

# WORKING GROUP ON HUMAN REMAINS

## Submission by The Museum of New Zealand Te Papa Tongarewa

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### Introduction

This submission is made by The Museum of New Zealand Te Papa Tongarewa (Te Papa) as an interested party to the Working Group on Human Remains established by the Department of Culture Media and Sport. It is timely that the Working Group is addressing the issues surrounding how museums will continue to care for and manage the human remains they hold within their collections. Considerable change has been taking place in respect of human remains within museum collections throughout the world, particularly North America and Australia. Many of these organisations have had to address particularly difficult issues – for both museums and indigenous communities, while continuing to assess the ongoing role and purpose of museums in the 21<sup>st</sup> century. This is an exciting time for museums particularly in relation to assessment of the roles of museums and how they engage with their communities. Te Papa supports the initiative of the Department in seeking to address these issues.

Te Papa has developed good relationships with museums and like institutions in the UK on the issue of Māori and Moriori remains within collections, and has undertaken a number of significant repatriations of human remains from the UK in the last decade. This has demonstrated a willingness of institutions to address issues of determination over ancestral remains by Māori and engage in dialogue that may result in repatriation to New Zealand. This response however has not been consistent across all the institutions that Te Papa has approached. Much of this can be attributed to the environment in which this issue is considered in the UK.

This submission reflects the experiences and history of Te Papa in such a complex and emotive arena of human remains in museum collections. We look forward to being able to present our submission orally to the Working Group in the new year.

A number of issues are covered in detail in this submission relating specifically to Māori and Moriori ancestral remains and their treatment in publicly funded United Kingdom museums and galleries. This submission also addresses general issues of contemporary museum practice,

including the relationships of museums to the public and their collections (of which human remains continue to be seen as part of).

In summary:

1. Te Papa does not recognise human remains as artefacts or collection items
2. Te Papa recognises that these human remains embody matauranga Māori (Māori traditional knowledge/perspectives) which are held by Māori, and belongs only to Māori
3. Te Papa actively seeks to repatriate human remains
4. Te Papa does not knowingly display human remains
5. Where provenance can be identified, Te Papa recognises the ownership interests of Indigenous peoples in their ancestral remains
6. Te Papa supports the repatriation of ancestral remains of clear and known New Zealand provenance, to New Zealand
7. Te Papa encourages dialogue between requesting communities and museums in regard of the care, management and return of ancestral remains
8. Te Papa encourages inter-governmental agreements to facilitate the return of ancestral remains
9. Te Papa encourages the UK Working Group on Human Remains to provide open access to information about holdings in UK museums, galleries, universities and other institutions
10. Te Papa would encourage the UK Working Group on Human Remains to provide for the review of the legal status of ancestral remains held within collections to ensure the ability of organisations to repatriate ancestral remains to indigenous peoples is maximised
11. Any developed principles relating to the care, safe keeping and handling of requests for return of ancestral remains should reflect the wishes of indigenous peoples

## SECTION I

### Organisational Context

Te Papa is a crown entity established by the Museum of New Zealand Te Papa Tongarewa Act 1992 (Act). Te Papa opened in 1998. This Act combined the then National Museum and National Art Gallery into one institution. Section 4 of the Act identifies the purpose of the institution as:

*“...to provide a forum in which the nation may present, explore, and preserve both the heritage of its cultures and knowledge of the natural environment in order to better –*

*(a) To understand and treasure the past; and*

*(b) To enrich the present; and*

*(c) To meet the challenges of the future.”<sup>1</sup>*

The museum is governed by a Board that is appointed by the Minister for Arts, Culture and Heritage. The functions of the Board are identified as:

(a) To control and maintain the Museum:

(b) To collect works of art and items relating to history and the natural environment:

(c) To act as an accessible national depository for collections of art and items relating to history and the natural environment:

(d) To develop, conserve, and house securely the collections of art and items relating to history and the natural environment in the Board's care:

(e) To exhibit, or make available for exhibition by other public art galleries, museums, and allied organisations, such material from its collections as the Board from time to time determines:

(f) To conduct research into any matter relating to its collections or associated areas of interest and to assist others in such research:

(g) To provide an education service in connection with its collections:

