

# Repatriation in the United Kingdom

In the recent years some of the museums and holding institutions in the UK have repatriated indigenous human remains to Australia and other part of the world. There has been a growing number of requests received by holding institutions and museums in the UK for the remains to be repatriated by the Indigenous communities especially, the Australian Aborigines.

Recent developments in the UK have seen repatriation move into the political sphere, a progression which mirrors that which occurred in Australia and the United States 10-15 years ago and which, it could be argued, is what forced the scientific and museum community in those countries to accept that they no longer had sole rights to decide what should happen to the indigenous human remains in their collections [1].

Since the 1970s, continued requests by communities to museums, and intensive lobbying of government, have resulted in the return of a significant number of collections and instigated the development of museum policy and state legislation. Significant steps in this process include the return of Truganini's remains (1976), the Crowther Collections (1985) and other Tasmanian remains (1988) from the Tasmanian Museum and Art Gallery; the campaign for the return of the Murray Black Collection from the Department of Anatomy of the University of Melbourne in the mid 1980s; the return of the Kow Swamp fossils in 1990 and the return of Mungo Woman in 1992. Today communities may generally receive ancestral remains when they request them [2].

Museums in the UK began to receive requests for the repatriation of indigenous remains in the mid 1980s. Visits and representations from the Tasmanian Aboriginal Centre ('the TAC') and the Foundation for Aboriginal and Islander Research Action ('FAIRA') brought media attention to the issue and resulted in the return of a number of remains to Australia.

Continued requests, negotiations and campaigns throughout the 1990s led, in 1997, to the return of Truganini's necklace and bracelet from Exeter City Museum and Art Gallery Museum, Tasmanian hair samples from Edinburgh University, and a Tasmanian skull from Stockholm [3]. In the same year, the skull of Yagan, a Western Australian warrior shot and beheaded in 1833, was exhumed from a Liverpool cemetery (where it had been buried by the Liverpool Museum in the mid 1960s) and returned to Australia [4].

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In 2000, Edinburgh University repatriated its remaining collection of Aboriginal remains, and its collections of Hawaiian remains. In addition, this decade saw the repatriation to descendant communities in the USA of the remains of native American Chiefs Long Wolf and Star, which were disinterred from a London cemetery in 1997, and the repatriation of a Ghostdance shirt from Kelvingrove Museum in Glasgow to the Lakota Sioux in 1999 [5].

In 2003 the Royal College of Surgeons, England and Manchester Museum, returned Australian human remains to the national Museum in Canberra followed by Sweden's Museum of Ethnography in 2004 and 2006 the British Museum returned two Tasmanian cremation ash bundles. In 2007, London's Natural History Museum is planning to return the remains of 17 individuals to the Tasmanian Aboriginal Centre.

Repatriation policies held by the British institutions, can range from that of the University of Edinburgh, which will repatriate all remains to representatives of those cultures with which they have a continuing significance, to that of the Royall College of Surgeons of England, which will consider the repatriation of named individuals, to that of the Natural History Museum, which argues that it is prohibited from repatriating remains by the British Museum Act 1963. The University of Oxford's Museum policy on human remains claim for repatriation specifies that procedures will be followed when claims are made for the repatriation of human remains, and the circumstances in which the University may accede to claims [6].

In 1999, the UK government announced that it was convening a House of Commons Select Committee on Culture Media and Sport, to consider issues relating to *Cultural Property: Return and Illicit Trade*. The committee made certain recommendations in reference to human remains, and in particular recognised that human remains were a distinct category of cultural property:

*Our approach to the return of cultural property during this inquiry has been based on a broad consideration of the many types of cultural property concerned. However, as the inquiry progressed, we became convinced that a category of return claims deserves separate analysis—that of human remains [7].*

The Committee recommended that the Department for Culture, Media and Sport seek commitments 'from all holding institutions in the United Kingdom about access to information on holdings if indigenous human remains for all interested parties, including potential claimant's.

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In November 2006, The Royal Pavilion & Museums, Brighton & Hove developed a new policy for the care and treatment of human remains. The definition of human remains for the purposes of this policy follows that given in the Department of Culture Media and Sports Guidance:

*The term human remains is used to mean the bodies, parts of bodies and cremated remains, of once living people from the species Homo sapiens (defined as individuals who fall within the range of anatomical forms known today and in the recent past). This includes osteological material (whole or part skeletons, individual bones or fragments of bone and teeth), soft tissue including organs and skin, embryos and slide preparations of human tissue.*

*In line with The Human Tissue Act 2004, the definition does not include hair and nails, although it is acknowledged that some cultural communities do give these a sacred importance. Human remains also include any of the above that may have been modified in some way by human skill and/or may be physically bound-up with other non-human materials to form an artefact composed of several materials. Another, but much smaller, category of material included within this definition is that of artworks composed of human bodily fluids and soft tissue [8].*

In March 2001, the UK government published a further, more detailed, response to the Committee's report and recommendations of July 2000. In relation specifically to human remains, the Government appointed a Working Group on Human Remains (WGHR) in March 2001 to:

- examine the current legal status on human remains in the collections of publicly funded museums and galleries in the UK;
- examine the powers of museums and galleries governed by statute to de-accession, or otherwise release from their possessions, human remains within their collections and to consider the desirability and possible form of legislative change in this area;
- consider the circumstances in which material other than, but associated with, human remains might properly be included within any proposed legislative change in respect of human remains;
- take advice from interested parties if necessary;

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- consider the desirability of a Statement of Principles relating to the care and safe-keeping of human remains and to the handling of requests for return; and
- To prepare a report for the Minister for the Arts and to make recommendations as to proposals which might form the basis for a consultation document as part of the procedure required under the Regulatory Reform Bill.

