UMAC

ICOM International committee for university museums and collections

VOLUME 17 No. 1 2025

UNIVERSITY MUSEUMS AND COLLECTIONS JOURNAL

BEYOND PROVENANCE RESEARCH:
RESTITUTION AND RETURN FROM UNIVERSITY MUSEUMS

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UMAC
ICOM International committee for university museums and collections

Volume 17 No. 1 2025
Special Issue

Front cover image details:
Copper alloy sculpture depicting an Oba (king) of Benin previously at the University of Aberdeen now transferred to the National Commission for Museums and Monuments, Nigeria. It was one of thousands of religious and cultural artefacts looted by British forces in 1897 during the destruction of Benin City in present-day Nigeria by a British military expedition. The University became the first institution to agree to the full repatriation from a museum of a Benin Bronze. Image courtesy of the University of Aberdeen used with permission from the National Commission for Museums and Monuments, Nigeria.

The University Museums and Collections Journal (UMACJ) is a peer-reviewed, open call, on-line journal for the International Committee for University Museums and Collections (UMAC), a Committee of the International Council of Museums (ICOM).

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UMACJ Editorial Board 2022 – 2025

University Museums and Collections Journal
17 (1) published February, 2025
umac.icom.museum
Graphic edition: Gina Hammond
ISSN 2071-7229

CONTENTS

THE ETHICS OF REPATRIATION AND RESTITUTION. GUIDANCE FOR RESTITUTION AND RETURN OF ITEMS FROM UNIVERSITY MUSEUMS AND COLLECTIONS

Steph C. Scholten

Abstract

In 2020-21 ICOM UMAC led on a project about the Ethics of Repatriation and Restitution of museum and collections' objects in universities[1]*. UMAC, ICOM's International Committee for University Museums and Collections, worked on this with the support of EthCom (ICOM's Standing Committee on museum ethics), ICME (ICOM's International Committee for Museums and Collections of Ethnography) and ICOM Australia, as well as the European Academic Heritage Network UNIVERSEUM. The project received financial support in the form of an ICOM Special Projects Grant. Meeting with the goal of ICOM to research and address issues of decolonization, the aim of the project was to raise levels of awareness, expertise and sensitivity in universities and their museums and collections, contributing to the body of knowledge around these issues in the wider museum community through stakeholder collaboration and by drafting guidance that can complement the ICOM Code of Ethics.*

The project critically investigated the ethical framework for restitution and repatriation as provided by the ICOM Code of Ethics, as well as studying other relevant policies, frameworks and guidelines, specifically the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It worked from the assumption that the desirability of the return of human remains to source communities and more broadly, to deeply reconsider objects acquired in a context of (colonial) domination or war, following decades of activism by indigenous peoples and former colonized countries, is now minimally challenged in the international museum community. The project used university collections as case study examples to develop guidance for restitution and repatriation. The Guidance was proposed for consideration by the ICOM Board and membership and was approved by the ICOM UMAC Board by the end of 2021 and published early 2022 on the ICOM UMAC website.[2] The Guidance has also been proposed to be considered in the context of the current revision of the ICOM Code of Ethics.[3] The Guidance itself is included elsewhere in this volume. This short article is to describe its context and the process of its genesis.

Many experts from the museum field and from originating communities from across the world, have contributed to the development of this guidance. In an iterative process, evolving versions have been discussed and scrutinized by these experts, considering the state-of-art in policies, procedures, processes for restitution and repatriation emerging in the world. All those who have contributed deserve our gratitude.

The project was conceived in 2019 and funded by ICOM in early 2020, before the COVID pandemic broke out globally. It had been planned to use subsequent conferences from participating national and international committees to discuss, develop and disseminate the knowledge base for the project, using the repatriation of objects from Aboriginal Australia as cases-in-point.[4]

In 2020, it was 250 years since James Cook landed on the coast of what is now known as Australia, changing the course of history of the continent and the fate of its aboriginal nations and peoples in ways that still profoundly impact on aboriginal peoples today. It was also the start of the collection -by any means available- of aboriginal artifacts for European collectors. UMAC's 2020 annual conference was planned to be hosted by the University of Sydney's new Chau Chak Wing Museum but had to be postponed until 2023. It saw some interesting sessions on colonial discomfort and returns[5].

1. Steph Scholten, vice-chair of ICOM UMAC and member of EthCom at the time was leading on behalf of ICOM UMAC.
2. http://umac.icom.museum/wp-content/uploads/2022/03/UMAC-Guidance-Restitution-2022.pdf
3. https://icom.museum/en/resources/standards-guidelines/code-of-ethics/
4. The project was planned to be develop further at the UMAC 2020 conference in Sydney in September and the UK wide Museum Association's conference in Edinburgh in November. Also, the October 2020 ICME Conference in Baku/Azerbaijan and the half-day discussion before the Commonwealth Association of Museums Triennial Conference in Cape Town in March would be a platform. UNIVERSEUM planned to hold its annual conference in June 2020 in Brussels.
5. Truth-telling through university museums and collections, www.sydney.edu.au/museum/whats-on/umac-2023.html and http://umac.icom.museum/resources/archive/past-annual-conferences/ See e.g. Gaye Sculthorpe, Some Uncomfortable Truths About Museum Collections in: UMAC J, VOLUME 15 No. 2 2023, p.91 and Ezzard Flowers, Michelle Broun, Zandra Yeaman & Steph Scholten, Glasgow meets Western Australia. Restorative Justice for a just Future, p. 139.

The runtime was originally the year 2020, but the project took a year longer to complete. Essential for methodology was to closely work with indigenous experts and representatives, including their participation in several of the conferences mentioned. But because of the pandemic, all the planned in-person conferences were cancelled and only some were replaced by online alternatives. In the end, the project was presented and discussed during 3 major online events:

- a session during the MA Conference in the UK, 4 November 2020[6]
- a combined CAUMAC/UMAC/ICOM Australia webinar 'Polyphonic Perspectives: Aboriginal and Torres Strait Islander cultural materials in Museums and University Collections and global issues of repatriation and restitution'[7]
- the joint UMAC/UNIVERSEUM conference 1-3 September 2021[8]

The methodology to develop the guidance was to first widely collect and research examples, reports and restitution policies that were in use and/or in development in museums, other institutions and (source) countries. Examples from across the world where suggested and studied, notably the publications by AIATSIS (The Australian Institute of Aboriginal and Torres Strait Islander Studies)[9] and the National Museum Australia[10], by the National Park Service (USA) on NAGPRA (Native American Graves Protection and Repatriation Act)[11], by the Museum of New Zealand Te Papa Tongarewa[12] and existing and emerging policies from a wide range of museums in the Global North, as well as from governmental institutions in places such as The Netherlands, Belgium, Germany, France, South Africa and others. It is worth noting that the years following the publication of the seminal Sarr and Savoy report on "The Restitution of African Cultural Heritage", in November 2018[13], have seen an unprecedented output in this respect, that also proved to be rather dynamic, with new or updated policies still emerging on a very regular basis.

It was felt that, in contrast to civic, national or [other] collections, university museums and collections are interesting and useful to use as examples for this analysis and reflection, because of their value for knowledge production in the broadest sense of the term. And at the same time, in academic contexts, cultural and historical dimensions may be disregarded by traditional perceptions of the disciplinary value of artifacts and specimen, suggesting conflict between restitution and repatriation and knowledge production.

Knowledge about and derived from natural and man-made objects contributed to imperial economic power. Many university collections in the so-called Global North have been shaped by the exploratory endeavors of researchers who travelled the world on the back of colonization and exploitation, amassing objects and artefacts from across the globe. The way universities and museums should consider these collections and associated knowledge in a 21st century world, in their relations with source communities and other stakeholder groups, has become one of the more pressing issues, not only for museums globally, but also for the universities in the Global North. This was overtly apparent during ICOM's general conferences in Kyoto (2019) and Prague (2022) and is also apparent in the increasing number of universities researching their histories regarding their involvement in colonialism and enslavement of people.

As can be witnessed in the media every day, the discussions about these issues are often highly politicised both in the museum community and in society at large. This makes it often difficult for national and other publicly funded museums in the Western world, to critically address the questions brought on by past histories. Parallels can be seen in the position of museums in countries with more autocratic regimes, where particular narratives about an often-glorified past are dominant. The academic context in which university museums operate, combined with the intellectual resources they can draw on from their wider institutions, puts them in a position to lead in some of the discussions that are of relevance to the museum sector as a whole. It is perhaps not surprising to see that a relatively large number of early initiatives in for example the UK stem from universities, such as the repatriation of sacred Aboriginal artefacts by Manchester Museum and ancestral remains by the Pitt Rivers Museum in Oxford, or the return of

6. https://www.museumsassociation.org/event-highlights/conference-2020-content/
7. https://caumac.wordpress.com/2021-2/
8. http://umac.icom.museum/resources/archive/past-annual-conferences/
9. https://aiatsis.gov.au/about/what-we-do/return-cultural-heritage [accessed most recently on 06.01.2023]
10. Dr Michael Pickering, A Repatriation Handbook. A guide to repatriating Australian Aboriginal and Torres Strait Islander Ancestral Remains, National Museum of Australia Press, June 2020, open access available from: https://www.nma.gov.au/about/publications/repatriation-handbook
11. https://www.nps.gov/subjects/nagpra/index.htm
12. https://www.tepapa.govt.nz/about/repatriation
13. F. Sarr, B. Savoy, The Restitution of African Cultural Heritage. Toward a New Relational Ethics, November 2018, http://restitutionreport2018.com/sarr_savoy_en.pdf [accessed: 09.10.2022]

so-called Benin bronzes from Aberdeen and Cambridge. The reparative justice program that Glasgow University and the University of the West-Indies jointly put in place to address the legacy of slavery, is another example, leading amongst other, to the repatriation of an extinct indigenous lizard specimen to Jamaica.[14]

But it may be obvious that repatriation has gained significant momentum globally in the very recent past, with many European countries introducing new, and arguably long-overdue legislation and/or policies regarding the colonial collections in their museums, removing restrictions and (finally) engaging with originating peoples and countries about the return objects and collections.[15]

Even since the publication of the Guidance in early 2022, the dynamics and the understanding of and sensitivity to the issues at stake have evolved considerably, often driven by the scholarship and activism from Indigenous peoples and diasporic communities.[16] This implies that the Guidance needs to be revisited, evaluated, and updated on a regular and co-productive basis, with all stakeholders involved.

14. See: Manchester Museum: https://www.museum.manchester.ac.uk/about/repatriation/ [accessed: 06.01.2023] Pitt Rivers Museum, Oxford University: https://www.prm.ox.ac.uk/sites/default/files/prm/documents/media/university_of_oxford_museums_-_press_release_-_australian_repatriation_10.11.2022.pdf [accessed: 06.01.2023]
University of Aberdeen, Ceremony to Complete the Return of Benin Bronze, 27 October 2021, https://www.abdn.ac.uk/news/15479/ [accessed: 16.10.2022].
Jesus College, Cambridge, Jesus College Returns Benin Bronze in World First, 27 October 2021, https://www.jesus.cam.ac.uk/articles/jesus-college-returns-benin-bronze-world-first [accessed: 16.10.2022].
University of Glasgow: https://www.gla.ac.uk/explore/historicalslaveryinitiative/ [accessed 06.01.2023]. https://www.museumsgalleriesscotland.org.uk/case-study/return-of-the-galliwasp/ [accessed 12.01.2025]
15. A bit of an overview can be found here: https://ejournals.eu/resources/additional/22-12-2022_SAACLR%202022_2_8_II_.pdf. More "national reports" will be added to this, amongst them a report on repatriation from Scotland: Neil G.W. Curtis and Steph C. Scholten, Repatriation from Scottish Museums: A Short Report in: Santander Art and Culture Law Review, 2/2022.
16. For some extensive case studies, see e.g.: https://www.create.ac.uk/blog/2024/11/11/online-resource-from-scotland-to-the-world-repatriation-and-museums/ and associated recordings of a conference held at The Hunterian, University of Glasgow on 18 April 2024.

THIS VOLUME

The majority of the articles in this volume of UMAC J discuss the repatriation of human remains and associated issues from places geographically as far apart as modern-day South Africa (TILEY-NEL), Canada (ANDERSON), Democratic Republic of the Congo (LICATA et al.) and Argentina (SARDI & RECA). The common thread is how Western colonial and (pseudo-)scientific practices led to the often-violent acquisition of ancestral remains, leaving universities and museums in the 21st Century to navigate complex processes of return, due to high sensitivity, poor documentation, limited resources and global politics.

NANKELA et al. look at practices of rehumanising of human remains in museum context from practitioner experience in Southern Africa and emerging practice in The Hunterian (University of Glasgow), showing how reconnecting narratives and stories back to individuals turn human remains into becoming people again.

CURTIS' article gives insight into the mechanisms of the first return by a museum of a so-called Benin Bronze, 125 years after it had been looted by a British military force. Following this example, many more Benin Bronzes have now been returned, highlighting that even in fairly straightforward cases, complexity is always present.

The article by DÍAZ-PLAZA VARÓN shows that demands for returns are also made within national borders, reflecting that it is not just from the colonial empires that collections were built in national and other museums, but also from the geographical and social periphery within nation states.

Keywords
Repatriation, Human Remains, Restitution, Guidance

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UMAC-ICOM: GUIDANCE FOR RESTITUTION AND RETURN OF ITEMS FROM UNIVERSITY MUSEUMS AND COLLECTIONS

For the complete document see our website:
http://umac.icom.museum/wp-content/uploads/2022/03/UMAC-Guidance-Restitution-2022.pdf

Guidance

This paper is conceived at a moment of intense debate and quickly shifting societal and professional positions regarding the return of heritage items and ancestral remains from (predominantly Western) institutions to the peoples, communities, cultures, and countries of origin. This paper is meant to inform and support universities regarding requests for the return of items from their museums and collections, while acknowledging that there are many stakeholders that need to be involved in these processes. It is not intended to supplant laws or other formal frameworks that may be in place to regulate procedures for restitution.

Collections of items in universities and their museums (from here onwards: university museums) are drawn from many places throughout the world. For generations, university museums have been collecting, organizing and displaying these collections, and using them for research and teaching and engagement. Universities were at the centre of political power when European colonisers spread across the globe. Over centuries, massive displacements of cultural objects, scientific specimens and ancestral remains affected peoples and places everywhere.

University museums aspire to be places where people are encouraged to encounter, research, enjoy and learn from a variety of human experiences and as such university museums can in themselves be appropriate homes for collections of all kinds. University museums have a duty to respectfully care for the collections they hold and to encourage access and understanding for as many people as possible.

Collections in university museums also represent the lives of many people and the many connections between universities and the wider world. As with most other museums, university museums hold their collections in trust for past and future generations. As caretakers, these institutions assume ongoing responsibilities associated with the items in the collections as well as the express and implied wishes of collectors, donors and stakeholders.

University museums often have long and complex histories of acquisition, and many hold items in their collections which were acquired unethically and/or illegally by their collectors/donors. It is only now becoming more widely recognised that the circumstances of acquisition of some of these items should be considered unacceptable, and that holding certain items should be reconsidered. Such items can include but are not restricted to:

- ancestral (human) remains
- items which are recognised to be culturally significant by their communities of origin
- items recognised as having ancestral and/or contemporary value by communities, including secular, ceremonial, and secret or sacred items.

In general terms, it is unacceptable to acquire cultural, intellectual, religious and spiritual property without the free, prior and informed consent of the peoples or communities from which the items originate or in violation of their laws, traditions and customs. This includes but is not restricted to:

- items acquired as spoils of war
- items acquired through the desecration of graves or sacred sites
- items acquired without necessary permits and authority that were in place at the time of collecting
- items subject to spoliation in Europe between 1933 and 1945
- data unjustifiably extracted for research purposes.

Originating peoples and communities are best placed to understand what material is significant and important to them and what they wish to have returned. Because culture is not only embodied in sacred and ceremonial practice, secular material made and used in the past is also often of great importance and retains significance in contemporary cultural worlds. University museums should welcome these interests as they contribute to knowledge and understanding of the collections.

To be able to adequately engage with originating communities and other stakeholders on issues of restitution and repatriation, university museums should establish procedures that regulate the process and create clear points of contact for parties regarding information and restitution requests.
As an addendum to this guidance, suggestions for some elements of such policies are included, based on recent examples of policies from university museums as well as international sources and literature.

As part of good collections practice, university museums should commit to resourcing ongoing and collaborative research into the histories of their collections to establish the provenance of items and to share findings and approaches with originating communities, as well as to facilitate the actual processes of return of items.

University museums should invite collaboration by freely and honestly sharing their knowledge, thus enabling an open dialogue with the communities whose items they hold. They should also share this knowledge with their local academic and civic communities, to promote understanding, acceptance and commitment to reconsider the past in the present for the future. They should acknowledge the value of dialogue with communities and colleagues across the world, as an opportunity to empower peoples, to build networks and relationships and increase knowledge and understanding.

Most fundamentally, the process of return and restitution can contribute to healing some of the deep wounds caused by past actions and acknowledges the power of collections to make and remake relationships. It contributes to a future of new cultural practices, new knowledges and new ways of sharing and learning

ADDENDUM
Elements for a procedure for restitution and repatriation for university museums

This section contains some draft-elements that can be used to design a procedure for returns, based on existing, recent examples of such policies in university museums and on international literature and (re) sources

1. University museums should develop a procedure that comprehensively defines the restitution process and addresses legal and ethical principles and professional responsibilities. This procedure should be approved by relevant governing bodies and be published online, and be regularly updated, e.g. every 5 years.

2. University museums should engage in (collaborative) research into their collections to establish the provenance of items. Wherever possible, they proactively share their findings directly with communities of origin and/or relevant cultural and governmental organisations. When publishing findings online to lower barriers for finding and accessing information, it should be realised that not all data, especially images, are suitable for online publication and access.

3. University museums seek stakeholder engagement with the collections they hold and invite requests for the restitution of items from the collections. University museums work with stakeholders in a respectful, open, transparent, fair, and timely manner. University museums should engage with stakeholders in repatriation processes and facilitate their decision making on what material should be requested for return and to whom, when and where. Throughout the consultation and repatriation process, university museums should act in confidence and with discretion and cultural sensitivity.

4. Recognizing the rights of Indigenous people to be self-determining with their cultural heritage, university museums should welcome restitution requests made by, and on behalf of individuals, groups and public bodies, in particular requests that enable the return of cultural heritage to living communities, such as requests by:

a. Descendants of creators or former custodians of items, or of individuals whose ancestral remains are in the care of a university museum.

b. Organisations and cultural centres representing Indigenous communities who were the original creators or custodians of items, or whose ancestral remains are in the care of a university museum.

c. Regional and national museums in a country of origin, when requests are being made on behalf of Indigenous communities/peoples (where the community of origin is known) and with the free, prior, and informed consent of the relevant Indigenous communities/peoples.

d. Governmental agencies, when requests are being made on behalf of Indigenous communities/peoples (where the community of origin is known) and with the free, prior, and informed consent of the Indigenous communities/peoples.

5. Restitution requests should be assessed in dialogue and on a case-by-case basis according to the criteria established by museums in their restitution procedure. Weighing of the criteria and their importance may vary from case to case. Some suggested criteria are:

a. Identity of the item: evidence relating to the identification of the item concerned, to demonstrate that it is the right item that is requested.

b. History of possession and/or ownership of the item: evidence about the provenance of the item prior to its acquisition by the university museum and evidence relating to the university museum's title in the item and/or rights of possession. The use and treatment of the item since its acquisition by the university could also be described.

c. Connection between the item and the requesting party: evidence to demonstrate this connection. This may include evidence of the continuity of practices or group identity between the original possessors and those making the request. If a request is made on behalf of another person or group, evidence must also be presented to demonstrate that they have the right to be a representative.

d. Significance of the item to both the requesting party and to the university museum. This may include issues such as the religious, cultural, historical or scientific importance of the item.

e. Consequences of return or retention by the university museum: reflecting on the likely future treatments and uses of the item if it is returned or if it is retained by the university museum. This may include information about aspects such as possible display, research, destruction, alteration or restrictions on access. Reflections on the possible broader implications of a decision to return, or a decision not to return an item, should also be made transparent. Suggestions about issues such as the creation of replicas, additions to the university museum's collections, the use of images and research opportunities can also be discussed.

6. University museums establish priority areas for restitution according to the nature of the collections they hold and the communities they serve, while remaining open to restitution requests for other areas. Priority areas may include

a. Ancestral (human) remains, being the bodies, and parts of bodies, of once living people (homo sapiens), including bones, teeth, skin and other organs, body fluids, slide preparation of human tissue, DNA samples and other biological material and may include hair and nails.

b. Human remains also include 'artefactual' human remains (also referred to as modified human remains). These are any of the above which have been modified or incorporated into artefacts together with other materials.

c. Culturally significant items: items which are recognised to be culturally significant by their community of origin, or items recognised as having ancestral value by the community, including secular, ceremonial, and secret or sacred items.

d. Items that have been unethically acquired by collectors/donors/vendors. Many university museums have long and complex histories of acquisition and hold items in the collection which were acquired by their collectors/donors under unethical circumstances.

A non-exhaustive list of justifiable claims made on this basis may include items:

- acquired as the spoils of war
- acquired through the desecration of graves or sacred sites
- items and data acquired unethically in the name of research (e.g. blood samples, photographs, biodata)
- acquired without necessary permits and authority which were in place at the time of collecting
- which have been subject to spoliation in Europe between 1933 and 1945.

7. In some cases, e.g. in the United States, more than one indigenous group may claim particular items. Should a conflict arise, a collaborative process of discussion with each party will be followed, and/or additional expertise will be consulted.

8. The outcomes of a restitution process need to be determined in the consultative/collaborative processes outlined here and may vary but need to be led by the rights of Indigenous people to be self-determining with their cultural patrimony (UNDRIP). The unconditional transfer of ownership rights is but one of the potential outcomes. Legal contexts and governance systems vary widely globally and may forbid or limit restitution options. This should not prevent university museums to advocate or represent the need for change and to actively engage with communities of origin to establish in what way their interests can best be served, e.g. by providing or restricting access to items, by developing appropriate practices of care and/or through sharing items through loans, replica's and/or online publication.

9. In accordance with good practice, university museums maintain a record of restitution claims, respecting all legislation relating to the protection of the rights and freedoms of individuals as well as the expressed wishes of communities of origin.

10. University museums should publicly and periodically report on their activity regarding the return of items from their collections.

‘THESE ARE OUR ANCESTORS, THESE ARE OUR PEOPLE’: A CURATOR’S PERSPECTIVE OF THE REPATRIATION OF MAPUNGUBWE HUMAN REMAINS IN SOUTH AFRICA

Sian L Tiley-Nel

Abstract

This paper presents a curatorial perspective of the repatriation of archaeological human skeletal remains at the University of Pretoria from Mapungubwe, a formative 13th century pre-colonial Iron Age site (CE 1000 - CE 1300) in southern Africa. The human remains were excavated in the 1930s due to scientific interest and later archaeological research, within what is now known as the Mapungubwe Cultural Landscape, a UNESCO declared World Heritage Site. This paper highlights curatorial experiences, professional perspectives and lessons, as the human remains were directly associated with globally renowned Mapungubwe archaeological collection held under the stewardship of the University of Pretoria. Curated by the University of Pretoria Museums, the Mapungubwe Collection comprises a vast archaeological research assemblage of other material remains such as ceramics, glass trade beads, indigenous shell beads, clay figurines, faunal material, metals (iron, copper, bronze), lithics, organics (ivory, bone, seeds) and the iconic Mapungubwe Gold Collection. The University of Pretoria serves as a legal repository of the Mapungubwe Collection on behalf of the state of South Africa since parts of the Mapungubwe collection are specifically declared heritage objects. The University of Pretoria further has the only Mapungubwe Archive.

The University of Pretoria Museum’s serves as a research entry point, and often the public footprint and cultural lens on most matters related to the subject of Mapungubwe, since the collection has been institutionally contextualized. Scholarship on both the collection, as well as the human skeletal remains has been actively researched for nine decades, yet consultation with the connected or source indigenous communities was unheeded for decades prior to post-democratic South Africa in 1994. In addition, the pre-colonial and colonial past, followed by nationalist and apartheid ideology has made Mapungubwe’s past and present exceedingly charged, contested and complex. The Mapungubwe repatriation of human skeletal remains that took place in 2007, can be argued from a curatorial perspective, as a convoluted ceremonial or symbolic gesture that was largely experimental for its time. The repatriation was not just about signaling the return of the human remains back to their site of origin, but the return of remains to symbolically associated communities. The gesture of repatriation was equally about recognising the importance of claimant communities, without direct descendancy and affirming that their voices and those of the ancestors had been heard, respected, and valued.

Introduction

Mapungubwe is an inscribed UNESCO World Heritage Site (Dossier no.1099bis) since 2003, and a South African National Park, a site of both natural and cultural significance that traverses three countries: South Africa, Botswana and Zimbabwe naturally divided by the Shashe-Limpopo Rivers. Since post-1994, Mapungubwe has become national icon and global heritage site owing to its significance as a southern African heritage site that provides extensive precolonial evidence of the interchange of human values, changing frontiers and extensive global trade links with what was once colonially described as a dark empty African continent. The Mapungubwe Cultural Landscape as the site is referred to, is under the management of the South African National Parks (SANParks) and the associated material culture comprising of the Mapungubwe Collection assemblages is held under the University of Pretoria Museum’s stewardship since 1933.

The human skeletal remains first excavated in 1934, moved in between decades to and from the National Transvaal Museum in Pretoria (today the Ditsong Museum of South Africa), the University of Pretoria’s School of Health Sciences and the University of the Witwatersrand’s Medical School in Johannesburg. Mapungubwe’s eventual repatriation concluded in November 2007 and was at the time, viewed as a seminal case study, representing the first university in the country to repatriate 143 archaeological human remains in South Africa back to the site of origin. From the onset, the negotiation and return process proved to be a major learning curve (and naturally a challenging one) as well as a poignant research challenge for the University of Pretoria who had never been involved with repatriation efforts before. Consequently, Mapungubwe’s repatriation may have set a precedent (or not) for all future repatriation cases.

The Mapungubwe return, reburial and repatriation was thus a first in history for a higher education institution. As a university, research was prioritised as the Department of Anatomy housed the human skeletal remains dating from CE 1000 to CE 1300 from the pre-colonial era and this precluded that the 1000 year old human remains could not scientifically be attributed to any source community. Adding complexity is that Mapungubwe is also a national and world heritage site in South Africa that has an "artificially divided past and shared future" according to SCHOEMAN & PIKIRAYI (2011:389). Therefore, the Mapungubwe repatriation remains one of the most significant historical cases of the return of human remains within South African borders.

