its high density and resistance to damage, petrous bones have shown to generate high endogenous DNA yields, thereby outperforming other bones (31,36). Density however is not equally distributed along the petrous bone. Hence, when sampling the human cranium it is recommended to aim for the most dense part of the petrous bone, namely the osseous inner ear containing the cochlea (34).

Apart from bones, teeth can also be an optimal source of DNA (30,32,35–37). Different tissues can be distinguished within the human teeth: enamel, dentine, pulp and cementum. However, DNA preservation varies across these different regions of human teeth (37,38). Sampling of human teeth should therefore prioritize tooth tissue known for preserving DNA well, namely the outer layer of the root, the cementum (37–39). Targeting this cementum layer in ancient teeth has proven to generate higher endogenous DNA yields compared to samples originated from the inner dentine layer and pulp.

Both petrous bone and tooth cementum contain higher levels of endogenous DNA than any other available ancient human remain (35,36). Although other body parts could also be successful, these substrates are preferred when DNA-analysis is performed and should be sampled preferentially when possible. Comparison of DNA preservation in tooth cementum and petrous bone from the same individual shows petrous bone overall providing higher endogenous DNA contents regardless of preservation conditions (35). Nevertheless, petrous bone doesn't always outperform tooth cementum. Teeth with good molecular preservation, which is roughly corresponding with macroscopic preservation, perform on average just as well as petrous bones. Good visual tooth preservation is characterized by roots with thick, hard and compact cementum layers. Conversely, poorly preserved teeth displaying brittle and chalky roots often show lower success rates than the petrous bones of the same individual.

Macroscopic preservation is only a rough indication of molecular preservation. Thus, even if a skeletal human remain doesn't look degraded, it is still possible that DNA-analysis is unsuccessful because of poor molecular preservation. However, except for genetic analysis, there are no other screening methods available to properly assess DNA preservation to date (40). Visual inspection of all available human remains prior to selecting the substrate for sampling is therefore recommended. Examples of indicators for good macroscopic preservation of bones are smooth and intact surfaces, strong, non-brittle edges and dense or compact looking bone tissue (25).

In addition to attempt to target substrates containing sufficient amounts of endogenous DNA, potential surface contamination of substrates by exogenous human DNA should also be considered. DNA contamination from previous handling cannot be overcome despite all precautions that should be taken when storing and handling the human remains. Hence, exogenous human DNA contamination rates should be minimized or removed completely (25). Human remains with a lower risk of contamination are therefore preferred substrates. For example, the endocranial location of the petrous pyramid in intact skulls protects it from contaminating modern human DNA. Also teeth situated in jaw sockets are preferred because of the jawbone encapsulating and thereby protecting the roots. Furthermore, sample locations that allow for adequate decontamination without loss of endogenous DNA are also appropriate. Decontamination protocols can include the irradiation of all sample sides with ultraviolet (UV) light, mechanical and/or chemical decontamination methods (25). Mechanical decontamination involves the physical removal of the outermost layer of the skeletal human remains using a sanding disc (25,41). Alternatively, chemical cleaning of the sample using diluted bleach can also exclude potential DNA contamination (25,42).

As mentioned before, DNA-analysis is a destructive research method. Sampling can cause severe damage to the sampled human remain and the collected samples are consumed during the analysis. Hence, besides DNA-content and contamination rates, the impact of DNA-sampling should also be considered when selecting the substrate for sampling. For example, each skull contains only two petrous bones and in some cases just one is available. Sampling of the petrous part can result in irreplaceable damage to a precious cranium or result in loss of additional information (35). Teeth can be a valid alternative, in particular because of their larger quantity in individuals. Conversely, tooth sampling can be just as damaging, especially when only a few teeth are preserved or when teeth within jaws are forcefully removed. Thus, even though petrous bone preserves DNA extremely well and teeth are also shown to provide high levels of endogenous DNA, other substrates should be considered as well. However, sampling methods for other skeletal human remains can also be destructive, including drilling or cutting and powdering the bones (43). Moreover, analysis of these human remains is less likely to succeed due to the lower endogenous DNA content.

Regardless of the human remain of choice, as small sample sizes as possible should be taken using protocols as minimally destructive as possible, thereby attempting to preserve the morphological traits of the sampled bones or teeth (28,44,45). Sample size depends on the DNA concentration, tissue density and subsequent DNA preservation of the human remains. Human remains with high DNA content for instance allow for smaller sample sizes. Minimally invasive protocols for teeth involve only sampling the roots, without compromising the morphologically important tooth crowns (39,43). Roots of teeth can be sampled using the protocol described by Damgaard et al. (2015) (39) for instance. It involves separating the root from the crown followed by the removal of as much inner dentine from the root as possible. A hollow root enriched for cementum is eventually obtained and powdered. After root sampling, it is possible to place the tooth crown back into its jaw socket (25). This protocol however results in the loss of an entire root. In some cases, for example when isolated teeth are the only available biological material, loss of roots can still be too destructive. Therefore, a protocol without complete destruction of the root can be implemented (18). This protocol involves the direct exposure of teeth roots to an incubation buffer without prior cutting or drilling. Teeth handled using this protocol thus remain completely intact, aside from sample decolouration. Regarding petrous bones, choosing a disarticulated one is less destructive than

sampling the petrous bone of a complete or reconstructed skull. Several methods for isolated petrous bones have been described before, including locating the otic capsule via bone removal or cutting the petrous in half and subsequent bone powdering of the cochlea (35,46). Nevertheless, these methods compromise the morphology of the petrous bone significantly. Alternatively, generating bone samples of the cochlea can be performed by drilling a hole into the internal auditory meatus or into any part of the petrous portion giving direct access to the cochlea (46). However, even though the external characteristics of the petrous part remain largely preserved, these methods do not allow visualisation of the cochlea which may result in less accurate sampling of the cochlea. In the case of a complete or reconstructed cranium, it is not advisable to remove the temporal bone to access the petrous pyramid since this would result in major structural damage (46,47). Instead, a cranial base drilling method for sampling of the cochlea should be applied (47). This sampling protocol minimizes structural damage to the cranium whilst allowing access to the otic capsule by drilling from the cranial base. Targeting the cochlea with the cranial base drilling method however is also less accurate, compromising the quality of the bone samples. For all other types of skeletal human remains, it is possible to collect bone samples directly from the bone without cutting the bone into smaller fragments. By drilling straight into the bone surface, bone powder or bone chips can be obtained which creates a small hole in the sampled human remain (41,48). This method thus results in only limited destruction compared to protocols involving cutting the bone substrates prior to bone powdering.

Responsible treatment of human remains also includes reducing the need of additional sampling if supplementary analysis is required (28). This can include the short term preservation of residual sampled material whenever not all of the sampled material is used downstream. Preservation of material should always be discussed with and approved by all parties involved in the return of the human remains. These preserved samples may only be used for the purpose of repatriation and should be disposed as soon as the process is completed.

In conclusion, there is not just one set of guidelines that applies to all human remains. Hence, above all other recommendations, it is advised to discuss the sampling of the human remains with all parties concerned on a case-by-case basis (28). All elements addressed above must be evaluated carefully using all available information provided by experts in the field. A well-considered and supported strategy should be discussed and planned prior to sampling.

In all cases, sampling must be conducted by experts trained in DNA sampling techniques of bones and teeth since inexpert handling can result in severe damage of the human remain under investigation (28,44,45). It may also result in inaccurate targeting of the desired substrate leading to suboptimal results. Furthermore, as previously mentioned, dedicated staff sampling the human remains should be trained in contamination control. Contamination management before, during and after the sampling of human remains is of utmost importance to limit the introduction of additional contemporary human DNA and cross-contamination.

Recommendations – Sampling

General recommendations

The sampling strategy is case dependent and should be discussed with all parties concerned.

Sampling must always be done by experts trained in contamination control and DNA sampling techniques of bones and teeth.

Three parameters will influence the choice of sampling location: DNA-content, contamination rate and destruction by sampling. All parameters should be evaluated thoroughly.

Recommendations regarding DNA content

Sampling should aim to target DNA-rich substrates.

Macroscopic preservation of bones and teeth should be evaluated visually. Macroscopically well preserved substrates often yield higher amounts of DNA.

DNA in bones is best preserved in dense cortical bones. The osseous inner ear part of the petrous bone is the densest bone of the human body, followed by weight-bearing long bones.

DNA in teeth is best preserved in the outer layer of teeth, the cementum.

Both petrous bones and teeth contain higher amounts of DNA than any other substrate. Petrous bone only outperforms teeth with poor macroscopic and molecular preservation.

Recommendations regarding contamination rates

Human remains with a lower contamination risk are preferred substrates.

Sample locations allowing for adequate decontamination without loss of endogenous DNA are also appropriate.

Decontamination protocols of outer surfaces of skeletal human remains should consist of irradiation with UV light, mechanical cleaning and/or chemical cleaning.

Recommendations regarding sample destruction

The destructive nature of DNA-analysis should always be considered prior to sampling.

Sample sizes should be as small as possible.

The applied sampling protocol should be as minimally invasive as possible, aiming to preserve the morphological traits of the substrate.

Teeth sampling protocols should only target the root.

The sampling of isolated petrous bones is less invasive than the sampling of petrous bones in situ.

Petrous bones located in complete or reconstructed crania should be sampled using the cranial base drilling method.

Samples from all other skeletal human remains can be obtained by drilling straight into the bone surface to obtain bone powder or chips.

Residual sampled material can be stored during the process of repatriation to reduce the need for additional sampling. Samples may only be stored if all stakeholders are in agreement.

5. DNA extraction

DNA extraction subsequent to sampling of the human remains of choice is aimed to retrieve available DNA. These skeletal substrates often contain highly degraded DNA present in limited amounts. Thus, DNA extraction methods for human skeletal remains should be highly efficient and be able to maximize recovery of primarily short DNA fragments (49–51). Since bones and teeth often contain large amounts of molecules inhibiting subsequent PCR amplification, extraction protocols should also aim to minimize the co-extraction of these inhibitors.

In general, protocols for DNA extraction from bones and teeth consist of three steps (49). First, the tissue and cell structures are chemically broken by incubation in a lysis buffer. This induces DNA release from the substrate into the lysis buffer. Most lysis buffers used for incubation of human skeletal remains contain ethylene diamine tetra-acetic acid (EDTA) (52). EDTA is able to bind certain chemical structures, such as calcium ions. One of the primary components of bone and tooth tissue, the inorganic mineral hydroxyapatite, is composed of several calcium compounds. EDTA thus demineralises bones and teeth in incubation by binding these calcium ions, thereby releasing DNA molecules interacting with hydroxyapatite. Complete demineralisation of bone or tooth tissue has been proven to be a very efficient protocol for DNA extraction from skeletal human remains (52–54). Besides hydroxyapatite, bone and teeth tissue is mainly composed of a protein called collagen (52). The protease Proteinase K, which is able to digest proteins present in bones and teeth, is therefore added to the lysis buffer (50). Furthermore, some studies showed that there is no improvement when using solutions with addition of other chemicals (50,54). It is therefore recommended to use a lysis buffer consisting of EDTA and proteinase K. Both bone powder and chips as well as teeth roots can be incubated using this lysis buffer.

The lysis buffer enriched with DNA is then supplemented with a highly concentrated salt binding buffer, promoting the purification of the DNA by binding to silica particles. For instance, DNA binding can be performed by adding silica-coated paramagnetic beads to the solution (41). The implementation of magnetic beads for DNA binding enables automation using specialized laboratory systems. This purification method however can only be performed in smaller volumes. Alternatively, a DNA-purification protocol based on silica-spin columns combined with extension reservoirs has a higher volume capacity (41,55). Moreover, silica-spin columns allow for pooling of multiple lysates in a single column, thereby increasing the total amount of endogenous DNA after purification (49).

The implemented purification protocol should enable the retrieval of short DNA-fragments. Dabney et al. (2013) (55) for example developed a DNA purification technique that enables the retrieval of fragments as short as 35 bp by optimizing the binding buffer (41,55). It is recommended to apply this protocol or any other protocol optimized for highly degraded skeletal samples to ancient human remains (e.g. 49,52,56).

Lastly, co-extraction of inhibitors is minimized and adsorbed DNA is desalted by several wash steps with an ethanol-based solution after which DNA is eluted in a buffer with a low concentration of salt.

Eluted DNA is stable over a long period of time, especially when stored frozen. Since downstream protocols only consume a part of the extraction product, DNA extracts are available for multiple analyses. Proper conservation of extraction products throughout the process of repatriation thus

limits the need for additional sampling (28). When agreed by all stakeholders, preservation of extraction products is recommended during the procedure. These molecular products may only be used for the purposes of repatriation.

Pre-treatment of the sampled substrates for the removal of DNA contamination can be implemented prior to incubation in a lysis buffer (24,39). Brief chemical or enzymatic treatment in a pre-digestion buffer removes a fraction of the contaminating DNA. Solutions can contain sodium hypochlorite, also known as bleach, sodium phosphate or EDTA and Proteinase K. During this pre-treatment step, a part of the exogenous DNA present on the surface of the substrate will be released into the pre-digestion buffer, whilst endogenous DNA is largely protected within the structure of bone or tooth tissue. This results in an increased proportion of endogenous DNA content. However, treatment of samples in a pre-digestion buffer also adversely affects endogenous DNA by destroying part of it (24). Thus, digestion of samples prior to DNA extraction increases the percentage of endogenous DNA but lowers the overall endogenous DNA yield.

To monitor for contaminating DNA originating from chemicals, cross-contamination or laboratory personnel during extraction protocols, it is recommended to include blank controls in every extraction lot (25). Blank or negative controls contain lysis buffer with no sample added and are processed in parallel with the samples using the same procedure, consumables and reagents (51). In addition, positive controls containing known control samples should also be processed together with the samples. Positive controls allow for controlling the effectiveness of the extraction protocol.

Recommendations – DNA Extraction

General recommendations

Teeth, bone powder or chips should be incubated in a lysis buffer consisting of EDTA and Proteinase K.

The lysis buffer should be supplemented with a highly concentrated salt optimized for the binding of short DNA fragments to silica particles.

DNA binding can either be performed by adding silica-coated paramagnetic particles to the solution or by using silica-spin columns.

Several wash steps for the desalting of DNA and removal of co-extracted inhibitors should be implemented using an ethanol-based solution.

Elution of DNA is performed by adding a buffer with a low salt concentration.

When agreed by all stakeholders, extraction products should be preserved for the purpose of supplemental analysis within the context of repatriation.

Recommendations regarding contamination management

Brief chemical or enzymatic pre-digestion can be performed to reduce or remove exogenous DNA present on samples.

Include negative controls in the extraction series to monitor contamination.

Include positive controls in the extraction series to check the effectiveness of the extraction protocol.

6. DNA profiling

A DNA extraction protocol aimed at the retrieval of as many degraded DNA fragments as possible should be accompanied with a DNA profiling protocol suited for low amounts of degraded DNA to obtain informative genetic data. DNA profiling can include PCR-based methods as well as NGS protocols (1).

DNA profiling using PCR is based on the binding of primers to DNA fragments to produce a sufficient amount of amplicons. These amplicons are then separated based on their length using capillary electrophoresis or sequenced by Sanger based sequencing. The targeted fragments in aDNA samples are often of sub-amplicon size and contain DNA damage that can block amplification, causing partial or no amplification by PCR. Primers allowing for the amplification of shorter fragments are therefore designed (57–59). However, application of these mini-primers is more time- and sample-consuming.

Moreover, along with other technical issues, mini-amplicon sizes can still exceed fragment size present in aDNA samples.

Unlike PCR-based approaches, some NGS protocols don't rely on binding of primers directly to DNA fragments (1,60). These protocols involve converting extracted samples into DNA libraries instead (1,60,61). Short DNA segments called adapters are ligated to both ends of the fragments during library preparation. These adaptors serve as binding sites for primers during PCR, enabling the amplification of DNA libraries. Amplified DNA libraries are then sequenced using next-generation sequencing platforms. Hence, even very short fragments, which cannot be analysed using regular PCR methods, can be recovered by NGS protocols. Sample-specific index sequences can be attached to or embedded in these adaptors (62,63). Index sequences or barcodes allow to trace back the source of each DNA fragment when multiple libraries are pooled and processed in parallel. It is recommended to introduce indexes into both adapters or to process samples completely separate to avoid cross-contamination and sample misidentification (61,62).

Specific protocols have been developed for the preparation of DNA libraries originating from aDNA samples (1). For example, Meyer et al. (2010) and Briggs et al. (2012) described a protocol producing DNA libraries containing double-stranded fragments (63,64). Another double-stranded DNA library construction protocol for aDNA was described by Bentley et al. (2008) (65). Both protocols are less suited for samples containing extremely degraded DNA present in only trace amounts (1,66). Subsequently, the protocol proposed by Gansauge et al. (2013 & 2020) was developed for these highly degraded DNA samples (1,61,67). This protocol allows for the recovery of highly damaged DNA molecules as well as very short molecules which are frequently lost during double-stranded library methods (61). However, single-stranded library preparation of ancient human remains does not always outperform double-stranded protocols (66,68). The latter are often sufficient for the processing of samples with moderate to good preservation (41). Moreover, single-stranded DNA library preparation is more expensive and time-consuming than the double-stranded methods. It is therefore recommended that a preliminary screening with a double-stranded DNA library building protocol is performed (68). Only samples originating from heavily degraded human remains could be analysed directly using a single-stranded method.

Amplification of all DNA fragments converted into library molecules ensures the survival of the DNA library (61). Amplified DNA libraries are thus available for multiple analyses, thereby minimising the need for additional sampling. Conservation of the prepared DNA libraries throughout the process of repatriation is therefore advised (28). DNA libraries should only be preserved in agreement with all parties involved and may only be used for the purposes of repatriation.

As mentioned before, most ancient human remains are characterized by low amounts of endogenous DNA embedded within high levels of contaminating microbial DNA (25,60,69). DNA libraries originating from these human remains would contain large fractions of exogenous DNA fragments, hindering subsequent sequencing protocols. In these samples, endogenous fragments can be enriched relative to other DNA molecules by target capture (13,60). Target enrichment improves the accessibility to the DNA molecules of interest during sequencing. Enrichment strategies can be implemented during library preparation by selectively incorporating damaged DNA molecules into libraries, or after library preparation by targeting regions of interest. These targets include for example mtDNA, sets of SNPs, chromosomes or whole genomes. Recent advancements even have

enabled the target enrichment of DNA extracts containing extremely low endogenous DNA content (70). PCR-based methods are less prone to microbial DNA contamination since primers for PCR are human genome specific. However, even though these primers only sporadically bind to microbial DNA, the possible occurrence of micro-organism based artefacts should be considered during the evaluation of STR-profiles (71).

Contrary to PCR-based methods, amplification of DNA libraries isn't limited by miscoding DNA damage. However, nucleotide transformations lead to nucleotide misincorporations during sequencing which results in incorrect DNA profiles (1,69). The occurrence of these damage patterns can be reduced by treating DNA libraries with the enzymes uracil-DNA-glycosylase (UDG) and endonuclease VIII (1,61,69). Since removal of damaged nucleotides reduces high sequencing error rates, treatment with UDG and endonuclease VIII should be considered.

Damage patterns typically present in aDNA samples, short fragments containing nucleotide changes, are useful for the validation of authenticity of the results as well as for the identification of modern human contamination (1). Authentication of NGS data is mainly based on the presence of nucleotide changes. Therefore, it is advised to preserve at least a part of the transformed nucleotides to differentiate between authentic DNA sequences and contamination (1,60,61,69). For instance, DNA authentication can be performed on untreated test libraries produced from fractions of samples (60,69). The remaining fractions can be treated with UDG and endonuclease VIII to produce additional damage free DNA libraries. Another approach produces single DNA-libraries partially treated to remove most damage, but preserving damage signals at the ends of the molecules (69). Lastly, non-treated libraries can also be of particular interest, namely for highly contaminated samples combined with target enrichment of damaged molecules. Conversely, authentication of data obtained using PCR-based methods is more difficult since it is mainly based on fragment size. Presence of exogenous human DNA contamination cannot easily be excluded.

NGS can thus overcome most limitations encountered during PCR-based methods, making it the preferred platform for DNA profiling of the human remains. Nevertheless, it is possible for PCR-based methods to also yield useable data, especially when analysing mtDNA in well-preserved human remains (1). Conversely, the implementation of NGS does not necessarily lead to successful generation of DNA profiles. For example, aDNA studies are often characterized by screening of many samples in order to identify a subset of samples promising for further analysis (69).

The method of choice depends on the research question and thus the type of DNA data that needs to be generated. It is thus advised to define the research question prior to the analysis of the human remains (28). Research questions should always be formulated in collaboration with all stakeholders.

Appropriate controls similar to controls in extraction protocols should always be included, regardless of the profiling approach (25,41,61). Besides positive and negative controls, blank controls carried through the extraction protocol and all downstream steps should also be included. Extraction blanks and negative controls monitor for contaminating DNA introduced during laboratory procedures. Additionally, sample-specific barcodes ligated to DNA fragments during the preparation of DNA libraries for NGS allow for the detection of modern human DNA contamination as well as cross-contamination in subsequent steps (25,69).

Recommendations – DNA profiling

General recommendations

Research questions should always be formulated prior to the start of DNA analyses, in collaboration with all stakeholders.

PCR-based methods or NGS protocols can be chosen, dependent on the research question.

Recommendations regarding PCR-based methods

PCR-based methods are of particular interest when analysing mtDNA.

Primers producing mini-amplicons are preferred over regular primers.

Recommendations regarding NGS protocols

NGS is the preferred platform for DNA profiling of ancient human remains.

Double-indexing of library fragments is recommended whenever samples are pooled or processed in parallel.

Both double- and single-stranded DNA-libraries can be constructed. It is recommended to perform a preliminary screening with a double-stranded DNA library building protocol. Only heavily degraded samples can be analysed directly using a single-stranded DNA library.

In agreement with all parties involved, DNA-libraries should be preserved for the purpose of supplemental analysis within the context of repatriation.

Target enrichment can improve the accessibility to the DNA molecules of interest during sequencing.

Damage patterns characteristic for aDNA samples can be reduced by uracil-DNA-glycosylase (UDG) and endonuclease VIII treatment.

Recommendations regarding contamination management

Authentication via NGS is based on the identification of nucleotide changes typically present in aDNA samples.

Authentication via PCR is based on the presence of very short DNA-fragments, making it more difficult to authenticate obtained DNA data.

Positive and negative controls should always be implemented during DNA-profiling.

Blank controls carried through the extraction protocol and all downstream steps should also be included.

In NGS protocols, ligation of sample-specific barcodes or indexes to DNA fragments during library preparation can detect contamination in subsequent steps.

7. Ethical management

Working with human remains comes with great responsibility towards these deceased ancient individuals as well as to their present living descendants. Dedicated DNA laboratory staff and geneticists engaged in repatriation of human remains should be aware of the sensitive nature of the work they are conducting. Besides laboratory best practices, they should therefore also follow some other best practices and supplemental guidelines.

The most important task of DNA-experts is providing information to all parties involved in the repatriation of human remains. Since genetics is a challenging subject, most people don't know what to expect from DNA-analysis. It is therefore essential to explain the possibilities as well as the limitations of DNA-analysis (28). The possible outcomes of genetic analysis and interpretation should also be communicated in advance, since results can differ from what was known or expected. All information must always be presented in a way that is comprehensible for a non-specialist audience. After genetic analysis, the results should be made available to all stakeholders. Results and interpretation should also be communicated in a transparent way allowing verification or critical re-examination of the results (28,72).

As part of informing all stakeholders, a detailed plan should be prepared before the beginning of any DNA-analysis. This plan should include the sampling strategy and the expected impact on the studied human remains. As aforementioned, the sampling site and approach should always be defined in consultation with all stakeholders. Furthermore, it should involve a full description of all the techniques that will be used, from DNA-extraction to DNA-profiling, and the type of DNA data, associated with DNA-profiling techniques, that will be generated. All stakeholders should approve this plan prior genetic analysis of a human remain. Laboratory staff may only work within the scope of this research plan, any adjustments should always be consulted with those involved in the original plan.

Before proceeding to genetic analysis of any type of biological sample, DNA-experts must ensure that all regulations were followed. The stated investigations and treatment of obtained data may never be in conflict with the applicable (inter)national legal framework(s). Furthermore, members of associated communities should always be consulted first regarding destructive genetic analysis (73). Importantly, communities should not only be represented by individuals claiming to be descendants of the human remains, but also by the larger community (74). Communities should be involved in the genetic analysis as part of the group of stakeholders. Consulting indigenous communities is not the responsibility of DNA-laboratories. However, DNA-laboratories should verify if native people were consulted regarding these destructive analyses. Researchers should not proceed with the analysis of the human remains until communities show support. Consultation of possible associated communities is often nearly impossible in the case of unprovenanced remains. However, stakeholders should at least try their best to seek any information regarding possible provenance and associated communities of the human remains.

Human remains should always be treated with care and respect as they are precious and finite specimens (28). This includes making strict agreements regarding transfer of the remains between those responsible for the human remains and the researchers. Transfer of human remains to the DNA laboratory should be recorded and a date for the return should be discussed. Human remains should never be in stewardship of the laboratory for a long period of time, they should always be returned the earliest possible. Responsible treatment also includes minimizing the impact of genetic analysis on human remains. Guidelines regarding minimally destructive sampling are covered in chapter 4. In addition, the morphology of the examined human remains should be documented appropriately (e.g. photography, micro-CT scans, casts, 3D-scans) prior to sampling. Lastly, researchers must ensure that data generated from specimens in the context of repatriation is never exploited for other purposes or submitted to any (scientific) database (2,74). Since genetic data contains a lot of information about an individual, DNA-laboratories may only work within the strict boundaries of the predetermined plan. Also, data storage and safeguarding should be discussed with all stakeholders and can be incorporated in the research plan.

Regularly, it is required to obtain genetic profiles of living individuals for comparison. In these cases, it is important to provide sufficient information to and get permission of individuals serving as a reference through an informed consent. This informed consent should include information about how and when the genetic data will be used, clearly indicating the data will only be used within the scope of return of human remains. Genetic information obtained from participants may never be exploited for any larger genetic study (2). Moreover, DNA-experts must ensure that genetic data is not uploaded to any (scientific) database (75). Participating individuals should also be notified that the disclosure of their genetic data could reveal privacy issues, not only for the participants themselves, but also for their families and even communities. After obtaining informed consent, it is recommended to collect reference samples by means of a buccal swab because of its minimally invasive and easy performable nature. Reference samples should be analysed separately from the human remains in time and space to avoid contamination.

Recommendations – Ethical management

Recommendations regarding information sharing

Communication should be adapted to a non-specialist audience.

Possibilities, limitations and possible outcomes should be communicated to all stakeholders prior to genetic analysis.

After genetic analysis, results should be made available to all stakeholders.

Communication should be transparent, allowing verification or re-examination of the results.

A detailed plan containing the sampling strategy and estimated impact, a full description of the techniques that will be used and the type of DNA data that will be generated should be prepared and approved prior to genetic analysis.

Recommendations regarding responsible treatment of human remains

Strict agreements regarding transfer of human remains between those responsible for the remains and laboratory staff must be made.

The impact of sampling should be minimized.

The morphology of the examined human remains should be documented appropriately before sampling.

Data obtained from human remains may never be exploited for other purposes other than its repatriation.

Data obtained from human remains may never be submitted to any (scientific) database.

Recommendations regarding other ethical issues

Stated investigations and treatment of obtained data may never be in conflict with the applicable (inter)national legal framework(s).

Members of communities associated with the human remains should be involved in the genetic analysis of human remains as part of the group of stakeholders.

Living individuals engaging in the genetic analysis of human remains by providing DNA-samples should only agree to participate through an informed consent.

Genetic information obtained from participants may never be exploited for any larger genetic studies.

Genetic information obtained from participants may never be uploaded to any (scientific) database.

Reference samples can be collected by a buccal swab.

8. Possibilities and limitations of genetic analysis

In the light of repatriation of human remains there are three types of genetic analyses that could be applied: gender determination, genetic kinship testing and inferring the biogeographical origin. While gender determination reveals the sex of the human remains, genetic kinship testing evaluates the biological relationship between individuals. Inferring the biogeographical origin aims to find an association between an individual and a population. All three applications will be discussed below. Other applications of genetic analysis won't be discussed since these are considered beyond the scope of the repatriation process.

In any case, a major requirement for successful genetic analysis is the generation of good quality genetic profiles from the questioned samples. The obtained genetic data should be reliable with respect to contamination and degradation. Genetic analysis is in a first step limited by the ability to obtain results from aDNA.

8.1 Gender determination

The simplest and most common genetic distinction between human beings is their gender. Gender identification of human remains is thus an essential part of human identification.

Gender testing by DNA-analysis is based on the fact that men, in contrast to women, have a Y chromosome. Therefore, Y chromosome specific markers are highly useful in sex determination of human skeletal remains (76). Relying on a test that solely measures the presence of Y-chromosomal DNA in a human DNA sample however could lead to false gender identification (77). Indeed, if no Y-chromosomal DNA is detected this could be a proof of female origin, but it could also be due to the presence of too little and/or too degraded DNA.

The most popular marker for gender typing is amelogenin, a gene contributing to the tooth enamel formation. The amelogenin gene is present on both the X and Y chromosome with a variation in base pair size. The X chromosome, both present in men and women, acts as an internal control in gender testing. Amelogenin based testing has been shown to be successful in gender determination of human remains (3,7,8).

Even though amelogenin based testing is an effective method for gender typing, problems due to different causes (e.g. population specific genetics, particular mutations) could be encountered (78). Therefore, other Y-chromosomal markers have been developed to be used as an alternative to or in combination with amelogenin (79).

8.2 Genetic kinship testing

Genetic kinship testing is based on the fundamental principle of genetics that individuals who are closely related share DNA from their common ancestors. The more distant the relationship, the less autosomal DNA is shared. In theory, a parent and its offspring share 50% of the autosomal DNA, which means that per generation the amount of shared autosomal DNA by descent is halved. For

example, only 3.1 % is shared between an individual and its great-great-great-grandparent (5 generations). It is generally accepted that autosomal DNA testing is limited to investigate family relationships within the last five or six generations. Beyond that, genetic segments become too small and eventually disappear due to chance (2,80,81). In addition, the amount of DNA that gets passed from parents to offspring can vary because of recombination resulting in new combinations of polymorphisms (2).

Within the scope of repatriation genetic kinship testing could assist in different purposes, like the identification of human remains or the evaluation of kinship scenarios between multiple human remains. But regardless the scenario, the same requirements are applicable: (a) the number and type of genetic markers, (b) the a priori assumptions, (c) the tested relatives and (d) the genetic population data. For each case, the extent to which these principles are met will impact the outcome of the kinship test.

The most studied polymorphisms in the human DNA with respect to kinship testing are STRs and SNPs. The choice between autosomal STRs and SNPs depends on the availability of instrumentation, the fragmentation of DNA in the questioned human remains and the number of generations between the questioned individuals. The ubiquitous CE-technology, limited in the number of genetic markers that can be analysed in a single experiment, could be used for STR markers. These length polymorphism markers have a higher variability than SNPs, hence less markers in the DNA should be analysed when dealing with STRs instead of SNPs. In order to obtain the same informative power 5 times more SNPs are needed compared to STRs (82,83). However, the analysis of STR markers requires the presence of larger DNA fragments, which could be problematic when analysing human remains mostly containing aDNA. Indeed, while tetra-nucleotide STRs with 5 to 15 repeats expand an array of 20 to 60 nucleotides, the target region of SNPs is only a single nucleotide (3). NGS technology allows many more SNPs to be analysed from a single sample in a single experiment. These high density SNP data allow pairwise kinship testing beyond the first cousin (3 generations) limit of STR testing (84–87).

If the relationship of the questioned individuals is spanning multiple generations, only the analysis of haploid lineage markers, including mtDNA and Y-chromosomal DNA, could assist (5). Lineage markers however are less discriminating than autosomal markers. Also, not all consenting relatives are appropriate for genetic relationship testing by lineage markers since both uniparental markers are only shared between individuals that belong to direct maternal or paternal lines (see chapter 1). Consequently, associations between individuals that do not share the same maternal or paternal line could not be identified by analysing these markers, even if they are closely related. Y-chromosomal haplotyping is further limited since it is only present in male individuals. The genetic information gained from haplotyping could be increased by analysing relatives from both the paternal and maternal lineage of the questioned remains (7).

Kinship investigations could also be performed using a combination of autosomal and haploid markers (7,8,88,89). The application of autosomal markers does not exclude the use of lineage markers, and vice versa. In particular cases, the combined analysis of both marker types could increase the genetic information for kinship interpretation.

Besides the choice of autosomal marker (STR, SNP), whether or not in combination with haploid markers, other issues should also be considered. A priori assumptions about the identity of the questioned remains should be made through contextual information, including amongst others historical, archaeological and medical data (3).

The contextual data should result in a well-documented family pedigree. Depending on the availability of relatives, the pedigree should contain all generations between the questioned remains and their modern living descendants (5,90) or other deceased ancient relatives with known identities (91,92). If kinship between human remains is questioned, their genetic relationship should also be anticipated by contextual data, whether this results in a documented pedigree or not (1,3). If considering numerous generations back in time, everybody is mutually related (11). It therefore only makes sense to define relatedness between individuals with respect to a pedigree.

DNA kinship strictly denotes the biological relationship between individuals, not the social relationships. The interpretation of the obtained DNA profiles with reference to the given pedigree should however consider the possibility that the social parent is not always the biological parent, even in cases where the necessary reliable national registers and birth certificates are available and accessible (93). The number of false biological father-child relationships is expected to vary between populations (94). Estimated rates vary from 1-2% to 10% in different studies (11). Nevertheless, the interpretation of the genetic data should avoid the pitfall of possible biological anomalies in family relationships and consider eventual alternatives. Hence, a paternity mismatch should not influence the identification of the human remain in question (5).

It is therefore good practice to involve multiple relatives of a deceased individual, if available. Logically testing closer relatives should result in a lower chance for paternity mismatch since there are less paternity events in the given pedigree compared to more distantly related relatives. Moreover, since close relatives share more DNA compared to more distant relatives, it is advised to analyse the closest relative(s) of a human remain in question whenever possible. However, the chance to trace back the mismatching event increases when less paternity events are considered, which could result in privacy issues. The stakeholders should thus consider a policy about the management and communication of eventual false biological paternity events in a given pedigree.

Increasing the number of tested relatives from a given pedigree is not only interesting to circumvent eventual false biological paternity events in the given pedigree, it will also determine the outcome of the identification in a positive way. In general, a more complete pedigree will result in a more reliable identification (11).

If autosomal STR-data is generated, the information must be quantified performing statistical interpretation. Therefore, some genetic parameters, like allele frequencies of the population to which the studied individuals belong, should be known (95). When data for the given population is not available, kinship evaluation by STR-data can be limited (96). Besides the lack of reliable allele frequencies, the eventual genetic substructure of the given population by endogamy could also be an issue for statistical calculations (3).

Opposite to STR data, high density SNP data generated by NGS do not need these data since a measure of relatedness can be provided without any prior information.

If lineage markers are assessed, interpretation results in an exclusion when the haplotypes of the tested individuals do not match. In case of matching haplotypes, the probability of a coincidental match instead of a match by kinship should be evaluated. This probability is assessed by determining the frequency of the particular haplotype in an appropriate database of the relevant population(s). High quality population databases for mtDNA and Y-chromosomal haplotypes (respectively EMPOP and YHRD) containing representative and quality-checked datasets have been established (97,98). Since both databases can show underrepresentation of particular regions compared to others, their appropriateness should be evaluated case by case (99).

At last, to establish a final decision, the obtained genetic data should be combined with other data and records, even including eventual discordant elements (3,5,7). After all, the outcome of genetic analysis should be considered along other investigations in the decision making process of repatriation cases. The stakeholders should balance the weight of both genetic and non-genetic data, which could be done in a statistical way (4,5).

8.3 Inference of biogeographical origin

Some human remains currently present in Belgian FSI's have no recorded provenance. Their repatriation could be very difficult or even impossible if the identification of the appropriate communities is a requirement for return. Inferring the biogeographical ancestry of the human remains by DNA-analysis could assist in this process.

Importantly, biogeographical ancestry solely concerns the geographical region(s) from which a person's biological ancestors originated. It does not correspond to concepts as ethnicity or 'race', that are defined by non-genetic factors. For the same reason, biogeographical ancestry cannot be equated with language, religion, or other cultural or traditional manifestations (100).

Worldwide, genetic differences between human populations increase with geographical distance. Inferring biogeographical ancestry by DNA-analysis is based on this genetic human population diversity. The contemporary human genetic population structure is a result of multiple events in the past, such as regional variation in selection (e.g. depigmentation in Europeans), genetic drift (migration resulting in separation from the ancestral population followed by rapid expansion) and admixture (a sudden increase in gene flow between two differentiated populations) (101). Following these events, the human genetic population structure evolves over time. This time-dependent character should be considered when studying ancient human remains in relation to their biogeographical ancestry (102).

For the DNA-based inference of a person's biogeographical ancestry, specific genetic markers referred to as ancestry-informative markers (AIM) are analysed. AIMs are markers observed solely in population groups from particular geographical regions or which are very common in one geographical region while rare in others (101). Since AIMs are located in autosomal DNA, Y-chromosomal DNA and mtDNA, they reflect the geographical origin of both parents, the paternal ancestors and the maternal ancestors, respectively.

Autosomal AIMs, mostly SNPs, are selected from population genetic studies around the world. They can be used to determine the biogeographical ancestry of a person at the level of the continental

regions Europe, sub-Saharan Africa, East Asia, South Asia, Oceania, and the Americas (referring to the respective indigenous populations) (103). Considerable information about the biogeographical provenance of an individual can only be obtained if reliable and appropriate population genetic data are used as a reference. Moreover, the geographical spectrum of ancestry of a tested individual can only be described if that spectrum of ancestry is well represented in the consulted population studies (100). Therefore, it is good practice to refer to the population genetic reference data set when reporting biogeographical ancestry.

By increasing the amount of AIMs, which is possible with NGS whole genome sequencing, the possibility to determine ancestry at subcontinental level is enhanced. However, it is not always appropriate to define small populations confined to narrow regions. Besides the amount of analysed SNPs, the genetic substructure of a population can also influence the accuracy of the origin inference. This should be studied case by case.

The possibilities and limitations of DNA-based biogeographical origin inference at a subcontinental level within the scope of repatriation of ancient human remains is well illustrated by Wright et al. (2018) (102). Their study evaluated the potential of autosomal, Y-chromosomal and mtDNA markers to identify the origin of unprovenanced ancient human remains from Aboriginal Australians. In this study, DNA data from both pre-European Aboriginal Australian human remains and contemporary Aboriginal Australians was studied. Pre-European DNA data was recovered from human remains from archaeological excavations of known burial sites or previously repatriated remains of known provenance. Since a high degree of accuracy of provenance is requested for the contemporary Aboriginal Australians, only DNA data with a published geographic affiliation was used. Due to admixture, mainly from European colonization, Y-chromosomal DNA was not considered to be a good AIM. MtDNA alone was also not recommended since some mitochondrial haplotypes had no contemporary matches or they were geographically widespread, which resulted in an inconclusive interpretation. Autosomal DNA data, obtained by whole genome sequencing, revealed a substantial ancient population structure, based on three subpopulations. This ancient population structure shows strong genetic affinities between ancient pre-European and contemporary Aboriginal Australian genomes originating from the same geographical location. The authors state that their findings suggest that a similar approach could be used for the return of other indigenous human remains if the ancient population history is known and a contemporary database is available.

Despite the fact that, according to Wright et al. (2018) (102), Y-chromosomal and mitochondrial markers were inappropriate markers to infer biogeographical origin of Aboriginal Australians, lineage markers have proven to be useful in other cases (e.g. 8,9). Ideally, a combination of markers, which increases the genetic information for inferring the biogeographical origin of an individual, should be used (6,8,9). It is recommended to evaluate the appropriateness of AIMs case specific considering the above mentioned genetic requirements as well as contextual information and data from other scientific disciplines (e.g. isotopes, anthropology). The combination of genetic and non-genetic data results in a multidisciplinary evaluation of the provenance of the questioned human remains.

References

1. Vai S, Amorim CEG, Lari M, Caramelli D. Kinship determination in archeological contexts through DNA analysis. Front Ecol Evol. 2020;8:83.

2. Wild S. Does DNA simplify or complicate repatriation claims? Sapiens [Internet]. 2021 Dec 8 [cited 2022 Mar 17];Biology. Available from: https://www.sapiens.org/biology/stuurman-dna-south-africa/

3. Alterauge A, Lösch S, Sulzer A, Gysi M, Haas C. Beyond simple kinship and identification: aDNA analyses from a 17th-19th century crypt in Germany. Forensic Sci Int Genet. 2021;53:102498.

4. Egeland T, Mostad PF, Mevåg B, Stenersen M. Beyond traditional paternity and identification cases: selecting the most probable pedigree. Forensic Sci Int. 2000;110(1):47–59.

5. King TE, Fortes GG, Balaresque P, Thomas MG, Balding D, Delser PM, e.a. Identification of the remains of King Richard III. Nat Commun. 2014;5(1):1–8.

6. Diepenbroek M, Amory C, Niederstätter H, Zimmermann B, Szargut M, Zielińska G, e.a. Genetic and phylogeographic evidence for Jewish Holocaust victims at the Sobibór death camp. Genome Biol. 2021;22(1):1–16.

7. Coble MD, Loreille OM, Wadhams MJ, Edson SM, Maynard K, Meyer CE, e.a. Mystery solved: the identification of the two missing Romanov children using DNA analysis. PloS One. 2009;4(3):e4838.

8. Rothe J, Melisch C, Powers N, Geppert M, Zander J, Purps J, e.a. Genetic research at a fivefold children's burial from medieval Berlin. Forensic Sci Int Genet. 2015;15:90–7.

9. Ambers AD, Churchill JD, King JL, Stoljarova M, Gill-King H, Assidi M, e.a. More comprehensive forensic genetic marker analyses for accurate human remains identification using massively parallel DNA sequencing. BMC Genomics. 2016;17(9):21–30.

10. Boel P, De Boeck G, Sartorius L, Buys I, Jordens D, Leroux O. Handboek forensisch onderzoek: De mogelijkheden van het forensisch onderzoek. Politeia; 2019. 676 p.

11. Kling D, Egeland T, Tillmar A, Prieto L. Mass Identifications: Statistical Methods in Forensic Genetics. Elsevier; 2021.

12. Butler JM. Advanced topics in forensic DNA typing: methodology. San Diego, Calif.: Elsevier Acad. Press; 2012. 680 p.

13. Gorden EM, Sturk-Andreaggi K, Marshall C. Capture enrichment and massively parallel sequencing for human identification. Forensic Sci Int Genet. 2021;53:102496.

14. Sanger F, Nicklen S, Coulson AR. DNA sequencing with chain-terminating inhibitors. Proc Natl Acad Sci. 1 december 1977;74(12):5463–7.

15. Allentoft ME, Collins M, Harker D, Haile J, Oskam CL, Hale ML, e.a. The half-life of DNA in bone: measuring decay kinetics in 158 dated fossils. Proc R Soc B Biol Sci. 7 december 2012;279(1748):4724–33.

16. Pääbo S, Poinar H, Serre D, Jaenicke-Després V, Hebler J, Rohland N, e.a. Genetic Analyses from Ancient DNA. Annu Rev Genet. 29 november 2004;38(1):645–79.

17. Dabney J, Meyer M, Pääbo S. Ancient DNA damage. Cold Spring Harb Perspect Biol. 2013;5(7):a012567.

18. Zeynep Y, Hande E, YOCA ÖU. Ancient DNA Research: Ongoing Challenges and Contribution to Medical Sciences. J Basic Clin Health Sci. 2021;5(2):182–9.

19. Raffone C, Baeta M, Lambacher N, Granizo-Rodríguez E, Etxeberria F, de Pancorbo MM. Intrinsic and extrinsic factors that may influence DNA preservation in skeletal remains: A review. Forensic Sci Int. 2021;325:110859.

20. Pääbo S. Ancient DNA: extraction, characterization, molecular cloning, and enzymatic amplification. Proc Natl Acad Sci. 1989;86(6):1939–43.

21. Gilbert MTP, Binladen J, Miller W, Wiuf C, Willerslev E, Poinar H, e.a. Recharacterization of ancient DNA miscoding lesions: insights in the era of sequencing-by-synthesis. Nucleic Acids Res. 2007;35(1):1–10.

22. Gilbert MTP, Haselkorn T, Bunce M, Sanchez JJ, Lucas SB, Jewell LD, e.a. The isolation of nucleic acids from fixed, paraffin-embedded tissues–which methods are useful when? PloS One. 2007;2(6):e537.

23. Zavala EI, Thomas JT, Sturk-Andreaggi K, Daniels-Higginbotham J, Meyers KK, Barrit-Ross S, e.a. Ancient DNA Methods Improve Forensic DNA Profiling of Korean War and World War II Unknowns. Genes. januari 2022;13(1):129.

24. Korlević P, Gerber T, Gansauge M-T, Hajdinjak M, Nagel S, Aximu-Petri A, e.a. Reducing microbial and human contamination in DNA extractions from ancient bones and teeth. Biotechniques. 2015;59(2):87–93.

25. Llamas B, Valverde G, Fehren-Schmitz L, Weyrich LS, Cooper A, Haak W. From the field to the laboratory: Controlling DNA contamination in human ancient DNA research in the high-throughput sequencing era. STAR Sci Technol Archaeol Res. 2017;3(1):1–14.

26. Knapp M, Clarke AC, Horsburgh KA, Matisoo-Smith EA. Setting the stage–Building and working in an ancient DNA laboratory. Ann Anat-Anat Anz. 2012;194(1):3–6.

27. Edson SM, Christensen AF. Field contamination of skeletonized human remains with exogenous DNA. J Forensic Sci. 2013;58(1):206–9.