A scoping survey of 146 museums in England, commissioned by the WGHR, showed that 132 hold human remains. Cressida Fforde state that ‘human remains exist in many different types of collections, for example universities, teaching hospital museums, anatomical museums, anthropological museums, ethnographical museums, phrenological museums and private museums’ [9]. More than two thirds of the institutions have some or all of their collection of human remains on public long-term display. Of these 132 institutions, 27 hold human material acquired for medical purposes, of which 20 hold fewer than 50 items, and four more that 500. The category of ‘human material acquired for medical purposes’ excludes material acquired through post-mortem examination in the UK, or from living people after 1947, both of which fall under the remit of the Retained Organs Commission [10].

In his work for the WGHR, the author outlined three categories of human remains in museums:

1. **Ancient human remains without cultural descendants**, defined as ‘culturally isolated’ human remains from antiquity, which are not subject to current claims by overseas governments, indigenous communities or any cultural descendants;
2. **Ancient human remains with cultural descendants**, defined as ‘culturally affiliated’ human remains from antiquity, which are subject to control or claims by cultural descendants, supported by the overseas national governments concerned. The claim of living populations to lineal descent is unsupported by scientific data.

This category of human remains has for some time been highly controversial.

3. **Recent human remains with biological descendants**, defined as culturally and biologically ancestral human remains, which are subject to control or claims by cultural descendants, supported by the overseas national governments concerned [11].

In addition a joint UK/Australia Prime Ministerial statement on Aboriginal remains was issued in July 2000 during Australian Prime Minister John Howard’s visit to the UK during Australia week, stating in part:

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*The Australian and British governments agree to increase efforts to repatriate human remains to Australian indigenous communities...*

*We agree that the way ahead in this area is a cooperative approach between our governments...*

*More research is required to identify indigenous human remains held in British collections. Extensive consultation must also be undertaken to determine the relevant traditional custodians, their aspirations regarding treatment of the remains and a means for addressing these....*

*The governments agree to encourage the development of protocols for the sharing of information between British and Australian institutions and indigenous people. In this respect we welcome the initiative of the British Natural History Museum which has catalogued 450 indigenous human remains ....*

It is evident in the Committee's report and the Joint Prime Ministerial statement, is an understanding that indigenous communities must be consulted and engaged as part of developing repatriation policy in the UK. If this happens then it will be a significant step forward to repatriate remains back to the land where they were taken from. It must also be noted that there has been other countries that have successfully repatriated remains from holding institutions in the UK, such as the Te Papa Museum in New Zealand.

In 1992 the Manchester University Museum decided to return four Indigenous skulls which were the subject of the request from the Aboriginal and Torres Strait Islander Commission dated from fairly recent times and were clearly of ethnographic, rather than archaeological interest. "The moral argument for their return was a strong one in this case. The skulls were regarded as being their rightful property, and the origin of one in particular was known with some certainty. Within the Aboriginal culture there was a very strongly held belief that the soul was not at rest until the body too was at rest. Given the circumstances in which the skulls were held within the Manchester collections, the moral dimension was considered to be the determining factor, and members took the view that in this case it would appear proper to respect the feelings of the Aboriginal community and accede to the request" [12].

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The decision to repatriate these remains was agreed upon by all parties involved, but the hand-over ceremony took place a long time afterwards. The hand-over ceremony was held on 29 July 2003, attended by representatives from Australia to take the remains back home. Tristram Besterman explained briefly on behalf of the University, explaining why the University had decided to return these remains to Australia:

*“...A hundred years ago, our...forebears removed from...Australia the remains of your ancestors at a time of great inequality of power, during the colonial era. Their removal was carried out without the permission of your people, through acts that violated your laws and beliefs.”*

*“Today we recognise that your ancestors must now return to their rightful resting place, to re-join the people of which they are a part, and from whom they should never have been parted. We also recognise that the ancestors are an indissoluble part of the spiritual wellbeing of indigenous people living in Australia today...”*

*“On behalf of the University of Manchester and its Museum, and in the name of our common humanity, I hereby relinquish possession of your ancestor, and commit these sacred remains to your care” [13].*

The ceremony became a public expression of a western university standing up for an important principle, which entailed breaking with its own traditions, honouring the traditions of a source community and demonstrating the generosity of spirit that the occasion demonstrated.

There has been many successful repatriation's as the one mentioned above, and museums around the UK are taking steps at developing repatriation policies to make sure the remains are returned when requested by the Aboriginal communities. This will also strengthen the relationships between all the parties involved and a further appreciation of the Indigenous Australian's cultural beliefs and traditions, and more importantly the importance of reburial of the ancestral remains.

## REFERENCES

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