



Memorandum of evidence from The Natural History Museum to the Working Group on Human Remains

This submission summarises key elements of the policy and practice of The Natural History Museum. It is structured to address the terms of reference of the Working Group and provides information that will aid discussion. Further information on the Museum's principles, operations, research and engagement with other organisations can be provided if needed, together with wider and more detailed evidence on the scientific and cultural frameworks and outcomes of research in this field.

The Museum wishes to make the following key points to the Working Group:

- The extension of powers of disposal for Trustees would be welcome, while protecting the interests of scientific research with appropriate checks and balances;
- There are a number of essential features of museum practice in this field, which should be important in the development of guidelines by the Working Group: high standards in collections management and documentation; openness and collaboration on information; communication of the importance of research; and engagement and discussion on requests made by indigenous and other groups for return or related issues;
- There are significant resource demands in money and staff time arising from development of particular policy and practices—the Working Group should make the cost of its recommendations for museums clear, and identify options for support.

Terms of reference 1 & 2: Legal status and museum powers for deaccession

1. The first two terms of reference of the Working Group are:

- To examine the current legal status of human remains within the collections of publicly funded Museums and Galleries in the United Kingdom.*
- To examine the powers of museums and galleries governed by statute to deaccession, or to otherwise release from their possession, human remains within their collections and to consider the desirability and possible forms of legislative change in this area.*

2. The Natural History Museum set out its current understanding of the legal status of human remains within its own collections in its written

submission¹ to the House of Commons Culture, Media and Sport Committee Inquiry "Cultural Property: Return and Illicit Trade" in 2000. The Director of the Museum, Sir Neil Chalmers, also gave oral evidence to the Committee².

3. The Museum operates under specific legal constraints that allow disposal of legally-acquired items from the collection only under very limited circumstances. These are defined by the British Museum Act 1963 and the Museums and Galleries Act 1992. This legal framework, coupled with a strong presumption by the Museum against disposal because of the unique scientific importance of the collection, means that deaccession and permanent transfer of items is exceptional.
4. The Museum welcomes the review of Trustees' powers of disposal by the Working Group. The Director, in his oral evidence to the Select Committee³, stated that he would welcome greater flexibility in the management of the collections (not only for human remains), and favoured the option of disposal to other institutions. He emphasised that such disposal would require appropriate checks and balances, with provision for appropriate appeal mechanisms and public consultation.
5. The British Museum Act 1963, paragraph 5, states that Trustees may "sell, exchange, give away or otherwise dispose of any object vested in them and comprised in their collections" if:

"(a) the object is a duplicate of another such object, or

(b) the object appears to the Trustees to have been made not earlier than the year 1850, and substantially consists of printed matter of which a copy made by photography or a process akin to photography is held by the Trustees, or

(c) in the opinion of the Trustees the object is unfit to be retained in the collections of the Museum and can be disposed of without detriment to the interests of students:"

The Act adds that Trustees may also "*destroy or otherwise dispose of any object vested in them and comprised in their collections if satisfied that it has become useless for the purposes of the Museum by reason of damage, physical deterioration, or infestation by destructive organisms*". The Museums and Galleries Act 1992 permits Trustees to dispose of items to a limited number of UK national institutions.

6. The Museum has defined its disposal policy in more detail in its *Curatorial Policies and Collections Management Procedures 1998*⁴, emphasising the presumption against disposal, "*other than by transfer as gift or in exchange to another suitable institution (that is,*

¹ House of Commons Culture Media and Sport Committee, Seventh Report, *Cultural Property: Return and Illicit Trade* Volume 3, Appendix 28, 295-299. 2000. The Stationery Office, London.

² House of Commons Culture Media and Sport Committee, Seventh Report, *Cultural Property: Return and Illicit Trade* Volume 2, 104-109. The Stationery Office, London.

³ House of Commons Culture Media and Sport Committee, Seventh Report, *Cultural Property: Return and Illicit Trade* Volume 2, 104-109. The Stationery Office, London.

⁴ The Natural History Museum *Curatorial Policies and Collections Management Procedures 1998*. 35pp. NHM, London.

not restricted to those listed in the 1992 Act), or by destructive investigation for research purposes." It goes on to state: "Any decision to dispose of registered objects will be taken only after due consideration. The Museum will assess all material considered for disposal in terms of its scientific, historical and cultural importance; the needs of both present and future users; and legal and ethical issues as they relate to that material".