28. Alpaslan-Roodenberg S, Anthony D, Babiker H, Bánffy E, Booth T, Capone P, e.a. Ethics of DNA research on human remains: five globally applicable guidelines. Nature. 2021;1–6.

29. Pajnič IZ, Debska M, Pogorelc BG, Mohorčič KV, Balažic J, Zupanc T, e.a. Highly efficient automated extraction of DNA from old and contemporary skeletal remains. J Forensic Leg Med. 2016;37:78–86.

30. Adams B, Byrd J. Commingled human remains: methods in recovery, analysis, and identification. Academic Press; 2014.

31. Edson SM, Ross JP, Coble MD, Parsons TJ, Barritt SM. Naming the Dead - Confronting the Realities of Rapid Identification of Degraded Skeletal Remains. Forensic Sci Rev. januari 2004;16(1):63–90.

32. Milos A, Selmanović A, Smajlović L, Huel RLM, Katzmarzyk C, Rizvić A, e.a. Success rates of nuclear short tandem repeat typing from different skeletal elements. Croat Med J. augustus 2007;48(4):486–93.

33. Frisch T, Sørensen MS, Overgaard S, Lind M, Bretlau P. Volume-referent bone turnover estimated from the interlabel area fraction after sequential labeling. Bone. 1998;22(6):677–82.

34. Pinhasi R, Fernandes D, Sirak K, Novak M, Connell S, Alpaslan-Roodenberg S, e.a. Optimal Ancient DNA Yields from the Inner Ear Part of the Human Petrous Bone. PloS One. 2015;10(6):e0129102.

35. Hansen HB, Damgaard PB, Margaryan A, Stenderup J, Lynnerup N, Willerslev E, e.a. Comparing ancient DNA preservation in petrous bone and tooth cementum. PloS One. 2017;12(1):e0170940.

36. Gamba C, Jones ER, Teasdale MD, McLaughlin RL, Gonzalez-Fortes G, Mattiangeli V, e.a. Genome flux and stasis in a five millennium transect of European prehistory. Nat Commun. 2014;5(1):1–9.

37. Higgins D, Rohrlach AB, Kaidonis J, Townsend G, Austin JJ. Differential nuclear and mitochondrial DNA preservation in post-mortem teeth with implications for forensic and ancient DNA studies. PloS One. 2015;10(5):e0126935.

38. Adler CJ, Haak W, Donlon D, Cooper A, Consortium G. Survival and recovery of DNA from ancient teeth and bones. J Archaeol Sci. 2011;38(5):956–64.

39. Damgaard PB, Margaryan A, Schroeder H, Orlando L, Willerslev E, Allentoft ME. Improving access to endogenous DNA in ancient bones and teeth. Sci Rep. 2015;5(1):1–12.

40. Bollongino R, Tresset A, Vigne J-D. Environment and excavation: Pre-lab impacts on ancient DNA analyses. Comptes Rendus Palevol. 2008;7(2–3):91–8.

41. Rohland N, Glocke I, Aximu-Petri A, Meyer M. Extraction of highly degraded DNA from ancient bones, teeth and sediments for high-throughput sequencing. Nat Protoc. 2018;13(11):2447–61.

42. Corrêa H, Cortellini V, Franceschetti L, Verzeletti A. Large fragment demineralization: an alternative pretreatment for forensic DNA typing of bones. Int J Legal Med. 2021;135(4):1417–24.

43. Harney É, Cheronet O, Fernandes DM, Sirak K, Mah M, Bernardos R, e.a. A minimally destructive protocol for DNA extraction from ancient teeth. Genome Res. 2021;31(3):472–83.

44. Sirak KA, Sedig JW. Balancing analytical goals and anthropological stewardship in the midst of the paleogenomics revolution. World Archaeol. 2019;51(4):560–73.

45. Prendergast ME, Sawchuk E. Boots on the ground in Africa's ancient DNA 'revolution': archaeological perspectives on ethics and best practices. Antiquity. 2018;92(363):803–15.

46. Pinhasi R, Fernandes DM, Sirak K, Cheronet O. Isolating the human cochlea to generate bone powder for ancient DNA analysis. Nat Protoc. 1 april 2019;14(4):1194–205.

47. Sirak KA, Fernandes DM, Cheronet O, Novak M, Gamarra B, Balassa T, e.a. A minimally-invasive method for sampling human petrous bones from the cranial base for ancient DNA analysis. BioTechniques. 2017;62(6):283–9.

48. Mckinnon M, Higgins D. Comparison of bone demineralisation procedures for DNA recovery from burned remains. Forensic Sci Int Genet. 2021;51:102448.

49. Xavier C, Eduardoff M, Bertoglio B, Amory C, Berger C, Casas-Vargas A, e.a. Evaluation of DNA extraction methods developed for forensic and ancient DNA applications using bone samples of different age. Genes. 2021;12(2):146.

50. Rohland N, Hofreiter M. Comparison and optimization of ancient DNA extraction. Biotechniques. 2007;42(3):343–52.

51. Rohland N, Hofreiter M. Ancient DNA extraction from bones and teeth. Nat Protoc. 2007;2(7):1756–62.

52. Loreille OM, Diegoli TM, Irwin JA, Coble MD, Parsons TJ. High efficiency DNA extraction from bone by total demineralization. Forensic Sci Int Genet. 2007;1(2):191–5.

53. Jakubowska J, Maciejewska A, Pawłowski R. Comparison of three methods of DNA extraction from human bones with different degrees of degradation. Int J Legal Med. 2012;126(1):173–8.

54. Desmyter S, De Greef C. A more efficient extraction method of human bone resulting in improved DNA profiling. Forensic Sci Int Genet Suppl Ser. 2008;1(1):24–5.

55. Dabney J, Knapp M, Glocke I, Gansauge M-T, Weihmann A, Nickel B, e.a. Complete mitochondrial genome sequence of a Middle Pleistocene cave bear reconstructed from ultrashort DNA fragments. Proc Natl Acad Sci. 2013;110(39):15758–63.

56. Glocke I, Meyer M. Extending the spectrum of DNA sequences retrieved from ancient bones and teeth. Genome Res. 2017;27(7):1230–7.

57. Berger C, Parson W. Mini-midi-mito: adapting the amplification and sequencing strategy of mtDNA to the degradation state of crime scene samples. Forensic Sci Int Genet. 2009;3(3):149–53.

58. Kim NY, Lee HY, Park SJ, Yang WI, Shin K-J. Modified Midi-and Mini-Multiplex PCR Systems for Mitochondrial DNA Control Region Sequence Analysis in Degraded Samples. J Forensic Sci. 2013;58(3):738–43.

59. Butler JM, Shen Y, McCord BR. The development of reduced size STR amplicons as tools for analysis of degraded DNA. J Forensic Sci. 2003;48(5):1054–64.

60. Orlando L, Gilbert MTP, Willerslev E. Reconstructing ancient genomes and epigenomes. Nat Rev Genet. 2015;16(7):395–408.

61. Gansauge M-T, Meyer M. Single-stranded DNA library preparation for the sequencing of ancient or damaged DNA. Nat Protoc. 2013;8(4):737–48.

62. Kircher M, Sawyer S, Meyer M. Double indexing overcomes inaccuracies in multiplex sequencing on the Illumina platform. Nucleic Acids Res. 2012;40(1):e3–e3.

63. Meyer M, Kircher M. Illumina sequencing library preparation for highly multiplexed target capture and sequencing. Cold Spring Harb Protoc. 2010;2010(6):pdb. prot5448.

64. Briggs AW, Heyn P. Preparation of next-generation sequencing libraries from damaged DNA. In: Ancient DNA. Springer; 2012. p. 143–54.

65. Bentley DR, Balasubramanian S, Swerdlow HP, Smith GP, Milton J, Brown CG, e.a. Accurate whole human genome sequencing using reversible terminator chemistry. nature. 2008;456(7218):53–9.

66. Bennett EA, Massilani D, Lizzo G, Daligault J, Geigl E-M, Grange T. Library construction for ancient genomics: single strand or double strand? Biotechniques. 2014;56(6):289–300.

67. Gansauge M-T, Aximu-Petri A, Nagel S, Meyer M. Manual and automated preparation of single-stranded DNA libraries for the sequencing of DNA from ancient biological remains and other sources of highly degraded DNA. Nat Protoc. 2020;15(8):2279–300.

68. Wales N, Carøe C, Sandoval-Velasco M, Gamba C, Barnett R, Samaniego JA, e.a. New insights on single-stranded versus double-stranded DNA library preparation for ancient DNA. Biotechniques. 2015;59(6):368–71.

69. Rohland N, Harney E, Mallick S, Nordenfelt S, Reich D. Partial uracil–DNA–glycosylase treatment for screening of ancient DNA. Philos Trans R Soc B Biol Sci. 2015;370(1660):20130624.

70. Suchan T, Kusliy MA, Khan N, Chauvey L, Tonasso-Calvière L, Schiavinato S, e.a. Performance and automation of ancient DNA capture with RNA hyRAD probes. Mol Ecol Resour. 2021;

71. Smajlović-Skenderagić L, Idrizbegović S, Brkanić L, Bilić A, Huel R, Parsons TJ. Challenges with co-amplification of microbial DNA in interpretation of STR profiles obtained from human skeletal remains. Forensic Sci Int Genet. 2021;51:102452.

72. Larmuseau MH, Bodner M. The biological relevance of a medieval king's DNA. Biochem Soc Trans. 2018;46(4):1013–20.

73. Balter M. The ethical battle over ancient DNA. Sapiens [Internet]. 2017 Mar 30 [cited 2022 Mar 17];Archaeology. Available from: https://www.sapiens.org/archaeology/chaco-canyon-nagpra/

74. Curry A. Lock of Sitting Bull's hair confirms great-grandson's identity. Science [Internet]. Oct 27 [cited 2022 Mar 17];News. Available from: https://www.science.org/content/article/lock-sitting-bull-s-hair-confirms-great-grandson-s-identity

75. Schiermeier Q. Crime-solving DNA database faces ethical scrutiny. Nature [Internet]. 2021 Jun 17 [cited 2022 Mar 17];News feature. Available from: https://www.nature.com/articles/d41586-021-01584-w?utm_source=Nature+Briefing&utm_campaign=2b57b71093-briefing-dy-20210615&utm_medium=email&utm_term=0_c9dfd39373-2b57b71093-45607646

76. Kayser M. Forensic use of Y-chromosome DNA: a general overview. Hum Genet. 2017;136(5):621–35.

77. Jobling MA, Hurles M, Tyler-Smith C. Human evolutionary genetics: origins, peoples and disease. Garland Science; 2019.

78. Dash HR, Rawat N, Das S. Alternatives to amelogenin markers for sex determination in humans and their forensic relevance. Mol Biol Rep. 2020;47(3):2347–60.

79. Butler E, Li R. Genetic markers for sex identification in forensic DNA analysis. 2014;

80. Perego UA, Bodner M, Raveane A, Woodward SR, Montinaro F, Parson W, e.a. Resolving a 150-year-old paternity case in Mormon history using DTC autosomal DNA testing of distant relatives. Forensic Sci Int Genet. 2019;42:1–7.

81. Phillips C, García-Magariños M, Salas A, Carracedo Á, Lareu MV. SNPs as supplements in simple kinship analysis or as core markers in distant pairwise relationship tests: when do SNPs add value or replace well-established and powerful STR tests? Transfus Med Hemotherapy. 2012;39(3):202–10.

82. Gill P. An assessment of the utility of single nucleotide polymorphisms (SNPs) for forensic purposes. Int J Legal Med. 2001;114(4):204–10.

83. Amorim A, Pereira L. Pros and cons in the use of SNPs in forensic kinship investigation: a comparative analysis with STRs. Forensic Sci Int. 2005;150(1):17–21.

84. Kling D, Phillips C, Kennett D, Tillmar A. Investigative genetic genealogy: Current methods, knowledge and practice. Forensic Sci Int Genet. 2021;52:102474.

85. Amorim CEG, Vai S, Posth C, Modi A, Koncz I, Hakenbeck S, e.a. Understanding 6th-century barbarian social organization and migration through paleogenomics. Nat Commun. 2018;9(1):1–11.

86. Mittnik A, Massy K, Knipper C, Wittenborn F, Friedrich R, Pfrengle S, e.a. Kinship-based social inequality in Bronze Age Europe. Science. 2019;366(6466):731–4.

87. Moltke I, Korneliussen TS, Seguin-Orlando A, Moreno-Mayar JV, LaPointe E, Billeck W, e.a. Identifying a living great-grandson of the Lakota Sioux leader Tatanka Iyotake (Sitting Bull). Sci Adv. 2021;7(44):eabh2013.

88. Irwin JA, Edson SM, Loreille O, Just RS, Barritt SM, Lee DA, e.a. DNA identification of "Earthquake McGoon" 50 years postmortem. J Forensic Sci. 2007;52(5):1115–8.

89. Ambers A, Gill-King H, Dirkmaat D, Benjamin R, King J, Budowle B. Autosomal and Y-STR analysis of degraded DNA from the 120-year-old skeletal remains of Ezekiel Harper. Forensic Sci Int Genet. 2014;9:33–41.

90. Gill P, Ivanov PL, Kimpton C, Piercy R, Benson N, Tully G, e.a. Identification of the remains of the Romanov family by DNA analysis. Nat Genet. 1994;6(2):130–5.

91. Larmuseau MH, Delorme P, Germain P, Vanderheyden N, Gilissen A, Van Geystelen A, e.a. Genetic genealogy reveals true Y haplogroup of House of Bourbon contradicting recent identification of the presumed remains of two French Kings. Eur J Hum Genet. 2014;22(5):681–7.

92. Charlier P, Olalde I, Sole N, Ramírez O, Babelon J-P, Galland B, e.a. Genetic comparison of the head of Henri IV and the presumptive blood from Louis XVI (both Kings of France). Forensic Sci Int. 2013;226(1–3):38–40.

93. Copeland L. The lost family: How DNA testing is upending who we are. Abrams; 2020.

94. Greeff JM, Erasmus J. Three hundred years of low non-paternity in a human population. Heredity. 2015;115(5):396–404.

95. Kling D, Tillmar A. Forensic genealogy—a comparison of methods to infer distant relationships based on dense SNP data. Forensic Sci Int Genet. 2019;42:113–24.

96. Zvénigorosky V, Sabbagh A, Gonzalez A, Fausser J-L, Palstra F, Romanov G, e.a. The limitations of kinship determinations using STR data in ill-defined populations. Int J Legal Med. 2020;134(6):1981–90.

97. Parson W, Dür A. EMPOP—a forensic mtDNA database. Forensic Sci Int Genet. 2007;1(2):88–92.

98. Willuweit S, Roewer L. The new Y chromosome haplotype reference database. Forensic Sci Int Genet. 2015;15:43–8.

99. Göbel TM, Bodner M, Robino C, Augustin C, Huber GE, Marra M, e.a. Mitochondrial DNA variation in Sub-Saharan Africa: Forensic data from a mixed West African sample, Côte d'Ivoire (Ivory Coast), and Rwanda. Forensic Sci Int Genet. 2020;44:102202.

100. Schneider PM, Prainsack B, Kayser M. The use of forensic DNA phenotyping in predicting appearance and biogeographic ancestry. Dtsch Ärztebl Int. 2019;116(51–52):873.

101. Phillips C. Forensic genetic analysis of bio-geographical ancestry. Forensic Sci Int Genet. 2015;18:49–65.

102. Wright JL, Wasef S, Heupink TH, Westaway MC, Rasmussen S, Pardoe C, e.a. Ancient nuclear genomes enable repatriation of Indigenous human remains. Sci Adv. 2018;4(12):eaau5064.

103. De la Puente M, Ruiz-Ramírez J, Ambroa-Conde A, Xavier C, Pardo-Seco J, Álvarez-Dios J, e.a. Development and Evaluation of the Ancestry Informative Marker Panel of the VISAGE Basic Tool. Genes. 2021;12(8):1284.

ANNEX 7 MRAH HUMAN REMAINS IN ARCHAEOLOGICAL CONTEXT

Task 6.3 Human remains in archaeological context

D6.3.3: Report on the cases of modified human remains

Le MAH conserve plusieurs vestiges humains correspondant à cette description. Cependant, deux d'entre eux méritent une attention particulière due à une demande officielle de rapatriement introduite aux MRAH en 2009. Ils font donc l'objet ici d'une étude de cas approfondie. Il s'agit de deux têtes maories (ET.960 et ET.38.15.1) conservées dans les collections Océanie du MAH. Les recherches menées sur ce sujet ont conduit à une troisième tête (D.R.1) détenue jusqu'à récemment dans les collections zoologiques de l'Aquarium-Muséum de Liège. Depuis, elle a été mise en dépôt dans les collections du MAH et a été ajoutée à l'étude de cas présentée ici.

Ces têtes maories (toi moko ou mokomokai) ont pour origine géographique la Nouvelle-Zélande (île principale située en Océanie aussi appelée Aotearoa). La particularité principale intrinsèquement liée à la pratique culturelle maorie est le tatouage facial. En effet, toutes les têtes maories sont tatouées. Le tatouage maori est complexe et codifié. Il reflète une identité (individuelle par la diversité des tatouages) et une culture (commune par le recours de cette pratique au sein de la communauté).

Le tatouage maori consiste à graver/tailler la peau. Au préalable, le motif est dessiné sur le visage. Ensuite, à l'aide d'un ciseau et d'un maillet, l'officiant (tohunga) ouvre les chairs par percussion afin qu'elles puissent intégrer le pigment. Le tatoueur se sert d'un second ciseau cranté, qui retient le pigment (le plus souvent à base de gomme de Kauri - résine d'Agathis australis - brûlée et mélangée à de la graisse animale), pour insérer la couleur dans les sillons précédemment tracés. Il s'agit d'un processus long et douloureux. La cicatrisation faciale prend plusieurs semaines en fonction du motif réalisé.

Il apparaît que le tatouage du visage était principalement réservé aux personnes ayant un statut élevé au sein de la communauté. Ce statut résultait d'un haut rang dans la communauté (lignage) ou de la distinction par des exploits (guerriers) ou faits particuliers. D'après Blackburn, le tatouage du visage débutait à l'adolescence et se complétait au fur et à mesure de l'existence et d'occasions spécifiques telles que des naissances ou décès, victoires, acquisition d'un nouveau statut, etc. (Blackburn, 1999). En ce sens, une tête complètement tatouée au moment du décès indiquerait un individu déjà relativement âgé. Il avait également comme objectif de préserver le mana (force interne) de ceux qui en étaient pourvus. Les tatouages étaient donc réalisés du vivant de l'individu. Cependant, de nombreuses têtes maories attestent de tatouages dits « post-mortem ». Ils sont identifiables par les sillons laissés dans la peau en l'absence de cicatrisation naturelle. Le vif intérêt des étrangers du XIXe siècle pour ces têtes tatouées comme objets d'échanges commerciaux a favorisé l'ajout de tatouages afin d'augmenter leur valeur marchande. Il est donc possible de distinguer des tatouages ante-mortem pouvant se rattacher à une signification particulière et significative (Robley, 1896) de ceux réalisés post-mortem sans réelle signification ethnique (ou appartenance géographique/régionale).

À ce stade, il est intéressant ici de connaître le contexte historique relatif à la présence de têtes maories au sein de nombreuses collections occidentales. Le paragraphe suivant reprend directement les propos du conservateur des collections Océanie du MAH, Dr N. Cauwe, à ce propos :

> « Le premier européen à repérer les tatouages en Nouvelle-Zélande fut Joseph Banks (1743-1820), naturaliste et mécène (via la Royal Society of London) du premier voyage autour du monde de James Cook. En 1770, lors du passage de cette expédition à Aotearoa (Nouvelle-Zélande), Banks put notamment acquérir, contre une paire de draps de lin blanc, le toi moko d'un garçon décédé à l'âge de 14 ou 15 ans. Quelques jours plus tard, un Maori revint sur

> l'Endeavour et proposa encore 4 autres toi moko (Peltier et Mélandri, 2012). En 1773, lors du second voyage de Cook, un de ses lieutenants, Richard Pickersgill, négocia encore une tête taouée en échange d'un simple clou d'acier. Dès le début du xixe siècle, le 'trafic' de toi moko prit de l'extension, les Maoris les échangeant contre des mousquets, afin de lutter à armes égales contre les Anglais colonisateurs. Ce commerce 'officiel' fut de courte durée et s'éteignit vers 1831, notamment suite à l'interdiction promulguée par le gouverneur de Sydney (à cette époque, la Nouvelle-Zélande était administrée par La Nouvelle-Galle-du-Sud) qui imposa une amende de 40,- £ de l'époque aux contrevenants. Rien de cela n'empêcha cependant marins, aventuriers, missionnaires et autres voyageurs d'encore acquérir des toi moko à usage de collections privées en Europe et aux États-Unis d'Amérique. Il semble que les derniers toi moko aient été produits dans les années 1860, lors des 'Guerres Maories'. Une première synthèse sur le tatouage maori, y compris sur les toi moko, fut publiée à la fin du XIXe siècle (Robley 1896) ».

Le processus technique de réalisation de ces têtes est le boucanage. Ce dernier est très bien décrit dans l'article publié en 2014 par Philippe Charlier (Charlier et al., 2014). Il peut se diviser en plusieurs étapes. La première consiste à séparer la tête du reste du corps à hauteur de la base du crâne afin de pouvoir la traiter. Ensuite, la base du crâne se trouve souvent élargie à l'aide d'outils afin de procéder à l'excérébration (autrement dit, ôter toute matière cérébrale). La peau de la base du crâne est alors fixée sur un cercle constitué de fibres végétales. La cavité crânienne vidée de toute matière organique est ensuite remplie d'argile afin d'arrêter le processus de décomposition naturelle. Les voies nasales sont bouchées par des éléments végétaux en plus de l'insertion d'une épingle en bois sous la crête nasale (pour prévenir la déviation de la peau pendant l'étape de dessiccation). Les paupières et les lèvres sont généralement cousues et les interstices sont comblés par des fibres végétales. Parfois une substance rouge est ajoutée au niveau des yeux mais la composition reste inconnue. L'hypothèse proposée dans l'article de Charlier est qu'il s'agirait d'un mélange d'éléments organiques et végétaux (type gomme de Kauri). Le crâne est ensuite bouilli ou passé à la vapeur dans un four avant d'être fumé sur un feu ouvert puis séché par le soleil durant plusieurs jours. Un enduit à base d'huile de requin vient compléter ce procédé et a pour objectif l'assouplissement de la peau.

La première tête maorie (ET.960) inventoriée aux MRAH est un don effectué par le baron Jean-Baptiste Popelaire de Terloo en juillet 1833 (Fig. 3). Ce don est réalisé deux ans avant la création du premier Musée d'Armes anciennes, d'Armures, d'Objets d'Art et de Numismatique (1835) du jeune État belge. Le déplacement des collections à plusieurs reprises avant de rejoindre le palais du Cinquantenaire (fin du XIXe siècle) combiné à un enregistrement moins rigoureux qu'aujourd'hui ne laissent qu'un inventaire lacunaire de cette période. Autrement dit, exception faite du nom du donateur ainsi que la date de la donation, peu d'informations se retrouvent sur la fiche d'inventaire de cet individu. La seconde tête conservée au MAH (ET.38.15.1) est une acquisition plus tardive (Fig. 4). Elle est entrée dans les collections en avril 1938 suite à son achat à Mr Gustave Gilson (1859-1944), professeur de zoologie à l'Université de Louvain. Il aurait lui-même acquis cette tête lors de son séjour en 1897 à Viti Levu (îles Fidji). Bien que l'acquisition de ce second toi moko soit plus tardive, les données quant à sa provenance exacte et son contexte d'acquisition initial par Mr Gilson restent inconnues.

Fig. 3 et 4 : ET.960 (gauche) et ET.38.15.1 (droite)

(https://www.carmentis.be/eMP/eMuseumPlus?service=ExternalInterface&module=collection&moduleFunction=highlight&lang=fr)

Une troisième tête maorie (D.R.1) est ajoutée à cette étude de cas. Elle provient des collections zoologiques de l'Aquarium-Muséum de Liège. Lors de cette présente recherche sur ces cas particuliers, il a été porté à notre connaissance qu'un toi moko figurait dans ces collections. À nouveau, les modalités d'acquisition sont méconnues et les archives donnent peu d'informations sur la provenance de cet individu. Lors de la rédaction manuscrite du premier Catalogue général des objets existant dans le Cabinet de Zoologie de l'Université de Liège au 15 juillet 1837, cette tête maorie figure comme première entrée (Fig. 5). Elle faisait donc déjà partie des collections avant cette date. Une autre indication mentionne qu'elle a été « remis(e) au service de Mr le Prof. Fraipont en 1856 ». Cette date correspond, selon les gestionnaires de collections actuels, à la vérification officielle du registre du Catalogue et au déplacement de la tête dans un autre service du musée. À une date postérieure inconnue, elle revient dans les collections zoologiques et sera d'ailleurs exposée jusqu'en 1992 avant d'être placée dans les réserves.

Fig. 5 : Mention de la tête maorie D.R.1 dans le Catalogue général des objets existant dans le Cabinet de Zoologie de l'Université de Liège

Après un déplacement à Liège afin d'observer la tête, il a été décidé de sa mise en dépôt au sein des collections Océanie des MAH. Cette décision a été motivée par plusieurs raisons. La première est le souhait d'étudier et d'ajouter cet individu à l'étude de cas des deux autres têtes conservées au musée. Une seconde raison est le type de collections attaché à l'Aquarium-Muséum. En tant que vestige anthropobiologique, ce toi moko était un élément « hétérogène » à l'ensemble de la collection. D'un commun accord interinstitutionnel, le lundi 23 août 2021, la tête maorie de Liège est officiellement entrée en dépôt au MAH. Bien que l'Université de Liège reste le responsable décisionnaire quant à l'avenir de cet individu, ce dernier est désormais conservé auprès des deux autres vestiges humains néo-zélandais.

En 2015, un partenariat entre le MAH et les Cliniques universitaires Saint-Luc (CUSL) voit le jour. Si l'objectif premier de cette collaboration est l'utilisation de l'imagerie médicale dans l'étude des momies égyptiennes du musée (thèse en cours par C. Tilleux), elle s'étend rapidement à d'autres vestiges anthropobiologiques. Les deux têtes maories (ET.960 et ET.38.15.1) passent donc au scanner le 10 décembre 2016. Le recours à cette technologie a pour but de compléter les données à leur sujet par l'apport de renseignements anthropologiques et archéologiques. L'obtention d'images 3D de ces individus permet l'exploitation des data sans nuire à leur intégrité physique. De plus, d'autres études complémentaires peuvent être envisagées à l'avenir (relatives au processus de boucanage, à la réalisation des tatouages, à leur état de conservation, etc.). Afin d'acquérir des informations identiques, un CT-scan de la tête maorie mise en dépôt (D.R.1) était envisagé dans le cadre du projet HOME. Suite à la situation sanitaire liée à la pandémie, l'accès aux CUSL a temporairement été reporté. Toutefois, les trois individus ont bénéficié d'une couverture photographique par le biais de la photogrammétrie (via le service interne de la photothèque). Le rendu 3D surfacique est un bon point de départ à l'étude des tatouages faciaux et des motifs en présence sur chacun d'entre eux.

Enfin, avant d'aborder la question du rapatriement attachée à ces cas, il est important de connaître leur valeur et leurs « fonctions » pour leurs communautés d'origine. Le paragraphe suivant provient à nouveau du Dr N. Cauwe :

> « Les têtes boucanées ont deux sources. La préservation de la tête des aristocrates décédés naturellement ou lors de guerres et la récupération des ennemis tués au combat. La même chaîne opératoire est appliquée aux deux catégories : élargissement du trou occipital afin de vider le crâne de ses parties molles ; boucanage au feu afin d'en assurer la préservation. Il est donc physiquement impossible de distinguer les deux catégories, à moins d'encore connaître les circonstances de leur récupération (événements antérieurs à la fin du XIXe siècle). Il semble que les toi moko aient supporté le même sort que les reliques (les ko iwi tangata ou restes ancestraux) prélevées dans les tombes (Davidson, 1984) : il s'agissait autant de désacraliser les restes d'ennemis en les empêchant de recevoir les pratiques funéraires (rangi), que de se concilier les bonnes grâces des ancêtres, auxquels étaient attachés des tabous éventuellement dangereux. Les cérémonies du rangi ne laissent pas de traces matérielles sur les têtes boucanées et il n'est plus guère de possibilités d'encore repérer dans les collections arrachées de leur contexte ce qui revient à l'une ou l'autre catégorie. Le tatouage de beaucoup de toi moko fut achevé après la mort du sujet (Roustan, 2014). Il s'agissait avant tout de donner de l'efficience à ses éléments, tantôt trophées de guerre, tantôt reliques d'ancêtres. L'engouement des Occidentaux pour les toi moko ira jusqu'à la production de « faux », têtes d'esclaves embellies, cette fois pour leur donner une valeur commerciale, non plus pour en augmenter le mana (Roustan, 2014). Cette troisième catégorie ne se distingue pas mieux que les deux premières, sinon qu'une partie du tatouage est systématiquement post mortem. Mais le critère n'est en rien discriminatoire, les « vrais » toi moko ayant régulièrement reçu aussi

> des ornementations après la mort. Il est à noter que ce débat entre catégories fut parfois invoqué pour tenter de renoncer à des restitutions. D'autres en ont appelé à des notions juridiques, propres à l'Occident, pour abonder dans ce sens (Debie, 2010). Quoi qu'il en soit, la question des restitutions relève d'abord de la réappropriation d'un passé fortement altéré par l'histoire coloniale ; les problèmes juridiques -réels au demeurant- et de la nature historique des éléments considérés -ancêtres, ennemis, esclaves…- sont probablement très secondaires, non seulement d'un point de vue éthique, mais aussi par rapport à la nécessité de résilience de sociétés partiellement mortes, transformées linguistiquement, ou partiellement disloquées (Clifford, 2013). La prise de conscience par les Maoris de ce patrimoine éparpillé dans le monde remonte au début des années 1980 et les premières restitutions ont été effectuées dès 1987. Depuis, le mouvement s'est accéléré et plusieurs dizaines de toi moko ont déjà été rendus à la Nouvelle-Zélande, via le Musée Te Papa Tongarewa ».

En 2003, le gouvernement néo-zélandais a mandaté Te Papa pour créer un programme dédié au rapatriement des vestiges humains culturels conservés dans toutes les institutions étrangères. Dès 2009, une demande officielle de rapatriement a été envoyée aux MRAH. Bien que les responsables de collections aient répondu favorablement à cette demande à l'époque, les deux têtes maories conservées au musée n'ont à ce jour pas encore été rapatriées. Cependant, et grâce entre autres aux questions soulevées par le projet HOME, la procédure a repris son cours. Le responsable décisionnaire de la troisième tête (D.R.1) provenant de Liège est désormais intégré dans ces discussions. L'objectif étant à terme, le rapatriement des trois têtes à la Nouvelle-Zélande. Le WP 7 soulève plusieurs interrogations concernant ces cas d'étude.

Blackburn Mark, 1999. Tattoos from Paradise : traditional Polynesian Patterns, Atglen.

Charlier Philippe, Huynh-Charlier Isabelle, Brun Luc, Champagnat Julie, Laquay Laetitia, Hervé Christian, 2014. « Maori heads (mokomokai) : the usefulness of a complete forensic analysis procedure », Forensic Science, Medicine, and Pathology, 10, 2, New-York.

Clifford James, 2013. Returns: Becoming Indigenous in the Twenty-First Century, Cambridge, Harvard University Press.

Davidson Janet, 1984. The Prehistory of New Zealand. Auckland, Paul Longman.

Delvaux Luc, 2020. « New Lights on the Lot XV from Bab el-Gasus », Rogério Sousa, Alessia Amenta, Kathlyn Cooney, Bab el-Gasus in Context: Rediscovering the tomb of the priests of Amun, Roma & Bristol, p. 341-352.

Delvaux Luc and Labrique Françoise, « The coffin of Butehamun in the Royal Museums of Art and History, Brussels (Inv. E.5288): a preliminary approach and new investigations », Proceedings of the Second Varican Coffin Conference, Rome, sous presse.

Debie Yves-Bernard, 2010. « Restitution des têtes maories : une décision critiquable ? », Tribal Art, 57, p. 104-110.

Peltier Philippe et Mélandri Magali, 2012. « Chronologie concernant les têtes tatouées et momifiées maori ou toi moko (aussi connues sous le terme de moko mokai) », Journal de la Société des Océanistes, 134, p.28-30.

Robley Horatio, 1896. Moko or Maori Tattooing, Londres.

Roustan Mélanie, 2014. « De l'adieu aux choses au retour des ancêtres. La remise par la France des têtes māori à la Nouvelle-Zélande », Socio-anthropologie, 30, p. 183-198.

Schayes Antoine, 1854. Catalogue et description du Musée royal d'Armures, d'Antiquités et d'Ethnologie, Bruxelles.

van de Walle Baudouin, 1980. « La collection égyptienne depuis ses origines jusqu'à la mort de Jean Capart (1835-1947) », La collection égyptienne. Les étapes marquantes de son développement, Bruxelles, p. 7-37.

ANNEX 8 MRAH ATIFU

Task 6.5 : Human remains from private collections

Des collections privées peuvent être la propriété de sociétés savantes ou de particuliers. Bien souvent, elles conservent elles aussi des vestiges humains. L'objectif de cette tâche est de démontrer comment le projet HOME, par le biais des Établissements scientifiques fédéraux, peut intégrer les questions de rapatriement au sein de ces collections. Ce point relate donc l'implication des MRAH par l'étude de cas concrète d'un vestige humain placé en dépôt dans ses réserves mais relevant de la Société royale belge d'Anthropologie et de Préhistoire (SRBAP).

D6.5.2: Report on the collection of the SRBAP

Lors de la création de l'inventaire au début de cette recherche, il a été porté à notre connaissance la présence d'une peau tatouée naturalisée entreposée dans les réserves du MAH. Bien que le musée conserve cette peau tannée en dépôt depuis les années 2000, il n'en est pas le responsable décisionnaire. En effet, elle fait partie des collections de la SRBAP. En approfondissant le sujet, il est apparu que ce vestige humain est associé à un squelette toujours conservé au Laboratoire d'Anthropologie et de Génétique humaine de l'Université libre de Bruxelles (ULB). Grâce à un document co-rédigé par J. Gonissen, R. Orban, C. Polet et M. Vercauteren, il est possible de retracer l'histoire de cette collection de la SRBAP et de comprendre pourquoi une partie est aujourd'hui conservée dans les locaux de l'ULB :

« Dès sa première année d'existence (1882) et jusqu'au début du XXe siècle, la Société d'Anthropologie de Bruxelles (SAB) a rassemblé une remarquable collection de matériel ostéologique, mais aussi non ostéologique (préhistorique et historique) provenant de différentes régions du monde. La majorité des pièces a été rassemblée à la fin du XIXe siècle, probablement par Émile Houzé (co-fondateur et Président de la SAB de 1882 à 1913) et qui les a publiées dans le Bulletin de la Société. Aujourd'hui, cette collection est localisée à deux emplacements différents : une partie à l'Institut royal des Sciences naturelles de Belgique, l'autre au Laboratoire d'Anthropologie et de Génétique humaine de l'Université libre de Bruxelles (…) ».

Le développement de cette étude de cas s'articulera de la façon suivante. Elle débute par un paragraphe consacré à la méthodologie qui fera état des procédés et des moyens utilisés pour en réaliser l'étude. Il renseignera sur les différentes techniques mais également sur les choix effectués, qu'il s'agisse d'appliquer une méthode plutôt qu'une autre, ou d'expliquer l'absence de certaines d'entre elles due à des éléments dépendants ou indépendants de notre volonté. Après ces explications, surviendra l'étude de l'individu. Ce point sera lui-même subdivisé en 3 parties distinctes. La première s'attèlera à identifier l'individu en termes d'appartenance culturelle et de provenance. La seconde partie proposera l'examen anthropologique du squelette dans les locaux de l'ULB et présentera les résultats obtenus. La dernière partie ciblera l'étude de la peau et plus particulièrement des tatouages conservés.

Méthodologie

Le travail sur cet ensemble est réalisé par étapes. Elles sont dues tant au double emplacement géographique d'un même individu (MAH et ULB) qu'aux méthodes utilisées. La première étape indispensable consiste à proposer un état de l'art par la recherche et le regroupement de toutes les données littéraires pouvant être une source d'informations concernant ce sujet. Cette collecte se base donc, au départ, sur les inventaires des deux institutions. Les découvertes successives nous mènent à nouveau au docteur Émile Houzé qui réalisa l'étude ostéométrique d'un dénommé Atifu, un chef samoan, arrivé en Belgique en 1890 et mort de la rougeole quelques semaines plus tard. À des fins d'étude, il a fait entrer dans les collections ostéologiques de la SRBAP (qu'il préside à l'époque) tant le

squelette d'Atifu que la peau couvrant ses membres inférieurs et recouverts de tatouages traditionnels samoans (Houzé, 1894).

Une nouvelle étude de son squelette est réalisée dans les locaux de l'ULB. Des mesures ostéométriques dites « standards » sont prises. Elles ont été relevées dans le cadre de l'estimation de l'âge au décès de l'individu, de la détermination de son sexe et de l'estimation de sa stature. Des observations de tout élément trace pouvant donner des indications pathologiques et sur sa provenance géographique ont aussi été réalisées. La peau est, quant à elle, étudiée sur base de l'observation à l'œil nu, de la photogrammétrie 3D mais également par un système photogrammétrique plus avancé (avec diverses sources lumineuses : UV et IR) dont l'objectif est d'obtenir par contraste tant une meilleure visibilité des tatouages que des informations quant au procédé de réalisation.

Atifu

L'étude anthropologique d'Atifu se subdivise en 3 parties distinctes. La première est le résultat de l'observation d'Atifu (de son vivant) et des individus qui l'accompagnaient (huit au total) par le Dr Émile Houzé en 1890. La seconde est l'étude et l'analyse anthropologique récente (2021) du squelette d'Atifu conservé au Laboratoire d'Anthropologie et de Génétique humaine de l'ULB. L'examen complet du squelette a majoritairement été réalisé par le Dr Caroline Polet (anthropologue de l'IRSNB et partenaire du projet HOME). Enfin, le troisième volet s'attache à la description de la peau tatouée d'Atifu. Cette dernière a été naturalisée et montée sur une structure faite de bois et de métal après son décès en 1890.

° Provenance

En 1889, Robert A. Cunningham débarque sur l'île de Samoa. Il a pour mission, en tant qu'agent canadien travaillant pour le cirque Barnum & Bailey, de recruter des hommes afin de réaliser une tournée, digne des zoos humains, en Amérique et en Europe. Il regroupe un petit nombre d'hommes sur l'île de Tutuila qui s'engagent pour une durée de 3 ans. La première ville dans laquelle ils arrivent et se produisent est San Francisco. Ensuite, ils continuent vers New-York avant de voyager vers l'Europe. Ils arrivent en Belgique en février 1890. À cette époque, le Dr Émile Houzé saisit l'occasion de leur venue pour les observer et réaliser une étude ostéométrique de ces 9 individus au Musée Castan, passage du Nord (Bruxelles). Il rédige un rapport à ce sujet qui est publié dans le bulletin de la Société d'Anthropologie de Bruxelles (Houzé, 1889). Selon ses dires, son intention est « de passer en revue les caractères physiques principaux qu'il a relevés sur les neuf sujets, et de les comparer ensuite à ceux des populations de l'archipel indien et de la Mélanésie ». Il précise directement la provenance de ces individus, à savoir la localité de Leone, port sud-occidental de l'île Tutuila. Il donne également une brève description d'Atifu :

Le chef Atifu a une coiffure postiche, une perruque rousse dont la partie frontale est ornée de deux rangées superposées de coquilles nacrées que M. De Pauw m'a dit être du genre nautile. Il porte au bras droit une dent monstrueuse de porc et il a un remarquable collier de dents de cachalot. C'est exactement le costume des chefs samoans.

Il traite ensuite des neuf sujets en tirant des conclusions générales sans les mentionner spécifiquement. Lorsque cela se produit, ce n'est que pour décrire des particularités.

Au sujet des tatouages, il constate qu'ils sont essentiellement tatoués de la ceinture jusqu'aux genoux, y compris les organes génitaux. Il prend alors conscience qu'ils sont tous circoncis circulairement et que la circoncision semble générale chez tous les polynésiens (Houzé, 1889). Plus loin, il fait état de leur apparence en écrivant :

"Ils ont tous les cheveux très noirs, mais ils ont l'habitude de les teinter avec des matières colorantes : l'iris est du marron le plus foncé ; la barbe est presque nulle, seule la moustache existe, mais peu fournie. La peau du corps est glabre, le buste est haut. Ils diffèrent peu par l'indice céphalique […]. Un des caractères les plus remarquables du crâne est la hauteur verticale qui est très grande ; enfin l'occiput est entièrement aplati ; la partie postérieure de la tête est taillée à pic. La poitrine est bien développée et les seins, fortement accusés, sont séparés par un sillon large et assez profond ».

Après cette description commune à tous, le Dr Houzé mentionne les caractères différentiels tels que la couleur de peau, le type de cheveux, leur prognathisme, leur stature, etc.

Ensuite, il procède à l'examen ostéométriques des individus. Il reprend les résultats pour chacun d'entre eux dans un tableau récapitulatif. Dans le cas d'Atifu, les mesures sont les suivantes (Fig. 6) :

Samoans de l'île Tutuila.

NOMS.	Age.	Taille.	Buste.	Circonfér. thoracique mamillaire.	Indice de vitalité.	Diamètre antéro-post. maximum.	Diamètre transversal maximum.	Hauteur pr. chev. à ment.	Hauteur ophryo-mentonnière.	Hauteur ophryo-alvéolaire.	Hauteur infra-mentonnière.	Hauteur frontale cheveux à ophryon.	Largeur bizygomatique maxima.	Hauteur nasale.	Largeur nasale.	Indice céphalique	Indice prosopal.	Indice facial.	Indice nasal.	Couleur de la peau. (Broca.)
Atifu. . . .	30	174	93	89	51,15	185	155	190	147	98	33	43	150	52	43	83,78	78,94	65,53	86,51	39

Fig. 6 : Tableau des mesures prises par le Dr Houzé

Un élément déjà rapporté à l'époque dans les notes d'Émile Houzé est qu'au moment de la publication de ce rapport dédié aux samoans, les neufs individus « ont dû être admis dans mon service hospitalier (Hôpital Saint Jean), atteints de rougeole grave. Atifu est mort et l'autopsie a révélé l'existence de tubercules miliaires dans les deux poumons » (Houzé, 1889). Il annonce alors la rédaction prochaine des résultats de l'autopsie réalisée sur Atifu mais ces informations n'ont pas été trouvées si tant est que cette publication ait été achevée.

° Mesures ostéométriques

Le squelette d'Atifu a été étudié dans les locaux d'Anthropologie et Génétique humaine du département des sciences de l'ULB. La responsable de cette unité est le Prof. Martine Vercauteren. Cette dernière a autorisé l'accès au squelette et à son analyse en mai et juin 2021. Comme mentionné précédemment, l'étude anthropologique propose de donner tous les renseignements liés à son sexe, sa stature, l'estimation de son âge au décès mais aussi à son origine géographique et aux éventuelles pathologies visibles sur son squelette. Ce dernier est présenté sur un plateau en plâtre cerclé de bois. Le plâtre a été modelé sur base de l'empreinte de chaque ossement.

La première observation rend compte d'un squelette complet à l'exception de la dernière vertèbre sacrée et de quelques ossements des pieds. Il apparaît que la phalange distale de la 3ème phalange droite et que la phalange distale de la 4ème phalange gauche ont toujours été manquantes (éléments osseux remplacés par un enduit brun, type résine). La dernière vertèbre sacrée ainsi que les phalanges moyenne et distale de la 4ème phalange (droit) sont également manquantes. Cependant, ces dernières devaient être présentes au moment de la réalisation du plateau car leurs empreintes sont visibles (dans le plâtre). La scapula droite a, quant à elle, subi un dommage à sa partie supérieure car deux esquilles osseuses se sont détachées de sa tranche extérieure.

La première observation se situe au niveau du crâne, à hauteur du pariétal gauche. Une inscription réalisée à l'encre de chine identifie le squelette comme suit :

Polynésien

Îles Samoa I.S.

Ile Tutuila

Mort à Bruxelles (Service E. Houzé)

de rougeole Coll. E. H. Hôp St-Jean.

Une seconde inscription relativement similaire se situe au niveau de la branche gauche de la mandibule de l'individu et indique :

Polynésien

Iles Samoa

Tutuila

Coll. E. H.

Une dernière inscription est décelée sur la première vertèbre (C1) sur le pourtour interne de l'orifice du canal rachidien. Il y est inscrit : Polynésien.

Le crâne est en bon état. Sa ligne occipitale est accentuée et sa forme est droite et haute. Il ne présente aucune particularité à l'exception du conduit auditif droit qui présente des exostoses, une légère cribra orbitalia dans chaque orbite, et des traces probables d'arthrose autour du foramen magnum. Il est également à noter que trois fines lignes parallèles et légèrement obliques sont marquées dans l'os pariétal droit et débordent à hauteur du frontal droit. Elles mesurent environ 6 cm chacune (l'hypothèse ici est qu'il pourrait s'agir de traces de découpe au moment du nettoyage du squelette dirigé par Houzé).

À l'exception de la seconde molaire supérieure gauche (M2), toutes les dents sont présentes. L'alvéole correspondante a été bouchée par l'apport d'un enduit brun type résine. Le « rebouchage » en présence ne permet pas d'affirmer s'il s'agit d'une perte ante- ou post-mortem. Quelques particularités sur les dents peuvent être notifiées. Au niveau du maxillaire supérieur du côté gauche, la première incisive (I1) est fortement reconstruite et enduite par cette même résine. Du côté droit, les deux molaires (M1 et M2) semblent maintenues ensemble par cet enduit. La troisième molaire (M3) est pourvue d'un petit tubercule associé à une perle d'émail. Quelques traces de tartres sont également visibles sur plusieurs dents. Au niveau de la mandibule, la couronne de la canine droite (C1) est cassée. À droite et à gauche, les deuxième et troisième molaires (M2 et M3) ont, elles aussi, des perles d'émail sur leur face lingual. Des traces importantes de tartres sont également observables.