(h) To disseminate information relating to its collections, and to any other matters relating to the Museum and its functions:

(i) To co-operate with and assist other New Zealand museums in establishing a national service, and in providing appropriate support to other institutions and organisations holding objects or collections of national importance:

(j) To co-operate with other institutions and organisations having objectives similar to those of the Board:

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<sup>1</sup> Museum of New Zealand Te Papa Tongarewa Act 1992

- (k) To endeavour to make the best use of the Board's collections in the national interest:
- (l) To design, construct, and commission any building or structure required by the Museum.<sup>2</sup>

The Act requires that the Board must have regard for the ethnic and cultural diversity of New Zealand in undertaking its functions, and to ensure that the mana and significance of Māori, European and other major cultural heritages is expressed and recognised at Te Papa. A key factor in achieving this goal is to increase participation by communities, particularly Māori as New Zealand's indigenous people, in all functions of the Museum. The acknowledgment of the coexistence of differing world views is also reflected in the operation of the organisation.

### *Community Participation*

The concept of museums working more closely with communities is an increasingly occurring practice internationally, as organisations recognise that reconnecting communities with their treasures increases the organisations knowledge base and enhances the museum experience. The recognition of communities as key stakeholders in museums has significantly altered museum practice in many institutions around the world, including Te Papa. This principle underpins much of the work that Te Papa does and how it operates in relation to this issue.

Te Papa achieves increased community participation through a number of partnership approaches including exhibitions, research, events and in the care of taonga or treasures. The repatriation of ancestral remains, though controversial and complex at times, is also a key means of developing and maintaining important relationships. As a result of Te Papa engaging in partnership with iwi Māori/Moriori, and Te Papa's expertise in repatriation, Māori have increased expectations of museums generally in respect of responsiveness and acknowledgment of the value they can bring to an organisation.

Te Papa has developed several partnerships with iwi (Māori or Moriori tribes) to develop culturally appropriate means of caring for and repatriating their ancestral remains. Where iwi or regional provenance can be identified from museum records, the relevant iwi, as descendants of the remains, are consulted. These relationships, in conjunction with two national meetings held to discuss the care and management of Māori and Moriori ancestral remains, have accumulated a wealth of knowledge and good will between Te Papa and iwi.

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<sup>2</sup> Section 7, Museum of New Zealand Te Papa Tongarewa Act 1992.

These national meetings have also indicated the ongoing support for Te Papa (and its expertise) in undertaking work in this area.

Te Papa supports the repatriation to New Zealand of Māori and Moriori ancestral remains. Te Papa has undertaken significant work in this area since the late 1980's. This work was initiated by Te Papa's predecessor organisation, the National Museum of New Zealand, and has included a number of successful repatriation projects from organisations in the United Kingdom, Europe and Australia<sup>3</sup>.

Te Papa acknowledges its organisational history, and the history of museums in New Zealand that formerly engaged in the practice of collecting human remains. A significant shift has occurred in museum practice in New Zealand over the last 20 years, whereby museums, including Te Papa, no longer engage in the collection of human remains for the sake of collection development.

In regard to the repatriation of human remains, both the New Zealand Government and Māori tribes have agreed in principle to Te Papa's role in this work, but no policy direction has yet been defined by Government. Acknowledgment has been made by these groups of the expertise and appropriate positioning that Te Papa offers on this issue. Hence, in the absence of clear Government policy relating to human remains repatriation and management in New Zealand, Te Papa has and will continue to act as kaitiaki or guardian of these ancestors, and facilitate the repatriation of Māori/Moriori remains where possible, and desired by iwi.

Te Papa has repatriated a number of Māori and Moriori human remains from museums and institutions in the UK. Te Papa has also written to many other museums and institutions in the UK seeking the return of Māori and Moriori human remains to New Zealand. Some has responded positively, while many others continue to refuse to engage in dialogue on the issue, citing mainly legislative constraints, and their 'philosophy of museums as the legitimate and solely responsible custodians of the whole world's cultural heritage'<sup>4</sup>. This legislation is the British Museums Act 1963. It seems however that it is the interpretation of the Act which prohibits museums from returning these human remains, and that provisions of the Act permit museum Trustees to exercise discretion on the establishment of criteria that allow objects to be removed from collections.<sup>5</sup>

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<sup>3</sup> A list of repatriation projects conducted by Te Papa to date is at Appendix 1.

