

LAYING ANCESTORS TO REST

POLICY BRIEF



DEPARTMENT OF ARTS AND CULTURE AND
SOUTH AFRICAN HERITAGE RESOURCES AGENCY
DECLARATION OF THE BURIAL SITE OF
SARAH BARTMANN
AS A NATIONAL HERITAGE SITE

By virtue of the powers vested in the
South African Heritage Resources
Agency in terms of section 27(7) of the National
Heritage Resources Act, 25 of 1999, SAHRA
hereby declares the burial site of Sarah Bartmann
situated on erf 3164, Hankey, Kouga Municipality,
Eastern Cape Province as a National Heritage Site.

SIGNIFICANCE

The site has spiritual, cultural, social and historical significance.

The treatment of Sarah Bartmann during her life and after her
death speaks of suffering, dispossession, sadness and loss of
dignity, culture, community, language and life.

It is a symptom of the inhumanity of people.

The return and burial of Sarah Bartmann's remains
in the region of her birth and Motherland has brought
closure to her life and restored dignity to her,
her ancestors and living descendants.

The site should serve as a symbol to all South
Africans and the world to strive towards recognizing
past injustices to Khoi-San people, to women and
vulnerable communities and to work towards building
a nation that shows respect to human life,
human rights and human dignity.

Unveiled by Honourable Minister of Arts & Culture Dr. Z. Pahló Jordan
on the 07 March 2009

‘I found myself in a mix of freeze and fight immediately upon seeing my ancestors’ body parts, having the knowledge that they were Sudanese people who were buried in Omdurman in 1898 during the so-called Battle of Omdurman; to see that their graves had been robbed and that their heads were brought back as trophies and then the trophies were used for race science. It was so overwhelming.’

Member of the Edinburgh Sudanese Community Partnership

Front page picture: Final dignified resting place of Sarah Bartmann. Grievously exhibited and abused in life, her remains were on display in the Musee de l’Homme until the 1970s. Her remains were returned to South Africa after an appeal by Nelson Mandela.

Letter of welcome

Dear colleagues,

Welcome to this policy brief, *Laying Ancestors to Rest*, produced on behalf of the All-Party Parliamentary Group on Afrikan Reparations (APPG-AR) by AFFORD, one of the APPG-AR's co-secretariats.

Laying Ancestors to Rest addresses the ethical, cultural and historical concerns surrounding African ancestral remains – many of which were taken during colonial rule. The continued presence of these remains in British institutions causes profound distress to diaspora communities and countries of origin, particularly when they are displayed or sold at auction. In the context of ongoing debates about restitution and reparations, the need for decisive action has never been more urgent.

AFFORD has conducted extensive research into the retention, return, sale, public display and other uses of African ancestral remains in the UK. This research included a review of existing legislation, policies and best practices, as well as consultations with museum practitioners, legal experts, academics, activists and members of the African diasporic community in the UK.

From this research, a non-exhaustive list of key issues has been identified, leading to actionable policy recommendations. These recommendations will be presented in the accompanying policy brief, which will be launched at an APPG-AR meeting in Parliament on 12th March, 2025. The launch will coincide with the release of a second policy brief from an continental African perspective, produced by African Museums and Heritage Restitution (AFRIMUHERE), a network of African museum professionals, academics and civil society organisations engaged in museum and heritage practice.

I was recently alarmed and deeply distressed to learn that it is still possible to purchase African ancestral remains through auction houses. This underscores the urgent need to improve the legislative and regulatory framework governing the storage, display and sale of ancestral remains. This policy brief not only explores the reasons for the current situation but, more importantly, offers a series of robust recommendations for governments, museums, universities, cultural institutions and diaspora organisations to address these issues.

We are encouraged that the UK government shares some of the concerns outlined in this brief, particularly regarding the sale of ancestral remains. We look forward to engaging swiftly with the government, museums and other cultural institutions to implement these key recommendations.

Warm regards,

Bell Ribeiro-Addy MP

Chair, All-Party Parliamentary Group on Afrikan Reparations (APPG-AR)

Executive summary

This policy brief addresses the ethical and legal challenges surrounding the retention and public display of African ancestral remains in British museums, universities and other cultural institutions. It examines existing legislation, notably the Human Tissue Act 2004, and draws upon best practices from other countries as well as insights from legal experts, academics, community activists and museum professionals to provide actionable recommendations.