Sur l'ensemble du squelette, seules deux particularités sont notables. Une différence de dimensions entre les deux clavicules est observée. La cause de cette asymétrie n'est pas identifiée. Le Dr C. Polet identifie également « les séquelles d'un traumatisme au niveau du premier métacarpien gauche ».

L'identification du sexe de l'individu a été réalisée par à l'application de la diagnose sexuelle probabiliste (DSP) aux deux os coxaux. Un minimum de quatre mesures doivent être prises afin d'obtenir un premier résultat, mais plus le nombre de mesures est élevé plus il sera possible d'obtenir une probabilité significative, à savoir de 0,95. Dans la charte explicative du logiciel, il est spécifié que « dix variables sont disponibles, réparties en deux groupes (Pum, Spu, Dcox, Iimt, Ismm, Ss, Sa – Sis, Veac). Le premier (huit premières variables) comprend les variables à fort pouvoir discriminant (dans

un ordre décroissant). Elles doivent être utilisées en priorité. Les deux autres variables (Sis et Veac) sont des variables de secours, généralement bien représentées en contexte archéologique, à n'utiliser que si le nombre minimum de quatre variables n'est pas atteint à partir des huit premières ». Ce logiciel permettant de donner une estimation des sexes, sur base d'algorithmes, est disponible en libre accès sur le site Internet de l'Université de Bordeaux (http://www.pacea.u-bordeaux1.fr/DSP.html). Dans le cas de ce squelette, la méthode indique 100% de probabilité que le sexe soit masculin.

Ensuite l'estimation de l'âge au décès a été établie entre 30 et 59 ans. Elle est basée sur la méthode de Schmitt qui examine l'aspect des surfaces auriculaires. Il s'agit de suivre un système de cotations par l'observation de 4 caractères morphologiques des surfaces sacro-pelviennes iliaques (Schmitt, 2005).

L'estimation de la stature est basée sur la mesure des os intervenant (crâne, vertèbres, fémurs et tibias) par l'application de la méthode de Fully révisée par Raxter (Raxter, 2006). L'individu a une taille estimée à 169 cm +- 2 cm. De plus, le Dr C. Polet a proposé la méthode de Houghton « destinée aux échantillons polynésiens » (Houghton, 1996). Cette méthode, notamment basée sur la longueur des deux fémurs, donne une stature estimée entre 172 et 173 cm.

L'origine biogéographique de l'individu peut être estimée grâce à des analyses métriques. La méthode utilisée est celle d'AncesTrees présentée sur le site Internet Osteomics (https://osteomics.com/). Il s'agit d'une plateforme regroupant différentes techniques de mesures fréquemment utilisées par les anthropologues pour estimer ou déterminer l'âge au décès, le sexe, la stature, etc. et dans ce cas : l'origine biogéographique. Le logiciel AncesTrees est basé sur des algorithmes et est publié dans une revue internationale de médecine (Navega et al., 2015). Cette méthode nécessite l'introduction de 30 mesures crâniennes (Fig. 7 et Fig. 8). Les 25 premières entrées correspondent à des mesures fréquentes et simples à prendre. Les 5 dernières sont quant à elles relatives au calcul d'amplitude.

1. GOL Glabello-occipital length
Greatest length, from the glabellar region, in the median sagittal plane.

2. NOL Nasio-occipital length
Greatest cranial length in the median sagittal plane, measured from nasion.

3. BBH Basion-bregma height
Distance from basion to bregma, as defined.

4. XCB Maximum cranial breadth
The maximum cranial breadth perpendicular to the median sagittal plane, above the supramastoid crests.

5. XFB Maximum frontal breadth
The maximum breadth at the coronal suture, perpendicular to the medial plane.

6. FMB Bifrontal breadth
The breadth across the frontal bone between frontomalare anterior on each side, i.e., the most anterior point on the fronto-malar suture.

7. ZYB Bizygomatic breadth
The direct distance between both zigya located at their most lateral points of the zygomatic arches.

8. AUB Biauricular breadth
The least exterior breadth across the roots of the zygomatic processes, wherever found.

9. MAB Palate breadth, external
The greatest breadth across the alveolar borders, wherever found, perpendicular to the median plane.

10. ASB Biasterionic breadth
Direct measurement from one asterion to the other.

11. JUB Bijugal breadth
The external breadth across the malars at the jugalia, i.e., at the deepest points in the curvature between the frontal and temporal process of the malars.

12. ZMB Bimaxillary breadth
The breadth across the maxillae, from one zygomaxillare [anterior] to the other.

13. WMH Cheek height
The minimum distance, in any direction, from the lower border of the orbit to the lower margin of the maxilla, mesial to the masseter attachment, on the left side.

14. NPH Nasion-prosthion height
Upper facial height from nasion to prosthion, as defined.

15. BPL Basion-prosthion length
The facial length from basion to prosthion, as defined.

16. BNL Basion-nasion length
Direct length between basion and nasion.

17. NLH Nasal height
The average height from nasion to the lowest point on the border of the nasal aperture on either side.

18. NLB Nasal breadth
The distance between the anterior edges of the nasal aperture at its widest extent.

19. EKB Biorbital breadth
The breadth across the orbits from ectoconchion to ectoconchion.

20. DKB Interorbital breadth
The breadth across the nasal space from dacryon to dacryon.

21. OBH Orbit height, left
The height between the upper and lower borders of the left orbit, perpendicular to the long axis of the orbit and bisecting it.

22. OBB Orbit breadth, left
Breadth from ectoconchion to dacryon, as defined, approximating the longitudinal axis which bisects the orbit into equal upper and lower parts.

23. FRC Nasion-bregma chord, Frontal chord
The frontal chord, or direct distance from nasion to bregma, taken in the midplane and at the external surface.

24. PAC Bregma-lambda chord, Parietal chord
The external parietal chord, or direct distance from bregma to lambda, taken in the midplane and at the external surface.

25. OCC Lambda-opisthion chord, Occipital chord
The external occipital chord, or direct distance from lambda to opisthion, taken in the midplane and at the external surface.

26. SSS Zygomaxillary subtense
The projection or subtense from subspinale to the bimaxillary width [ZMB].

27. NAS Nasio-frontal subtense
The subtense from nasion to the bifrontal breadth.

28. FRS Nasion-bregma subtense, Frontal subtense
The maximum subtense, at the highest point on the convexity of the frontal bone in the midplane, to the nasion-bregma chord.

29. PAS Bregma-lambda subtense, Parietal subtense
The maximum subtense, at the highest point on the convexity of the parietal bones in the midplane, to the bregma-lambda chord.

30. OCS Lambda-opisthion subtense, Occipital subtense
The maximum subtense, at the most prominent point on the basic contour of the occipital bone in the midplane.

Fig. 7 : Mesures crâniennes - AncesTrees

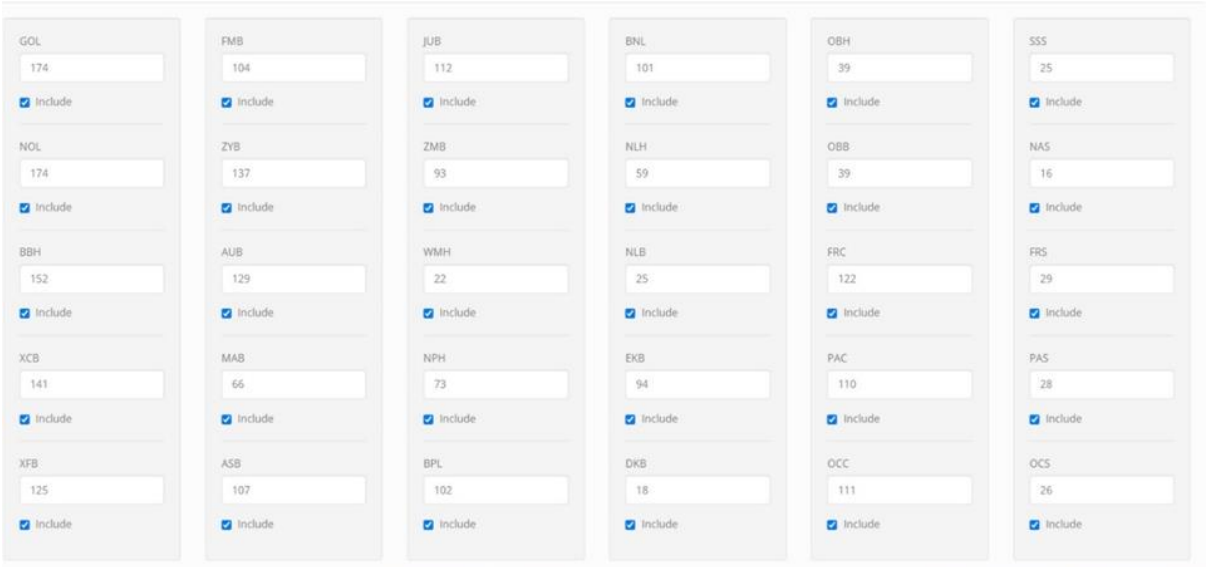
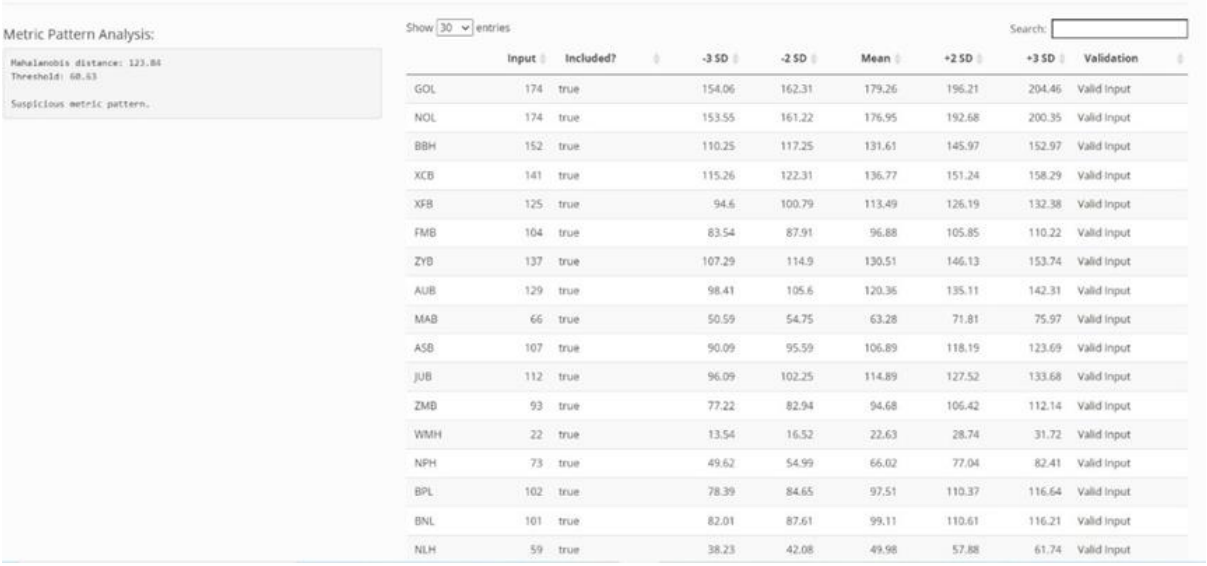
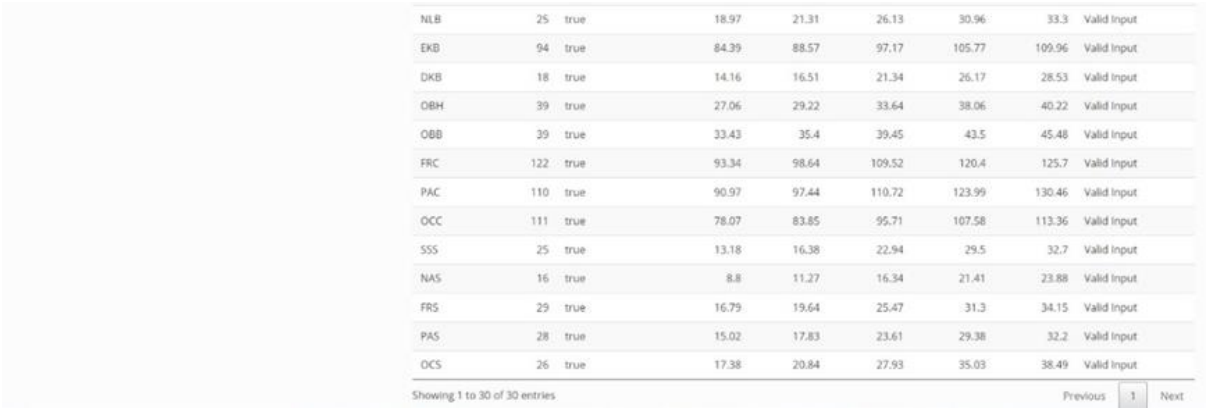


Fig. 8 : Encodage des mesures - AncesTrees

Dans cette présente étude, le crâne complet d'Atifu a permis l'obtention de l'ensemble des mesures recommandées. Les valeurs intégrées dans le tableau sont ensuite vérifiées afin de déterminer si les mesures observées correspondent à l'intervalle de variation des valeurs habituellement relevées (Fig. 9).



	Input	Included?	-3 SD	-2 SD	Mean	+2 SD	+3 SD	Validation
GOL	174	true	154.06	162.31	179.26	196.21	204.46	Valid Input
NOL	174	true	153.55	161.22	176.95	192.68	200.35	Valid Input
BBH	152	true	110.25	117.25	131.61	145.97	152.97	Valid Input
XCB	141	true	115.26	122.31	136.77	151.24	158.29	Valid Input
XFB	125	true	94.6	100.79	113.49	126.19	132.38	Valid Input
FMB	104	true	83.54	87.91	96.88	105.85	110.22	Valid Input
ZYB	137	true	107.29	114.9	130.51	146.13	153.74	Valid Input
AUB	129	true	98.41	105.6	120.36	135.11	142.31	Valid Input
MAB	66	true	50.59	54.75	63.28	71.81	75.97	Valid Input
ASB	107	true	90.09	95.59	106.89	118.19	123.69	Valid Input
JUB	112	true	96.09	102.25	114.89	127.52	133.68	Valid Input
ZMB	93	true	77.22	82.94	94.68	106.42	112.14	Valid Input
WMH	22	true	13.54	16.52	22.63	28.74	31.72	Valid Input
NPH	73	true	49.62	54.99	66.02	77.04	82.41	Valid Input
BPL	102	true	78.39	84.65	97.51	110.37	116.64	Valid Input
BNL	101	true	82.01	87.61	99.11	110.61	116.21	Valid Input
NLH	59	true	38.23	42.08	49.98	57.88	61.74	Valid Input



NLB	25	true	18.97	21.31	26.13	30.96	33.3	Valid Input
EKB	94	true	84.39	88.57	97.17	105.77	109.96	Valid Input
DKB	18	true	14.16	16.51	21.34	26.17	28.53	Valid Input
OBH	39	true	27.06	29.22	33.64	38.06	40.22	Valid Input
OBB	39	true	33.43	35.4	39.45	43.5	45.48	Valid Input
FRC	122	true	93.34	98.64	109.52	120.4	125.7	Valid Input
PAC	110	true	90.97	97.44	110.72	123.99	130.46	Valid Input
OCC	111	true	78.07	83.85	95.71	107.58	113.36	Valid Input
SSS	25	true	13.18	16.38	22.94	29.5	32.7	Valid Input
NAS	16	true	8.8	11.27	16.34	21.41	23.88	Valid Input
FRS	29	true	16.79	19.64	25.47	31.3	34.15	Valid Input
PAS	28	true	15.02	17.83	23.61	29.38	32.2	Valid Input
OCS	26	true	17.38	20.84	27.93	35.03	38.49	Valid Input

Showing 1 to 30 of 30 entries Previous 1 Next

Fig. 9 : Valeurs des mesures d'Atifu (Input) comparées aux intervalles de valeurs habituellement observées. Elles ont toutes été validées et inclues dans l'analyse - AncesTrees

Après avoir validé les données, l'algorithme calcule sous forme de probabilités (en %) l'origine de l'individu. Au fur et à mesure où les données sont intégrées, il est possible de constater que l'individu a de plus en plus de probabilités d'être « polynésien ». À l'avant-dernière donnée, il est même présumé à 94% polynésien et 6% américain. Toutefois, dès la dernière valeur ajoutée (OCS ou Occipital subtense) les probabilités à être polynésien s'effondrent à 23%. L'argument qu'il est possible de développer ici concerne le calcul d'amplitude. Il s'agit de mesures plus compliquées à prendre et les outils accessibles pour le faire étaient limités. Il n'est donc pas à exclure que les 5 dernières variables (notamment la dernière) ne soient pas correctes. Il serait donc intéressant de recalculer l'amplitude et de vérifier si cela change le pourcentage final.

° Peau et tatouage

Cette troisième partie fait état de l'étude des tatouages présents sur la partie inférieure du corps d'Atifu. Il est indéniable que c'est bien cette caractéristique associée à une pratique culturelle spécifique qui a convaincu le Dr Houzé de conserver à titre posthume la peau de cet individu (Fig. 10). Elle a été prélevée depuis la taille jusqu'aux genoux et a été montée sur une structure faite de bois et de métal maintenant le bas du corps dans une position fléchie. Le rembourrage est visible à plusieurs endroits mais le matériau utilisé n'est pas identifié et en l'absence d'image médicale, il est difficile de préciser si d'autres éléments font partie de cet assemblage interne. Toutefois, S. Galliot remarque que cette pièce ainsi présentée « représente le premier et l'unique cas de tatouage samoan intégrant des collections muséales » (Galliot, 2015). De fait, elle n'est pas inconnue du grand public car elle a fait partie de la sélection effectuée par les commissaires d'exposition Dr F. Forment (alors conservatrice de la collection Océanie) et M. Brilot pour l'exposition « Tatu-Tattoo ». Elle est créée et organisée par les Musées royaux d'Art et d'Histoire à Bruxelles, du 15 septembre 2004 au 27 février 2005.

Fig. 10 : Vues antérieure et postérieure de la peau tatouée et naturalisée d'Atifu

(Galliot, 2015)

Lors d'une première observation, il est possible de distinguer deux endroits où la peau a été déchirée (vraisemblablement lors de son prélèvement quand la peau présente encore une forme d'élasticité favorisant le "rapiéçage") mais recousue ne laissant apparaître à ces emplacements que des traces de couture sans pour autant perturber le motif général du tatouage (Fig. 23). Cet élément est d'autant plus visible sur des images obtenues grâce à Aurore Mathys (IRSNB) et à sa réalisation de modèles 3D. Il s'agit d'une technique de photogrammétrie plus élaborée car elle requiert trois lumières distinctes : la lumière visible (VIS), l'ultraviolet (UV) et l'infra-rouge (IR) (Fig. 23). L'étude des tatouages d'Atifu par le biais de cette nouvelle technologie pourrait donner lieu à une publication spécifique.

Les dessins tatoués recouvrent l'ensemble de la peau, en ce compris le scrotum et les attributs sexuels. La verge est manquante depuis une date inconnue. Cependant, le Dr Houzé précise que celle-ci était également tatouée. À première vue, les dessins se composent de grands aplats noirs laissant apparaître les motifs en négatif (par rapport à la peau non tatouée). D'après S. Galliot, « l'ensemble d'îles constitué par Rotuma, Uvea et Futuna, Samoa et Tonga se distinguent du reste de la Polynésie par la place que prenait sur le corps des hommes un type de tatouage initiatique couvrant le milieu du corps de l'abdomen jusqu'aux genoux » (Galliot, 2015). Plus loin dans son article, l'auteur mentionne l'interdiction du tatouage (notamment à Tutuila) par les missionnaires de la London Missionary Society dès 1830. Il est donc probable que les tatouages d'Atifu aient été réalisés sur l'île de Savai'i.

Afin d'obtenir plus d'informations concernant la pratique culturelle dans laquelle s'inscrit Atifu par le port de ces dessins tatoués, l'ouvrage de C. Marquardt (Marquardt, 1984)donne des indications sur l'origine de cette pratique, les rites et les procédés associés ainsi que sur les outils utilisés. Si la période à laquelle ce tatouage samoan a vu le jour est inconnue ainsi que le temps nécessaire à l'élaboration de ce motif final, il semble qu'il ait peu changé au cours du temps dès lors qu'il avait été fixé par tradition. Plusieurs hypothèses mentionnées par Marquardt tentent de répondre, si ce n'est à la

question « quand », à la question « pourquoi » se faire tatouer est-il important pour la communauté samoane. Bien qu'il mentionne l'hypothèse de l'origine divine rapportée par la tradition orale (le tatouage comme don et présent des déesses Taema et Tilafaiga des Fidji à Samoa), la communauté scientifique adhère à la diffusion du tatouage à Samoa par le biais des contacts réguliers entre les populations depuis de longues périodes. La réalisation de motifs tatoués sur les corps servirait tant un but décoratif qu'attractif. La décoration des corps par des dessins spécifiques s'attache donc à une appartenance communautaire et statutaire. De plus, le tatouage jouerait un rôle important dans le principe de séduction entre hommes et femmes. Les hommes tatoués, dès leur puberté, afficheraient de ce fait leur virilité et leur force par leur résistance à la douleur occasionnée lors de sa réalisation.

Le rituel du tatouage ainsi que les motifs choisis et fixés par tradition sont codifiés. L'officiant (ou le tatoueur) est un prêtre nommé tufuga. Ce savoir, transmis de père en fils, est rétribué par un apport d'offrandes plus ou moins important en fonction du commanditaire et de ses ressources (souvent liées à son statut). La qualité et le motif varient en fonction de celles-ci. Les outils nécessaires à sa réalisation sont triples. L'instrument principal est composé de trois éléments maintenus ensemble par des fibres végétales. Semblable à un peigne, des aiguilles faites à partir de dents ou d'os sont attachées ensemble à un embout (provenant de morceau de bois, de carapace de tortue de mer, d'os ou de coquillages), lui-même rattaché à un fin manche en bois (Fig. 11). Le tufuga a recours à des peignes de tailles variables selon la partie du motif à réaliser. Par exemple, les grandes plages d'aplats noirs sont réalisées avec des peignes constitués de dents plus larges et nombreuses. Le second outil nécessaire est le pigment. Il est obtenu à partir de suie de noix brûlées (Aleurites moluccana). Le résultat de cette 'cuisson' par le feu, se présentant sous forme de suie collante, est gratté et récolté dans une coque de noix où il est conservé. Enfin, l'officiant se munit d'un maillet (dont les dimensions sont variables). Le peigne est donc imbibé de pigment avant d'être frappé par le maillet. Le tatouage est produit par percussion afin de marquer le pigment dans la peau (Fig. 12).

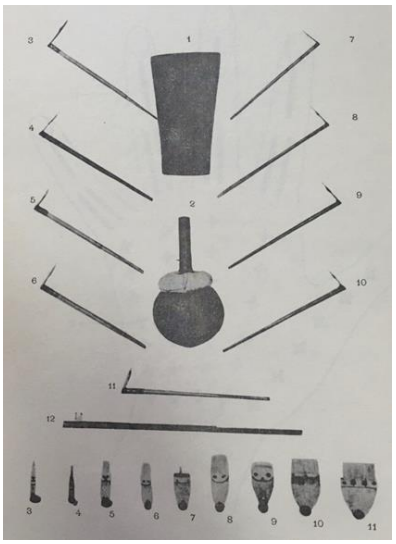


Fig. 11 : Outils du tufuga

(Marquardt, 1984)

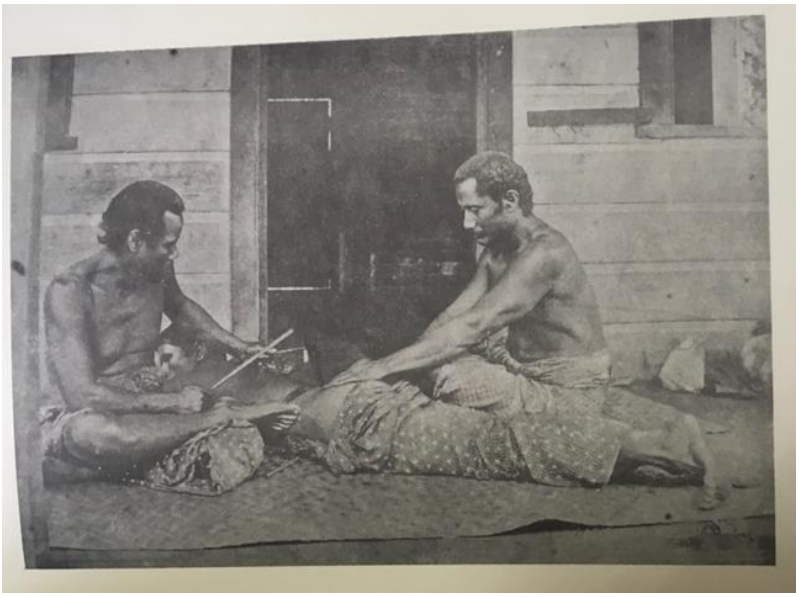


Fig. 12 : Réalisation d'un tatouage samoan

(Marquardt, 1984)

La réalisation du tatouage peut être plus ou moins longue (semaines/mois) en fonction de la résistance du commanditaire. C. Marquardt atteste d'au-moins cinq étapes lors de ce processus. Le tatoueur commence par le dos et le bas du dos, puis il dessine sur le postérieur. Dans un troisième temps, il réalise les zones d'aplats noirs à l'arrière des cuisses avant de s'attaquer à l'avant des jambes. Il produit le motif qui s'étend du centre des cuisses jusqu'à l'aine ainsi que celui allant du périnée jusqu'aux genoux. Enfin, il termine le dessin au niveau de l'abdomen et du nombril. L'ensemble du processus est ritualisé. Une cérémonie d'ouverture se tient avant la première séance. Elle est caractérisée par des démonstrations de combats et des exercices de guerre avant le dépôt de la première série d'offrandes au tufuga. Ensuite, chaque séance est accompagnée de chants rituels émis par l'officiant et ses assistants. Les assistants du tufuga ont pour rôle de maintenir la peau tendue de l'individu tatoué et de tenir les outils nécessaires au tatouage à sa disposition.

Bien que le tatouage soit un ensemble homogène, il n'en est pas moins divisé en 18 parties correspondant à des motifs particuliers. Sans entrer dans les détails de chacun d'entre eux, il est cependant pertinent de citer et de s'attarder à ceux indiquant une différence statutaire au sein de la communauté.

Asofa aifo : Il correspond aux lignes courbées présentes à hauteur de la hanche. Elles partent du motif supérieur du dos jusqu'à celui qui recouvre la partie supérieure du pubis. Le motif traditionnel ne fait état que de deux lignes. Atifu en porte quatre (Fig. 13). Ce nombre plus élevé semble être la marque d'un rang plus important (chef).

Saimutu : Ce motif regroupe un ensemble de lignes. Des lignes noires larges (+/- 1cm) sont séparées par plusieurs lignes fines (aso). Le plus fréquemment, cet ensemble comporte deux lignes noires épaisses. Dans ce cas-ci, Atifu en porte trois (Fig. 14). Si le saimutu indique une différence de statut entre les chefs et la population commune, il ne présente aucune variation et/ou distinction entre le rang des chefs eux-mêmes.

Fa'amuli'ali'ao : Il s'agit de la répétition de dessins formant des triangles. Ils se situent à l'intérieur des cuisses et s'étendent de l'aine jusqu'aux genoux. Chaque triangle est travaillé et contient des motifs

géométriques plus petits. Le nombre de fois que le triangle se répète suggère, non pas un statut plus important, mais une coquetterie esthétique subjective (Fig. 14). Toutefois, il est probable que les ressources nécessaires (offrandes) à la rétribution du tufuga soient plus conséquentes et impliquent un plus grand nombre de possessions par le commanditaire, qui elles, peuvent dépendre (être attribuées à) d'un rang plus élevé.

Aso : Ce motif est constitué par la répétition de lignes fines parallèles. Il sépare souvent deux parties de tatouages ou s'insère directement dans certains d'entre eux (par. exemple avec le saimutu). Le nombre de lignes dessinées est plus important selon le statut social de l'individu (Fig. 14).

Fa'avala : Motif formé par la répétition de dessins géométriques rectangulaires présents à l'intérieur des cuisses. Le plus souvent, au nombre de trois mais dans certains cas, il est possible d'en compter quatre. Atifu en présente trois (Fig. 15).

Pute : C'est l'un des motifs réalisés en dernier lieu. Quand il est tatoué, il se situe autour du nombril. Selon Marquardt, il n'est pas fréquent de l'observer en raison de la douleur causée lors de sa réalisation. Cependant, lorsqu'il est placé, sa taille et le dessin peuvent varier (Fig. 14). Dans le cas d'Atifu, ce tatouage n'est pas visible. En effet, sa peau n'a pas été conservée jusqu'à hauteur du nombril. Soit, car il n'y avait pas de dessin à sauvegarder, soit car la peau s'est déchirée à cet endroit au moment de sa fixation sur son socle.

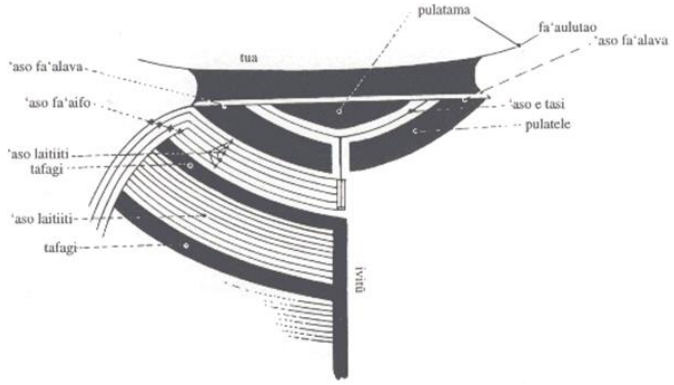


Fig. 13 : Asofa aifo

(Marquardt, 1984)

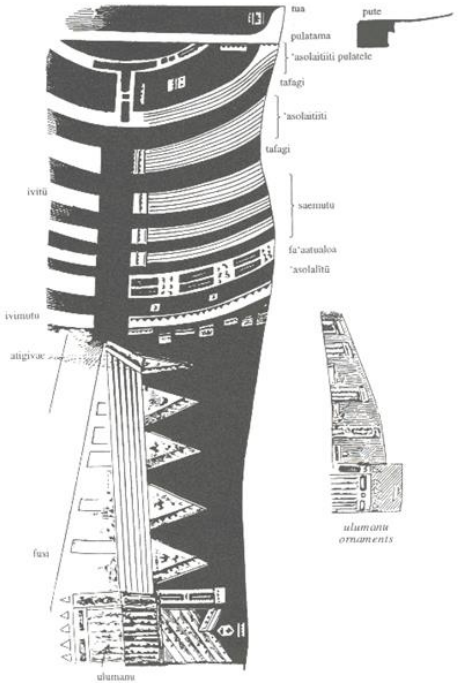


Fig. 14 : Saimutu - Fa'amuli'ali'ao – Aso – Pute

(Marquardt, 1984)

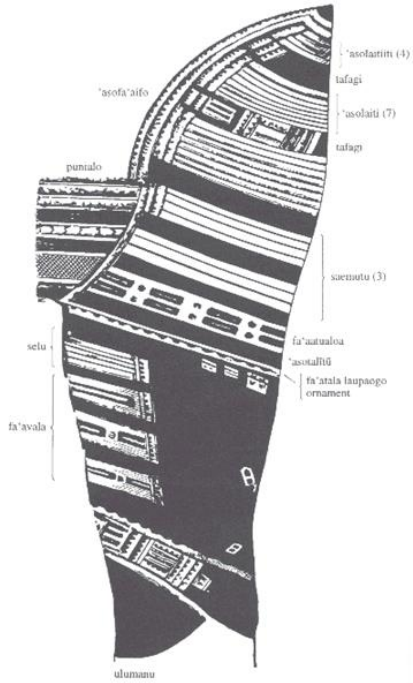


Fig. 15 : Fa'avala

(Marquardt, 1984)

Galliot Sébastien, 2015. « Marque de l'échange et échange de la marque. Essai de biographie culturelle appliquée au tatouage samoan », Cahier du CAP, n°2, Modèles et modalités de la transmission culturelle, p.131-159.

Gonissen Jennifer, Orban Rosine, Polet Caroline, Vercauteren Martine, 2016. « Émile Houzé (1848-1921) et les collections de la première Société d'Anthropologie en Belgique », Poster pour le XXXIIème colloque du Groupement des Anthropologistes de Langue française à Toulouse, 7-9 juin 2016.

Houghton Philip, 1996. People of the Great Ocean. Aspects of human biology of the early Pacific, Cambridge.

Houzé Émile, 1889. « Conférence de M. Houzé. Les Samoans de Leone (Île Tutuila) », Bulletin de la Société d'Anthropologie de Bruxelles, t. VIII, p.241-256.

Houzé Émile, 1894. « Tatouages des Iles Samoa », Bulletin de la Société d'Anthropologie de Bruxelles, t. XIII, p.76.

Marquardt Carl, 1984. The Tattooing of both sexes in Samoa, Nouvelle-Zélande.

Navega David, Coelho Catarina, Vicente Ricardo, Ferreira Maria Teresa, Wasterlain Sofia, Cunha Eugénia, 2015. « AncesTrees : ancestry estimation with randomized decision trees », Int J Leg Med 129, p. 1145-1153.

Raxter Michelle, Auerbach Benjamin, Ruff Christopher, 2006. « Revision of the Fully Technique for Estimating Statures », American Journal of Physical Anthropology, 130, p. 374-384.

Schmitt Aurore, 2005. « Une nouvelle méthode pour estimer l'âge au décès des adultes à partir de la surface sacro-pelvienne iliaque », Bulletins et mémoires de la Société d'Anthropologie de Paris, 17 (1-2), p. 89-101.

https://osteomics.com/

http://www.pacea.u-bordeaux1.fr/DSP.html

ANNEX 9 WP7 TASKS FROM RMAH

The following is a response to some aspects of Task 7 from the RMAH.

Task 7.2: Virtual repatriation with co-curation

D7.2.1: Category of Human remains for which the virtual repatriation is possible/requested and description of the " Modus Operandi" (M24) RBINS, USL-B, RMCA, ULB, RMAH, UdeM

The RMAH is involved in the digitisation of its collections. This action is mainly carried out by the E-collection services and by the institution's photo library. The aim is to preserve the entire heritage in digital format. Access to objects via this medium facilitates their study, their visibility on online platforms, their sharing and their proper conservation. Within the framework of specific research projects, researchers often use new technologies to carry out their investigations, particularly those related to imaging. The internal virtual library of museums is therefore constantly growing and expanding. However, this is a lengthy and extensive process.

To date, the HOME project partners have only slightly addressed the issue of virtual recording of data, including human remains, with the aim of either proposing virtual repatriation of the remains or virtually conserving the remains that are repatriated to their country of origin. No modus operandi has been established for the RMAH. Beyond the fact that it would be necessary to consider this question with the different internal services concerned by this issue, a "common agreement" on the creation of this type of procedure should be reached for all the FSIs, while taking into consideration the need to act on a case-by-case basis depending on the remains and the communities involved. In addition, the "technical means" required to exploit and store the data must be available and accessible in both Belgian and foreign institutions.

Task 7.4: Repatriation to State(s) authorities

D7.4.1: List of Human remains for which the repatriation could be requested by State authorities and description of the different "Modus Operandi" (M24) RBINS, USL-B, RMCA, ULB, RMAH

This point mentions the creation of a separate list of anthropobiological remains which could be the subject of a request for repatriation in the near future. In view of the inventory carried out for their study in the context of this project, the situation is twofold:

1. Internal reflection does not currently presuppose any urgency regarding this issue for all human remains (with the exception of the recent cases described in WP 6). The vast majority of them originate in Belgium (289 out of 438). The 149 human remains of foreign origin show a significant temporal distance for the most part. Although this argument is not enough to end the debate (although this is not the intention), it is taken into consideration because it strongly reduces the probability of requests for repatriation on the basis of lineage, ancestral or cultural affiliation. Moreover, their origin is not associated with a Belgian political context that could be qualified as reprehensible in these matters (colonial past type). Finally, the acquisition methods do not indicate any human remains identified as 'badly' acquired by the Belgian State (such as looting or theft) and therefore liable to be challenged under the law.

2. Nevertheless, the second view of this situation takes into consideration the point of view of the states/communities that submit a request for repatriation. Every legitimate authority in the call

for the return of heritage property can claim every human remains listed in the museum inventory. Whatever their motives (sacred value and function, cultural and historical affiliation, etc.), they will have to be heard by the Belgian state and the latter should respond favourably.

With this in mind, the creation of a list dedicated to the remains that may be the subject of a request for official repatriation is none other than their inventory. It is accessible internally on the MuseumPlus platform. It is now at the service of the various collection managers and will continue to be fed by them. Once again, no modus operandi has been established, as requests will be answered on a case-by-case basis.

The Royal Museums of Art and History do not in any way oppose requests for the official repatriation of archaeological remains (human or otherwise) if an official and legitimate State/community makes the request. Only a study of the provenance of these remains must be carried out in order to be able to link them correctly to their community and/or culture of origin. A priori, the methods of acquisition play only a secondary role in the decisions to be taken. Indeed, whether the heritage claimed is considered as 'good' or 'bad' acquired before their arrival in Belgian institutions cannot be the only argument used in favour of/against repatriation. At this point, it is important to recall that although these are human remains, no illegal acts have been observed with regard to their integration into the collections, although some of them are questionable today from an ethical perspective.

In the case of Atifu, the RMAH took the initiative to establish contact with the Samoan authorities with a view to launching a repatriation procedure. They are therefore proactive in this process when a relic, judged to be "sensitive" by scientific and museum actors, highlights the ethical and cultural issues attached to these remains.

Discussions

Task 6.3 on Maori heads:

- The issue of the repatriation of Maori heads has already been much discussed. To cite only the French case, in 2007, the "Municipal Council of the City of Rouen authorised the return of a Maori head (...). The authorisation was annulled by the Administrative Court and by the Douai Court of Appeal" (Contel et al., 2012). The legal reasons for this blockage relate to the fact that the Maori head has been part of French collections since 1875 and is therefore inalienable. This obstacle was overcome in 2010 with the adoption of a new law drafted by the French Parliament. It stipulates that Maori heads kept by French museums can be handed over to New Zealand.

→ This case in France is now being repeated in Belgium. The Maori heads kept at the RMAH are part of the federal collections. As such, they are inalienable. France has circumvented the legal obstacles by adopting a new law 'liberating' these anthropobiological remains from its collections. This law only applies to these cases and does not call into question the overall status of public collections. In Belgium, and in this specific case, should we act identically and react on a case-by-case basis or reflect globally on a restitution policy? Indeed, if each potential future request must be examined in the light of the law, what will be the consequences and the timeframe for responding?

- As mentioned in 6.3, in 2003 New Zealand mandated the creation of a programme for the repatriation of human remains from overseas museums. The Te Papa Tongarewa organisation presents itself as the official representative of both the state and the local communities from which the remains originate.

→ It is interesting to note in this study that States with Maori remains in their institutions did not anticipate the issues surrounding the inalienability of their collections. They had to be confronted with

concrete requests for repatriation to rethink the status of their collection. Similarly, Belgian museums are only thinking about this possibility because they are confronted with it. From this perspective, and as raised above, would it make sense to draft a bill that only concerns Maori heads or would it be visionary to think about solutions for the restitution of heritage goods, whatever they are (human or historical/archaeological) and whatever their provenance?

- In view of the activity and documents available from Te Papa Tongarewa, it is clear that the case study on the Maori heads at the AHM should have been conducted in collaboration with representatives of these communities.

→ The research conducted on the Maori heads in the Belgian collections was based on old inventories, archival documents (often incomplete) and literary comparisons. The end of this report notes that this direct resource has been neglected. Undoubtedly, the people attached to this organisation could have provided key information on several topics (cultural value and function, the art of tattooing, the modalities of acquisition, etc.).

- The official request for the restitution of these Maori heads kept in Belgium is back on the agenda and will soon find a favourable outcome for the institutions concerned.

→ What consequences will this have for the collections? Can the documents, images and research results associated with these human remains still be used in the future, even though they are no longer in the country? Will it be necessary to contact New Zealand directly to obtain the data or will it remain the property of the state?

Task 6.5 on Atifu :

- The case of Atifu is considered ethically 'sensitive' on several levels. The first is the retention of his remains after his death for 'study purposes'.

→ The liberty taken by Dr Houzé to preserve Atifu's corpse can be likened to the behaviour of G. Cuvier, a French scientist, who preserved the corpse of Saartjie Baartman (Paris - early 19th century). While it is not the place here to pass judgement on the motivations/reasons that led these individuals to act in this way, it is nevertheless relevant to consider today whether it is appropriate to continue to preserve, or even exhibit, the human remains of Atifu. As noted above, his lower limbs were last displayed at the Tattu-Tattoo exhibition in 2004. It is understandable to imagine that this individual alone is a witness to ancient foreign cultural practices that are worth documenting. However, and in this case, can't new technologies offer another medium to present this relic?

- Atifu left Tutuila in 1889. This information is crucial because it is probably the only individual preserved in the institution for whom direct descendants could be found.

→ The short time span leads to another reflection. Are there people in the place of origin (Leone) who have transmitted the historical context related to the departure of Samoans to the United States? Even more, are there direct descendants of Atifu? If so, are they aware of the presence of their ancestor in the Belgian collections?

- These previous questions indicate that once again a primary source has been discarded. Although the research carried out yields many concrete results based on inventories, newspaper articles, publications, etc., no contact was made with the ancestors. No contact has been made with any Samoan structure.

→ In this case too, there is no doubt that information from Samoa would have shed additional light on the cultural practices associated with its community of origin.

Contel Raphaël, Bandle Anne-Laure, Renold Marc-André, 2012. Affaire Tête maorie de Rouen – France et Nouvelle-Zélande, Université de Genève.

ANNEX 10 WP7 TASKS FROM THE RMCA

The following is a response to Task 7 from the RMCA

Task 7.3: Repatriation to family – local community

D7.3.1: List of Human remains for which the repatriation is requested and description of the different "Modus Operandi" (M24) RBINS, RMCA

Activities realised

WP7 recommendations concern different possible outcomes for the different collections (no repatriation/ virtual repatriation/ repatriation) and is due in M24. All other reports for the earlier workpackages should be completed before the recommendations are made However, The RMCA follows up on two restitution requests of descendants (D.7.3.1 Repatriation to family – local community)., respectively of Iwa Ng'Ombe Lusinga and Patrice emery Lumumba. Thanks to the established network of our partners WAZA and Collective Faire-Part we are in direct contact with the concerned stakeholders.

The RMCA followed up on two restitution requests of descendants, respectively of Iwa Ng'Ombe Lusinga and Patrice Emery Lumumba.

- A filmed conversation with Roland Lumumba had been organised on 2 March 2022, together with Paul Shemisi and Noah Matanga from Collectif Faire-part.
- An informal and orientational exchange has been organised with Juliana Lumumba in Kinshasa in March 2022.
- The consultations concerning the case Lusinga were followed up by our partner Waza. They organised meetings and filmed conversations with concerned local activists, traditional chiefs and academia of the Murumbi group at the University of Lubumbashi.

A follow-up demands for more specific research projects to accompany these processes.

ANNEX 11 RECOMMENDATIONS AND EXECUTIVE SUMMARIES IN DUTCH

Aanbevelingen van het BRAIN HOME-project voor de repatriëring van menselijke resten

Voor wie zijn de aanbevelingen bedoeld?

De aanbevelingen voor repatriëring zijn een van de resultaten van het BRAIN 2.0 Human Remains Origin(s) Multidisciplinary Evaluation (HOME) project. Het HOME-project was gericht op het inventariseren van collecties van menselijke resten in Belgische instellingen.

Deze aanbevelingen zijn bedoeld als wetenschappelijke ondersteuning voor politici en beleidsmakers in België over de vraag hoe de repatriëring van menselijke resten moet worden beheerd, met een bijzondere nadruk op de historische menselijke resten uit het Belgische koloniale verleden die in federale collecties worden bewaard. Deze aanbevelingen maken deel uit van een breder debat over repatriëring en ook over het koloniale verleden in België, zoals is gebleken uit de Congo-commissie en haar aanbevelingen. Met deze aanbevelingen hopen de institutionele HOME-partners een bijdrage te leveren aan dit debat.

Toepassingsgebied en definities

De vragen tot repatriëring zijn de laatste decennia wereldwijd toegenomen en er is een groot groeiend besef van de noodzaak van repatriëring en herstel met betrekking tot de menselijke resten die in openbare en private instellingen worden bewaard. Veel toonaangevende musea en universiteiten wereldwijd hebben grote collecties van (pre)historische menselijke resten en beginnen repatriëringsprocessen aan te gaan met verschillende landen. Meerdere Europese landen hebben richtlijnen opgesteld over de zorg voor en het beheer van menselijke resten en wij verwijzen naar de richtlijnen van andere Europese landen waar dat van toepassing is.

In België bestaat er geen wettelijke definitie van menselijke resten. We verwijzen naar de werkgroep voor de samenstelling van de Britse Human Tissue Act, die eerder een definitie gaf van menselijke resten. In dit kader verwijzen we naar deze vooraf gedefinieerde terminologie, hoe we enkele wijzigingen hebben aangebracht.

Wanneer we het over menselijke resten hebben, kan het om één van de volgende zaken gaan:

- Osteologisch materiaal, hetzij
    - hele of gedeeltelijke skeletten,
    - individuele botten,
    - fragmenten daarvan of tanden;
- Menselijk weefsel (geconserveerd, gedroogd, gemummificeerd, geprepareerd) met inbegrip van
    - gehele of gedeeltelijke lichamen,
    - embryo's,
    - organen,
    - huid,
    - haar,
    - nagels
    - enz.