<sup>4</sup> Tasmanian Aboriginal Centre (1997) *Free Exchange or a Captive Culture? The Tasmanian Aboriginal Perspective on Museums and Repatriation*, Paper delivered at the Museums Association Seminar: Museums and Repatriation, London, November 1997, p15.

<sup>5</sup> Greenfield, Jeanette (1989) *The Return of Cultural Treasures*, Cambridge University Press.

## SECTION II

### Practice to date: Knowledge Systems

#### *Politics of Collecting*

The question of ownership of cultural and scientific property, and whether in fact institutions should be able to own the human remains of living cultures is an issue that is heavily debated in current museum practice. A number of policy frameworks have been established that seek to address this issue, in particular NAGPRA and FAIRA. These are discussed in more detail in Section III of this submission.

It is well accepted that museums have traditionally been the product and province of dominant cultures. The political strength of indigenous peoples as communities with human and cultural rights, has forced a re-examination of the relationships between public institutions and communities.

The eighteenth and nineteenth centuries could be considered to be centuries of collecting. Collecting had a considerable impact on indigenous peoples throughout the world. This practice included the collection of 'territories, new species of flora and fauna, of mineral resources and of cultures'<sup>6</sup>. Clifford<sup>7</sup> notes that ethnography is a science that was a 'form of culture collecting... [which] highlights the ways that diverse experiences and facts are selected, gathered, detached from their original temporal occasions, and given enduring value in a new arrangement. Collecting – at least in the West, where time is generally thought to be linear and irreversible – implies a rescue of phenomena from inevitable historical decay and loss'.

The historical definition of ethnography will continue to conflict directly with the approaches of museums who wish to engage with their communities, and recognise the value of differing knowledge systems to the work that these institutions undertake in respect of human remains. Fundamental reassessment of the purpose of museums with indigenous collections is required – including human remains – and the way that institutions are responding to the wealth and practical and philosophical challenges raised by the broader indigenous rights movement.<sup>8</sup>

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<sup>6</sup> Smith, Linda Tuhiwai (1999) '*Decolonizing Methodologies: Research and Indigenous Peoples*', Zed Books Ltd, London, p 61.

<sup>7</sup> Clifford, James (1988) '*The Predicament of Culture, Twentieth Century Ethnography, Literature and Art*', Harvard University Press, Cambridge, p 231.

<sup>8</sup> Harth, Marjorie (1999) 'Learning from Museums with Indigenous Collections: Beyond Repatriation' in *Curator* 42/4, October 1999, p 276.

### *Museums, the Public and Collections*

Museums have traditionally been the product and province of dominant cultures. Notwithstanding the rhetoric of mission statements, the stance of museums regarding their public and collections still remains fundamentally elitist and authoritarian.<sup>9</sup> The growing visibility and political strength of indigenous communities is happening on a worldwide scale and impacts directly on the relationships between museums, their communities and collections. Accordingly, new demands are being made upon dominant cultures and their public institutions for a change in how these relationships are managed.

Te Papa believes that the retention of Māori and Moriori remains in UK museums and institutions can only further contribute to a lack of understanding on a cross cultural basis. This is inconsistent with the role of museums as advocates for understanding cultures. It has been demonstrated in a number of circumstances that the repatriation of human remains can and does lead to enhanced relationships between museums and indigenous communities. It is also critical to note that repatriation of human remains has not resulted in an increase in calls for the return of all relevant cultural material.

It is also important to recognise that these ancestral remains also exist in a cultural context. These contexts are not mutually exclusive, but the cultural and knowledge base context must contribute to the overall management and care of these ancestors. In order to be able to do this, remains must be in the country from which they originated. Accordingly, the community from which the human remains came from must be involved in decision making in relation to the ongoing care and management of their ancestors.

### *Scientific Research*

Te Papa's mission 'contradicts colonial tradition'<sup>10</sup> in that it acknowledges the coexistence of different worldviews. The idea of whether a universalist museum can continue to exist in an environment where the existence of different world views is recognised is at the centre of the issue of museums and institutions continuing to hold Māori and Moriori human remains. Western science is not in itself objective, it is shaped by the assumptions underpinning its existence, and reflected in how other worldviews are validated or not within the museum

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<sup>9</sup> Harth, Marjorie (1999) 'Learning from Museums with Indigenous Collections: Beyond Repatriation' in *Curator* 42/4, October 1999, p 277.