The goal is to facilitate the respectful repatriation of these remains to their countries and communities of origin, end their sale, public display and other non-consensual uses, which are increasingly viewed as a legacy of colonialism and cultural insensitivity.

A summary version of this report is also available.

Recommendations

Following consultations with academics, legal experts, museum practitioners and community stakeholders, this policy brief puts forward the following recommendations to ensure the end of the public display and non-consensual uses of African ancestral remains and achieve their repatriation from UK institutions to their communities or countries of origin.

Government

1. All sales of human remains should be made illegal on the basis that they are not commercial objects but human beings.
2. The UK government should make these amendments to the Human Tissue Act 2004:
 - The act should be amended to govern activities relating to all human remains, without exceptions for the remains of persons who died before the act came into force and more than 100 years have elapsed since their death, imported human remains as well as 'existing holdings'¹.
 - The act should be amended to expressly make an offence of the public display of human remains, except if appropriate consent is obtained or for religious or funerary purposes.
 - The license requirement in Section 16 should apply to all human remains, without exceptions for activities relating to the body of a person, or material which has come from the body of a person, who died more than 100 years ago and before the section came into force. Museums and other institutions that hold ancestral remains older than 100 years will thus be required to obtain a license from the Human Tissue Authority for the storage of such remains.
3. The UK Culture, Media & Sport Committee should undertake an inquiry on restitution, including as a prominent subject the presence and uses of ancestral remains in British museums and cultural institutions.

¹ In the Human Tissue Act 2004, 'existing holding' means the body of a deceased person or relevant material that has come from a human body held immediately before 1st September 2006, the day on which the act came into force, for use for a purpose specified in Schedule 1 of the act.

- The inquiry's call for evidence should request recommendations on the implementation of a programme to map the collections of ancestral remains in the UK's national museums.
- The inquiry should include a public consultation on the proposal to collectively bury and memorialise orphaned ancestors in the UK, or those ancestral remains whose identities were destroyed by colonial violence.

4. The UK government should ensure that the board of trustees of national museums include representatives from diasporic civil society organisations.

5. The UK Department for Culture, Media & Sport should establish a national, independent Human Remains Advisory Panel, following the model of the UK Spoliation Advisory Panel charged with resolving claims from people or their heirs who lost possession of cultural material during the Nazi era.

Museums and cultural and educational institutions

6. Museums and cultural and educational institutions should stop the public display of ancestral remains in their collections.

7. Museums should train individuals from UK civil society and community groups in museum cataloguing practices with the aim that representatives from the community can actively contribute to the management of museum collections of African ancestral remains.

8. Museums and cultural and educational institutions should revise their internal policies for the return of human remains, placing particular emphasis on:

- The removal of any distinctions between the return of human remains, modified human remains and cultural material. It should be up to source communities to determine what falls within the definition of ancestral remains.
- The removal of any requirements or recommendations that claims for return should be accompanied by evidence that the remains were originally subjected to a mortuary practice or were intended for such.
- The removal of any requirements or recommendations that claims for return should be made through a national government or government agency.

Funders

9. Funders should dedicate resources to research projects that intend to map the ancestral remains inventory of UK museums and other cultural institutions.

10. Funders should finance legal test cases for the return of ancestral remains to their communities or countries of origin.

Civil society and community groups

11. Civil society organisations should organise workshops that train individuals from the African diasporic community in museum and cultural institutional governance, to promote community participation in museum and other institutional boards.

12. The Black Studies Association with other stakeholders should advocate for a more comprehensive teaching of Britain's colonial past in schools and the history of the acquisition of cultural material and ancestral remains in developing the collections of British cultural institutions.

13. Seminars should be organised that gather community, academic, legal and museum stakeholders to take forward conversations around the key issues that were raised throughout the first phase of AFFORD's African Ancestral Remains Project.