- Artefacten die geheel of gedeeltelijk uit iets van het bovenstaande zijn gemaakt en/of bevatten.
  (De keuze van de maker om menselijke resten in een voorwerp op te nemen en ook de context kunnen rechtvaardigen dat deze categorie bij culturele objecten wordt ingedeeld in plaats van bij menselijke resten).

In de erfgoedpraktijk zijn verschillende categorieën menselijke resten geïdentificeerd en deze zijn eerder geïnventariseerd en beschreven door het Ministerie van Wetenschapsbeleid, dat verantwoordelijk is voor de Belgische federale musea:

A. resten uit archeologische opgravingen die niet langer gelinkt zijn aan een nog bestaande biologische en / of culturele context. Bij de tentoonstelling ervan rijzen in hoofdzaak vragen over hoe het aangesproken publiek zal reageren ;
B. resten die tijdens etnologische expedities werden verzameld. Vanuit deontologisch oogpunt ligt die categorie zonder twijfel het meest gevoelig, want collecties uit die categorie komen voort uit nog bestaande culturele milieus of milieus waarop afstammelingen zich kunnen beroemen ;
C. collecties van organen voor onderzoeksdoeleinden. Die categorie ressorteert onder de medische ethiek ;
D. relieken. De aan die categorie gelinkte praktijkgebonden deontologie ressorteert onder het respect voor de geloofsovertuiging.

Wij zijn ons ervan bewust dat woorden ertoe doen en merken ook op dat menselijke resten soms worden aangeduid als "voorouderlijke resten", "voorouders" en "overblijfselen van de ouderen". Gezien de brede collectie menselijke resten die momenteel in de Belgische instellingen is ondergebracht, verwijzen wij in het hele document hoofdzakelijk naar "menselijke resten" als algemene term. Wij verwijzen in het hele document en in de rapporten naar menselijke resten van buiten België. Hoewel het de menselijke waardigheid raakt, verwijzen wij naar "stoffelijke resten" wanneer wij dat passend vinden. In de specifieke context van menselijke resten uit voormalige Belgische koloniale landen, wordt het merendeel van de menselijke resten vermeld als afkomstig uit de Democratische Republiek Congo (DR Congo), en naar aanleiding van de huidige discussies met Congolezen of van Congolese afkomst, wordt "ancestral remains" voorgesteld als Engels equivalent van het momenteel voorgestelde "dépouilles des Anciens". In het kader van deze aanbevelingen worden ook de menselijke resten opgenomen van mensen die zijn gestorven tijdens een verblijf in België naar waar ze werden overgebracht om als onderdeel van menselijke dierentuinen deel uit te maken van koloniale propaganda.

Als het gaat om menselijke resten, gaat het dan om teruggave, terugkeer, repatriëring of overdracht? Elk van deze termen heeft een iets andere connotatie. In het kader van deze aanbevelingen hanteren wij het begrip "repatriëring". Dit begrip maakt het mogelijk de nadruk te leggen op het specifieke karakter van menselijke resten ten opzichte van andere cultuurobjecten waarop de kwestie van terugkeer of teruggave betrekking heeft, omdat het de menselijke waardigheid raakt. Het onderscheidt zich ook van het begrip “restitutie” dat in het wetsontwerp van 3 juli 2022 werd gebruikt en dat betrekking had op culturele objecten, maar niet op menselijke resten. Wij merken echter ook op dat de termen restitutie en repatriëring soms door elkaar worden gebruikt. Zie bijlage 1 voor gedetailleerde definities.

Achtergrond

Er zijn verschillende formele en informele verzoeken ingediend voor de repatriëring van voorouderlijke menselijke resten die zich in Belgische federale wetenschappelijke instellingen bevinden.

Het betreft onder andere een Tasmaans skelet dat momenteel wordt bewaard in het Koninklijk Belgisch Instituut voor Natuurwetenschappen (KBIN) en twee Maori-hoofden in de Koninklijke Musea voor Kunst en Geschiedenis (RMAH). Deze verzoeken zijn niet behandeld, deels omdat men ten tijde van het verzoek dacht dat er geen wettelijk kader was om deze resten te repatriëren, deels vanwege het tijdperk waarin de verzoeken werden ingediend en menselijke resten als waardevol voor de wetenschap werden gezien, en tenslotte omdat men niet wist hoe een dergelijke vordering moest worden behandeld.

In 2018 was er een verzoek tot repatriëring van de schedel van de chef Lusinga uit de Democratische Republiek Congo. Deze eis werd door een familielid gericht aan de Belgische koning en in 2019 gesteund door leden van de Tabwa-gemeenschap, maar nooit doorgegeven door de regering van de DRC. Dit werd een van de stimulansen voor het BRAIN HOME-project.

Momenteel heeft één repatriëring van een menselijke rest tussen België en de DRC plaatsgevonden, namelijk de repatriëring van de tand van Patrice Lumumba. Dit is het resultaat van een gerechtelijke beslissing die deel uitmaakt van het onderzoek naar zijn moord na een klacht die in 2011 door zijn familie werd ingediend. In september 1999 publiceerde socioloog Ludo De Witte zijn archiefonderzoek over de moord op Lumumba. Tegelijkertijd getuigde één van de moordenaars van Patrice Emery Lumumba, Gerard Soete, op de nationale televisie hoe hij zijn lichaamsdelen oploste in zuur, waarbij hij twee tanden van Patrice Emery Lumumba liet zien. In 2001 startte een parlementair onderzoek naar de moord. De conclusie was dat de Belgische staat een morele verantwoordelijkheid droeg. Dit moedigde de familie aan om stappen te ondernemen om het stoffelijk overschot van hun vader terug te eisen. In 2021 stuurde Juliana Lumumba een videobrief naar de Koning en de Belgische Staat om de repatriëring van de tand van haar vader te vragen. De procureur des Konings beval de tand aan de familie terug te geven en de Premier Alexander De Croo overhandigde hem in juni 2022 aan de nabestaanden. Op de 62ste verjaardag van de onafhankelijkheid van het Centraal-Afrikaanse land werd een begrafenisplechtigheid gehouden.

Een wetenschappelijke instelling in België heeft de eigendom van een deel van haar collecties menselijke resten in 2020 overgedragen: bij overeenkomst heeft de Université libre de Bruxelles (ULB) de eigendom en de bijbehorende rechten van 10 schedels van Congolese oorsprong die bij de ULB worden bewaard, overgedragen aan de Universiteit van Lubumbashi (UNILU). Laurent Licata, vice-rector van de ULB en belast met deze overeenkomst, stelt dat deze "gebaseerd is op het feit dat de aanwezigheid van deze menselijke resten in onze instelling een morele kwestie oproept". De overeenkomst behelst ook vier andere schedels die in hetzelfde laboratorium worden bewaard in het geval dat er wordt vastgesteld dat zij eveneens van Congolese oorsprong zijn. De overeenkomst voorziet in de terbeschikkingstelling van deze menselijke resten aan de UNILU, dat wil zeggen dat de menselijke resten tijdelijk bij de ULB worden ondergebracht "op haar exclusieve kosten, uitsluitend ten behoeve van wetenschappelijk onderzoek en onder passende voorwaarden van bescherming, bewaring en beveiliging", totdat de UNILU verzoekt om "daadwerkelijke repatriëring". Deze bepaling geldt voor maximaal 5 jaar en kan maximaal drie keer met een jaar worden verlengd, of langer indien beide partijen om een gezamenlijke verlenging verzoeken. Onderzoek naar de menselijke resten wordt gegeven op verzoek van de UNILU, die de eigendomsrechten bezit.

Ten slotte werd tijdens het HOME-project contact opgenomen met de Rwandese overheid en werd door Rwanda de wens geuit om de Rwandese menselijke resten te repatriëren in verband met een herkomstonderzoek.

Het HOME-project

De doelstellingen van het HOME-project waren het evalueren van de historische, wetenschappelijke, wettelijke en ethische achtergrond van de menselijke resten die zijn ondergebracht bij de Belgische FWI's, evenals diegene die zijn ondergebracht in andere openbare, academische en particuliere collecties in België. Dit omvatte verschillende methodologische benaderingen, zoals het maken en opnieuw samenstellen van bestaande inventarissen, het vergelijken van alle menselijke resten, het historisch contextualiseren van de opbouw van collecties, het onderzoeken van verschillende archieven en het integreren van bronnen uit de mondelinge geschiedenis om te begrijpen hoe de menselijke resten werden verworven. Daarnaast werden vergaderingen gehouden met een groot aantal rechthebbenden of gesprekspartners in de DR Congo en met de Rwandese overheid over de verschillende mogelijkheden van repatriëring.

Het doel van dit multidisciplinaire en 'pluri-lokale' herkomstonderzoek is het beleid te informeren over het beste beheer van de fysieke en virtuele collecties aan de hand van feiten en onderbouwde argumenten op basis van het collectie- en herkomstonderzoek.

Het HOME-project bestaat uit een groot multidisciplinair netwerk dat verschillende disciplines combineert en door de 7 partners wordt vertegenwoordigd: 4 Federale Wetenschappelijke Instellingen: Koninklijk Belgisch Instituut voor Natuurwetenschappen (KBIN) (de coördinator van het project), Koninklijke Musea voor Kunst en Geschiedenis (RMAH), Koninklijk Museum voor Midden-Afrika (KMMA), Nationaal Instituut voor Criminalistiek en Criminologie (NICC) en 3 universiteiten: Université Saint-Louis - Bruxelles (USL-B), Université Libre de Bruxelles (ULB) en de Université de Montréal (UdeM).

Aanbevelingen

De volgende aanbevelingen zijn het resultaat van het werk dat tijdens het HOME-project is verricht. Deze aanbevelingen zijn ook bedoeld als een overzicht van de resultaten van het HOME-project en hoe verschillende publieke en private instellingen in België hun (pre)historische collecties van menselijke resten in de toekomst kunnen beheren. Korte samenvattingen van de resultaten van elke partner zijn ook beschikbaar op het einde van deze aanbevelingen.

Het HOME-project beveelt aan :

- De wet moet worden aangepast om menselijke resten beter te respecteren, de handel erin te beperken en de repatriëring ervan te vergemakkelijken. Repatriëring van menselijke resten is van maatschappelijk belang omdat het over menselijke waardigheid gaat.
    - Wij bevelen aan dat menselijke resten uit de handel worden genomen.
- Menselijke resten mogen niet als "voorwerpen" worden beschouwd en de repatriëring van vooruderlijke resten kan bijdragen tot herstel en verzoening tussen landen en binnen gemeenschappen. Repatriëring is een onderdeel van een proces en/of dialoog dat herstel en opvolging inhoudt, eventueel met inbegrip van:
    - Gezamenlijk herkomstonderzoek in samenwerking met België en landen en/of gemeenschappen van herkomst, met respect voor hun culturele rechten;
    - Alle vormen van herdenking(en) in de landen van herkomst;
    - Sensibiliseringsprojecten met inbegrip van onderwijsbeleid en -instrumenten in België en de landen van herkomst.

- Alle historische menselijke resten in federale collecties die rechtstreeks verband houden met het koloniale verleden van België moeten onvoorwaardelijk worden gerepatrieerd indien daarom wordt verzocht (zonder dat de Belgische staat voorwaarden stelt bij hun terugkeer).
    - Bij het beheer van koloniale collecties moet rekening worden gehouden met het Belgische koloniale verleden en de gevolgen daarvan. Deze collecties houden rechtstreeks verband met een specifieke context van overheersing van een grondgebied en zijn bevolking door een buitenlandse bezettingstaat.
    - Repatriëring kan geschieden naar de nakomelingen indien het individu is geïdentificeerd, naar de gemeenschap van herkomst of naar het land. Een interne dialoog in het land van herkomst moet het repatriëring proces bepalen.
    - Als de familie of de gemeenschap een repatriëringsproces indient, moet de Belgische staat de nodige zorgvuldigheid aan de dag leggen en het land van herkomst daarover inlichten, met erkenning van diens soevereiniteit. Repatriëringsprocessen kunnen gevolgen hebben voor de relaties tussen gemeenschappen en families in de landen van herkomst. Daarom lijkt het belangrijk de staten van de landen van herkomst toe te staan te bemiddelen en hun lokale gemeenschappen en andere betrokken burgers te raadplegen om tot oplossingen tussen alle betrokken partijen te komen;
    - Effectieve repatriëring vindt plaats door middel van bilaterale overeenkomsten tussen de Belgische staat en de staat van herkomst waarin de praktische voorwaarden voor de repatriëring van de menselijke resten worden vastgesteld overeenkomstig de wil van de nakomeling en/of de gemeenschap van herkomst, indien van toepassing;
    - Repatriëringprocessen en effectieve repatriëring moeten worden uitgevoerd op kosten van de Belgische staat. Voor de modaliteiten zijn bilaterale overeenkomsten nodig;
    - Er moet een moratorium in acht worden genomen op de fysieke studie van menselijke resten uit het Belgische koloniale verleden die deel uitmaken van het Belgische staatserfgoed. Als de menselijke resten in een studie moeten worden opgenomen,

mag dit alleen gebeuren met de instemming van de afstammelingen of de vertegenwoordigers van de gemeenschap of het land.

- Deze aanbevelingen kunnen ook worden toegepast op andere historische collecties van niet-Belgische oorsprong. Wij bevelen de regering aan open te staan voor de repatriëring van alle buitenlandse menselijke resten uit de historische periode die deel uitmaken van het staatserfgoed. Dit omvat de repatriëring van het Tasmaanse skelet en de Maori-hoofden uit de federale collecties, waarvoor eerder repatriëringsverzoeken zijn ingediend. Richtlijnen van beste praktijken in verband met menselijke resten uit (pre)historische periodes van (niet-)Belgische oorsprong zullen binnenkort beschikbaar zijn in een afzonderlijk document na de publicatie van het advies over het statuut van de menselijke resten door het Belgisch Raadgevend Comité voor Bio-ethiek.

  Genetische analyse alleen is niet aanbevolen om een band te bewijzen tussen twee personen of een gemeenschap en een overledene, aangezien familiebanden niet altijd gebaseerd zijn op bloedbanden en bij elk verzoek moet rekening worden gehouden met andere bewijzen, zoals sociologische, historische en antropologische elementen.

- De repatriëring van menselijke resten is slechts een onderdeel van een proces. Gedetailleerd herkomstonderzoek kan ook van vitaal belang zijn. In overeenstemming met de aanbevelingen van Restitution Belgium (2021) bevelen wij aan om de financiering van herkomstonderzoek in België aanzienlijk te verhogen.
  Herkomstonderzoek moet een samenwerkingsproces zijn, maar het blijft de verantwoordelijkheid van de financieringsinstanties en de politieke besluitvormers om te zorgen voor voldoende middelen en personeel om aan deze eisen te voldoen.
  - Wat betreft de menselijke resten en de verzoeken tot repatriëring bevelen wij aan om volgende initiatieven te steunen:
  - Doctoraatsbeurzen voor studenten uit landen van herkomst voor onderzoek naar menselijke resten;
  - Uitwisselingsprogramma's die onderzoekers uit beide landen in staat stellen samen te werken aan herkomstonderzoek en repatriëring;
  - Financiering van samenwerkingsprojecten met landen van herkomst met het oog op repatriëring en het delen van kennis, mondelinge geschiedenis in de landen van herkomst, archieven en informatie over de menselijke resten zelf;
  - financiering van projecten op gemeenschapsniveau die gericht zijn op het herstel van de gemeenschap en de repatriëring van menselijke resten;
  - financiering voor voormalige gekoloniseerde landen voor de fysieke terugkeer van menselijke resten;
  - voortzetting van de financiering van de digitalisering van archiefmateriaal voor het FAIR delen van de informatie.

- Er moet een **focal point** in verband met menselijke resten worden opgericht om alle informatie te verstrekken aan instellingen, administraties, gemeenschappen en particulieren over de status en richtlijnen van beste praktijken in verband met menselijke resten die in België moeten worden toegepast, en een link te leggen naar het advies van het Belgisch Raadgevend Comité voor Bio-ethiek over de status van menselijke resten;
  - Het focal point centraliseert niet één inventaris van de menselijke resten, maar biedt links naar de verschillende lokale, regionale en federale inventarissen van menselijke resten die in België worden bewaard, alsmede relevante contactinformatie;
  - Wat de repatriëring van menselijke resten van niet-Belgische oorsprong betreft, zou het kunnen:

- de repatriëring verzoeken en -processen centraliseren;
- zichzelf integreren in het repatriëring proces door steun te verlenen aan individuen, gemeenschappen en staten van herkomst bij de voorbereiding van hun verzoek en door samen te werken met de administratie van de landen van herkomst om de praktische voorwaarden voor de terugkeer te scheppen;
- optreden als tussenpersoon met Belgische instellingen/individuen die menselijke resten willen repatriëren;
- het onderzoek naar de herkomst vergemakkelijken door de toegang te organiseren tot archieven en documentatie over collecties van menselijke resten.

De activiteiten van het focal point zouden kunnen worden geïntegreerd in een ruimer onafhankelijk "**Expertisecentrum voor herkomstonderzoek**". De organisatie ervan zou die van het Belgisch Raadgevend Comité voor Bio-ethiek kunnen volgen en gebaseerd zijn op een samenwerkingsovereenkomst tussen het federale en het regionale niveau.
Het zou kunnen bestaan uit:

- Een permanent secretariaat met wetenschappelijk personeel dat gefinancierd wordt met een specifiek budget en/of gedetacheerd wordt door federale of regionale overheden.
- Een groep van geïdentificeerde deskundigen die alle aspecten en disciplines in verband met herkomst en restitutie bestrijken, alsmede vertegenwoordigers van de landen van herkomst, met inbegrip van de diaspora's;
- Een raad van vice-voorzitters zou kunnen worden gekozen uit de groep van deskundigen.
- Dit bestuur zou onafhankelijk zijn van de hiërarchie van de federale wetenschappelijke instellingen en zou verantwoordelijk zijn voor de belangrijkste beslissingen van het Centrum.
  Het "expertisecentrum" zou kunnen worden aangesproken door juridische autoriteiten en/of wetenschappelijke/academische/culturele/maatschappelijke organisaties uit België of uit de landen van herkomst. Het Centrum kan ook op eigen initiatief advies uitbrengen over een kwestie die onder zijn bevoegdheid valt.


museum
NATURALSCIENCES.BE


AFRICA
museum


A&H


NICC
INCC


UNIVERSITÉ
SAINT-LOUIS
BRUXELLES


UCLouvain
SAINT-LOUIS BRUXELLES


ULB
UNIVERSITÉ
LIBRE
DE BRUXELLES


Université
de Montréal


belspo

Juridische aanbevelingen inzake menselijke resten (Université Saint-Louis - Bruxelles)

In België zijn er geen wetten met betrekking tot menselijke resten. Wij bevelen daarom aan de status van menselijke resten in het burgerlijk recht te verduidelijken, bijvoorbeeld door een bepaling in het Belgisch burgerlijk wetboek op te nemen. Het burgerlijk wetboek is, in het algemeen, de wetgeving betreffende de private interactie tussen individuen. Het heeft betrekking op eigendom, persoon, huwelijk, contracten, onrechtmatige daad, enz. Momenteel bevat het Belgische burgerlijk wetboek niets over het menselijk lichaam, laat staan over menselijke resten. Het Franse burgerlijk wetboek daarentegen heeft in de artikelen 16 tot en met 16-9 algemene bepalingen opgenomen over het respect voor het menselijk lichaam: "Het respect dat verschuldigd is aan het menselijk lichaam houdt niet op bij de dood" ..... De overblijfselen van overledenen, met inbegrip van de as van degenen van wie het lichaam is gecremeerd, moeten met respect, waardigheid en fatsoen worden behandeld. Het Belgisch Burgerlijk Wetboek wordt momenteel hervormd (zie https://justitie.belgium.be/nl/bwcc). Het hoofdstuk betreffende personen is nog niet hervormd en wij bevelen dan ook aan om bepalingen ter zake op te nemen.
We bevelen ook aan om het regime van de menselijke resten te verduidelijken: ze moeten buiten handel worden beschouwd, wat betekent dat ze enkel kunnen worden bezeten (zoals in een museumcollectie en dus in aanmerking komen voor repatriëring) maar niet tegen geld kunnen worden verkocht of gekocht. Voorlopig is hun verkoop of verwerving juridisch onduidelijk en dus als toegestaan beschouwd. Wij keuren deze praktijk ten zeerste af omdat zij de menselijke waardigheid niet respecteert. Wij verwijzen naar de Belgische funeraire wetgeving die bepalen dat menselijke as niet te koop is en bevelen aan duidelijk te maken dat dit voor alle menselijke resten geldt, niet alleen voor as.

Met betrekking tot de repatriëring van menselijke resten biedt noch het internationale noch het nationale recht een bevredigend antwoord, hoewel er zich interessante ontwikkelingen hebben voorgedaan, met name op het gebied van de internationale mensenrechten. Momenteel bestaat er in België geen specifiek rechtskader voor de repatriëring van menselijke resten. Op 3 juli 2022 werd wel een wetsontwerp aangenomen voor de teruggave van cultuurgoederen in federale musea, dat menselijke resten echter uitdrukkelijk van zijn toepassingsgebied uitsluit.
Op 21 juli 2020 publiceerde de Mensenrechtenraad van de Verenigde Naties (2020) een rapport over: "Repatriëring van voorwerpen van aanbidding, menselijke resten en immaterieel cultureel erfgoed in het kader van de VN-Verklaring over de rechten van inheemse volkeren", waarin wordt herinnerd aan het belang van "eerlijke, transparante en doeltreffende" mechanismen om de toegang tot voorwerpen van aanbidding en menselijke resten te waarborgen en voor "repatriëring op internationaal en nationaal niveau". Het verslag stelt ook dat "de belanghebbenden een op mensenrechten gebaseerde aanpak hanteren voor de repatriëring van cultusvoorwerpen, menselijke resten en immaterieel cultureel erfgoed van inheemse volkeren" (vrije vertaling). Deze aanpak vereist de erkenning van het recht van inheemse volkeren op zelfbeschikking, cultuur, eigendom, spiritualiteit, religie, taal en traditionele kennis. De verklaring erkent tevens de toepasselijkheid van de eigen wetten, tradities en gewoonten van inheemse volkeren, die zowel rechten als verantwoordelijkheden inhouden met betrekking tot ceremoniële voorwerpen, menselijke resten en immaterieel cultureel erfgoed.

Wij staan volledig achter Verklaring 61/295 van de Verenigde Naties inzake de rechten van inheemse volkeren (UNDRIP), die op donderdag 13 september 2007 door de Algemene Vergadering van de VN is aangenomen en die een universeel kader van minimumnormen voor het overleven, de waardigheid en het welzijn van inheemse volkeren overal ter wereld vaststelt.

Artikel 12 legt uitdrukkelijk het recht op toegang tot en/of repatriëring van religieuze voorwerpen en menselijke resten vast: "Inheemse volkeren hebben het recht hun religieuze en spirituele tradities, gewoonten en rituelen te manifesteren, te beoefenen, te bevorderen en te onderwijzen; het recht om hun religieuze en culturele plaatsen te onderhouden, te beschermen en er privé-toegang toe te hebben; het recht om hun rituele voorwerpen te gebruiken en zich ervan te ontdoen; en het recht om hun menselijke resten te repatriëren" (vrije vertaling).

Staten van herkomst (d.w.z. de staat waaruit de menselijke resten afkomstig zijn) moeten de toegang tot en/of de repatriëring van voorwerpen van aanbidding en menselijke resten in hun bezit waarborgen door middel van eerlijke, transparante en doeltreffende mechanismen die in overleg met de betrokken autochtone bevolkingsgroepen zijn ontwikkeld.
Wij bevelen derhalve een andere aanpak aan voor de repatriëring van menselijke resten dan voor de teruggave van cultuurgoederen zoals bepaald in de wet van 3 juli 2022. Wij bevelen aan om procedures in te voeren die meer in overeenstemming zijn met overgangsjustitie in ruime zin, met het oog op verzoening en herstel tussen volkeren, met inbegrip van de families van overledenen wier stoffelijke resten zich in Belgische historische collecties bevinden, en niet alleen in het kader van onderhandelingen tussen staten. Menselijke resten zijn geen voorwerpen en hun repatriëring kan een genezingsproces zijn voor verschillende gemeenschappen.

Zodra de beslissing om menselijke resten te repatriëren is genomen - via de verzoenings- en herstelprocedures die wij aanbevelen - kunnen er echter juridische obstakels zijn. Dit komt doordat collecties historische menselijke resten in federale wetenschappelijke instellingen momenteel tot het openbaar domein behoren en daarom als staatseigendom worden beschouwd. Om de menselijke resten te kunnen repatriëren, moeten zij uit het openbaar domein worden verwijderd. Dit gebeurt door een besluit van de wettelijke eigenaar van de menselijke resten in musea of andere collecties, d.w.z. voor federale collecties beslist de federale regering bij koninklijk besluit om deze menselijke resten uit het openbaar domein te halen met het oog op repatriëring. Om ze echter aan het staatseigendom te onttrekken, vereist artikel 117 van de begrotingswet 2003 de verkoop van buiten gebruik gestelde staatseigendommen. Daarom herhalen wij onze aanbeveling dat menselijke resten als buiten handel moeten worden beschouwd, hetgeen betekent dat zij alleen in eigendom kunnen zijn (zoals in een museumcollectie) maar niet voor geld kunnen worden verkocht of gekocht. Indien wij ervan uitgaan dat menselijke resten geen geldelijke waarde hebben, vallen zij buiten de werkingssfeer van de begrotingswet 2003 en kunnen zij derhalve gemakkelijker worden gerepatrieerd wanneer zij uit het publieke domein worden verwijderd.
Ten slotte bevelen wij aan om menselijke resten in de toekomst een specifieke behandeling te geven in de erfgoedwetgeving, bijvoorbeeld door de bepalingen van de Ethische Code van ICOM erin op te nemen, teneinde te rechtvaardigen waarom zij anders moeten worden behandeld, met name wat betreft bewaring, digitalisering en repatriëring.

Vanuit juridisch oogpunt doet het verslag derhalve de volgende aanbevelingen:

- Een burgerrechtelijke bepaling aannemen die de status van menselijke resten verduidelijkt (federale bevoegdheid).
- Verduidelijken dat menselijke resten buiten handel moeten zijn (regionale of zelfs federale bevoegdheid indien opgenomen in het burgerlijk wetboek).
- In de erfgoedwetgeving voorzien in een specifieke behandeling van menselijke resten
- Vaststelling van repatriëringsprocedures die meer in overeenstemming zijn met transitional justice.

Inventaris van de menselijke resten in de Federale Wetenschappelijke Instellingen en in andere wetenschappelijke en culturele Belgische collecties (KBIN, KMKG, KMMA).

Nooit eerder is er een enquête gehouden bij de openbare en particuliere instellingen die in België menselijke resten huisvesten. De enquête had als doelstelling een breed overzicht te geven van alle collecties menselijke resten die door de partners en andere publieke en private collecties in België worden beheerd. De categorieën voor de enquête omvatten collecties van menselijke resten uit archeologische sites, menselijke resten verzameld voor vergelijkend onderzoek, de collecties van menselijke resten met antropische modificaties en ook de collectie van anatomische specimen (dissecties, geplastineerde specimen, natte collecties).

Aan de enquête is ruime aandacht besteed in de pers en zij werd verstuurd naar instellingen en individuele personen die mogelijk menselijke resten in hun collecties hebben. Uiteindelijk hebben 56 universitaire faculteiten, openbare en particuliere instellingen en verzamelaars die menselijke resten in hun collecties hebben, aan de enquête deelgenomen. In totaal waren er 13 universitaire faculteiten of musea (5 uit Brussel, waaronder de ULB, 4 uit Vlaanderen en 4 uit Wallonië), 4 Federale Wetenschappelijke Instellingen (Koninklijk Belgisch Instituut voor Natuurwetenschappen - KBIN, Muziekinstrumentenmuseum - MIM, Koninklijke Musea voor Kunst- en Geschiedenis - KMGM, Afrikamuseum (Koninklijk Museum voor Midden-Afrika) - KMMA), 30 musea (2 uit Brussel, 15 uit Vlaanderen en 13 uit Wallonië), 4 privé-instellingen, 2 lokale instellingen, 1 middelbare school, 1 VZW en 1 provinciale erfgoedsite.

Uit persoonlijke correspondentie en gesprekken met medewerkers van universiteiten en musea blijkt dat veel respondenten geen inventarissen hadden vóór de enquête en wij willen hen in de eerste plaats bedanken voor de tijd en de aanzienlijke inspanning die het hen heeft gekost om voor deze enquête inventarissen op te maken. De respons van degenen die deelnamen aan de enquête was over het algemeen heel positief en de meesten vonden het een bijzonder goed idee om inventarissen van menselijke resten in België aan te maken.

Er zijn momenteel meer dan 30000 menselijke resten ondergebracht in de instellingen die aan het onderzoek hebben deelgenomen. Het is belangrijk op te merken dat sommige instellingen een individueel bot als één vermelding tellen, terwijl andere een heel skelet (dat 206 botten heeft) als één vermelding opgeven. Wanneer de botten gefragmenteerd zijn hebben sommige instellingen slechts bij benadering een gemiddelde van aantal individuen opgegeven op basis van de hoeveelheid en het soort botten. In sommige gevallen staat er één bot vermeld, zoals een kaakbeen, en is de volgende vermelding in de inventaris een volledig skelet. Andere instellingen hebben de omvang van hun collecties slechts bij benadering opgegeven omdat zij geen tijd hadden om gedetailleerde inventarissen op te stellen (dit is met name het geval voor de Belgische collecties) [EC1] of alleen vrijwilligers en deeltijds personeel hebben die op hun collecties werken. Daarom moeten, tenzij anders vermeld, de cijfers als bij benadering beschouwd worden en het aantal cijfers kan zowel hele skeletten als afzonderlijke beenderen / of delen van beenderen omvatten.

Er zijn slechts 250 menselijke resten waarvan de identiteit bekend is. Dit wijst erop dat meer dan 99% van de collecties menselijke resten in alle instellingen niet-geïdentificeerde personen zijn.

De geïdentificeerde overblijfselen zijn:

- 112 uit Vlaanderen

- 106 van Wallonië
- 1 van het Brussels Hoofdstedelijk Gewest
- 16 geïdentificeerde personen uit de Europese Unie
- 7 geïdentificeerde personen uit de DRC
- 5 geïdentificeerde mummies uit Egypte
- 1 uit Ghana (overleden in België)
- 1 uit India
- 1 uit de VS
- 1 uit Samoa eilanden, USA (overleden in België)

Van de verschillende instellingen was het KBIN verantwoordelijk voor de meerderheid van de collecties menselijke resten die in alle Belgische instellingen zijn ondergebracht (7468 individuen (waarvan vele volledige skeletten) of 24,7% van het totale aantal van alle collecties over 56 instellingen). De meeste van deze menselijke resten zijn afkomstig uit België hoewel het KBIN ook de meerderheid van de collecties menselijke resten van buiten België bezit. Het KMKG herbergt 438 menselijke resten (424 KGM + 14 MIM). Van de 424 menselijke resten in het KGM zijn de meeste eveneens afkomstig uit België (289 menselijke resten waarvan 102 uit de historische periode en 187 uit de prehistorie). Het KMMA herbergt 35 menselijke resten uit de hele wereld.

Ten tijde van de HOME-enquête liep tegelijkertijd het MEMOR project (gefinancierd door de Vlaamse Regionale Overheid), dat tot doel had Vlaamse archeologische menselijke resten te catalogiseren en dat contact opnam met vele verschillende instellingen buiten het bereik van dit onderzoek (d.w.z. de Vlaamse Erfgoeddienst, kerken, commerciële bedrijven). Op dit moment heeft MEMOR ten minste 20000 individuen uit archeologische resten in Vlaanderen gedocumenteerd. Musea en universitaire afdelingen die enkel over Vlaamse archeologische collecties beschikten namen, gezien beide projecten samenwerkten, hoofdzakelijk deel aan de MEMOR-enquête eerder dan aan de HOME-enquête hoewel verschillende musea en instellingen aan beide enquêtes deelnamen. Daarom moeten de Vlaamse archeologische collecties die in de HOME-enquête zijn opgenomen als minimaal worden beschouwd. Voor de volledige omvang van de Vlaamse archeologische collecties kunt u terecht op de MEMOR database. Hoewel een vergelijkbaar project nog niet plaats vond in Wallonië, Brussel of de Duitstalige Gemeenschap zijn er waarschijnlijk nog meer archeologische menselijke resten in deze regio's.

De **menselijke resten uit historische collecties van Belgische sites** (in dit geval gedefinieerd als menselijke resten van recenter dan 1200 voor onze tijdrekening) vormen de grootste categorie menselijke resten en zijn ondergebracht in 31 van de 56 Belgische instellingen (12553 of 42% van de totale collecties menselijke resten: 7069 uit Vlaanderen, 4379 uit Wallonië en 1105 uit Brussel). Deze menselijke resten zijn hoofdzakelijk hele of gedeeltelijke skeletresten en zijn afkomstig van oude begraafplaatsen, kerken en archeologische opgravingen (uit de Romaanse Middeleeuwen, Postmiddeleeuwse of de Moderne Periode en de Romeinse tijd) maar ook van toevalsvondsten, vroegere schenkingen en andere schenkingen van openbare en particuliere instellingen/verzamelingen. Het KBIN bezit een groot aantal historische Belgische menselijke resten (4812); uit Wallonië (1164), Vlaanderen (2686) en Brussels Hoofdstedelijk Gewest (962). Het KMKG bezit 102 historische Belgische menselijke resten, uit Wallonië (92), Vlaanderen (3) en Brussels Hoofdstedelijk Gewest (7).

	Vlaanderen	**Wallonië**	**Brussels Hoofdstedelijk Gewest**
KBIN	2686	1164	962
KMKG	3	92	7
ULB	5	26	71
KBVAP	6	30	64
Andere collecties	4369	3067	1
Totaal	**7069**	**4379**	**1105**

De op één na grootste collectie zijn **menselijke resten uit de Belgische prehistorie** (Paleolithicum, Mesolithicum, Neolithicum, Protohistorie, Metaaltijden) uit 13 van de 56 instellingen met 8258 resten of 27% van de totale collecties menselijke resten: 501 uit Vlaanderen, 7693 uit Wallonië en 64 uit Brussel. De prehistorische menselijke resten bestaan meestal uit crematies (verbrande resten), postcraniale fragmenten en in sommige gevallen gedeeltelijke of volledige skeletten uit begravingen. Hierbij moet duidelijk zijn dat dit een onderschatting is van de hoeveelheid prehistorische en historische Belgische menselijke resten die in België zijn ondergebracht. Het KBIN bezit een groot aantal prehistorische Belgische menselijke individuen (362); uit Wallonië (245), Vlaanderen (53) en Brussels Hoofdstedelijk Gewest (64), hoewel moet worden opgemerkt dat dit een onderschatting is gezien dit slechts een overzicht is terwijl een gedetailleerde inventarisatie nog loopt. Het KMKG bezit 187 prehistorische Belgische menselijke resten, uit Wallonië (133) en uit Vlaanderen (54).

	Vlaanderen	**Wallonië**	**Brussels Hoofdstedelijk Gewest**
KBIN	53	245	64
KMKG	54	133	
ULB		230	
KBVAP		53	
Andere collecties	394	7032	
Totaal	**501**	**7693**	**64**

De op twee na grootste collectie **menselijke resten betreft anatomische collecties** (4090) en een groot deel van deze collecties is ondergebracht bij universiteiten waarbij de meeste afkomstig zijn van donatieprogramma's voor lichamen. Het grootste deel van de collectie bestaat uit lichaamsdelen hoewel een groot deel van de anatomische collecties uit embryo's bestaat (499). Er zijn 57 anatomische menselijke resten in het KBIN en 3 in het KMMA.

Artefacten uit België (1618) was de vierde grootste categorie menselijke resten die aanwezig was in 7 Belgische instellingen die deelnamen aan de enquête. De meeste menselijke resten uit deze collectie zijn relikwieën die sterk gefragmenteerd zijn maar ook hier moet, vanwege de omvang van de enquête, het aantal menselijke resten in deze categorie gezien worden als een enorme onderschatting van het werkelijke aantal. Er zijn er geen in de 4 Federale Instellingen.

De vijfde grootste categorie bestaat uit resten die als **onbekend** staan vermeld (1463) en waarover geen informatie of documentatie bestaat. In het KBIN worden 441 onbekende menselijke resten bewaard en in het KGM 22.

Het merendeel van de **historische collecties van buiten België** zijn verzamelingen van schedels die vroeger **in een prekoloniale en koloniale Belgische context werden verzameld**. De grootste categorie van deze schedels zijn historische menselijke resten uit de Democratische Republiek Congo, Rwanda en Burundi, die werden verzameld in een problematische koloniale context en deel uitmaken van de collecties die in 1964-65 vanuit het *Musée du Congo* naar het KBIN zijn overgebracht. Het KBIN herbergt menselijke resten van 150 personen uit Rwanda, één schedel uit Burundi en menselijke resten van 350 personen uit de DRC. De meeste zijn schedels, maar er zijn ook gedeeltelijke skeletten. Het KMMA herbergt momenteel 10 schedels uit de DRC. De Université libre de Bruxelles (ULB) bewaart 10 schedels uit de DRC waarvan de eigendom en de bijhorende rechten bij de Universiteit van Lubumbashi (UNILU) liggen. Bij de ULB zijn er nog eens 4 die van Congolese oorsprong zouden zijn; in dat geval ligt de eigendom ook bij de UNILU. Tijdens het project werden aan de ULB mogelijk nog 3 andere van Congolese oorsprong ontdekt. De Koninklijke Belgische Vereniging voor Antropologie en Prehistorie (KBVAP) bewaart momenteel 6 schedels uit de DRC.

	DRC	**Rwanda**	**Burundi**
KBIN	350	150	1
KMMA	10		
KMKG			
ULB	17 (7 of which are possible)		
KBVAP	6		
Andere collecties			
Totaal	**383**	**150**	**1**

Het KMMA heeft **8 artefacten uit de DRC die menselijke resten bevatten**. Wij zijn niet op de hoogte van andere instellingen die menselijke resten of artefacten met menselijke resten uit Rwanda, de DRC en Burundi herbergen.

Tijdens het HOME-project is herkomstonderzoek gedaan naar deze collecties hoewel er een moratorium op wetenschappelijk onderzoek is ingesteld voor de historische collecties schedels die in een koloniale context zijn verzameld in de DRC, Rwanda en Burundi. Daarom is tot op heden geen onderzoek gedaan op deze historische koloniale collecties voor het bepalen van het exact aantal individuen binnen de collectie. Verdere studie zal alleen plaatsvinden op verzoek van en met de gezamenlijke medewerking van de landen van herkomst voorafgaand aan repatriëring.

Er zijn **139 historische menselijke resten uit de hele wereld** ondergebracht in 8 Belgische instellingen. De Federale Instellingen herbergen 109 van deze menselijke resten. Er zijn er 23 uit Afrika (uitgezonderd de DRC, Rwanda en Burundi), in het KBIN (20), het KMMA (2), het AMH (1), er is er 1 uit Amerika (KMMA). Er zijn er 62 uit Azië in het KBIN (61) en het KMKG (1) en 23 uit Oceanië in het KBIN (16) en het KMMA (7).

	Afrika	**Amerika**	**Azië**	**Oceanië**

KBIN	20		61	16
KMMA	2	1		7
KMKG	1		1	
ULB		2	12	5
KBVAP		1	3	3
Andere collecties		3		1
Totaal	**23**	**7**	**77**	**32**

Er zijn 136 **artefacten met menselijke resten uit de hele wereld** in 11 verschillende instellingen, waaronder de 4 Federale Instellingen. Er zijn er 4 in het KBIN uit Azië, 2 in het KMMA uit Afrika, 13 in het MIM (12 uit Azië en 1 uit Oceanië) en 60 in het KGM (19 uit Azië, 25 uit Amerika, 1 uit Europa, 14 uit Oceanië).

	Afrika	**Amerika**	**Azië**	**Oceanië**	**Europa**
KBIN			4		
KMMA	2				
KMKG KGM MIM		25 25	31 19 12	15 14 1	1 1
ULB					9
KBVAP					
Andere collecties	1	6	9	28	5
Totaal	**3**	**31**	**44**	**43**	**15**

Het KBIN herbergt momenteel honderden gefragmenteerde menselijke resten van 50 skeletten uit **de prehistorie van de DRC**. In 3 Federale Instellingen zijn 719 **menselijke resten uit de prehistorie uit de hele wereld** ondergebracht. Er zijn 19 individuen uit Afrika (uitgezonderd de DRC, Rwanda en Burundi in KBIN). Er zijn er 8 uit Amerika in KGM en 111 uit Amerika in KBIN. Er is er één uit Oceanië in het MIM. Er zijn 570 prehistorische fragmenten uit Europa in KBIN en 10 in KMKG.

Herkomstonderzoek kan soms aantonen dat de werkelijke herkomst van de schedel anders kan zijn dan deze die in de inventarissen is vermeld, met name in de prekoloniale collecties. Daarom worden de menselijke resten doorheen de enquête genoteerd als uit een bepaald land afkomstig. De meerderheid van de menselijke resten in de musea zijn niet geïdentificeerd.

Er zijn Neanderthalers gevonden op goed gedocumenteerde specifieke sites in België en alle instellingen die Neanderthalerresten herbergen hebben aan het onderzoek deelgenomen met in totaal 213 Neanderthalerresten die in verschillende instellingen zijn ondergebracht.

In België zijn er ook een beduidend aantal instellingen die gemummificeerde menselijke resten uit Egypte, Zuid-Amerika en de rest van de wereld onderbrengen (10). Het aantal gemummificeerde menselijke resten in Belgische instellingen is echter relatief klein in vergelijking met andere collecties van menselijke resten.

Menselijke resten in een Belgisch koloniale context (KMMA, Université Saint-Louis - Bruxelles, KBIN)

Alle historische menselijke resten in federale collecties die rechtstreeks verband houden met het koloniale verleden van België maken deel uit van een pijnlijke en complexe erfenis. Menselijke resten worden niet als voorwerpen beschouwd omdat ze raken aan het beginsel van de menselijke waardigheid. Repatriëringsprocessen maken het verleden weliswaar niet ongedaan, maar zijn wel noodzakelijk voor de toekomst. Repatriëring kan deel uitmaken van postkoloniale herstelprocessen tussen landen, gemeenschappen, families en burgers in Europa, in Afrika en in de wereld.

Een kritische beschouwing van het koloniale verleden staat op de agenda van alle voormalige koloniale staten. Officiële vertegenwoordigers denken na over de meest geschikte manier om met historische aanklachten in verband met hun voormalige koloniën om te gaan. De verschillen, tegenstellingen en andere eisen in verband met het koloniale verleden zijn onvermijdelijk. Deze spanningen staan centraal in een groeiend aantal gerechtelijke en niet-gerechtelijke processen die, met meer of minder doeltreffendheid, een kritische reflectie teweegbrengen over de nalatenschap van dit verleden. Ook in België is dit debat niet nieuw (Congo Commissie). Op 30 juni 2020 stuurde koning Filip een brief naar de Congolese president Félix Tshisekedi ter gelegenheid van de 60e verjaardag van de onafhankelijkheid van de DRC. Voor het eerst erkent een Belgische vorst de "daden van geweld en wreedheid" die werden gepleegd ten tijde van de Congo Vrijstaat (1885-1908), alsook het "lijden" en de "vernederingen" van de koloniale periode (1908-1962). Dit verleden beïnvloedt de Belgische samenleving nog steeds. Het bestaan van een politieke dynamiek wordt bevestigd door de snelheid waarmee dit thema het geheel van Belgische instellingen mobiliseert.

Repatriëringsprocessen die verband houden met het koloniale verleden impliceren een specifieke context van de uitbreiding van de politieke en economische controle over een grondgebied door een buitenlandse bezettende staat. De kwestie van de koloniale collecties houdt rechtstreeks verband met deze context, die wordt bepaald door de intra-nationale betrekkingen, wat een verschil inhoudt met bevolkingskolonialisme. In dit opzicht maakt de repatriëring van menselijke resten uit koloniale collecties ook deel uit van de huidige relaties tussen voormalige koloniën en de voormalige koloniale mogendheden. Als voormalige koloniale mogendheid ten aanzien van voormalige koloniën heeft de Belgische staat de verantwoordelijkheid om deze processen te voeren met respect voor de voormalige gekoloniseerde landen en met sereniteit ten aanzien van alle betrokken partijen. Deze verantwoordelijkheid omvat ook de financiering van deze processen, die zich inschrijft in het ruimere kader van een postkoloniale herpositionering.

Wijze van verwerving van historische collecties van menselijke resten

In de wet van 3 juli 2022 werd voorgesteld, voornamelijk in de context van koloniale voorwerpen en met uitzondering van menselijke resten, om de wijze van verwerving van voorwerpen uit de koloniale periode in twee categorieën te verdelen: voorwerpen die de staat bereid is te repatriëren omdat ze met geweld of onder gewelddadige omstandigheden zijn verworven (bijvoorbeeld oorlogstrofeeën) en voorwerpen die op andere manieren werden verworven, overeenkomstig de koloniale wetgeving. Deze opdeling is echter onderhevig aan kritiek, aangezien het primaire doel van de koloniale wetgeving erin bestaat het koloniale regime te dienen en de belangen van de koloniale staat te vrijwaren. Verschillende actoren, waaronder de Commissie Congo, hebben deze indeling ook aangevochten, aangezien er geen kolonialisme is zonder geweld. Koloniaal geweld blijft niet beperkt tot de meest zichtbare en directe vormen ervan. Het manifesteert zich in vele vormen en beïnvloedt alle aspecten van het leven van de gekoloniseerde bevolking, met inbegrip van hun begrafenispraktijken. De aard zelf van het kolonialisme heeft geleid tot gewelddadige en ongelijke

situaties die worden gekenmerkt door paternalisme, discriminatie en racisme van de kolonisatoren ten opzichte van de gekoloniseerde volkeren. In deze "contexten van onrechtvaardigheid" moet daarom rekening worden gehouden met de gevolgen van de verwervingspraktijken.