Reparations and repositories

One example of South Africa's first repatriations was the high-profile repatriation case of Sarah (Sara) Baartman (1789-1815). Saartjie Baartman was a Khoi slave woman whose organs, skeleton and brain (including her body cast) were publicly displayed in Paris until 1974. Given the degraded title of the 'Hottentot Venus' (MAGUBANE 2001:816), while alive, she was paraded like a celebrity curiosity throughout England and Europe, as scientific proof of race inferiority in the early 1800s. Baartman was exhibited, prodded, her body was cast in plaster and her remains and inner organs exploited before and after her death in Paris in 1816 as a scientific spectacle. In 1994, former Nelson Mandela requested the repatriation of her remains and plaster cast. Eventually, 192 years later, Baartman's remains were returned and reinterred in 2002 (GORDON-CHIPEMBERE 2011:1-14).

The centuries of colonialism, slavery, imperialism, and what WA THIONG'O (1992) refers to as a continuous cultural genocide was waged on African cultures. This was to the point of disturbing the African soul, extricating them from history and imbuing ancestral struggles. Subjugated history has demonstrated a lingering non-transformative past in many universities and museums. With literally hundreds of African human remains, moth-balled in storage, subjugated to being shelved and/or still housed in antiquated public displays across Europe. Particularly in well-known European museums, the case remains grimmer, where African human remains are still on public view emphasizing the epitome of colonial exploitation. Having witnessed first-hand the curated African and other human remains of the Hrdlicka's Museum of Man (founded in 1937) dedicated to development of human being (ontogenesis), to pathology, illness and death within the university museum at the Faculty of Science of Charles University in Prague. Charles University is one of the world's oldest universities founded in 1348 and is mentioned in this case for a comparative time scale to nearly that of Mapungubwe's era in southern Africa as well as the first experience of serving as witness to the wide extent of public display of human remains in Europe. To display human remains still openly in the 21st century is beyond belief and to the point that entrance to the Museum of Man is voluntary and "for any price you want" (CU POINT 2024).

Within many universities and collections there remains blatant discrimination with reference to human remains where they appear ridiculed, racially bound as mere scientific curiosities for biological comparative material or out of mere morbid modern curiosity. On the other hand, universities are the global specialists in maintaining education standards for human evolution, skeletal anatomy, biological and forensic anthropology, where human remains are critical for teaching and learning. From human remains, to plaster casts or death masks for anatomical study purposes serves as an ethical research commodification of "Africanness" (NGWENYA 2018) as well as the ongoing justifications of the scientific value of human remains around the globe (HOULTON & BILLINGS 2017). Recent decades have exposed multiple and jarring narratives about repatriation, contested heritage drawn from politics, and rigorous academic debates, resulting in a spate of community claims and separate calls from indigenous interest groups to have ancestors returned on both a national and international scale. Local government in South Africa appears deaf to the pleas of such requests from claimant communities calling for repatriation as KASIBE (2002) empathizes and states, they ought to be returned as the 'dead ancestors from foreign soil in order to restore the dignity of the African people'.

Since the scientific finding of gold-laden human burials at Mapungubwe in 1933, for about 60 years, the Mapungubwe Collection were in storage and display at the Transvaal Museum in central Pretoria (today the Ditsong Museum of Natural History. Some of the human skeletal remains were held at the University of the Witwatersrand for further scientific analysis in the 1950s and then subsequently moved to the Department of Anatomy at the University of Pretoria for scientific, forensic and anatomical studies in the 1990s. The Mapungubwe Collection opened permanently to the public for museum display (sans any human remains) in 2000 and is currently curated by the University of Pretoria Museums.

Similarly, the Mapungubwe Collection cannot simply divorce itself with the associated human remains, prior to repatriation in 2007 or after. Curation is the ongoing and complex management of a collection in perpetuity, not limited to an archaeological collection or associated to the human remains, nor can the collection be distanced from the today's heritage site. As a university museum, ongoing attempts to bridge the gaps between the needs of a UNESCO heritage site, research institutional needs, best ethical museum practice, academia's interests, and the social responsibility to the public as well as a commitment to community remain enduring lessons of learning. The Mapungubwe Collection remains a viable and active museum research collection, used for teaching, education, and training, yet at the same time uphold best museological practice in terms of curation and preservation as well as supports the ethical approach of sensitivity to human remains and materials of sacred significance.

Fortunately, the University of Pretoria has for the past twenty-years engaged more closely with the heritage site contributing research and sharing knowledge to communities to bolster Mapungubwe's national and world heritage site status. In 2019, a tri-partied heritage agreement was signed between the University of Pretoria (UP) as custodians of the collection, the South African National Parks (SANparks) as those responsible for the heritage site as a cultural and natural landscape and the South African Heritage Resources Agency (SAHRA) representing the state for monitoring heritage. However, since the museum collection serves as a public conduit between the university and civic society, most community claims and informal calls have invariably landed within the universities' domain as the custodians. Despite legislative requirements for claimants to lodge requests with the South African National Heritage Resources Agency as the monitoring heritage authority according to the National Heritage Resources Act no.25 of 1999. This Act allows for repatriation, but no processes or regulations were set nor promulgated at the time of Mapungubwe's repatriation. Dual and differing repatriation guidelines were issued by government circulated by both the South African Heritage Resources Agency and the National Heritage Council (NHC) Act, no.11 of 1999 further complicated matters, as both are tasked with safeguarding heritage and repatriation.

The Mapungubwe Collection has been specifically declared national heritage since October 1996, considered as Brand SA tourism potential and the University of Pretoria's Department of Anatomy was at one time, a reputational leader in all aspects of repatriation in South Africa. Although the university museum itself never housed the human remains, they were deposited for forensic, teaching, and comparative analysis in the University's Department of Anatomy, Faculty of Health Sciences for several decades. Prior to 1994, some human remains were installed on display in a closed anatomical museum named the WG de Haas Museum, solely intended for student study, these have subsequently been removed from displays. The Department of Anatomy continued excavations of human remains at Mapungubwe throughout the 1990s and accumulated more to add to the human skeletal collection.

The Mapungubwe human remains were lodged in three separate repositories, however mainly the University of Pretoria's Department of Anatomy at the Faculty of Health Sciences - a bone repository, as 'teaching specimens' for medical students in the field of Medical Sciences. For decades, the remains were displayed in the anatomical museum and formed part of a larger collection of human specimens, both wet and dry, including forensic material and archaeological remains. The Mapungubwe human remains had been researched appearing in more than 16 scientific articles emanating mostly from research by Dr. Maryna Steyn, a leading forensic anthropologist on human skeletal remains (STEYN 1994, STEYN & HENNEBERG 1995 & 1996; STEYN 1998, STEYN 2000, and STEYN 2004).

Human skeletal depositories have served disciplines related to human anatomy, archaeology and physical anthropology. South Africa has 12 human skeletal repositories held in six universities and six museums. "Striking a balance between the pursuit of knowledge and the ethical treatment of archaeological, forensic, and cadaveric human remains requires clear policies, community engagement and responsible stewardship, and adherence to ethical, legal, and cultural considerations (BALISO et al, 2024:12). New trajectories such as redress, social justice, decolonisation, clearer repatriation laws, policy and guidelines and wider community consultation remain disengaged. Despite the call for return, repatriation and reburial are rising within global discourse back to Africa. Within South Africa, the calls for justice, apology and 'rehumanisation' and is more than a humanitarian step (RASSOOL 2015:653) and university museums are needed to proactively heed this movement.

While the above provides some foundational context and background, this paper is based upon reflection and shares a curatorial perspective of the repatriation process, reburial, and a sense of the need for compromise over unsolvable challenges. This includes, the lack of clarity in communication with the

many stakeholders, repositories, institutions, politicians, and academics regarding the claim laid by the claimant communities. One of the unresolved issues was that the communities claimed they represented the bone fide descendants of the Mapungubwe people who once lived in the southern African landscape, today known the Mapungubwe Cultural Landscape. The definition of community or body as define by the SAHRA Act also remains unclear in terms of which communities were considered eligible to lay claim to such a site of significant, while other communities were marginalized. The current legislation on repatriation has many gaps and greys areas open to interpretation and like all repatriation challenges this is a singular point of struggle as SAHRA failure to address changes and amendments to the Act are widely known in many repatriation cases.

Nonetheless, Mapungubwe's repatriation proceeded back in 2007, but was not supported by sufficient scientific evidence that linked the 'descendants' or claimants directly to the human remains, research data was selectively shared, proven oral record was difficult to link to archaeological evidence, and so repatriation concluded within seven months. It is acknowledged that many of the human skeletal remains were in fragile, poor condition, fragmentary owing to their age, and there was a lack of stratigraphic and proper archaeological context of recovery of the human remains from those excavated in the 1930s. Proving documentary evidence and showing that claimant communities are *bona fides* remained open to interpretation and remained a problematic issue. This paper provides a curatorial lens in the case of Mapungubwe's repatriation and as the curator of the Mapungubwe collection the museum is a conduit of historical and institutional knowledge. Responding to queries and questions around Mapungubwe's repatriation, facilitating access and inclusivity to the associated archaeological collection, offering research guidance to the academic community, as well as traditional community requests has fostered the much-needed proactive, honest and empathetic approach to this subject, in retrospect. From a curatorial perspective, the Mapungubwe repatriation was concluded too swiftly and the University of Pretoria and all constituents involved could have been more proactive, instead of reactive. Despite, the umbrage from science, academic and intellectual arguments – the spiritual contract with the ancestors prevailed.

Knocking on the institutional door- the claim

Internationally, Mapungubwe is renowned for its gold collection from three associated burials on the summit of Mapungubwe Hill. The gold collection associated with the human remains is one of the most contested archaeological sites in South Africa and one of the most significant gold collections in its existence in the southern African region. Once a sacred and royal site, Mapungubwe is regarded as one of the earliest states in southern Africa that flourished from about the ninth to the fourteen centuries. The Mapungubwe Collection and its associated human remains have been at the heart of many debates and contestations since scientific enquiry in the early 1930s. It is not widely known that Mapungubwe's first informal request for repatriation came to the museum (as a key source of Mapungubwe knowledge) in 2002 from the late Dr. Kalushi Drake Koka (1927-2005), and close friend of the former President Thabo Mbeki. Dr Koka was a well-respected struggle stalwart, apartheid trade unionist and one of the founders of the Black Conscious Movement (BCM). Between 2002 and 2005, he sophisticatedly held private one-on-one discussions with several influential members of the various institutions, other private interested individuals, traditional leaders and the state, and so instigated the Mapungubwe repatriation.

The formal repatriation call was first directed in writing by the Presidency to the museum at the University of Pretoria in late January of 2007, although-anticipated since post-apartheid 1994. The University of Pretoria had instituted an internal Mapungubwe Committee many years prior to the repatriation which served as the core academic structure with regard to the human remains. Externally, a Mapungubwe Steering Committee was established by the Deputy Ministry of Environmental Affairs and Tourism to guide, structure and advise the process of repatriation in consultation with the claimants. The Committee comprised of representatives from the National Department of Arts & Culture (DAC), Department of Environmental Affairs and Tourism (DEAT), South African National Parks (SANparks), politicians from the provincial government, repositories which held Mapungubwe human remains such as the University of Pretoria, the University of the Witwatersrand in Johannesburg and the former National Cultural History Museum in Pretoria (today DITSONG Museums of South Africa) The committee's sole task was to facilitate the return and the reburial of the Mapungubwe human remains by the end of 2007.

The formal claim was duly received in writing in May 2007 addressed to the University of Pretoria by the South African Heritage Resources Agency (SAHRA) from communities in terms of section 41 of the National Heritage Resources Act. No. 25 of 1999. By July 2007, a new joint community repatriation claim was drafted that placed an obligation on the Department of Arts and Culture to negotiate in person with

the joint claimants and those institutions which held human remains, meetings were held monthly. There were no legislative requirements for repatriation procedures nor policy at the time of the Mapungubwe repatriation call nor funding in 2007. The descendants represented joint communities representing the Vhangona Cultural Movement, Lemba Cultural Association, San Council, Tshivhula Royal Council, Ga-Machete royal family, Leshiba Royal Family, and the Koka Foundation. According to *Kgosi* (Chief) TJ Ramovha, speaking on behalf of the claimants and Steering Committee, "... As the descendants of the Mapungubwe people, it was our duty to request that our ancestors be treated with respect through the repatriation and reburial of their remains. Once our people are buried they should not be disturbed. The removal of our ancestors was a highly offensive exercise which we believe caused spiritual disharmony with adverse impacts on health and well-being of our communities" (KHUMALO 2007).

Return to Sender

The above communities claimed the return of 143 human remains, and they were repatriated and reburied within five months. The meetings, process, return and reburial process comprised of complicated consultations, parties were not in agreement on many issues and university opinions differed from institution to institution. Compounding the process was lack of formal guidance on the return of human remains and process of reburial. Through the Mapungubwe Steering Committee all parties accepted the joint claim (despite counter claims) and symbolically returned and reinterred the Mapungubwe human remains for repatriation. Several cleansing ceremonies were held and human remains, both fragmentary and complete, were reburied and symbolic ceremonies were held in private over a few days.

The Mapungubwe repatriation was funded days before the reburial rapidly by the South African Government as the issue of financial compensation, all costs and consent did not form part of any formal agreements nor financial discussions about during the repatriation process. This was a clear oversight by the Mapungubwe Steering Committee, despite university calls for budgets to be drafted and planned in advance. Another major controversies was scientific based such as, "*there is a bone of contention that DNA test should be done to prove…these are our ancestors…but these are our people; we will give them respect regardless*" (NANIPHA 2007).

Globally and in South Africa and, research in the 1930s burst of racial science and focused on racial classification, which fueled arguments of a biological basis for culture and anthropologists who did not agree on racialised theories, descent strains or ancestry issues (DUBOW 1996), but never with consent by communities. It was only later in the post-apartheid periods that there was a boom of more specialised research studies on the human remains, stemming from physical anthropologists and biological literature regarding palaeodemography, health status and data on the physical characteristics of Mapungubwe populations (STEYN 1994). The Mapungubwe human remains had been excavated in the 1930s without proper archaeological techniques which only later developed in the later 1960s, and so the recovery of all the Mapungubwe human skeletal remains over a period of about ninety years is viewed as desecration without community consent, after all archaeology and anatomy as disciplines is by nature a destructive process.

Admittedly, it was only much later that research was reassessed within academic confines on the human remains, but still without community consultation, so some valuable scientific research answered many unknown questions about the people of Mapungubwe. Research ranged from lifeways; health during the Iron Age, growth of children; dental and bone diseases, as well as population dynamics. The human remains were held within the University of Pretoria and other institutions for decades. Apparently, anatomists prior to repatriation re-documented dentition, oral pathologies, non-metric characteristics, observed taphonomic influences, compiled inventories, a database and detailed photographic records. Despite holding the remains for over a decade, adequate curation and preservation methods were scant, no casts or reconstructed remains exist and the Mapungubwe repatriation documentation has since gone missing, not having been formally lodged with the Mapungubwe Archive. However, it is unknown why genetic studies never recommended nor carried out. No DNA analysis was conducted, why? Perhaps because DNA analysis could not be successful due to extraction problems, or the remains were too fragmentary or communities did not consent to any genetic testing? This question and so many other remains unanswered even now almost eighteen years later. What could have been done differently?

Following the Mapungubwe repatriation, only a handful of studies on the repatriation were published (NIENABER et al. 2008) as arguably these processes are inevitably complicated. SCHOEMAN & PIKIRAYI (2011:389) acknowledged that the Mapungubwe repatriation was," apartheid's lingering ghosts ensure that repatriation processes in South Africa are complex," whilst another study suggested

that repatriations usually demonstrate a more bureaucratic or top-down approach to repatriation or reburials as mere "processes and procedures." (STEYN & NIENABER 2005:171). Justified criticism was levelled at the repatriation process, from the physical packaging, materials used, boxes for transport and many aspects of the reburial was unsupported and overall the repatriation was not considered publicised enough due to inadequate public consultation (NEL, 2011). Including, the deficiency of community participation, including local knowledge and conflicting oral histories, as well as institutional agendas and the government's hurried approach. The Mapungubwe repatriation was a flailing attempt. Nonetheless, primarily due to the absence of any legal and procedural frameworks, and lack of adequate legislation, the way the Mapungubwe repatriation played out eventually in both public and scholarly discourse was viewed as a bone of contention or cause of disagreement.

Mapungubwe's repatriation lies available in the public domain than it does in the academic sphere, despite being one of the most singularly notable events in Mapungubwe's history. Newspaper articles (HLAHLA 2007, MOGAKANE 2007, NANDIPHA, 2007) covered the repatriation process albeit with some inaccuracies, which gave rise to emotions being excluded by negotiating communities and produced much-renewed sensitivity and media hype about the contested excavated human skeletal remains, as well as the reburied remains. According to PIKIRAYI (2011:59), "to some community members, the act of reburial was viewed as a cleansing ceremony, to such an extent that Mapungubwe is now considered the "New Mecca" implying that going to the site hopes to become a cultural pilgrimage for some associated communities. The fact remains that scholars from all disciplines have failed to contribute more knowledge about the Mapungubwe human remains and their repatriation, particularly at a time when scholars are encouraged to take greater cognisance of communities as part of a national healing process, reparation and historical redress (LEGASSICK & RASSOOL 2000).

Reimagining a 'better' repatriation

Looking back in retrospect, Mapungubwe's repatriation concluded within less than nine months. Both the repatriation process and reburial were too swiftly concluded for such a significant heritage site. Several critical lessons and first-hand curatorial experience come from being directly involved with the repatriation by default as curator of the Mapungubwe Collection at the University of Pretoria. This included, having imbedded institutional history, as a specialist on the Mapungubwe Collection (including have excavated on the site as an archaeologist) as well as being tasked by the University of Pretoria to serve on the Mapungubwe Steering Committee. Inevitably, the museum and archive are knowledge bases for the subject of Mapungubwe with a nearly 90 year history.

It can be argued that the repatriation took place without adequate legislation, repatriation guidelines were not promulgated and the consultation process was selective, shallow and exclusive. Consultation was limited to a handful of anatomists and archaeologists, mostly academics, clouded by political gains from government and several communities were excluded. Even acting with the best intentions, the process was flawed and seemed to be an experimental scholarly exercise, further heavily influenced by the state and tribal politics with challenges addressed by a biased state minister. Museum curatorial standards, basic conservation principles and community input was often disregarded or misunderstood. Recommendations and ample international examples could have been followed such as the customary norms for indigenous rights by UNESCO 1970, UNIDROIT 1995 and UNDRIP 2007, guiding the right to the repatriation of human remains. Instead, osteological standards for biological data collection from human skeletal remains such as those proposed by BUIKSTRA & UBELAKER (1994) were used to draft a 'water-tight internal' University of Pretoria Repatriation Policy. Park authorities and heritage authorities, each legally and differently mandated, frequently could not reach agreement during the repatriation. However, after reburial, the claimants (even those that could not attend the reburial) were recorded to have received 'certificates of descendency' other documents, copies of the reburial records and photographs as precluded in a "transparent manner" (ZOUTPANSBERGER, 2008).

The disregard to follow international guidelines and policy for Mapungubwe's repatriation was questionable. Several other communities such as cross-border counter claims from Botswana and Zimbabwe were set aside by the state, arguing that only South African national legislation would be recognised. It was made very clear by the SAHRA legal and heritage representatives, that only South African law would be the guiding national instrument for the Mapungubwe's repatriation process. Despite the period of Mapungubwe (CE 1030- 1290 CE) existing a time long before colonial borders were drawn and frontiers were taken without consent. The dispute of land and dispossession were not taken into account during Mapungubwe's repatriation, another glaring omission. These and many other unanswered questions and ethical, moral and identity issues have now surfaced almost two decades later after the repatriation

process. Perhaps due to the absence of legal and ethical frameworks, the legitimacy and justification of the Mapungubwe repatriation can be reopened to new questioning.

Potential future comparative research was compromised such as possible further forensic, bioarchaeological, chemical or technical data, including DNA analysis was not considered and thus compromised any intended future scientific studies, endeavors or accessibility by generations to come. Despite efforts to seal the human remains in plastic bags with tags, protected with high-density foam and boxes made from high-density polyurethane were used as coffins for the reburials. This was done with the intention to have follow up inspections of the reburials and aimed for long term preservation of the human remains (NIENABER & KEOUGH 2008). However, the chances of the bones as organic matter would be compromised by reburial conditions and other biological or natural agents. It is most unlikely that the Mapungubwe human remains will ever be able to be accessed again, whether for scientific purposes or for cultural or ceremonial reasons. Any future re-access requests to the Mapungubwe human remains would grapple with ethical questions concerning how the study of human remains intersects with culturally appropriate treatment of the deceased.

It is contended that reflecting upon the Mapungubwe repatriation now 18 years later, the timing of repatriation in 2007 just seemed not right, as more time should have been given to wider public and community consultation. Instead, the process was politicised, assumedly highjacked for state credit (deliberately or unintentionally), and sadly many other traditional communities (the San representatives managed to join the claim last minute) were excluded from the participation and consultation process from the onset. Some other difficulties with communities arose and depended on whether the government formally recognised them or not. On what basis they were recognised and determining factors remains unknown as the definition of 'community' does not provide clarity in terms of who is eligible and who is not.. For example, the National House of Traditional Healers were excluded and several claimant communities from Botswana and Zimbabwe came forward during and after the Mapungubwe repatriation in 2007, yet were not permitted to submit claims on the basis that SAHRA only recognised legal claims within its borders. These matters mentioned above serve as other glaring examples of state failure and selectivism.

Compounding issues which could have been handled better or more differently, was the mandate, set up and representation of those on the Mapungubwe Steering Committee. Conflict of interest was rife during the meeting processes, various languages were used besides English and not all attending could follow or comprehend what was said. Meetings were flawed and many minutes of the meeting were not accepted as true reflections of what was recorded by various parties, translators and translations were not provided. In addition, academic and scientific rivalries among archaeologists, anatomists, physical anthropologists, curators and institutional differences were very apparent. Some claimants were direct family members of the government or the Minister, and so community meetings gradually discontinued. This was to the point that at the time of reburial in November, only three communities repatriated, while the remaining joint communities were sidelined and were not informed of the final date of reburial by the State. Nearing conclusion during the negotiations in October 2007, the (now) former Deputy Minister of Environmental Affairs and Tourism, was relieved of her duties as Chairperson of the Mapungubwe Repatriation Steering Committee by another member of government, since she represented both the State and the claimant community, which was clearly not objective and considered conflict of interest. However, the local media reported that according to the former Mayor of Musina the repatriation, "clearly indicates that South Africans are great negotiators who can resolve their differences peacefully and without hurting each other." (ZOUTPANSBERGER, 2008)

Other than the detailed reburial report on the legal and tender process, some of Mapungubwe's repatriation lies tied up in a few academic articles. A state report was not issued, and no other reports are openly available on the Mapungubwe repatriation. It remains unknown whether the other museums, institutions, and communities acted within acceptable standards and followed transparent due processes, consent, permissions, research parameters and an overall shared understanding and re-questioning of the repatriation remains absent years later. An exception, is a later article published by SEBOLA (2022:147-160) where he disputes the Mapungubwe ancestral relations and untested legitimacy claims claiming the South African government held a unscientific non-partisan stance that DNA testing may resolved the Mapungubwe repatriation. Two media statements were issued by the Department of Environmental Affairs and Tourism on the symbolic release and burial of the Mapungubwe human remains (DEAT 2007). The reburial took place and traditional protocol for cleansing and healing ceremonies were held on 6 November 2007 and all involved acted in good faith. The dust simply settled, there was never a formal follow-ups or assessment inquiries after the Mapungubwe repatriation and to date no one is asking any further questions.

In hindsight, all parties could have had a more collaborative, transparent approach and appointed a much-more inclusive task team to provide guidance on the repatriation. Overall, community voices should have been elevated and from the onset of the repatriation, negotiations should have organically been linked to cleansing, healing, and the acknowledgement (perhaps even a pardon) to the ancestors, dignified return of the spirits and emotional empathy should have risen above academia, process and procedures. Legal advice and decision-making should have been broadened, a project manager appointed, and community consultation specialists or social scientists and claimant community representations and institutional representatives could have worked through the claim in developing a better understanding of repatriation, with greater cultural sensitivity to reasoning, and fostering community relationships. The Mapungubwe repatriation ought to be re-examined, reconsidered and lessons on both how to repatriate and how not to repatriate may better aid future repatriation of human remains in South Africa.

Conclusion

Thinking retrospectively about best curatorial practices on repatriation remains a debatable subject and differs from university to museum and from country to country. In all cases of repatriation such as the example of the return of human remains to Mapungubwe, it was not the moral, legal or ethical issues of the return, but whether the appropriate methodology was used in the repatriation process considering both community cultures and scientific means such as DNA analysis could have resolved many conflicts. Beyond the simplistic request of repatriation as a process, research must ask profounder questions as both universities and museums need to engage more deeply and actively into the question of what comes after repatriation? Can DNA testing resolve not only the case of Mapungubwe's human remains, but, results may fundamentally alter the current understanding of the sites history.

KASIBE (2022) argues that "our ancestors are still in bondage constantly violated by men and women of "science" who have neither cultural, spiritual nor emotional connections to these sacred human remains and yet they make decisions to keep them as "sacred human remains are still being locked in museological prisons and universities. South Africa still requires more stringent repatriation legislation and guidance for museums and universities which house collectively over 12 300 human remains (BALISO, MALEK & GIBBONS (2024:1).

Looking back to 2007, the case of Mapungubwe's repatriation was at best, experimental and emotional. Acting in good faith with local communities and their ancestral beliefs, powered by government's political connections, the university, museums and all parties compromised to ensure a successful reburial. Not convinced that the repatriation was transparent and honest there remains too many unresolved issues and questions not answered. Participation was not inclusive, but selective based on government agendas and internal 'tribal' disputes and the claimant communities were not homogenous. The decision-making processes, levels and nature of participation, consent, and scientific opportunities missed and compensation remained unfulfilled. Some academics offered professional lip service to the notion of repatriation proffering the greater importance of scientific, few appeared genuinely concerned with community needs, listening to the traditional voices, ancestral concerns and consent on humanitarian grounds. Despite the fact, that many universities and museums unethically collected, excavated, gathered, and examined ancestral remains without consent (BLACK & McCAVITT 2020).