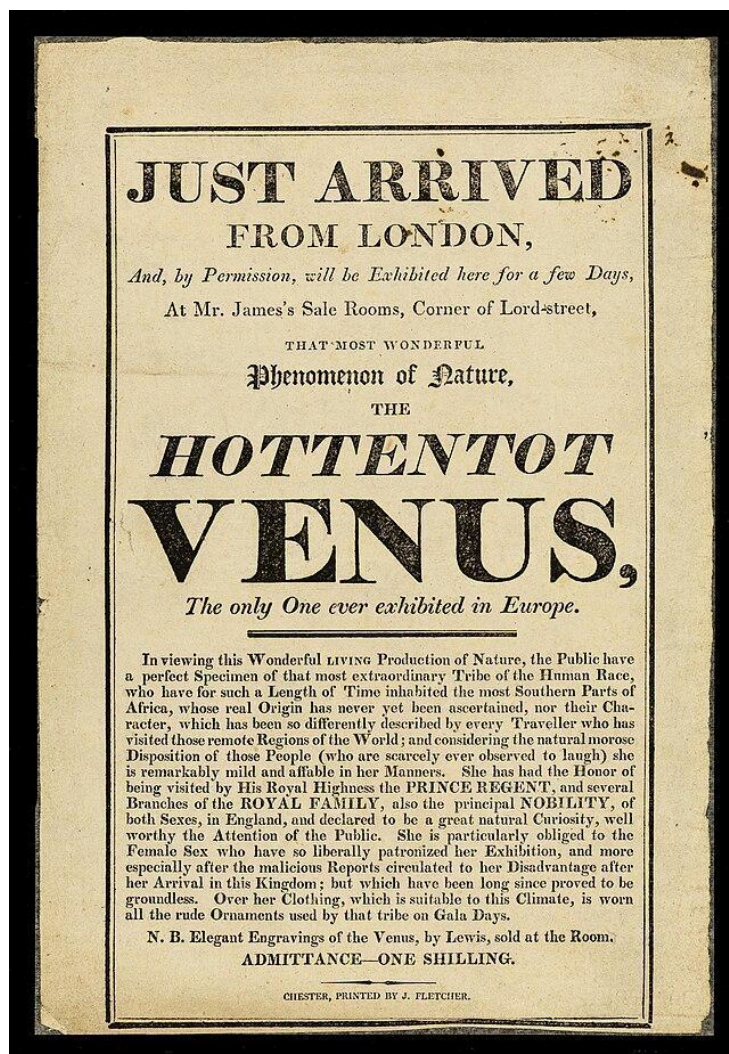
14. African and African diasporic restitution organisations and movements should establish a common forum or informational hub in which best practices can be shared.

Background

For centuries, ancestral remains from Africa, including mummified bodies, skulls and other skeletal remains, were looted and brought to Britain, often as trophies, objects of racist pseudoscientific research and as commodities to be traded and displayed as curiosities (*see image right*).

Today, these ancestral remains are held in various institutions across the UK, including the British Museum, the Natural History Museum and several universities. The presence, public display and other uses of these remains raise profound ethical concerns, particularly given the colonial context in which many were acquired. This has led to growing demands from African communities and governments for the return of their ancestors, to allow for appropriate reburial according to their cultural practices.

The existence of African ancestral remains collections in UK museums and other cultural institutions should be understood as continuous acts of displacement and objectification of human beings. The storage and uses of these ancestors are a violation of the internationally recognised principle of Free, Prior and Informed Consent and reflect UK institutions' denial of descendants' right to guardianship over their own ancestors.



'The presence of African remains in UK heritage institutions is sad and very indicative of where we are at and how Black bodies are seen, dehumanised and commodified.'

– African diasporic artist

Key issues

Facilitating the return of ancestors and ending the public display, sale and non-consensual uses of ancestral remains are not merely a matter of putting an immediate end to dehumanising practices within UK institutions, it is also part of a broader Black and African response to the damaging impacts of enslavement and colonialism that demands action across the '10 Rs': recognition, remembrance, restoration, restitution, reparations, reconciliation, return, reimagination, renewal, and reconstruction, leading finally to the renaissance envisaged in the African Union's Agenda 2063.

