

CULTURE RECREATION & TOURISM CABINET MEMBER MEETING

Agenda Item 29

Brighton & Hove City Council

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| Subject: | Request for return of human remains to Australia | | |
| Date of Meeting: | 16 September 2008 | | |
| Report of: | Director of Cultural Services | | |
| Contact Officer: | Name: | Janita Bagshawe | Tel: (29) 2840 |
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| Key Decision: | No | | |
| Wards Affected: | All | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To respond to the request for the return of Indigenous¹ Australian remains held in the Royal Pavilion & Museums' (RP&M's) collections, received from the Office of Indigenous Policy Co-ordination (OIPC) in the Department of Immigration and Multicultural and Indigenous Affairs of the Australian Government, 30 June 2005. RP&M's response has been delayed by the need to follow the national guidance on human remains in museums.
- 1.2 This request follows three reports to the Culture and Tourism Sub-Committee concerning human remains:
 - March 30th 2006: To brief Members on the *Guidance for the Care of Human Remains in Museums* published by the Department for Culture, Media and Sport (DCMS), October 2005.
 - June 14th 2006: To update Members on the development of the *Policy for the care and treatment of human remains* by Brighton & Hove City Council Museums' Service, following recommendations in the DCMS *Guidance*.
 - November 15th 2006: To agree Brighton & Hove City Council Museums' Service's *Policy on the Care and Treatment of Human Remains*.

2. RECOMMENDATIONS:

- 2.1 To agree to the return of four Indigenous Australian remains (two skulls and two femora (thigh bones) - BC101447, BC101046, BC101696 and BC101697).

¹ Indigenous Australians are descendants of the first known human inhabitants of the Australian continent and its nearby islands. This includes both the Torres Strait Islanders and the Aboriginal People.

- 2.2 To agree to postpone consideration of the remaining Indigenous Australian remains (a water vessel made from a skull - R2778/491), until further research into its background has been completed.

3. **RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

Brett Galt-Smith, Executive Program Officer for the Office of Indigenous Policy Co-ordination (OIPC), visited the UK in April 2005 to assess the scale and whereabouts of holdings of Indigenous Australian remains in UK museums.

The visit was followed by a formal request to RP&M for the return of fivepieces on 30 June 2005 made by Wayne Gibbons, Associate Secretary of the OIPC.

RP&M was advised by senior museum colleagues in the UK that it should await the soon-to-be-published DCMS *Guidance* before responding to the request. Following publication, it was clear that RP&M needed to prepare and publish its own policy on the care and treatment of human remains. This policy was to include the criteria by which any present or future claim for return of human remains would be assessed, and the framework within which such assessments would be made. This *Policy* was agreed by the Culture & Tourism sub-Committee in November 2006.

Subsequent to establishing the *Policy*, immediate work was undertaken by RP&M staff to begin to fully meet the policy's objectives. This has included time-consuming tasks such as completing an audit of all human remains in RP&M's collections.

Twelve months on from establishing the *Policy*, RP&M were in a position to begin to address the OIPC request. Throughout the period since June 2005 RP&M has been in contact with the Australian High Commission, which has a member of staff to oversee activity relating to the OIPC's requests to a number of UK museums. The Australian High Commission have understood and been sympathetic to the reasons for the delay in responding to the OIPC request.

Research on the four natural history specimens began this year. Since they have no provenance (i.e. no ethnic or geographical identification beyond being described in RP&M's records as 'Australian'), the Australian High Commission paid for detailed scientific analysis to be carried out on them by the Museum of London (see 4.1 below). This confirmed that the two skulls are of Australian Aboriginal ancestry.

According to the *Policy* (which follows the DCMS *Guidance* in this regard), RP&M has gathered evidence relating to the four specimens. In summary (see also section 7 below):

- Scientific analysis has confirmed the skulls as being of Australian Aboriginal ancestry.
- It is likely that the femora are associated with one of the skulls and are therefore of Australian Aboriginal ancestry.
- The remains have strong cultural, religious and social significance to Indigenous Australians.

- The remains are natural history specimens and have not been altered or modified in any way.
- Given that these remains have very little associated data, they have limited display, research and educational value.
- Using them for display, research and/or educational purposes would probably cause offence to Indigenous Australians.

Following the undertaking of this detailed criteria for assessing claims for returns, it is recommended these are returned. (Two skulls and two femora BC101447, BC101046, BC101696 and BC101697).

3.9 The water vessel made from a skull has not been fully assessed and therefore a decision on its return needs to be postponed.