Being an integral part of Mapungubwe repatriation through a curatorial lens, retrospectively there was a lack of sincere understanding between community rights versus research, to the point an objective mediator would have been useful. Mapungubwe's repatriation was successful, yet remains complex, even though every effort to frame reparation within the available legislation, policy, guidelines and co-operative efforts, repatriation cannot be prescriptive. Nonetheless, back in 2007, it was dictated largely by the state and the involved institutions, universities, museums, and communities had to agree, under the best possible conditions. In comparison to how far repatriation has progressed on a global scale and nationally according to today's standards, Mapungubwe's repatriation may have been quite different. The process may even have been considered premature and Mapungubwe's repatriation may have set a national precedent, or not for any future repatriations.

Idealistically, repatriation should not just be about claimants and repositories holding human remains and the return as a bureaucratic offering. There should be greater emphasis on balancing community needs from the onset (before and after) and those of scientific enquiry (generating new knowledge), ongoing mutual dialogue, and collective negotiations outside of legislative structures. Furthermore, the term, 'return' should not just be a verb either. The return process is an act of apology, redress, and an

acknowledgement of the wrongs of the past. Sadly, the Mapungubwe repatriation was consumed more by the popular media by journalist's than by critical, peer reviewed academic papers. This makes it harder to learn from past mistakes and lessons in retrospect. While few of the community voices were heard or given the appropriate platform to share their experiences- this in fact denied them a human opportunity, their right to heritage and the right for their ancestors to remain undisturbed for generations to come.

For higher education institutions, this particular case of repatriation was not even used as a teaching or learning opportunity for students. Instead, some of its subject matter has been archivally relegated into two boxes. Ironically, 17 years later, repatriation remains untaught in the higher education curriculum, despite efforts by universities to decolonise and transform the arts, humanities, and the sciences. Whether there is evidence to decolonise the subject matter of human remains within the sciences or teaching repatriation by those repositories which hold human remains is unknown. However, universities and other initiatives in higher education need to go further and think more critically about repatriation as an act of decoloniality as the future of human remains on the continent needs greater attention (MBEMBE, 2016 and NDLOVU-GATSHENI, 2015).

The Mapungubwe's repatriation remains under unresearched. Instead this case of repatriation failed to continue the research debate and disappointment in continuing consultations with communities, the respective institutions and the state. Since then, new communities, previously ignored have come forward, particularly those from beyond South African borders. These communities appear to be ignored by the government or shifted from pillar to post, given the run-around and any opportunity to dispute the process to lodge new claims. What if additional Mapungubwe human remains are found or excavated, whether by accident or by development as Mapungubwe National Park is still in its infancy? Is it important to monitor the reburials and see the condition and preservation state of the human remains or perhaps in the future, communities request DNA analysis? The Mapungubwe repatriation of 2007 has curatorially conscientised repatriation to be more of a civic practice. At the same time, delicately balancing new scholarly enquiries with better regard to ancestral belief systems as repatriation is a quest for relevance in Africa.

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Keywords

Mapungubwe; repatriation; ancestors, claimants; human skeletal remains; University of Pretoria, South Africa.

WORKING WITH DISCOMFORT: CARING FOR FIRST NATIONS AND INUIT ANCESTRAL REMAINS IN SCOTTISH UNIVERSITY MUSEUMS

Nicole Anderson

Abstract

This paper investigates what restorative justice may look like for First Nations and Inuit ancestral remains from what is now called Canada in the University of Edinburgh's Anatomical Museum's 'Skull Room'. The paper asks how UNDRIPs and ICOMs guidance that advocates for collaborative partnerships with descendant communities can be achieved when some of these ancestors' biographies are unknown or incomplete. I argue that 're-storying' unaffiliated ancestral remains re-attributes their agency and liveliness. This process involves having an expansive and dynamic understanding of what kinship, custodianship and care may look like for these ancestors. The paper further asks how story-work and biographical research in this field can forge connections between methodology and pedagogy, and explores how discomfort can be used to learn and unlearn how to work with difficult knowledge.

In 2016, the Royal British Columbia Museum (RBCM) sought to get its "house in order" by examining the care of Indigenous ancestral remains in its possession. After the United Nations Declaration of the Rights of Indigenous Peoples was passed in 2007, the provincial government sought to implement its principles across the museum sector in British Columbia (BELL & HILL 2020, 127). Article 12.2 was instructive particularly in that it stated: "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" (UN General Assembly, 2007). The RBCM received nearly two million dollars which was used to set up a repatriation department, led by Sdahl K̲'awaas, Lucy Bell (BELL & HILL 2020, 127). In Bell's joint article with Genevieve Hill, they reflect on how UNDRIP "set the stage" for the museum to "get their house in order" by allowing them to do comprehensive provenance research, knowledge-sharing and consultation with descendent communities that allowed for some ancestral remains to be reburied (BELL & HILL 2020, 134).

Bell's repatriation work seeks to embody the principles of yahgudang, a Haida word that means respect, to the ancestors in her care (BELL & HILL 2020, 132). How this work sometimes involved removing ancestral remains from plastic bags, pill bottles or bubble wrap and making sure these displaced people were more comfortable is detailed. Cara Krmpotich writes further on how Haida kinship is premised on yahgudang; that it constructs a relationality between others based on reverence and "self-worth" (KRMPOTICH 2012,163). She argues that repatriation for Haida is both a political and a moral obligation that comes through honouring kin, which also makes you worthy of respect and affirms yourself. BELL & HILL (2020) further call for non-Indigenous Museum workers to embody the principles of yahgudang to ancestors in their care. It is shown how museum staff in institutions should step outside their comfort zones to recognize their relational obligations to these people, even if they are not immediately related. They call on institutional actors to prepare funding, set aside time to organize their archive material, publicize their inventories, and let the ancestors return home to their families.

Sdahl K̲'awaas, Lucy Bell prompted me to consider my obligations to a space within my own university. In the University of Edinburgh's Anatomical "Skull Room" rests the cranial remains of nearly 1800 people, including the remains of First Nations and Inuit individuals stolen, "collected" and traded with anatomists in the 19th century. Sir William Turner, Professor of Anatomy and later principal of the University in 1903, collected craniological remains from 55 countries to build a comparative anatomical collection (HARPER & JEFFREY 2019, 115). Although the Skull Room also contains Western European and white Scottish skulls too (namely of executed criminals), the majority of these people are Indigenous or come from racialized communities. By relying on his networks of graduate students working as colonial administrators, medics, and naturalists, Turner would regular receive skulls that were largely stolen and taken by illicit means. During the 19th century, the illegal collecting of cranial remains was widespread and prolific (TURNBULL 2020; FFORDE 2013; REDMAN 2016; COLWELL 2017). Through comparative anatomy, the skulls of these people were used to produce academic knowledge – Turner would measure cranial capacity and volume with seeds to establish pseudo-scientific theories of race that supposedly justified the superiority of white people. In museum minute and letter books, he often refers to these people as fine specimens" or "gifts bequeathed" to him, rather than individuals that deserved to be respected in both life and death.

Addressing the displacement and dispossession of First Nations, Métis and Inuit ancestral remains is of especial sensitivity, considering the discovery of the unmarked graves of over 1000 children who were killed in Indian Residential Schools in Canada in 2021 (AUSTEN 2021). Although these children were interred through different circumstances, these university collections reflect how similar racial logics operate within "diasporic" collections of Indigenous First Nations, Métis and Inuit ancestral remains (WERGIN 2021, 123). The lack of care for these people shows they have become ungrievable: "[life] that cannot be mourned because it has never lived, that is, it has never counted as a life at all" (BUTLER 2009, 38). The institutional contexts that contain these bodies may be different, but parallels exist in the demand for dignity and respect for these individuals. Both victims of Residential Schools and the displaced skulls in Scotland require changing regimes of care and reunification with descendant kin.

This paper asks how relations of accountability and responsibility become assembled in Scottish university museum collections and asks what 'care' and 'justice' may look like for ancestral remains when they cannot be easily returned – what does anti-colonial work look like in these spaces? What does reconciliation mean when repatriation is not possible? This paper reflects on ongoing ethnographic and archival fieldwork that brings forward the difficulty of working with contested heritage as non-Indigenous researchers, particularly in balancing 'opening up' the collections in ways that are sensitive and not further harmful to the living, but still unidentified, descendants. Through this work, I see how the liveliness, agency and potential of these ancestral remains become ignited as they become "matter of concern" (LATOUR, 2004 in HENARE ET AL. 2007, 6). It is clear that the ancestors' existence in this space is not inert and static. Rather, changing institutional and emotional investments and regimes of care contribute to their complex and agentic life-stories and social lives (APPADURAI 1986). The 'mattering' of these remains has allowed their biographies to be uncovered, and hopefully extended. By paying attention to their stories as told in the colonial archive, their biographies and life-stories have the potential to continue through reunification with their families and homelands.

Changing Cultures of Repatriation

Since the 1980s, museums have been responding to this changing balance of power, which involved addressing the crisis of legitimacy concerning their ownership of contentious material heritage (JENKINS 2008, 105). Global campaigns from Indigenous communities and activists have compelled museums in Europe, North America and Australia to critically examine their treatment of Indigenous material heritage. This activism has resulted in several international declarations and documents such as UNDRIP that suggest aspirational, but non-binding commitments for states and institutions to enact reparative justice. In 2021, the International Council of Museums Committee for University Museum and Collections (UMAC) further published Guidance for Restitution and Return of items from University Museums and Collections based on the United National Declaration for the Rights of Indigenous Peoples (UNDRIP) articles and the ICOM Code of Ethics. The guidance draws upon articles that emphasize "close collaboration with the communities", "promoting the sharing of knowledge, documentation and collection" and "initiating dialogue for the return of cultural property" (ICOM-UMAC 2021: 3). The committee recommends that university museums should "commit to resourcing ongoing and collaborative research into the histories of their collections to establish the provenance of items and to share findings and approaches with originating communities", creating an "open dialogue with the communities whose items they hold" (ICOM-UMAC 2021: 4). Despite these declarations and codes not being legally binding, these documents have considerable 'soft law' power, wielding the ability to change attitudes and institutional cultures toward repatriation. These aspirational documents are powerful in their capacity to reshape established norms and standard practice through gathering established consensus.

The University of Edinburgh continues to have a positive track-record in approving repatriation requests and there is a clear willingness to understand the histories of their collections and to work with communities who pursue claims. Speaking with custodians at the museum, they say "[descendent kin] are pushing an open door" when it comes to pursuing future repatriation claims. However, despite this enthusiasm and goodwill, the Anatomical Museum has so far has only had the capacity to operate on a reactive (and not proactive) case-by-case basis to facilitate repatriation. As there is listings or inventories of ancestral remains published online, a paradox is created in that calls for collaboration, dialogue and "healing" (ICOM-UMAC 2021: 4) cannot be heeded when the biographies of some of these remains are unknown or incomplete, resulting in some of the ancestors becoming unaffiliated and 'stuck' as liminal entities in the 'Skull Room'. Constructing a reparative condition for these individuals and their living descendants becomes difficult when it is unclear who has rightful authority and custodianship to 'speak for' these people. This same paradox is highlighted in various international declarations–what do these

"fair, transparent and effective mechanisms" for repatriation look like, when requests cannot be made when so many gaps exist in provenance and archival documentation?

Even if descendent kin become aware that their ancestors reside in Edinburgh and a request is initiated, my discussions with curators have found that the repatriation process is long, arduous and expensive. Edinburgh does have "establish[ed] procedures that regulate the process" (ICOM 2021, 4) to ensure due diligence is kept. Edinburgh University's repatriation policy states that repatriation requests must come from a suitable representative and should further be supported by a state-level or governmental body (Edinburgh University, 2015: 115). The University Collections Advisory Committee (UCAC) meets four times a year to assess claims and ensure that the "claimant" is "appropriate" and also debates the cultural significance of the "item/object" (not person) to the claimant and the institution. As university collections are deemed to be the institution's legal property - despite being taken by illegal means – the University Court (the university's governing body) must further approve any transfer of title (ibid.). As the UCAC meets quarterly, and the University Court meets only twice a year, this procedural part of the process is slow. It can often take years for an ancestor to be returned, delaying the "healing of deep wounds caused by past actions" (ICOM, 2021: 4). I recognize that this pacing also allows for the institution to ensure a process of due diligence is undertaken, and also ensures that thorough provenance research is undergone to ensure the right person is being returned. This slower pace may also present an opportunity for the institution and descendants to build meaningful relations, thereby attempting to repair old wounds through dialogue and discussion. However, the drawing out of formal processes can also represent a lack of concern to the emotional significance of this work for communities. It further shows the need for university museums to get their "houses in order" and make sure that their paper work is ready in order to efficiently fulfil these requests (BELL 2021).

I also recognize that the pace of negotiations may also be set by descendants, who often need to make significant financial preparations to facilitate a return, such as organizing travel and preparing a suitable place to rebury their ancestor. Unless supported by an external funder or research team, this work can often come at great financial and also emotional expense for descendants. Despite Edinburgh University being one of the wealthiest universities in the United Kingdom, with their income in 2021 totaling £1,1187 million (University of Edinburgh 2021, 1), currently there is no specific funding set aside to facilitate any returns nor outreach to communities. Despite having a repatriation policy and being positive inclined to return displaced ancestors, the majority of the responsibility is placed on communities to instigate these processes and interact with the institution through bureaucratic and not particularly transparent procedures. The museum doors may be open to repatriation requests, but the door is still heavy – it is difficult to find and to push through.

Reparative Work and Care in Cultural Institutions

With only two curators working at the museum, they both express the difficulty of time and financial pressures in engaging with this collection in a reparative way. In response to UNDRIPs and ICOMs calls to action, the curators welcome any research or interest in attempting to "re-story" or add to the knowledge of this collection. It is often graduate students that instigate provenance research and raise the potential for proactive reparative work. In the spring of 2022, myself and a group of academics and curators applied for and received seed funding to form a joint project across the Universities of Edinburgh and Toronto, entitled 'Reparative Work and Care in Cultural Institutions: bringing cultural and professional action into relation'. The project aims to build collaborative networks and knowledge exchange activities in reference to the care of First Nations and Inuit ancestral remains at the University of Edinburgh. Our hope was to build relations with descendant kin to seek advice on how to care for their ancestors and also to share with them what we knew, and explain repatriation processes at the university should communities wish to make a claim. Whilst this project evolved to achieve the university's first proactive repatriation, this paper reflects on the first stage of the project that involved collating the stories of these people. In this stage, we sought to create both an archive that is ready and accessible for descendant groups to facilitate claims. A further benefit is the building of these networks is that these dialogues could further raise the profile of the 'Skull Room' among communities and heritage professionals in Canada. I understand how much of repatriation work happens relationally, how knowledge of these places can also move through word of mouth. By working towards establishing a more transparent, proactive process, the museum heeds the UMAC guidance to initiative to "internationally to share their knowledge" (ICOM-UMAC 2021: 4).

Repatriation work involves "making sure the paperwork is ready" (BELL 2021). This work first involves coming to terms with stories that currently exist, made visible in inventories and in archival traces. As

mentioned, the colonial regimes that displaced these remains have storied them in particular ways by collectors, phrenologists and curators so the "value of things become entangled with stories about their sources" (THOMAS 1991, 103). Their biographies reflected the research interests of their new custodians who "creatively changed the purposes of abducted treasures" (Thomas 1991, 184). Turner, for example, typified these individuals to reflect their collector, age, sex, cubic capacity, and various other skull measurements and jaw widths etc. (HARPER & JEFFREY 2019, 123). These changed biographies are made visible through technologies of labelling, found now in inventory lists and archival documents. These histories are not separate and distinct from their colonial present, but still constitute their current identity and condition – these skulls are products of accumulated colonial (and lesser-known Indigenous) narratives. Re-storying then means including historically-excluded narratives through engagement with Indigenous kin, museum practitioners and experts. These narratives layer existing knowledge and inventories that reflect a narrow "colonial common sense" and worldview (STOLER 2009, 9).

To do so, we sought to assemble copies of these archival and digital sources into a separate digital archive. Collating provenance in this way alleviates time and financial pressures for descendant groups or other researchers, ensuring that the material is of high-quality and accessible. In conceptualizing the process of decolonial work, finding the right form or platform to enable this knowledge sharing also requires research and deliberation. It is recommended that museums construct accessible institutional databases with shared ownership, so Indigenous communities can learn where their items are held and have agency over their stories (EMRIP, 2020: 9). We began exploring the use of Omeka as a collaborative, digital and password protected database to hold these archival traces. Omeka is a free, open-source web publishing platform which allows cultural heritage to be more easily discoverable, yet also contains functions for private and password protected use (OMEKA 2022). Choosing a collaborative resource was important as it has the capacity to supplement this knowledge with other perspectives in the future, allowing new stories to emerge. Users of the Omeka archive will be able to have editing and upload functions, allowing users to make notes or add reflections. Adding these multiple viewpoints honors the power of counter-stories that reclaim colonial narratives. Stories in these contexts become a pedagogical tool that transforms knowledge – they do not just fill "a gap in the knowledge about the Other but disrupt the knowledge that already exists" (COTE-MEEK 2014, 155). Creating collaborative spaces through a "living archival" resource (DERRIDA & PRENOWITZ 1995 in RYAN 2021) allows for "non-linear narratives" to be explored through digital storytelling approaches (ALEXANDER 2011; LAMBERT 2013; SANDERSON 2009 in RYAN 2021). Ensuring the archive is collaborative and "living" and embraces the "on-going, continuing, unfinished, open-ended" nature of decolonial work (HALL 2001, 89).

Researchers must be conscious of how preserving and cataloguing this material may replicate colonial logics and knowledge practices. In the 2020 issue of the University Museums and Collection Journal, CRAWFORD & JACKSON (2020: 81) wrote about digital colonialism in reference to a project of digitizing and making 3D print models of artefacts from Rapa Nui communities at the University of Wyoming. They ask "who has the right to make the choice to digitize cultural objects" and who owns this material (ibid.)? These questions raise similar feelings of discomfort. Although our remit is to construct collaborative communities through outreach and networking, it feels uncomfortable to make these initial decisions ourselves and deliberate how best to present these stories and archival traces about the deceased ancestors. In conversations with IT departments, we were asked who will "own" the site, who would "manage" it, how long would it live for? These were decisions we had to make prior to asking a consultatory group what was most appropriate or what they wanted. Despite consulting with university heritage professionals, so far the decisions made had been on our terms; we were deciding what counted as sensitive and careful work. In consulting with descendants, we were open to their feedback on how the provenance was shared.

In building an archive of provenance material, care must also be shown in what categories are employed and what metadata is prescribed (SRINIVASAN et. al. 2009). We used appropriate Indigenous naming practices, updating outdated names that now may belong to several Indigenous groups (or now belongs to different Nations or communities) (KARUK TRIBE et. al. 2017, 307). If images or drawings are available, care could also be shown in integrating warnings within the online interface that the viewer is about to view traumatic material (SRINIVASAN et. al. 2009, 275). Collating this knowledge creates a new trajectory or narrative about these remains, one that is presented with (more) care and good intention, with the hope that it does not create further harm.

In creating a consultatory or reference group, a question arises of who 'kin' may mean in this process, especially when working with ancestral remains who cannot be linked to a specific descendent.

Determining cultural affiliation for these human remains raises contested and complex issues of "kinship, identity and cultural survival" (COLWELL 2007, 216), as well as questions about belonging and "shared stewardship" (WERGIN 2021, 130). As identities of some First Nations have coalesced and shifted over time, the 'rightful' course of action is unclear when there is no longer a direct descendant to 'speak for' these individuals. These questions were raised in establishing affiliation for the brain of Ishi, the 'last Yahi', from the Smithsonian in 2000. CLIFFORD (2013, 147) writes about how there was no direct affiliation to a 'tribe' required by American repatriation laws. By the 2000s, communities that existed in Ishi's lifetime had coalesced and merged to form an "intertribal landscape" (ibid.). As such, affiliation in this instance was not local and sited, but rather, spoke to "emergent, multiplex, or coalitional" definitions of identity (ibid.).

Tex Hall, chairman of the Three Affiliated Tribes in North Dakota, argues that collective ideas of belonging are tied with certain obligations and responsibilities that may alternatively suggest the interrelation of all ancestors. He argues that there is no such thing as unaffiliated remains because Native peoples "are related to all that lives". Kinship then is "deeply interconnected and interdependent, expansive, and timeless" (COLWELL 2017, 220). For Cecil Antone of the Gila River Indian Community, all Indigenous remains must be reburied, and he suggests that the geographically closest tribe to where unidentifiable remains are found may be most suitable to undertake this responsibility (COLWELL 2017, 240). Such a suggestion may help to conceptualize kin in an expansive way and through "active relation" (TALLBEAR 2019, 32), where kin are made through broader associations. Being critical and conscious of how Euro-American law and science works to enforce ideas of belonging and social formation – both in the past and present – will help expand who we approach to ask about changes in care practices for these human remains. This departure creates a hopeful condition that sees kinship as a modality to "inspire change, new ways of organizing and standing together in the face of state violence" and colonial attributions of Native identities (TALLBEAR 2019, 38).

Learning Through Discomfort

In learning about the biographies of these people and in our discussions on how to work with these partial archival fragments, I think about how discomfort in these encounters can be instructive. Working through uncomfortable situations and deliberating difficult questions is generative in that it allows institutional actors to learn how to chart new territories, and to learn how to do proactive, anti-colonial work. The process was not perfect – reflecting back, it may have been wiser to consult with communities first before researching the use of Omeka. Through discussion and feedback, we learnt how to adapt the way we share knowledge with future communities, should more funding be received. Even with the existence of certain UN documents and reports, repatriation work requires practice. This research project, as a type of knowledge production, contests and unsettles the established order in the 'Skull Room'. Thus, I reflect on how this project works through a "pedagogy of discomfort" (Boler 1999) and a "pedagogy of disruption" (MILLS 1997) which instigates and spurs conversations about how to work with difficult knowledge (BRITZMAN 2000). Attempts to 'right' past 'wrongs' (if this is possible) requires researchers and institutional custodians to both learn and unlearn how to do work in this field.

Although ascertaining the provenance of these ancestral remains is paramount, I have found it is also important to see the missing data and knowledge as not a hindrance, but part of the process of working with a 'messy' collection. Rather than attempting to 'solve' the provenance issues, the methodology prioritizes 'learning from' the process to provide insight into how to sensitively approach these contested situations. Learning 'from' implies a relation between the researcher and the remains, where learning 'about' the collection which implies a relation based on distance and objectivity (BRITZMANN 1998, 117). It is important to interrogate the discomfort in our relations and take notice of our emotional comfort zones within these interactions (PORTO & ZEMBYLAS 2020, 359). The research encounter therefore can become a form of transformative pedagogy – for myself, for other researchers, and for museum practitioners. The process becomes one where "we do not merely analyze or study an object to gain greater understanding, but instead struggle to investigate how individuals and groups might be better able to change their situations" (TIERNEY 1994, 99).

The project is part of a pedagogical commitment for practitioners and researchers to learn how to engage with difficult, incomplete and contested stories. By sharing provenance research – even when it is fragmented or incomplete – the futures of these ancestral remains becomes animated, and hopefully these people are brought a step closer to a more comfortable resting place. As Sdahl K̲'awaas, Lucy Bell states in reflection of her work at the RBCM: "The process of identifying the origin of ancestral remains can be

a puzzle, and the more people are working on it, the faster it will be completed" (BELL & HILL 2020, 134). These relational networks allow the Anatomical Museum to improve knowledge about the care and return of ancestral remains and their associated stories. Doing this work – even slowly – works towards establishing a methodology or process that other researchers could use when encountering and engaging with contested colonial heritage and unaffiliated remains. I see how staff at the Anatomical Museum is heading ICOMs' call for more proactive engagement, but it also requires university senior managers to listen to these calls. I hope they can lean into the initial discomfort of doing this work, and help resource projects that challenge, confront and unsettle the taken-for-granted nature of these colonial legacies, and seek to embody principles of yahgudang for these people.

Acknowledgements

With thanks to the staff at the Anatomical Museum for being open to answering my many questions. My doctoral research is funded by the Economic Social Research Council and additional funding to share knowledge about these ancestors has been received from the Universities of Edinburgh and Toronto.

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Keywords

ancestral remains, storywork, discomfort, proactive repatriation

FROM THE CONGO FREE STATE TO A BIOLOGICAL ANTHROPOLOGY LAB IN BRUSSELS TO THE UNIVERSITY OF LUBUMBASHI: A HISTORY OF THE TRANSLOCATION OF FOURTEEN ANCESTRAL REMAINS

Laurent Licata, César Nkuku Khonde and Donatien Dibwe dia Mwembu

Abstract

In this article, members of two universities - one Belgian, the other Congolese - who collaborated in a process that led to the signing of an agreement for the restitution of a colonial collection of ancestral remains, recount the various phases that preceded and followed this agreement within the two universities. We retrace how this decision was reached within the two universities, as well as the impact it had on the awareness of its colonial past in the Belgian university, and on the collaboration between these universities. as well as its impact on the Belgian university's awareness of its colonial past and on the cooperation between these universities. We also anticipate the possibilities that will follow the physical repatriation of these ancestral remains.

Introduction

In June 2018, an article by journalist Michel Bouffioux in the Belgian edition of the magazine *Paris-Match* revealed the presence, in the biological anthropology laboratory of the Université libre de Bruxelles (ULB), of ancestral remains appropriated under dubious circumstances during the first decades of Belgian colonization of Congo, which officially started in 1885 (BOUFFIOUX 2018). In August 2020, the rectors of ULB and the University of Lubumbashi (UNILU), Professors Yvon Englert and Gilbert Kashiba Fitula, signed an agreement by which ULB ceded to UNILU "all rights of any kind it has or may have over these human remains." In this article, members of both universities who participated in the process recount the different phases and anticipate the steps that will follow their physical repatriation.

This agreement on the restitution of ancestral remains comes at a time when Belgium's colonial history is being strongly questioned[17]. While Belgian colonialism attracted little public attention between independence in 1960 and the late 1990s, the publication of the book "King Leopold's Ghost" (HOCHSCHILD 1998), as well as the parliamentary commission on the assassination of Patrice Lumumba in 2001[18], revived public interest. In the following decades, as in other former colonizing countries, decolonial movements strengthened or emerged in Belgium and were increasingly successful in highlighting Belgium's problematic colonial past (STANARD 2019). In addition, a broader reflection about colonial collections of human remains was going on at the global level (JENKINS 2010). French President Emmanuel Macron's decision to embark on a process of restitution of cultural property looted during colonialism has reignited debates about restitution issues, including of human remains (SARR & SAVOY 2018).