Herkomstonderzoek

Het onderzoeken, kennen en identificeren van de historische en geografische contexten in verband met de herkomst van menselijke resten als zodanig is het begin van een proces. Gedetailleerd herkomstonderzoek kan hierbij van cruciaal belang zijn. In lijn met de aanbevelingen van Restitution Belgium (2021) bevelen we een aanzienlijke verhoging aan van de financiering voor herkomstonderzoek in België en in de landen van herkomst, evenals sensibiliserings-, herstel- en culturele programma's in het land van herkomst. Herkomstonderzoek moet een gezamenlijk proces zijn. We herhalen met klem de Duitse richtlijnen voor de behandeling van collecties uit koloniale contexten (2018) waarin staat dat het de verantwoordelijkheid blijft van financieringsinstanties en beleidsmakers om ervoor te zorgen dat de collecties van musea, universiteiten en museumbeheerders over voldoende middelen en personeel moeten beschikken om aan deze eisen te voldoen.

In verschillende instellingen is dergelijk onderzoek niet systematisch, soms onbestaand of ad hoc projectgericht, terwijl andere instellingen medewerkers hebben die herkomstonderzoek uitvoeren. De overgrote meerderheid van de menselijke resten zijn van onbekende personen. In veel gevallen is er alleen het land en de geografische regio en de naam van de schenker of koper van de menselijke resten bekend. We raden aan om de reikwijdte van herkomstonderzoek uit te breiden om beter inzicht te krijgen in de omstandigheden waarin menselijke resten uit hun gemeenschappen werden verwijderd. In plaats van de biologische of culturele identiteit te benadrukken, is het onze verantwoordelijkheid om historisch te begrijpen waarom en hoe menselijke resten werden verzameld. Mondelinge geschiedenissen dragen aanzienlijk bij aan herkomstonderzoek en herinneringswerk binnen gemeenschappen van herkomst. Dit kan worden aangemoedigd gedurende veldwerk in de landen van herkomst door sociale wetenschappers uit die landen en, indien mogelijk, bijdragen aan het herinneringswerk in hun gemeenschappen. Sociale wetenschappers in België kunnen waardevolle informatie delen, indien nodig en gevraagd, en hun tegenhangers ondersteunen. Samengevat kan worden gesteld dat historisch heuristisch onderzoek en collaboratief veldwerk een geschikt methodologisch kader biedt, en we raden aan om projecten te ondersteunen die gericht zijn op het delen van informatie tussen de twee landen.

Repatriëringsaanvragen van staten van herkomst, gemeenschappen en/of afstammelingen kunnen alleen worden gedaan wanneer de betrokkenen en verzoekende partijen hiervan op de hoogte zijn gesteld. Daarom moet herkomstonderzoek, in lijn met de aanbeveling van Restitution Belgium (2021), proactief worden uitgevoerd in overleg “met en met respect voor nabestaanden en/of landen van herkomst”. Institutionele praktijken met betrekking tot menselijke resten die in koloniale contexten zijn verzameld, mogen niet beperkt blijven tot het beheer ervan, bijvoorbeeld door middel van open access-inventarissen. Hoewel inventarissen als hulpmiddel kunnen dienen, mogen ze niet worden gezien als het einddoel van herkomstonderzoek. Proactieve discussies rond deze collecties zouden zich in plaats daarvan moeten richten op de bredere ethiek en historische erfenissen van 'wetenschappelijk' racisme die deze collecties hebben gevormd. Ook toekomstige reflecties op deze collecties dienen vanuit dit kritische perspectief ethisch te worden geëvalueerd.

Erkenning en herstel

De repatriëring van stoffelijke resten vormt op zich geen herstel. Herkomstonderzoek heeft donkere en moeilijke geschiedenissen van het kolonialisme aan het licht gebracht. De verwijdering van oorlogstrofeeën, de verwijdering van menselijke resten uit graven door Belgische koloniale officieren of priesters, de verwijdering van menselijke resten uit medische voorzieningen en ziekenhuizen in

Rwanda en de DRC, zijn moeilijke verhalen die belangrijk zijn om te erkennen. Deze verhalen moeten worden verteld en we vinden dat er een voortdurende dialoog moet zijn met de landen van herkomst, en vooral met DR Congo, Rwanda en Burundi. Dit is een belangrijke stap in het omgaan met het koloniale verleden in de collectieve herinneringen in België en in de landen van herkomst. We kunnen het voorbeeld van andere landen volgen door nauw samen te werken met staten van herkomst, gemeenschappen van herkomst en afstammelingen, als deze zijn geïdentificeerd, om ervoor te zorgen dat het repatriëringsproces zo soepel mogelijk verloopt, met veel respect en in voortdurende dialoog. Deze processen moeten een breed scala aan lopende activiteiten omvatten die verband houden met herinnering en herdenking: de organisatie van ceremonies, gedenktekens, kunstinstallaties, tentoonstellingen, de productie van films en kunstwerken die verband houden met de gemeenschap...

Repatriëring

De repatriëring van alle historische menselijke resten uit federale collecties met een directe link naar het Belgische koloniale verleden moet onvoorwaardelijk worden uitgevoerd indien hier naar wordt gevraagd (zonder dat de Belgische staat voorwaarden stelt aan hun terugkeer). Het zou mogelijk zijn om menselijke resten te repatriëren naar hun afstammelingen, als de persoon wordt geïdentificeerd, naar de gemeenschap van herkomst als er geen afstammeling wordt geïdentificeerd maar wel de gemeenschap wordt geïdentificeerd, naar het land van herkomst als er geen gemeenschap van herkomst wordt geïdentificeerd. Een interne dialoog in het land van herkomst moet echter het repatriëringsproces bepalen. In geval van een verzoek tot repatriëring door de familie of de gemeenschap, moet de Belgische Staat de nodige zorgvuldigheid aan de dag leggen en het land van herkomst op de hoogte stellen, waarbij het zijn soevereiniteit erkent. De Belgische Staat mag niet unilateraal optreden. Gezien de potentiële impact van repatriëringsprocessen op gemeenschaps- en familierelaties in de landen van herkomst, is het belangrijk om staten in de landen van herkomst toe te staan te bemiddelen en te overleggen met hun gemeenschappen van herkomst en de andere betrokken burgers om tot oplossingen te komen tussen alle betrokken partijen. In het verleden is aangetoond dat sommige gemeenschappen niet willen dat hun stoffelijke resten worden teruggegeven en dat gedwongen repatriëring in strijd is met veerkracht.

Mensentuinen

In de bijzondere context van het koloniale verleden van België, erkennen we de beperking tot menselijke resten in wetenschappelijke en museale collecties. In het publieke debat maken ook de mensen die in het kader van de mensentuinen in Tervuren in 1897, Antwerpen in 1894 en Brussel tijdens de Expo van 1958 zijn gestorven en in België zijn begraven - hoogstwaarschijnlijk zonder toestemming van hun familieleden - deel uit van het debat. De musea, die vandaag menselijke resten bewaren, hebben actief bijgedragen tot deze wereldtentoonstellingen. Wij bevelen aan met deze historische dimensie rekening te houden bij de repatriëringsprocessen van collecties van menselijke resten. Het herstel van hun waardigheid zou kunnen worden bekomen door de repatriëring van deze graven naar de DRC of door de herdenking van de graven die nu zijn vernietigd. Dit zou moeten gebeuren in overleg met alle relevante gesprekspartners, in de DRC en in België, die al lange tijd herdenkingen voor deze slachtoffers organiseren en voor hun repatriëring pleiten. In dit verband heeft het KMMA een historische herdenkingsactiviteit op 1 november 2022 gefaciliteerd, die voor het eerst werd georganiseerd door maatschappelijke activisten van de verenigingen Change en Bakushinta, in samenwerking met Congolese partners van het filmcollectief Faire-part en het cultureel kunstencentrum Waza.

Overwegingen en aanbevelingen betreffende menselijke resten van niet-Belgische oorsprong die geen verband houden met de Belgische koloniale context, gedeponeerd in FWI.
(KMKG, KBIN, KBVAP)

De Koninklijke Musea voor Kunst en Geschiedenis (Brussel) en het Koninklijk Instituut voor Natuurwetenschappen sluiten zich aan bij de algemene aanbevelingen van het HOME-project inzake de repatriëring van menselijke resten.

De door de twee FWI bewaarde menselijke resten bestaan uit volledige en fragmentarische skeletten, mummies, relikwieën, gecremeerde/gecalcineerde beenderen, verkleinde hoofden, maar ook uit talrijke uit menselijke resten samengestelde artefacten (muziekinstrumenten, ceremoniële hoofdtooien, enz.).

De chronologische toekenning van menselijke resten wordt voornamelijk verdeeld in prehistorische en historische perioden. Deze relatieve chronologie wordt conventioneel aanvaard en bepaald door de aan- of afwezigheid van het schrift door een cultuur en het gebruik ervan. De prehistorie is dus een periode in de geschiedenis die voorafging aan het verschijnen van het schrift. Deze chronologie wordt dus verschillend toegepast in verschillende delen van de wereld. Zij veronderstelt echter geen superioriteit van de ene periode over de andere en/of van de ene cultuur over de andere.

Gezien de verscheidenheid aan culturele gebruiken, chronologie en geografie van de menselijke resten die in de twee FWI worden bewaard, pleiten wij voor een procedure per geval voor officiële repatriëringsverzoeken :

- De regering moet openstaan voor de repatriëring van alle menselijke resten van niet-Belgische oorsprong.
    - Wij stellen voor dat de Belgische staat op elk verzoek een passend antwoord geeft.
- De regering moet het onderzoek naar de herkomst van menselijke resten van niet-Belgische oorsprong die in Belgische federale instellingen worden bewaard, voortzetten en verdiepen.
    - Wij benadrukken dat een van de belangrijkste doelstellingen van elk repatriëringsproces erin bestaat de herkomst van de gevraagde (pre)historische menselijke resten te certificeren. Dit omvat een analyse van de grenzen van de huidige staat en de (vroegere) geografische verspreiding van de gemeenschap van herkomst.

Gezien de verschillende contexten waarin menselijke resten door de Belgische staat worden verworven, stellen wij voor :

- De indiening van een officieel verzoek om repatriëring door een staat of een verwante gemeenschap van herkomst te overwegen indien de persoon niet is geïdentificeerd ;
- De indiening van een officieel verzoek om repatriëring door een staat, familie, persoon of verwante gemeenschap van herkomst te overwegen indien de persoon is geïdentificeerd ;

Zoals in de belangrijkste aanbevelingen moet de Belgische staat in geval van een verzoek om repatriëring van het gezin, een individu of een gemeenschap de nodige zorgvuldigheid betrachten en

het land of de landen van herkomst daarvan in kennis stellen, met erkenning van hun soevereiniteit. Gezien de mogelijke gevolgen van repatriëringsprocessen voor de betrekkingen tussen staten, gemeenschappen en gezinnen, lijkt het van belang de staat (staten) van herkomst toe te staan te bemiddelen en te overleggen met de gemeenschappen van herkomst en andere relevante gesprekspartners om oplossingen te vinden tussen alle betrokken partijen ;

De Belgische staat moet proactief optreden in het proces van repatriëring van geïdentificeerde menselijke resten waarvan het lichaam zonder voorafgaande toestemming van de persoon op Belgisch grondgebied is bewaard, door contact op te nemen met de relevante potentiële gesprekspartners.

Het repatriëringsproces zou kunnen worden vergemakkelijkt door de oprichting van een contactpunt voor menselijke resten. Het zou :

- Het centraliseren van repatriëringsverzoeken en -processen ;
- Zich integreren in het repatriëringsproces zelf door individuen, gemeenschappen en staten van herkomst te ondersteunen bij de voorbereiding van hun verzoek en door samen te werken met de administratie van de landen van herkomst om de praktische voorwaarden voor terugkeer te scheppen ;
- Op te treden als tussenpersoon met Belgische instellingen/individuen die menselijke resten willen repatriëren ;
- Het vergemakkelijken van herkomstonderzoek door toegang te organiseren tot archieven en documentatie met betrekking tot collecties van menselijke resten.

DNA-analyse als hulp/bewijs bij aanvragen tot repatriëring (NICC)

Genetische analyse wordt toegepast in verschillende wetenschappelijke vakgebieden. Ook tijdens de procedure van repatriëring van menselijke resten kan het potentieel een rol spelen. Maar ook al kent genetische analyse voordelen, het heeft ook zijn limieten, in het bijzonder wanneer enkel 'ancient' DNA kan worden bekomen en geanalyseerd van menselijke resten. Zelfs als er een overeenkomst op vlak van DNA is, moet men ermee rekening houden dat een biologische relatie niet noodzakelijkerwijs relevant is om sociale, legale of culturele relaties te bewijzen.

De toepassing van genetische analyse moet uitgebreid besproken worden tussen alle betrokken partijen in het proces van repatriëring. Ten eerste, de relevantie van genetische analyse in elke aanvraag tot repatriëring moet worden overwogen en besproken met alle stakeholders vooraleer een DNA analyse kan worden opgestart. Genetische analyse kan toegepast worden in dit proces, maar mag niet als een losstaande techniek worden beschouwd. Een louter biologische aanpak zou de complexiteit van identiteit negeren en zou familiegeschiedenissen kunnen ondermijnen. Hierdoor is een multidisciplinaire aanpak altijd aangewezen. Verkregen DNA resultaten moeten dus steeds geïnterpreteerd worden in de context van primaire informatie (vb. Historische gegevens, andere analytische data, archeologische bevindingen), indien aanwezig. Bijkomend, de impact van staalname voor DNA analyses op de menselijke resten moet worden beoordeeld. Aangezien de resultaten van genetische analyse verrassend kunnen zijn en voorafgaande veronderstellingen in vraag kunnen stellen, moeten de mogelijke resultaten en de interpretatie op voorhand verduidelijkt worden. Ook al zou het technisch mogelijk zijn, de toepassing van genetische analyse in repatriëring kan gelimiteerd worden door mogelijke ethische, sociale en politieke gevolgen van het onderzoek.

Indien een genetische analyse wordt uitgevoerd in het kader van een repatriëring procedure met voorafgaandelijke aanvraag / toestemming van het land van origine en zijn gemeenschappen, moeten specifieke aanbevelingen gevolgd worden:

- Er dienen strikte overeenkomsten aangaande transfer, opslag en analyse van de menselijke resten tussen stakeholders en medewerkers van het laboratorium gemaakt te worden.
- Preventieve maatregelen om contaminatie met modern DNA te vermijden zoals het dragen van een mondmasker en wegwerphandschoenen moeten worden genomen tijdens elke manipulatie van de menselijke resten, zowel in de DNA laboratoria als in alle andere instituten.
- De impact van staalname op menselijke resten moet worden geminimaliseerd.
- De morfologie van de geanalyseerde menselijke resten moet gedocumenteerd worden alvorens destructieve staalname wordt uitgevoerd.
- Data afkomstig van menselijke resten mag nooit geëxploiteerd worden voor andere toepassingen dan de repatriëring.
- Data afkomstig van menselijke resten mag nooit toegevoegd worden aan eender welke (wetenschappelijke) databank.

Ook aanbevelingen betreffende andere ethische kwesties moeten worden gevolgd:

- Onderzoek en behandeling van data mag nooit in conflict zijn met de toepasbare (inter)nationale wettelijke kader(s).
- Leden van gemeenschappen geassocieerd met de menselijke resten moeten betrokken worden in de genetische analyse van menselijke resten.
    - Levende individuen betrokken bij de genetische analyse van menselijke resten door het afleveren van DNA stalen moeten hun toestemming tot deelname geven via een 'informed consent'.

- Genetische informatie verkregen van betrokkenen mag nooit geëxploiteerd worden voor een grotere genetische studie zonder specifieke goedkeuring.
- Genetische informatie verkregen van deelnemers mag nooit toegevoegd worden aan eender welke (wetenschappelijke) databank zonder specifieke goedkeuring.

Digitalisering

(KBIN, ULB and U Montreal)

Vertegenwoordigers van gemeenschappen van herkomst willen weten waar hun menselijke resten zich bevinden, wat ermee is gedaan en welke informatie daarover in de archieven is opgeslagen. Door deze informatie online en/of op verzoek beschikbaar te stellen, kan de transparantie worden vergroot.

De digitalisering en transcriptie van archiefdocumenten is een noodzakelijke stap naar transparantie van de Belgische overheid. In België is veel archiefcorrespondentie in het Nederlands of het Frans, met een soms moeilijk te ontcijferen handschrift.

In de context van de paleoantropologische onderzoeksgemeenschap is het delen van digitale menselijke resten een troef en kunnen onderzoekers analyses doen die niet mogelijk zijn op de skeletresten, zoals een gedetailleerde onderzoek van de interne organen en structuren. Het digitaliseren is ook een onderdeel van de preventieve procedures voorafgaand aan een destructieve bemonstering voor genetische en/of chemische analyse.

Duizenden menselijke resten in de federale wetenschappelijke instellingen zijn al gedigitaliseerd in het kader van de lopende digitaliseringsprocessen van de federale collecties (DIGIT) of in het kader van digitalisering op verzoek. Een voordeel van digitalisering is dat digitale menselijke resten kunnen worden gedeeld met behoud van de originele resten. Dit kan erg waardevol zijn bij het bestuderen van menselijke resten zoals fossiele hominiden of mummies. Naast de digitalisering van de overblijfselen moeten wetenschappelijke instrumenten worden ontwikkeld om een objectieve en kwantitatieve analyse van specifieke anatomische kenmerken mogelijk te maken door ze te vergelijken met dezelfde kenmerken die zijn verkregen op een referentiemonster of referentiedatabank.

In het geval van historische menselijke resten kan digitalisering:

- helpen bij herkomstonderzoek in die zin dat onderzoekers, families en gemeenschappen meer informatie over de persoon te weten komen, zoals de leeftijd en het geslacht in het geval van niet-geïdentificeerde individuen.
- helpen bij het achterhalen van de doodsoorzaak door trauma's op het skelet te onderzoeken.
- uiteindelijk dienen als een registratie van de misdaad die heeft plaatsgevonden.

Maar er is een sterk debat over de vraag of historische collecties van menselijke resten uit een koloniale context moeten worden gedigitaliseerd. Voor sommige gemeenschappen van herkomst kunnen beelden van overledenen gevoelig liggen en Belgische instellingen moeten zich bewust zijn van die gevoeligheden. Het kan gaan om foto's, 3D-modellen, tekeningen, afgietsels, meetgegevens, visuele en geluidsopnames. Aangezien tijdens het koloniale tijdperk beelden soms ook met geweld werden genomen terwijl deelnemers werden onderworpen aan vernederende praktijken, moeten de wensen van verschillende gemeenschappen worden gerespecteerd wanneer ze betrekking hebben op gedigitaliseerde menselijk resten. Bepaalde Tasmaanse en Australische Aboriginalgroepen zijn bijvoorbeeld tegen elke vorm van gereproduceerde afbeelding van voorouderlijke menselijke resten.

Wij bevelen aan dat het beheer van de digitale collecties van archieven en menselijke resten als volgt wordt uitgevoerd:

- Wij bevelen ten zeerste aan dat bij de digitalisering in de toekomst rekening wordt gehouden met de staten en/of gemeenschapsgroepen van oorsprong.
- Wij bevelen de digitalisering en de transcriptie aan van de archiefstukken met betrekking tot de menselijke resten - zodat onderzoekers, families en gemeenschappen uit andere landen toegang kunnen krijgen tot deze stukken.
- Indien de gemeenschappen waar de menselijke resten vandaan komen, op grond van hun geloofsovertuiging vragen om de digitale documenten te verwijderen, dan vinden wij dat aan deze verzoeken zoveel mogelijk tegemoet moet worden gekomen met alle andere belanghebbenden/gesprekspartners uit het land van herkomst, waarbij de staat voorrang moet krijgen.
- Er moet worden nagedacht over de beste manier om in elk land informatie te delen. Er is op gewezen dat informatie in archieven, zoals foto's of 3D-modellen van menselijke resten, de beschrijving en de verhalen van de menselijke resten, moeilijk kunnen liggen en dat daar passend voor moet worden gewaarschuwd.
- Menselijke resten uit een pijnlijk koloniaal verleden mogen niet worden gedigitaliseerd of opgenomen in verder wetenschappelijk vergelijkend onderzoek.
- Gedigitaliseerde menselijke resten uit een koloniale context mogen nooit zonder specifieke toestemming worden gebruikt als lesmateriaal of voor andere analyses buiten specifiek herkomstonderzoek. Dit mag alleen gebeuren in samenwerking met vertegenwoordigers van het land van herkomst.
- Wanneer de eigendom verandert als gevolg van repatriëring, beslist de "eigenaar" over het gebruik of de vernietiging van 3D-kopieën of over enig ander gebruik van afgeleide gegevens.
- Als landen van herkomst daarom vragen en in samenwerking met landen die vragende partij zijn, bevelen wede verdere ontwikkeling aan van digitale methoden om menselijke resten te vergelijken met referentiepopulaties van hoge kwaliteit.
- Digitalisering moet ook worden overwogen in verband met herdenkingsprocessen en niet alleen voor wetenschappelijk onderzoek of voor conservatiedossiers.

Beschikbaarheid van de informatie

In sommige landen bestaat er een infrastructuur met een specifiek contactpunt voor repatriëringsverzoeken of -vragen (Australië, Groenland, Nieuw-Zeeland).

Eén specifiek contactpunt zou alle beschikbare informatie over de menselijke resten waarop een mogelijke repatriëring betrekking heeft, kunnen verzamelen en zou de administratieve handelingen in verband met deze procedures kunnen centraliseren.

Belangrijk is dat het aanspreekpunt de dialoog met de landen van herkomst en hun gemeenschappen niet zou vervangen, maar dat het details zou verstrekken over alle beschikbare informatie over de verschillende menselijke resten, en het herkomstonderzoek en de informatie transparant en toegankelijk zou maken. Het kan geen gedetailleerd herkomstonderzoek vervangen, maar zou een knooppunt voor informatie kunnen zijn dat beschikbaar is voor alle belanghebbenden en gesprekspartners. Een dergelijk knooppunt zou inventarissen, transcripties en kopieën van archiefdocumenten omvatten.

Het contactpunt zou :

- tot doel hebben collecties en herkomstinformatie met betrekking tot menselijke resten waarop een mogelijke repatriëringsvraag betrekking heeft, te bewaren en op een FAIR manier te delen.
- om ethische redenen toestaan dat gevoelige informatie over menselijke resten privé wordt gehouden en alleen met gesprekspartners wordt gedeeld.
- ervoor zorgen dat herkomstonderzoek en informatie over menselijke resten die ter voorbereiding van de repatriëringsprocedure zijn gemaakt, niet mettertijd verloren gaan.

Het ‘focal point’ zou voorts een gecentraliseerd toegangspunt zijn dat informatie geeft over hoe een repatriëringsverzoek kan worden ingediend en met wie men contact kan opnemen.

Doel van het contactpunt is repatriëring te vergemakkelijken en het zal een eerste halte zijn voor staten, families en gemeenschappen van herkomst die willen weten welke stoffelijke resten in de musea en instellingen in België aanwezig zijn en hoe zij om repatriëring van die resten kunnen vragen.

Het contactpunt kan ook informatie geven over hoe men te werk moet gaan als men momenteel menselijke resten in bezit heeft en niet weet wat ermee moet gebeuren.

Het zou het volgende bijhouden :

- de documentatie over de Belgische en internationale context die elke nieuwe repatriëringsvraag vergemakkelijkt.
- een lijst van deskundigen in België die de repatriëring helpen beheren.
- alle informatie over de status van menselijke resten en de beste praktijken in wetenschappelijke instellingen, openbare en particuliere collecties.

Het aanspreekpunt kan ook optreden als tussenpersoon om contact op te nemen met de vertegenwoordiger van het land van herkomst en kan die vertegenwoordiger toestemming vragen om toegang te krijgen tot de menselijke resten en er onderzoek op te verrichten.
De activiteiten van het contactpunt zouden geïntegreerd kunnen worden in een breder onafhankelijk "**expertisecentrum voor herkomstonderzoek**", waarover momenteel wordt gediscussieerd.


museum
NATURALSCIENCES.BE


AFRICA
museum


A&H


NICC
INCC


UNIVERSITÉ
SAINT-LOUIS
BRUXELLES


UCLouvain
SAINT-LOUIS BRUXELLES


ULB
UNIVERSITÉ
LIBRE
DE BRUXELLES


Université
de Montréal


belspo

BIJLAGE 1 Definities

Koloniale context

zie definitie van Restitutie België (hieronder herhaald)

Koloniale contexten, ook wel koloniale kaders genoemd (zie Sarr and Savoy, 2018), binnen het kader van verzamelen, duiden op alle situaties waarin de overdracht van materiaal gekenmerkt werd door een diepe structurele ongelijkheid, en in veel gevallen door expliciete acties van onderdrukking en/of geweld. Ze verpersoonlijken discriminerende ideologieën, waarbij de machthebbers een zelfbeeld van superioriteit cultiveren, evenals geforceerde afhankelijkheden waarbij waardevolle bezittingen ongelijk verdeeld worden over de betrokken partijen. Koloniale contexten gaan verder dan relaties van formele kolonisatie zowel geografisch als chronologisch.

1. Communities of origin

zie definitie van Restitutie België (hieronder herhaald)

Gemeenschappen van oorsprong verwijst naar een gemeenschap van mensen en hun nakomelingen van wie objecten in museumcollecties afkomstig zijn, die binnen of buiten hun gedeelde land van oorsprong of voorouders leven, maar er actieve banden mee onderhouden. Onder deze paraplu kunnen we ook de groepen verstaan die elders gedefinieerd zijn als landen van oorsprong, herkomstgemeenschappen en de diaspora. Er is ook kritiek geuit op de term gemeenschappen omdat die verband houdt met evolutionistische opvattingen over sociale organisatie in vroeger gekoloniseerde gebieden, een opvatting waarin mensen worden gezien als levend in kleine gemeenschappen en staten niet dezelfde erkenning krijgen (zie Opoku in aanbevolen literatuur). Deze term vormt noodzakelijkerwijze een simplificatie van een reeks sociale netwerken op verschillende schaalniveaus, van soevereine staat tot individuele families, en samengesteld uit een heterogene groep van belanghebbenden, bestaande uit individuen met bijvoorbeeld verschillende socio-economische of religieuze achtergrond, die niet allemaal hun relatie met de collecties op dezelfde manier categoriseren

2. Restitution, return, recovery and repatriation

zie definitie van Restitutie België (hieronder herhaald)

Restitutie, teruggave, recuperatie en repatriëring zijn vier woorden die worden gebruikt als onderling verwisselbaar, maar die een specifieke connotatie hebben (zie Pro in aanbevolen literatuur). Restitutie wordt gebruikt om een juridische claim en proces aan te duiden (hoewel de precieze voorwaarden van dat proces verschillen naargelang van de plaatselijke wetgeving). Teruggave en recuperatie zijn algemener, met een focus op de ‘teruggevende partij’ in het geval van het eerste en de ‘terugvorderende partij’ in het geval van het tweede. Repatriëring wordt vaker gebruikt voor historische cultuurgoederen, in het bijzonder sacrale voorwerpen en menselijke resten. Deze term impliceert herhumanisering.

ANNEX 12 RECOMMENDATIONS AND EXECUTIVE SUMMARIES IN FRENCH

Recommandations du projet BRAIN HOME pour le rapatriement des restes humains

A qui sont destinées les recommandations ?

Les recommandations pour le rapatriement sont l'un des résultats du projet BRAIN 2.0 Human Remains Origin(s) Multidisciplinary Evaluation (HOME). Le projet HOME s'est concentré sur l'inventaire des collections de restes humains dans les institutions belges.

Ces recommandations sont destinées à servir de support scientifique aux politiciens et aux décideurs politiques en Belgique sur la question de la gestion du rapatriement des restes humains, avec un accent particulier sur les restes humains historiques du passé colonial de la Belgique détenus dans les collections fédérales. Ces recommandations s'inscrivent dans un débat plus large sur le rapatriement et aussi sur le passé colonial en Belgique, comme nous l'avons vu avec la commission Congo, et ses recommandations. Avec ces recommandations, les partenaires institutionnels du projet HOME espèrent contribuer à ce débat.

Champ d'application et définitions

Les demandes de rapatriement se sont multipliées dans le monde entier au cours des dernières décennies et il existe une prise de conscience de la nécessité du rapatriement et de la réparation concernant les restes humains détenus dans des institutions publiques et privées. De nombreux musées et universités de premier plan dans le monde possèdent d'importantes collections de restes humains (pré)historiques et commencent à s'engager dans des processus de rapatriement avec différents pays. Plusieurs pays européens ont élaboré des directives sur le soin et la gestion des restes humains et nous nous référons aux directives d'autres pays européens le cas échéant.

Il n'existe pas de définition légale des restes humains en Belgique. Toutefois, nous nous référons au groupe de travail chargé de l'élaboration de la loi britannique sur les tissus humains (British Human Tissue Act), qui a déjà défini les restes humains. Pour les besoins du présent document, nous nous référons à cette terminologie prédéfinie, bien que nous ayons procédé à quelques adaptations.

Lorsque nous faisons référence aux restes humains, il peut s'agir de l'un des éléments suivants :

- Matériel ostéologique, qu'il s'agisse
    - des squelettes entiers ou partiels,
    - des os individuels,
    - des fragments de ceux-ci ou des dents ;
- Tissus humains (conservés, séchés, momifiés, préparés), y compris
    - les corps entiers ou les parties de corps
    - les embryons,
    - les organes,
    - la peau,
    - les cheveux,
    - les ongles
    - etc.
- Les artefacts qui sont fabriqués et/ou contiennent tout ou partie d'un des éléments ci-dessus. (Le choix du fabricant d'inclure des restes humains dans un objet, ainsi que le contexte, peuvent justifier l'inclusion de cette catégorie dans les objets culturels plutôt que dans les

restes humains).

Dans la pratique patrimoniale, plusieurs catégories de restes humains ont été identifiées et celles-ci ont été répertoriées et décrites précédemment par le ministère de la Politique scientifique, qui est responsable des musées fédéraux belges :

A. les restes issus de fouilles archéologiques qui n'appartiennent plus à des contextes biologiques et / ou culturels encore vivants. Leur exposition touche principalement à des questions d'ordre de sensibilité des publics auxquels on s'adresse ;
B. les restes collectés lors d'expéditions ethnologiques. Cette catégorie est certainement la plus sensible déontologiquement, car les collections s'y rapportant proviennent de milieux culturels encore vivants ou dont les descendants peuvent se réclamer ;
C. les collections d'organes à des fins de recherches. Cette catégorie ressort de l'éthique médicale ;
D. les reliques. La déontologie concernant cette catégorie, liée à des pratiques, relève du respect des croyances.

Nous sommes conscients de l'importance des mots et nous notons également que les restes humains sont parfois appelés "restes ancestraux", "ancêtres" et "restes des anciens", entre autres. Compte tenu de la grande diversité de restes humains actuellement conservés dans les institutions belges, nous faisons principalement référence dans le présent document aux "restes humains" en tant que terme générique. Tout au long du document et des rapports, nous faisons référence aux restes humains provenant de l'extérieur de la Belgique. Bien que cela touche à la dignité humaine, nous faisons référence aux "restes ancestraux" lorsque nous le jugeons approprié. Dans le contexte spécifique des restes humains provenant des pays coloniaux belges, la majorité des restes humains sont répertoriés comme provenant de la République démocratique du Congo (RDC), et nous suggérons l'expression "dépouilles des Anciens" suite aux discussions avec des Congolais ou des personnes d'origine congolaise, comme équivalent français de l'expression "ancestral remains" actuellement proposée. Nous incluons également dans le champ d'application de ces recommandations les restes humains des personnes décédées lors d'un séjour en Belgique où elles ont été amenées d'outre-mer pour participer à la propagande coloniale dans le cadre de zoos humains.

Lorsqu'il s'agit de restes humains, s'agit-il de restitution, de retour, de rapatriement ou de transfert ? Chacun de ces termes a des connotations légèrement différentes. Dans le cadre de ces recommandations, nous adoptons le concept de "rapatriement". Cette notion permet d'insister sur la spécificité des restes humains par rapport aux autres objets culturels concernés par la question de leur retour ou de leur restitution car elle touche à la dignité humaine. Elle se distingue également de la notion de " restitution " mobilisée par le projet de loi du 3 juillet 2022, qui portait sur les biens culturels mais pas sur les restes humains. Cependant, nous constatons également que parfois les termes restitution et rapatriement sont utilisés de manière interchangeable. Veuillez consulter l'annexe 1 pour des définitions détaillées.

Contexte

Il y a eu plusieurs demandes formelles et/ou informelles de rapatriement de restes humains ancestraux conservés par des institutions scientifiques fédérales belges :

- Il s'agit notamment d'un squelette humain provenant de Tasmanie qui se trouve actuellement à l'Institut royal des sciences naturelles de Belgique (IRSNB) et de deux têtes maories qui sont conservées aux Musées royaux d'art et d'histoire (MRAH). Ces demandes n'ont pas été traitées au moment de la demande, en raison de la croyance selon laquelle il n'existait pas de cadre juridique permettant de rapatrier ces restes, en raison de l'époque à laquelle les demandes ont été faites, où l'on pensait que les restes humains avaient une grande valeur pour la science et enfin en raison d'un manque de connaissances sur la manière de gérer une telle demande.
- En 2018, il y a eu une demande de rapatriement du crâne du chef Lusinga de la République démocratique du Congo. Cette demande a été adressée par un membre de la famille au roi belge et soutenue en 2019 par des membres de la communauté Tabwa, mais n'a jamais été relayée officiellement par le gouvernement de la RDC. Cette demande est devenue l'une des motivations du projet BRAIN HOME.

Actuellement, un seul rapatriement d'un reste humain entre la Belgique et la RDC a eu lieu, à savoir celui de la dent de Patrice Lumumba. C'est le résultat d'une décision judiciaire qui s'inscrit dans le cadre de l'enquête sur son assassinat, suite à une plainte déposée par sa famille en 2011. En septembre 1999, le sociologue Ludo De Witte a publié ses recherches archivistiques sur l'assassinat de Lumumba. Au même moment, Gérard Soet, l'un des assassins de Patrice Emery Lumumba, a témoigné à la télévision nationale de la façon dont il a dissous des parties du corps dans de l'acide, montrant deux dents de Patrice Emery Lumumba. En 2001, une enquête parlementaire sur ce meurtre a été ouverte. La conclusion a abouti à la mise en cause de la responsabilité morale de l'État belge. Cela a encouragé la famille à entreprendre des démarches pour réclamer la dépouille de leur père. En 2021, Juliana Lumumba a envoyé une lettre vidéo adressée au roi et à l'État belge pour demander le rapatriement de la dent de son père. Le procureur de la Couronne a ordonné la restitution de la dent à la famille et le premier ministre Alexander de Croo a rendu la dent à la famille en juin 2022. Une cérémonie funéraire a été organisée à l'occasion du 62e anniversaire de l'indépendance du pays d'Afrique centrale.

Une institution scientifique belge a transféré la propriété d'une partie de ses collections de restes humains en 2020 :
Par convention, l'Université libre de Bruxelles (ULB) a transféré la propriété et les droits associés de 10 crânes d'origine congolaise détenus à l'ULB à l'Université de Lubumbashi (UNILU). Laurent Licata, vice-recteur de l'ULB en charge de cette convention, affirme qu'elle est "fondée sur le fait que la présence de ces restes humains dans notre institution pose une question morale". La convention s'étend à quatre autres crânes conservés dans le même laboratoire dans le cas où il serait établi qu'ils sont également d'origine congolaise. La convention prévoit la mise à disposition de ces restes humains à l'UNILU, c'est-à-dire que les restes humains sont hébergés temporairement à l'ULB "à ses frais exclusifs, aux seules fins de recherche scientifique, et dans des conditions de protection, de conservation et de sécurité appropriées", jusqu'à ce que l'UNILU demande "un rapatriement effectif". Cette disposition a une durée maximale de 5 ans, renouvelable au maximum trois fois pour un an, ou plus si les deux parties demandent un renouvellement conjoint. Les recherches sur ces restes humains sont subordonnées à l'accord de l'UNILU qui détient les droits de propriété.

Enfin, l'administration rwandaise a été contactée au cours du projet HOME et un souhait de rapatriement des restes humains rwandais associé à une étude de provenance a été exprimé par le Rwanda.

Le projet HOME

Les objectifs du projet HOME étaient d'évaluer le contexte historique, scientifique, légal et éthique des restes humains hébergés par les Établissements scientifiques fédéraux (ESF) belges, ainsi que ceux hébergés dans d'autres collections publiques, universitaires et privées en Belgique. Ce projet comprenait différentes approches méthodologiques, telles que la création et le ré-assemblage et le recoupement des inventaires existants relatifs aux restes humains, la contextualisation historique de la construction des collections, la recherche de différentes archives, ainsi que l'intégration de sources d'histoire orale pour comprendre comment les restes humains ont été acquis. En outre, des réunions avec un large éventail de détenteurs de droits ou d'interlocuteurs en RD Congo et dans l'administration rwandaise ont été organisées sur les différentes possibilités de rapatriement.

L'objectif de cette recherche multidisciplinaire et multi-sites est d'informer les politiques en définissant la meilleure gestion des collections physiques et virtuelles à l'aide de faits et d'arguments fondés sur les collections et la recherche sur la provenance.

Le projet HOME a impliqué un large réseau multidisciplinaire qui combine différentes disciplines représentées par 7 partenaires : 4 institutions scientifiques fédérales : L'Institut Royal des Sciences Naturelles de Belgique (IRSNB) (qui est le coordinateur du projet), les Musées Royaux d'Art et d'Histoire (MRAH), le Musée Royal de l'Afrique Centrale (MRAC), l'Institut National de Criminalistique et de Criminologie (INCC) et 3 Universités : Université Saint-Louis - Bruxelles (USL-B), Université Libre de Bruxelles (ULB) et l'Université de Montréal (UdeM).

Recommandations

Les recommandations suivantes sont les résultats du travail établi au cours du projet HOME. Ces recommandations sont également destinées à donner un aperçu des résultats du projet HOME et de la manière dont les différentes institutions publiques et privées en Belgique peuvent gérer leurs collections de restes humains (pré)historiques à l'avenir. De courts résumés exécutifs des résultats de chaque partenaire sont également disponibles en français, à la fin de ces recommandations.

Le projet Home recommande :

- Des changements devraient être apportés à la loi pour mieux respecter les restes humains, limiter leur commerce et faciliter leur rapatriement. Le rapatriement des restes humains revêt une importance sociétale car il touche à la dignité humaine.
    - Nous recommandons que les restes humains ne fassent pas l'objet d'un commerce.
- Les restes humains ne peuvent être considérés comme des "objets" et le rapatriement de restes ancestraux peut contribuer à promouvoir la réconciliation entre les pays et la résilience au sein des communautés. Le rapatriement fait partie d'un processus et/ou d'un dialogue qui signifie la réparation et le suivi, incluant éventuellement :
    - Une recherche de provenance conjointe et collaborative avec la Belgique et les pays et/ou communautés d'origine dans le respect de leurs droits culturels;
    - Toutes formes de commémoration(s) dans les pays d'origine;
    - des projets de sensibilisation comprenant des politiques et des outils éducatifs en Belgique et dans les pays d'origine.

- Le rapatriement de tous les restes humains historiques des collections fédérales en rapport direct avec le passé colonial de la Belgique doit être effectué sans condition si la demande en est faite (sans que l'État belge ne pose de conditions à leur retour).
    - Le passé colonial belge et ses conséquences actuelles doivent être pris en compte dans la gestion des collections coloniales. Ces collections sont directement liées à un contexte spécifique de domination d'un territoire et de ses populations par un État occupant étranger.
    - Le rapatriement peut se faire vers les descendants si l'individu est identifié, vers la communauté d'origine ou vers le pays. Un dialogue interne au pays d'origine doit définir le processus de rapatriement.
    - En cas de demande de rapatriement émanant de la famille ou de la communauté, l'État belge doit faire preuve de diligence et avertir le pays d'origine, en reconnaissant sa souveraineté. Étant donné l'impact potentiel des processus de rapatriement sur les relations entre les communautés et les familles dans les pays d'origine, il semble important de permettre aux États des pays d'origine de jouer un rôle de médiateur et de consulter leurs communautés d'origine et d'autres citoyens concernés afin de trouver des solutions entre toutes les parties impliquées ;
    - Le rapatriement effectif s'effectue par le biais d'accords bilatéraux entre l'État belge et l'État d'origine qui déterminent les conditions pratiques du rapatriement des restes humains selon la volonté du descendant et/ou de la communauté d'origine le cas échéant ;
    - Les processus de rapatriement et le rapatriement effectif doivent être effectués aux frais de l'État belge. Les modalités doivent faire l'objet d'accords bilatéraux ;
    - Un moratoire doit être observé sur l'étude des restes humains du passé colonial belge qui font partie du patrimoine de l'État belge. Si les restes humains doivent être inclus dans une étude, cela ne doit se faire qu'avec l'accord des descendants, ou des représentants de la communauté ou du pays.

- Ces recommandations peuvent également être appliquées à toute autre collection historique d'origine non belge. Nous recommandons au gouvernement d'être ouvert au rapatriement de tous les restes humains de la période historique faisant partie du patrimoine de l'État et provenant de l'extérieur de la Belgique. Cela inclut le rapatriement du squelette provenant de la Tasmanie et des têtes maories hébergées dans les collections fédérales, qui ont fait l'objet de précédentes demandes de rapatriement. Des lignes directrices pour les bonnes pratiques relatives aux restes humains des périodes (pré)historiques d'origine (non)belge seront bientôt disponibles dans un document séparé après la publication de l'avis sur le statut des restes humains par le Comité consultatif de bioéthique belge.

- L'analyse génétique seule n'est pas recommandée pour prouver un lien entre deux personnes ou une communauté et une personne décédée, car les relations familiales ne sont pas toujours basées sur les liens du sang, et d'autres éléments de preuve tels que des éléments sociologiques, historiques et anthropologiques doivent être considérés dans chaque demande.

- Le rapatriement des restes humains n'est qu'une partie du processus. Une recherche détaillée de la provenance pourrait également être d'une importance vitale. Conformément aux recommandations de Restitution Belgium (2021), nous recommandons une augmentation significative du financement de la recherche sur la provenance en Belgique. La recherche sur la provenance doit être un processus collaboratif, mais il reste de la responsabilité des organismes de financement et des décideurs politiques de garantir des fonds et du personnel suffisants pour répondre à ces demandes.

  En ce qui concerne les restes humains et les demandes de rapatriement, nous recommandons de promouvoir :

  - des bourses de doctorat pour les étudiants des pays d'origine pour la recherche sur les restes humains ;
  - des programmes d'échange permettant aux chercheurs des deux pays de travailler ensemble sur la recherche de la provenance et le rapatriement ;
  - le financement de projets de collaboration avec les pays d'origine dans le but de rapatrier et de partager les connaissances, les histoires orales dans les pays d'origine ainsi que les archives et les informations sur les restes humains eux-mêmes ;
  - le financement de projets communautaires axés sur la guérison de la communauté et le rapatriement des restes humains ;
  - la poursuite du financement de la numérisation des documents d'archives en vue d'un partage équitable de l'information.

- Un **point focal** relatif aux restes humains devrait être mis en place pour fournir toutes les informations aux institutions, administrations, communautés et personnes privées sur le statut et les bonnes pratiques relatives aux restes humains à appliquer en Belgique, et établir un lien avec l'avis du Comité consultatif de bioéthique belge sur le statut des restes humains:
  - Le point focal ne centralise pas un inventaire unique des restes humains mais fournit des liens vers les différents inventaires locaux, régionaux et fédéraux des restes humains hébergés en Belgique ainsi que des informations de contact pertinentes ;
  - En ce qui concerne le rapatriement des restes humains d'origine non belge, il pourrait:
    - centraliser les demandes et les processus de rapatriement ;
    - s'intégrer dans le processus de rapatriement lui-même en apportant un

soutien aux individus, communautés et États d'origine dans la préparation de leur demande et en coopérant avec l'administration des pays d'origine pour mettre en place les conditions pratiques du retour ;
- servir d'intermédiaire avec les institutions/individus belges souhaitant rapatrier des restes humains ;
- faciliter la recherche de provenance en organisant l'accès aux archives et à la documentation relatives aux collections de restes humains.

- Les activités du point focal pourraient être intégrées dans un "**Centre d'expertise pour la recherche de provenance**" indépendant plus large. Son organisation pourrait suivre celle du Comité consultatif de bioéthique belge et être basée sur un accord de coopération entre les niveaux fédéral et régional.
  Il pourrait être composé par :
  - Un secrétariat permanent comprenant du personnel scientifique financé par un budget spécifique et/ou par détachement des administrations fédérales ou régionales.
  - Un groupe d'experts identifiés couvrant tous les aspects et disciplines liés à la provenance et à la restitution ainsi que des représentants des pays d'origine, y compris de la diaspora ;
  - Un conseil de vice-présidents pourrait être choisi parmi le groupe d'experts.
    Ce conseil serait indépendant des hiérarchies des institutions scientifiques fédérales et serait responsable des principales décisions du Centre.