Colonial legacy

A significant number of British museums and other cultural institutions hold ancestral remains in their collections that were acquired during the colonial era, often through violence and coercion. The continued presence and public display of these ancestors in the UK museum represent a continuation of the objectification of African, Black and Indigenous peoples.

Informants from the African diasporic community highlight that a process of healing from the traumas of enslavement and colonial violence is impossible to undertake while the dehumanisation of Black lives remains normalised in the museum, through the denial of the opportunity to lay ancestors to rest.

'These museums need to acknowledge the theft and the killings that happened in relation to [the collection of] objects, and the huge cultural desecration they caused to different cultures... Museums also need to rethink their philosophy. Do they want to be a cabinet of stolen curiosities, or can the museum space have a different place in society?'

– Egyptian academic

Legislative vacuum: The 100-year rule

There is a legislative vacuum in the area of ancestral remains. Though it was passed in response to public outcry over the scandalous treatment of human remains from Alder Hey Hospital in Liverpool, there were hopes the Human Tissue Act 2004 might also fully address the issues of ancestral remains in museums and other institutions. The act makes provision with respect to activities involving human tissue, such as the storage, transfer and public display of human remains. However, it does not govern activities relating to the remains of persons who died before the commencement of the act and whose passing was more than 100 years ago², which

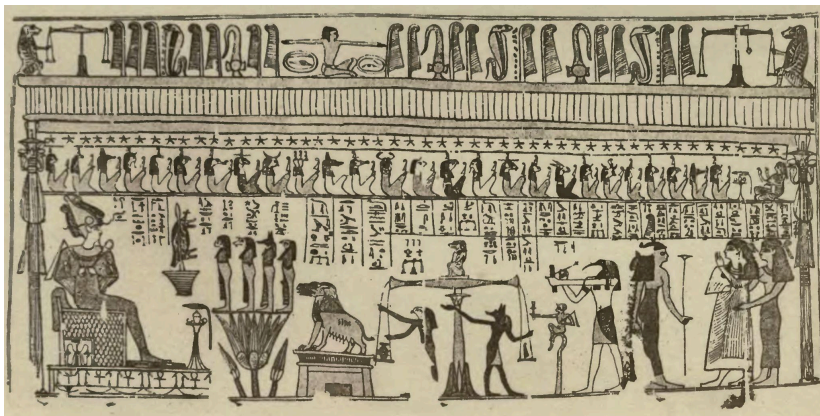
² With the exception of Section 47(2), which confers to nine national museums the power to de-accession human remains in their collection which they reasonably believe to be those of a person who died less than 1000 years before Section 47 commenced on 3 October 2005. This section allows for the transfer of such remains but does not require such action.

effectively excludes the majority of museum holdings of ancestral remains, including Egyptian mummified persons (*see next page*).

As a result, the Human Tissue Act 2004 places no obligations on museums and other cultural institutions as to the retention, transfer, public display and other uses of all ancestral remains in their collections. With regard to the care for ancestral remains older than 100 years, museums and other cultural institutions are left to self-regulate as to their compliance with the non-statutory Guidelines for the Care of Human Remains in Museums, which was published by the Department for Culture, Media & Sport in 2005.

Egyptian mummified persons

Publicly displayed Egyptian mummified persons have long been among the most popular exhibitions in UK museums. However, processes of repatriation of ancestral remains to their communities of origin have sparked a wider debate in the UK over the ethics of the public display of ancestral remains. While an argument for the continued display of Egyptian mummified persons holds that the age of the remains makes it impossible to identify the person's descendants, the act of display remains unethical due to the consistent disregard of the potential wishes of the ancestors and the intention of the communities that originally laid them to rest. The



presence and public display of Egyptian mummified persons in UK institutions further reveal the extent of museums' participation in colonial regimes of exploitation. The ancient Egyptians figuratively rendered the journey of the deceased and their soul during the day of judgement (see left). In the UK, however, the mummified person has been excavated and brought back to the UK as an object of racist pseudoscientific research, including in

efforts to evidence that Egyptians were white Europeans. The mummified person has historically been traded among the upper classes of Britain and France as a luxurious commodity, also featuring as entertainment in British 'mummy unwrapping parties' in the 19th century. In more recent times, Egyptian mummified persons have been transformed to the popularised, haunted 'mummy' figure, which reduces Egyptian heritage to exoticised mystique for the Western audience.³

'We were disgusted that [ancestral remains] were still on display. This does speak to racism... The idea that we are less than human really comes across; that we are seen as artefacts.'