Within the collection of physical anthropology kept at the ULB, it was estimated that ten human skulls come from territories located in the present-day Democratic Republic of Congo. Four other skulls could also have this origin. In his article, the journalist Michel Bouffioux, who consulted previous research on the topic (COUTTENIER 2005), mentions several cases, such as "two slaves sacrificed by decapitation" in the Congo, then bought by a Belgian soldier, or the corpse of a worker found near the construction site of the Matadi-Léopoldville railroad, whose skull was removed and taken away by Belgian colonialists.

The public revelation of the presence of these ancestral remains at the ULB triggered strong reactions within the university and among the public. For instance, an open letter signed by Western and African academics and decolonial activists, published in one of the main French-speaking Belgian dailies, called for the restitution of colonial collections of cultural goods and ancestral remains kept in Belgian institutions (COLLECTIVE OF SIGNATORIES 2018).

17. Belgians colonized the Congo. From 1885 to 1908, it was under the rule of King Leopold II as a private initiative. From 1908 to 1960, the Belgian state took over. After WWI, Belgium also received a mandate form the Society of Nations to administer Rwanda and Burundi, which lasted until 1962.

18. Following the publication of Ludo De Witte's (2000) book "L'assassinat de Lumumba" [The assassination of Lumumba], a parliamentary commission of inquiry was created to determine the exact circumstances of Patrice Lumumba's assassination and the possible involvement of Belgian politicians in it. It concluded that some members of the Belgian government at the time were morally responsible.

What was known about these ancestral remains

Little or no information on provenance was available about this collection. Indeed, the university does not possess its inventory. Some skulls bear inscriptions concerning their provenance, the name of the person who took them, or of the person who then acquired them, but most do not bear any inscription and are not accompanied by any note. However, thanks to previous research (COUTTENIER 2005; GONISSEN 2011), we already knew that they were collected at the beginning of the colonization of Congo, at the end of the 19th and beginning of the 20th century. From the Berlin Conference in 1885 to 1908, the Congolese territory was under the authority of King Leopold II, who ruled the colony as a quasi-private property. It became a Belgian colony when the king ceded it to the Belgian state (GODDEERIS et al. 2020). In this context, these human skulls were taken by Belgians – so-called explorers, soldiers or members of the colonial administration of the Congo Free State - and ended up in physical anthropology collections in universities or museums. Following the work of Paul Broca, craniometric studies multiplied at this time. Throughout Europe, doctors and academics built up collections of human remains (COUTTENIER 2005). Doctor Emile Houzé, a physician, professor at the ULB and co-founder of the Anthropological Society of Brussels, seized the opportunity of colonization to enlarge his collection. At his death in 1921, he bequeathed it to the Anthropological Society of Brussels. Over the course of a century, the collection was moved several times and was used for various purposes (research, teaching). A part of this collection has been kept at the ULB since the 1930's, another part is kept at the Royal Belgian Institute of Natural Sciences. It was based on this partial information that the list of ten skulls (plus four) of probable Congolese origin was drawn up.

Actions undertaken at ULB

When Michel Bouffioux's article appeared in June 2018, a reflection about the colonial heritage of the university had already been initiated recently. Indeed, in April 2018, the presence of a medallion in honor of King Leopold II had been reported to the Vice-Rector in charge of gender equality and diversity policies at this university[19]. It is a wall medallion consisting of the King's effigy in metal on a marble plaque. This work was offered to the university in 1949 (as well as to the universities of Ghent, Leuven, and Liege) by the Colonial Veterans Association, on the 40th anniversary of the death of the sovereign. The link with colonialism was therefore explicit.

The Vice-Rector then engaged in an informal reflection about what the university should do with the medallion, along with two Belgian experts in colonial history. Shortly thereafter, in May 2018, the building where the medallion was located was occupied by students (50 years after May 1968). It was in this context that this medallion was detached from the wall where it was located and covered with graffiti critical of the colonial action of this king (see figure 1).

As a result, a think tank was set up by the Vice-Rector. It brought together academics and scientists specialized in colonial history and collective memory, biological anthropologists, as well as members of the circle of Afro-descendant students and decolonial activists. This group therefore dealt with two issues: the fate of the medallion in honor of Leopold II and that of the skulls of African origin appropriated in a colonial context.

In order to deepen the reflection, this think tank organized, in February 2019, an international colloquium entitled "De l'ombre à la lumière: Pour une politique de gestion des collections coloniales de restes humains dans les universités" [From Shadow to Light: Towards a Policy for the Management of Colonial Collections of Human Remains in Universities][20] at the ULB. Specialists in colonial heritage and in physical anthropology collections, curators from museums in Europe and Africa, and representatives of decolonial associations were invited. This colloquium allowed the university to clarify its position concerning this colonial collection of ancestral remains. Thus, Rector Yvon Englert gave an unambiguous opening speech regarding his willingness to critically reflect on colonialism, the role that the university has played in the colonial context, the negative implications of this legacy in contemporary society, particularly racism, and the need to critically examine current research and teaching practices[21]. However, there were some relatively significant tensions around this conference: some of the representatives of decolonial movements who had been invited boycotted the colloquium, and then severely criticized it in

19. The first author of this article.
20. http://www.ulb.ac.be/babelbox/ws/getfile.php5?filter=databox6-art-attach-1214.5c62ac09bb783.pdf
21. https://lusingatabwa.over-blog.com/2019/02/des-cranes-en-debat-a-l-universite-libre-de-bruxelles.html

an open letter published a few days later in one of the country's leading weekly newspapers (COLLECTIVE OF SIGNATORIES 2019). They denounced the fact that the word "gestion" (managing) had been used instead of "restitution" in the title and that, according to them, the question of continuing racism had been avoided in this conference. Therefore, they did not wish to participate in a conference in which their presence would endorse institutional policies that perpetuate power inequalities, and they called for an integration of the history of human remains into the creation of decolonial knowledge at the university. Also, the exchanges between biological anthropologists or heads of museum institutions and members of decolonial movements were tense during the conference.

A return and repatriation agreement

From this reflection stemmed the decision to engage in a process of restitution of these ancestral remains. However, as the colloquium had highlighted, there was no legal framework or institutional regulation to which the ULB could refer. There had been no precedent in Belgium. Moreover, no request for restitution had been made. The Rector of ULB then took the initiative to contact the Rector of UNILU, a privileged partner institution of ULB in the Democratic Republic of Congo. UNILU had already established a similar agreement with the University of Geneva concerning seven skeletons of Congolese "pygmy" people kept on their premises (VOS AND MONNET 2020).

UNILU enthusiastically welcomed the offer of the Rector of ULB. The Management Committee of UNILU, first, and then the University Council and its Senate, having been informed by the Rector, took note of it and encouraged the Rector to engage UNILU in this process, as it had done with the University of Geneva.

Initially, it was planned that a delegation from UNILU would visit the ULB to examine these ancestral remains and to see how they were preserved. However, this was not possible, because the ULB was preparing to change Rector and because of the confinement imposed by the COVID19 pandemic that further delayed this visit, which finally took place only in 2021, after the signature of the agreement (see below).

After consultation and numerous exchanges between the legal and international services of the two universities, and with the assistance of the law expert Marie-Sophie de Clippele from Université Saint-Louis Bruxelles, an agreement was concluded in August 2020, inspired by the above-mentioned restitution agreement between UNILU and the University of Geneva. Through this agreement, the ULB ceded all its rights to the ten human skulls. The introductory text of this agreement explicitly states that it was motivated by ethical concerns: "It gradually became apparent that the skulls conserved at the ULB could not escape the more global debate on the restitution of cultural property and ancestral remains taken from the lands of former colonies under the colonial regimes that were in power there at the time. It appeared that this debate was all the more necessary when it concerned ancestral remains whose treatment required a specific, dignified and respectful approach taking into account the historical conditions of their "appropriation". The ULB was thus confronted with a profound questioning of the legitimacy of the possession of ancestral remains by its departments, a questioning that became even more evident as its academic and scientific relations with Congolese universities and particularly with the UNILU, with which a privileged partnership was concluded in 2018, developed."

Since the signing of this agreement, these ancestral remains are the full property of UNILU. However, they will be kept at the ULB for a period of five years from the date of signature. This disposition will be tacitly renewed a maximum of three times for one year, unless one of the parties cancels it. This was done to allow the provenance research on them to continue at the ULB and to prepare for their return to the DRC. During this period, any new research on these ancestral remains will require the written consent of UNILU. Until they are repatriated to the DRC, the ULB will be responsible for their safe and respectful preservation, after which the cost of repatriation will be borne entirely by the ULB.

The agreement would be extended to the four additional skulls if research confirms their Congolese origin. ULB commits to communicate to UNILU the results of the research carried out on these ancestral remains. The agreement also encourages joint research between the two universities. It specifies that it does not prevent the examination of possible claims by legitimate third parties, i.e. the possible descendants of these persons or the source communities. Finally, through this agreement, the two universities recognize the inviolable nature of these ancestral remains and commit to respecting their integrity.

After signing the agreement

In Belgium

The agreement was signed in August 2020, in the midst of the significant mobilization of decolonial movements that followed the murder of George Floyd in the United States and the intensification of the Black Lives Matter movement. These mobilizations, which targeted symbols of Belgian colonialism such as statues of Leopold II, significantly energized the process of questioning Belgium's colonial past, as it did in other European countries. On June 30th, 2020, the anniversary of Congo's independence, the current King of the Belgians, Philip I, has expressed his "deepest regrets" for the "acts of violence" committed in the Congo during colonization. Also in June 2022, the Belgian parliament approved a bill on the restitution of cultural property illegitimately appropriated during colonization and currently owned by federal institutions[22]. This law opens the door to the restitution of cultural objects kept in Belgian federal collections. However, there is still no legal framework for the restitution of human remains (DE CLIPPELE 2023).

In August 2020, an inter-university working group on Belgian colonial heritage was created by the commissions of the rectors of Flemish and French-speaking universities. It gathers representatives of all the Belgian universities (Dutch and French-speaking). It issued a report in September 2021[23], recommending measures to decolonize Belgian universities (see GODDEERIS et al. 2022).

At the ULB

Following the signing of the agreement, the fourteen skulls were transferred to the "réserve précieuse", where valuable documents and objects are preserved, which denotes a change of status. They are no longer objects of scientific research preserved in a laboratory; they are now remains of human beings who rest in a place that respects their dignity, pending their physical repatriation to DRC.

In December 2021, the Rector of UNILU visited ULB with a delegation. On this occasion, a moment of remembrance was organized next to these 14 skulls (see figure 2). A minute of silence was then observed. Then, the Rector of the ULB, Professor Annemie Schaus and the Rector of UNILU, Professor Gilbert Kishiba Fitula, paid tribute to these fourteen persons. During this visit, the Rector of UNILU stated that he attaches great importance to this process of restitution and repatriation. He intends to continue this process of restitution until it is completed. Whenever possible, these ancestral remains will be returned to their communities of origin, and even to their families. They will then be buried according to the funeral traditions of each community.

At ULB, the issues related to the medallion in honor of King Leopold II and the colonial collection of ancestral remains - but also, of course, the mobilizations of decolonial movements within and outside the university - have stimulated reflection and initiatives related to the history of colonialism and its current repercussions. Thus, an analysis of the university's archives was carried out, leading to an inventory of resources available for further research; a contemporary history seminar was devoted to colonial memories; the interdisciplinary research project - history, sociology, anthropology - HERICOL[24] (colonial heritage) was created within the ULB; as well as the project "Décolonisons-nous![25]" (Let's decolonize!). With the change of rectorship, a permanent "Colonial Heritage and Decolonization Steering Committee" was created and approved by the Academic Council of the university in 2021. It is chaired by the Vice-rector in charge of International Relations and is composed of representatives of the

Figure 1: Picture of the Leopold II medallion covered with graffiti

22. Loi du 3 juillet 2022 reconnaissant le caractère aliénable des biens liés au passé colonial de l'Etat belge et déterminant un cadre juridique pour leur restitution et leur retour : https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&caller=summary&pub_date=22-09-28&numac=2022042012
23. http://www.cref.be/communication/20211027_Gestion_du_pass%C3%A9_colonial.pdf
24. https://hericol.ulb.be/
25. https://www.ulb.be/fr/international/decolonisons-nous

academic, scientific, student (including from the circle of Afro-descendent students), and administrative communities of the university, as well as a Congolese expert in cultural heritage from Kinshasa University.

In the Democratic Republic of Congo

In November 2019, on the occasion of the inauguration of the new National Museum in Kinshasa, President Félix Tshisekedi declared: "The treasures of the Congolese artistic heritage now on display at the Musée d'Afrique Centrale in Tervuren must eventually be returned to the Congo". In November 2022, the DRC adopted a decree setting up a national commission to repatriate cultural property, archives and human remains removed from the country's cultural heritage. However, this commission has not yet communicated its recommendations.

At the UNILU

Although the decision to sign this restitution agreement with the ULB has been criticized by some activists of the Congolese diaspora in Belgium, the UNILU authorities see this commitment as a scientific one. Indeed, as scientific institutions, they believe that universities must set an example to African and European politicians who are slow to act. But the UNILU, aware of its limitations, cannot afford to take the place of the Congolese state. UNILU does not have the material means, let alone the competence, to carry out the repatriation of cultural objects or ancestral remains.

This restitution agreement seems to have fulfilled its role as an example. Indeed, this initiative seems to have inspired other initiatives at national level. Thus, in the Democratic Republic of Congo, the issue of the restitution of cultural property has resurfaced in the scientific and artistic world. This testifies to the fact that the restitution of cultural property has a history in this country. It began with the discontent of the Congolese people who were aggrieved and frustrated by the theft or abduction of their cultural objects, in particular their protective fetishes, as indicated by the popular painting by the artist Matos K. entitled: "Give me back my ancestor"[26]. Officially, several requests for the restitution of cultural property have been recorded since the colonial period until the regime of President Mobutu (VAN BEURDEN 2022).

UNILU has sent one of the authors of this article, Professor Donatien Dibwe dia Mwembu, to take part in various meetings organized in scientific circles about restitution. Thus, before this agreement, this historian had already participated in numerous meetings on the issue of restitution of cultural property and ancestral remains, both in the DRC and in Belgium, such as a workshop on the restitution of cultural property in Kinshasa in which the former director of the Royal Museum for Central Africa (RMCA, Brussels), Guido Gryseels, also participated; meetings with the agents of the RMCA in Brussels; a RTBF (Belgian French-speaking television) program on the problem of the restitution of cultural property before the reopening of this museum in 2018; the forum "The restitution of colonial artistic heritage: Themes and debates" in 2019, in Brussels, or the symposium "Living mobility, imagining success. Congolese encounters" at the PianoFabriek in Brussels (DIBWE DIA MWEMBU 2019). Shortly before the signing of the agreement, in June 2020, UNILU sent him once again to Kinshasa where he took part in a national forum organized at the National Museum of Kinshasa, under the patronage of the President of the DRC, on "The reconstitution of archives and Congolese cultural heritage 60 years later." After the signature of this restitution agreement, Professor Dibwe participated in the International Colloquium on the "Reconstitution of Cultural Property and African Renaissance". The presence of UNILU at these different events devoted to the restitution of colonial collections of cultural goods and ancestral remains testifies to the growing recognition of its expertise in these matters.

In February 2023, the University of Lubumbashi organized an important international conference entitled "La Restitution du patrimoine culturel africain et le rapatriement des restes humains. Cas spécifiques de la Suisse et de la Belgique» [The restitution of African cultural heritage and the repatriation of human remains. Specific cases of Switzerland and Belgium], which further demonstrates the University's commitment to promoting knowledge and international dialogue on restitution issues.

Joint projects

The dialogue between the ULB and UNILU on these ancestral remains and their restitution has led to the establishment of inter-university collaborations: historians from UNILU - Professors Donatien Dibwe and César Nkuku Khonde - contacted a social psychologist from the ULB, Professor Laurent Licata, and a

26. http://www.congoartpop.unical.it/index.php/collezione/1944/?lang=fr

historian from the University of Saint-Louis (now UCLouvain Saint-Louis Bruxelles), Professor Nathalie Tousignant, to prepare a research project proposal. This five-year project was selected for funding under a Belgian Development Research Project (ARES CCD). It started in November 2023. This project also involves the National Museum of Lubumbashi, the WAZA Cultural Center in Lubumbashi, the Royal Museum for Central Africa in Brussels (RMCA), and members of the Belgian Afro-descendant association AfropeanProject.

Postcolonial controversies about cultural objects and ancestral remains have so far taken place mainly in the former colonizing countries. They are partly carried by members of the African diaspora, whereas the voices of Africans living in Africa have been less present in these debates and have been the subject of little research. The project borrows the metaphor of "heritage translocation" from Felwine Sarr and Bénédicte Savoy (2018). The word "translocation" designates, in genetic chemistry, an "exchange between chromosomes caused by breakage and repair". Applied to the question of cultural heritage looted during colonialism, it evokes not only a change of place (of origin and exile), but it also allows us to think about the ruptures and traumas linked to the dispossession and absence of this heritage, as well as the mutations and transformations undergone by the displaced objects and the societies that lost them or welcomed them (DUDLEY 2020).

The project consists of three parts. The first deals with the history of the looting of Congolese cultural objects and ancestral remains during the colonial era, as well as the demands for restitution and the development of new cultural practices. The second will explore how source communities and local communities in Katanga represent these objects and ancestral remains, and what their attitudes and expectations are towards the restitution processes currently underway. Finally, the third component will explore the artistic and cultural practices that can facilitate a sense of ownership of these objects and ancestral remains by the current inhabitants of Lubumbashi.

What is currently known about these ancestral remains

The provenance and history of these fourteen skulls were the subjects of research within the framework of the project "HOME: Human remains Origin(s) Multidisciplinary Evaluation[27]" (SEMAL et al. 2023; TILLEUX & CHAPMAN 2021). Jennifer Gonissen's doctoral thesis was devoted to trace the trajectory of each of them as accurately as possible (GONISSEN, 2023). Trained in bioanthropology and osteology, Gonissen traced the provenance of these human remains from an analysis of the morphological characteristics of each skull, as well as the clues that can be found on them. Gonissen also attempted to cross-reference the morphological characteristics of these human remains with those of skulls that were the subject of scientific publications in the Bulletin de la Société d'Anthropologie de Bruxelles between 1882 and 1930[28]. She attempted to developing comprehensive object biographies: retrace their conditions of appropriation and transport, their trajectory and their uses in Belgium until today.

Upon completion of her doctoral thesis, the ULB commissioned Gonissen to continue her analysis of the ancestral remains held at the ULB, and to complete the analysis of the fourteen skulls involved in the restitution agreement, as well as other skulls in the osteological collection. The results of her research were communicated in September 2024. She concludes that, among these fourteen skulls, only eight really originate from Congo, but that three other skulls, which were not mentioned in the restitution agreement, also probably do. Her research allowed her to identify the donators (or sellers) of these ancestral remains, as well as the ethnocultural or geographic origins of ten of these eleven skulls, showing that they came from different places

Figure 2. The rectors of UNILU and ULB and delegations paying tribute to the 14 deceased

27. https://collections.naturalsciences.be/ssh-anthropology/home/project/executive-summary
28. https://biblio.naturalsciences.be/associated_publications/anthropologica-prehistorica/bulletin-de-la-societe-d-anthropologie-de-bruxelles#b_start=0

scattered throughout the territory of the present-day DRC. However, she was unable to establish the individual identity of any of these ancestral remains.

Conclusions

The revelation of the presence of these human skulls in the ULB collections in 2018 initially caused a great deal of discomfort within the ULB. These ancestral remains are an "inconvenient heritage" (VAN BEURDEN 2022) of Belgium's colonial history within the university itself. But it has initiated a process of reflection on the colonial past of this institution. This reflection has been developed through several initiatives, some of which are still ongoing. Above all, it has made it possible to intensify exchanges between ULB and UNILU, two universities that have been able to find a common solution in the absence of a legal framework at the state level. This rapprochement between the two universities is taking shape through research collaborations, notably concerning the issue of restitution.

At present, the process of repatriating these ancestral remains is not yet complete. Recent research into the history of each of these ancestral remains provided important information about their provenance, which will probably lead to a revision of the agreement. However, so far, it proved impossible to identify the persons.

The return of these ancestral remains to the Congo will not be the end of this story, but rather a step in a long and complex process. ULB and UNILU will need to prepare well for this. The two universities will continue to collaborate beyond the physical return of these ancestral remains.

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Keywords

Human remains, ancestral remains, colonial collections, universities, Democratic Republic of Congo, Belgium.

ENTANGLED RETURNS: RESTITUTION OF HUMAN REMAINS IN THE MUSEUM OF LA PLATA, ARGENTINA

Marina L. Sardi and María Marta Reca

Abstract

Since 1989, the Museum of La Plata has received requests for the restitution of Indigenous human remains. In 2016, the community Comunidad Indígena Cacique Pincen Mapuche Tehuelche, located in the present-day Buenos Aires province (Argentina), claimed the restitution of the skulls of Gherenal, Chipitruz, Manuel Guerra, and Indio Brujo, individuals who lived in the 19th century in the Pampas (Argentina) and can be affiliated with different cacicazgos. Here, we describe how, after the approval of the restitution by the Museum of La Plata and the University of La Plata, the remains were claimed by other communities. This led to the skulls being moved from the museum to different locations before the burial. Based on this case, we discuss some strengths and weaknesses of the legal framework of restitutions in Argentina and the Museum's policies.

The Museum of La Plata (Argentina) was created in 1884, two years after the city of La Plata was founded. It displayed natural science, anthropology, and art collections that expressed evolutionary ideas, showing Argentinian heritage with cabinets filled with specimens organized according to taxonomic classifications. In further decades it became more devoted to natural sciences. Francisco Moreno (1852-1919) was its founder and first director up to 1906, when this museum became part of the National University of La Plata.

Much of the museum's anthropological collection, particularly the skeletal remains of Indigenous peoples, was donated by Moreno, who collected them during his exploratory journeys across different regions of present-day Argentina (FARRO 2009). Other collections, not assembled by Moreno, were acquired by naturalists during their explorations, purchased, or donated, including remains of identified individuals. The belief that Indigenous peoples were destined to disappear justified the accumulation of all kinds of biological and cultural remains.

Under Moreno's direction, the *cacique* (chief) Inakayal and his relatives, who once lived in Patagonia, resided at the Museum of La Plata. In Patagonia Inakayal met Moreno while he was traveling across those lands. During military campaigns, this family was captured and transferred to a prison near Buenos Aires. In 1885, this family was moved to live at the Museum. Inakayal, his wife, and two other individuals died at the institution in 1887 and 1888 and anatomical pieces, particularly brains and skeletons, were incorporated into the anthropological collections (LEHMANN-NITSCHE 1910). Other members of this group returned to Patagonia some years later.

Since 1989, this Museum has received the first requests for the restitution of Indigenous human remains. In 1994 and 2001, two cases of restitution were completed -one involving the remains of Inakayal-, through specific laws that compelled the University of La Plata, which effectively owns the scientific collections of all museums, to return the remains (AMETRANO 2015). Gradually, the Museum became receptive to Indigenous claims and, since 2006 it holds a policy, supported by the University, regarding the whole management of human remains.

This work is based on our experience. Marina Sardi is a biological anthropologist whose research has focused on studying human remains in museums. Since 2008, she has been engaged with the Museum's policies regarding Indigenous claims. Additionally, she participated in several restitutions between 2015 and 2019, conducting provenance research and writing many protocols for these events. María Marta Reca is a social anthropologist, curator of ethnographic collections, and an expert in visitor' studies. Between 2000 and 2022 she worked in the management area of exhibitions. Both researchers conducted a visitors' study regarding the removal from display of American human remains and teaching activities linked to restitutions.

This work focuses on the restitution of four individuals from the Pampas (the present-day territories of the Buenos Aires province and La Pampa province). Firstly, we will describe some historical aspects of the Indigenous people in this region in the 19th century and their relation with the Argentine State; secondly, we will explain how the skulls arrived at the Museum 135 years ago and how they were subsequently

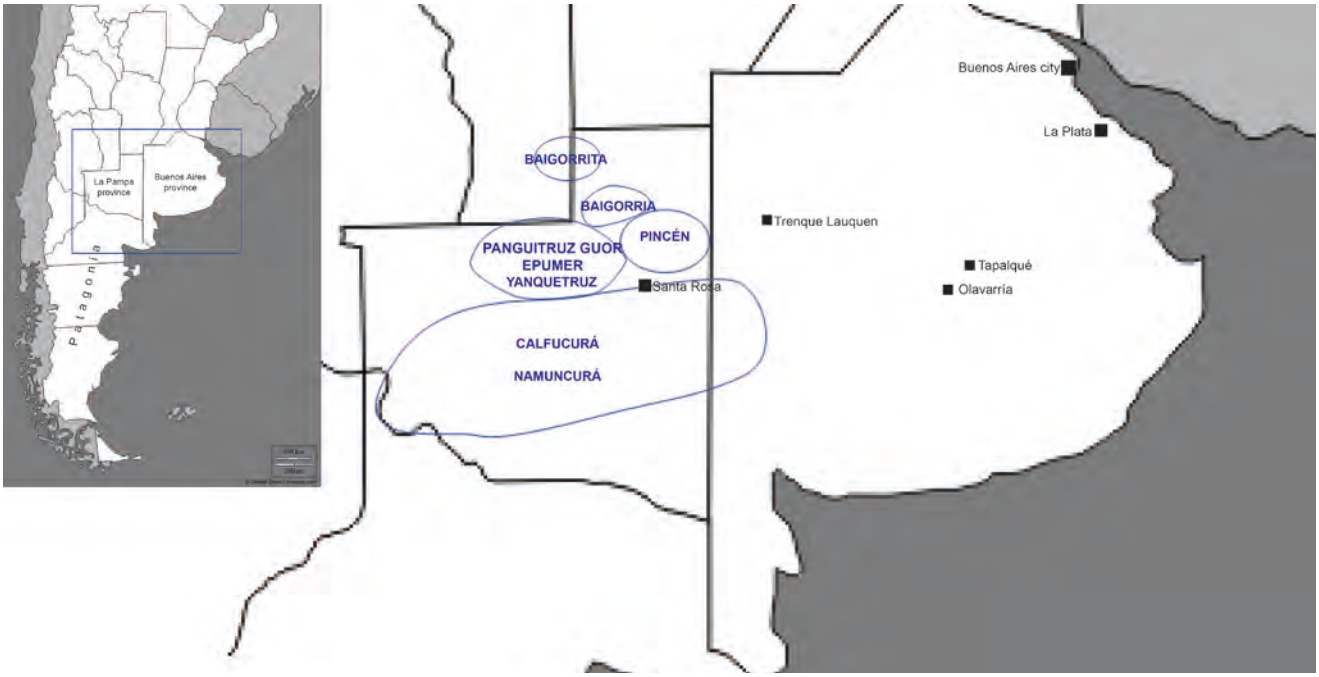

Figure 1. Geographic position of main cacicazgos (the name of caciques are signaled in blue capital letters). The figure was adapted from Martínez Sarasola (1992, 253).

managed; thirdly, we will describe the legal and political framework of restitution claims in Argentina and the policies at the Museum of La Plata. Then, we will summarize the restitution of Gherenal (also known as Querenal), Chipitruz, Manuel Guerra and Indio Brujo, from the first request to their destinations, providing an account of the controversies and tensions existing among the intervening actors. Finally, we will discuss some ethical issues that arose from those restitutions in connection with policies and practices in the museum.

