

# Cabinet Member Meeting Culture, Recreation & Tourism

## Agenda Item 80

Brighton & Hove City Council

|                         |   |                                      |                       |
|-------------------------|---|--------------------------------------|-----------------------|
| <b>Subject:</b>         | <b>Request for return of human remains to Australia</b> |                                      |                       |
| <b>Date of Meeting:</b> | <b>10 February 2009</b>                                 |                                      |                       |
| <b>Report of:</b>       | <b>Director of Cultural Services</b>                    |                                      |                       |
| <b>Contact Officer:</b> | <b>Name:</b>  | <b>Janita Bagshawe</b>               | <b>Tel: (29) 2840</b> |
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| <b>Key Decision:</b>    | No  | Forward Plan No.                     |                       |
| <b>Wards Affected:</b>  | All   |                                      |                       |

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To make a final response to the request for the return of five items of/incorporating Indigenous<sup>1</sup> Australian remains held in the Royal Pavilion & Museums' (RP&M) 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. In September 2008 the Cabinet agreed to the return of four items from RP&M Natural Sciences collection. This paper concerns the final object in the OIPC's request which forms part of RP&M World Art collection.
- 1.2 This request follows three reports to the Culture and Tourism Sub-Committee and one to a Culture Cabinet Member Meeting concerning human remains:
- March 30<sup>th</sup> 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 14<sup>th</sup> 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 15<sup>th</sup> 2006: To agree Brighton & Hove City Council Museums' Service's *Policy on the Care and Treatment of Human Remains*.
  - September 16<sup>th</sup> 2008: To agree to the return of four Indigenous Australian remains (two skulls and two femora (thigh bones) -

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<sup>1</sup> 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.

BC101447, BC101046, BC101696 and BC101697) from RP&M's Natural Sciences collection.

## **2. RECOMMENDATIONS:**

To agree to the retention of a water vessel made from a human cranium (WA501838 / R2778/491) within RP&M World Art collection.

- 2.2 To agree that RP&M officers make contact with representatives of the Ngarrindjeri community at the earliest opportunity and initiate a dialogue about the future curation of the object.

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

- 3.1 The 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.
- 3.2 The visit was followed by a formal request to RP&M for the return of five pieces on 30 June 2005 made by the Associate Secretary of the OIPC.
- 3.3 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.
- 3.4 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 collections.
- 3.5 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 has understood and been sympathetic to the reasons for the delay in responding to the OIPC request.
- 3.5.1 Research on the four natural sciences specimens, which included biometric analysis, was completed in 2008. Following DCMS *Guidance* RP&M staff gathered evidence regarding the four specimens before conducting a synthesis and analysis of this information. Based on the findings of these, a request made to the Culture Cabinet Member that the specimens be repatriated was accepted.

3.5.2 The same processes of evidence gathering, synthesis and analysis have been undertaken for the final object in the OIPC's request, a water carrier made of a human cranium.

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

- The water carrier has been identified as the product of a specific community (the Ngarrindjeri) and place (the Coorong Peninsula in South Australia). This clear provenance awards the object significant scientific, educational and historical value.
- The water carrier is of great importance and rarity; only one example of such a vessel is known of in an Australian museum collection and just a handful of examples exist in European collections.
- The water carrier is made from modified human remains (worked on and with the addition of gum, shell and a carrying handle).
- Water carriers were made from the skulls of deceased people once the appropriate funerary rites had been completed. We have found no evidence to suggest such vessels were intended for burial.
- The piece was donated in 1925 by FW Lucas. Although RP&M does not know how and from whom he acquired the water carrier, contemporary written reports record that water carriers of this kind could be traded for European goods.
- We are aware of only two cases where a UK museum has returned modified human remains, which were not intended for burial. If RP&M returned this piece it would be in danger of setting a precedent impacting on other museums. Major collections such as the British Museum and University of Oxford Museums will only consider the return of modified human remains where it can be established that they were intended for burial.

3.7 Following the undertaking of this detailed criteria for assessing the claim for return, it is recommended that RP&M continue its custodianship of the water vessel.

## **4 CONSULTATION**

4.1 Detailed information – and extensive references from contemporary written reports – were provided by a museum specialist in Indigenous Australian history and cultural heritage. Specialists in UK museums were also consulted during the research process.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

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

The only cost implication of the recommendation is the continued storage of the water vessel, which would be found within the existing provision for collections storage in the Collections Service. Caring for and researching the object forms a normal part of the duties of the Keeper of World Art.

If the decision to retain the vessel were challenged and new information provided that meant the most appropriate course of action would be to repatriate the water vessel then all costs associated with this would be borne by the Australian government. Any time spent by the Keeper of World Art on facilitating the process would form a normal part of her duties.

Accountant consulted: Anne Silley, Head of Financial Services (Adult Social Care & Housing, Culture, Strategy & Governance), 30 December 2008

### Legal Implications:

- 5.2 The recommendation of this report accords with RP&M *Acquisitions and Disposals Policy* (2005) which states that the decisions whether to return or retain human remains, objects or specimens to a country or people of origin should be taken on “a case by case basis, within its legal position and taking into account all ethical implications”.

Lawyer consulted: Bob Bruce, Principal Solicitor, 5 January 2009

### Equalities Implications:

- 5.3 Equalities Impact Assessment completed. Actions identified include further research on possible impact of recommended decision on Indigenous source community.

Equalities officer consulted: Maureen Pasmore, 8 January 2009

### Sustainability Implications:

- 5.4 There are none.

### Crime & Disorder Implications:

- 5.5 There are none.

### Risk & Opportunity Management Implications:

- 5.6 Risk & Opportunity Register completed. Possible risk that the decision may prompt adverse publicity from representatives of local BME communities and/or members of the Ngarrindjeri source community. RP&M to issue a statement making transparent the processes involved in making the recommendation and the terms on which it was made (also the fact that some remains - see 3.5.1 - will be returned), to be disseminated via the RP&M website. Also, RP&M will take a proactive approach to managing relations with the source community (see 6.1).

### Corporate / Citywide Implications

- 5.7 There are none.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 While RP&M recommends retention of the water carrier within its collections it acknowledges the particular interests of the Ngarrindjeri community in this object. Following planned further research into existing models of knowledge-sharing with source community members, RP&M intends to begin a dialogue with community representatives about the future curation of the object.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

Concerning the water vessel made from a human cranium (WA501838 / R2778/491):

- 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.
- The water carrier has been identified as the product of a specific community (the Ngarrindjeri) and place (the Coorong Peninsula in South Australia). This clear provenance awards the object significant scientific, educational and historical value.
- The water carrier is of great importance and rarity; only one example of such a vessel is known of in an Australian museum collection and just a handful of examples exist in European collections.
- The water carrier is made from modified human remains (worked on and with the addition of gum, shell and a carrying handle).
- Water carriers were made from the skulls of deceased people once the appropriate funerary rites had been completed. They were used by friends and relatives of the deceased. We have found no evidence to suggest such vessels were intended for burial.
- The piece was donated in 1925 by FW Lucas. Although RP&M does not know how and from whom he acquired the water carrier, contem-

porary written reports record that water carriers of this kind could be traded for European goods.

- If RP&M returned this piece it would be in danger of setting a precedent impacting on other museums. Major collections such as the British Museum and University of Oxford Museums will only consider the return of modified human remains where it can be established that they were intended for burial.
- Following the undertaking of this detailed criteria for assessing the claim for return; it is recommended that RP&M continue its custodianship of the water vessel.

## **SUPPORTING DOCUMENTATION**

### **Appendices**

1. Equalities Impact Assessment
2. Risk & Opportunity Register Form

### **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)