

RETURN OF INDIGENOUS CULTURAL PROPERTY (RICP)
PROGRAM
NATIONAL PRINCIPLES

Overview

The Return of Indigenous Cultural Property (RICP) Program aims to return all Indigenous ancestral remains and secret sacred objects where possible. It is understood that repatriation can only occur where remains and objects have been adequately provenanced and where the communities are prepared to receive their ancestral remains and secret sacred objects. It is also important to note that some Indigenous communities prefer museums to retain ancestral remains or secret sacred objects within the museum, with ownership transferred to the community. This in itself is a successful repatriation outcome, as some communities do not have the necessary resources to take custody of their cultural property and prefer to leave the items in the safekeeping of museums.

The following principles were developed specifically for the RICP program and are based on Museums Australia's 2005 principles and guidelines for Australian museums working with Indigenous cultural heritage: *Continuous Cultures, Ongoing Responsibilities*. The RICP Program National Principles refer only to Indigenous ancestral remains and secret sacred objects and associated material held in the National Museum of Australia and State and Territory museums.

Most museums have implemented parts or all of *Continuous Cultures, Ongoing Responsibilities*. However, for the purposes of the RICP program, clear guidelines are needed to assist both museums and Indigenous communities to understand their roles and responsibilities in the return of ancestral remains and secret sacred objects.

The following principles are designed to provide a guide to both museums and Indigenous communities to enhance the return of Indigenous ancestral remains and secret sacred objects. It is the responsibility of each museum to recognise the diversity of Indigenous cultures and to implement the principles in a culturally appropriate manner.

Return of ancestral remains and secret sacred objects

In the past, ancestral remains and secret sacred objects were collected as items of curiosity and for the purposes of scientific study. With few exceptions, vast collections of remains and secret sacred objects are held in museums throughout the country. The removal of remains and secret sacred objects by collectors was often without the knowledge or consent of the descendants of the deceased, and this has caused distress and cultural loss for some communities.

It is essential that museums develop partnerships with Indigenous communities, ensuring that they participate fully in the process of repatriation. Where the relevant community is unknown to the museum, advice should be sought from peak Indigenous bodies, the local, regional or state land council or Indigenous community organisations.

Once communities are informed of the repatriation process, they will determine whether they want their ancestral remains and secret sacred objects returned and how the return will be managed. For example, community representatives may wish to travel to museums to pack and transport their ancestral remains and secret sacred objects back to their community, or they may wish to hold community meetings to discuss the return process, or they may ask museums to hold their ancestral remains and secret sacred objects until they decide how and when they can take custody of them. In all cases, it is essential that museums maintain their dialogue with communities and that communities' wishes are acted upon promptly where possible.

While it is agreed that ancestral remains and secret sacred objects will be returned unconditionally, it is important that museums offer communities support for the care of returned material. This is particularly relevant to secret sacred objects. Museums should offer advice or provide training in areas such as conservation, preservation and collections management wherever possible.

PRINCIPLES

Self-determination

1. Museums support the right of Aboriginal and Torres Strait Islander people to self-determination in respect to cultural heritage matters.

Cooperation

2. An increased level of coordinated and cooperative activity between museums is beneficial to both the museums and the Indigenous community. Museums are encouraged to adopt a coordinated approach to contacting and notifying Indigenous communities where appropriate.
3. Museums will agree to inform the relevant State or Territory Museum when consulting with Indigenous communities in their State or Territory.

Management and collections

4. Aboriginal and Torres Strait Islander people should be consulted and involved in decisions affecting how museums store, research, use or display Australia's Indigenous collections and information, and how such collections and information are presented, whether for exhibition, publication or educational purposes.
5. The stories and information associated with an Indigenous object are of equal importance to the actual object and must be treated with equal respect.
6. Museums will inform traditional owners of any associated material relating to their ancestral remains and/or secret sacred objects. This associated material is inclusive of, but not limited to: field notes, photographs and films etc. Also included are any burial goods or packaging materials that ancestral remains or sacred objects may have been wrapped or transported in. The traditional owners must be consulted on the fate of any associated material.
7. Museums should ensure that objects or remains are being returned in a stable condition and that Indigenous communities are informed and advised of the care requirements of returned items that have been preserved and/or stored using toxic substances.

Storage and access

7. Aboriginal and Torres Strait Islander law will be taken into consideration when determining who has access to ancestral

remains and secret sacred objects. Men's sacred objects should be separated from women's sacred objects, with neither to be accessible to the public. Only designated officers with the appropriate authority will access these collections.

Return

8. It has been agreed through the Cultural Ministers Council that ancestral remains and secret sacred objects will be returned unconditionally. However, museums may still act as a storage facility for communities who wish them to do so.
9. It is important that all parties agree on, and understand, the basis on which transfers of ancestral remains and secret sacred objects from Museums to Indigenous organisations are undertaken. Museums should consider the sustainability of the transfer and should assist Indigenous organisations with the final repatriation of ancestral remains and secret sacred objects to communities where possible.

Assistance to Communities

10. Where possible, museums should offer to provide professional advice and expertise to assist communities whose ancestral remains and secret sacred objects have been returned through the RICP Program, particularly in the areas of preservation, conservation and storage.
11. Museums undertaking repatriation activities through the RICP Program should provide for the financial costs associated with the return of ancestral remains and secret sacred objects to communities, including costs associated with the reburial of remains. In other words, museums should consider the total cost of the return and communities should not be burdened with additional costs such as reburial.