Indigenous people in the Pampas in the 19th century

The process of Argentine independence from Spain began in 1810. At that time, the territory of present-day Argentina had a population of about 400.000 inhabitants. This population comprised European descendants, African descendants, and Indigenous people. Much of the Pampas, as well as Patagonia, were under Indigenous control. However, during the decades after the independence, those areas started to be in conflict, due to the military expansions of the not-yet consolidated Argentine State across vast Indigenous territories (Fig. 1).

According to Martínez Sarasola (1992), the Pampas and the north of Patagonia were, in the 19th century, occupied by five cultural assemblages: Pehuenches, Rankeles, Araucanos *strictu sensu*, Vorogas and Tehuelches. The first four groups were strongly influenced by Mapuche groups that came from the east and west sides of the Andean mountains and moved forward throughout the Pampas around the 17th and 18th centuries, encountering *Tehuelche* groups[29]. Even though the movements were significant, and their encounters were sometimes conflictive, these diverse Indigenous societies became connected through kinship bonds, in which the groups maintained cultural, linguistic, and economic interaction (MARTINEZ SARASOLA 1992).

Borders between groups did not function to separate them, but as places of intense exchanges. The groups established different areas with specific economic activities, promoting the development of diverse economic models and constraining the distribution and circulation of people and products (MANDRINI 2007). On some occasions, groups organized warrior confederations with the purpose of supplying themselves with livestock, and this fact promoted processes of ethnogenesis and even merging into new groups. This web of social and economic bonds extended also to the Christian frontier, in which diplomatic agreements and commercial transactions were conducted (DE JONG 2011).

The period between 1830 and 1850 was characterized by the development of Great *Cacicazgos* (chiefdoms). The *cacicazgo* is a hereditary institution established around the figure of the *cacique*, who wielded an

29. Even if *mapuches* were very diverse, they displayed a unique lifestyle (MARTÍNEZ SARASOLA 1992).

almost sacred power in the eyes of his people. *Caciques* assembled small groups, commanded by minor *caciques* and *capitanejos*. Their power varied according to their control over a given territory, the number of persons involved, the periods, their influence (alliances) over other *caciques*, and their capabilities to manage tensions with the government and to sign peace treaties. Nevertheless, *caciques* never acted by themselves. The highest decision-making body was the *parlamento* (parliament), in which several ethnic groups (including non-Indigenous people) could participate, developing deliberative activity (MARTÍNEZ SARASOLA 1992). *Caciques* executed decisions of the *parlamento* and they could influence it through his persuasive and oratory skills, and the prestige built up through their actions as warrior leaders or as negotiators with the state.

In the mid and late 19th century, some of the main *caciques* were Panguitruz Guor (known also by his Christian name as Mariano Rosas) and Baigorrita, among the Rankeles; Juan Calfucurá, Namuncurá, and Pincén among the Araucanians; and Cipriano Catriel and Juan José Catriel, among the Tehuelches. According to historical studies, Gherenal, Chipitruz, Indio Brujo, and Manuel Guerra related to some of these *caciques* (Table 1).

References in Lehmann-Nitsche (1910)	
Manuel Guerra	He was a capitanejo of the tribe of Juan José Catriel. He died in prison during the Conquest of the Desert (HUX 2007)
Gherenal	He was of Mapuche-Rankel ancestry and was linked to the people of Calfucurá. He was killed in combat in the Conquest of the Desert in 1879
Indio Brujo	Lehmann-Nitsche (1910) stated that he was brother-in-law of cacique Baigorrita, who was linked with Panguitruz Guor.
Chipitruz	Gervacio Chipitruz was of Tehuelche ancestry. According to Hux (2007), he was son of cacique Lucio López and took part in the confrontations between Cipriano and Juan José Catriel (MARTÍNEZ SARASOLA 1992). He was imprisoned after a battle in 1871, in which he was attacked by the State army and groups commanded by Cipriano Catriel.

Table 1. Historical information of returned individuals

Besides negotiations and the signature of peace treaties, between 1827 and 1885 the main *cacicazgos* were strongly persecuted by the Argentine government. During the second half of the 19th century, the government refused to enter into, or continue, any peace treaty and Indigenous people hitherto considered 'free' were exterminated. Among 60 of the most important *caciques*, only five died of natural causes, free in their lands. The rest of the *caciques* died in prison, were killed in combat, executed, or exiled (MARTÍNEZ SARASOLA 1992).

This campaign of extermination and cultural disintegration reached its peak in the so-called Conquest of the Desert (*Conquista del Desierto*) that took place between 1879 and 1885 as part of the process of building the Nation. This military campaign resulted in thousands of native people being killed or captured, the dispossession of Indigenous lands, the transfer of people to prison, or to the north of Argentina to work in the commercial exploitation of the forests, as well as their relocation to work as servants among rich families in Buenos Aires. Even those groups that had received land for settlement through treaties with the State were subdued by economic and political pressures and, ultimately, marginalized and impoverished (MANDRINI 2007).

Skulls between politics and natural history

Many people were part of the military campaigns launched over Indigenous territories, carrying out topographical surveys, identifying resources with economic potential, and collecting scientific materials. Among them, Estanislao Zeballos (1854-1923) was one of the most relevant figures who promoted the Conquest of the Desert. He was an Argentinian intellectual, whose interests included journalism, literature, and law. He shared scientific circles with Francisco Moreno, such as the Argentine Scientific Society (FARRO 2009), where they discussed historical, archaeological and geographical issues, among other topics, and received training in organizing scientific collections and recognizing fossils (FARRO 2009)[30].

30. The Argentine Scientific Society was created in 1872. Around this time, the Scientific Academy of (the province of) Córdoba was also created, as well as the Ethnographic Museum Juan Bautista Ambrosetti (Buenos Aires), which together with the Museum of La Plata served to consolidate anthropological activities.

Zeballos adhered to the idea that it was necessary to expand the frontier of the Nation and enter combat with the native communities of the Pampas. He made two journeys in 1878 and 1879 throughout this region. He maintained several interactions with Indigenous people (he sometimes recorded anthropometric measurements, e.g., height), and collected data and scientific specimens. Moreover, Zeballos desecrated several tombs to take the skulls together with grave goods, as he wrote in his work (ZEBALLOS [1880] 2002). He also collected skulls from battlefields, such as that of Gherenal, whose body, lying with his horse, was recognized by a soldier that accompanied Zeballos thanks to the blue *poncho* that he wore during the battle (ZEBALLOS [1880] 2002). Zeballos also obtained skulls donated by officers who defiled tombs, some of the recognized *caciques*, such as Calfucurá and Panguitruz Guor and probably Chipitruz, Manuel Guerra, and Indio Brujo's skulls.

Many years later, in 1889, dozens of skulls were sent to the Museum of La Plata (MORENO 1890) and were included in the public display. The entire collection was further enlarged with other skulls recovered by preparators of the Museum during their travels to different locations of Buenos Aires province and from the north of Patagonia (TEN KATE 1893), and they were finally numbered (from 170 to 399). It was registered as *Araucanos de La Pampa* in the Catalogue of the Anthropological Section, published in 1910 by the German anthropologist Robert Lehmann-Nitsche, who was the curator of the Anthropological Section (now Anthropological Division) between 1897 and 1930. It is unknown how anthropologists established that all skulls were of Araucanian origins, disregarding the dynamic inter-ethnic relationships in the Pampas. In the catalogue, the individuals analyzed in this case were identified with the following numbers: 309 [...] "Manuel Guerra"; 317 [...] "Gherenal"; 333 [...] "Indio Brujo", *cacique* Baigorrita's brother-in-law; and, 337 [...] "Chipitruz". The collection was displayed up to the 1940s and then it was moved to storage (SARDI & DEL PAPA 2022)[31].

Legal framework and museum policy

Throughout the 20th century, Argentine society embraced the widely accepted misconception that most of Indigenous people were doomed to extinction and that most Argentinians have European origins[32]. For decades, Indigenous people were not visible, but this began to change towards the end of the century. Thanks to Indigenous struggles, in 1989, the Argentine state ratified the International Labour Organization Convention (No. 169) about Indigenous and Tribal Peoples (INTERNATIONAL LABOUR ORGANIZATION 1989), which acknowledges the aspirations of these peoples to exercise control over their own institutions, ways of life, and economic development, and to maintain and develop their identities, languages, and religions, within the framework of the Nations in which they live. In 1994, the Argentine Constitution was reformed, including an article that recognizes the pre-existence of Indigenous peoples; however, the changes in the legal framework after this decision were very limited.

Since 2001, the National Act 25,517 (HONORABLE CONGRESO DE LA NACIÓN 2001), which deals with the restitution of human remains, has been in force. This Act establishes, in Article 1, that "the human remains of Indigenous people held in museums and in public and private collections should be made available for reclamation by the communities to which they belong." Article 2 specifies that "the remains [...] that are not reclaimed by their communities may continue to be housed at the institutions but must be treated with the respect and consideration accorded to all human remains. Article 3 states that "all scientific research involving aboriginal communities and their heritage should obtain prior express consent from such communities." This law presents some differences with those of other countries. It refers only to human remains. Sacred objects or objects of cultural relevance have not yet been included. Claimants, as in other countries, must show some affiliation based on geographical, kinship, archaeological, historical, or other evidence. But, unlike other countries, such as the United States, where restitution claims are settled by museums themselves, in Argentina, the National Institute of Indigenous Affairs (INAI by its Spanish acronym), a government agency belonging to the national State, regulates this law (PODER EJECUTIVO NACIONAL 2010). The functions of INAI are to identify private and public collections, search and identify communities linked with remains, provide historical, ethnic, biological, or other evidence to demonstrate cultural affiliation, collaborate with stakeholders, and decide in cases of conflicts between different claimants. Even if the INAI mediates between claimants and museums, nothing precludes museums from conducting a restitution by themselves.

31. Many issues regarding the classification and organization of osteological collections, as well as the identification of some identified individuals have been already analysed and discussed in Sardi & Del Papa (2022).
32. The Argentine State promoted, at the first half of the 20th century, the European migration.

Restitution claims have been received in the Museum of La Plata since the 1980s. The restitutions of Inakayal, in 1994, and of Panguitruz Guor, in 2001, were enforced by national laws because researchers in the Museum considered that collections should be accessible for studies (AMETRANO 2015). Claims were reignited in 2002, when Indigenous organizations began to perform rituals in the Museum and requested the removal of the mummies from the exhibition. These demonstrations gradually gained strong support from human rights organizations and anthropology students. The role of the media strongly increased pressure on the Museum's visibility. In 2006, the Museum was compelled to adopt a new policy, which contained three provisions: (a) Removal of human remains from the public display, ensuring their conservation and documentation; (b) Creation of messages containing clear educational content about these claims for museum visitors[33]; and (c) Encouragement of requests for the restitution of remains. The administrative decision also included a paragraph stating the need to create a management area, with the collaboration of various experts, to improve policies and develop a co-management policy with Indigenous communities. With these actions, the Museum of La Plata became the first museum in Argentina to address restitution claims and, since then, some other museums have adopted similar regulations.

Consequently, human remains of American origin, which were on public display until 2006, were stored together with other remains under the framework of preventive conservation (DEL PAPA & PUCCIARELLI 2015). A project for documenting and organizing a digital database was developed, and it remains a work in progress (DEL PAPA et al. 2024). Anthropological research on remains continues, but procedures have improved, more permission is required for doing research with remains, and if any researcher wants to apply an invasive or destructive method on remains that are the subject of a restitution claim, the claimant is requested to provide informed consent.

These activities have resulted in a highly dynamic learning experience, particularly for the Museum research staff, who are accustomed to the accessibility of collections. For Indigenous peoples, on one hand, the return of their ancestors to the land is an inalienable right, and restitution is much more than a mere return. In each event, there are speeches against Western science (among other topics) because they do not want to be considered objects available for scientific study. They also claim against the present-day excavations of burial grounds and the impact studies carried out by archaeologists that support extractive activities in places of ancestral Indigenous occupation, because these desecrations of tombs can harm corpses and lands. On the other hand, a significant number of anthropologists in Argentina still disregard these claims. The main arguments to resist them are like those in other countries, that restitution is a loss to science (KAKALIOURAS 2014). However, Indigenous claims have led, over time, some biological anthropologists and archaeologists to consider the ethical implications of their research and to collaborate with local communities that inhabit areas close to where human remains have been found.

Regarding the procedures to conduct restitution, the Museum of La Plata has been receptive, but it did not initiate any restitution by itself. A claim is initiated on behalf of a community, and it is further supported by the INAI; but INAI can also raise a claim. Claims have been mostly based on the information registered in the historical catalogue (LEHMANN-NITSCHE 1910), and the affiliation with a given claimant is usually based on genealogy, ethnicity, or territory/geographical proximity. Once the claim is received, researchers of the Anthropological Division, since 2015, elaborate a report with biographical information -in the case of identified individuals-, the history of the collection, and the bioanthropological research done with remains. Very often, claimants visit the Museum of La Plata together with representatives of the INAI. During these visits, an interesting dialogue sometimes develops. On some occasions, claimants also inquire about the scientific methods that would enable the identification of their relatives among those bones that do not have clear origins. These opportunities for discussion have improved the interaction with Indigenous people over the years and have demonstrated that they are not against Western science; rather, if some method can help them, they may use it. What they refuse is research that does not consider their needs and is conducted without permission. They also demand a fair dialogue between ancestral and scientific knowledge. They express that oral tradition has been crucial for understanding the history of their ancestors and their lands, clearly stating that the technical language of science can sometimes be harmful to them.

Too many identities for one restitution

On 19th April 2016, the Museum of La Plata received a restitution request for the skulls of Gherenal,

33. Up to 2006, the anthropological exhibitions included many mummified corpses of American origins. An important proportion of visitors visited the Museum to see them (RECA et al. 2014, SARDI et al. 2015).

Gervasio Chipitruz, Manuel Guerra, and Indio Brujo, supported by the INAI. Thus, authorities of the Museum initiated a dossier and the skulls were deaccessioned[34]. This claim was made by Lorenzo Cejas Pincén, who was a direct descendant of *cacique* Pincén (see above)[35]. Cejas Pincén was *lonko* (chief, *cacique*, in *mapuzungun* –the Mapuche language) of the community *Comunidad Indígena Cacique Pincen Mapuche Tehuelche*, from Trenque Lauquen (Buenos Aires province, see Fig. 1), but also a very important representative of the Mapuche people, who spread over various regions of the Pampas and Patagonia. The argument for the request, as expressed in a letter sent to the Museum, was: "Seeking historical reparations for our people and furnished within current laws [...], we demand that our ancestors' remains rest in their lands, with all rituals pertaining to our world view, next to their people. That way, we would be able to close the cycle and restore balance".

Some days later, claimants visited the Museum, accompanied by a representative of the INAI, and a meeting was held to discuss how to carry out the restitution (Fig. 2). Cejas Pincén had no genealogical link with the individuals claimed, although he recognized the importance of finding the families linked to the four individuals. He proposed to transfer the skulls to Trenque Lauquen, temporarily storing them in the local museum in case the descendants showed up, and then burying them in an Indigenous cemetery, which, at that time, had to be built. The Museum of La Plata was, in its turn, willing to accept the request and publicly express the changes in its policies. This was because up to 2016 the Museum had done only six restitutions and much of the most demanded remains had not yet been returned. Facing several tensions from indigenous people and other actors, restitution was considered mandatory and, although if it was legally required, the law in Argentina was never enforced strongly enough.

Figure 2. Claimants' visit to the Museum of La Plata. Below: Lorenzo Cejas Pincén. Above (from left to right): Silvia Ametrano, Director of the Museum (up to 2018), three members of Comunidad Indígena Cacique Pincen Mapuche Tehuelche; Fernando Pepe, INAI's representative, and Marina Sardi, member of the Anthropological Division (Source: Info Blanco Sobre Negro September 10, 2016).

On June 3rd, the INAI sent an official communication to the Museum, indicating that *Comunidad Indígena Cacique Pincen Mapuche Tehuelche* was the valid claimant since there was no other claimant and this community was officially recognized by the State. We do not know what actions the INAI took to search and communicate about the claim to all potential claimants, but representatives of this agency declared that they were dealing with "four individuals from four different lineages that are still present in the territories" (EL OREJIVERDE July 17, 2016).

On June 22nd, researchers from the Anthropological Division (among them, one of us: MLS) presented a report containing some bioanthropological and historical data about the collection and the four identified individuals. This report was added to the dossier to provide information for decision-making. Then, the Directive Council of the Faculty of Natural Sciences and Museum, to which the Museum belongs, approved the restitution on July 15th. On August 30th, the Superior Council of the University of La Plata approved it in its turn.

Some weeks later, *Comunidad Mapuche Peñi Mapu*, from Olavarría (Buenos Aires province, see Fig. 1), presented as claimant. This community is related to *cacique* Catriel lineage and, according to historical records, Manuel Guerra had been Juan José Catriel's *capitanejo* (Table 1). The purpose of this community was to transfer the remains to Tapalqué (Buenos Aires province), since Mapuche Tehuelche Parliament of Buenos Aires province functions there and there were lands destined for burying Indigenous remains. On October 10th, the restitution was carried out. On that occasion, as in other restitutions, many people participated: Indigenous people from diverse ethnic origins, journalists, members of the academic staff, students of the Faculty of Natural Sciences and Museum, and Museum workers (DIARIO HOY, October 10, 2016). Firstly, an act was signed to declare the restitution from the Museum of La Plata to *Comunidad Indígena Cacique Pincen Mapuche Tehuelche*. Secondly, members of *Comunidad Indígena Cacique Pincen Mapuche Tehuelche* and *Comunidad Indígena 'Peñi Mapu'* held a private meeting in the Museum.

34. The dossier n° 1000-005362/16-000 (Facultad de Ciencias Naturales y Museo UNLP 2016) collects the necessary background information to reconstruct the events.
35. Lorenzo Cejas Pincen had made the same request in 1989 and in 2002, but the Museum of La Plata rejected those claims.

Figure 3 (a, b). Return from the Museum of La Plata to Trenque Lauquen and Tapalqué (Source: Museo de La Plata n. d.)

After a long debate, it was decided that the first community would keep the guardianship of Chipitruz and Indio Brujo, whereas the second community would return Gherenal and Manuel Guerra. The reasons for this distribution are not known, except in the case of Manuel Guerra, who was linked to Catriel's lineage. When the remains were out of the Museum, there was a ritual held outside the building, around the four wooden urns where the skulls were kept. Most of the participants sang, told stories, and left offerings on four linens (Fig. 3). In this context, Luis Eduardo Pincén, a representative of one of the communities, stated: "The restitutions of our brothers' remains to their communities serve us as a way to know, respect and practice ancient burial rites [...] We should be very careful in practising these rituals because balance and harmony are at stake. We couldn't properly fulfil burial rituals, and thus, the negative side has excessively grown. We hope that the restoration of ancient rituals and their proper implementation will help us reach harmony in the Cosmos, which nowadays is absent" (El Orejiverde October 11, 2016).

Once the urns, together with offerings, arrived in Trenque Lauquen and Tapalqué, they were kept at local museums in both cities until the moment of the burial. But a few days later, further changes took place. On one hand, representatives of the community *Cacique Pincen Mapuche Tehuelche* realized (after reading the report made by researchers of the Anthropological Division) that Chipitruz (who was under their custody) was also linked to Catriel. On the other hand, the *Consejo de Lonkos de la Nación Rankel*, from La Pampa province, claimed the skull of Indio Brujo, who was linked to Baigorrita. The Rankeles also demanded to *Peñi Mapu* the skull of Gherenal. Gherenal was not Rankel, but he died in the present-day territory of La Pampa province, as he was part of the Calfucurá tribe.

Finally, on November 20, 2016, all communities held a meeting in Tapalqué, where it was decided that Chipitruz and Manuel Guerra would be buried there, while Gherenal and Indio Brujo would be transferred to Santa Rosa, the capital city of La Pampa, to be kept in the Historical Archive up to the moment of their inhumation (Fig. 4). Nowadays, Indio Brujo is buried in Cerro Chapalcó, sacred place according to the Rankel worldview (LA ARENA, January 19, 2018). Gherenal is still waiting for communities identified as *Mapuche*, *Mapuche-Rankel* or descendants of Calfucurá to reach an agreement as to which his final resting place will be (LOBOS & ROCA 2021).

Towards ethical work in complex circumstances

This complicated return, as well as other cases, provided important lessons for ethical work practices. For specialists working on collections of human remains, it is necessary to conduct osteological research and report on the life and death of the persons that are returned, as well as how their remains have been manipulated in the field and the museum. To carry out these tasks, experts in other fields are necessary to be consulted to complement historical and ethnographic information. This approach first addresses claimants' needs, who frequently ask why the remains were kept in the Museum for so many years. In our opinion, it would not be ethical to prevent claimants from knowing what osteological research can reveal about their ancestors. Second, osteological studies and provenance research provide knowledge about material manipulation, collecting practices, and how remains were identified, catalogued, exhibited, or

stored (SARDI & DEL PAPA 2022)[36]. These insights may offer reliable information to different stakeholders for decision-making, curators, historians of science, and claimants. In the case of Gherenal, Chipitruz, Indio Brujo, and Manuel Guerra, the historical information provided was very limited, but part of it led to new movements and the participation of new Indigenous communities in the restitution, although it led to tensions among different communities. Therefore, we think that museums must promote meetings with claimants and INAI representatives to discuss the results of the provenance research to avoid further conflicts with other potential claimants.

Figure 4. Return of Gherenal and Indio Brujo (see urns and offerings) from Tapalqué to Santa Rosa by representatives of the Consejo de Lonkos de la Nación Rankel (Courtesy by Ignacio Roca).

Another important shift that the case presented here has encouraged was the improvement of communication. External communication with the community in general (both actual and potential visitors) was equally important, to allow further transparency regarding decisions on restitutions and scientific collections management. Regarding internal communication, the Museum recognized the need to include seminars about restitution during the training of Museum guides. For other activities, in contrast, the Museum did not promote any. Thus, as personal initiatives teaching and outreach activities about the history of Anthropology, collections, museums, Indigenous rights, and restitutions were addressed to Anthropology and Archaeology students, PhD students, researchers, and museum workers in order, first of all, to revisit the history of physical and biological anthropology and its dependence on the acquisition and handling of human remains – aspects that are nowadays disregarded in the training of biological anthropologists (LINDEE & SANTOS 2012). Secondly, to introduce ethical and social implications of daily life in a research team; and, thirdly, to promote changes to the disciplinary practices of future generations. The need for the implementation of effective internal communication strategies also became apparent to understand different opinions, the reasons for resistance to political changes, and aspects that entail further debate and consideration.

In the restitution we are describing here, the Museum, showing willingness for restitution, should have taken some precautions, for instance, disclosing the restitution request more widely and, if necessary, devoting more time to the agreement between different claimants before approval. Even though the decisions were made by INAI, as the law establishes, the University of La Plata is a sovereign institution that can dictate its own decisions regarding its heritage. Nothing in the law indicates that the University and the Museum must be passive executors of the State agencies' decisions. Furthermore, many professionals are part of the Museum and the University, who are competent enough to propose and promote courses of action in dialogue with other institutions. Thus, the Museum's social responsibility for this work cannot be overlooked.

To date, twelve restitutions have been carried out, and three others were approved during the pandemic (2020-2021) (Museo de La Plata n.d.), but the transfers have not been completed until now. Some other requests initiated some years ago have not yet been responded to claimants. In 2018, after several experiences, administrative procedures were established, along with consultation and consent practices, to manage the claims considering diversity and contingency. Unfortunately, this protocol has not been analyzed by the various levels at the University government, and thus, it has not yet been approved nor publicly released.

Moreover, the Museum of La Plata never created the management area (suggested in 2006) for creative and active work with Indigenous peoples to deal with requests. An area like this could help develop solid, sustained conversations over time and establish a longstanding bond beyond the circumstances of the

36. The study of the collections at the Museum of La Plata (SARDI & DEL PAPA 2022) shows that many remains catalogued as coming from one region actually came from another. Additionally, a skeleton could consist of bones from different individuals, and catalogues and inventories sometimes contain partial or wrong information.

restitution. It could allow for collaborative insights and the intersection of different epistemologies. Scientific experts could offer their knowledge on the involved communities, ethnic dynamics, historical events, and other relevant facts for decision-making, while integrating Indigenous ancestral knowledge, oral traditions, and different ontologies.

Final words

One of our main learnings is that restitution practices are not constrained to the mere act of return, furnished within a set of legal dispositions in presumably stable institutions. On the contrary, they are issues full of tensions and controversies, as they involve individuals with diverse (and even opposite) opinions and various interests. In cases like the one we are describing, sometimes restitutions have a political background regarding processes of historical reparations and the re-emergence of Indigenous identities.

Restitutions are not limited to the material remains. Each case also entails the recovery of traditions, memories, wisdom, and cultural practices. The meanings of these events range from historical reparations to the respect of Indigenous rights, such as cultural practices and bonding with their ancestors within an identity rebuilding policy.

The case described here demonstrates that many times these claims are treated within complex scenarios, full of tensions and contradictions. This complexity partially originates from difficulties in establishing the affiliation (in terms of genealogy, territory/geography, and history) between human remains and claimants. In the case of remains with an individual identity, their ethnic affiliation refers to historical processes and, sometimes, to tensions still present in the memories of the communities. As was previously mentioned, Indigenous societies from the Pampas maintained alliances and disputes among them. In turn, they were victims of state policies that, directly or indirectly, led them to extermination, displacement from their ancestral lands, and loss of their languages, among many other rights.