4. CONSULTATION

4.1 Detailed scientific analysis was carried out on January 21st 2008 by Tania Kausmally and written up as two reports by Professor William Wright of the Museum of London (one for each of the skulls).

4.2 Precedent has been set with the transfer of certain Indigenous Australian remains from a number of museums in the UK including:

- Manchester Museum (University of Manchester) 2004
- Royal Albert Museum, Exeter 2005
- Kelvingrove Art Gallery and Museum, Glasgow 2006
- Natural History Museum, London 2006
- Hancock Museum, Tyne & Wear Museums 2006
- National Museums, Liverpool 2007
- National Museums of Scotland, 2008

In preparing this report we have drawn on the expertise and documented decisions made by many of these institutions, and consulted specialists at other museums who have considered requests for the return of Indigenous Australian human remains. These include Simon Chaplin (Director of the museums of the Royal College of Surgeons, London), Tony Eccles (Curator of Ethnography, Royal Albert Memorial Museum Exeter) and Lynne Heidi Stumpe (Curator of Oceanic Collections, World Museum, National Museums, Liverpool). We have also had contact with members of the Museum Ethnographers Group and the Human Remains Subject Specialist Network.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The Collections Service in the Royal Pavilion & Museums division has a budget of £558k in 2008/2009.

It is noted that all costs (except staff time in arranging access to the skulls and femora) involved in the return of these items, and any subsequent provenance work will be met by the Australian Government. The cost of the staff time itself is minimal and not outside of daily duties, and will therefore be contained within budget.

Accountant consulted: Peter Francis, 20 August

5.2 Legal Implications:

The recommendation of this report accords with RP&M's *Acquisitions and Disposals Policy* (2005) which states that: "The Service's governing body, acting on the advice of the Service's professional staff, if any, may take a decision to return human remains, objects or specimens to a country or people of origin. The museum will take such decisions on a case by case basis, within its legal position and taking into account all ethical implications."

Lawyer consulted: Bob Bruce, 18 August

5.3 Equalities Implications:

Equalities Impact Assessment completed. Only positive impact anticipated.

5.4 Sustainability Implications:

There are none.

5.5 Crime & Disorder Implications:

There are none.

5.6 Risk & Opportunity Management Implications:

Risk & Opportunity Register completed. Possible risk that the public may misunderstand the return and perceive wrongly that BHCC is disposing of collections more widely. Controls to be put in place to minimise this risk, including provision of clear information on the RP&M website, briefing all RP&M staff (especially front-line staff), and being alert to – and promptly correcting – any misinformation or misleading references to the return. We will also take advice from the many UK museums who have already returned similar remains.

5.7 Corporate / Citywide Implications

There are none.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The only alternative action is to keep the remains. The material was donated to the Museum. The donations were properly entered into the accessions register and later fully documented into Mimsy, our current computerised collections management system. The data are freely available and the items available for use/study. They form part of a documented access strategy, are curated to the highest standards, and their long-term preservation and security are assured.

7. REASONS FOR REPORT RECOMMENDATIONS

Concerning the two skulls and two femora (thigh bones) - BC101447, BC101046, BC101696 and BC101697:

- RP&M has followed the government's guidance on responding to requests for the return of human remains from museum collections (DCMS *Guidance*) in arriving at its recommendation.
- Scientific analysis has confirmed the skulls as being of Australian Aboriginal ancestry.
- It is likely that the femora are associated with one of the skulls and are therefore of Australian Aboriginal ancestry.
- These remains have strong cultural, religious and social significance to Indigenous Australians.
- The remains are natural history specimens and have not been altered or modified in any way.
- Given that these remains have very little associated data, they have limited display, research and educational value.
- Using them for display, research and/or educational purposes would probably cause offence to Indigenous Australians.
- The report's recommendation follows precedent set by other museums, including nationals.
- Given the above, and reassurances provided by the OIPC as to the treatment of the remains once repatriated, return is recommended.

Concerning the water vessel made from a skull - R2778/491

- RP&M has not completed the necessary steps outlined in the government's guidance, hence the recommendation to postpone consideration of the request for its return until this work is finished.

SUPPORTING DOCUMENTATION

Appendices

None

Documents In Members' Rooms

None

Background Documents

1. *Guidance for the Care of Human Remains in Museums* (DCMS, 2005)
2. *Policy for the care and treatment of human remains* (Brighton & Hove City Council Museums' Service, 2006)
3. Two reports by Prof Richard Wright, 2008

