

## The repatriation of ancestors and cultural items from UK museums as a human rights issue for Indigenous Nations

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### Executive summary

The UK has a **commitment to the United Nations Declaration on the Rights of Indigenous Peoples (2007)**<sup>1</sup>, which states in Article 12 – ‘states shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous Peoples concerned.’ This commitment should be upheld by **recognising and prioritising international repatriation as a human rights issue**.

Past examples of repatriation show that it can play a powerful role in recognising the sovereignty of Indigenous Nations<sup>2</sup>, supporting cultural revival<sup>3</sup>, and realising the soft power that museums hold within international diplomacy<sup>4</sup>. The UK’s museum sector has already been slowly undertaking this work with little support for over thirty years, so by providing national policy and funding for international repatriation, **the UK has the opportunity to become a world leader in international repatriation**.

### UK Policy Implications:

- The UK should update and amalgamate Guidance for the Care of Human Remains in Museums ‘Part 3: Claims for the Return of Remains’ (2005) and the Arts Council England ‘Restitution and Repatriation: A Practical Guide for Museums in England’ (2023) to reflect current best practice and provide **a national policy for repatriation that enables institutions to act autonomously on repatriation**, whilst providing a national mandate that repatriation is an important part of their work
- **The DCMS and AHRC budgets should include specific ongoing funds** for provenance research, training and skills programmes, and the physical return of ancestors and belongings to enable institutions to undertake this work
- **National museums and galleries should be given the powers needed to act independently**, and be included in Sections 15 and 16 of the 2022 Charities Act, enabling them to repatriate cultural items on moral grounds

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<sup>1</sup> United Nations, ‘[United Nations Declaration on the Rights of Indigenous Peoples](#)’, (September, 2007),

<sup>2</sup> Canadian Museums Association, [Moved to Action: Activating UNDRIP in Canadian Museums – A Response to the Truth and Reconciliation Commission’s Call to Action #67](#), (2022)

<sup>3</sup> For example, see: Conal McCarthy, ‘The Practice of Repatriation: A Case Study from New Zealand’, in eds. Louise Tythacott and Kostas Arvanitis, *Museums and Restitution: New Practices, New Approaches*, (London, Routledge, 2014), 71-83, p.80; Jim Specht and Ana Filipa Vrdoljak, ‘International Law, Museums and the Return of Cultural Objects’, *International Journal of Cultural Property*, 15, no. 4, (November 2008), 447-451, p. 449

<sup>4</sup> For example, see: National Museums Directors’ Council, [Museums Matter](#), (2015) p. 11; Marcie Muscat, ‘[The Art of Diplomacy: Museums and Soft Power](#)’, *E-International Relations*, (last edited 9 November 2020); Mariano Zamorano, ‘Reframing Cultural Diplomacy: The Instrumentalization of Culture under the Soft Power Theory’, *Culture Unbound: Journal of Current Cultural Research*, (2016), 8, 165-186;

## Context

In 2007, the UK was one of 143 countries to sign and support the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. As part of this Declaration, the UK committed to Article 12:

‘states shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous Peoples concerned.’<sup>5</sup>

Whilst many European countries have appeared to have taken action, they have done so in state-centric ways that limit the full realisation of enacting this human right.

In 2018, French President Emmanuel Macron commissioned the seminal report, ‘The Restitution of African Cultural Heritage: Toward a New Relational Ethics’, colloquially known as the ‘Sarr-Savoy Report’<sup>6</sup>. The report recommended large-scale returns of African artefacts from French museums and demonstrated that Macron had recognised the **potential of international repatriation as a form of soft power**, which could aid international power relations and diplomacy. Since then, Germany and the Netherlands have also acknowledged the importance of repatriation by releasing national guidelines and policies which have provided central mechanisms for supporting institutions undertaking this work, funding, and recommendations for the prompt unconditional return of ancestors as well as cultural items of special significance or that were unethically taken as a result of colonialism.<sup>7</sup> However, to date there has been a low number of returns conducted by these countries, due to their efforts being led by national governments rather than institutions, and further prohibited by a lack of skills and experience in repatriation.