For museums, it is mandatory to deal with Indigenous peoples' claims upon their ancestors' remains, but changes in traditional curational practices should not be limited to restrictions on exhibition or research. It is required to develop imaginative and interactive actions, and to debate and foster wisdom and engagement with different social sectors (Indigenous and non-Indigenous). The course of action should undoubtedly be framed within international guidelines and local legislation. But, in agreement with critical museology (NAVARRO ROJAS 2011, LORENTE 2016), Indigenous claims allow us to think on museums, both in terms of management, and ideology and politics. In this context, ethical issues cannot be defined only by codes, guidelines, traditions, or consensus. Instead, as Janet Marstine (2011) states, ethics must be identified, considered, and acted upon through debate with stakeholders, which means that contemporary museum ethics is contingent and is social practice (MARSTINE 2011). Accordingly, restitution experiences in the Museum of La Plata suggest that they are situated social practices; thus, it is neither easy nor ethical to implement a protocol that fails to consider contingencies and diversity.

To address and manage restitution claims within the complex framework described herein, there must be a pluralistic approach. At the same time, we should contest the limited role that Argentine museums play since decisions on restitutions are made by a state agency, using, for instance, the incomplete or incorrect information registered in old catalogues (SARDI & DEL PAPA 2022). Instead, the knowledge and expertise of curators, anthropologists, historians, and other museum workers cannot be disregarded. First, they serve as channels to promote the history of collections and institutions. Secondly, most of these actors are frequently in contact with Indigenous communities and organizations. Thirdly, because, according to Sandongei & Casch Casch (2007), they can contribute and broaden to the idea of treatment and care of curated human remains. Lastly, university museums have the opportunity and responsibility to lead disciplinary change through the training of researchers, PhD students, museum guides, and technicians. In this sense, museums cannot take a secondary role; they must be an active part of the shared work between Indigenous peoples and state agencies, focusing on cross-cultural, fair, and reciprocal conversations where participants can listen, share, and develop new practices that can withstand the test of time.

Financial Support

European Union's Horizon 2020 Research and Innovation Program under Marie Skłodowska-Curie Grant Agreement No. 101007579 "Scientific collections on the Move", and Universidad Nacional de La

Plata, through the project N898 (2019-2023) “Cuerpos, objetos y archivos. Análisis de restos humanos en perspectiva de restitución”.

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Keywords

Indigenous people, State agencies, policy, complexity.

REHUMANISATION IS NOT A METAPHOR: CHANGING PRACTICES AND THE UNIVERSITY OF GLASGOW'S HUNTERIAN MUSEUM

Alma Nankela, Nikki Grout, and Jeremiah Garsha

Abstract

This article argues restitution is a spectrum with rehumanisation seen as the first step toward restorative justice. We outline the global push for provenance research, highlighting guidelines produced in dialogue and collaboration with source communities, and document the current state of research surrounding rehumanising and restorative methodologies. We then offer our own guidelines for how to implement a rehumanising discourse from practitioner experience in Southern Africa. This continues in the second half of the article, where Glasgow's Hunterian Museum is used as a case study to illustrate rehumanisation processes in the making. Here we show how reconnecting narratives and stories back to individuals turns human remains into people again, shaping and modelling museum practices.

Introduction

Rehumanisation is the foundational step in a longer process of restorative justice. As a practice, rehumanisation begins with a simple reconfiguration and shift in the language used to refer to people held in collections. As this article will show, the University of Glasgow's Hunterian Museum has begun this process. In so doing, we document how this act can reverse the dehumanising and distancing practices that have transformed people into specimens, objects of race science, and catalogue numbers. This article tasks museum workers and academics to move away from using the terminology 'human remains' and instead call humans in storage and on display what they are: 'people'. The process of collection has stripped away the personhood and individuality of those who came into institutional collections during the colonial era. A piece of a person, for example, may first become 'a head'. This dismemberment begins the fragmenting process. 'A head' then becomes 'a skull', through a process of defleshing and thus distancing. The skull, intentionally and physically stripped of its individuality, moves further away from personhood, becoming a specimen. As such, it can then stand in for racial and group signifiers, rather than be an individual person.[37] The violence of collection is further distanced when the person is moved into the database and categorised as an inventory number. This process is nearly universal in all museums that hold people within their collections. As objects, the people found within collections have had their life histories silenced. As will be shown, the names of the collector, rather than the collected, are preserved, and racialised catalogues and practices are inherited and imbedded into databases.

This article makes a case for rehumanising the people in museum collections. In so doing, it draws upon the practices and guidelines produced in Southern Africa. South Africa, in particular, has established a customary practice of first returning humanness when receiving and processing human materials. It makes for a powerful example. Here the global south offers practical solutions to global north issues. For example, as documented (ROUSSEAU et al., 2018), all human materials, partial or whole, can be moved into full size coffins, returning not only personness but wholeness to the fragments of remains. Further materiality accompanies a return into personhood. This ranges from including associated non-human objects as part of the repatriation, to providing new materials, such as issuing citizenship and passports to colonial collected human materials being returned to postcolonial nations.[38] It is recognised that western museums do not have the storage space nor capacity do enact such changes as moving people into coffins within their storerooms. Further, due to the distancing from time of collection and the loss of cultural connections, the customary and funerary practices of individuals may be impossible to trace and thus impossible to practice. Yet as a methodology, rehumanisation framing shows the plurality of incremental steps that can move restorative justice forward along the path toward eventual repatriation.

Structure

In the first half of this article, we outline the global calls for returns that have been building for decades but came to the forefront of public debates within the last few years.[39] We then offer our own guidelines on how to implement rehumanisation processes, honed from our own practitioner and researcher expertise.

37. Riedwaan Moosage, Ciraj Rassool, and Nicky Rousseau, 'The Commemorative State, Human Remains, and the Question of Missing-ness', *Social Science Research Council*, 26 August 2021: https://tif.ssrc.org/2021/08/26/the-commemorative-state-human-remains-the-question-of-missingness/ (accessed 25 August 2022)

38. See the case study of the Pienaars documented by Ciraj Rassool (2015): p. 655.

39. Much of this has been driven by both the publication of key works, such as the Sarr-Savoy report, mentioned below, and also the reactions against returns personified by conservative governments and figures.

Here we do not limit the discussion to changing the way we speak of people in the collection, and instead actively call for a return of stories and a continuation of individuals' narratives; in order to document the post-mortem continuation of the human story that occurred during their time inside of collections. We document key guidelines being produced from Southern African governments and working groups, calling for more collaboration and partnerships between communities of origin and holding institutions. In so doing we aim to infuse global south perspectives and call for a return of knowledge along with a return of people and objects. The second half of this article uses the University of Glasgow's Hunterian Museum as its central case study to investigate rehumanising efforts in the making. This provides an example of the ways new methodologies can be employed to return humanness even before humans can be returned.

A Global Push for Provenance

The global upsurge of interest in the restitution of African objects and repatriation of human remains is four decades in the making.[40] Its development creates a cultural consciousness among western European museums, libraries, private collectors, and other cultural institutions holding unique collections of arts, historical treasures, heritage objects, artefacts and human remains within their collections (M'BOW 2009). This process has been accelerated by the radical call by the French President Emmanuel Macron in Ouagadougou, Burkina Faso in 2017 when he stated that France would return African objects in its museums to their originating countries.[41] To allow Africans to have access to their looted cultural heritage not only prompted the establishment of provenance research practices as part of the return process, but also intensified commitment of some western institutions to systematically identify and make collections and inventories publicly accessible.[42] Additionally, small batches of funding has now been allocated to some institutions holding collections in order to conduct provenance research, address provenance issues arising from colonial appropriations as well as reviewing of curatorial practices (ANGELETI 2022). This has, in turn, led to the development of new ethical possibilities for collections and co-researching involving communities of origin. In so doing, these communities are, theoretically, put on equal footing with the holding institutions, able to engage in dialogue and share knowledge production, curatorial practices, and drafting shared repatriation guidelines. This then helps to address existing policies with transparency, and review claims cases for the returns in accordance with standards of respect, sensitivity, cooperation, and timeliness.

To demonstrate the seriousness towards restitution efforts, some western countries have and are developing programmes and availing adequate funding needs in provenance research to support holding institutions. For instance, following the first successful restitution effort of twenty people of Namibian origin linked to the 1904 to 1908 Herero and Nama genocide in Namibia from Germany in 2011, the Namibian Government made a request for German citizens to transfer any human material of Namibian origin in their private collections to Charité Hospital Museum, which then become a centralised contact point with the Namibian authorities (NANKELA & SILVESTER 2021). Due to this highly publicised return at the global level, the German government took progressive and proactive steps by establishing key programmes. For example, this created the 'German Contact Point for Collections from Colonial Contexts' within the Cultural Foundation of the German Federal States. Here, interested parties are implored to launch requests to find missing objects looted during colonial times.[43] This has enabled a series of successful returns of further people and cultural and historical heritage objects of Namibian origin in 2014, 2018 and 2020 from various German holding institutions. Moreover, the German Lost Art Foundation supports

40. Calls for repatriation and restitution of course go back to the first moments of their taking. This paper argues that the current phase in global responses, however, began in the 1980s. See Gerald T. Conaty (2015), p. 49.
41. Macron's 2017 statement culminated in the production of lauded Sarr-Savoy report. See Felwine Sarr and Bénédicte Savoy, *The Restitution of African Cultural Heritage. Toward a New Relational Ethics*, trans. Drew S. Burk (Paris, Ministère de la Culture, 2018): http://restitutionreport2018.com/sarr_savoy_en.pdf (accessed 25 August 2022). This has been met with varying responses within former colonial powers, with French museums slowly returning a small number of materials, whilst British national museums dug in under a 'retain and explain' guidance. See Department for Culture, Media & Sport, 'Guidance for custodians on how to deal with commemorative heritage assets that have become contested', 5 October 2023: https://www.gov.uk/government/publications/guidance-for-custodians-on-how-to-deal-with-commemorative-heritage-assets-that-have-become-contested/guidance-for-custodians-on-how-to-deal-with-commemorative-heritage-assets-that-have-become-contested (accessed 20 January 2025); see also *Dahomey*, directed by Mati Diop (Les Films du Losange, 2024)
42. See for example. Marian Nur Goni and Sam Hopkins (2021). See also 'Talking Objects Archive': https://www.talkingobjectsarchive.org
43. See 'Framework Principles for dealing with collections from colonial contexts agreed by the Federal Government Commissioner for Culture and the Media, the Federal Foreign Office Minister of State for International Cultural Policy, the Cultural Affairs Ministers of the *Länder* and the municipal umbrella organisations', 13 March 2019: https://www.auswaertiges-amt.de/blob/2210152/b2731f8b59210c77c68177cdcd3d03de/190412-stm-m-sammlungsgut-kolonial-kontext-en-data.pdf (accessed 25 August 2022).

German museums in their efforts to inventory neglected collections and underfunded provenance research programmes investigating heritage objects and unethically collected human materials from across Africa. The foundation has also developed useful guidelines dealing with various themes in restitutions of looted objects in Germany.[44] Since 2020, funding has been made available to compile an overview of Namibian cultural heritage held by more than thirty German museums and collecting institutions, transnationally crossing into the German speaking nations of Austria and Switzerland. This pilot study is the first step in establishing the scale of heritage objects. It helps determine the origin, contexts, significance, and values associated with the collections. Of importance is the fact that information is made available in English to make it accessible to non-German speaking source communities so that researchers and all stakeholders can provide inputs to the project. Reviewing such inventories will not only facilitate negotiating for future returns but the inventory has also been built in line with the architecture of the heritage database that Namibia will develop. This then provides a provenance research exercise that will involve Namibians, enriching research and engaging in capacity-building on local and international levels.

The development and publication of crucial guidelines dealing with collections by the German Museums Associations, have identified critical areas of the restitution process which become entrenched in their policy framework.[45] These tools afforded Namibia with an opportunity to contribute to its guidelines, thus enriching the discourse and providing practical guidance towards research and management of highly homogenous and sensitive collections. Following the recommendations for Germany to integrate new exhibitions and activities that reflect on the legacies of Germany's colonial past in Namibia as well as pressure from the federal government, civil societies and diaspora activism, the restitution discourse in Germany led to a shift in the display and curatorial practices of Berlin's new Humboldt Forum museum complex, which serves as main exhibition platform for the collections of the *Ethnologische Museum*.[46] While mired in controversy, the Humboldt Forum is said to broadly support requests to open the museum inventories on African art objects and funding new opportunities for research.[47] It is through this platform that the 'Namibia-Berlin Collaboration on Collection' was born. This focuses on collaborative research and exhibitions projects entitled "Confronting Colonial Past, Envisioning Creatine Future'. Its output, however, is slow. Through this programme, at the time of this writing only twenty-three out of the Ethnological Museum's Namibia collection of 1,400 objects obtained between 1860 and 1890, have so far been returned to Namibia, and only in May 2022. Further funding, however, has been made available to facilitate local exhibitions within Namibian communities.

This underscores the fact that collaborative research should be the face of provenance research. In order to do so, a full disclosure of inventories and databases needs to be shared in an accessible format for communities of origin. Many African countries are still faced with inadequate information challenges about repatriated people and restituted objects. This is particularly the case regarding Namibia where critical data are seldom recorded (NANKELA & SILVESTER 2021). Descendants of those taken still wish to obtain as much biographical information as possible about colonialism and colonial collection. Transparency and sharing is a foundational step needed to rehumanize remains and reunite collected people with their communities and families. Transparency and open inventories facilitate the return and return of dignity to people in western collections, connecting them once again with their communities and as part of the restoration of social justice. Inadequate documentation therefore hinders returning people and objects back to their originating communities, jeopardising rehumanisation efforts. And yet, if rehumanisation as a methodology is to be truly implemented, museums face the impossible task of then sharing personal information publicly, going so far as needing to be compliant, ethically, with GDPR guidance.[48] For western museums, the dilemma of publishing information about people in their collections,

44. See 'German Lost Art Foundation', *Minister of State for Culture and the Media:* https://www.kulturgutverluste.de/Webs/EN/Service/Downloads/Index.html (accessed 25 August 2022)
45. 'German Museums Association publishes guidelines on collections with a colonial past', *Network of European Museum Organisations,* 23 April 2021: https://www.ne-mo.org/news/article/nemo/german-museums-association-publishes-guidelines-on-collections-with-a-colonial-past.html (accessed 25 August 2022)
46. Noted in Nankela & Silvester (2021, 136); also Jeremiah Garsha, (2020), 46-61; see also Marcus Colla, (2023).
47. 'The Debate(s) Around Colonialism and the Role of the Museum in Society: A Position Paper by the Ethnologisches Museum', *Staatlich Museen zu Berlin*: https://www.smb.museum/en/museums-institutions/ethnologisches-museum/collection-research/colonialism/ (accessed 25 August 2022)
48. The General Data Protection Regulation (GDPR) act only legally applies to European Union institutions. Further, Recital 27 of the GDPR framework specifically states GDPR is not applicable to deceased persons. Rather this suggests the complication within rehumanisation. See 'Regulation (EU) 2016/679 of the European Parliament and the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)', *Official Journal of the European Union* L119,

from the source community point of view, however, the interdisciplinary collaboration in restitution and repatriation and the provision of frameworks for future research needs to focus on human and object-centred inquiries. This article suggests that the sharing of information should be the starting point for co-investigations and collaborations, and the beginning of rehumanising remains.

How to Rehumanise

Rehumanisation is a process which considers the entire narrative of a person before and after they were collected, in as much detail as possible. Thus, it is more than just the return of a person's body. It is also the return of all the information and knowledge that holding institutions may have on how these remains were taken, cared for, managed, and treated. As will be shown below, often this information is lost, as it was never prioritised. But any inventory and collection information is the text from which the restitution story is written. To rehumanise thus means to open the databases. Further, contextualisation is needed. Descendent groups need to know how the person and their associated objects were taken, sold, and translocated from their originating nations and communities to destinations outside the source areas. This is part of their narrative. Accurate historical accounts reflecting how these people ended up in western collections cross into the historical accounts of violence, documenting colonial warfare, so-called punitive raids, looting, and more. People in collections may also be trapped beneath legal frameworks and guided under the original dictates of the collector.[49] As people within collections may have been traded between institutions, rehumanisation efforts need to adequately address when and to whom these people were sold or given. Providing and creating new ethical and legal frameworks for professional practice relating to people within the collections becomes a critical step in the rehumanisation journey. Yet rehumanisation stories need to go further and address how these people have been displayed, the narratives of how they were preserved, how they have been stored in boxes and basements, and how they may have been used by and within museums, universities and other cultural institutions, or previously in private homes. Centralising and sharing this information rehumanises. Critically, to come to terms with their full post-mortem biographical histories, the rehumanisation process needs to interrogate how their stories were narrated, and by whom; how these stories have been interpreted and changed over time; and how the narratives were received and by what audiences.

Ample materials exist to facilitate the rehumanisation process. Tangible written records can be consulted alongside intangible materials such as temporary exhibitions and audio-visual elements that may include sound recordings and visual imagery. Audio recordings taken during colonial times are part of rich archival records that may include when collected people were spoken about and spoken for. Interdisciplinary and intercultural research dimensions create a textured richness to empirical enquiries that recovers the stories and histories of individuals as people, not as things. Stolen people and objects are not in the same condition as when they were first collected. By being stored in inventories, they have been altered along with their narratives. Therefore, the history of conservation is important. Equally, these people suffered many abuses, and therefore new provenance investigations should shift the focus from the 'collectors' to the taken people and should involve scholars from source countries to enhance research and avoid replicating early collectors racialised perspectives and interpretations. The absence of co-research with Indigenous and global south scholars and community members, even with good intention, jeopardises restitution efforts, consequently delaying the rehumanisation and restorative justice that returning personhood to the victims creates. Whilst returns should be carried out in a timely fashion, rehumanisation should not be rushed and uncoordinated. Rehumanisation, like restitution, needs to resist and refute the careless and racists statements that surround the current discourses of repatriation. These include tropes such as 'the remains/objects are better protected in the West'; 'the objects are given a greater audience in the West than if they were to be returned to Africa'; 'There are insufficient data and therefore institutions need to keep them to provide further data'; 'the materials are too old and fragile to leave the collections'; 'African museums lack the infrastructures and conducive environment and security that Western museums have'; 'current laws do not permit deaccessioning'; and more (OPOKU 2019). These processual stalemates are stumbling blocks aimed at keeping the status quo and promote the continuing trajectory of erasing and denying African agency.[50] The holding institutions should therefore review their institutional governance policies to address their deaccessioning dilemmas, in dialogue with descendent groups.

(2016): 1-88, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679 (accessed 20 January 2025)

49. The UK Human Tissue Act of 2004, for example, sets a temporal boundary of one thousand years or less since the death of the person in the collection, limiting the 'free transfer from their collection of any human remains...for any reason' outside of, for example, ancient Egyptians. See *UK Public General Acts,* 'Human. Tissue Act 2004', section 47, at: https://www.legislation.gov.uk/ukpga/2004/30/section/47 (accessed 20 January 2025)

50. Opoku (2019) 'Some Have Waited for 100 Years'

Stumbling Blocks

In Africa, one of the persistent challenges is the continuous absence of national policies and operational guidelines for restitutions and repatriation to facilitate, coordinate, handle and manage these returns to the respective countries. In many African nations, heritage legislation on restitutions and repatriation matters have not been addressed. Nor are these laws reviewed to frame the legality of returns. In Southern Africa for instance, several workshops have put forward recommended guidelines, such as from South Africa in 2017, Namibia in 2018, and Botswana in 2020.[51] To date, however, only a few counties have so far managed to set up these working groups and developed the necessary tools for repatriation and rehumanisation. For instance, in 2019, following the development of the 'Draft National Policy on the Repatriation and Restitution of Human Remains and Heritage Objects' South Africa launched its national policy in 2021. Yet it was to be implemented only once a dedicated budget can be created to bring the South African Heritage Resources Agency (SAHRA) in line with the National Advisory Committee on the Repatriation and Restitution of Human Remains and Heritage Objects (ACRRHR).[52] The act has not yet been used to return people from museum collections, but in late September 2024, the remains of 47 liberation fighters buried in Zambia and Zimbabwe were exhumed and repatriated to South Africa under this policy guidance.[53] Further, the act has provided global media coverage and reflections on how similar policies may be enacted within former colonial metropoles.[54] In Namibia, following the endorsement of the Namibian National Committee for Human Remains and Heritage Objects (HRC) in 2019 by the Ministry of Education, Arts and Culture, the committee completed its tasks in February 2022 by examining Namibia's current methodology for claiming and repatriations following multiple returns from Germany. It further developed a national policy for restitution and repatriation of "human remains (associated objects)" and heritage objects. This policy was complemented by a set of comprehensive guidelines that provides direction for facilitating clear communications and coordination in making claims and reporting claim cases both locally and internationally. Additionally, the policy assists in managing the repatriated human materials and objects in Namibian institutions currently holding, and expected to hold, these people and objects in the future. Once endorsed by the Namibian cabinet, it is expected that these tools will be accessible to a wider audience.

Dealing with Africa's communities and nations is complex. Communities are not homogeneous and so the idea that one person or one government can speak for a whole community is problematic. The notion of 'community' has varied histories across Africa (RANGER 2012). A common language has defined some communities, but this can conceal considerable political, social, and geographical differences. Some identities have continuity over a long period of time, whilst others were created more recently, as well as created from outside, for example, through the establishment of 'Homelands' under apartheid in South Africa and Namibia. There are established community networks through Councils of Traditional Authority who also form part of a restitution committee. However, one of the main challenges, as experience has shown in Namibia and South Africa, is that although many of these structures and networks were dismantled under apartheid, affected communities have been disrupted and further fragmented by violence. It can thus be problematic to identify the spokesperson and traditional authorities who reflect the views of a community.

The recently drafted Common African Position (CAP) on Restitution of Heritage Resources guideline in 2021 was put forward in line with the implementation of the African Union's (AU) theme of 2021: 'Arts, Culture and Heritage: Levers for Building the Africa we Want', calling for the AU Commission 'in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to inventory the African cultural properties in the museums of foreign states outside of the continent, in order to return in (sic) to African Countries of origin'.[55] This guidance aims at assisting AU member states

51. See Silvester, (2017), *Museums Association of Namibia*; and Jeremy Silvester and Paige Linner, (2018); and 'The Human Remains Management Project in Southern Africa' http://www.humanremainsinsouthernafrica.org/outcomes.html (accessed 25 August 2022)
52. Republic of South Africa Department of Arts and Culture, 'Draft National Policy on the Repatriation and Restitution of Human Remains and Heritage Objects' https://www.westerncape.gov.za/assets/departments/cultural-affairs-sport/draft_national_policy_on_the_repatriation_and_restitution_of_human_remains_and_heritage_objects.pdf (accessed on 28 August 2022).
53. Republic of South Africa Department of Military Veterans, 'The Exile Repatriation Project', September 2024: http://www.dmv.gov.za/newsroom/news/repatriation.htm#:~:text=The%20Exile%20Repatriation%20Program%20is,home%20and%20buried%20with%20dignity (accessed 20 January 2025)
54. See for example Jordan Smith, Noah Norbash, and Sinéad Pow, (2023).
55. Assembly of the Union Thirty-Four Ordinary Session, 'Decisions, Declaration, Resolution and Motion', Article 16, 6-7 February 2021: https://au.int/sites/default/files/decisions/40231-assembly_au_dec_796_-_812_xxxiv_e.pdf (accessed 20

with restitution matters due to lack of mechanisms and systemic structures, addresses Africa's heritage resources that have been plundered and acquired illegally through illicit trafficking during wars and armed conflicts.

Rehumanisation is therefore the first step in a longer process of restitution. The overall goal should be to establish a network amongst museum and heritage professionals to collaborate on provenance research across the globe in effort to generate new research, build an international community of practice, and train the next generation of provenance specialists to address critical questions concerning the use of methods and insights across disciplines within provenance research and beyond (APOH & MEHLER 2020). The foundations of provenance research should therefore shift to human and object-oriented research to enable us to understand context issues of restitution and repatriation of cultural objects and human remains. This starts with embedding rehumanisation practices within the holding institutions. This has already begun in the University of Glasgow's Hunterian Museum.

Rehumanising the Hunterian

Over the past few years, staff at the Hunterian have started to confront and address the institution's complicity in empire, transatlantic slavery, and colonialism. Since 2021, one strand of this ongoing work has been conducted as a partner of the Devolving Restitution programme (2021-2022), a project that aims to build a better understanding of the scale, range and diversity of African collections in non-national museums beyond London.[56] Funded by Open Society Foundations, Oxford University and Art Fund, the broader programme has brought together regional and university partner museums and is structured around six themes: military looting, archaeological expeditions, objects of sovereignty, objects of belief, human remains, and scientific collecting. Largely due to its early history as an anatomy museum, the Hunterian has taken a specific focus on human remains.

The early stages of the project have involved scoping and provenance research which has been directed by dialogue with various practitioners, researchers and stakeholders. At the Hunterian, the working group has included staff from the curatorial and collection management teams, academics from the University of Glasgow, and affiliated researchers from the UK and southern Africa. This group has met virtually with partners and contributors from Scotland and Africa, and members of staff from Iziko Museums of South Africa. Discussions often centred around ways to address the colonial origins of the collections and proposed action around their research and return. These conversations have raised many important questions, for example, who is provenance research for, and how should findings be shared beyond the museum and university sector? Although no single answer emerged, it was agreed that initial research efforts should focus on the stories and histories of individuals whose remains now reside at the Hunterian. This represents just one small step in a longer process of relationship building and repatriation, but it has already affected important shifts in the language that staff at the Hunterian use to speak about the people held in the collection, and the perspectives that are sought through provenance research. At the centre of this work is a desire to show respect and rehumanise those individuals who have previously been treated as accessioned objects.

The Hunterian currently holds 4,127 items that it defines as human remains.[57] These vary from necklaces containing human hair to preserved organs that were at one time used for teaching anatomy.[58] Since early 2021, focussed research in the archives, historical registers, and storerooms have sought to clarify how many individuals of African origin are included in this number, the conditions surrounding their acquisition, and potential locations for their repatriation. This task was complicated by over two centuries of haphazard and unsystematised record keeping systems, dating back to the collections establishment in 1783.[59] For example, some individuals brought to the Hunterian between 1848 and 1877 were sporadically entered into a 'daily register' of the anatomical museum. This is now held in the personal papers of a former Professor of Anatomy and it was only when new accession numbers were allocated in 2002 that some details from this historical document were added to the collection database. Individuals brought

January 2025)

56. See a project outline at: https://www.prm.ox.ac.uk/african-restitution (accessed 25 August 2022)

57. See published list under "Hunterian Human Remains Holdings" https://www.gla.ac.uk/hunterian/about/ (accessed 25 August 2022)

58. Although the Human Tissue Act does not include hair and nails as 'human remains' these are included in The Hunterian definition due to their cultural significance in some societies.