Term of reference 3: material associated with human remains

7. The third term of reference of the Working Group is:

iii. To 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.

8. Paragraph 4 above makes the point that the Museum would welcome the widening of Trustees' powers of disposal to cover all collection items, not only human remains—this would include funerary and other objects associated with human remains and the Museum would therefore welcome the inclusion of this category in legislation, subject to the same checks and balances on return as for human remains.

Term of reference 5: care and safekeeping/requests for return

9. The fifth term of reference of the Working Group is to:

v. Consider the desirability of a Statement of Principles (and supporting guidance) relating to the care and safe keeping of human remains and to the handling of requests for return. If the Panel considers appropriate, to draw up the terms of such a Statement and guidance. (The Group interprets "care and safe keeping of human remains" as including all forms of treatment, including use and presentation.)

10. The Natural History Museum has revised its *Policy on Human Remains* (attached as Appendix 1 to this submission). This Policy is the result of discussion, research and development over the past two years. Policy sets out principles, policy objectives, legal obligations and a framework for procedure. It acts as a basis for more detailed operational procedures that support implementation of particular aspects of the Policy.

11. The Museum's Policy will continue to evolve in response to developments in collections management systems, the needs of research and other aspects of the Museum's responsibilities, in addition to reflecting developments in the legal and ethical framework within which the Museum operates.

12. The Working Group is concerned in part of this term of reference with "care and safe keeping" and "all forms of treatment, use and presentation". In a practical museum context, this phrase encompasses:

- The use of human remains in research;
- Access for other purposes;
- Systems and standards of collections management, including documentation and information on the collection;

- Access to information on the collection and information arising from research; and
- Public exhibition of human remains;

The use of remains in research

13. The Museum is strongly committed to the scientific study of human beings as a part of its mission to promote the discovery and understanding of the natural world. Research on human remains has importance in scientific, cultural and practical terms. Scientific study has given and continues to give us great insights into our true origins as part of the natural world, into the nature and diversity of human societies in the past and into the implications of that past for modern human populations in terms of health, disease and variation. It is not the case that this area of study is now of less significance than in earlier times or that the collections are of lower value: it is an integral part of modern science, developing and using modern analytical techniques to explore new questions and problems. It is on the foundation of empirical science that new cultural understandings of past and present peoples and societies can be constructed—human remains continue to be essential evidence in this enterprise. The Working Group has received submissions and evidence that emphasise the international importance of this research and the UK's central role.
14. The Museum's human remains collection has developed over many years and continues to be actively used in research by the Museum's own scientific staff and by many visiting scientists from around the world. Research access is provided to *bona fide* research workers affiliated to universities, governments and associated institutions. All research proposals must be submitted in advance and are subject to approval by the Keeper of Palaeontology.
15. The Museum's own research on human remains is of high quality and diversity. Some of the work explores broad questions in human origins and development, making use of the remains of modern humans from different parts of the world, and of those of human ancestors and related hominins. A good example of this work is seen in the recent collaborative paper in *Nature*⁵, which compared tooth growth in *Homo erectus* and other hominins with a range of different modern humans—this work has done much to clarify how tooth growth has changed in human evolution. Other work is examining relationships of human groups from different parts of the world, clarifying linkages and patterns of migration in the past—techniques for DNA and other molecular analysis are continually being refined, enabling more detailed insights to be gained and a better understanding of human origins.
16. The Museum's strength in this area of research is reflected in the recent award by the Leverhulme Trust of £1.2 million for a Museum-led project on the *Ancient Human Occupation of Britain*⁶. This project

⁵ Dean, C., Leakey, M.G., Reid, D., Schrenk, F., Schwarz, G.T., Stringer, C. and Walker, A. (2001) Growth processes in teeth distinguish modern humans from *Homo erectus* and earlier hominins. *Nature* **414**, 6 December 2001, 628-631.

⁶ http://www.nhm.ac.uk/hosted_sites/ahob/index_2.html

will be examining the patterns of human occupation over the past 500,000 years, using collections of remains and artefacts, analysing palaeoenvironmental and other evidence to explain the nature of human settlement and activity and to clarify periods when humans were apparently absent.