<sup>10</sup> Harth, Marjorie (1999) 'Learning from Museums with Indigenous Collections: Beyond Repatriation' in *Curator* 42/4, October 1999, p 277.

environment. Mark O'Neill, head of museums and galleries at Glasgow City Council has noted that he sees 'a major problem in the lack of awareness by western scientists that their own worldview is culturally constructed like everyone else's'<sup>11</sup>. These ancestral remains have formed the basis of considerable research effort based on western scientific approaches to collecting, classifying, studying, interpreting and managing collections.

Museums Australia has clearly indicated that museums should not hold any items which are not of scientific or cultural importance, particularly human remains, regardless of race.<sup>12</sup> While there is no analogous policy framework or legislation in New Zealand, many museums in New Zealand care for and manage human remains on this basis.

Te Papa acknowledges that ancestral remains held within the collections of museums and institutions in the UK have ongoing scientific value to the museum community. However, before museums can keep any human remains based on their research value the museum must first be able to prove its claims of ongoing scientific value, to the satisfaction of the relevant communities from which those remains originated. Age by itself does not constitute scientific value.<sup>13</sup>

Scientific arguments for collections of human remains stress the importance of knowledge, science and research<sup>14</sup>. For example studying graves and bodies can reveal social roles, ranking and funeral rites. It must be questioned as to whether scientific knowledge can, or should, be advanced by the continued holding of Māori and Moriori human remains within the collections.

An assertion of global ownership of Māori and Moriori remains is repeatedly used by holding institutions to retain remains. Museums generally have not yet been able to provide supporting evidence to justify this assertion of global ownership.<sup>15</sup> Yet indigenous peoples are required to prove their 'legitimate, ethical or legal title'<sup>16</sup> to these remains.

A number of questions regarding these practices must now be asked: can significant gains through scientific pursuit continue to be made of these collections? Would research

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<sup>11</sup> Butler, Toby (2001) 'Body of Evidence' in *Museums Journal* August 2001.

<sup>12</sup> Museums Australia (1999) '*Previous Possessions, New Obligations*', Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples.

<sup>13</sup> Museums Australia (1999) '*Previous Possessions, New Obligations*', Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples, p2.

<sup>14</sup> Butler, Toby (2001) 'Body of Evidence' in *Museums Journal* August 2001.

<sup>15</sup> Foundation of Aboriginal and Islander Research Action (2000) Submission to House of Commons Culture, Media and Sport Committee, Press Notice No 23 of Session 1999-2000, 4 May 2000, p4.

<sup>16</sup> *Ibid* n 11, p4.

conducted within a cultural context provide more information and give wider value to research outcomes? Does research need to take place in situ? Is the potential value of research enough reason to continue holding these ancestors?

### *Te Papa's Approach*

Cultural construction can be directly applied to the history and context of the collection of Māori and Moriori human remains. Traditional museological practice in the area of human remains, and the value of continuing to hold these collections can now be questioned when examined in light of positive relationships with indigenous communities and the changing role of museums in society.

It is critical to note that Te Papa does not recognise the Māori and Moriori human remains it holds as artefacts or collection items. Te Papa recognises that these human remains have an ongoing connection with the peoples and cultures from which they originate. These remains are regarded as ancestors and will remain in the care of Te Papa until such time as matters of provenance and long term care have been discussed and agreed upon with Māori/Moriori.

Te Papa acknowledges that most of the human remains in its care are Māori and Moriori and are therefore committed to acknowledging the inherent importance of human remains to Māori and Moriori people. This commitment has considerable implications for how these human remains are cared for and managed within Te Papa. The human remains held at Te Papa are stored and treated with dignity and in a manner sympathetic with cultural and scientific requirements. This includes access and research parameters established in partnership with Māori.

Te Papa actively seeks to repatriate Māori and Moriori human remains to New Zealand. Te Papa has been undertaking repatriation work and research for a number of years, and there is a growing expectation amongst Māori communities that Te Papa will assist in facilitating the return of remains to New Zealand.