59. The Hunterian Museum was built on the collection and bequest of Dr William Hunter (1718 – 1783). Hunter was a teacher of anatomy and built up a large private collection, which he bequeathed to the University in 1783, along with funds to create a suitable museum. The Hunterian was founded in 1807.

to the museum in the 1920s that were subsumed into the 'ethnography' collection are not present in any historical registers, but some details regarding their origin have been found in historical correspondence files, data from which was transferred to a paper catalogue in the 1940s. So far, thirteen individuals from the African continent have been identified, entering the Hunterian between 1848 and 1925.[60] The actual figure is possibly higher, but further identifications have not been possible due to the absence of records.[61] The limited documentation available suggests that the majority of the thirteen individuals identified came from southern Africa and were most likely Khoesan (a collective cultural group comprised of the Khoekhoen and San peoples). This points to the Hunterian's involvement in a long and violent history that saw the ancestral remains of Khoesan people stolen, commodified and objectified throughout the colonial era. Like elsewhere in Europe and Southern Africa during the nineteenth and early twentieth centuries, students and staff at the University of Glasgow used Khoesan ancestral remains to illustrate pseudo-scientific theories of phrenology, establish hierarchies of racial order, and to document so called 'dying races' (RASOOL 2015, BLACK & McCAVITT 2020).

Over the past decades, much attention has been paid to the ways in which colonial era archives function as both 'documents of exclusions' and 'monuments to particular configurations of power' (STOLER 2002). These features are particularly present and potent in the museum archives examined at the Hunterian. The individuals that recent research has focussed on were valued for the racial characteristics that they were thought to exhibit. Those who entered them into the registers of the anatomical museum, or wrote about them in letters, did not record their names, lived history, or biographies, because these details were not valued. People were framed as objects for the study of racial difference, and the only details considered important was their assumed ancestry, sex, and stage of life. Even today, it is these sparse details that are used to describe individuals in the collection management database. This has highlighted how historical processes of objectification are perpetuated through institutional record keeping systems and bureaucracy. In response, staff working on this project have begun to consciously shift the language used to talk about these people, to acknowledge them as human beings, and reject the labels, medical terminology, and accession numbers that they have previously been ascribed.

Similarly, it has been important to analyse discrepancies in what was recorded and omitted, where information is located, and what these details can tell us about historical and contemporary inequalities of power. As mentioned above, many relevant archival documents are located in the personal papers of former staff members, meaning that this history is initially dependent of a knowledge of these individuals. Although the names of people whose bodies are held by the Hunterian are absent in the archival record, the names of their so-called collectors and donors are usually present. So too are accounts of grave-robbing and illicit archaeological practices that these individuals conducted in order to obtain human bodies for study and exchange. Typical provenance research often uses the 'donor' as a starting point or anchor because they offer an access point from which to study historical events. However, by placing these individuals at the centre of our research processes, we allow them to dominate the historical narrative. Throughout this project, attempts have been made to reconfigure the weight given to individuals in this history, to move away from organising research around the lives and careers of perpetrators, and instead put their unnamed victims at the forefront of investigations. Although so called collectors and donors will always be part of these histories, and identifying locations for return often hinges on records of their movements and activities, finding ways to rethink their privileged status in historical accounts remains an important area for further work.

Conclusion

Attempting to unpick the histories of individuals is not only a practical step towards physical return, it is also an attempt to restore dignity to people who have been denied a biography and personhood. Museums will never be able to reconstruct these peoples' histories in full. This is because of the partial and exclusionary nature of colonial archives, but also because it is not only, or even primarily, Museum's story to tell. The museum can never be the sole author or authority on this history and going forwards the questions asked and solutions sought need to be shaped by those affected by past and ongoing injustices, in both the global south and north. Although much more work remains to be done, the subtle shifts in the Hunterian Museum's approach to the naming and research of people held in its collections

60. The thirteen individuals most likely originate from southern Africa (seven people), western Africa (one person) and Egypt (five people).

61. For example, this figure omits a further seventeen individuals of African descent whose remains were last recorded in a 1909 catalogue from the museum of the Anatomical Department, but who could not be located in recent audits.

represents a simultaneous doing and undoing that is central to the work of rethinking institutional practices and confronting histories that continue to shape the world we live in today. In establishing and sharing rehumanisation as a practice, museums can lead the way toward making rehumanisation not a metaphorical stand-in for 'decolonising', but a praxis and methodology of restorative justice.

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Keywords
Ruhumanisation, Human Remains, Restitution, Return

125 YEARS AWAY FROM HOME: THE RETURN OF A BENIN BRONZE FROM THE UNIVERSITY OF ABERDEEN

Neil Curtis

Abstract

The looting of Benin City by a British military force in 1897 resulted in the treasures of the Kingdom of Benin being dispersed among museums and private collectors across the world. There have been many calls for their return, but until recently this has been resisted by museums, notably the British Museum, such that this has become the highest profile campaign for the return of African cultural property. This paper is an account of the return of a Benin Bronze by the University of Aberdeen in 2021, including the story of its provenance, the pathway that was developed to enable the return and the media coverage of the return.

Introduction

On 19 February 2022, a copper-alloy bust of an Oba was handed to Ewuare II, the Oba of Benin, at a ceremony in Benin City, four months after being handed over in a ceremony in the University of Aberdeen. This was 125 years, to the day, after it had been looted by a British military force.

Probably made in the late 18th century, the commemorative head, *Uhunmwu Elao*, of an Oba, the king of Benin, would have been commissioned by his successor and placed on an altar in the royal palace (Digital Benin). This tradition is believed to date to the 15th century, with metal casting being carried out by a specialist guild of metalworkers in Benin City whose work has been shown to have been taking place since the 13th century (NWAKUNOR, 2022; PHILLIPS, 2021a). The city was large and impressive – an account by a Dutch eyewitness from the early 17th century, Olfert Dapper, described its circumference being about 40km, partly enclosed by a wall 3m high, with 'thirty very straight broad streets, each about 120 feet wide, as wide as the Keisersgracht or the Heerengracht in Amsterdam, from the houses on one side to those on the other, and in addition there are many broad intersecting streets, though these are somewhat narrower. The houses stand beside each other, built in an orderly way, as here in this country, displaying handsome fronts and verandas and roofed with palm or banana or other kinds of leaves. The are not higher than one story, but they are usually large with long galleries within, especially the houses of noblemen, and divided into many rooms' (quoted in HODGKIN, 1975: 160), while the royal palace was described as 'easily as big as Haarlem and enclosed by a remarkable wall, similar to the city wall. It is divided into many fine palaces, houses and rooms for courtiers and has beautiful long galleries about as big as the Exchange at Amsterdam, and one yet bigger than the others, all resting on wooden pillars, covered from top to bottom, which depict deeds of war and battle scenes. These are carefully maintained. Most of the royal houses in the court are covered with palm leaves instead of planks, and each is adorned with a pyramidal tower which has at its apex a skilfully wrought, very life-like copper bird, spreading its wings.' (ibid).

From the later 15th century, the kingdom of Benin had contact with Europe, initially with Portuguese diplomats, traders and missionaries, increasing the availability of metal for casting (PHILLIPS, 2021a). British involvement in West Africa grew in the 19th century, including Lagos being conquered as a colony in 1861, while the power of the kingdom of Benin waned. At the Berlin Conference of 1884-85, the European powers divided Africa into areas of influence, with Britain seizing control of the navigable reaches of the Niger and Benue rivers to ensure that they did not lose their control of trade and politics to other European powers (FALOLA and HEATON 2008).The traditional kingdoms like Benin struggled to maintain their independence within this new world, trying to negotiate arrangements with missionaries and traders, but stood little chance against the monopolistic and vicious power of Britain's Royal Niger Company and later by the colonial government itself. By the end of the century, 'the British extended their colonial grasp over Nigeria more as a result of superior military might and the willingness to use violence to achieve their ends than as a result of any other set of factors' (FALOLA and HEATON 2008; 109).

Europeans described human sacrifice and enslavement in Benin, and increasingly used this as justification for dominating the region, and ultimately attacking Benin City itself. The story of the British sacking of Benin City in 1897 has been discussed widely elsewhere (e.g. DOCHERTY, 2021; HICKS, 2020; PHILILIPS, 2022). Some, such as the British colonial administrator Alan Burns, argued that 'there is no doubt that the occupation of Benin by the British put an end to a bloodthirsty tyranny as terrible as there has ever been' (BURNS 1929; 166) and described the so-called 'Punitive Expedition' of 1897 as justified retaliation for the massacre of a previous British expedition. More recently, writers such as Plankensteiner have described the lead-up to the attack as the result of 'fatal misunderstandings on both sides' (2016; 136). However,

others, notably Hicks (2020) and Phillips (2021a), have emphasised the brutality of the British attack, with its underlying racist beliefs and the opportunities for economic exploitation overlain by a veneer of self-justification.

'Relatives behind bars'

The day after the assault on Benin City on 18 February 1897, the British occupying forces discovered hundreds of cast bronze plaques and busts, carved ivories and altars to at least thirty deceased Obas. These had been 'a record of history, spiritual beliefs and artistic progression over the centuries; effectively Benin's national library, cathedral and museum' (PHILLIPS, 2021a; 87). No systematic records were made of what was found, as to the British they were just loot – the word used at the time - that could be sold to pay for the costs of the 'Punitive Expedition' or to enrich those who had taken part in the attack. The city was largely destroyed by a fire a few days later and the Oba, Ovonramwen Nogbaisi, was forced into exile. However, within the colony, later nation-state, of Nigeria, the kingdom of Benin has continued as a traditional kingdom, even if missing most of its national treasures and having lost its sovereignty.

Instead, the thousands of so-called Benin Bronzes were sold across the world to private collectors and museums. Hicks suggests that 'a total of 161 confirmed or potential collections of Benin 1897 loot worldwide are identified. Of these, around half are in either the UK (45) or the US (38). There are also collections in an estimated 25 German museums and nine Nigerian collections' (2021; 240). While some of these collections are very large, such as the British Museum (944) Ethnologisches Museum Berlin (518), Field Museum (393), Museum of Archaeology and Anthropology, University of Cambridge (350), Staatliche Ethnographische Sammlungen Sachsen und Staatliche Kunstsammlungen Dresden (283), many important museums in Europe or North America have at least one (figures from Digital Benin website).

Among these was the University of Aberdeen's museum. This paper tells part of its story, focusing on the time it spent away from the place of the Oba of Benin, between its looting in 1897 and its return in 2022. There are many stories associated with it - some forgotten, some remembered - from different perspectives. This is my story, also drawing on published material, which tries to illuminate how it came to be one of the first returned to the Oba in recent times and what this means for museums with similar collections.

The University of Aberdeen was established in 1495 and has had a museum since at least the 1780s. While much of the collection is drawn from the North-East Scotland, the former importance in teaching of Classical Greek and Roman literature saw Mediterranean antiquities being collected, while the activities of graduates and staff in the British Empire during the 19th and 20th centuries saw the collection becoming world-wide in scope. While most of the collection was donated to the University, between the 1950s and 1970s a small number of purchases were made at auction by the Honorary Curator of the Anthropological Museum and Regius Chair of Anatomy, Professor Robert Lockhart.

The Head of an Oba was one such, purchased at Sotheby's in London in 1957 from Mr H.B. Bell-Syer. A provenance investigation for the University by Alex Tweedy at Lyon & Turnbull Ltd., Auctioneers found that the Head of an Oba had been purchased by the University from Mr. H.B. Bell-Syer at Sotheby's in London on 18 March 1957 for £750. Its previous provenance was unclear, though an advert for an exhibition of 'an important collection of rare ivories and bronzes from Benin City' by Sydney Burney in 1927 in the Burlington Arcade in London of items from Benin City included a photograph of it (BURNEY, 1927). At the time, Burney was the most influential dealer in 'primitive' and modern art in London (JEFFREY, 2000). In 1928 he held an exhibition of 'Modern and African Sculpture' (LLOYD,) and in 1933 an exhibition 'Sculpture of All Ages, Irrespective of Time and Place'. These were among the earliest to display African and European items alongside each other as equal works of art, which was in contrast to the initial reaction to the Benin Bronzes in England in which they 'seem to have been considered interesting only as ethnographical curiosities, with no understanding of their artistic significance' and 'looked upon as "hideous idols"' (CLARKE, 1935; 129). Burney's 1933 exhibition was therefore described by the sculptor Dora Clarke as 'unforgettable' and 'tremendously stimulating' (ibid: 134). Unfortunately, while it is plausible, it is not known whether the Head of an Oba that later came to Aberdeen was exhibited in these comparative exhibitions, nor has it proved possible to identify who originally took it from Benin City. The Head of an Oba was included in an exhibition in 1960 to celebrate the independence of Nigeria, and then displayed in the University's Anthropological Museum until 1979. Partly due to it having been purchased and so not having a historical link with the university, it was not exhibited in the new exhibition galleries developed in the 1980s and 90s.

Victor Ehikhamenor (quoted in PHILLIPS 2021a; xxii) has described the Benin Bronzes as being 'relatives behind bars', and there have been many claims for them to be returned. Despite suggestions that there were no repatriation claims until recently (OPOKU, 2011), as early as 1935 Oba Akenzua II requested the return of two brass stools, and was successful in seeing the return of some of the royal regalia in 1927 (PHILLIPS, 2021). The British colonial government established a museum in Benin City in the 1940s, led by Kenneth Murray, who was instrumental in building up a collection by purchases on the art market and collaboration with the British Museum (PLANKENSTEINER, 2016). In the 1990s, a campaign to return the Benin Bronzes from UK museums was spearheaded by the late Labour MP Bernie Grant in his role as Chair of the African Reparations Movement UK. His main focus was the collection in Glasgow Museums, but although there is a letter from him to the University enquiring if there were any Benin Bronzes in the collection, a claim was not made.

In 2003-4, the University's Marischal Museum mounted a temporary exhibition 'Going home: museums and repatriation' (CURTIS, 2007) which told the story of the return from the University of a headdress/ sacred bundle to the Kainai Nation in Canada in 2003, and raised some of the issues behind requests that have been handled by other museums. A highlight was the high-profile case of the Lakota Ghost Dance shirt, returned to the Lakota people from Glasgow Museums in 1999 (Curtis, 2010). The Head of an Oba was included in this exhibition, with the label saying that 'the Nigerian Government and the Oba of Benin have been asking for their return. However, most museums have resisted, pointing out that the National Museum of Nigeria has one of the best collections in the world. Another concern has been a number of thefts from West African museums which have led to material appearing on the black market, while the president of Nigeria took a bronze head from the museum to present as a gift to the Queen.' This comment followed the advice of Frank Willett of the Hunterian Museum in the University of Glasgow and a leading scholar of West African art who reported that there had been many thefts from Nigerian museums and from the royal palace in Benin City and said that 'I would recommend that, for the present, nothing be repatriated from British collections to Nigeria' (WILLETT, 2000; 129).

In 2007, the exhibition *Benin: Kings and Rituals* opened in the Museum für Völkerkunde in Vienna, before travelling to Paris, Berlin and Chicago over the following year (PLANKENSTEINER, 2007). This highlighted the importance of the Benin Bronzes, and also the iniquity of them not being displayed in Benin City. As a result – and probably to forestall repatriation claims – the Benin Dialogue Group was formed. This brought together representatives of the European museums with the largest collections with representatives from Nigeria, aiming for 'the development of the new museum in Benin City to which all the listed European and Nigerian partners will contribute from their collections on a rotating basis' (Benin Dialogue Group, 2018). Other museums had started to highlight the history of looting in their interpretation, such as Bristol Museums' 'Uncomfortable Truths' project, which described the Benin Bronze in the collection as 'an object that focuses attention on the violent and painful stories of colonial rule in Africa.' (Bristol Museums, n.d.), and National Museums Scotland whose interpretive text included the statement that 'the location of these objects in museums outside of Nigeria has been contested ever since the mid-20th century and remains unresolved today' (quoted in HICKS, 2020; 216).

Building a pathway home

By the late 1980s, some museums had begun to listen to the claims for repatriation of ancestors and sacred items, later supported by declarations, such as the 1992 Task Force Report on Museums and First Peoples in Canada, and law, notably the 1990 Native American Graves Protection and Repatriation Act in the USA. While initially most repatriations took place to Indigenous people from museums in Canada, the USA, Australia and New Zealand, there were a handful of international examples. Glasgow Museums were among the earliest, returning ancestral remains to Australia in 1990 and, as mentioned above, the Lakota Ghost Dance shirt in 1999, though they rejected Bernie Grant's request to return Benin Bronzes in 1996 (CURTIS, 2010). Many of the arguments against repatriation from museums turned on their role as 'Universal Museums', with repatriation seen as diminishing the world's cultural heritage. I have discussed this elsewhere (CURTIS, 2006), arguing that that apparent neutrality of the claim to be 'Universal Museums' is undermined by a very narrow conception of the world's cultural heritage and the maintenance of specific power structures that were closely tied to inequality and colonialism.

By the late 2010s, it had become clear that, while the major museums with Benin Bronzes were focussing on loans and digital access, the demand for their full return was becoming louder. Mark Walker, the grandson on one of the looters, returned two bronzes that he had inherited to Oba Erediauwa in 2014 (PHILLIPS, 2021a), while two years later 'members of the Jesus College Student Union at the University of Cambridge

voted unanimously to support the repatriation to Nigeria of a bronze cockerel, known as Okukor, which at that time stood in the college dining hall' (ZETTERSTROM-SHARP and WINGFIELD, 2019: 1). The same paper has argued that the College's agreement to remove Okukor 'was transformed through student action and public response into a debate about the far less comfortable issue of continuing structural racism at the university' (*ibid*,10). In his first speech in Africa as French president, Emmanuel Macron said that he could not 'accept that a large part of the cultural patrimony of several African countries is in France. There are historical explanations for this, but there is no valid, durable, or unconditional justification for it' (SUTTON, 2017). In 2019, the Rhode Island School of Design (RISD) decided to deaccession a Benin Bronze in its collection prior to its return (RAICOVICH, 2019), while the wider demand for museums to return items to Africa engaged an even wider audience in a scene in the 2018 superhero film *Black Panther*, showed the leading character in the fictional 'Museum of Great Britain' challenging a curator, 'How do you think your ancestors got these? Do you think they paid a fair price? Or did they just take it, like they took everything else?' (COOGLER, 2018).

Most museums in Scotland have the legal power to transfer ownership of items in their collection in line with Scots property law, in which they are able to transfer items in which they have title to another institution or individual. Glasgow Museums therefore developed a set of five criteria in 1998 (Glasgow City Council, 2000) to consider claims, which has been very influential, including in the development of a procedure by the University of Aberdeen. The Aberdeen procedure has been discussed elsewhere (CURTIS, 2010), and has 'educative' criteria which do not specify a particular threshold that must be reached, instead setting a framework for a discussion. It also establishes a University Advisory Group, including people bringing academic, curatorial, managerial and governing understanding – unusually, the 'claimant' is also entitled to nominate a member of the panel and so participate in decision-making. This approach is, however, reactive and depends on a claim being submitted.

Although there had been no protests about the Benin Bronze in the University of Aberdeen, in December 2019 the University's Senior Management Team supported a proposal from the museum that an approach should be made to initiate a process that could lead to its return rather than waiting for a claim to be made. However, with the Benin Dialogue Group's focus on loans, and no pathway identified by either Jesus College or the RISD, it was not clear what the best approach should be. As Jan Howard of RISD (quoted in RAICOVICH, 2019) said 'The difficulty is that there isn't a clear way that has been established for how such a work can be repatriated. The national government is separate from the Palace of the Kingdom of Benin and I believe that's been one reason that many other museums have been hesitant about moving forward. What happens once you state you want to repatriate an object? Who claims it?.... You have to be sure about who you're returning it to and that it won't be challenged.'

By early 2020, the University of Aberdeen was in touch with a small group of curatorial staff working for museums responsible for Benin Bronzes, but which were not members of the Benin Dialogue Group. All had experience of repatriation and were positively disposed to returning Benin Bronzes, but none had a clear pathway to discuss return and the institutional backing to be proactive. While not being a member of existing networks offered the opportunity for Aberdeen to make its own contacts to offer to return the Head of an Oba, without contacts in Nigeria or an understanding of their relationships, it was difficult to know where to start. As Jos van Beurden, author of 'The return of Cultural and Historical treasures: The Case of the Netherlands' (2012) and owner of the Restitution Matters' Facebook group has pointed out (AKAN, 2021), there are at three main stakeholders in Nigeria – the National Commission on Museums and Monuments and the Federal Government, the Edo State Government, and the Court of the Oba of Benin.

Through van Beurden, contact was made with Bankole Sodipo, Professor of Law at Babcock University, Nigeria, who was able to initiate discussions with the range of relevant Nigerian institutions in a way that would otherwise have been impossible for an institution based in Scotland. He passed on full information about the Benin Bronzes in the collections and details of the University's procedure to the relevant people. Information about a second head was also provided, but it was agreed that as this had been made after the 1897 looting it would not be part of the proposal for return. In response to this approach, in early August 2020 a formal claim was received from Lai Mohammed, Minister of Information and Culture of the Federal Republic of Nigeria. Over the coming months, the Court of the Oba of Benin, the National Commission for Museums and Monuments (NCMM) and, after his re-election in September (INEC, 2020), the Governor of Edo State, sent messages of support for this approach.

At the same time, other things were happening. The murder of George Floyd in May 2020 and the subsequently raised profile of the Black Lives Matter movement, including the toppling of the statue of Edward Colston in Bristol in June 2020 (HORVARTH & WHITE, 2024), demonstrated the continuing impact of colonialism throughout the world, a focus on Africa, and the demand for political action. In September, the BBC reported (PHILLIPS, 2020) that the Governor of Edo State, Godwin Obaseki, had hired Sir David Adjaye, architect of the National Museum of African American History and Culture in Washington DC, to design a museum in Benin City, with the British Museum announcing that it would work with the Legacy Restoration Trust to support an archaeological investigation as part of the building of the museum to 'enable a permanent display of Benin works of art, including significant collections of works currently in UK and European museums' (British Museums, 2020). At the end of October, *The Brutish Museums; The Benin Bronzes, Colonial Violence and Cultural Restitution* was published (HICKS 2020), in which Dan Hicks passionately argued that museum collections are inextricably bound up with colonialism, and that that violence continues through the presence of looted objects in museums.

In October 2020, the University of Aberdeen was able to establish an Advisory Group to consider the return of the Benin Bronze, with membership including Bankole Sodipo as the representative of the claimant and Steph Scholten of the Hunterian, University of Glasgow as external member. The Advisory Group met online in January 2021 to discuss a draft report, which included the provenance report and the claim letter from the Nigerian government. The discussion followed the University's criteria: a) Identity of the item; b) History of possession and/or ownership of the item; c) Connection between the item and the claimant; d) Significance of the item to the claimant and to the University; and e) Consequences of return to the claimant or retention by the University (University of Aberdeen, 2018). The Advisory Group unanimously supported the proposed return, after which the paper (with minor revisions made by the Advisory Group) was presented to the University's Senior Management Team in February 2021 and then the University Court (the University's governing body) for a final decision in March 2021. In both cases, the proposal was supported unanimously.

The report (University of Aberdeen, 2021a), and thus the decision, made some key points:

> 'That this item was looted from Royal Court of Benin in 1897 is beyond reasonable doubt. The claim is made and supported by the most appropriate authorities, namely the Nigerian federal government with the support of the Edo state government and the Royal Court of Benin. Analysis of the claim according to the agreed criteria led the Advisory Group to propose that there be an unconditional transfer of legal title to the Federal Republic of Nigeria, as any conditions being placed on the return would perpetuate the same imbalance of power seen in the original looting and be an illogical consequence of recognising the items as having been looted.'
>
> 'A decision by the University to return the Head of an Oba would be aligned with the University's strategic plan and its commitment to be alert to cultural differences, promote international collaboration and secure the highest standards of equality, diversity and inclusion. It would also place the university in an international leading role in favour of restitution from other museum collections.'
>
> 'There will need to be a carefully planned communications and media strategy as there is likely to be a complex and high-profile mix of both positive and negative coverage and responses. Following the University's procedure, the University and claimants should agree to a joint strategy before any public announcement.'
>
> 'Previous repatriations have involved a ceremonial transfer in Aberdeen, after which responsibility for packaging and transport has been passed to the claimant. The Covid pandemic may make a transfer of title and hand-over ceremony in Aberdeen difficult, but it would be possible to arrange a transfer of title at a distance, including an online ceremony with representatives of the Nigerian Government and the Court of the Oba, and to agree the timing and details of the subsequent physical transfer.'

A series of key principles underlay the approach to media engagement about the decision and the planning of the handover. These were 'that the language should recognise the Benin bronze was never 'ours', that we should acknowledge fully the reprehensible circumstances in which these objects were looted, that we should take a transparent approach to how and when the object was acquired by the University, and that

all information should be approved by the Nigerian partners and that their voices should be central to any announcement' (University of Aberdeen, 2022)

Jesus College, Cambridge was also contacted in February 2021, to share information, particularly about the pathway for return involving NCMM and the Oba, and to co-ordinate timelines as appropriate. While Jesus College had successfully requested permission from the Charities Commission for England and Wales to be permitted to return the Benin Bronze as an ex gratia payment under the Charities Act 2011 (Jesus College, n.d.), this process was not followed by the University of Aberdeen as there is no equivalent process in Scotland, while in any case the decision to return was within the University of Aberdeen's charitable purposes. Shortly after the meeting of the University Court on 23 March 2021, a media release was issued (University of Aberdeen, 2021b). This had been carefully prepared in advance, accompanied by a set of photographs, and a short video. Among the quotes, George Boyne, the University Principal said 'It would not have been right to have retained an item of such great cultural importance that was acquired in such reprehensible circumstances. We therefore decided that an unconditional return is the most appropriate action we can take, and are grateful for the close collaboration with our partners in Nigeria' (ibid), while Alhaji Lai Mohammed, the Minister of Information and Culture of Nigeria said 'The reaching out by the University of Aberdeen and eventual release of the priceless antiquity is a step in the right direction. Other holders of Nigerian antiquity ought to emulate this to bring fairness to the burning issue of repatriation' (ibid).