  Le "Centre d'expertise" pourrait être saisi par des autorités judiciaires et/ou des organisations scientifiques/académiques/culturelles/de la société civile de Belgique ou des pays d'origine. Le Centre pourrait également donner des avis de sa propre initiative sur une question relevant de sa compétence.


museum
NATURALSCIENCES.BE


AFRICA
museum


A&H


NICC
INCC


UNIVERSITÉ
SAINT-LOUIS
BRUXELLES


UCLouvain
SAINT-LOUIS BRUXELLES


ULB
UNIVERSITÉ
LIBRE
DE BRUXELLES


Université
de Montréal


belspo

Recommandations juridiques relatives aux restes humains (Université Saint-Louis - Bruxelles)

Il n'existe pas en Belgique de lois relatives aux restes humains. Nous recommandons donc de clarifier le statut des restes humains en droit civil, par exemple en adoptant une disposition dans le code civil belge. Le code civil est, de manière générale, la législation concernant l'interaction privée entre les individus. Cela couvre la propriété, la personne, le mariage, les contrats, les délits, etc... Actuellement, le code civil belge ne précise rien sur le corps humain, et encore moins sur les restes humains. En revanche, le code civil français a adopté les articles 16 à 16-9 afin d'inclure des dispositions générales sur le respect du corps humain : "Le respect dû au corps humain ne cesse pas avec la mort (…) Les restes des personnes décédées, y compris les cendres de celles dont le corps a donné lieu à crémation, doivent être traités avec respect, dignité et décence". Le code civil belge est actuellement en cours de réforme (voir https://justice.belgium.be/fr/bwcc). Le titre relatif aux personnes n'a pas encore été réformé et nous recommandons donc d'intégrer des dispositions à cet égard.

Nous recommandons également de clarifier le régime des restes humains : ils devraient être considérés comme extra-commerciaux, ce qui signifie qu'ils peuvent seulement être possédés (comme dans une collection de musée et donc éligibles pour le rapatriement) mais qu'ils ne peuvent pas être vendus ou achetés pour de l'argent. Pour l'instant, leur vente ou leur acquisition est juridiquement floue et donc considérée comme autorisée. Nous dénonçons fermement cette pratique car elle ne respecte pas la dignité humaine. Nous nous référons aux lois funéraires belges qui précisent que les cendres humaines sont hors commerce et recommandons de préciser que cela vaut pour tous les restes humains, et pas seulement pour les cendres.

Concernant le rapatriement des restes humains, ni le droit international ni le droit national n'apportent de réponse satisfaisante, même si des évolutions intéressantes sont à noter, notamment dans le domaine des droits de l'homme internationaux. Il n'existe actuellement aucun cadre juridique spécifique en Belgique pour le rapatriement des restes humains, même si un projet de loi a été adopté le 3 juillet 2022 pour la restitution des biens culturels dans les musées fédéraux mais il exclut explicitement les restes humains de son champ d'application.

Le 21 juillet 2020, le Conseil des droits de l'homme des Nations unies (Human rights council, 2020) a publié un rapport sur : "Le rapatriement des objets de culte, des restes humains et du patrimoine culturel immatériel en vertu de la Déclaration des Nations unies sur les droits des peuples autochtones", rappelant l'importance de mécanismes “équitables, transparents et efficaces” pour garantir l'accès aux objets de culte et aux restes humains et pour "le rapatriement aux niveaux international et national". Le rapport indique également que "les parties prenantes adoptent une approche fondée sur les droits de l'homme pour le rapatriement des objets de culte, des restes humains et du patrimoine culturel immatériel des peuples autochtones. Cette approche exige la reconnaissance des droits des peuples autochtones à l'autodétermination, à la culture, à la propriété, à la spiritualité, à la religion, à la langue et aux connaissances traditionnelles. La Déclaration reconnaît également l'applicabilité des lois, traditions et coutumes propres aux peuples autochtones, qui impliquent à la fois des droits et des responsabilités à l'égard des objets cérémoniels, des restes humains et du patrimoine culturel immatériel".

Nous soutenons pleinement la Déclaration 61/295 des Nations Unies sur les droits des peuples autochtones (UNDRIP), adoptée par l'Assemblée générale des Nations Unies le jeudi 13 septembre 2007, qui établit un cadre universel de normes minimales pour la survie, la dignité et le bien-être des peuples autochtones du monde entier.

L'article 12 consacre explicitement le droit d'accès et/ou de rapatriement des objets de culte et des restes humains : " Les peuples autochtones ont le droit de manifester, de pratiquer, de promouvoir et d'enseigner leurs traditions, coutumes et rites religieux et spirituels ; le droit d'entretenir et de protéger leurs sites religieux et culturels et d'y avoir un accès privé ; le droit d'utiliser et de disposer de leurs objets rituels ; et le droit de rapatrier leurs restes humains ".

Les États d'origine (c'est-à-dire l'État d'où proviennent les restes humains) doivent garantir l'accès aux objets de culte et aux restes humains en leur possession et/ou leur rapatriement par le biais de mécanismes équitables, transparents et efficaces élaborés en consultation avec les peuples autochtones concernés.

Nous recommandons donc de suivre une approche différente pour le rapatriement des restes humains que pour la restitution des objets culturels comme le prévoit la loi du 3 juillet 2022. Nous recommandons de mettre en place des procédures qui s'inscrivent davantage dans le cadre de la justice transitionnelle entendue au sens large, dans un objectif de réconciliation et de réparation entre les peuples, notamment les familles des défunts dont les restes se trouvent dans les collections historiques belges, et pas seulement dans le cadre de négociations d'État à État. Les restes humains ne sont pas des objets et leur rapatriement peut être un processus de guérison pour différentes communautés.

Cependant, lorsque la décision de rapatrier les restes humains a été prise - par le biais des procédures de réconciliation et de réparation que nous recommandons - il peut y avoir des obstacles juridiques. En effet, les collections de restes humains historiques dans les institutions scientifiques fédérales sont actuellement dans le domaine public et sont donc considérées comme propriété de l'État. Pour rapatrier les restes humains, ils doivent être retirés du domaine public. Cela se fait par une décision du propriétaire légal des restes humains dans les musées ou d'autres collections, c'est-à-dire que pour les collections fédérales, le gouvernement fédéral décide par décret royal de retirer ces restes humains du domaine public afin de les rapatrier. Cependant, pour qu'ils ne soient plus la propriété de l'État, l'article 117 de la loi budgétaire de 2003 oblige à vendre les biens de l'État déclassés. Nous rappelons donc notre recommandation selon laquelle les restes humains devraient être considérés comme extra-commerciaux, ce qui signifie qu'ils peuvent seulement être possédés (comme dans une collection de musée) mais qu'ils ne peuvent pas être vendus ou achetés contre de l'argent. Si nous considérons que les restes humains n'ont pas de valeur monétaire, ils sortent du champ d'application de la loi budgétaire de 2003 et pourraient donc être plus facilement rapatriés lorsqu'ils sont retirés du domaine public.

Enfin, nous recommandons qu'à l'avenir, les restes humains fassent l'objet d'un traitement spécifique dans la législation sur le patrimoine, par exemple en reprenant les dispositions du Code d'éthique de l'ICOM, afin de justifier pourquoi ils doivent être traités différemment, notamment en termes de conservation, de numérisation et de rapatriement.

D'un point de vue juridique, le rapport formule donc les recommandations suivantes :

- Adopter une disposition en droit civil clarifiant le statut des restes humains (juridiction fédérale).
- Clarifier que les restes humains doivent être extra-commerciaux (juridiction régionale, voire fédérale si elle est incluse dans le code civil)
- Prévoir un traitement spécifique dans la législation sur le patrimoine pour les restes humains
- Mettre en place des procédures de rapatriement qui relèvent davantage de la justice transitionnelle.

Inventaires des restes humains conservés dans les institutions scientifiques fédérales et dans d'autres collections scientifiques et culturelles belges (RBINS, RMAH, MRAC)

Il n'y a jamais eu auparavant d'enquête sur les institutions publiques et privées abritant des restes humains en Belgique. L'enquête a été conçue pour donner un large aperçu de toutes les collections de restes humains hébergées par les partenaires et d'autres collections publiques et privées en Belgique. Les catégories de l'enquête comprenaient les collections de restes humains découverts sur des sites archéologiques, les restes humains collectés à des fins de comparaison, les collections de restes humains présentant des modifications anthropiques et également les collections de spécimens anatomiques (dissections, spécimens plastinés, collections en milieux liquides).

L'enquête a fait l'objet d'une large publicité dans la presse et a été envoyée à des institutions et des personnes ciblées susceptibles de posséder des restes humains dans leurs collections. 56 facultés universitaires, institutions publiques et privées et collectionneurs possédant des restes humains dans leurs collections ont participé à l'enquête. Au total, 13 facultés ou musées universitaires (5 de Bruxelles, dont l'ULB, 4 de Flandre et 4 de Wallonie), 4 institutions scientifiques fédérales (Institut royal des sciences naturelles de Belgique - IRSNB, Musée des instruments de musique - MIM, Musée d'art et d'histoire - AHM, AfricaMuseum (Musée royal de l'Afrique centrale) - MRAC), 30 musées (2 de Bruxelles, 15 de Flandre et 13 de Wallonie), 4 entités privées, 2 institutions locales, 1 école secondaire, 1 organisation sans but lucratif et 1 site patrimonial provincial.

D'après la correspondance et les conversations avec le personnel des universités et des musées, de nombreux répondants n'avaient pas d'inventaires avant l'enquête et nous voudrions tout d'abord les remercier pour le temps et les efforts considérables qu'ils ont dû fournir pour remplir les inventaires relatifs à cette enquête. La réponse des participants à l'enquête a été généralement très positive et la plupart d'entre eux ont estimé que c'était une très bonne idée de réaliser des inventaires de restes humains en Belgique.

Les restes de plus de 30 000 individus sont actuellement conservés dans les institutions qui ont participé à l'enquête. Il est important de noter que certaines institutions comptent un os individuel comme une seule entrée, alors que d'autres comptent un squelette entier comme une seule entrée (qui compte 206 os). Lorsque les os sont fragmentés, certaines institutions n'ont donné qu'une moyenne approximative des individus en fonction de la quantité et du type d'os. Il arrive que l'on ne trouve qu'un seul os, comme une mâchoire, et que l'entrée suivante de l'inventaire soit un squelette complet. D'autres institutions n'ont donné que des chiffres approximatifs pour la quantité de leurs collections car elles n'ont pas eu le temps de faire des inventaires détaillés (c'est particulièrement le cas pour les collections belges), ou n'ont que des bénévoles et du personnel à temps partiel qui travaillent sur leurs collections. Par conséquent, les chiffres doivent être considérés comme approximatifs et à minima, sauf indication contraire, et les chiffres peuvent concerner des squelettes entiers ou des os individuels / ou des parties d'os.

Il n'y a que 250 individus dont l'identité est connue. Cela indique que plus de 99% des collections de restes humains dans toutes les institutions appartiennent à des personnes non identifiées.

Les restes identifiés sont :

- 112 personnes de Flandre,
- 106 personnes de Wallonie

- 1 personnes de la Région de Bruxelles-Capitale
- 16 personnes de l'Union européenne
- 7 personnes en provenance de la RDC
- 5 momies provenant d'Egypte
- 1 personne du Ghana (décédée en Belgique)
- 1 personne d'Inde
- 1 personne des États-Unis
- 1 personne des îles Samoa, USA (décédée en Belgique)

Parmi les différentes institutions, l'IRSNB héberge la plus grande collection de restes humains conservées dans toutes les institutions belges (7468 individus (dont beaucoup sont des squelettes complets) ou 24,7% de la quantité totale de toutes les collections de 56 institutions). La plupart de ces restes humains proviennent de Belgique, bien que l'IRSNB possède également la majorité des collections de restes humains provenant de l'extérieur de la Belgique. Les MRAH abritent 438 restes humains (424 MAH + 14 MIM). Sur les 424 restes humains des MAH, la majorité des restes humains proviennent également de Belgique (289 restes humains dont 102 de la période historique et 187 de la Préhistoire). Le MRAC abrite 35 restes humains qui proviennent du monde entier.

Au moment de l'enquête HOME, le projet MEMOR (financé par le gouvernement régional flamand) se déroulait simultanément. Ce projet visait à cataloguer les restes humains archéologiques flamands et a contacté de nombreuses institutions différentes en dehors du cadre de cette enquête (par exemple, l'Agence flamande du patrimoine, les églises, les sociétés commerciales). A ce jour, MEMOR a documenté au moins 20.000 individus provenant de vestiges archéologiques en Flandre. Les musées et les départements universitaires qui possédaient uniquement des collections archéologiques flamandes ont principalement participé à l'enquête MEMOR, plutôt qu'à l'enquête HOME, car les deux projets ont travaillé ensemble, bien que plusieurs musées et institutions aient participé aux deux enquêtes. Par conséquent, les collections archéologiques flamandes détaillées dans l'enquête HOME doivent être considérées comme minimales et pour connaître l'étendue complète des collections archéologiques flamandes, veuillez consulter la base de données MEMOR. Bien qu'un projet similaire n'ait pas encore été mené en Wallonie, à Bruxelles ou dans la communauté germanophone, il est probable qu'il y ait beaucoup plus de restes humains archéologiques conservés dans ces entités.

Les restes humains provenant de collections historiques de sites belges (définis dans ce cas comme des restes humains datant de moins de 1 200 ans avant J.-C.) constituent la plus grande catégorie de restes humains, qui sont conservés dans 31 des 56 institutions belges (12553 ou 42% de l'ensemble des collections de restes humains : 7069 en Flandre, 4379 en Wallonie et 1105 à Bruxelles). Ces restes humains sont principalement des restes de squelettes entiers ou partiels et proviennent d'anciens cimetières, d'églises et de fouilles archéologiques (de l'époque romaine, médiévale, post-médiévale ou moderne et de l'époque romaine) mais aussi de découvertes accidentelles, de dons passés et d'autres dons d'institutions/collections publiques et privées. L'IRSNB détient un grand nombre de restes humains historiques belges (4812), provenant de Wallonie (1164), de Flandre (2686) et de Bruxelles-Capitale (962). Les MRAH conservent 102 restes humains historiques belges, provenant de Wallonie (92), de Flandre (3) et de Bruxelles-Capitale (7).

	Flandre	**Wallonie**	**Région Bruxelles-Capitale**
IRSNB	2686	1164	962
MRAH	3	92	7
ULB	5	26	71
SRBAP	6	30	64
Autres collections	4369	3067	1
Total	**7069**	**4379**	**1105**

La deuxième plus grande collection est constituée de restes humains de la préhistoire belge (paléolithique, mésolithique, néolithique, protohistoire, âge des métaux) provenant de 13 des 56 institutions avec 8258 restes ou 27% de l'ensemble des collections de restes humains : 501 de Flandre, 7693 de Wallonie et 64 de Bruxelles). En ce qui concerne les restes humains de la préhistoire, il s'agit généralement de crémations (restes brûlés), de fragments postcrâniens et, dans certains cas, de squelettes partiels ou complets provenant de sépultures. Il convient toutefois de noter qu'il s'agit d'une sous-estimation de la quantité de restes humains préhistoriques et historiques belges conservés en Belgique. L'IRSNB détient le plus grand nombre d'entrées relatives à des individus préhistoriques belges (362), provenant de Wallonie (245), de Flandre (53) et de Bruxelles-Capitale (64). Il convient toutefois de noter que ce chiffre est sous-estimé, car seul un aperçu a été pris et un inventaire détaillé est en cours. Les MRAH conservent 187 restes humains belges de la préhistoire, provenant de Wallonie (133) et de Flandre (54).

	Flandre	**Wallonie**	**Région Bruxelles-Capitale**
IRSNB	53	245	64
MRAH	54	133	
ULB		230	
SRBAP		53	
Other collections	394	7032	
Total	**501**	**7693**	**64**

La troisième plus grande collection de restes humains concerne les collections anatomiques (4090) et une grande partie de ces collections sont conservées dans les universités, la majorité provenant de programmes de dons de corps. La majorité de la collection est constituée de parties de corps, mais une grande partie des collections anatomiques sont des embryons (499). Il y a 57 restes humains anatomiques dans la collection de l'IRSNB et 3 au MRAC.

Les artefacts provenant de Belgique (1618) constituent la quatrième plus grande catégorie de restes humains conservés dans les 7 institutions belges qui ont participé à l'enquête. La plupart des restes humains de cette collection sont des reliques qui sont des restes très fragmentés, mais encore une

fois, la quantité de restes humains dans cette catégorie doit être considérée comme une sous-estimation du nombre réel, en raison de la portée de l'enquête. Il n'y en a aucun dans les 4 institutions fédérales.

La cinquième catégorie, la plus importante, est constituée de restes classés comme inconnus (1463), pour lesquels il n'existe aucune information ou documentation sur les restes humains. L'IRSNB détient 441 restes humains inconnus, et 22 sont détenus par les MRAH.

La majorité des collections historiques provenant de l'extérieur de la Belgique sont des collections de crânes qui ont été collectés dans des contextes précoloniaux et coloniaux belges. La plus partie de est constituée de restes historiques provenant de la République démocratique du Congo, du Rwanda et du Burundi, qui ont été collectés dans un contexte colonial très problématique et font partie des collections qui ont été transférées du Musée du Congo à la RBINS en 1964-65. L'IRSNB abrite les restes humains de 150 individus du Rwanda, un crâne du Burundi et les restes humains de 350 personnes de la RDC. Si la majorité sont des crânes, il y a aussi des squelettes partiels. Le MRAC conserve également 10 crânes humains de la RDC. L'Université libre de Bruxelles (ULB) conserve 10 crânes de la RDC dont la propriété et les droits associés sont détenus par l'Université de Lubumbashi (UNILU). Il y a 4 autres crânes à l'ULB qui devraient être d'origine congolaise, la propriété sera alors également transférée à l'UNILU. Trois autres crânes d'origine congolaise ont également été découverts à l'ULB au cours du projet. La Société Royale Belge d'Anthropologie et de Préhistoire conserve actuellement 6 crânes provenant de la RDC.

	RDC	**Rwanda**	**Burundi**
IRSNB	350	150	1
MRAC	10		
MRAH			
ULB	17 (7 of which are possible)		
SRBAP	6		
Autres collections			
Total	**383**	**150**	**1**

Le MRAC possède 8 artefacts de la RDC contenant des restes humains. Nous n'avons pas connaissance d'autres institutions qui abritent des restes humains ou des artefacts contenant des restes humains provenant du Rwanda, de la RDC et du Burundi.

Au cours du projet HOME, une recherche de provenance a été entreprise sur ces collections, mais un moratoire de la recherche scientifique a été imposé sur les collections historiques de crânes collectés dans un contexte colonial en RDC, au Rwanda et au Burundi. Par conséquent, aucune étude n'a été entreprise sur ces collections historiques coloniales à ce jour pour déterminer le nombre exact d'individus dans la collection. Aucune étude supplémentaire ne sera effectuée à moins que ce ne soit à la demande et avec la collaboration conjointe des pays d'origine avant le rapatriement.

Il existe 139 restes humains historiques répertoriés comme provenant du monde entier et conservés dans 8 institutions belges. Les institutions fédérales abritent 109 de ces restes humains. 23 proviennent d'Afrique (en dehors de la RDC, du Rwanda et du Burundi) : IRSNB (20), MRAC (2), MAH (1), 1 d'Amérique (MRAC). Il y en a 62 provenant d'Asie à l'IRSNB (61) et MRAH (1) et 23 d'Océanie à l'IRSNB (16) et 7 au MRAC.

	Afrique	**Amérique**	**Asie**	**Oceanie**
IRSNB	20		61	16
MRAC	2	1		7
MRAH	1		1	
ULB		2	12	5
SRBAP		1	3	3
Autres collections		3		1
Total	**23**	**7**	**77**	**32**

Il y a 136 artefacts avec des restes humains provenant du monde entier dans 11 institutions différentes, y compris les 4 institutions fédérales. Il y en a 4 à l'IRSNB provenant d'Asie, 2 au MRAC provenant d'Afrique, 13 au MIM (12 d'Asie et 1 d'Océanie) et 60 aux MAH (19 d'Asie, 25 d'Amérique, 1 d'Europe, 14 d'Océanie).

	Afrique	**Amerique**	**Asie**	**Océanie**	**Europe**
IRSNB			4		
MRAC	2				
MRAH MAH MIM		25 25	31 19 12	15 14 1	1 1
ULB					9
SRBAP					
Autres collections	1	6	9	28	5
Total	**3**	**31**	**44**	**43**	**15**

Il y a 719 restes humains de la préhistoire répertoriés comme provenant du monde entier et conservés dans 3 institutions fédérales. L'IRSNB abrite plusieurs centaines de restes humains fragmentaires de la préhistoire de la RDC provenant d'environ 50 squelettes.

L'IRSNB héberge également 19 individus préhistoriques provenant d'Afrique (en dehors de la RDC, du Rwanda et du Burundi). Il y en a 8 d'Amérique aux MRAH et 111 d'Amérique à l'IRSNB. Il y a un individu d'Océanie aux MRAH. Il y a 570 fragments humains préhistorique d'Europe à l'IRSNB et 10 aux MRAH.

Les recherches sur la provenance peuvent parfois démontrer que l'origine réelle du crâne peut être différente de celle indiquée dans les inventaires, en particulier dans les collections précédant la période coloniale belge. Par conséquent, tout au long de l'enquête, nous indiquons que les restes humains sont répertoriés comme provenant d'un pays particulier. La majorité des restes humains conservés dans les musées ne sont pas identifiés.

Les Néandertaliens ont été trouvés dans des sites spécifiques bien documentés en Belgique et toutes les institutions abritant des restes de Néandertaliens ont participé à l'enquête, avec un total de 213 restes de Néandertaliens conservés dans différentes institutions.

La Belgique compte également un nombre important d'institutions abritant des restes momifiés provenant d'Égypte, d'Amérique du Sud et du reste du monde (10). Cependant, le nombre de momies conservées dans les institutions belges est relativement faible par rapport aux autres collections de restes humains.

Restes humains issus du contexte colonial belge (MRAC, Université Saint-Louis - Bruxelles, RBINS)

Tous les restes humains historiques des collections fédérales qui sont directement liés au passé colonial de la Belgique font partie d'un héritage douloureux et complexe. Les restes humains ne doivent pas être considérés comme des objets puisqu'ils touchent au principe de la dignité humaine. Bien que les processus de rapatriement n'annulent pas le passé, ils sont impératifs pour l'avenir. Le rapatriement peut faire partie des processus de réparation postcoloniale entre pays, communautés, familles et citoyens en Europe, en Afrique et, plus globalement, dans le monde entier.

Une prise en considération critique du passé colonial est à l'ordre du jour de tous les anciens États coloniaux. Nombreux représentants officiels réfléchissent à la manière la plus appropriée de traiter les griefs historiques liés à leurs anciennes colonies. Les divergences, contradictions et autres revendications liées au passé colonial sont inévitables. Ces tensions sont au centre d'un nombre croissant de processus judiciaires et non judiciaires qui suscitent, avec plus ou moins d'efficacité, une réflexion critique sur l'empreinte de ce passé. En Belgique, ce débat n'est pas non plus nouveau (Commission Congo). Le 30 juin 2020, le roi Philippe a adressé une lettre au président congolais Félix Tshisekedi à l'occasion du 60e anniversaire de l'Indépendance de la RDC. Pour la première fois, un souverain belge reconnaît les “actes de violence et de cruauté” commis à l'époque de l'État libre du Congo (1885-1908), ainsi que les “souffrances” et les “humiliations” de la période coloniale (1908-1962). Ce passé affecte encore aujourd'hui la société belge. L'existence d'une dynamique politique est confirmée par la rapidité avec laquelle ce thème mobilise l'ensemble des institutions belges.

Les processus de rapatriement liés au passé colonial impliquent un contexte spécifique de domination d'un territoire et de ses populations par un État occupant étranger. La question des collections coloniales est directement liée à ce contexte qui reste prégnant sur les relations inter-étatiques. À cet égard, le rapatriement de restes humains issus des collections coloniales fait aussi partie des relations actuelles entre les anciennes colonies et les anciennes puissances coloniales. En tant qu'ancienne puissance coloniale, l'État belge a la responsabilité de mener ces processus de rapatriement dans le respect des anciens pays colonisés et avec sérénité envers toutes les parties concernées. Cette responsabilité concerne également le financement de ces processus, qui s'inscrivent dans le cadre plus large du rééquilibrage postcolonial.

Modes d'acquisition des collections historiques de restes humains

La loi du 3 juillet 2022 précise, principalement dans le contexte des objets coloniaux et à l'exclusion des restes humains, que les objets de l'époque coloniale soient divisés en deux catégories, suivant leurs modes d'acquisition : ceux que l'État est disposé à rapatrier, les biens qui ont été mal acquis, acquis par la force ou dans des circonstances violentes (par exemple les trophées de guerre) et ceux que l’État belge n’est pas disposé à rapatrier, ceux qui ont été acquis, conformément à la législation coloniale alors en vigueur. Cette division est toutefois critiquable, car l'objectif premier de la législation coloniale était de servir le régime colonial, tout en préservant les intérêts de l'État colonial. Divers acteurs, dont la Commission Congo, ont également contesté cette division, car il n'y a pas de colonisation sans violence. La violence coloniale ne se limite pas à ses formes les plus visibles et les plus directes. Elle s'est manifestée sous de nombreuses formes, affectant tous les aspects de la vie des populations colonisées, y compris leurs pratiques funéraires. La nature même du colonialisme a engendré des situations violentes et inégalitaires marquées par le paternalisme, la discrimination et le racisme des colonisateurs envers les peuples colonisés. Dans ces “contextes d'injustice”, l'impact des pratiques d'acquisition doit donc être pris en compte.

Recherches de provenance

Rechercher, connaître et identifier les contextes historiques et géographiques de la provenance des restes humains en tant que tels est le début d'un processus. Une recherche détaillée de la provenance est vitale dans ce processus. En accord avec recommandations du groupe Restitution Belgium (2021), nous recommandons une augmentation significative du financement de la recherche de provenance en Belgique et dans les pays d'origine, ainsi que des actions de sensibilisation, et la mise en place de programmes de médiation culturelle dans les pays d'origine. La recherche sur la provenance doit être un processus collaboratif.

D'autre part, nous réitérons avec force les directives allemandes sur le traitement des collections issues de contextes coloniaux (2018) qui stipulent qu'il reste de la responsabilité des organismes de financement et des décideurs politiques de s'assurer que les musées, les universités et les gestionnaires de collections disposent de suffisamment de fonds et de personnel pour répondre à ces demandes. Dans diverses institutions, ces recherches ne sont pas systématiques, parfois inexistantes ou ponctuelles axées sur des projets, tandis que d'autres institutions ont du personnel affecté à cela. La grande majorité des restes humains sont des individus inconnus. Dans de nombreux cas, il n'y a que le pays,la région géographique et le nom du donateur ou de l'acheteur de ces restes humains qui sont connus. Nous recommandons donc d'élargir la portée des recherches de provenance afin de mieux comprendre les circonstances dans lesquelles les restes humains ont été retirés de leurs communautés pour entrer dans les collections scientifiques belges. Au lieu de mettre l'accent sur l'identité biologique ou culturelle, notre responsabilité est de comprendre historiquement pourquoi et comment les restes humains ont été collectés. En ce sens, la recherche heuristique historique avec un partage d'informations et le travail de terrain en collaboration avec des chercheurs en sciences sociales des pays d'origine offrent un cadre méthodologique approprié. Les histoires orales contribuent de manière significative à la recherche de provenance et au travail de mémoire qui doit s'opérer au sein des communautés d'origine. et nous recommandons d'inclure des projets qui se concentrent sur le partage d'informations entre les deux pays.Les demandes des États des pays d'origine, des communautés et/ou des descendants ne peuvent être faites que lorsque les parties concernées et demandeuses sont informées. Par conséquent, les recherches de provenance, et conformément à la recommandation faite par Restitution Belgium (2021), devraient être menées de manière proactive en accord "avec et dans le respect des communautés endeuillées et/ou des pays d'origine". Les pratiques institutionnelles concernant les restes humains collectés dans des contextes coloniaux ne devraient pas se limiter à leur gestion, par exemple par le biais d'inventaires en libre accès. Si les inventaires peuvent servir d'outil, ils ne doivent pas être considérés comme l'objectif final de la recherche de provenance. Les discussions proactives autour de ces collections devraient plus largement se concentrer sur les aspects éthiques et les héritages historiques du racisme "scientifique" qui ont façonné ces collections. Les réflexions futures sur ces collections devraient également être évaluées sur le plan éthique à partir de cette perspective critique.

Reconnaissance et récupération

Le rapatriement de restes humains ne constitue pas en soi une réparation. Les recherches de provenances ont mis en lumière des histoires sombres et difficiles de la colonisation. Les trophées de guerre, l'exhumation de restes humains dans les tombes par des officiers ou des prêtres coloniaux belges, l'enlèvement de restes humains dans des installations médicales et des hôpitaux au Rwanda et en RDC, sont des histoires difficiles qu'il est important de reconnaître. Ces histoires doivent être racontées et nous recommandons l'instauration d'un dialogue continu avec les pays d'origine, en particulier la RD Congo, le Rwanda et le Burundi. Il s'agit d'une étape importante dans le traitement du passé colonial dans les mémoires collectives, tant en Belgique que dans les pays d'origine. Nous pouvons suivre l'exemple d'autres pays en travaillant étroitement avec les États des pays d'origine, les

communautés d'origine et les descendants, lorsqu'ils sont identifiés, afin de garantir que le processus de rapatriement se déroule dans le plus grand respect, et dans un dialogue constant. Ces processus devraient inclure un large éventail d'activités permanentes à l'initiative des pays d'origine et liées à la mémoire et à la commémoration : l'organisation de cérémonies, de mémoriaux, d'installations artistiques, d'expositions, la réalisation de films et d'œuvres d'art liées à la communauté...

Rapatriement

Le rapatriement de tous les restes humains historiques ayant un lien direct avec le passé colonial de la Belgique et présents dans les collections scientifiques et muséales fédérales devrait être effectué sans condition si la demande en est faite (sans que l'État belge ne pose de conditions à leur retour). Le rapatriement de restes humains à leurs descendants doit être rendu possible si l'individu est identifié; à la communauté d'origine si aucun descendant n'est identifié mais que la communauté est identifiée; au pays d'origine si aucune communauté d'origine n'est identifiée. Cependant, nous recommandons qu'un dialogue interne au pays d'origine définisse le processus de rapatriement. En cas de demande de rapatriement émanant de la famille ou de la communauté, l'État belge doit faire preuve de diligence et aviser le pays d'origine en toute reconnaissance de sa souveraineté. L'État belge ne doit pas agir unilatéralement. Compte tenu de l'impact potentiel des processus de rapatriement sur les relations entre les communautés et les familles dans les pays d'origine, il est important de permettre aux États des pays d'origine de jouer leur rôle de médiateur afin de trouver des solutions pour toutes les parties impliquées. Dans le passé, il a été démontré que certaines communautés ne souhaitaient pas que leurs restes humains soient restitués et qu'un rapatriement forcé est contraire à la résilience.

Zoos humains

Dans le contexte particulier du passé colonial de la Belgique, nous reconnaissons la portée limitée des restes humains des collections scientifiques et muséales. Pour la société civile, les personnes décédées dans le contexte des zoos humains de Tervuren en 1897, d'Anvers en 1894 et de Bruxelles pendant l'Expo de 1958 et qui ont été enterrées en Belgique - très probablement sans le consentement de leurs proches - font également partie du débat. Les musées, qui conservent les restes humains aujourd'hui, ont activement contribué à ces expositions universelles, et de là sorte, nous recommandons de considérer les dépouilles des personnes décédées dans le contexte des zoos humains comme faisant partie des collections à rapatrier. Nous recommandons donc de prendre en compte la dimension historique dans les processus de rapatriement des collections de restes humains. Le rapatriement de ces sépultures en RDC ou la commémoration dans certains cas de tombes aujourd'hui détruites contribueraient à la restauration de leur dignité. Ceci devrait se faire en consultation avec tous les interlocuteurs concernés, en RDC et en Belgique, qui ont organisé des commémorations pour ces victimes et plaidé pour leur rapatriement depuis longtemps. À cet égard, le MRAC a facilité une activité de commémoration historique le 1er novembre 2022, organisée pour la première fois par des associations de la société civile, les associations *Change* et *Bakushinta*, en collaboration avec des partenaires congolais du collectif de cinéma *Faire-part* et du centre culturel artistique *Waza*.

Considérations et recommandations relatives aux restes humains d'origine non belge mais non liés au contexte colonial belge hébergés par les ESF. (MRAH, IRSNB, SRBAP)

Les Musées royaux d'Art et d'Histoire (Bruxelles) et l'Institut royal des Sciences naturelles adhèrent aux recommandations générales formulées par le projet HOME concernant le rapatriement des restes humains.

Les restes humains conservés par les deux ESFs se composent de squelettes complets et fragmentaires, de momies, de reliques, d'os incinérés/calcinés, de têtes réduites mais aussi de nombreux artefacts composés de restes humains (instruments de musique, coiffes cérémonielles, etc.).

L'attribution chronologique des restes humains est principalement divisée entre les périodes préhistoriques et historiques. Cette chronologie relative est conventionnellement admise et déterminée par la présence/absence d'écriture par une culture et son utilisation. La préhistoire est donc une période de l'Histoire qui a précédé l'apparition de l'écriture. Cette chronologie est donc appliquée différemment selon les régions du monde. Cependant, elle ne présuppose en rien de la supériorité d'une période sur une autre et/ou d'une culture sur une autre.

Compte tenu de la diversité des pratiques culturelles, de la chronologie et de la géographie des restes humains conservés dans les deux ESFs, nous préconisons une procédure au cas par cas pour les demandes officielles de rapatriement :

- Le gouvernement devrait être ouvert au rapatriement de tous les restes humains d'origine non-belge.
    - Nous suggérons que l'État belge apporte une réponse adaptée à chaque demande.

- Le gouvernement devrait poursuivre et approfondir la recherche de la provenance des restes humains d'origine non belge conservés dans les institutions fédérales belges.
    - Nous soulignons que l'un des principaux objectifs de chaque processus de rapatriement est de certifier la provenance des restes humains (pré)historiques demandés. Ceci inclut l'analyse des frontières de l'état actuel et de la distribution géographique (passée) de la communauté d'origine.

Compte tenu de la diversité des contextes dans lesquels les restes humains sont acquis par l'État belge, nous suggérons de :

- Prendre en considération la présentation d'une demande officielle de rapatriement par un État ou une communauté d'origine apparentée si la personne n'est pas identifiée ;
- Prendre en considération la présentation d'une demande officielle de rapatriement par un État, une famille, une personne ou une communauté d'origine apparentée si l'individu est identifié ;

Comme dans les recommandations principales, en cas de demande de rapatriement émanant de la famille, d'une personne ou d'une communauté, l' État belge doit faire preuve de diligence et aviser le(s) pays d'origine, en reconnaissant leur souveraineté. Étant donné l'impact potentiel des processus de rapatriement sur les relations entre les États, les communautés et les familles, il semble important

de permettre à l'État ou aux États d'origine de jouer un rôle de médiateur et de consulter leurs communautés d'origine et d'autres interlocuteurs concernés afin de trouver des solutions entre toutes les parties concernées ;

L'État belge doit être proactif dans le processus de rapatriement des restes humains identifiés dont les corps ont été conservés sur le territoire belge sans le consentement préalable de la personne, en contactant les interlocuteurs potentiels concernés.

Le processus de rapatriement pourrait être facilité par la création d'un point focal lié aux restes humains. Il pourrait :

- centraliser les demandes et les processus de rapatriement ;
- s'intégrer au processus de rapatriement lui-même en apportant un soutien aux individus, aux communautés et aux États d'origine dans la préparation de leur demande et en coopérant avec l'administration des pays d'origine pour mettre en place les conditions pratiques du retour ;
- servir d'intermédiaire avec les institutions/individus belges souhaitant rapatrier des restes humains ;
- faciliter la recherche de provenance en organisant l'accès aux archives et à la documentation relatives aux collections de restes humains.

L'analyse ADN comme outil/preuve pour les demandes de rapatriement
(NICC)

L'analyse génétique est connue pour être appliquée dans de nombreux domaines scientifiques. Dans le cadre du rapatriement de restes humains, elle pourrait aussi potentiellement jouer un rôle. Bien que l'analyse génétique ait ses avantages, elle a aussi ses limites, notamment lorsqu'il s'agit de restes humains dont seul l'ADN ancien peut être récupéré et analysé. Même en cas de concordance de l'ADN, il faut tenir compte du fait qu'une relation biologique n'est pas nécessairement pertinente pour prouver des relations sociales, juridiques ou culturelles.

L'application de l'analyse génétique doit être largement discutée entre toutes les parties impliquées dans le processus de rapatriement. Tout d'abord, la pertinence de l'analyse génétique dans chaque cas particulier de rapatriement doit être considérée et discutée avec toutes les parties prenantes avant le début du processus d'analyse de l'ADN. L'analyse génétique peut intervenir dans ce processus, mais ne doit pas être considérée comme une technique autonome. Une approche strictement biologique ne tiendrait pas compte de la complexité de l'identité et pourrait compromettre les histoires familiales, raison pour laquelle une approche pluridisciplinaire est toujours nécessaire. L'interprétation des résultats obtenus par l'ADN doit donc être envisagée à la lumière d'informations primaires (par exemple, des documents historiques, d'autres données analytiques, des découvertes archéologiques), si elles sont disponibles. En outre, il convient d'évaluer l'impact du prélèvement d'ADN sur les restes humains. Étant donné que les résultats peuvent être surprenants et remettre en cause des hypothèses antérieures, il convient également de clarifier à l'avance les résultats possibles de l'analyse génétique et de son interprétation. Même si elle est techniquement réalisable, la mise en œuvre de l'analyse génétique dans les cas de rapatriement peut être limitée par les résultats éthiques, sociaux et politiques possibles de l'enquête.

Si des analyses génétiques sont entreprises dans le cadre du processus de rapatriement avec la demande et/ou le consentement préalable du pays d'origine et de leurs communautés, des recommandations spécifiques doivent être suivies :

- Des accords stricts concernant le transfert, le stockage et l'analyse des restes humains entre les parties prenantes et le personnel du laboratoire doivent être conclus.
- Des mesures préventives visant à éviter la contamination par l'ADN moderne, telles que le port d'un masque facial et de gants jetables, doivent être mises en œuvre lors de chaque manipulation de restes humains dans les laboratoires d'ADN ainsi que dans tous les autres instituts.
- L'impact de l'échantillonnage sur les restes humains doit être réduit au minimum.
- La morphologie des restes humains examinés doit être documentée de manière appropriée avant tout prélèvement destructif.
- Les données obtenues à partir de restes humains ne doivent jamais être exploitées à d'autres fins que leur rapatriement.
- Les données obtenues à partir de restes humains ne doivent jamais être soumises à une quelconque base de données (scientifique).

Il doit également suivre les recommandations concernant les autres questions éthiques :

- Les investigations déclarées et le traitement des données obtenues ne doivent jamais être en conflit avec le(s) cadre(s) juridique(s) (inter)national(aux) applicable(s).
- Les membres des communautés associées aux restes humains doivent être impliqués dans l'analyse génétique des restes humains.
    - Les personnes vivantes qui participent à l'analyse génétique des restes humains en fournissant des échantillons d'ADN ne doivent accepter de participer que par le biais d'un consentement éclairé.
    - Les informations génétiques obtenues des participants ne peuvent jamais être exploitées pour des études génétiques plus importantes sans un consentement spécifique.
    - Les informations génétiques obtenues des participants ne peuvent jamais être téléchargées dans aucune base de données (scientifique) sans un consentement spécifique.

Numérisation (IRSNB, ULB et U Montréal)

Les représentants des communautés d'origine veulent savoir où se trouvent leurs restes humains, ce qui en a été fait et quelles informations sont conservées à leur sujet dans les archives. La mise à disposition de ces informations en ligne et/ou sur demande permet une plus grande transparence.

La numérisation et la transcription des documents d'archives est une étape nécessaire à la transparence de la part du gouvernement belge. En Belgique, il existe de nombreuses correspondances d'archives en flamand ou en français dont l'écriture est parfois difficile à déchiffrer.

Dans le contexte de la communauté paléoanthropologique, le partage des restes humains numériques est un atout et permet des analyses qui ne sont pas possibles sur les restes squelettiques, comme une analyse détaillée des organes et structures internes. Il fait également partie des procédures préventives avant un prélèvement destructif pour une analyse génétique et/ou chimique.

Des milliers de restes humains conservés dans les institutions scientifiques fédérales ont déjà été numérisés dans le cadre des processus de numérisation en cours des collections fédérales (DIGIT) ou dans le cadre de la numérisation à la demande. Les avantages de la numérisation signifient que les restes humains numériques peuvent être partagés en préservant les restes originaux. Cela peut être très précieux pour l'étude de restes humains tels que les hominidés fossiles ou les momies. Outre la numérisation des restes, il convient de développer des outils scientifiques permettant une analyse objective et quantitative de caractéristiques anatomiques spécifiques en les comparant aux mêmes caractéristiques obtenues sur un échantillon de référence.

Dans le cas des restes humains historiques, la numérisation peut :

- aider la recherche sur la provenance en permettant aux chercheurs, aux familles et aux communautés de trouver plus d'informations relatives à la personne, comme son âge et son sexe dans le cas de personnes non identifiées.
- aider à connaître la cause de la mort en examinant les traumatismes sur le squelette.
- servir éventuellement de preuve du crime qui a eu lieu.

Cependant, la question de savoir s'il faut numériser les collections de restes humains historiques issus d'un contexte colonial fait l'objet d'un vif débat. Pour certaines communautés d'origine, les images des défunts peuvent être sensibles et les institutions belges devraient être conscientes de ces sensibilités. Il peut s'agir de photographies, de modèles 3D, de dessins, de moulages, de données de mesure, d'enregistrements visuels et sonores. Étant donné que les images ont parfois été prises de force pendant l'ère coloniale, tout en soumettant les participants à des pratiques dégradantes, les souhaits des différentes communautés doivent être respectés en ce qui concerne les restes numérisés. Par exemple, certains groupes aborigènes de Tasmanie et d'Australie sont contre toute forme de reproduction d'images de restes humains ancestraux.

Nous recommandons que la gestion des collections numériques d'archives et de restes humains soit effectuée comme suit :

- Nous recommandons vivement que les pratiques de numérisation tiennent compte à l'avenir des États et/ou des groupes communautaires d'origine(s).
- Nous recommandons la numérisation ainsi que la transcription des documents d'archives relatifs aux restes humains - afin de permettre aux chercheurs, aux familles et aux pays d'autres pays d'avoir accès à ces documents.

- Si les communautés d'origine demandent que les documents numériques soient supprimés en raison de leurs croyances, nous pensons que ces demandes doivent être satisfaites, dans la mesure du possible, avec toutes les autres parties prenantes/interlocuteurs du pays d'origine, l'État étant prioritaire.
- Il convient de réfléchir à la meilleure manière de partager les informations dans chaque pays. Il convient de noter que les informations conservées dans les archives, telles que les photographies ou les modèles 3D de restes humains, la description et les histoires des restes humains peuvent être difficiles et qu'il convient de faire les mises en garde appropriées.
- Les restes humains issus d'un passé colonial douloureux ne doivent pas être numérisés ou inclus dans d'autres recherches scientifiques comparatives.
- Les restes humains numérisés provenant d'un contexte colonial ne peuvent jamais être utilisés comme matériel pédagogique ou pour d'autres analyses en dehors de la recherche de provenance spécifique sans un consentement spécifique. Cela ne doit se faire qu'en collaboration avec des représentants du pays d'origine.
- Lorsque la propriété change à la suite d'un rapatriement, le “propriétaire” décide de l'utilisation ou de la destruction des copies 3D ou de toute autre utilisation des données dérivées.
- À la demande des pays d'origine et en collaboration avec les pays demandeurs, nous recommandons de poursuivre le développement de méthodes de comparaison numérique des restes humains avec des populations de référence de haute qualité.
- La numérisation devrait également être envisagée dans le cadre des processus de commémoration et pas seulement pour la recherche scientifique ou les dossiers de conservation.

Disponibilité de l'information

Dans certains pays, il existe une infrastructure avec un point de contact spécifique pour les demandes ou les requêtes de rapatriement (Australie, Groënland, Nouvelle-Zélande).

Un point de contact spécifique unique pourrait accumuler toutes les informations disponibles sur les restes humains concernés par un rapatriement potentiel et centraliserait les actions administratives liées à ces procédures.

Il est important de noter que le point focal ne remplacerait pas le dialogue avec les pays d'origine et leurs communautés, mais qu'il permettrait de détailler toutes les informations actuellement connues sur les différents restes humains et de rendre transparentes et accessibles les recherches et informations sur la provenance. Il ne remplacerait pas la recherche détaillée de la provenance, mais serait plutôt une plaque tournante de l'information et serait disponible pour toutes les parties prenantes et tous les interlocuteurs. Il s'agirait d'inventaires, de transcriptions et de copies de documents d'archives.

Le point focal pourrait :

- avoir pour objectif de préserver et de partager de manière FAIR les collections et les informations de provenance relatives aux restes humains concernés par une éventuelle demande de rapatriement.
- pour des raisons éthiques, permettre que les informations sensibles sur les restes humains restent privées et soient partagées seulement avec les interlocuteurs
- veiller à ce que les recherches de provenance et les informations sur les restes humains effectuées en vue de la procédure de rapatriement ne soient pas perdues avec le temps.

Le point focal serait en outre un site d'entrée centralisé donnant des informations sur la manière de demander le rapatriement et sur les personnes à contacter.

L'objectif du point focal est de faciliter le rapatriement et il sera un premier arrêt pour les États, les familles et les communautés d'origine qui souhaitent savoir quels restes sont présents dans les musées et les institutions en Belgique et comment ils ont pu demander le rapatriement de ces restes. Le point focal pourrait également donner des informations sur la manière de procéder si vous détenez actuellement des restes humains et que vous ne savez pas quoi en faire.

Tous les musées, universités et autres institutions belges qui souhaitent participer au rapatriement de restes humains pourraient avoir la possibilité d'utiliser ce point focal. Le point focal pourrait également servir d'intermédiaire avec les personnes privées qui souhaitent rapatrier des restes humains. Le point focal pourrait être développé dans le cadre d'un accord de coopération entre les niveaux fédéral et régional.