### *Māori Knowledge and World View*

Museums and allied organisations need to recognise the ongoing, and increasing significance of these ancestral remains to Māori and Moriori. The concept of genealogical ties does not cease to exist because ancestors are no longer present in the country of origin. Indigenous people recognise that contemporary museum practice is largely based on scientific

approaches to collecting, classifying, studying and interpreting the human remains held within collections. It is clear that these methods of practice leave little or no room for the spiritual needs and requirements of those peoples from which the remains originate. Controlling and being proud of cultural heritage is an essential element for the social and psychological wellbeing of indigenous peoples, as it is for all peoples, and where historical events have dispossessed peoples of their ancestors, it is a basic human right that it be restored to them.<sup>17</sup> Accordingly, Te Papa notes that it is fundamental that human remains of Māori or Moriori origin are returned to New Zealand, whereby they can be placed within the appropriate cultural context.

It is fundamental to understand that Māori and Moriori human remains held within institutions continue to contain Mātauranga Māori (Māori knowledge) which can only belong to Māori people themselves. The reality is that the Māori and Moriori human remains held within institutions in the UK are part of a living culture, and as such it should be recognised that there are genealogical links with descendants in New Zealand, and those peoples have an interest in the ongoing care and placement of these remains.

As part of the international community of museums and like organisations, Te Papa has Māori expertise, curatorial and conservation capability supported by an infrastructure to carry out research. Te Papa recognises the ongoing value of this knowledge and worldview to an increased understanding of New Zealand's history in respect of these ancestral remains. As such Te Papa is in a good position to continue to negotiate for the return of Māori and Moriori ancestral remains from overseas organisations.

The validation of Māori and Moriori knowledge systems in relation to both ancestral remains and taonga is an important research priority at Te Papa. The revival and retention of knowledge developed within a cultural context provides benefits to Te Papa, Māori, Moriori and to the protection of the nation's heritage. Te Papa's approach in developing policy and guidelines relating to Māori and Moriori ancestral remains has included seeking advice and consultation with tribal representatives or descendants of these ancestors.

Mātauranga Māori is the well pool of knowledge or bank of information built up by generations of Māori, which encapsulates the holistic nature of knowledge to describe relationships and linkages that tie phenomena. This knowledge is based on whakapapa – the union of specific elements to achieve a particular outcome, quality or utility.

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<sup>17</sup> Tasmanian Aboriginal Centre (1997) *Free Exchange or a Captive Culture? The Tasmanian Aboriginal Perspective on Museums and Repatriation*, Paper delivered at the Museums Association Seminar:

The Museums and Galleries Commission has identified a number of arguments that favour the return of indigenous remains to their country of origin<sup>18</sup>, primarily these arguments are concerned with issues of customary property rights and the changing awareness of museums and galleries to the significance of the human remains they hold within their collections. A fundamental component of this is the recognition by these institutions of the rights of indigenous peoples to regain control over their cultural heritage, and acknowledgment of the spiritual beliefs and cultural imperatives of relatives and descendants.<sup>19</sup> While Te Papa recognises that arguments predicated on cultural and western scientific views and philosophies remain relevant, the responsibilities of organisations to their collections and public are changing significantly, and consideration must be given to ensure balance. It is Te Papa's opinion that the arguments in favour of returning indigenous remains to their country of origin outweigh the arguments that favour retention.

Other communities also maintain strong views on the ethical issues pertaining to the treatment of human remains, including religious and political groups, and these views require acknowledgment also.

The needs of stakeholder communities can be best served through consultation and open dialogue. Attitudes to death and human remains differ amongst different cultures and sectors of society. A number of expressions of the views of these groups have been developed over recent years, and some examples are included in Section III.

The changing role and voice of indigenous communities has had a significant impact on the treatment of human remains within collections. A number of these initiatives are discussed in more detail in Section III of this submission. Indigenous initiatives have ensured that museums holding human remains should be engaging in dialogue with the communities from which those remains come. This has resulted in significant shifts in museum practice – primarily in the US, Canada and Australia. In Israel, the Attorney General determined that the Antiquities Act 1978 only gave scientists the right to 'study human made objects...not the makers of those objects'. As a result, all human remains younger than 5000 years have been re-interred.