Media interest was substantial, appearing in a wide variety of local, national and international outlets as well as being syndicated by AFP and Reuters. The story appeared in The Guardian, Daily Mail, Press and Journal, Evening Express, Daily Express, The I, The Times, The Scotsman, CNN, News Central Africa, the Times of Africa, The News (Nigeria), US News, EuroNews and The National Middle East Daily, while broadcast coverage included BBC Radio 2, BBC Radio 4, BBC Radio 5, Times Radio, BBC World Service, BBC Scotland, BBC Radio Scotland, Original FM and Northsound. In a few cases, the story was slightly confused by reports on 22 March that the director of the Humboldt Forum in Berlin had said that the Humboldt Forum would not display Benin Bronzes when it opens, and that he expected to see a return of some of them to Nigeria by the autumn (GREENBERGER, 2021), while others more clearly showed both decisions as part of a wider shift in attitudes (KENDALL ADAMS, 2021). There were particularly full discussions on Channel 4 News on 31 March (MANJI, 2021) and Al Jazeera's '*The Stream*' on 28 April (Al Jazeera, 2021a), while it also featured din the closing segment of Sathnam Sanghera's '*Empire State of Mind*' broadcast on Channel 4 on 27 November 2021 (SANGHERA, 2021). An extended interview was published on the Afronomicslaw blog (ADEBOLA and CURTIS, 2021), which also published an interview with Bankole Sodipo (ADEBOLA and SODIPO, 2021).

Social media coverage was also substantial, helped by people such as David Olusoga, Dan Hicks, Alice Proctor, and MC Hammer who retweeted posts by the University, resulting in an over 2000% increase in impressions to 41.3 million within a few of days. This was also carefully managed, with a series of Tweets and Facebook posts prepared in advance for the main University channels and those of Museums and Special Collections. Posts in the preceding days focused on issues that were unrelated to the Benin Bronzes, such as medical research, to minimise the likelihood of the announcement being affected by other issues. A Microsoft Teams group was established that drew together museums and communications staff so that responses could be considered carefully and speedily, including escalation to senior staff, throughout the days following the announcement. For example, in response to suggestions that European museums could not be trusted and that a fake would be returned, there was a post which outlined the close collaboration between the University and Nigerian partners throughout the process, rather than a direct rebuttal. An analysis of the sentiment of social media posts showed that they were overwhelmingly positive. Most of those that were initially recorded as negative were using terms such as 'extremely immoral' and 'looted' which were also used in the University's media release.

In all interviews and social media posts, the focus was on the decision being the natural outcome of a recognition that the Head of an Oba had been looted, so the University was returning stolen property. This followed the idea that the University had legal title – and so was entitled to decide to transfer ownership to another organisation – but did not have moral title. Woodhead has argued that the use of this idea by museums can be seen to have developed in the context of the resolution of Nazi era claims and that 'moral title provides a mechanism by which to recognize the particular strength of the moral claim and also the situations where there is a moral obligation on the institution regarding the object' (WOODHEAD, 2015; 248). Key words used were therefore 'Unconditional return' and 'Truth' – the former also a reference to

the University's 'foundational purpose' of being 'Open to all and dedicated to the pursuit of truth in the service of others' (University of Aberdeen 2020). It was striking that the London Times, which could have been expected to have been critical, described the decision 'seemed entirely fair and reasonable' and that 'where theft by Britain was involved there is no reason not to repatriate treasures'...Its rightful place is in Benin City' (The Times, 2021).

'We are recovering a family member'

Having announced the decision to return the Benin Bronze, the timing of its legal and physical transfer was still to be arranged in conjunction with the Nigerian stakeholders. This took place seven months later, on 28 October 2021, due to a number of factors.

In November 2020, a few months before the Aberdeen announcement, plans had been revealed for a new museum in Benin City, the Edo Museum of West African Art. (STEPHENS, 2020). In July 2021, however, it was reported that the Oba had said 'The looted artefacts awaiting repatriation from Europe are the cultural heritage of the Benin Kingdom, created by our ancestors and forefathers with the traditional norms and rights of the Kingdom. They are not the property of the state government or any private corporation or entity that is not a creation of the Benin Kingdom' (Oba of Benin, Ewuare II, quoted in OLU, 2021). It was also reported that 'Governor Godwin Obaseki and some individuals had allegedly gone ahead to register a company (Legacy Restoration Trust Limited) with a view to diverting the artefacts to a private museum' (OLU, 2021). PHILLIPS (2021b) noted that 'The British Museum has signed a deal with the LRT for an archaeology project in Benin City. The German government is discussing doing the same, and funding an LRT building to initially house returned Bronzes. These contracts are worth millions of dollars. British and German officials, as well as other Europeans, embraced the Trust in part because they believed it and the Oba were working together.'

For Aberdeen, with its return predicated on an agreement with all parties, this was potentially problematic. Following the University's decision, direct contact continued with NCMM, and they in turn were in contact with the other partners, particularly the Court of the Oba, in planning the return. Nonetheless, the role of the Governor of Edo State became less important, and the Legacy Restoration Trust was not brought into the agreement, as might have been anticipated. Instead, an agreement was reached between the federal government that it was 'the entity recognised by international law as the power in control of antiquities originating from the country' (SILAS, 2021), but that Benin bronzes 'must be returned back directly here [i.e. the Court of the Oba] or through the agency of the federal government with whom we are collaborating' (Charles Uwensuyi-Edosomwan, quoted in Arise News 2021a). By the end of the year, NCMM was playing the lead role in international diplomacy, with the intention that the Bronzes then be returned to the Court of the Oba. The Legacy Restoration Trust continued to pursue its plans for a new museum, but no longer being positioned as an intermediary (PHILLIPS, 2022).

A meeting of the Benin Dialogue Group at the British Museum on 25 October became the ideal opportunity to collect the Bronzes from Aberdeen and Jesus College during the same visit. The original plan for this meeting appears to have included an open meeting for other museums with Benin Bronzes (in mid-September the University of Aberdeen was invited to attend), though in early October this was postponed. It was reported in the media that a formal letter of claim was handed over to the British Museum during the meeting of the Benin Dialogue Group (Brown, 2021), though this was not mentioned in the media statement issued a few days later (Benin Dialogue Group, 2021).

The detailed arrangements for a ceremonial return were made by the University, including staff from the Events team, working with NCMM. This followed a request for a high-profile ceremony by Nigerian organisations and individuals: the University would have been content with a small-scale private event. Continuing restrictions caused by Covid-19 in both Nigeria and Scotland mean that a physical ceremony was not immediately possible. Indeed, during autumn 2021 no more than 50 people were permitted to attend an indoor event in Scotland. This curtailed opportunities for a public ceremony or substantial media involvement, and also meant that the guest list had to be very carefully managed. Arrangements were also discussed with Jesus College, Cambridge, which handed over a bronze cockerel, Okukor, the day before the Aberdeen ceremony (Jesus College, Cambridge, 2021).

Work also included agreeing the text of a media release in advance, which included quotes from the Oba of Benin, who said 'we thank the University of Aberdeen for this noble act of returning our bronze work. We hope that other institutions worldwide will see the injustice when they insist on holding on to items

which in fact should be a reminder to them of the great injustice that was inflicted on a people so far away and so long ago.' Professor Abba Isa Tijani, Director-General of NCMM, said: 'We at the National Commission for Museums and Monuments of Nigeria really appreciate the initiative of the University of Aberdeen to release the Benin Bronze head in their collection. The University commenced this move without being instigated. This is unprecedented'. The Minister of Information and Culture of Nigeria, Alhaji Lai Mohammed, was quoted as saying 'Nigeria warmly welcomes the return of the Benin Bronze Head by the University of Aberdeen and once again calls on all individuals, organizations and countries in possession of Nigerian artefacts to voluntarily return them to where they belong – Nigeria', while Professor George Boyne, Principal and Vice-Chancellor of the University of Aberdeen, said: 'Over the last 40 years the Benin Bronzes have become important symbols of injustice. 'It would not have been right to have retained an item of such great cultural significance that was acquired in such reprehensible circumstances.' (University of Aberdeen, 2021c).

The transfer of title document was not finalised until the guest list was confirmed the day before the ceremony. The transfer agreement was based on those deriving from previous returns by Aberdeen, but was edited in collaboration with Babatunde Adebiyi of NCMM. It included an unconditional transfer of ownership and responsibility of the Head of an Oba to NCMM from the time of the signing, a transfer of copyright in images, and an agreement to give copies of images and documentation to the NCMM. A paragraph was added by NCMM stating that it would 'secure this object…in such a place and circumstances conducive until they can be exhibited at the Oba's palace or other agreed place(s).' It was signed at the ceremony by Professor Abba Isa Tijani (Director-General of NCMM), Babatunde Adebiyi (Legal Adviser/ Director, Legal Services, NCMM), Professor George Boyne (Principal and Vice-Chancellor of the University of Aberdeen), HRH Prince Aghatise Erediauwa, on behalf of HRM the Oba of Benin, Ewuare II), Chief Charles Uwensuyi-Edosomwan (Legal Advisor to HRM the Oba of Benin, Ewuare II), HE Suleiman Sani (Deputy High Commissioner of the Federal Republic of Nigeria) and Neil Curtis (Head of Museums and Special Collections, University of Aberdeen). A Memorandum of Understanding was also signed between the University of Aberdeen Museums and Special Collections and NCMM, Nigeria to establish a cooperative relationship – this was not a condition of the return, but grew out of the collaboration leading to the return.

There were speeches by the representatives of the key institutions, and the signing of the legal transfer document. The ceremony opened with the University's Chapel Choir singing 'The Rowan Tree', a traditional Scottish song, and closed with them singing 'Come walk with me, for the journey is long' from South Africa (University of Aberdeen, 2021d). Speaking after the ceremony, Chief Charles Uwensuyi-Edosomwan (quoted in ANDONOVA 2021) said 'For us this is the recovery of a long-lost family member. These sculptures represent us. They are wrongly described as art pieces – they are not. It's flattering that people find them beautiful but they weren't carved for their beauty for them to be displayed as art. For us they are so much more than that and they need to come back to us. It's a representation of us and our ancestors – those who have been there before us and watch over us now, and the ones we look back to when we want to move forward.' Barnaby Phillips, closed the afterword to the paperback edition of *Loot* by reflecting 'As we spilled out into the damp Aberdonian night, and it felt inevitable that more and more Benin Bronzes would soon be making that same long journey home' (PHILLIPS, 2022; 306).

After the ceremony, the Head of an Oba was put in secure storage overnight, before being taken to Aberdeen Airport the next morning where it accompanied the Deputy High Commissioner on his flight to London.

Conclusion – 'The beginning of the restitution of our artefacts'

The return of the Head of an Oba to Benin City was still not straightforward. The Nigerian High Commissioner later reported that the High Commission was contacted to request that it apply for a UK export licence (Arise News 2022). While it would have been possible for this to have been avoided by use of diplomatic procedures, the High Commissioner said that they respected UK law, noting that 'They have a lot of these objects to come home. And that starting point matters a lot.' (Safari Tunji Isola, reported in Arise News, 2022). Because of this delay, at a ceremony in Benin City in December 2021 that celebrated the fifth anniversary of the accession of Oba Ewuare II, the Bronzes formerly in Cambridge and Aberdeen were signed over to the Oba by the High Commissioner (Al Jazeera, 2021b; Arise News, 2021b). Finally, on 19 February 2022, in the presence of the current Oba of Benin, the Bronze depicting his predecessor was removed from the carrying crate in which it had left Aberdeen. Speaking on behalf of the Oba, Prince Aghatisse Erediawau said 'We are witnessing today the beginning of the restitution of our artefacts which

were taken away in 1897.' (Arise News, 2022), while palace spokesperson Charles Edosonmwan said 'They are not just art but they are things that underline the significance of our spirituality' (FLEARY, 2022).The transfer also highlighted the respective roles of the Federal Government and its National Commission on Museums and Monuments – as the internationally-recognised authority to receive items, and the Court of the Oba – as the final recipient (Nwakunor, 2022).

From that beginning, the news about other returns initially accelerated. The pathway established for the return from Aberdeen was now clear for others to follow, and NCMM is now in discussion with museums across the world. In January 2022, Newcastle Castle announced its intention to return a brass stave, with a bird sculpture on top, acknowledging advice from Aberdeen in its decision to do so (BBC, 2022). In April, Glasgow City Council announced its decision to return 17 Benin Bronzes (CASCONE, 2022), while August saw the Horniman Museum in London announce its intention to return those in its collection (Horniman Museum, 2022a), with six items, including two plaques, returned in November alongside an agreement that signed over ownership of the others in the museum (Horniman Museum, 2022b). Following the intention announced in March 2021, in August 2022 the Stiftung Preußischer Kulturbesitz transferred ownership of the 512 Benin Bronzes in its collection to NCMM, with the agreement that 'the first objects will be physically returned to Nigeria this year. About a third of the treasures will remain on loan in Berlin for at least 10 years and exhibited at the Humboldt Forum in Berlin.' (Reuters, 2022). This approach, that ownership be transferred to Nigeria, but that some will be loaned to museums for display may offer the best imaginable outcome in which the main exhibition of Benin Bronzes will be in Benin City, but with people throughout the world able to see examples. As Oba Ewuare II said 'We are also aware that the major museums will miss having Benin bronzes in their collections. I believe that a working arrangement can be agreed, whereby our ownership of the artefacts having been established, those museums will continue to enjoy the presence of our artefacts' (quoted in USMAN ALIYU, 2022).

In March 2023, the outgoing Nigerian president, Muhammadu Buhari, issued a decree that the Oba was the rightful owner of all returned Benin Bronzes and that he is 'responsible for the management of all places where they will be kept' (quoted in PHILLIPS 2023). Phillips also reported that the National Commission on Museums and Monuments were 'blindsided' by the announcement as there had not been discussion about what this would mean in practice, and that a handover by Cambridge University's Museum of Archaeology and Anthropology was postponed as a result. This arrangement, which follows the pathway taken by the Head of an Oba returned form Aberdeen, has been argued to mean that they are to move from being public property in a museum to private ownership, with the Oba having 'no obligation to show them to anybody. There seems little to stop him from selling them if he wishes, although the Nigerian federal government can impose export controls. The art will be, in almost every sense, the Oba's private property' (FRUM 2022). However, this is to see Ewuare II as private individual, rather than the traditional monarch who is the direct descendent and successor of Oba Ovonramwen N'Ogbaise. It also assumes that Western museums should have the right to determine the future of the Benin Bronzes.

A further challenge came from the Restitution Study Group, which argues that the Benin Bronzes were 'made with metal manilla ingots paid to Benin Kingdom slave traders in exchange for the ancestors of... enslaved people' (Restitution Study Group, n.d.), and that the descendents of enslaved people should therefore have co-ownership of the Benin Bronzes (FARMER-PAELLMANN, 2023) and that that they should continue to be held in museums where they are accessible to those descendents. A legal claim against the Smithsonian Institution's return of Benin Bronzes was lost in the district and appeals courts, largely on the grounds that the Smithsonian had the legal right to transfer ownership, while the US Supreme Court decided not to hear the case (SUTTON, 2024). There is a danger that the moral claim by the descendents of enslaved people will be used by museums reluctant to discuss returning loot as a reason to delay discussions with the Court of the Oba and the Nigerian government. As Nigerian writer Adaobi Tricia Nwaubani has said, 'Each time I have written about the legacy of slavery in Africa, I have received hundreds of messages from African Americans expressing worry that my stories might affect their quest for reparations from white descendants of slave owners, who might use stark evidence of African involvement in the transatlantic slave trade as an excuse to wriggle out of blame for their ancestors' atrocities' (NWAUBANI, 2022).

The return by the University of Aberdeen showed that the return from a museum collection could be achieved without great difficulty, but that it had to be done in close collaboration with the proposed recipients. The process involved critical thinking and ethical debate, but the decision lay in the truth that

the Head of an Oba was stolen property, so should be returned to the Court of the Oba from where it had been looted. There are many other stories that entangle the University of Aberdeen and Nigeria, including the legacies of slavery, the collections created as part of colonial rule, and the experiences of the growing number of Nigerian students and graduates. With decision-making now lying in Benin City, we can now start to look at these connections and build new relationships in a spirit of truthfulness and equality.

Acknowledgements

This paper is a personal perspective on the story of the return of a Benin Bronze from the University of Aberdeen, also referring to a variety of published sources. It is far from attempting to be an authoritative account, and does not pretend to speak on behalf of other people. However, I have tried to emphasise that the most important stories are that of perspectives from Benin City, even though I cannot tell those stories.

I am indebted to the many people whose contributions were critical throughout and with whom I have had many discussions. Rather than some being named, and some anonymous, I am not listing names here, but want to thank my colleagues and friends in the University of Aberdeen and museums elsewhere, and our partners in Nigeria to whom I am indebted for their understanding and friendship. I do, however, want to offer particular gratitude to Dr Babatunde Adebiyi, Prince Aghatise Erediauwa, and Professor Bankole Sodipo. Thank you.

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Keywords

Benin Bronze; Restitution and Repatriation; Kingdom of Benin; Nigeria; University of Aberdeen

INSIDER RESTITUTIONS: SEEKING A BALANCE BETWEEN US

Ana Isabel Díaz-Plaza Varón

Abstract

When thinking about decolonization one's mind usually travels to exotic countries and non-European cultures housed in anthropological museums. However, many folk tradition museums located in cities have done a similar task to the anthropologists working in those faraway lands. They observed the rural world as a depressed environment on the path to extinction that had been generating objects worth protecting for posterity. Currently, many regions are seeking the return of their original craftwork objects given that their local potteries, looms, and artisans have disappeared. They are now seeking to highlight the value of their local history through the objects that are conserved in the museums located in cities. The Museo de Artes y Tradiciones Populares (Museum of Arts and Folk Traditions) of the Autonomous University of Madrid is in possession of a large collection of Spanish pre-industrial objects that were rescued from disappearance due to industrialization. Today, a debate is ongoing due to the number of requests for restitution by communities of origin. The causes and possible answers to restitution petitions at a national level, that can often go unnoticed in European nations are raised herein. The objective is to consider the ethical questions facing museums at the present time, and the possible answers that invite the integration of each community of origin in the development of museum activities.

Introduction

In recent years, many museums around the world have been immersed in the debate about the origin of their collections and the ways, either legally or illegally, in which they were obtained. Although the restitution protocols and the core of the discourse lie in the ethical return of the objects to their original communities, these requests generally come from outside the country. Since the colonization and period of oppression, we can also find ethical debates in museums and collections, and even in those institutions that have not experienced such cases directly. Even when the collections have been formed with the consent of their creators or legitimate owners, museums that hold works from the past are not exempt from criticism.

On the other hand, the enhancement of living cultural activities, identified as "intangible heritage" has gained special relevance, encouraging countries to legislate rules for their protection (UNESCO 2024). As a result, in museums that preserve objects linked to social events (holidays, rituals, religions, etc.) controversy has been raised about the purpose of these objects in exhibitions.

University museums have traditionally held objects for teaching and research purposes. However, this intangible heritage refers to a broader space, where the objects fulfil a priority function in a broader social sphere and have been, for this very reason, more linked to local or national museums than to university museums. If the challenge of managing intangible collections is complex, it is even more so in the context of university museums, where the social demands of this type of collection represent a real novelty.

This article reflects on some of the challenges faced by the Museum of Popular Arts and Traditions, an ethnographic museum of the Autonomous University of Madrid (Spain), in responding to requests for restitution, both material and moral. The Museum of Popular Arts and Traditions preserves in its collections many objects from the country's pre-industrial past that were collected for study, conservation and exhibition. At the time when they were acquired, many of these objects were in use and were not valued as singular objects, or especially valuable from an economic or cultural point of view. Many ethnographic museums in Europe helped to preserve a local culture that was being lost in leaps and bounds with the penetration of industrialization. In the different phases of economic and productive development, a migration from the countryside to the main cities occurred. With the exodus, many traditional crafts and skills were forgotten (DÍAZ-PLAZA VARÓN & GALLARDO 2015).

This was a crucial period to conserve many objects and to document their recent history. At that moment, many of these artefacts seemed to lack value. The items were sold for just a few cents or were given as gifts to those strange people who came from the big cities showing interest in them.

Currently, the sensitivity and value of these types of objects, and by extension, their creative communities, are changing. Since 2003, with UNESCO's Convention for the Safeguarding of the Intangible Cultural

Heritage, attention to this type of cultural heritage has increased notably. In Spain, for example, the 2015 Intangible Heritage Law has shed light on the importance of these types of cultural manifestations and their related objects, proposing measures for their protection and conservation.

Many objects related to celebrations, rituals and crafts preserved in museum storerooms have been requested by the communities that created them, to document and preserve their own traditions. Many objects related to celebrations, rituals, and crafts preserved in museum storerooms have been requested by the communities that created them, to document and preserve their own traditions. The requests serve various purposes: in some cases, the communities wish to keep the pieces in their own museums; in others, they aim to revitalize them so that they can once again be part of their rituals and festivities. The work with the communities of origin represents the main line of work carried out in most of the national and international documents on the subject. In the case of Spain, the bearers of these traditions, and their creators, are the basis on which the law on this topic rests. Without these protagonists, the preservation of intangible heritage would be impossible.

Challenges

Since 2015 with the passing of the Safeguarding Law, the number of inquiries about items that are held in the permanent exhibition, or in the storerooms at the Museum of Popular Arts and Traditions has increased considerably. Some villages and descendants of craft makers have contacted the museum to research information and, in some cases seeking to reclaim their items.

Legally speaking, the restitution of an object is no simple procedure. Since it conforms to part of the university's historic patrimony, and these are frequently public institutions, its return is no simple matter. The museum has been sympathetic to these claims and has created a workable solution. Some examples of these experiences are presented below and aim to maintain the balance between the interests of the local community and the museum.

Case stories

One of the earliest cases arose in Graus, a small village in the north of Spain that has a popular celebration that takes place from the 12th to 15th of September each year in honour of the Santo Cristo y San Vicente Ferrer. Giants and big heads are danced in the centre of their feast day celebrations. The Museum has conserved since the 1970s six antique bigheads that had been carefully restored. The donation of these pieces was a controversial topic in the village, as many of the inhabitants considered that the person who had made the donation had done so without legal authority.

Some years ago, an article in the local press highlighted the existence of these antique bigheads in one Madrid Museum. They were of an ancient design model, completely forgotten in local celebrations today. For this reason, some citizens of Graus began to ask about these objects and some even asked for them to be returned. Representatives from Graus travelled to Madrid to meet with the Museum. Several meetings took place where it was possible to explain to them that the bigheads had been donated by a member of the church because there were in poor condition and therefore could not be used in the annual procession. The Museum had restored the pieces in the 1990s and had conserved them in the storeroom.

The Museum of Folk Art and Traditions recognises that these claims are legitimate and reasonable. Their pieces are important enough for their communities that collaborating with them was an absolute necessity. It should be considered both an ethical and moral commitment. For this reason, the Museum established a long-term loan for two of the heads to be sent to Graus, where they are now in the permanent exhibition of one of its most important local cultural centres. The local media published the news about the temporal restitution and the Museum, in addition to the Graus Cultural Centre, benefited from the good publicity.

Another example of encouraging the descendants and communities to participate in the Museum's cultural aims was the collaboration with some of the artisans' relatives. Sometimes the artisan's descendants do not look for the object's restitution but for attention or consideration from the Museum. The Museum conserved in the storeroom a huge pottery collection from Coca, a small town in Segovia, where two brothers had worked until the end of the 1990s. Their nephew is a multitalented artist who contacted the museum looking for information about his uncle's art, intending to write a book about them and their work.

The relationship between the nephew, Pepe Murciego, and the Museum, consolidated over the course of a year and he set up a temporary display in the Museum combining both his, and his uncles' art in 2021. He recalls how his uncles sold their pottery work very cheaply. They liked to live in very humble conditions and, sometimes, got angry when the buyer tried to bargain their already low prices. They usually answered them: "*No comemos barro*", which means "We don't eat clay". The nephew wanted to represent the huge impact that this sentence had had on him and to emphasise the precarity of pottery workshops in general (MURCIEGO 2022).

The Museum holds the conviction that the real specialists in their different fields are the creators, the people who make the items and cherish them for generations. As both professionals and visitors, it is possible to sense their love, respect and passion for their rituals, crafts and traditions. By involving the creators, the aim is to become a more ethical museum. Some years ago, three museum displays were organised about traditional craft workplaces. For this, the museum called upon three different artisans to create the displays.

A recreated jewellery studio was made by a jeweller, who following his retirement had donated his whole workspace furniture and tools to the permanent exhibition. José Luis Amores, the jeweller, had been working in his workspace for more than 50 years, always in the same place, he had looked through the same window for decades. When the furniture and tools came to the museum from their original location, the idea was to reproduce the same atmosphere. The recreation of the workspace was as realistic and faithful to the original as possible and offered an incredible experience not only for its owner and donor but also for the visitors.

The museum used the same method to show a recreation of an ancient blacksmith, with the characteristic forge and anvil and a tanner's workshop with a curing room and skivers. Counting on these craftsmen as advisors is an incredible opportunity for the museum and contribute to establishing a strong connection and exchange of ideas with those people who really know their trades. One way to share the museum with the community is by asking for their participation in the museum's activities: e.g., asking for advice, and inviting them to collaborate in temporary exhibitions etc.

Conclusion

If many of the pieces preserved in ethnographic museums were originally collected for their educational value—to teach new generations about traditional ways of life, subsistence, festivities, and customs—their presence in the museum and separation from the communities that created and used them can diminish their educational impact. It is therefore reasonable for these communities to seek a reinterpretation of these objects and to participate in shaping the meaning that the museum assigns to them.

These are just a few examples that the Museo de Artes y Traditions Populares has successfully used and that could be applied by many other institutions. Each one has needed a different approach to the challenge posed and flexibility for both parts. Understanding the needs of the community and rethinking the museum's purpose are essential parts of the process. Close contact with the communities not only makes the museum`s daily work easier and more interesting but gives meaning to the preservation and dissemination of this very special cultural heritage. These are fundamental values that underpin the entire purpose of the museum's existence.

Fig. 1. Pottery workshop in Segovia, Spain.

Fig. 2. Bigheads from Graus, restored in Museo de Artes y Tradiciones Populares

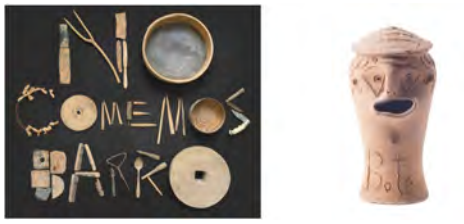

Fig. 3. Art installation with the tools of the Murciego potters, artwork by Pepe Murciego, 2021. Next to it, a tip jar made by the Murciego potters in 1973.

Fig. 4. 4.Jeweler workshop display at Museo de Artes y Tradiciones Populares.

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Acknowledgements

Espacio Pirineos de Graus, José Luis Amores, Pepe Murciego and Sean Ashe.

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Keywords

restitution, local communities, Europe.

University Museums and Collections Journal
umac.icom.museum
Graphic edition: Gina Hammond
ISSN 2071-7229