– African diasporic academic

³ See for instance, Stienne, A. (2022) *The Stories behind Egyptian mummies in museums*. Manchester: Manchester University Press. <https://www.jstor.org/stable/ji.21996206>

Legislative vacuum: Appropriate consent

The Human Tissue Authority's Code of Practice emphasises that '[c]onsent and the wishes of the donor, or where appropriate their nominated representatives or relatives, have primacy when removing, storing and using human tissue'⁴. However, the 100-year rule of the Human Tissue Act 2004 allows for ancestral remains of persons who died more than 100 years ago to be publicly displayed, sold and otherwise used without appropriate consent.

Additionally, as emphasised by an informant in provenance research, the colonial contexts in which many ancestral remains were acquired make it impossible to reasonably argue that appropriate consent was ever obtained for the looting, transfer, public display and scientific uses of ancestral remains acquired overseas.

'We do have consent over our bodies after death in the medical profession. And the same should apply [in the anthropological museum]... You have autonomy over your body, even in death.'

– Provenance researcher

Legislative vacuum: Sale of ancestral remains

The British Association for Biological Anthropology and Osteoarchaeology (BABAO) has revealed several instances in which ancestral remains have been sold and bought, including via social media platforms such as Instagram and Facebook⁵. The Human Tissue Act 2004 prohibits commercial dealings in material that consists of or includes human cells (excluding gametes and embryos), but only if such material is removed, or intended to be removed, from a human body for transplantation purposes. The sales of bodies, body parts and human tissue for other purposes are outside the remit of the act⁶.

The exception is the sale of items derived from or including human tissue that are publicly displayed whilst on sale, an activity for which individuals need a license in certain instances. The act is thus silent on the sale of human remains as curiosities. (*See Afterword for further commentary on the Human Tissue Act 2004*).

'In terms of the trade... it is absolutely amazing that we have managed to introduce a change in the law for ivory, but not for human skulls.'

– Curator

⁴ Human Tissue Authority (2023). A. Guiding Principles and the Fundamental Principle of Consent.

<https://www.hta.gov.uk/guidance-professionals/codes-practice-standards-and-legislation/codes-practice/code-guiding>, p.5

⁵ BABAO. *Trading and Sale of Human Remains Task Force*.

<https://babao.org.uk/about/our-people/trading-and-sale-of-human-remains-sub-group/> (n.d)

⁶ See for instance, Human Tissue Authority. *Sale of bodies, body parts and tissue policy*.

<https://www.hta.gov.uk/guidance-professionals/guidance-sector/public-display/sale-bodies-body-parts-and-tissue-policy> (n.d)

Absence of national restitution policy

In contrast to countries such as Australia, New Zealand and the United States, there is no national restitution policy on ancestral remains in the UK nor legislation that obligates the return of ancestral remains to their communities or countries of origin in the instances in which these can be identified.

Absence of an independent dispute resolution mechanism

There is also no national body charged with handling claims for the return of ancestral remains acquired overseas, leaving restitution at the discretion of museum and other institutional boards.

The absence of an independent, national panel for dispute resolution in the area of ancestral remains puts the burden of proof entirely on claimant communities. Museums and other institutions that hold ancestral remains thus have the right by default to retain ancestral remains that may have been looted or otherwise unethically acquired, without the need to evidence and argue why the remains should remain in their possession.

Community access to decision-making

As a consequence of the legislative and policy vacuum in the area of the care for and return of ancestral remains, museum and other institutional boards of trustees are granted significant power to determine the future of communities' ancestors. African diasporic and other communities from which ancestors have been taken should be represented on the boards of national museums to gain access to decision-making processes on matters that pertain to them.

Ensuring community participation with museum and other cultural institutional governance requires action from multiple stakeholders; community representatives themselves, but it should be the responsibility of museums and other cultural institutions to actively engage with affected communities with regard to vacancies. For public bodies, trustees can be appointed by the Prime Minister or the Secretary of State overseeing that particular institution, which places a responsibility on the government to promote community representation in national museums and other cultural institutional boards.