17. A further major area of research for the Museum's own scientists is the examination of patterns of human growth, maturation and life history evolution. This work involves the comparison of modern human remains with those of other primates, examining how teeth and other bones develop, and looking at indicators of stress and disease. This work will result in an integrated model of human development that will be important in understanding the distinctive nature of human evolution.
18. The current level of use of the collection by visiting scientists is on average approximately 1,000 visitor days each year. Some of these scientists are working on long-term projects that require numerous visits to the Museum's collection, while others may use the collection for only three or four days. In November 2001, there were 29 ongoing research projects by visiting scientists working on the collection, and over 50 other projects had made use of the collection in the year to November 2001. Some are collaborative projects with Museum, and all receive support in various forms from the Museum's curators in identifying the best material for their needs and using it to best effect.
19. Scientists using the collection are from institutions in all parts of the world: apart from the high use from UK workers, there are significant numbers of regular visitors from the USA, Europe, Japan, and Australia, and smaller numbers from other areas. Some visitors concentrate on remains from a particular location or region, while others do larger-scale comparative work making use of remains from a number of different areas of the world. A number of scientists make comparative use of both modern human remains and those of fossil hominins to explore questions of human origins and the wider diversity of relations with other groups.
20. One area of interest for research is in the development and application of new techniques, which can yield great benefits in the re-examination and comparison of collections. Resources permitting, the Museum is planning to develop its capacity to make CT scans of human material that will enable powerful three-dimensional computer analysis of bones,. Another area of considerable importance is molecular biology, where techniques are increasing in sensitivity and accuracy—this area of research requires some destructive and invasive sampling, which is carefully planned and controlled (see the *Policy on Human Remains*). For human remains, the most common destructive sampling method for molecular biology involves the removal of a minute sample from the pulp cavity of a tooth: this allows the analysis of mitochondrial and nuclear DNA for remains that may be thousands of years old.

Access for other purposes

21. Research is not the only possible reason for access to human remains and the Museum does allow access for other purposes—The

Policy on Human Remains makes explicit provision for access by non-scientists with established traditional links to the remains, for example. The Department of Palaeontology has a defined framework for considering such access, which is used in discussions with those requesting access.

22. This process of discussion establishes accreditation in countries of origin, the procedure for an access visit and planned ceremonies or practices, duration and location of access and other factors. The intended outcome of this process is to define an agreed protocol for access that ensures that the expectations and obligations of both the Museum and those requesting access are clearly defined and mutually understood.

Systems and standards of collections management

23. Human remains are managed as a distinct collection within the Museum, but are subject to the same standards and systems of collections management as the rest of the Museum's collection. The general policies on collections management are set out in *Curatorial Policies and Collections Management Procedures 1998*⁷ and are implemented with the aid of a Departmental procedures manual for Palaeontology.
24. The Museum's *Policy on Human Remains* (Appendix 1) refers to these general documents and to more specific collections management policy for human remains with respect to:
- Acquisition, accession and registration;
 - Temporary holdings;
 - Storage and security;
 - Care and conservation;
 - Loans for study and public display;
 - Deaccessioning/disposal of registered objects; and
 - Documentation and archives.
25. Human remains are cared for to a high standard in the Museum, with continuing investment over the years in collections furniture, storage boxes and materials, environmental monitoring and control, conservation, pest control and security.
26. Those people given access to the remains are required to follow specific handling and good practice guidelines, which are given to them in printed form and explained by collections management staff.
27. The Museum has invested considerable time and financial resources in improving documentation systems and standards over the past three years. The collection of human remains includes whole collections that were donated by other institutions, such as those from the Royal College of Surgeons and the University of Oxford in the middle of the last century. These were accompanied by documentation, but it did not meet modern collections management standards and there were significant errors in the received documents for some parts of the collection.

⁷ The Natural History Museum *Curatorial Policies and Collections Management Procedures 1998*. 35pp. NHM, London.