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Museums and Repatriation, London, November 1997, p8.

<sup>18</sup> Museums and Galleries Commission (2000) *'Restitution and Repatriation: Guidelines for Good Practice'*, p 13.

<sup>19</sup> Ibid n 11, p 13.

### *Ethical and Moral Issues*

From an ethical and moral perspective, a number of important issues have received attention over recent years in relation to the care, management and repatriation of ancestral remains. Increasing recognition of the personal, social and spiritual context of ancestral remains highlights the need for sensitive and ethical management practices to be developed. The key issue is whether from an ethical perspective institutions can continue to retain holdings of human remains in a changing global environment?

There has clearly been a shift in the broader public perception in relation to the treatment of human remains and the dead. This is demonstrated by the recent cases in the UK<sup>20</sup> and Australia<sup>21</sup> of the taking of body parts without the consent or knowledge of family members, and the ill treatment of bodies in which it was considered that there was a lack of regard for fundamental values<sup>22</sup>. It is now becoming clear that particular behaviour towards human remains that may have been acceptable, is now no longer acceptable, and should therefore be discontinued.

The New South Wales Independent Commission Against Corruption stated that ‘the treatment of the human corpse from the time of death until its final disposition is not only the subject of certain rites and services, but also of particular traditional community attitudes’, and therefore treatment of human remains should reflect these values. Te Papa notes that the age of the remains is irrelevant, and that human remains should be in the control of the communities they come from.

## **SECTION III**

### **International Trends**

Recent changes in museology reflect an increasing emphasis on relationships with stakeholder communities. The environment in which museums are being required to operate has altered significantly from traditional museum practice.

Te Papa has an organisational imperative to actively engage with its communities and stakeholders as key components in modern museum operations. As a result, Te Papa is also

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<sup>20</sup> Bristol Royal Infirmary

<sup>21</sup> Glebe Morgue

<sup>22</sup> Independent Commission Against Corruption (1998) Report on the Investigation of the Glebe Morgue

actively encouraged by iwi, with heightened expectations, to engage in the repatriation process on their behalf.

Te Papa acknowledges that Māori and Moriori people are the key decision makers to the future management of their ancestral remains and seek to shape a framework of operation that is robust, transparent and meets the needs of the various stakeholders to this issue.

There are a number of examples of international conventions, legislative and other initiatives relating to the repatriation and management of ancestral remains, and some of these are mentioned here for further reference.

At the 19<sup>th</sup> General Assembly of ICOM the General Assembly declared its commitment to support the United Nations *Draft Declaration on the Rights of the World's Indigenous Peoples*<sup>23</sup>. Of particular relevance to the issue of the care and management of human remains with museum collections are Articles 12 and 13 of the Draft Declaration. These Articles refer to the rights of indigenous peoples to practice and revitalise their cultural traditions and customs<sup>24</sup>, and critically, the right to the repatriation of human remains.<sup>25</sup>

### ***Legislative Initiatives***

The Native American Graves Protection and Repatriation Act (NAGPRA) 1990 is a landmark legislation which recognises for the first time that Native Americans and Native Hawaiians are entitled to their ancestral remains and the objects that were buried with them. It is an important law as it represents the new American consensus about sacred objects and cultural patrimony. This consensus revolves around the recognition that the sacred culture of Native Americans and Native Hawaiians is a living culture.

NAGPRA recognises that indigenous peoples are members of ongoing governmental, social, economic, religious and political units.

This Act requires museums and federal agencies in the United States to work with indigenous groups to determine the disposition of Native ancestral remains, sacred and cultural objects taken from federal lands or located in museum collections.

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<sup>23</sup> Resolution No 1: Museums and Cultural Diversity, *Resolutions of International Council of Museums (ICOM) 1998*, Melbourne, Australia, 16<sup>th</sup> October 1998.

<sup>24</sup> Article 12, Part III, (1993) United Nations Draft Declaration on the Rights of Indigenous Peoples.

<sup>25</sup> Article 13, Part III, (1993) United Nations Draft Declaration on the Rights of Indigenous Peoples.