Unprovenanced remains and sacred objects

12. At this time, priority should be given to remains and secret sacred objects that have been provenanced. Any provenancing program that may be developed needs to be

discussed and approved by the museum's own Indigenous Advisory Committee.

13. Where an Indigenous Advisory Committee does not exist or can not provide the necessary advice on unprovenanced material (particularly secret sacred objects), then museums should consult with other Indigenous organisations and individuals such as land councils, local Indigenous community organisations, heritage officers and Elders.

1. ANCESTRAL REMAINS

For the purpose of the RICP Program, a definition/description of ancestral remains:

Ancestral remains may include:

- Whole or partial skeletons, individual bones or fragments of bones and teeth.
- Soft tissue, including organs.
- Samples of hair taken from individuals, both deceased and living at the time of removal.

Ancestral remains may not include:

- Objects made from human hair, which are utilitarian. E.g. human hair belts.
- Objects made from modified human bone and/or hair and/or teeth used for ceremonial purposes.

Grave goods associated with a burial, such as bark coffins, should be considered for repatriation with ancestral remains. Casts of human skulls should also be considered for repatriation.

It is the intended usage of an object that will define its status (ancestral remain or secret sacred object), not its physical components.

It is the clear intention of these guidelines that museums enter into meaningful consultation with Indigenous communities regarding ancestral remains. Any decision over the return of ancestral remains (even when museums are holding them on behalf of communities) must be made after conducting a culturally sensitive consultation process.

General

- 1.1 Museums will return ancestral remains where possible, regardless of their age.
- 1.2 Communities will also be informed of any associated documentation and/or burial goods.

Return

- 1.3. Museums will administer all requests for the return of Aboriginal and Torres Strait Islander remains promptly and sensitively.
- 1.4. Aboriginal and Torres Strait Islander communities should be consulted on all facets of any repatriations and be actively involved if they so wish.
- 1.5. The remains of identified individuals will be dealt with according to the wishes of the deceased, their relatives or their community Elders.
- 1.6. Burial goods should also be included in any repatriation if requested.

Storage and access

- 1.7 If a museum is asked to retain ancestral remains, they should be properly stored in an area separate from other parts of the collection and treated with respect at all times.
- 1.8 Access to ancestral remains held by museums must be carefully controlled according to the wishes of the relevant Aboriginal and Torres Strait Islander community.
- 1.9 Ancestral remains will not be displayed to the public unless requested, or agreed to, by the relevant community.

Custodianship

- 1.10. Where possible, museums will act as holding facilities for ancestral remains if the relevant community requires it to do so. In such cases, museums will abide by any reasonable conditions sought by the community.

Acquisition

- 1.11. Museums will not seek to acquire ancestral remains, except in such cases as to remove them from private collections or general circulation or under government legislation. In these circumstances, remains should be acquired with the intention of returning them in line with these protocols.

Scientific and cultural significance

- 1.12 It may be necessary for museums to employ a biological anthropologist or other consultants to assist in the provenancing of ancestral remains. Provenancing projects should not be implemented without consultation with the museums' own Indigenous Advisory Committee or Reference Group.
- 1.13 Scientific examinations such as DNA testing or carbon dating will only be undertaken with the consent of the relevant community. No data should be made public without the consent of the relevant community.
- 1.14. The results of research conducted on Aboriginal and Torres Strait Islanders' cultural heritage will be shared with the relevant Indigenous communities.

2. SECRET SACRED MATERIAL

For the purpose of the RICP Program, the definition of secret sacred objects is:

Secret sacred objects are objects that have been identified by Indigenous traditional owners/custodians as having religious and/or spiritual significance for Aboriginal and Torres Strait Islander people, and are subject to cultural restrictions and/or protocols regarding access.

Museums holding secret sacred objects have a responsibility to the traditional custodians to care for the objects according to their beliefs and law. The following principles reiterate the steps already taken by museums to protect and store secret sacred objects.

General

- 2.1. When requested, all secret sacred objects should be returned unconditionally to the rightful custodian/s. However, museums may need to advise on issues such as protection and preservation of objects when requested and where possible.

Return

- 2.2. Museums should attempt to find out who the rightful custodian/s of secret sacred items are/is according to Aboriginal and Torres Strait Islander law. If the custodian/s request the return of the items, museums will agree to this request. Museums should at all times respect the very sensitive nature of these items.

Storage and access

- 2.3. Storage and access to secret sacred collections shall be informed by Aboriginal and Torres Strait Islander law. Men's sacred objects must be separated from women's sacred objects, with neither to be accessible to the public.
- 2.4. Access to secret sacred collections shall be limited to the traditional custodian/s, their representatives and designated officers with the appropriate authority.

Custodianship

- 2.5. Museums may act as holding facilities for secret sacred objects if the relevant community wishes it to do so. In such cases, museums will abide by any reasonable conditions sought by the community.

Acquisition

- 2.6. Museums should not seek to acquire secret sacred items, except in such cases as to remove them from private collections or general circulation or under government legislation. In these circumstances, objects should be acquired with the intention to return them in line with these protocols.
- 2.7. Museums may acquire secret sacred objects at the request of the relevant community in order to remove them from private collections or general circulation. In such cases, museums will abide by any reasonable conditions sought by the community.