



United Nations Educational, Scientific and Cultural Organization
Organisation des Nations Unies pour l'éducation, la science et la culture

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Dear Sir,

UNESCO takes a keen interest in the work of your committee and thanks you for the opportunity to submit these comments for your consideration.

Few if any subjects are more sensitive to human culture than the handling of ancestral remains. The respectful treatment of the dead is essential in every culture, but differs from one culture to another. Museums and galleries, as well as other scientific institutions around the world, are finding that they are in fact warehousing the remains of humans from their own cultures and others, dating back generations, centuries and millennia. The professionals in these institutions and their governing bodies are growing more sensitive to the importance of handling them with the utmost respect and to requests for return of these remains. Simultaneously, the world's acknowledgment of the rights of indigenous peoples is contributing to museum awareness of the need to re-examine all collections of human remains. UNESCO supports these developments and the work of government groups such as the Working Group in the United Kingdom.

At the 31st Session of the UNESCO General Conference, the Member States adopted the UNESCO Universal Declaration on Cultural Diversity. The General Conference declared

'Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations. ' (Article 1)

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Indeed, the various ways in which peoples around the world respect their dead and handle their remains is an aspect of cultural diversity which requires thoughtful attention from the nations and institutions which are in possession of these remains. One cannot assume that any one management system is sufficient or that one proposal for return will meet the needs of all cultures.

Because many peoples take offence at the exhibition or storage of the remains of their ancestors and of certain related personal property, UNESCO urges maximum communication and negotiations between the museums and scientific institutions which house these materials and the communities from which they originate. Some communities will deny the legitimacy of any claim of title by a foreign entity. Some communities will insist upon return of remains; others will not. Some communities will be ill equipped to initiate a claim on their own behalf even though they are among the most highly offended by the particular treatment or exhibition of the remains, or the most eager for their return. UNESCO therefore asks that the Working Group investigate all available models, their successes and failures in managing human remains, and move toward a final product which will represent the utmost respect for the dead in the widest possible range of cultures.

As you know, other countries have met this issue and dealt with it in interesting ways. The United States of America enacted a statute approximately ten years ago (The Native American Graves Protection and Repatriation Act) under which museums around that country have inventoried their holdings in Native American remains and have been returning them to tribes claiming a legal interest. The Working Group, after meeting with experts, may be able to improve upon the existing model and to recommend an even better plan for the United Kingdom.

I would like to note particularly UNESCO's concern at any over-legalistic approach to this issue. While some museums may, in their national legal system, be able to claim that certain human remains are their "property", such claims may in themselves be offensive to the community of origin. Indeed, English law, I understand, itself does not recognize property in human remains, which explains the use of an application for Letters of Administration to enable an application for the return of a Maori head from a London auction house to New Zealand some years ago. It also explains why the procedures of the UNESCO Intergovernmental Committee for the Promotion of the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation have never been used by those requesting the return of human remains. Conditions of compensation, therefore, are also inappropriate, although a gift from a community in recognition of the respect accorded to the wishes of that community in requesting return is occasionally voluntarily accorded.

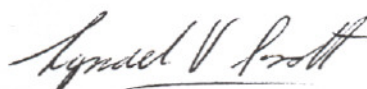
UNESCO also regards it as particularly important that communities have good relations with museums which hold artifacts from their culture. Such a good relationship ensures that information on conservation, origins, means of creation and purposes of objects flow freely from the community to the museums and thus deepen the knowledge which enriches the museums' research and distribution of information.

This Organization is also aware of the importance of further scientific information which may now be obtained from organic materials of many kinds. However, the desire to

obtain such information must be settled with communities whose wishes in this respect should not simply be ignored. While there have been some cases where no resolution has been found satisfactory to both sides, in other cases negotiations, sometimes long and painful, have led to a compromise accepted by all sides. Such discussions, based on respect for the differing perspectives of cultures, would be encouraged by UNESCO.

We at UNESCO are aware that there are many complications associated with adopting new management systems for human remains. As difficult and time-consuming as this work is, however, its results will have both foreseeable and unforeseeable benefits. For example, creative methods of settling claims and returning remains are likely to emerge from your work. In some instances, formal claims may have to be made in order to initiate returns, but it may be equally possible for a holding institution to initiate identification of the community entitled to recover human remains and to initiate the return. It may be possible for museums and claimants to exchange other objects (either as gifts or loans) for remains, or to use negotiated settlements as the bases for educational projects and publications. Perhaps members of communities claiming these remains will lend assistance to institutions dealing with large numbers of remains and short supply of human resources. In other words, UNESCO urges flexibility and sees the process itself of revising the way museums manage their collections of human remains as an opportunity for improving cultural awareness around the world.

Please contact my office at any time if we may assist the Working Group on Human Remains in its research. Thank you again for the opportunity to submit these comments.



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cc : Ambassador David Leslie Stanton,
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