The process of NAGPRA compliance has made it clear that consultation with Native American tribes and Native Hawaiian organisations is pivotal to the successful implementation of the Act. Experience has indicated that this type of consultation requires more than just written communication but rather a process that involves active dialogue and face-to-face consultation.

It is now 10 years since NAGPRA was introduced, and many organisations and individuals are recording their experiences of the changes that have occurred as a result of the legislation.

### ***Indigenous Initiatives***

Another example of work in this area includes that of the Foundation for Aboriginal Islanders Research Action (FAIRA) and the Aboriginal & Torres Strait Islander Commission (ATSIC).

FAIRA was established by Lyndon Ormond Parker to secure financial support offered by ATSIC, to conduct an extensive research programme charged with documenting collections and providing an inventory of Aboriginal & Torres Strait Islander ancestral remains held in institutions in Britain.

A report compiled by FAIRA, *The World Archaeological of Commons- Culture, Media and Sport- Seventh Report*, May 2000 raised a number of implications for museums in the UK. The report highlighted the need to give special separate consideration to ancestral remains regardless of location. It also required that the relevant indigenous community have primary pre-eminent rights in respect of ancestral remains and that such communities ought to have the final say with regard to storage, access, research and return.

The Australian Government recently supported the desire of indigenous Australians to reclaim and dispose of the remains of their ancestors, according to their cultural context. The Prime Ministerial Joint Statement on Aboriginal Remains signed in July 2000 by the Australian and British governments endorsed the repatriation of indigenous ancestral remains wherever possible (and appropriate) from both public and private collections. Their joint statement also identified that more research is required to identify indigenous ancestral remains held in British collections.

As a result of these initiatives ancestral remains of the Aboriginal and Torres Strait Islander peoples have been returned from institutions like the University of Edinburgh, Bradford &

Oxford, Peterborough Museum, the Pitt Rivers Museum, Glasgow Museums, St. Thomas's hospital, London, and the Royal College of Surgeons, Dublin.

The work of such organisations has led to increased recognition by the international community and nation states of the rights of indigenous peoples to their cultural heritage. Indigenous participation in a number of United Nations instruments to improve human rights and protect cultural property have led to the development of a number of declarations which seek to better clarify and define the rights of Indigenous peoples.

The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), and the UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects paved the way for formal recognition by nation states of the rights of Indigenous peoples to their cultural property

Indigenous authorities too have been working together to develop charters and declarations regarding the reclamation of ownership and care of cultural property including ancestral remains. Examples include:

- The Charter of the Indigenous Tribal Peoples of the Tropical Forests, Penang, Malaysia (1992)
- The Kari-oca Declaration, Brazil (1992)
- The Statement of Indigenous Nations, Peoples and Organisations “ Gucumatz, Condor, Father Sun, Eagle, Anahuac, Mother Earth, New York (1992)
- The UN Technical Conference on Indigenous Peoples and the Environment, Santiago, Chile (1992)
- The UN Draft Declaration on the Rights of Indigenous Peoples (1993 and ongoing)
- The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, New Zealand (1993)

The increasing recognition of the rights of indigenous peoples worldwide will have growing implications for museums and like organisations. The growing movement of indigenous peoples seeking to repatriate the remains of their ancestors will increasingly require organisations to reassess the legal status and management conditions of the human remains in their collections.

## **Conclusion**

It is clear that a considerable shift in approach to the care and management of holdings of human remains within institutions is taking place. In particular, organisations across the world are beginning to understand the implications of engaging on a positive basis with indigenous communities, and recognising the ongoing relationships that these communities have with the remains being held within collections around the world.

Evidence suggests that it is no longer acceptable for museums in the 21<sup>st</sup> century to continue to hold human remains in their collections in perpetuity. Museum practice across the world is shifting to become more inclusive of communities, and understanding that communities are much more than just potential visitors.

Māori/Moriori human remains are not objects or artefacts. They should not be part of museum collections, nor should they be the property of museums. They are a part of living cultures and should be recognised as such. Māori/Moriori have an important stake in the Māori/Moriori remains within the collections of UK museums. It is no longer acceptable for museums to continue to refuse to enter into dialogue about human remains and their potential repatriation. Indigenous communities are already in dialogue with many institutions on these issues, in fact many institutions have already recognised the fundamental role of these communities to these remains.