Lack of transparency and informational certainty

As the case of the Chimurenga Heroes (*see next page*) shows, a considerable challenge to the return of ancestral remains is the lack of transparency and public access to museum and institutional inventories of ancestral remains in the UK.

Based on their experience, informants from the museum sector estimate that there are thousands of ancestral remains in UK institutions for whom identity and provenance have yet to be established. For instance, in 2024, the BBC⁷ reported that the University of Cambridge found an estimated 350,000 African artefacts, manuscripts and ancestral remains in the university's collections, with limited documentation on the ways in which 750 African ancestral remains had

⁷ BBC. *Uni finds 350,000 African artifacts in storage*. <https://www.bbc.com/news/articles/ckgzk6q715lo> (3 December 2024)

been collected. Informants from the museum sector also highlight barriers to provenance research, such as funding and the colonial violence exerted upon ancestors, as obstacles to the return of ancestral remains.

Chimurenga Heroes

For over 30 years, Zimbabwe has attempted to recover and return the remains of the heroes of the first revolutionary struggle against British colonial rule, also known as the First Chimurenga Revolt in 1896-97.

Among these heroes is Mbuya Nehanda (below), one of the leaders of the revolutionary movement, who was



executed in what is now the capital, Harare. Her remains, as well as those of other heroes such as Sekuru Kaguvi, are believed to have been brought back to the UK as war trophies and stored in British museums, including the Natural History Museum and British Museum. Following numerous calls by Zimbabwean governments and activists on the continent and the diaspora for the heroes' return, the Natural History Museum and Cambridge University issued statements in 2022 expressing a wish to co-operate with Zimbabwe for the repatriation of the ancestral remains. However, the process of return remains ongoing as the locations of the ancestral remains are allegedly not yet

identified. In 2022, the Natural History Museum told the organisation Returning Heritage⁸ that there was no evidence to suggest that the remains of eleven individuals from Zimbabwe held in the museum's collection are those of the Chimurenga Heroes.

'We are not given the chance to decide for ourselves whether we want to be the keeper of our own separate cemeteries and how to access those cemeteries... There is something about choosing where your body will be laid to rest.'

– Zimbabwean activist

⁸ Returning Heritage (2022) *Where is the skull of Zimbabwe hero Mbuya Nehanda?*. <https://www.returningheritage.com/where-is-the-skull-of-mbuya-nehanda> (10 March 2022)

Best practices

Australia

The Australian government has a proactive repatriation policy for Indigenous remains. This includes the Advisory Committee for Indigenous Repatriation, an all-Indigenous committee whose members are appointed by the Minister for the Arts. The committee advises the Australian Government on policy and programme issues connected to the repatriation of Aboriginal and Torres Strait Islander ancestral remains and sacred objects⁹.

New Zealand

In 2003, the New Zealand Government mandated the Museum of New Zealand Te Papa Tongarewa to develop an official programme for the repatriation of Māori and Moriori ancestral remains from international institutions. The repatriation process is community-led and prioritises cultural sensitivity as well as guardianship as opposed to ownership of ancestral remains¹⁰.

United States

The United States passed the US Native American Graves Protection and Repatriation Act (NAGPRA) in 1990. The act mandates all federally funded museums and federal agencies to return certain cultural items such as human remains, funerary objects and sacred objects to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organisations¹¹.

⁹ Australian Government. *Advisory Committee for Indigenous Repatriation*.

<https://www.arts.gov.au/what-we-do/cultural-heritage/indigenous-repatriation/advisory-committee-indigenous-repatriation> (n.d)

¹⁰ Museum of New Zealand Te Papa Tongarewa. *Repatriation*. Karanga Aotearoa. <https://www.tepapa.govt.nz/about/repatriation> (n.d)

¹¹ National Park Service. *Native American Graves Protection and Repatriation Act*. <https://www.nps.gov/subjects/nagpra/getting-started.htm> (n.d)

Recommendations

Following consultations with academics, legal experts, museum practitioners and community stakeholders, this policy brief puts forward the following recommendations to ensure the end of the public display and non-consensual uses of African ancestral remains and achieve their repatriation from UK institutions to their communities or countries of origin.