Le point focal tiendra à jour

- la documentation sur le contexte belge et international facilitant toute nouvelle demande de rapatriement.
- une liste d'experts en Belgique, aidant à gérer le rapatriement.
- toutes les informations relatives au statut des restes humains et aux meilleures pratiques en la matière dans les institutions scientifiques, les collections publiques et privées.

Le point focal peut également servir d'intermédiaire pour contacter le représentant du pays d'origine afin de demander l'autorisation d'accéder aux restes humains et de mener des recherches sur ceux-ci.

Les activités du point focal pourraient être intégrées dans un "**Centre d'expertise pour la recherche sur la provenance**" indépendant plus large, actuellement en cours de discussion.

ANNEXE 1 Définitions

1. Contexte colonial

voir la définition de Restitution Belgique (reprise ci-dessous)

Les contextes coloniaux, également connus sous le nom de cadres coloniaux (voir F. Sarr et B. Savoy), dans le cadre de la collecte, désignent toutes les situations dans lesquelles le transfert de matériel a été caractérisé par une profonde inégalité structurelle et, dans de nombreux cas, par des actions explicites d'oppression et/ou de violence. Ils incarnent des idéologies discriminatoires, où ceux qui sont au pouvoir cultivent une image de supériorité, ainsi que des dépendances forcées dans lesquelles des biens précieux sont répartis de manière inégale entre les parties concernées. Les contextes coloniaux vont au-delà des relations de colonisation formelle, tant sur le plan géographique que chronologique.

2. Communauté d'origine

voir la définition de Restitution Belgique (reprise ci-dessous)

Les communautés d'origine désignent une communauté de personnes et leurs descendants dont proviennent les objets des collections de musées, qui vivent à l'intérieur ou à l'extérieur de leur pays d'origine ou d'ascendance commune mais qui maintiennent des liens actifs avec celui-ci. Sous cette appellation, nous pouvons également comprendre les groupes définis ailleurs comme les pays d'origine, les communautés d'origine et la diaspora. Le terme "communautés" a également fait l'objet de critiques en raison de son lien avec les conceptions évolutionnistes de l'organisation sociale dans les zones anciennement colonisées, une idéation dans laquelle les gens sont considérés comme vivant en petites communautés et les États ne bénéficient pas d'une reconnaissance égale. Ce terme constitue nécessairement une simplification d'une série de réseaux sociaux à différentes échelles, de l'État souverain aux familles individuelles, et constitués d'un ensemble hétérogène de parties prenantes, composées d'individus ayant par exemple des origines socio-économiques ou religieuses différentes, qui ne catégorisent pas tous de la même manière leur relation aux collections.

3. Restitution, retour, récupération et rapatriement

voir la définition de Restitution Belgique (reprise ci-dessous)

Restitution, retour, récupération et rapatriement sont quatre mots souvent utilisés de manière interchangeable, mais ils ont des connotations particulières. La restitution est utilisée pour désigner une demande et un processus juridiques (bien que les termes exacts de ce processus diffèrent selon le droit local). Le retour et la récupération sont plus généraux, l'accent étant mis sur la "partie qui retourne" dans le premier cas et sur la "partie qui récupère" dans le second. Le rapatriement est plus couramment utilisé pour les objets culturels autochtones, en particulier les objets sacrés et les restes humains. Ce terme implique une ré- humanisation.

ANNEX 13 PRESS RELEASES FROM 1ST DECEMBER 2020 IN THREE DIFFERENT LANGUAGES

Press release 01.12.20

Researchers to make an inventory of human remains in the Belgian collections

A team of researchers coordinated by the Royal Belgian Institute of Natural Sciences (RBINS) are carrying out a survey to make an inventory of human remains in Belgian museums, research institutes and private collections, which will include human remains from colonial times. The research team wants to discover the historical, scientific and ethical background of the human remains. The project will also investigate a legal framework for the repatriation of human remains.

Belgian museums, universities, public or private institutions and private individuals house human remains from all over the world and from various different time periods. Part of the public collections were collected during the colonial period, another part was collected during archaeological excavations and some were offered to museums by private collectors.

The research project HOME (Human Remains Origin(s) Multidisciplinary Evaluation) focuses on human remains collected outside of Belgium. The aim of the project is to gain an overview of the human remains housed in the various institutions and private collections and to gather as much information as possible on this subject.

The project aims to identify the individual people, the conditions under which their remains were collected and in some cases, will try to better understand past lifestyles, both from a cultural and biological point of view. Experts will also study the legal framework applicable to the restitution of human remains under Belgian and international law.

Repatriation

The repatriation of the South African Sawtche (Saartjie Baartman) in 2002 demonstrated how important restitution is for family members, stakeholders and states. She was exhibited as a human attraction in the United Kingdom and France in the 19th century and exhibited and then stored in the Museum of Natural History in Paris after her death.

"In recent decades, France, Germany and Switzerland amongst others have returned human remains at the request of family members or states," explains chief curator Patrick Semal (RBINS) who is coordinating the project. "Such cases have often led to regulations to make this restitution possible, especially for human remains that were in the public domain, such as Sawtche (Saartjie Baartman) or the heads of Maori in France".

In Belgium, there are currently no guidelines for the conservation and management of human remains, nor a legal framework for the return of human remains to family members, institutions or countries of origin. A large inventory supplemented with archive material should help to identify more individual people and better understand the circumstances in which they were acquired.

The legal experts and socio-anthropologists of the HOME project will analyse how both external and internal European countries return human remains and what legal procedures are currently being followed. By consulting with different stakeholders, the researchers wish to identify all opinions on restitution. "This knowledge will help us to make decisions about possible restitution," states Semal, who is coordinating the project. "Restituting human remains to family members, institutions or states can be complicated. Different parties might be interested in the same human remains or have different views on restitution".

The comparative study will assist in determining guidelines for the future management of collections of human remains in Belgium. "Up to now, our country has never repatriated human remains to another State. Belgium would thus benefit from a legal framework in order to be able to better deal with this type of request".

Case studies

The project will examine different case studies, in dialogue with all stakeholders, including family members and experts from the countries of origin. The possible restitution of human remains and the modus operandi will then be discussed.

One possible case study is the skull of Lusinga Iwa Ng'ombe. The skull of the beheaded chief Tabwa was brought back to Belgium by Emile Storms as spoils of war at the end of the 19th century. It is now kept at RBINS. In 2018, a descendant of Lusinga from Lubumbashi filed a demand for the repatriation of this skull with the Belgian king. This request was recently renewed by professors from the University of Lubumbashi (the Murumbi Group).

The partners in this project – RBINS, Royal Museum for Central Africa (RMCA), Royal Museums of Art and History (RMCA), National Institute for Criminalistics and Criminology (NICC), Université Saint-Louis (USL-B), Université Libre de Bruxelles (ULB), Université de Montréal (UdeM), with FARO, the Flemish support centre for the cultural heritage sector – ask all institutions and private individuals who preserve human remains to contact them and complete the survey. The results of the survey will be made public, but individual data can remain private at the request of the respondent.

Thomas Dermine, Secretary of State for Science Policy, supports the HOME project which will scientifically support political decision-making on this very sensitive subject.

More information about the project

For general information, contact:

Tara Chapman, anthropologist (scientific coordinator of the HOME project)

Royal Belgian Institute of Natural Sciences

+32 (0)471618678

home-project@naturalsciences.be

Patrick Semal, conservator of the Anthropological and Prehistorical collections

Royal Belgian Institute of Natural Sciences

home-project@naturalsciences.be

For more information on the African colonial collections, please contact: home@africamuseum.be

For more information on the collections of the Royal Museums of Art and History (RMAH), including the Egyptian and pre-Colombian collections, please contact: caroline.tilleux@gmail.com

Communiqué de presse 01.12.20

Des chercheurs réalisent un inventaire des restes humains dans les collections belges

Une équipe de chercheurs coordonnée par l'Institut royal des Sciences naturelles de Belgique (IRSNB) réalise, à travers une enquête un inventaire des restes humains dans les musées belges, les instituts de recherche et les collections privées. Parmi l'ensemble des restes humains, il sera aussi question de ceux collectés dans un contexte colonial. L'équipe de chercheurs souhaite mettre en lumière le contexte historique, scientifique et éthique lié à la collecte de ces restes humains. Le projet étudiera également un cadre légal pour la restitution de ces restes humains.

Les musées belges, universités, institutions publiques ou privées et personnes privées conservent des restes humains qui proviennent du monde entier et sont issus de périodes variées. Une partie des collections publiques a été collectée durant l'époque coloniale, une autre partie a été collectée durant des fouilles archéologiques ou encore offerte aux musées par des collectionneurs privés.

Le projet de recherche HOME *(Human Remains Origin(s) Multidisciplinary Evaluation)* met l'accent sur les restes collectés hors de la Belgique. Il a pour but d'avoir un aperçu des restes humains conservés dans les différentes institutions et collections privées et de rassembler autant que possible de l'information disponible à ce sujet.

Le projet envisage d'identifier les personnes, les conditions dans lesquelles leurs restes ont été collectés et en quelque cas de mieux comprendre les modes de vie de l'époque, tant d'un point de vue culturel que biologique. Des experts étudieront également le cadre juridique applicable à la restitution des restes humains dans le droit belge et international.

Rapatriement

Le rapatriement de la Sud-Africaine Sawtche (Saartjie Baartman) en 2002 a démontré à quel point la restitution est importante pour les membres de la famille, les parties-prenantes et les Etats. Elle a été exhibée en tant qu'attraction humaine au Royaume-Uni et en France au 19ème siècle et exposée et entreposée dans le Musée d'Histoire Naturelle à Paris après sa mort.

« Ces dernières décennies, la France, l'Allemagne et la Suisse entres autres ont restitué des restes humains à la demande de membres de la famille ou d'Etats », explique le conservateur en chef Patrick Semal (IRSNB), qui coordonne le projet. « De tels cas ont souvent mené à des réglementations pour rendre cette restitution possible, surtout pour les restes humains qui faisaient partie du domaine public, comme Sawtche (Saartjie Baartman) ou les têtes de Maori en France. »

En Belgique, il n'existe aujourd'hui aucune ligne directrice pour la conservation et la gestion de restes humains, ni un cadre juridique pour restituer les restes humains à des membres de la famille, des institutions ou des pays d'origine. Un large inventaire, complété par des archives, aidera à identifier un plus grand nombre de personnes et à mieux comprendre les circonstances dans lesquelles leurs restes ont été acquis.

Les experts juridiques et socio-anthropologues du projet HOME analyseront comment les pays internes et externes à l'Europe restituent les restes humains et quelles procédures juridiques sont suivies à cet effet. En se concertant avec différentes parties-prenantes, les chercheurs souhaitent identifier tous les avis sur la restitution. « Cette connaissance nous aidera à prendre des décisions quant à une possible restitution » dit Semal. « Restituer des restes humains aux membres de leur famille, à des institutions ou à des États peut s'avérer compliqué. Différentes parties pourraient être intéressées par les mêmes restes ou avoir des avis divergents concernant la restitution. »

L' étude comparative devra déterminer la ligne de conduite pour la gestion future des collections de restes humains en Belgique. « Jusqu'à présent, notre pays n'a encore jamais rapatrié de restes humains vers un autre État. La Belgique bénéficierait ainsi d'un cadre juridique afin de pouvoir mieux traiter ce type de demandes. »

Etudes de cas

Le projet procédera à des études de cas, en dialogue avec toutes les parties prenantes, dont des membres de famille et des experts des pays d'origine. Il sera alors question d'une possible restitution des restes humains et du *modus operandi*.

Une des études de cas possibles est le crâne de Lusinga Iwa Ng'ombe. Le crâne du chef Tabwa, décapité, a été ramené en Belgique par Emile Storms comme butin de guerre à la fin du 19ème siècle. Il est aujourd'hui conservé à l'IRSNB. En 2018, un descendant de Lusinga à Lubumbashi a fait une demande de restitution auprès du Roi des Belges. Cette demande a été récemment reconduite par des professeurs de l'Université de Lubumbashi (le Groupe Murumbi).

Les partenaires de ce projet – l'IRSNB, les Musées royaux d'Art et d'Histoire (MRAH), le Musée royal de l'Afrique centrale (MRAC), l'Institut national de criminalistique et de criminologie (NICC), l'Université Saint-Louis (USL-B), l'Université Libre de Bruxelles (ULB) et l'Université de Montréal (UdeM) avec FARO, le centre d'appui flamand pour le secteur de l'héritage culturel – demandent à toute institution ou personne en possession de restes humains de prendre contact et de compléter l'enquête. Les résultats de l'enquête seront rendus publics, mais les données individuelles pourront restées privées à la demande du répondant.

Thomas Dermine, Secrétaire d'Etat chargé de la Politique scientifique, tient à apporter son soutien au projet HOME, qui devrait soutenir scientifiquement la prise de décision politique sur un sujet évidemment très sensible.

Plus d'informations sur le projet

Pour des informations générales, contactez :

Tara Chapman, anthropologue (coordinateur scientifique du projet HOME) – anglais

Institut royal des Sciences naturelles de Belgique

+32 (0)471618678

home-project@naturalsciences.be

Patrick Semal, conservateur Anthropologie et Préhistoire

Institut Royal des Sciences Naturelles de Belgique

home-project@naturalsciences.be

Pour plus d'informations sur les collections coloniales africaines, veuillez contacter :

home@africamuseum.be

Pour plus d'informations sur les collections des Musées royaux d'art et d'histoire (RMAH), y compris les collections égyptiennes et précolombiennes, veuillez contacter :

caroline.tilleux@gmail.com

Persbericht 01.12.20

Onderzoekers maken inventaris van menselijke resten in Belgische collecties

Een onderzoeksteam onder leiding van het Koninklijk Belgisch Instituut voor Natuurwetenschappen (KBIN) maakt aan de hand van een enquête een inventaris van de menselijke resten in Belgische musea, onderzoeksinstituten en privécollecties. Daar zijn ook resten bij die in koloniale tijden zijn verzameld. Het onderzoeksteam wil de historische, wetenschappelijke en ethische context van de menselijke resten kennen. Het project zal ook een wettelijk kader onderzoeken voor restitutie (of repatriëring) van menselijke resten.

Belgische musea, universiteiten, openbare of private instellingen en privépersonen bewaren menselijke resten van over de hele wereld en uit verschillende periodes. Een deel van de publieke collecties werd tijdens de koloniale periode verzameld, een ander deel is afkomstig van archeologische opgravingen en sommige menselijke resten zijn door privépersonen aan musea geschonken.

Het onderzoeksproject HOME (Human Remains Origin(s) Multidisciplinary Evaluation) focust op menselijke resten die buiten België zijn verzameld. Het wil een overzicht van de menselijke resten in verschillende instellingen en privécollecties, en wil er zoveel mogelijk informatie over bijeenbrengen.

Het project wil de personen identificeren, de omstandigheden kennen waarin hun resten zijn verzameld, en in enkele gevallen de vroegere levenswijzen, zowel cultureel als biologisch, beter begrijpen. Experts zullen het juridisch kader onderzoeken dat van toepassing is op de restitutie van menselijke resten in het Belgisch en internationaal recht.

Repatriëring

De repatriëring van de Zuid-Afrikaanse Sawtche (Saartjie Baartman) in 2002 bewees hoe waardevol teruggave voor familieleden, betrokkenen en staten kan zijn. Zij werd begin 19de eeuw opgevoerd als menselijke attractie in Engeland en Frankrijk en na haar dood tentoongesteld in het natuurhistorisch museum van Parijs.

‘De voorbije decennia hebben onder meer Frankrijk, Duitsland en Zwitserland menselijke resten teruggegeven op vraag van familieleden of van staten’, zegt hoofdconservator Patrick Semal (KBIN), die het project coördineert. ‘Zulke cases hebben vaak tot wetswijzigingen geleid om de teruggave mogelijk te maken, vooral voor de menselijke resten die deel uitmaakten van het openbaar domein, zoals Sawtche (Saartjie Baartman) of de Maori-hoofden in Frankrijk.’

Vandaag zijn er in België noch richtlijnen om menselijke resten te bewaren en te beheren, noch een wettelijk kader om menselijke resten in collecties terug te geven aan familieleden, instellingen of landen van origine. Een grote inventaris aangevuld met archiefmateriaal moet helpen om meer individuen te identificeren en om de omstandigheden waarin ze werden verworven beter te begrijpen.

Juridische experts en sociale antropologen binnen het HOME-project zullen bekijken hoe landen binnen en buiten Europa menselijke resten teruggeven en welke juridische procedure ze daarvoor volgen. Door met verschillende belanghebbenden te praten, willen de onderzoekers alle meningen over teruggave in kaart brengen. 'Die kennis zal helpen bij beslissingen over mogelijke teruggave', zegt Semal. 'Menselijke resten teruggeven aan familieleden, instellingen of staten is complex. Verschillende partijen kunnen geïnteresseerd zijn in hetzelfde stoffelijk overschot of verschillende meningen hebben over restitutie.'

Een vergelijkende studie moet dan een leidraad vormen voor het beheer van collecties menselijke resten in België. 'Tot nu toe heeft ons land nog nooit menselijke resten gerepatrieerd naar een andere staat. België zou dus gebaat zijn bij een wettelijk kader om dergelijke vragen beter te behandelen.'

Casestudies

Het project zal verschillende casestudies onderzoeken, in dialoog met alle belanghebbenden, waaronder familieleden en deskundigen uit de landen van herkomst. De mogelijke restitutie van de menselijke resten en de *modus operandi* zullen dan worden besproken.

Eén mogelijke case is de schedel van Lusinga Iwa Ng'ombe. De schedel van de onthoofde leider van de Tabwa werd door Emile Storms naar België meegenomen als oorlogsbuit op het einde van de 19de eeuw. De schedel wordt vandaag in het KBIN bewaard. In 2018 diende een afstammeling van Lusinga uit Lubumbashi een eis tot teruggave in bij de Belgische koning. Die eis werd recent hernieuwd door hoogleraren van de Universiteit van Lubumbashi (de Groep Murumbi).

De partners in dit project - KBIN, Koninklijk Museum voor Midden-Afrika (KMMA), Koninklijke Musea voor Kunst en Geschiedenis (KMKG), Nationaal Instituut voor Criminalistiek en Criminologie (NICC), Université Saint-Louis (USL-B), Université Libre de Bruxelles (ULB) en Université de Montréal (UdeM), samen met FARO, het Vlaams steunpunt voor de cultureel-erfgoedsector – vragen alle instellingen en privépersonen die menselijke resten bewaren, contact op te nemen en de enquête in te vullen. De resultaten van de bevraging worden openbaar gemaakt, maar persoonlijke gegevens kunnen op vraag van de respondent privé blijven.

Thomas Dermine, Staatssecretaris voor Wetenschapsbeleid, steunt het HOME-project, dat wetenschappelijke ondersteuning moet bieden aan de politieke besluitvorming over een heel gevoelig onderwerp.

Meer informatie over het project.

Contact:

Tara Chapman, antropoloog (wetenschappelijk coördinator van het HOME-project) – Engelstalig

Koninklijk Belgisch Instituut voor Natuurwetenschappen

+32 (0)471618678

home-project@naturalsciences.be

Patrick Semal, conservator antropologische en prehistorische collecties

Koninklijk Belgisch Instituut voor Natuurwetenschappen

home-project@naturalsciences.be

Voor meer informatie over de Afrikaanse koloniale collecties kunt u contact opnemen met: home@africamuseum.be

Voor meer informatie over de collecties van de Koninklijke Musea voor Kunst en Geschiedenis (KMKG), waaronder de Egyptische en pre-Colombiaanse collecties, kunt u contact opnemen met: caroline.tilleux@gmail.com

ANNEX 14 EOS ARTICLE PRINT VERSION

Artikel in EOS-magazine, 29.04.21

Nieuwe aandacht voor de menselijke resten in Belgische collecties

Luisteren naar verloren stemmen

Het wereldwijde debat over dekolonisatie zet ook overheden en onderzoekers in België ertoe aan om de eigen collecties met menselijke resten te inventariseren en de context te onderzoeken waarin ze zijn verzameld.

Reinout Verbeke

Begin negentiende eeuw werd Saartjie Baartman, een slavin afkomstig uit het huidige Zuid-Afrika, als menselijke attractie opgevoerd in Engeland en Frankrijk. Na haar dood werd 'Sawtche' tentoongesteld in het natuurhistorisch museum van Parijs. Pas in 2002, liefst 192 jaar nadat ze uit haar geboortestreek werd meegenomen, werd haar stoffelijk overschot teruggegeven. De repatriëring bewees toen al hoe waardevol die teruggave kan zijn voor familieleden, betrokkenen en staten.

Ook Belgische musea, universiteiten, openbare of private instellingen en privépersonen bewaren menselijke resten van over de hele wereld en uit verschillende periodes. Een deel van de publieke collecties werd tijdens de koloniale periode verzameld, een ander deel is afkomstig van archeologische opgravingen en sommige menselijke resten zijn door privépersonen aan musea geschonken.

Tot op heden zijn er in België geen richtlijnen om zulke overblijfselen te bewaren en te beheren. Om daaraan tegemoet te komen, werkt een onderzoeksteam onder leiding van het Koninklijk Belgisch Instituut voor Natuurwetenschappen (KBIN) aan een grote inventaris. Daar zijn ook overblijfselen bij die in koloniale tijden zijn verzameld.

Binnen dat zogeheten HOME-project (Human Remains Origin(s) Multidisciplinary Evaluation) wil het team de personen identificeren, de omstandigheden kennen waarin hun resten zijn verzameld, en in enkele gevallen de vroegere levenswijzen, zowel cultureel als biologisch, beter begrijpen.

Tienduizenden schedels

'Het project houdt in dat we gaan speuren in bewaarzalen, archiefkasten en databanken', zegt antropoloog Tara Chapman (KBIN). 'Zo kammen we samen met het AfricaMuseum de collecties van het KBIN uit met een inventaris van het toenmalige Musée du Congo in de hand. We vonden recent in een lade ook een heleboel documenten over deze Afrikaanse collectie. Ze bevat meer dan vijfhonderd menselijke resten, voornamelijk schedels. Voor de volledige collecties van de Belgische staat gaat het wellicht om duizenden individuen, uit België en uit de rest van de wereld. We willen begrijpen wie deze resten 'verzamelde' en waarom, en hoe ze in musea en instituten in Brussel terechtkwamen.'

Een grote inventaris aangevuld met archiefmateriaal moet helpen om méér individuen te identificeren en om de omstandigheden waarin ze werden verworven beter te begrijpen. 'Onze oproep viel niet in dovemansoren: al meer dan vijftig musea, universiteiten en andere instellingen hebben onze enquête beantwoord', zegt Chapman. 'Het valt ons wel op dat veel musea en kennisinstituten geen

volwaardige inventaris hebben, door een gebrek aan middelen. En bestaande inventarissen zijn vaak niet meer up-to-date en bevatten zeer weinig informatie.'

Niet alleen op federaal, maar ook op Vlaams niveau zijn onderzoekers nu volop de archeologische skeletcollecties in kaart aan het brengen, ook als deel van een ander project, genaamd MEMOR. De nood aan overzicht is hoog, nu het aantal opgravingen met menselijke resten de voorbije jaren enorm toenam. Het gaat intussen over naar schatting tienduizenden skeletten.

Daartussen zitten veel kleine collecties van één of enkele exemplaren, maar ook enórme verzamelingen zoals die van het Sint-Romboutskerkhof in Mechelen: meer dan vierduizend individuen. Ook in de Duinenabdij van Koksijde en het Sint-Niklaaskerkhof van Ieper zijn telkens meer dan duizend skeletten opgegraven. Het MEMOR-project zal een voor iedereen toegankelijke databank opleveren, met informatie over de opgravingen, de historische context, de bewaarmethodes, beschikbare documentatie en de al uitgevoerde studies.

Buitenland als gids

Wat vandaag ook ontbreekt, is een wettelijk kader om resten in collecties terug te geven aan familieleden, instellingen of landen van origine. Met het HOME-project wil het KBIN experts inschakelen die zo'n kader voor restitutie of repatriëring zullen onderzoeken. Juridische experts en sociale antropologen zullen bekijken hoe landen binnen en buiten Europa menselijke resten teruggeven en welke juridische procedure zij daarvoor volgen.

'De voorbije decennia hebben onder meer Frankrijk, Duitsland en Zwitserland menselijke resten teruggegeven op vraag van familieleden of van staten', zegt hoofdconservator Patrick Semal (KBIN), die het project coördineert. 'Zulke cases hebben vaak tot wetswijzigingen geleid om de teruggave mogelijk te maken, vooral voor de resten die deel uitmaakten van het openbaar domein, zoals Sawtche of de Maori-hoofden in Frankrijk.'

Door met verschillende belanghebbenden te praten, willen de onderzoekers alle meningen over teruggave in kaart brengen. 'Die kennis zal helpen bij beslissingen over mogelijke teruggave', zegt Semal. 'Menselijke resten teruggeven aan familieleden, instellingen of staten is complex. Verschillende partijen kunnen geïnteresseerd zijn in hetzelfde stoffelijk overschot of verschillende meningen hebben over restitutie.' Het AfricaMuseum zet vandaag samen met partners in Kinshasa en Lubumbashi een netwerk op omwille van de centrale rol van de Democratische Republiek Congo in het restitutiedebat.

Onderzoekers hebben al verschillende casestudies geïdentificeerd. Samen met de belanghebbenden, onder wie familieleden en deskundigen uit de landen van herkomst, zijn ze die nu aan het uitdiepen. De mogelijke restitutie en de modus operandi zullen dan worden besproken.

Eén case is de schedel van Lusinga Iwa Ng'ombe, de onthoofde leider van de Tabwa. Op het einde van de negentiende eeuw nam soldaat Emile Storms die mee naar België als oorlogsbuit. De schedel wordt vandaag in het KBIN bewaard. In 2018 diende een afstammeling van Lusinga uit Lubumbashi een eis tot teruggave in bij de Belgische koning. Die eis werd hernieuwd door hoogleraren van de Universiteit van Lubumbashi (de Groep Murumbi).

Veel collecties zijn publieke eigendom en behoren tot het openbare domein. Wat als een voormalige Belgische kolonie gebruiksvoorwerpen of kunst terugvraagt die in die koloniale tijd zijn geroofd en in die collecties terechtkwamen? En wat als iemand een legitieme aanvraag doet om een betovergrootvader in die collecties te repatriëren en te begraven?

'Om de resten terug te geven zal de publieke eigenaar eerst moeten beslissen om ze uit het publieke domein te halen', zegt Marie-Sophie de Clippele, specialist cultureel-erfgoedrecht aan de Université Saint-Louis Brussel. Zij en een team van juristen kijken naar hoe andere staten dat hebben geregeld en willen voorstellen doen aan de beleidsmakers.

Het zou ook voer voor discussie moeten worden in een breder maatschappelijk debat. 'We denken momenteel aan een wettelijk kader waarin België of een deelstaat dat regelt in een bilateraal akkoord met de staat van herkomst, met input van cultuurgemeenschappen.' Dat kader zou zowel actieve restitutie aangezwengeld door onderzoek als passieve restitutie (als er een vraag komt) toelaten.

'Voor menselijke resten zou het interessant zijn een aparte regeling te ontwikkelen, en in ons burgerlijk recht de waardigheid na de dood te erkennen. Het gaat immers ook over hoe je ethisch omgaat met lichamen van overledenen.'

Culturele identiteit

De Université Libre de Bruxelles heeft met de Université de Lubumbashi in Congo alvast een overeenkomst gesloten om tien (mogelijk veertien) schedels terug te geven uit haar collecties biologische antropologie – verzameld eind negentiende en begin twintigste eeuw.

'Het is vandaag al mogelijk om zonder wettelijk kader menselijke resten terug te geven aan andere landen', zegt De Clippele. 'Maar een juridische context is wenselijk. Het geeft een houvast aan de kleinere publieke eigenaars, zoals gemeenten. Zij kunnen dan de vastgelegde etappes volgen. Zo wordt de verantwoordelijkheid voor die collecties ook gedeeld met de overheid. Wetgeving zorgt er ook voor dat restitutie minder afhankelijk wordt van de politieke wind die waait.'

Privé-eigenaars van collecties vallen momenteel niet onder zulke wetgeving. Het eigendomsrecht – dat beschermd is in onze grondwet – zou dan immers veel meer in het gedrang komen. 'Je zou veeleer via de rechtbank moeten gaan.'

Tot nu toe heeft België nog nooit resten gerepatrieerd naar een andere staat, weet Semal. Valt een vloed van aanvragen te verwachten zodra een restitutiewet is gestemd? 'Ik zie het niet direct gebeuren', zegt De Clippele. 'De discussie gaat niet alleen over hoe om te gaan met dit koloniale verleden, maar ook over hoe je mensen betere toegang geeft tot hun erfgoed, en hoe je ze helpt hun culturele identiteit te begrijpen.'

Belangrijk is ook dat er respectvol wordt omgegaan met menselijke resten en de families van die overledenen. 'Dat kan alleen door op gelijkwaardige manier samen te werken. Ik denk ook aan het delen van onderzoeksmethodes en data, het uitwisselen en opleiden van personeel of het opzetten van brede culturele projecten enzovoort.'

Stilte en respect

Parallel aan het HOME-project werkt de cultureel-erfgoedsector aan ethische richtlijnen voor de teruggave van problematische koloniale cultuurgoederen, inclusief menselijke resten. ‘Richtlijnen zijn niet afdwingbaar, maar wel hoognodig’, vindt Katrijn D’hamers van FARO, het steunpunt voor cultureel erfgoed in Vlaanderen en Brussel. ‘Het geweld waarmee landen en hun bewoners zijn gekoloniseerd, heeft zijn sporen nagelaten.’

‘Dat zie je onder andere in de collecties van erfgoedinstellingen. Die staan nu voor een uitdaging: het eigen verleden en de verzamelgeschiedenis kritisch bekijken, en zorgen voor een evenwichtige en ethisch correcte relatie met de landen en regio’s waar de objecten vandaan komen, en met de diaspora. De richtlijnen zullen aanmoedigen om prioriteit te geven aan de teruggave van menselijke resten.’

De richtlijnen – opgesteld door een breed netwerk van academici en museumwerkers – zullen volgens D’hamers naast teruggave ook andere aspecten van erfgoedwerking uitdagen: het onderzoek, het beheer, de scenografie, het taalgebruik en de publiekswerking. ‘Hopelijk grijpen musea en instellingen de richtlijnen dan aan om een beleid te ontwikkelen, in samenspraak met onder andere de diaspora en gemeenschappen uit de regio’s van herkomst.’

Ook archeologen op het terrein in Vlaanderen missen eenduidige richtlijnen als er menselijke resten worden gevonden. Neem nu los botmateriaal zonder contextgegevens: dat mag volgens het huidige onroerenderfgoeddecreet verwijderd worden, omdat de wetenschappelijke waarde ervan beperkt is. Maar is dat ethisch gezien de beste keuze?

‘En wat als er bij onderhoudswerkzaamheden in de kerk een skelet of los botmateriaal wordt gevonden?’, vraagt adviseur religieus erfgoed Jonas Danckers (Parcum) zich af. ‘We moeten voor kerkfabrieken en alle andere actoren in de archeologische sector duidelijk maken wat de goede stappen zijn, juridisch en ethisch gezien.’

Ook om bijvoorbeeld genetisch onderzoek te mogen doen op de skeletten zijn er vaak nog tegenstrijdige adviezen van juristen en ethische commissies. ‘Die onduidelijkheid leidt ertoe dat onderzoekers zich geremd voelen om een wetenschappelijk project op te starten’, getuigt genetisch genealoog Maarten Larmuseau (KU Leuven).

En stellen musea menselijke resten wel met genoeg context en met genoeg respect tentoon? ‘Daar is in Vlaanderen minder aandacht voor dan in bijvoorbeeld het Verenigd Koninkrijk, waar er duidelijke richtlijnen zijn’, aldus nog Larmuseau. ‘Een bordje waarschuwt de bezoeker dat er in de volgende zaal mummies te zien zijn. En er wordt ook stilte en respect gevraagd.’

Een enquête bij bezoekers van het Museum voor Kunst en Geschiedenis in Brussel, waar in 2017 een tentoonstelling over Egyptische mummies liep, gaf aan dat bezoekers wel degelijk mummies willen zien, in het bijzonder als de historische context wordt uitgelegd. Het KMKG zal aanbevelingen formuleren voor de studie, de bewaring en de tentoonstelling van zulke menselijke resten.

Partners in het HOME-onderzoeksproject: Koninklijk Belgisch Instituut voor Natuurwetenschappen, Koninklijk Museum voor Midden-Afrika, Koninklijke Musea voor Kunst en Geschiedenis, Nationaal Instituut voor Criminalistiek en Criminologie, Université Saint-Louis, Université Libre de Bruxelles,

Université de Montréal, FARO en het onderzoeksproject MEMOR (syntheseproject agentschap Onroerend Erfgoed).

Sprekende mummies

Wat inventarissen en archiefdocumenten ons niet vertellen, kan DNA soms wel. Genetische analyses binnen het HOME-project van onder meer het Koninklijk Belgisch Instituut voor Natuurwetenschappen helpen relaties bloot te leggen tussen individuen in collecties onderling. 'We hopen binnenkort bevestiging te krijgen dat een Egyptische mummie in het Museum voor Kunst en Geschiedenis familie is van twee andere mummies in buitenlandse musea', zegt onderzoeker Caroline Tilleux van de Koninklijke Musea voor Kunst en Geschiedenis (KMKG).

Door de snelle technologische vooruitgang kunnen we steeds meer te weten komen over dat eeuwenoude materiaal. Zo gingen in 2017 zeven Chileense en Peruviaanse mummies van het Museum voor Kunst en Geschiedenis onder de scanner, waaronder het exemplaar dat Hergé inspireerde voor het personage Rascar Capac in twee *Kuifje*-albums.

'De mummies kwamen zo'n 180 jaar geleden in onze collectie terecht, met heel weinig informatie', zegt Serge Lemaître, conservator van de verzamelingen Amerika in het KMKG. 'CT-scans geven ons nu meer inzicht in de manier waarop men destijds doden mummificeerde en begroef. En dat zonder de mummies te beschadigen. Door sporen van insecten en parasieten op de mummies en de begrafenisbundels (doeken) te onderzoeken kun je zelfs berekenen hoeveel tijd er verliep tussen overlijden en begrafenis. Met C14-dateringen van stukjes huid kun je de mummies chronologisch in de tijd plaatsen.'

Voor de precolumbiaanse individuen bleek dat tussen de tiende eeuw vóór en de vijftiende eeuw na Christus. 'Toxicologisch onderzoek van het haar laat dan weer zien dat verschillende individuen cocabladeren hadden gegeten, die een psychotropisch effect hebben.' Vorig jaar nog voorspelden onderzoekers het geslacht van die mummies op basis van CT-scans en 3D-reconstructies van het bekken. 'Stukje bij beetje reconstrueren we wie die mensen waren, hoe ze leefden en hoe die oude beschavingen eruitzagen.'

Tot nog toe zijn er in België geen richtlijnen om menselijke resten te bewaren en beheren

'Bestaande inventarissen zijn vaak niet meer up-to-date en bevatten zeer weinig informatie'

De voorbije jaren nam het aantal opgravingen met menselijke resten enorm toe. De nood aan overzicht is hoog

ANNEX 15 EOS ARTICLE ONLINE VERSION

Artikel in EOS-magazine, 29.04.21 – update voor online versie

Nieuwe aandacht voor de menselijke resten in Belgische collecties

Luisteren naar verloren stemmen

Het wereldwijde debat over dekolonisatie zet ook overheden en onderzoekers in België ertoe aan om de eigen collecties met menselijke resten te inventariseren en de context te onderzoeken waarin ze zijn verzameld.

Reinout Verbeke

Begin negentiende eeuw werd Saartjie Baartman, een slavin afkomstig uit het huidige Zuid-Afrika, als menselijke attractie opgevoerd in Engeland en Frankrijk. Na haar dood werd 'Sawtche' tentoongesteld in het natuurhistorisch museum van Parijs. Pas in 2002, liefst 192 jaar nadat ze uit haar geboortestreek werd meegenomen, werd haar stoffelijk overschot teruggegeven. De repatriëring bewees toen al hoe waardevol die teruggave kan zijn voor familieleden, betrokkenen en staten.

Ook Belgische musea, universiteiten, openbare of private instellingen en privépersonen bewaren menselijke resten van over de hele wereld en uit verschillende periodes. Een deel van de publieke collecties werd tijdens de koloniale periode verzameld, een ander deel is afkomstig van archeologische opgravingen en sommige menselijke resten zijn door privépersonen aan musea geschonken.

Een onderzoeksteam onder leiding van het Koninklijk Belgisch Instituut voor Natuurwetenschappen (KBIN) werkt nu aan een grote inventaris. Binnen dat zogeheten HOME-project (Human Remains Origin(s) Multidisciplinary Evaluation) wil het team de personen identificeren, de omstandigheden kennen waarin hun resten zijn verzameld, en in enkele gevallen de vroegere levenswijzen, zowel cultureel als biologisch, beter begrijpen.

Meer dan 25.000 individuen

'We speuren in bewaarzalen, archiefkasten en databanken', zegt antropoloog Tara Chapman (KBIN). 'Zo kammen we samen met het AfricaMuseum de collecties van het KBIN uit met een inventaris van het toenmalige Musée du Congo in de hand. We vonden in een lade ook een heleboel documenten over deze Afrikaanse collectie. Ze bevat meer dan vijfhonderd menselijke resten, voornamelijk schedels. Voor de volledige collecties van de Belgische staat gaat het wellicht om een paar duizenden individuen, voornamelijk uit België zelf. We willen begrijpen wie deze resten 'verzamelde' en waarom, en hoe ze in musea en instituten in Brussel terechtkwamen.'

Een grote inventaris aangevuld met archiefmateriaal moet helpen om méér individuen te identificeren en om de omstandigheden waarin ze werden verworven beter te begrijpen. 'Onze oproep viel niet in dovemansoren: al meer dan vijftig musea, universiteiten en andere instellingen hebben onze enquête beantwoord en we hopen op nog meer deelnemers', zegt Chapman. 'Het valt ons wel op dat veel musea en kennisinstituten geen volwaardige inventaris hebben, door een gebrek aan middelen. En bestaande inventarissen zijn vaak niet meer up-to-date en bevatten zeer weinig informatie.'

Niet alleen op federaal, maar ook op Vlaams niveau zijn onderzoekers nu volop de archeologische skeletcollecties in kaart aan het brengen, ook als deel van een ander project, genaamd MEMOR. De nood aan overzicht is hoog, nu het aantal opgravingen met menselijke resten de voorbije jaren enorm toenam. Het gaat intussen over meer dan twintigduizend individuen.

Daartussen zitten veel kleine collecties van één of enkele exemplaren, maar ook enórme verzamelingen zoals die van het Sint-Romboutskerkhof in Mechelen: meer dan vierduizend individuen. Ook in de Duinenabdij van Koksijde en het Sint-Niklaaskerkhof van Ieper zijn telkens meer dan duizend skeletten opgegraven. Het MEMOR-project bouwt aan een voor iedereen toegankelijke databank (www.memor.be) met informatie over de opgravingen, de historische context, de bewaarmethodes, beschikbare documentatie en de al uitgevoerde studies.

Buitenland als gids

Wat vandaag ook ontbreekt, is een wettelijk kader om menselijke resten in collecties terug te geven aan familieleden, instellingen of landen van origine. Met het HOME-project wil het KBIN experts inschakelen die zo'n kader voor restitutie of repatriëring zullen onderzoeken. Juridische experts en sociale antropologen zullen bekijken hoe landen binnen en buiten Europa menselijke resten teruggeven en welke juridische procedure zij daarvoor volgen.

'De voorbije decennia hebben onder meer Frankrijk, Duitsland en Zwitserland menselijke resten teruggegeven op vraag van familieleden of van staten', zegt hoofdconservator Patrick Semal (KBIN), die het project coördineert. 'Zulke cases hebben vaak tot wetswijzigingen geleid om de teruggave mogelijk te maken, vooral voor de resten die deel uitmaakten van het openbaar domein, zoals Sawtche of de Maori-hoofden in Frankrijk.'

Door met verschillende belanghebbenden te praten, willen de onderzoekers alle meningen over teruggave in kaart brengen. 'Die kennis zal helpen bij beslissingen over mogelijke teruggave', zegt Semal. 'Menselijke resten teruggeven aan familieleden, instellingen of staten is complex. Verschillende partijen kunnen geïnteresseerd zijn in hetzelfde stoffelijk overschot of verschillende meningen hebben over restitutie.' Het AfricaMuseum zet vandaag samen met partners in Kinshasa en Lubumbashi een netwerk op omwille van de centrale rol van de Democratische Republiek Congo in het restitutiedebat.

Onderzoekers hebben al verschillende casestudies geïdentificeerd. Samen met de belanghebbenden, onder wie familieleden en deskundigen uit de landen van herkomst, zijn ze die nu aan het uitdiepen. De mogelijke restitutie en de modus operandi zullen dan worden besproken.

Eén case is de schedel van Lusinga Iwa Ng'ombe, de onthoofde leider van de Tabwa. Op het einde van de negentiende eeuw nam soldaat Emile Storms die mee naar België als oorlogsbuit. De schedel wordt vandaag in het KBIN bewaard. In 2018 diende een afstammeling van Lusinga uit Lubumbashi een eis tot teruggave in bij de Belgische koning. Die eis werd hernieuwd door hoogleraren van de Universiteit van Lubumbashi (de Groep Murumbi).

Veel collecties zijn publieke eigendom en behoren tot het openbare domein. Wat als een voormalige Belgische kolonie gebruiksvoorwerpen of kunst terugvraagt die in die koloniale tijd zijn geroofd en in

die collecties terechtkwamen? En wat als iemand een legitieme aanvraag doet om een betovergrootvader in die collecties te repatriëren en te begraven?

'Om de resten terug te geven zal de publieke eigenaar eerst moeten beslissen om ze uit het publieke domein te halen', zegt Marie-Sophie de Clippele, specialist cultureel-erfgoedrecht aan de Université Saint-Louis Brussel. Zij en een team van juristen keken naar hoe andere staten dat hebben geregeld en deden in mei 2020 een voorstel voor een wettelijk kader voor de restitutie van koloniale federale museumcollecties. 'We stelden een wettelijk kader voor waarin België of een deelstaat dat regelt in een bilateraal akkoord met de staat van herkomst, met input van cultuurgemeenschappen.' Dat kader laat zowel actieve restitutie (aangezwengeld door onderzoek) als passieve restitutie (als er een vraag komt) toe.

Op 30 juni 2022 keurde de Kamer een wetsvoorstel goed, dat op initiatief van de federale regering was ingediend. 'Dit wetsvoorstel is gestoeld op bilaterale akkoorden met de voormalige Belgische kolonies (Congo, Rwanda, Burundi), maar sluit menselijke resten en archieven uit. Het betrekt bovendien uitsluitend Staten, en niet cultuurgemeenschappen, bij de restitutie, en dat is anders dan het academische voorstel.' Er moet dus nog een andere regeling komen voor de repatriëring van mensenresten. 'Het zou bovendien interessant zijn in ons burgerlijk recht de waardigheid na de dood te erkennen. Het gaat immers ook over hoe je ethisch omgaat met lichamen van overledenen. Dit zou voer voor discussie moeten worden in een breder maatschappelijk debat.'

Culturele identiteit

De Université Libre de Bruxelles heeft met de Université de Lubumbashi in Congo alvast een overeenkomst gesloten om veertien schedels terug te geven uit haar collecties biologische antropologie – verzameld eind negentiende en begin twintigste eeuw.

'Het is vandaag al mogelijk om zonder wettelijk kader menselijke resten terug te geven aan andere landen', zegt De Clippele. 'Maar een juridische context is wenselijk. Het geeft een houvast aan de kleinere publieke eigenaars, zoals gemeenten. Zij kunnen dan de vastgelegde etappes volgen. Zo wordt de verantwoordelijkheid voor die collecties ook gedeeld met de overheid. Wetgeving zorgt er ook voor dat restitutie minder afhankelijk wordt van de politieke wind die waait.'

Privé-eigenaars van collecties vallen niet onder zulke wetgeving. Het eigendomsrecht – dat beschermd is in onze grondwet – zou dan immers veel meer in het gedrang komen. 'Je zou veeleer via de rechtbank moeten gaan.'

Tot nu toe is er maar één geval van repatriëring van menselijke resten geweest: op 20 juni 2022 droeg de onderzoeksrechter - in bijzijn van de Belgische en de Congolese Staten - de (vermoedelijke) tand van Patrice Lumumba over aan familieleden. De tand van de in 1961 vermoorde eerste minister van het pas onafhankelijk geworden Congo, zal worden begraven in zijn geboorteland.

Valt een vloed van aanvragen te verwachten zodra een restitutiewet is gestemd? 'Ik zie het niet direct gebeuren', zegt De Clippele. 'De discussie gaat niet alleen over hoe om te gaan met dit koloniale verleden, maar ook over hoe je mensen betere toegang geeft tot hun erfgoed, en hoe je ze helpt hun culturele identiteit te begrijpen.'

Belangrijk is ook dat er respectvol wordt omgegaan met menselijke resten en de families van die overledenen. ‘Dat kan alleen door op gelijkwaardige manier samen te werken. Ik denk ook aan het delen van onderzoeksmethodes en data, het uitwisselen en opleiden van personeel of het opzetten van brede culturele projecten enzovoort.’

Stilte en respect

Parallel aan het HOME-project werkte de cultureel-erfgoedsector in juni 2021 ethische richtlijnen uit voor de teruggave van problematische koloniale cultuurgoederen, inclusief menselijke resten. ‘Richtlijnen zijn niet afdwingbaar, maar wel hoognodig’, vindt Katrijn D’hamers van FARO, het Vlaams steunpunt voor cultureel erfgoed. ‘Het geweld waarmee landen en hun bewoners zijn gekoloniseerd, heeft zijn sporen nagelaten.’