Te Papa acknowledges that these issues are complex, and that solutions that suit all parties will be difficult to develop. However, it is clear that there are a number of examples ie NAGPRA where solutions are being developed that suit both museums and indigenous communities. It is fundamental however that for those solutions to be developed, dialogue is facilitated that acknowledges the strengths in differing world views and knowledge systems for increased cross cultural understanding of the value of the human remains within the collections.

## BIBLIOGRAPHY

- Museum of New Zealand Te Papa Tongarewa Act 1992
- Resolution No 1: Museums and Cultural Diversity, Resolutions of International Council of Museums (ICOM) 1998, Melbourne, Australia, 16<sup>th</sup> October 1998
- Adams, Roxanna (ed) (2001) *Implementing the Native American Graves Protection and Repatriation Act*, American Association of Museums Technical Information Service.
- Bray, Tamara (ed) (2001) *The Future of the Past – Archaeologists, Native Americans and Repatriation*, Garland Publishing Ltd, New York
- Butler, Toby (2001) 'Body of Evidence' in *Museums Journal* August 2001
- Clifford, James (1988) *The Predicament of Culture, Twentieth Century Ethnography, Literature and Art*, Harvard University Press, Cambridge
- Gillies, Karl and O'Regan (1994) 'Murihiku Resolution of Kōiwi Tangata Management' in *Museums Journal*, Volume 24, Number 1.
- Harth, Marjorie (1999) 'Learning from Museums with Indigenous Collections: Beyond Repatriation' in *Curator* 42/2, October 1999.
- Hicks, Megan (ed) (2000) 'Exhibiting Human Remains – A Provocative Seminar', *Collected Papers from Exhibiting Human Remains*, Health and Medicine Museums, Museums Australia.
- Independent Commission Against Corruption (1998) *Report on the Investigation into the Glebe Morgue*, New South Wales Independent Commission Against Corruption.
- Janke, Terry (1998) *Our Culture: Our Future, Report on Australian Indigenous Cultural and Intellectual Property*, Australian Institute of Aboriginal and Torres Strait Islander Studies and Aboriginal and Torres Strait Islander Commission.
- Jones, Gareth and Harris, Robyn (1998) 'Archaeological Human Remains Scientific, Cultural and Ethical Considerations' in *Current Anthropology* Volume 39, Number 2, April 1998.
- Kirshenblatt-Gimblett, Barbara (1998) *Destination Culture Tourism, Museums, and Heritage*, University of California Press, Berkeley and Los Angeles, California.
- Museums and Galleries Commission (2000) 'Restitution and Repatriation: Guidelines for Good Practice'
- Museums Australia (1999) *Previous Possessions, New Obligations*, Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples.

- Quigley, Christine (2001) *Skulls and Skeletons – Human Bone Collections and Accumulations*, McFarland & Company Inc.
- Smith, Linda Tuhiwai (1999) *'Decolonizing Methodologies: Research and Indigenous Peoples'*, Zed Books Limited, London
- Tasmanian Aboriginal Centre (1997) *Free Exchange or a Captive Culture? The Tasmanian Aboriginal Perspective on Museums and Repatriation*, Paper delivered at the Museums Association Seminar: Museums and Repatriation, London, November 1997

**APPENDIX 1****Repatriation Projects**

Te Papa has undertaken a number of repatriation projects in recent years. The following is a brief outline of the projects conducted since Te Papa was legislatively established in 1992.

<b>Museum</b>	<b>Date of Repatriation</b>
Musée d'Ethograph, Geneva, Switzerland	June 1992
Museum for Volkerkunde, Basel, Switzerland	June 1992
Manchester Museum, United Kingdom	March 1994
New Zealand High Commission, London	March 1994
Exeter City Museum & Art Gallery	November 1996
Queensland Museum, Australia	May 1998
Whitby Museum, Leeds, United Kingdom	July 1998
University of Edinburgh, United Kingdom	July 1998
Saffron Walden Museum, United Kingdom	July 1998
National Museum of Denmark, Copenhagen	December 1998
University of Edinburgh, United Kingdom	November 1999
National Museums of Scotland, United Kingdom	November 1999
South Australian Museum, Australia	April 2000