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1. All sales of human remains should be made illegal on the basis that they are not commercial objects but human beings.
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 - The act should be amended to expressly make an offence of the public display of human remains, except if appropriate consent is obtained or for religious or funerary purposes.
 - The license requirement in Section 16 should apply to all human remains, without exceptions for activities relating to the body of a person, or material which has come from the body of a person, who died more than 100 years ago and before the section came into force. Museums and other institutions that hold ancestral remains older than 100 years will thus be required to obtain a license from the Human Tissue Authority for the storage of such remains.
3. The UK Culture, Media & Sport Committee should undertake an inquiry on restitution, including as a prominent subject the presence and uses of ancestral remains in British museums and cultural institutions.
 - The inquiry's call for evidence should request recommendations on the implementation of a programme to map the collections of ancestral remains in the UK's national museums.
 - The inquiry should include a public consultation on the proposal to collectively bury and memorialise orphaned ancestors in the UK, or those ancestral remains whose identities were destroyed by colonial violence.
4. The UK government should ensure that the board of trustees of national museums include representatives from diasporic civil society organisations.
5. The UK Department for Culture, Media & Sport should establish a national, independent Human Remains Advisory Panel, following the model of the UK Spoliation Advisory Panel charged with resolving claims from people or their heirs who lost possession of cultural material during the Nazi era.

¹² In the Human Tissue Act 2004, 'existing holding' means the body of a deceased person or relevant material that has come from a human body held immediately before 1st September 2006, the day on which the act came into force, for use for a purpose specified in Schedule 1 of the act.

Museums and cultural and educational institutions

6. Museums and cultural and educational institutions should stop the public display of ancestral remains in their collections.

7. Museums should train individuals from UK civil society and community groups in museum cataloguing practices with the aim that representatives from the community can actively contribute to the management of museum collections of African ancestral remains.

8. Museums and cultural and educational institutions should revise their internal policies for the return of human remains, placing particular emphasis on:

- The removal of any distinctions between the return of human remains, modified human remains and cultural material. It should be up to source communities to determine what falls within the definition of ancestral remains.
- The removal of any requirements or recommendations that claims for return should be accompanied by evidence that the remains were originally subjected to a mortuary practice or were intended for such.
- The removal of any requirements or recommendations that claims for return should be made through a national government or government agency.

Funders

9. Funders should dedicate resources to research projects that intend to map the ancestral remains inventory of UK museums and other cultural institutions.

10. Funders should finance legal test cases for the return of ancestral remains to their communities or countries of origin.

Civil society and community groups

11. Civil society organisations should organise workshops that train individuals from the African diasporic community in museum and cultural institutional governance, to promote community participation in museum and other institutional boards.

12. The Black Studies Association with other stakeholders should advocate for a more comprehensive teaching of Britain's colonial past in schools and the history of the acquisition of cultural material and ancestral remains in developing the collections of British cultural institutions.

13. Seminars should be organised that gather community, academic, legal and museum stakeholders to take forward conversations around the key issues that were raised throughout the first phase of AFFORD's African Ancestral Remains Project.

14. African and African diasporic restitution organisations and movements should establish a common forum or informational hub in which best practices can be shared.

Afterword

Just over two decades ago, a national debate about the treatment of the dead led to a change in the law. There had been a public outcry when the Alder Hey scandal brought to light how, from the early 1980s, the organs and body parts of thousands of infants had been retained in Liverpool and Bristol. Relatives of victims of the 1989 Marchioness riverboat disaster in London then discovered that body parts had been retained from those who died and stored for more than a decade.

Against the backdrop of these scandals, the Human Tissue Act 2004 established a statutory regulatory framework, with a new executive non-departmental public body (the Human Tissue Authority) overseeing record-keeping, transparency and ethical principles in the removal, storage, use and disposal of human bodies and body parts for teaching, research, transplantation and public display. The guiding principle was that of ‘appropriate consent’ – whether informed consent before death, or the consent of descendants or relatives after death.

