

REGULATIONS GOVERNING THE DISPOSITION OF ARCHAEOLOGICALLY RECOVERED HUMAN REMAINS

PART I—GENERAL PROVISIONS

§1. Authority

1) These regulations are promulgated by the Republic of the Marshall Islands Historic Preservation Office with the approval of the Minister of Interior and Outer Islands Affairs pursuant to §8(c) of the Historic Preservation Act 1991.

2) These regulations supercede all previous publications.

§2. Effective Date

These regulations shall come into force one (1) day after their approval by the Cabinet.

§3. Interpretation

In these regulations, unless the context otherwise requires, the definitions given in section 3 of the Historic Preservation Act 1991 shall apply.

§4. Burials shall not be disturbed.

(1) It shall be unlawful to disturb, damage or destroy known burials or cemeteries, regardless whether they are marked or not.

(2) Notwithstanding subsection (1), burials may be disturbed if

(a) Permission has been obtained according to the provisions of the "Regulations regarding the

PART II—DISPOSITION OF ARCHAEOLOGI- CALLY RECOVERED HUMAN REMAINS

§ 5. Disposition of archaeologically recovered human remains.

- (1) Unmarked human remains which are recovered from time to time and salvaged in the course of development activities, unregulated land modification, or data recovery, or which are found exposed due to natural erosion of the landscape, and which may be persons of different cultural associations shall be treated with dignity and respect consistent with the cultures of which they were members.
- (2) Scientific, medical or other study of human remains shall be conducted for the purpose of ascertaining their actual cultural associations as well as to gain knowledge of past cultures and events, but shall be restricted to the minimum necessary to ascertain cultural or ethnic associations and to address significant research questions.
- (3) Notwithstanding Subsection (2) of this section, burials shall be left in place undisturbed to the extent practical. If such burials cannot practically be left undisturbed, removal shall be done with proper archaeological methods and documentation.
- (4) In the absence of expressed alternate preferences by persons having ascertainable relationships to the specific remains involved or other justifying circum-

stances, re-interment in an appropriate and respectful manner shall be considered the normal treatment of human remains removed from their original burial locations. Such re-interment shall normally be in a sealed container with information regarding the original location and circumstances marked on the outside of the container and included within the container.

(5) All agencies or persons who need permits as stipulated under section 9 of the Regulations Governing Land Modification Activities 1991 shall make reasonable and good faith efforts in consultation with the HPO to locate such burials that may be affected by their actions or developments early in the planning process.

(6) Any removal, examination and re-interment, including the costs for an appropriate memorial, shall be at the expense of the agency or person whose project necessitates removal.

(7) The export of human remains is prohibited. If the scientific, medical or other study as specified in Subsection (2) of this section cannot be carried out in the Republic, then export may be permitted, provided that the remains be returned at the earliest possible date for re-interment under Subsection (4) of this section.

(8) The proposed removal, re-interment, destruction or export of human remains by an agency or person from archaeological or historic sites for religious reasons shall require the prior express approval by the HPO.