28. As a consequence, the Museum initiated an ongoing programme of collection inventory and documentation that is resulting in the progressive development of a database of all human remains in the collection. This started with parts of the collection for which there were requests for information in connexion with interest in return, but is being extended to all parts of the collection for which information does not meet modern standards.
29. The collection is being catalogued on the basis of geographical priority—those areas for which there are more requests for information on the Museum’s holdings. Those areas for which a modern database catalogue has been developed over the past three years are:
 - Andaman and Nicobar Islands
 - Australia
 - Greenland
 - New Zealand
 - North America (including Hawai’i and Alaska)
 - Oceania
 - Southern Africa
30. Inventory and databasing is ongoing for Central and South America and the following regions will be covered after this, in order of priority:
 - Middle and Near East
 - Rest of Africa, including Egypt
 - India, Pakistan, Sri Lanka and the Himalayan Kingdoms
31. This ongoing project demands resources, requiring the employment of a specialist physical anthropologist to undertake the cataloguing, together with the development of appropriate IT systems. The Museum has supported this from its own funds, but because this is one among many priorities, external funding is also being sought.

Access to information on the collection and information arising from research

32. The Museum’s *Policy on Human Remains* restates its commitment to the principle of access to information resources. The Museum has formulated procedural guidelines on responsibilities for responses on the different forms of information, which fall into the following categories:
 - Holdings of human remains;
 - Policy on human remains;
 - Collections care and conservation;
 - Documentation in the Museum Archive;
 - Documentation in the Department of Palaeontology; and
 - Media enquiries.
33. The Museum’s Policy and procedures will continue to develop in response to external needs and to changes in legislation, such as the Freedom of Information Act. A key element in the Museum’s response is to work with those requesting information to ensure that their need is met, and to help them to refine their request where this is appropriate.

34. The development of the database described above means that accurate information on human remains can be made available on request to any enquirer. The Museum has been responsive to requests for information from a number of different groups, some of whom have an interest in repatriation. The number of requests for information from organisations representing indigenous people (or from their agents in the form of government representatives, research consultants or non-governmental interest groups) is relatively low, falling on average at less than five each year.
35. Some requests have been for information on remains from whole regions or states—the Museum has, for example, provided comprehensive information to the Australian Government—and this information may be used by those receiving information in discussion with a larger number of groups of indigenous peoples.
36. Information arising from research on the Museum’s collection is published in the open literature, in academic and popular books, in newspapers and magazines, and contributes to the large number of television programmes on human origins, archaeology and related topics.

Public exhibition of human remains

37. The Working Group’s terms of reference uses the term “presentation”, which is assumed to mean public exhibition of remains or replicas, either in the Museum itself, in other institutions, or in photographs or film.
38. The *Policy on Human Remains* (Appendix 1) refers to the possibility of exhibition, photography or filming where there is “clearly demonstrable benefit in terms of communicating the results of science or another aspect of culture, public understanding of science or public understanding of the role of the Museum”. Any consideration of proposals for such activities would include the social context of display and the views of those with an interest in this issue.
39. In practice, the Museum does exhibit a small number of human remains in its own galleries. These are either standard anatomical demonstration specimens for human biology or the remains or replicas of remains of ancient humans or human ancestors. A very small number of loans for public exhibition have been made - these are remains from the UK and are usually loans to regional or local UK museums which have exhibitions on local archaeology.

Handling requests for return

40. While the Museum has very limited powers of disposal, and emphasises the continuing value of collections for research, it is willing to engage in dialogue with indigenous peoples and others on this issue of return and on the care and treatment of collections. This is reflected in the *Policy on Human Remains*, which asserts the need for dialogue, and goes on to state that “Such collaboration aims to provide better information on the Museum’s work, to learn from the experience of others in this context, and to try to develop mutually acceptable solutions in areas where there are conflicting views.”

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41. The Museum has received requests for return to countries of origin in past years, at the rate of one or two requests each year. The Museum is clear in responding to such requests that it is unable to dispose of items except in specific limited circumstances. However, the Museum also makes it clear that research on human remains is and will continue to be an essential part of its activities. The Museum is clear that in any discussion on the retention of a collection or the return of a limited number of remains, full account must be taken of the importance and benefits of the science.
 42. Museum staff have in the past decade met a number of representatives of indigenous people and of other groups to discuss issues of return and retention, to exchange information and to identify other interests. Discussions have continued as the Museum has developed policy and procedures that, *inter alia*, respond to the interests of such groups. This is likely to be a continuing process.
 43. In addition, Museum staff have paid visits to museums in Australia, the USA and Canada to discuss policy and practice on human remains. These exchanges have been important in developing the Museum's awareness of other policy options and possibilities, and in giving a better understanding of the diversity of legal and policy approaches to indigenous and other human remains in different countries.

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