‘Dat zie je onder andere in de collecties van erfgoedinstellingen. Die staan nu voor een uitdaging: het eigen verleden en de verzamelgeschiedenis kritisch bekijken, en zorgen voor een evenwichtige en ethisch correcte relatie met de landen en regio’s waar de objecten vandaan komen, en met de diaspora.’ De richtlijnen (www.restitutionbelgium.be) moedigen aan om prioriteit te geven aan de teruggave van menselijke resten.

De richtlijnen – opgesteld door een breed netwerk van academici en museumwerkers – dagen naast teruggave ook andere aspecten van erfgoedwerking uit: het onderzoek, het beheer, de scenografie, het taalgebruik en de publiekswerking. ‘Hopelijk grijpen musea en instellingen ze aan om een beleid te ontwikkelen, in samenspraak met onder andere de diaspora en gemeenschappen uit de regio’s van herkomst.’

Ook het deskundigenverslag van de bijzondere parlementaire commissie bevat verschillende aanbevelingen over restitutie, zoals een samenwerking op gelijke voet met brongemeenschappen, de oprichting van een onderzoeksinstituut voor koloniale collecties, en een (digitale) restitutie van archieven, gebaseerd op noden in DR Congo, Rwanda en Burundi.

Ook archeologen op het terrein in Vlaanderen missen eenduidige richtlijnen als er menselijke resten worden gevonden. Neem nu los botmateriaal zonder contextgegevens: dat mag volgens het huidige onroerenderfgoeddecreet verwijderd worden, omdat de wetenschappelijke waarde ervan beperkt is. Maar is dat ethisch gezien de beste keuze?

‘En wat als er bij onderhoudswerkzaamheden in de kerk een skelet of los botmateriaal wordt gevonden?’, vraagt adviseur religieus erfgoed Jonas Danckers (Parcum) zich af. ‘We moeten voor kerkfabrieken en alle andere actoren in de archeologische sector duidelijk maken wat de goede stappen zijn, juridisch en ethisch gezien.’

Ook om bijvoorbeeld genetisch onderzoek te mogen doen op de skeletten zijn er vaak nog tegenstrijdige adviezen van juristen en ethische commissies. ‘Die onduidelijkheid leidt ertoe dat onderzoekers zich geremd voelen om een wetenschappelijk project op te starten’, getuigt genetisch genealoog Maarten Larmuseau (KU Leuven).

En stellen musea menselijke resten wel met genoeg context en met genoeg respect tentoon? ‘Daar is in Vlaanderen minder aandacht voor dan in bijvoorbeeld het Verenigd Koninkrijk, waar er duidelijke

richtlijnen zijn', aldus nog Larmuseau. 'Een bordje waarschuwt de bezoeker dat er in de volgende zaal mummies te zien zijn. En er wordt ook stilte en respect gevraagd.'

Een enquête bij bezoekers van het Museum voor Kunst en Geschiedenis in Brussel, waar in 2017 een tentoonstelling over Egyptische mummies liep, gaf aan dat bezoekers wel degelijk mummies willen zien, in het bijzonder als de historische context wordt uitgelegd. Het KMKG zal aanbevelingen formuleren voor de studie, de bewaring en de tentoonstelling van zulke menselijke resten.

Partners in het HOME-onderzoeksproject: Koninklijk Belgisch Instituut voor Natuurwetenschappen, Koninklijk Museum voor Midden-Afrika, Koninklijke Musea voor Kunst en Geschiedenis, Nationaal Instituut voor Criminalistiek en Criminologie, Université Saint-Louis, Université Libre de Bruxelles, Université de Montréal, FARO en het onderzoeksproject MEMOR (syntheseproject agentschap Onroerend Erfgoed).

Sprekende mummies

Wat inventarissen en archiefdocumenten ons niet vertellen, kan DNA soms wel. Genetische analyses binnen het HOME-project van onder meer het Koninklijk Belgisch Instituut voor Natuurwetenschappen helpen relaties bloot te leggen tussen individuen in collecties onderling. 'We hopen binnenkort bevestiging te krijgen dat een Egyptische mummie in het Museum voor Kunst en Geschiedenis familie is van twee andere mummies in buitenlandse musea', zegt onderzoeker Caroline Tilleux van de Koninklijke Musea voor Kunst en Geschiedenis (KMKG).

Door de snelle technologische vooruitgang kunnen we steeds meer te weten komen over dat eeuwenoude materiaal. Zo gingen in 2017 zeven Chileense en Peruviaanse mummies van het Museum voor Kunst en Geschiedenis onder de scanner, waaronder het exemplaar dat Hergé inspireerde voor het personage Rascar Capac in twee *Kuifje*-albums.

'De mummies kwamen zo'n 180 jaar geleden in onze collectie terecht, met heel weinig informatie', zegt Serge Lemaître, conservator van de verzamelingen Amerika in het KMKG. 'CT-scans geven ons nu meer inzicht in de manier waarop men destijds doden mummificeerde en begroef. En dat zonder de mummies te beschadigen. Door sporen van insecten en parasieten op de mummies en de begrafenisbundels (doeken) te onderzoeken kun je zelfs berekenen hoeveel tijd er verliep tussen overlijden en begrafenis. Met C14-dateringen van stukjes huid kun je de mummies chronologisch in de tijd plaatsen.'

Voor de precolumbiaanse individuen bleek dat tussen de tiende eeuw vóór en de vijftiende eeuw na Christus. 'Toxicologisch onderzoek van het haar laat dan weer zien dat verschillende individuen cocabladeren hadden gegeten, die een psychotropisch effect hebben.' In 2020 nog voorspelden onderzoekers het geslacht van die mummies op basis van CT-scans en 3D-reconstructies van het bekken. 'Stukje bij beetje reconstrueren we wie die mensen waren, hoe ze leefden en hoe die oude beschavingen eruitzagen.'

'Bestaande inventarissen zijn vaak niet up-to-date en bevatten zeer weinig informatie'

De voorbije jaren nam het aantal opgravingen met menselijke resten enorm toe. De nood aan overzicht is hoog

ANNEX 16 PRESS RELEASES FROM 29TH MARCH 2023 IN THREE DIFFERENT LANGUAGES

Press release 29.03.2023

HOME research project recommends repatriation of historical human remains from former Belgian colonies and the creation of a focal point on human remains

A multidisciplinary research team coordinated by the Royal Belgian Institute of Natural Sciences (RBINS) is calling to change the law to facilitate the repatriation of human remains where requested and to put human remains out of commerce. The HOME project also recommends a focal point to manage the information related to human remains collections in Belgium.

Claims for repatriation have intensified worldwide in the last few decades and there is a large growing awareness of the need for reparation and repatriation of human remains held in public and private institutions. The research project HOME (Human Remains Origin(s) Multidisciplinary Evaluation project was funded through the BELSPO BRAIN-be 2.0 Pillar 2 ''Heritage science'' and was set up following questions on the ethics of the presence of human remains in the Belgian Federal Heritage and how some of these remains were appropriated during the colonial era.

HOME ran from December 2019 to December 2022 and focused on taking inventories of collections of human remains in Belgian institutions, with a particular emphasis on case studies from the different human remains of historical time or colonial context in the Belgian federal collections.

The partners in this project were – Royal Belgian Institute of natural Sciences (RBINS), Royal Museum for Central Africa (RMCA), Royal Museums of Art and History (RMCA), National Institute for Criminalistics and Criminology (NICC), Université Saint-Louis (USL-B), Université Libre de Bruxelles (ULB), Université de Montréal (UdeM). Short executive summaries of the results of each partner are also available.

Human remains in Belgian institutions

A survey on human remains conducted by the HOME project in conjunction with FARO and the Synthesis project of the Flemish Heritage Agency on Archaeological human remains (MEMOR) showed that a minimum of 30,000 human individuals are currently housed in 56 collections (museums, universities and private collections). The vast majority of these human remains are from Belgian historical and prehistorical collections.

Most of the historical collections from outside of Belgium are collections of skulls from around the world which were previously collected in Belgian pre-colonial and colonial contexts and they are housed in RBINS. There are over 500 historical remains from the Democratic Republic of Congo, Rwanda and Burundi which were collected in a highly problematic colonial context. These are largely part of the collections transferred from the RMCA in 1964-65.

There are also smaller collections from different geographical origins, periods and contexts. These include archaeological collections, mummies, relics, incinerated/calcined bones, shrunken heads and

also numerous artifacts composed of human remains (musical instruments, ceremonial headdresses, etc.).

Human remains cannot be considered to be “objects” and the repatriation of ancestral remains can help promote healing and reconciliation between countries and within communities. For certain communities, the repatriation of their ancestral remains is of prior importance although others have no wish to have their human remains returned, especially if imposed upon them.

There have been in the past decades several formal and informal requests for the repatriation of ancestral human remains which are housed by Belgian federal scientific institutions. These include a Tasmanian skeleton which is currently located in the Royal Belgian Institute of Natural Sciences (RBINS) and two Maori heads located in the Royal Museums of Art and History (RMAH). These requests were not previously addressed in part because of the previous belief that at the time of the request there was a lack of a legal framework in which to repatriate these remains, in part due to the era in which the requests were made where human remains were thought to be valuable for science and finally due to a lack of knowledge of how to proceed with such claims.

In 2018, there was a request for the repatriation of the skull of the chief Lusinga from the Democratic Republic of Congo. This demand was addressed by a member of the family to the Belgian king and supported in 2019 by members of the Tabwa community, but never relayed by the government of the DRC.

The Rwandese administration was contacted during the HOME project and a wish for the repatriation of the Rwandese human remains associated with a provenance study was expressed by Rwanda.

In Belgium, only one repatriation of a human remain between Belgium and DRC has recently occurred, namely the repatriation of the tooth of Patrice Lumumba to family members. One of the partners of the project (Université libre de Bruxelles (ULB)) also transferred the ownership of 10 skulls of Congolese origin held at the ULB to the University of Lubumbashi (UNILU) in 2020 with a view to repatriation at a later date.

Recommendations: open policy for repatriation

The HOME project recommends that the Federal Scientific Institutions (FSI) should have an open policy with regards to repatriation of human remains. The following recommendations can also apply to different public and private institutions in Belgium on how they can also manage their (pre)historical human remains collections in the future.

The Home project recommends :

- Changes should be made to the law to better respect human remains, limit their trade and facilitate their repatriation. Repatriation of human remains is of societal importance because it touches upon human dignity.
    - We recommend that human remains are out-of-commerce.

- Human remains cannot be considered as ‘objects’ and the repatriation of ancestral remains can help promote healing and reconciliation between countries and within communities. Repatriation is a part of a process and/or dialogue that signifies reparation and follow-up, possibly including:

- Joint collaborative provenance research with Belgium and countries and/or communities of origin in the respect of their cultural rights;
- All forms of commemoration(s) in the countries of origin;
- Sensitising projects including educational policies and tools in Belgium and the countries of origin.

Repatriation of all historical human remains in federal collections relating directly to the colonial past of Belgium should be repatriated if requested with no conditions placed upon their return by the Belgian State.

- The Belgian colonial past and its ongoing consequences must be taken into account in the management of colonial collections. These collections are directly linked to a specific context of domination of a territory and its populations by a foreign occupying state.
- Repatriation could be to the descendants if the individual is identified, to the community of origin or to the country. An internal dialogue in the country of origin has to define the repatriation process.
- In the event of a repatriation request coming from the family or the community, the Belgian State has to do due diligence and notify the country of origin, in recognition of their sovereignty. Given the potential impact of repatriation processes on relations between communities and families in the countries of origin, it seems important to allow States of the countries of origin to mediate and consult their source communities and other concerned citizens to achieve solutions between all parties involved;
- Effective repatriation is performed through bilateral agreements between the Belgian State and the State of origin which determine the practical conditions of the repatriation of the human remains according to the will of the descendant and/or the community of origin where applicable;
- Repatriation processes and effective repatriation have to be performed at the expense of the Belgian State. Modalities need bilateral agreements;
- A moratorium must be observed on the study of human remains from the Belgian colonial past which are part of the Belgian State heritage. If the human remains are to be included in a study, this should only be done with the agreement of the descendants, or the representatives of the community or the country.

- These recommendations could also be applied to any other historical collections of non-Belgian origin. We recommend that the government should be open to the repatriation of all the human remains from the historical period which are part of the State heritage from outside of Belgium. This includes the repatriation of the Tasmanian skeleton and the Maori heads from the Federal collections, which were subject to previous repatriation requests. Guidelines of best practices related to human remains from (pre)historic periods of (non)Belgian origin will be available soon in a separate document after the publication of the advice on the status of the Human remains by the Belgian Advisory Committee of Bioethics.

- Genetic analysis alone is not recommended to prove a link between two persons or a community and a deceased person, as family relationships are not always based on blood ties, and other lines of evidence such as sociological, historical, and anthropological elements must be considered in each request.

- The repatriation of human remains is only part of a process. Detailed provenance research might be also of vital importance. In line with the recommendations of Restitution Belgium (2021), we recommend a significant increase in funding for provenance research in Belgium.

Provenance research must be a collaborative process but it remains the responsibility of funding bodies and political decision-makers to ensure sufficient funds and staff to meet these demands.

Concerning the human remains and the requests of repatriation we recommend to promote:

- PhD scholarships for students from countries of origin for research on human remains;
- Exchange programmes that allow researchers from both countries to work together on provenance research and repatriation;
- Funding for collaborative projects with countries of origin with the goal of repatriation and to share knowledge, oral histories in the countries of origin as well as archival and information from the human remains themselves;
- Funding for community-based projects focusing on the healing of the community and the repatriation of human remains;
- Funding for former colonised countries for the physical return of human remains;
- Continued funding for digitisation of archival materials for FAIR sharing of the information.

- A **focal point** related to human remains should be set up to provide all information to institutions, administrations, communities and private persons on the status and guidelines of best practices related to human remains to be applied in Belgium and link to the advice of the Belgian Advisory Committee on Bioethics on the status of human remains;
    - The focal point does not centralise a single inventory of the Human remains but provides links to the various local, regional and federal inventories of human remains hosted in Belgium as well as relevant contact information;
    - Concerning the repatriation of human remains of non-Belgian origin, it could:
        - centralise the repatriation requests and processes;
        - integrate into the repatriation process itself by providing support to individuals, communities and States of origin in the preparation of their request and by cooperating with the administration of the countries of origin to set up the practical conditions for the return;
        - act as an intermediary with Belgian institutions/individuals wishing to repatriate human remains;
        - facilitate provenance research by organising access to archives and documentation relating to collections of human remains.

For general information, contact:

Patrick Semal, (Co-ordinator of the HOME project and conservator of the Anthropological and Prehistorical collections)
Royal Belgian Institute of Natural Sciences
patrick.semal@naturalsciences.be

Tara Chapman, anthropologist (Scientific coordinator of the HOME project)
Royal Belgian Institute of Natural Sciences
+32 (0)471618678
tara.chapman@naturalsciences.be

For more additional information on the African colonial collections, please contact:

Maarten Coutennier, historian (partner of the HOME project)
History and Politics
Africa Museum

T +32 (0)2 769 58 43
maarten.couttenier@africamuseum.be

For more information on the collections of the Royal Museums of Art and History (RMAH), including the Egyptian and pre-Colombian collections, please contact:
Serge Lemaitre, conservateur (partner of the HOME project)
T +32 (0)2 741 73 38
s.lemaitre@kmkg-mrah.be

For information on the legal aspects of the human remains please contact:
Marie-Sophie de Clippele, law (partner of the HOME project)
Université Saint-Louis–Bruxelles
T +32 (0)2 211 78 24
marie-sophie.declippele@usaintlouis.be

For information on the use of genetic analysis of the human remains please contact:
Stijn Desmyter, legal genetic identification
Nationaal Instituut voor Criminalistiek en Criminologie
Institut National de Criminalistique et de Criminologie
T. +32 (0)2 240 05 41
stijn.desmyter@just.fgov.be

Press release 29.03.2023

HOME-onderzoeksproject beveelt repatriëring aan van historische menselijke resten uit voormalige Belgische kolonies én oprichting van centraal aanspreekpunt

Een multidisciplinair onderzoeksteam, gecoördineerd door het Koninklijk Belgisch Instituut voor Natuurwetenschappen (KBIN), pleit voor een wetswijziging om de repatriëring van menselijke resten te vergemakkelijken wanneer een aanvraag wordt gedaan, en om de commerciële handel van menselijke resten te verbieden. Het HOME-project beveelt ook een centraal aanspreekpunt aan dat de informatie over collecties van menselijke resten in België beheert.

De voorbije decennia steeg wereldwijd het aantal eisen tot repatriëring van menselijke resten die worden bewaard in publieke en private instellingen. Ook het bewustzijn over de noodzaak van herstel en restitutie groeide. Naar aanleiding van ethische vragen over de aanwezigheid van menselijke resten in het Belgische federale erfgoed, en over hoe sommige van deze resten tijdens het koloniale tijdperk zijn toegeëigend, werd het onderzoeksproject BRAIN-be HOME (Human Remains Origin(s) Multidisciplinary Evaluation) opgestart, dat door BELSPO is gefinancierd.

Het onderzoeksproject liep van december 2019 tot december 2022 en had als doel de collecties menselijke resten in Belgische instellingen te inventariseren, met een bijzondere nadruk op casestudies van verschillende menselijke resten uit de historische tijd (dus niet prehistorie) of uit een koloniale context die in de Belgische federale collecties worden bewaard.

De partners in dit project waren - Koninklijk Belgisch Instituut voor Natuurwetenschappen (KBIN), Koninklijk Museum voor Midden-Afrika (KMMA), Koninklijke Musea voor Kunst en Geschiedenis (KMMA), Nationaal Instituut voor Criminalistiek en Criminologie (NICC), Université Saint-Louis (USL-B), Université Libre de Bruxelles (ULB), Université de Montréal (UdeM). Korte samenvattingen van de resultaten van elke partner zijn ook beschikbaar.

Menselijke resten in Belgische instellingen

Uit een enquête over menselijke resten, uitgevoerd door het HOME-project in samenwerking met FARO en met het Vlaamse syntheseproject van het agentschap Onroerend Erfgoed. over archeologische menselijke resten (MEMOR), is gebleken dat momenteel minimaal 30.000 menselijke individuen zijn ondergebracht in 56 collecties (musea, universiteiten en particuliere collecties). Het overgrote deel van deze menselijke resten maken deel uit van historische en prehistorische collecties uit België zelf.

De meeste historische collecties van buiten België zijn verzamelingen van schedels uit de hele wereld die vroeger in de Belgische prekoloniale en koloniale context zijn verzameld en die in het KBIN zijn ondergebracht. Er zijn meer dan 500 historische overblijfselen uit de Democratische Republiek Congo, Rwanda en Burundi die werden verzameld in een erg problematische koloniale context. Ze maken grotendeels deel uit van de collecties die in 1964-65 vanuit het KMMA zijn overgebracht.

Er zijn ook kleinere collecties van uiteenlopende geografische oorsprong, perioden en contexten. Ze omvatten archeologische collecties, mummies, relikwieën, verbrande beenderen, schrompelkoppen en ook talrijke uit menselijke resten samengestelde artefacten (muziekinstrumenten, ceremoniële hoofdtooien, enz.).

Menselijke resten kunnen niet als "voorwerpen" worden beschouwd en de repatriëring van voorouderlijke resten kan bijdragen tot genezing en verzoening tussen landen en binnen gemeenschappen. Voor bepaalde gemeenschappen is de repatriëring van hun voorouderlijke resten van prioritair belang, terwijl andere gemeenschappen geen behoefte hebben aan teruggave van hun menselijke resten, zeker als die hen worden opgelegd.

In de afgelopen decennia zijn er verschillende formele en informele verzoeken ingediend voor de repatriëring van voorouderlijke menselijke resten die zich in Belgische federale wetenschappelijke instellingen bevinden. Het gaat onder meer over een Tasmaans skelet dat zich momenteel in het Koninklijk Belgisch Instituut voor Natuurwetenschappen (KBIN) bevindt en twee Maori-hoofden in de Koninklijke Musea voor Kunst en Geschiedenis (RMAH). Deze verzoeken werden tot nu toe niet behandeld, deels omdat men ten tijde van het verzoek dacht dat er geen wettelijk kader was om deze resten te repatriëren, deels wegens de periode waarin de verzoeken werden ingediend en waarin de menselijke resten als waardevol voor de wetenschap werden beschouwd, en ten slotte omdat men niet wist hoe dergelijke verzoeken moesten worden behandeld.

In 2018 was er een verzoek tot repatriëring van de schedel van het stamhoofd Lusinga uit de Democratische Republiek Congo. Een familielid richtte een eis tot restitutie aan de Belgische koning en leden van de Tabwa-gemeenschap ondersteunden de eis in 2019, maar die werd nooit door de regering van DRC doorgegeven.

Tijdens het HOME-project werd contact opgenomen met de Rwandese overheid. Ze uitte de wens om de Rwandese menselijke resten waarvan de herkomst is onderzocht, te repatriëren.

Voorlopig vond maar één repatriëring van een stoffelijk overschot plaats van België naar de DRC: de tand van de vroegere Congolese premier Patrice Lumumba werd in 2022 teruggegeven aan familieleden van de vermoorde politicus. Voorts heeft een van de partners van het project, de Université Libre de Bruxelles (ULB), de eigendom van 10 schedels van Congolese oorsprong die bij de ULB bewaard werden, in 2020 overgedragen aan de Universiteit van Lubumbashi (UNILU) met het oog op repatriëring op een later tijdstip.

Aanbevelingen: open beleid voor repatriëring

Het HOME-project beveelt aan dat de Federale Wetenschappelijke Instellingen (FSI) een open beleid voeren met betrekking tot de repatriëring van menselijke resten. De volgende aanbevelingen kunnen ook gelden voor verschillende publieke en private instellingen in België over hoe ook zij in de toekomst hun (pre)historische collecties van menselijke resten kunnen beheren.

Dit zijn de aanbevelingen van het HOME-project:

- De wet zou moeten worden aangepast om het respect voor menselijke resten te vergroten, de handel erin te beperken en de repatriëring ervan te vergemakkelijken. Repatriëring van menselijke resten is van maatschappelijk belang omdat het over menselijke waardigheid gaat.
    - Wij bevelen aan dat menselijke resten niet meer verhandeld mogen worden.

- Menselijke resten mogen niet als "voorwerpen" worden beschouwd en de repatriëring van stoffelijk overschot van voorouders kan bijdragen tot herstel en verzoening tussen landen en

binnen gemeenschappen. Repatriëring is een onderdeel van een proces en/of een dialoog, en dat impliceert herstel en opvolging, mogelijk met inbegrip van:

- Gezamenlijk herkomstonderzoek in samenwerking met België en met landen en/of gemeenschappen van herkomst, met respect voor hun culturele rechten;
- Alle vormen van herdenking(en) in de landen van herkomst;
- Sensibiliseringsprojecten met inbegrip van een educatief beleid en onderwijsmiddelen in België en in de landen van herkomst.

- Alle historische menselijke resten in federale collecties die rechtstreeks verband houden met het koloniale verleden van België moeten onvoorwaardelijk worden gerepatrieerd als daarom wordt verzocht (zonder dat de Belgische staat voorwaarden stelt bij hun terugkeer).
  - Bij het beheer van koloniale collecties moet rekening worden gehouden met het Belgische koloniale verleden en de gevolgen daarvan tot op vandaag. Deze collecties houden rechtstreeks verband met een specifieke context van overheersing van een grondgebied en zijn bevolking door een buitenlandse bezettingsstaat.
  - Repatriëren kan naar de nakomelingen, als het individu is geïdentificeerd, naar de gemeenschap van herkomst of naar het land. Een interne dialoog in het land van herkomst moet het repatriëringsproces bepalen.
  - Als de familie of de gemeenschap een repatriëringsverzoek indient, moet de Belgische staat de nodige zorgvuldigheid aan de dag leggen en het land van herkomst daarover inlichten, met erkenning van diens soevereiniteit. Repatriëringsprocessen kunnen gevolgen hebben voor de relaties tussen gemeenschappen en families in de landen van herkomst. Daarom lijkt het belangrijk de staten van de herkomstlanden toe te staan te bemiddelen en hun lokale gemeenschappen en andere betrokken burgers te raadplegen om tot oplossingen te komen voor alle betrokken partijen;
  - Effectieve repatriëring vindt plaats door middel van bilaterale overeenkomsten tussen de Belgische staat en de staat van herkomst. Daarin staan de praktische voorwaarden voor de repatriëring van de menselijke resten overeenkomstig de wil van de nakomeling en/of de gemeenschap van herkomst, indien van toepassing;
  - Repatriëringsprocessen en effectieve repatriëring moeten worden uitgevoerd op kosten van de Belgische staat. Voor de modaliteiten zijn bilaterale overeenkomsten nodig;
  - Er moet een moratorium in acht worden genomen op het bestuderen van menselijke resten uit het Belgische koloniale verleden die deel uitmaken van het Belgische staatserfgoed. Als de menselijke resten in een studie opgenomen zouden moeten worden, mag dit alleen gebeuren met de instemming van de afstammelingen of de vertegenwoordigers van de gemeenschap of het land.

- Deze aanbevelingen kunnen ook worden toegepast op andere historische collecties van niet-Belgische oorsprong. Wij bevelen de regering aan open te staan voor de repatriëring van alle buitenlandse menselijke resten uit de historische periode die deel uitmaken van het staatserfgoed. Dit omvat de repatriëring van het Tasmaanse skelet en de Maori-hoofden uit de federale collecties, waarvoor eerder repatriëringsverzoeken zijn ingediend. Richtlijnen met goede praktijken in verband met menselijke resten uit (pre)historische periodes van (niet-)Belgische oorsprong zullen binnenkort beschikbaar zijn in een afzonderlijk document na de publicatie van het advies over het statuut van de menselijke resten door het Belgisch Raadgevend Comité voor Bio-ethiek.

  Genetische analyse alleen is niet aanbevolen om een band te bewijzen tussen twee personen of een gemeenschap en een overledene, aangezien familiebanden niet altijd gebaseerd zijn

op bloedbanden en bij elk verzoek rekening moet worden gehouden met andere bewijzen, zoals sociologische, historische en antropologische elementen.

- De repatriëring van menselijke resten is slechts een onderdeel van een proces. Gedetailleerd herkomstonderzoek kan ook van vitaal belang zijn. In overeenstemming met de aanbevelingen van Restitution Belgium (2021) bevelen wij aan om de financiering van herkomstonderzoek in België aanzienlijk te verhogen.
  Herkomstonderzoek moet een samenwerkingsproces zijn, maar het blijft de verantwoordelijkheid van de financieringsorganen en van de politieke beleidsmakers om te zorgen voor voldoende middelen en personeel om aan deze eisen te voldoen.
  Wat betreft de menselijke resten en de verzoeken tot repatriëring bevelen wij aan om volgende initiatieven te steunen:
  - Doctoraatsbeurzen voor studenten uit landen van herkomst om onderzoek te doen naar menselijke resten;
  - Uitwisselingsprogramma's die onderzoekers uit beide landen in staat stellen samen te werken aan herkomstonderzoek en repatriëring;
  - Financiering van samenwerkingsprojecten met landen van herkomst met het oog op repatriëring en het delen van kennis, van mondelinge overleveringen in de landen van herkomst, van archieven en van informatie over de menselijke resten zelf;
  - financiering van projecten op gemeenschapsniveau die gericht zijn op het herstel van de gemeenschap en de repatriëring van menselijke resten;
  - financiering voor voormalig gekoloniseerde landen voor de fysieke terugkeer van menselijke resten;
  - voortzetting van de financiering van de digitalisering van archiefmateriaal voor het FAIR delen van de informatie.

- Er moet een **aanspreekpunt** komen in verband met menselijke resten. Het moet alle informatie verstrekken aan instellingen, administraties, gemeenschappen en particulieren over de status en richtlijnen voor goede praktijken in verband met menselijke resten die in België moeten worden toegepast. En het moet verwijzen naar het advies van het Belgisch Raadgevend Comité voor Bio-ethiek over de status van menselijke resten;
  - Het aanspreekpunt centraliseert niet één inventaris van de menselijke resten, maar biedt links naar de verschillende lokale, regionale en federale inventarissen van menselijke resten die in België worden bewaard, en ook relevante contactinformatie;
  - Voor de repatriëring van menselijke resten van niet-Belgische oorsprong, zou het:
    - de repatriëringsverzoeken en -processen kunnen centraliseren;
    - kunnen deelnemen aan het repatriëringsproces door individuen, gemeenschappen en staten van herkomst te helpen bij de voorbereiding van hun verzoek en door samen te werken met de administratie van de herkomstlanden om de praktische voorwaarden voor de terugkeer te scheppen;
    - kunnen optreden als tussenpersoon voor Belgische instellingen/individuen die menselijke resten willen repatriëren;
    - het onderzoek naar de herkomst kunnen vergemakkelijken door de toegang te organiseren tot archieven en documentatie over collecties van menselijke resten.

  De activiteiten van het aanspreekpunt zouden kunnen worden geïntegreerd in een ruimer onafhankelijk "**Expertisecentrum voor herkomstonderzoek**". De organisatie ervan zou die van het Belgisch Raadgevend Comité voor Bio-ethiek kunnen volgen en gebaseerd zijn op een samenwerkingsovereenkomst tussen het federale en het regionale niveau.

Het zou kunnen bestaan uit:

- Een permanent secretariaat met wetenschappelijk personeel dat gefinancierd wordt met een specifiek budget en/of gedetacheerd wordt door federale of regionale overheden.
- Een groep van deskundigen die alle aspecten en disciplines in verband met herkomst en restitutie beheerst, met vertegenwoordigers van de landen van herkomst en van de diaspora;
- Een raad van vice-voorzitters, gekozen uit de groep van deskundigen. Deze raad zou onafhankelijk zijn van de hiërarchie van de federale wetenschappelijke instellingen en zou verantwoordelijk zijn voor de belangrijkste beslissingen van het Centrum.

Het "expertisecentrum" zou kunnen worden aangesproken door juridische autoriteiten en/of wetenschappelijke/academische/culturele/maatschappelijke organisaties uit België of uit de landen van herkomst. Het Centrum kan ook op eigen initiatief advies uitbrengen over een kwestie die onder zijn bevoegdheid valt.

Voor algemene informatie, neem contact op met:

Patrick Semal, (coördinator van het HOME-project en conservator van de antropologische en prehistorische collecties)

Koninklijk Belgisch Instituut voor Natuurwetenschappen (KBIN)
patrick.semal@naturalsciences.be

Tara Chapman, antropologe (wetenschappelijk coördinator van het HOME-project)
Koninklijk Belgisch Instituut voor Natuurwetenschappen (KBIN)
T +32 (0)471618678
tara.chapman@naturalsciences.be

Voor meer informatie over de Afrikaanse koloniale collecties kunt u contact opnemen met:

en Coutennier, historicus (partner van het HOME-project)
Geschiedenis en politiek
Africa Museum (KMMA)
T +32 (0)2 769 58 43
maarten.couttenier@africamuseum.be

Voor meer informatie over de collecties van de Koninklijke Musea voor Kunst en Geschiedenis (KMKG), waaronder de Egyptische en pre-Colombiaanse collecties, kunt u contact opnemen met:

Serge Lemaitre, conservator ((partner van het HOME-project))
T +32 (0)2 741 73 38
s.lemaitre@kmkg-mrah.be

Voor informatie over de juridische aspecten van de menselijke resten kunt u contact opnemen met:

Marie-Sophie de Clippele, rechten (partner van het HOME-project)
Université Saint-Louis–Bruxelles
T +32 (0)2 211 78 24
marie-sophie.declippele@usaintlouis.be

Voor informatie over het gebruik van genetische analyse van de menselijke resten kunt u contact opnemen met:

Stijn Desmyter, wettelijke genetische identificatie
Nationaal Instituut voor Criminalistiek en Criminologie
T. +32 (0)2 240 05 41
stijn.desmyter@just.fgov.be

Press release 29.03.2023

Le projet de recherche HOME recommande le rapatriement des restes humains historiques des anciennes colonies belges et la création d'un point focal sur les restes humains.

Une équipe de recherche multidisciplinaire coordonnée par l'Institut royal des Sciences naturelles de Belgique (IRSNB) demande la mise en place d'un point focal pour gérer les informations relatives aux collections de restes humains en Belgique. Le projet HOME recommande également de modifier la loi afin de faciliter le rapatriement des restes humains si il y a une demande et de mettre les restes humains hors commerce.

Les demandes de rapatriement se sont intensifiées dans le monde entier au cours des dernières décennies et la nécessité de réparer et de rapatrier les restes humains conservés dans des institutions publiques et privées est de plus en plus reconnue. Le projet de recherche HOME (Human Remains Origin(s) Multidisciplinary Evaluation project) a été financé par le pilier 2 de BELSPO BRAIN-be 2.0 ''Heritage science'' et a été mis en place suite à des questions sur l'éthique de la présence de restes humains dans le patrimoine fédéral belge et sur la manière dont certains de ces restes ont été appropriés pendant l'ère coloniale.

HOME s'est déroulé de décembre 2019 à décembre 2022 et s'est concentré sur la réalisation d'inventaires des collections de restes humains dans les institutions belges, avec un accent particulier sur les études de cas des différents restes humains du temps historique ou du contexte colonial dans les collections fédérales belges.

Les partenaires de ce projet étaient : l'Institut royal des Sciences naturelles de Belgique (IRSNB), le Musée royal de l'Afrique centrale (MRAC), les Musées royaux d'art et d'histoire (MRAH), l'Institut national de criminalistique et de criminologie (INCC), l'Université Saint-Louis (USL-B), l'Université libre de Bruxelles (ULB) et l'Université de Montréal (UdeM). De courts résumés des résultats de chaque partenaire sont également disponibles.

Restes humains dans les institutions belges

Une enquête sur les restes humains menée par le projet HOME en collaboration avec FARO et le projet de synthèse de l'Agence flamande du patrimoine sur les restes humains archéologiques (MEMOR) a montré qu'un minimum de 30 000 individus humains sont actuellement conservés dans 56 collections (musées, universités et collections privées). La grande majorité de ces restes humains proviennent de collections historiques et préhistoriques.

La plupart des collections historiques provenant de l'extérieur de la Belgique sont des collections de crânes du monde entier qui ont été collectés dans les contextes précoloniaux et coloniaux belges et qui sont conservés à l'IRSNB. Il y a plus de 500 restes historiques de la République démocratique du Congo, du Rwanda et du Burundi qui ont été collectés dans un contexte colonial très problématique. Ils font en grande partie partie des collections transférées du MRAC en 1964-1965.

Il existe également des collections plus modestes provenant d'origines géographiques, d'époques et de contextes différents. Il s'agit de collections archéologiques, de momies, de reliques, d'os incinérés/calcinés, de têtes réduites, mais aussi de nombreux artefacts composés de restes humains (instruments de musique, coiffes cérémonielles, etc.).

Les restes humains ne peuvent être considérés comme des objets et le rapatriement des restes ancestraux peut contribuer à promouvoir la guérison et la réconciliation entre les pays et au sein des communautés. Pour certaines communautés, le rapatriement de leurs restes ancestraux est d'une importance primordiale, alors que d'autres ne souhaitent pas le retour de leurs restes humains, surtout s'il leur est imposé.

Au cours des dernières décennies, plusieurs demandes formelles et informelles ont été formulées en vue du rapatriement de restes humains ancestraux conservés par des institutions scientifiques fédérales belges. Il s'agit notamment d'un squelette tasmanien qui se trouve actuellement à l'Institut royal des Sciences naturelles de Belgique (IRSNB) et de deux têtes maories conservées aux Musées royaux d'art et d'histoire (MRAH). Ces demandes n'ont pas été traitées précédemment, d'une part parce que l'on pensait à l'époque qu'il n'existait pas de cadre juridique permettant de rapatrier ces restes, d'autre part en raison de l'époque à laquelle les demandes ont été formulées, où les restes humains étaient considérés comme précieux pour la science, et enfin en raison d'un manque de connaissances sur la manière de procéder avec de telles demandes.

En 2018, il y a eu une demande de rapatriement du crâne du chef Lusinga depuis la République démocratique du Congo. Cette demande a été adressée par un membre de la famille au roi des Belges et soutenue en 2019 par des membres de la communauté Tabwa, mais n'a jamais été relayée par le gouvernement de la RDC.

L'administration rwandaise a été contactée au cours du projet HOME et le Rwanda a exprimé le souhait de rapatrier les restes humains rwandais associés à une étude de provenance.

En Belgique, un seul rapatriement de restes humains entre la Belgique et la RDC a eu lieu récemment, à savoir le rapatriement de la dent de Patrice Lumumba à des membres de sa famille. L'un des partenaires du projet (Université libre de Bruxelles (ULB)) a également transféré la propriété de 10 crânes d'origine congolaise détenus à l'ULB à l'Université de Lubumbashi (UNILU) en 2020 en vue d'un rapatriement ultérieur.

Recommandations : politique ouverte en matière de rapatriement

Le projet HOME recommande que les institutions scientifiques fédérales (FSI) aient une politique ouverte en ce qui concerne le rapatriement des restes humains. Les recommandations suivantes peuvent également s'appliquer à différentes institutions publiques et privées en Belgique sur la manière dont elles peuvent gérer leurs collections de restes humains (pré)historiques à l'avenir.

Le projet Home recommande :

- Des changements devraient être apportés à la loi pour mieux respecter les restes humains, limiter leur commerce et faciliter leur rapatriement. Le rapatriement des restes humains revêt une importance sociétale car il touche à la dignité humaine.
    - Nous recommandons que les restes humains ne fassent pas l'objet d'un commerce.
- Les restes humains ne peuvent être considérés comme des "objets" et le rapatriement de restes ancestraux peut contribuer à promouvoir la réconciliation entre les pays et la résilience

au sein des communautés. Le rapatriement fait partie d'un processus et/ou d'un dialogue qui signifie la réparation et le suivi, incluant éventuellement :

- Une recherche de provenance conjointe et collaborative avec la Belgique et les pays et/ou communautés d'origine dans le respect de leurs droits culturels;
- Toutes formes de commémoration(s) dans les pays d'origine;
- Des projets de sensibilisation comprenant des politiques et des outils éducatifs en Belgique et dans les pays d'origine.

- Le rapatriement de tous les restes humains historiques des collections fédérales en rapport direct avec le passé colonial de la Belgique doit être effectué sans que l'État belge ne pose de conditions à leur retour.
  - Le passé colonial belge et ses conséquences actuelles doivent être pris en compte dans la gestion des collections coloniales. Ces collections sont directement liées à un contexte spécifique de domination d'un territoire et de ses populations par un État occupant étranger.
  - Le rapatriement peut se faire vers les descendants si l'individu est identifié, vers la communauté d'origine ou vers le pays. Un dialogue interne au pays d'origine doit définir le processus de rapatriement.
  - En cas de demande de rapatriement émanant de la famille ou de la communauté, l'État belge doit faire preuve de diligence et avertir le pays d'origine, en reconnaissant sa souveraineté. Étant donné l'impact potentiel des processus de rapatriement sur les relations entre les communautés et les familles dans les pays d'origine, il semble important de permettre aux États des pays d'origine de jouer un rôle de médiateur et de consulter leurs communautés d'origine et d'autres citoyens concernés afin de trouver des solutions entre toutes les parties impliquées ;
  - Le rapatriement effectif s'effectue par le biais d'accords bilatéraux entre l'État belge et l'État d'origine qui déterminent les conditions pratiques du rapatriement des restes humains selon la volonté du descendant et/ou de la communauté d'origine le cas échéant ;
  - Les processus de rapatriement et le rapatriement effectif doivent être effectués aux frais de l'État belge. Les modalités doivent faire l'objet d'accords bilatéraux ;
  - Un moratoire doit être observé sur l'étude des restes humains du passé colonial belge qui font partie du patrimoine de l'État belge. Si les restes humains doivent être inclus dans une étude, cela ne doit se faire qu'avec l'accord des descendants, ou des représentants de la communauté ou du pays.

- Ces recommandations peuvent également être appliquées à toute autre collection historique d'origine non belge. Nous recommandons au gouvernement d'être ouvert au rapatriement de tous les restes humains de la période historique faisant partie du patrimoine de l'État et provenant de l'extérieur de la Belgique. Cela inclut le rapatriement du squelette provenant de la Tasmanie et des têtes maories hébergées dans les collections fédérales, qui ont fait l'objet de précédentes demandes de rapatriement. Des lignes directrices pour les bonnes pratiques relatives aux restes humains des périodes (pré)historiques d'origine (non)belge seront bientôt disponibles dans un document séparé après la publication de l'avis sur le statut des restes humains par le Comité consultatif de bioéthique belge.

- L'analyse génétique seule n'est pas recommandée pour prouver un lien entre deux personnes ou une communauté et une personne décédée, car les relations familiales ne sont pas toujours basées sur les liens du sang, et d'autres éléments de preuve tels que des éléments sociologiques, historiques et anthropologiques doivent être

considérés dans chaque demande.

- Le rapatriement des restes humains n'est qu'une partie du processus. Une recherche détaillée de la provenance pourrait également être d'une importance vitale. Conformément aux recommandations de Restitution Belgium (2021), nous recommandons une augmentation significative du financement de la recherche sur la provenance en Belgique. La recherche sur la provenance doit être un processus collaboratif, mais il reste de la responsabilité des organismes de financement et des décideurs politiques de garantir des fonds et du personnel suffisants pour répondre à ces demandes.

  En ce qui concerne les restes humains et les demandes de rapatriement, nous recommandons de promouvoir :

  - des bourses de doctorat pour les étudiants des pays d'origine pour la recherche sur les restes humains ;
  - des programmes d'échange permettant aux chercheurs des deux pays de travailler ensemble sur la recherche de la provenance et le rapatriement ;
  - le financement de projets de collaboration avec les pays d'origine dans le but de rapatrier et de partager les connaissances, les histoires orales dans les pays d'origine ainsi que les archives et les informations sur les restes humains eux-mêmes ;
  - le financement de projets communautaires axés sur la guérison de la communauté et le rapatriement des restes humains ;
  - la poursuite du financement de la numérisation des documents d'archives en vue d'un partage équitable de l'information.

- Un **point focal** relatif aux restes humains devrait être mis en place pour fournir toutes les informations aux institutions, administrations, communautés et personnes privées sur le statut et les bonnes pratiques relatives aux restes humains à appliquer en Belgique, et établir un lien avec l'avis du Comité consultatif de bioéthique belge sur le statut des restes humains:
  - Le point focal ne centralise pas un inventaire unique des restes humains mais fournit des liens vers les différents inventaires locaux, régionaux et fédéraux des restes humains hébergés en Belgique, ainsi que des informations de contact pertinentes ;
  - En ce qui concerne le rapatriement des restes humains d'origine non belge, il pourrait:
    - centraliser les demandes et les processus de rapatriement ;
    - s'intégrer dans le processus de rapatriement lui-même en apportant un soutien aux individus, communautés et États d'origine dans la préparation de leur demande et en coopérant avec l'administration des pays d'origine pour mettre en place les conditions pratiques du retour ;
    - servir d'intermédiaire avec les institutions/individus belges souhaitant rapatrier des restes humains ;
    - faciliter la recherche de provenance en organisant l'accès aux archives et à la documentation relatives aux collections de restes humains.

  Les activités du point focal pourraient être intégrées dans un "**Centre d'expertise pour la recherche de provenance**" indépendant plus large. Son organisation pourrait suivre celle du Comité consultatif de bioéthique belge et être basée sur un accord de coopération entre les niveaux fédéral et régionaux.

  Il pourrait être composé par :
  - Un secrétariat permanent comprenant du personnel scientifique financé par un

budget spécifique et/ou par détachement des administrations fédérales ou régionales.

- Un groupe d'experts identifiés couvrant tous les aspects et disciplines liés à la provenance et à la restitution, ainsi que des représentants des pays d'origine, y compris de la diaspora ;
- Un conseil de vice-présidents pourrait être choisi parmi le groupe d'experts.
  Ce conseil serait indépendant des hiérarchies des institutions scientifiques fédérales et serait responsable des principales décisions du Centre.

Le "Centre d'expertise" pourrait être saisi par des autorités judiciaires et/ou des organisations scientifiques/académiques/culturelles/de la société civile de Belgique ou des pays d'origine. Le Centre pourrait également donner des avis de sa propre initiative sur une question relevant de sa compétence.

Pour toute information générale, veuillez contacter :

Patrick Semal, (Coordinateur du projet HOME et conservateur des collections anthropologiques et préhistoriques)
Institut royal des Sciences naturelles de Belgique
T +32 (0)2 627 43 80
patrick.semal@naturalsciences.be

Tara Chapman, anthropologue (coordinatrice scientifique du projet HOME)
Institut royal des Sciences naturelles de Belgique
+32 (0)471 61 86 78
tara.chapman@naturalsciences.be

Pour plus d'informations sur les collections coloniales africaines, veuillez contacter :

Maarten Coutennier, historien (partenaire du projet HOME)
Histoire et Politique
AfricaMuseum
T +32 (0)2 769 58 43
maarten.couttenier@africamuseum.be

Pour plus d'informations sur les collections des Musées royaux d'art et d'histoire (MRHA), y compris les collections égyptiennes et précolombiennes, veuillez contacter :

Serge Lemaitre, conservateur (partenaire du projet HOME)
T +32 (0)2 741 73 38
s.lemaitre@kmkg-mrah.be

Pour toute information sur les aspects juridiques des restes humains, veuillez contacter :

Marie-Sophie de Clippele, law (partenaire du projet HOME)
Université Saint-Louis–Bruxelles
T +32 (0)2 211 78 24
marie-sophie.declippele@usaintlouis.be

Pour obtenir des informations sur l'utilisation de l'analyse génétique des restes humains, veuillez contacter :

Stijn Desmyter, Identification légale
Institut National de Criminalistique et de Criminologie
T. +32 (0)2 240 05 41
stijn.desmyter@just.fgov.be