Recalling that history of urgent reform and a fundamental shift in professional ethical practice, it would be easy to forget there were calls for the process not to be limited to the field of medicine, but to extend into all parts of science, culture and the arts.

In November 2003, the Working Group on Human Remains, appointed by the Select Committee of the Department of Culture, Media and Sport (DCMS), recommended the ‘*full disclosure*’ of what was held in all repositories of human remains and that institutions with such collections should be licensed.

But when DCMS published its *Guidance for the Care of Human Remains in Museums* in 2005, those recommendations were not followed. Instead, the non-statutory guidance suggested merely that ‘*museums should have a policy to compile and make public an inventory of their holdings of human remains*’.

Many reflected at the time that such statements of aspiration set a low bar. But there was the sense it would take time for museums to put complex historical records in order. A sense everyone wanted the same thing, but these are complex questions. A sense the sector could be trusted to do this cataloguing work in due course.

In the 20 years that have since passed, austerity and swingeing cuts for the arts and culture have combined with a certain longstanding professional reticence towards making the inventories, archives and accessions registers of museums public. Even the richest and most powerful national museums do not have comprehensive databases of their collections, never mind smaller regional museums. It would be hard to argue that more is known today about the ancestral remains in UK collections than a generation ago.

Meanwhile, the international context of calls for transparency and returns could hardly be more different. Accountability and answers are being demanded by the audiences, communities, stakeholders and taxpayers that museums and university collections serve.

The idea of a two-tier ethical system (with transparency and respect in the case of people whose remains came non-consensually into collections through the NHS after 1948, but not in cases where it was through colonialism, looting and the fake racial 'science' in the previous century or more) is unsustainable.

In this context, the *Laying Ancestors to Rest* policy brief is an urgent document. If it is possible to ban the trade in ivory, then it is surely possible to ban the trafficking of ancestral remains. If transparency and regulation around human remains in hospitals is possible, then it is possible in museums and university collections too.

Sometimes, there will be evidence through which descendants to whom ancestors might be returned can be identified. In other cases, the nature of the violence meant details of identity and provenance were removed from skulls and bodies, and different ethical questions arise.

Some cultures and nations do not demand returns. Many others do. And some see certain cultural objects as part of the ancestral presence too. There are questions about objects that contain parts of human bone as just one material among many. And issues of how to treat those human remains for whom no identity or provenance will ever be found.

It is complex, of course. It is case by case. But that does not mean these are intractable questions or that an inventory cannot be drawn up and made public.

With such transparency, a new kind of public conversation will doubtless begin – one that some in the past have tried to avoid. It is a question of memory and remembrance – facing up to institutional histories, showing respect for the dead and for the living.

This is a time of immense hope and optimism for British museums, galleries, art and culture, from returning stolen art to building new forms of public memory. The conversations can be hard, but trying to hide the past away for another generation, to keep things exactly as they have been, is no longer an option. The question of consent needs to be considered.

As this policy brief shows, the time is right to address the question of ancestral remains in new ways: with institutional openness, respect for the dead, reconciliation with descendants – and, yes, new forms of regulation.

Dan Hicks FSA MCIFA

Professor of Contemporary Archaeology, University of Oxford and
Curator of World Archaeology at the Pitt Rivers Museum

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African Ancestral Remains Project partners

The All-Party Parliamentary Group on Afrikan Reparations (APPG-AR)

APPG-AR brings together parliamentarians, campaigners, communities and other stakeholders to examine issues of African reparations and the restitution of cultural artefacts and ancestral remains. APPG-AR explores policy proposals on reparations and development and how best to redress the legacies of African enslavement and colonialism.

AFFORD The African Foundation for Development (AFFORD)

AFFORD is an international organisation established in 1994, with a mission to expand and enhance the contributions Africans in the diaspora make to African development.

The African Museums and Heritage Restitution (AFRIMUHERE)

AFRIMUHERE was established by the African heritage community in response to calls for a continental heritage and museums association. AFRIMUHERE's mandate is to safeguard, promote and facilitate restitution of African heritage.

Decolonising the Archives (DTA)

DTA is a Pan-African organisation facilitating heritage-based therapeutic interventions for people of African heritage rooted in our archives, cultural principles and technologies.

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