Although the repatriation debate in the UK has largely focused on the Parthenon Sculptures and Benin Bronzes, British institutions hold thousands of stolen ancestors (human remains) and belongings (cultural items) that belong to Indigenous Nations around the world. This research gives key insights on how the UK could uphold its commitment to UNDRIP and support the healing and cultural revitalisation of Indigenous Nations by becoming world leaders in repatriation and recognising its potential as a form of international diplomacy.

## Research aims

- This research aimed to enable more UK institutions to undertake repatriation by understanding what barriers to return currently exist
- It then sought to understand how returns could be undertaken in more equitable, transparent processes that uphold the rights of Indigenous Peoples

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<sup>5</sup> United Nations, ‘United Nations Declaration on the Rights of Indigenous Peoples’, p. 12

<sup>6</sup> Felwine Sarr and Bénédicte Savoy, “[The Restitution of African Cultural Heritage. Toward a New Relational Ethics](#)”, (November 2018)

<sup>7</sup> See: Federal Foreign Office, Language Services Division, ‘[Framework Principles for Dealing with Collections from Colonial Contexts](#)’, (13 March 2019); Advisory Committee on the National Policy Framework for Colonial Collections, ‘[Guidance on the Way Forward for Colonial Collections](#)’, (January 2021)

## Research findings

- Repatriation can be a form of soft power, important for international relations and diplomacy. For example, the Netherlands unconditionally returned 478 cultural items to Indonesia and Sri Lanka in 2023, acknowledging that the items should never have been in the Netherlands and that the return marked ‘a period of closer cooperation’ with the two former colonies<sup>8</sup>
- Repatriation is a significant part of cultural revival and healing for many Indigenous Nations. The Haida Nation have written extensively about the role that repatriation has played in the revival of their culture and the healing of their people<sup>9</sup>
- Repatriation can play a powerful role in the recognition of sovereignty and the commitment to operating nation to nation with Indigenous Nations as seen through the National Museums Scotland return of the Ni’isjoohl memorial pole to the Nisga’a Nation<sup>10</sup>
- Despite extensive international media coverage, due to the development of national guidelines and policies, French, German and Dutch institutions are not leading on repatriation as there has been a lack of widespread returns from these countries due to a state centric approach and lack of skills and experience
- There is a European-wide skills gap in terms of repatriation, but the UK museum sector has decades of experience in undertaking this work which means there is the opportunity for the UK to be world leaders in international repatriation
- There needs to be more research undertaken around how many, and which, ancestors and belongings are held in UK collections, their provenance, and how many repatriations have occurred, in order to inform future policies and practice and measure the UK’s progress on this issue – both to enable museums to undertake this work and to hold them accountable

## Contact details

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<sup>8</sup> Government of the Netherlands, ‘[Colonial Collections to be Returned to Indonesia and Sri Lanka](#)’, (6 July 2023),.

<sup>9</sup> See; Cara Krmpotich and Jisgang Nika Collison, ‘Saahlinda Naay – Saving Things House’ in eds. Cressida Fforde, C. Timothy McKeown, Honor Keeler, *The Routledge Companion to Indigenous Repatriation: Return, Reconcile, Renew*, (London, Routledge, 2020), 44–62; Lucy Bell Sdaahl K’awaas, ‘Gudáang ‘Iáa Hl k’iiyanggang: I am Finding Joy in Haida Repatriation and Research’, *Arts*, 12, no. 6, (2023); Nika Collison in Cara Krmpotich and Laura Peers, *This is Our Life: Haida Material Heritage and Changing Museum Practice*, (Vancouver, University of British Columbia Press, 2013)

<sup>10</sup> Parent, Amy, Ts’aawit, Noxs, Moore, William and Duuk, Sim’oogit, ‘Afterword: Building Solidarity: Moving Towards the Repatriation of the House of Ni’isjoohl Totem Pole’, in ed. Emma Bond, *Scotland’s Transnational Heritage: Legacies of Empire and Slavery*, (Edinburgh, Edinburgh University Press, 2022), 218–234, p. 229