

## Restitution, Repatriation and Rematriation Policy and Procedure

**Name of governing body:** Horniman Public Museum and Public Park Trust

**Date on which this policy was approved by governing body:** April 2026

**Date of which this policy is due for review:** April 2029

### 1 Introduction

- 1.1 We recognise that some human remains, natural specimens and belongings in the Horniman's collections were obtained through imbalanced power structures, conditions of colonial occupation, unacceptable circumstances including through force or duress, or to support racial determinism and the ideology of the superiority of certain races over others. We understand that for some Indigenous, source, and/or descent communities, the retention of some human remains, natural specimens or belongings is experienced as an ongoing hurt or injustice and a disregard to their sovereignty and their spiritual and religious beliefs.
- 1.2 The Horniman through this policy acknowledges Articles 11 and 12 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP):
  - 11.2 *'States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.'*
  - 12.2 *'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.'*
- 1.3 We acknowledge the UNDRIP right for Indigenous Peoples to self-identify based on their historical, familial, and cultural continuity with a given region and a strong link to their lands, and recognise the need for flexibility and diversity in identifying rather than defining communities. By 'Communities' in this document, we mean 'Indigenous, source, and/or descent communities' in recognition of the diverse ways in which communities represented in our collection self-identify and connect to their ancestors and their heritage.
- 1.4 This policy aspires to centre social and reparative justice, in response to historic and ongoing colonial injustices and decades of activism by Communities, and

the Horniman's own commitment to restitution. We hope it provides a useful basis for Communities and nations wishing to discuss the care, future and potential return of human remains, natural specimens or belongings in the Horniman's collections. It also aims to make transparent the process for making restitution, repatriation and repatriation (Return) claims to the Horniman, and the governance, legislation and guidance to which the Horniman is subject as a UK Charity and an Accredited Museum.

- 1.5 We recognise that human remains (as once-living people or parts of living people) and belongings have a personal, cultural, symbolic, spiritual or religious significance to Communities, nations, and communities of association. We are committed to working with Communities (and those of wider association) or nations, to ensure that human remains, natural specimens or belongings are cared for and treated respectfully. We recognise that what constitutes respect and care is culturally and community specific and should be approached on a case-by-case basis.

## 2 Related Policies

- 2.1 The current document relates to the Return of human remains, natural specimens or belongings. It sits alongside our Human Remains Policy and a more general Collections Development Policy. Both can be accessed via the Horniman's website at <http://www.horniman.ac.uk>

## 3 Terminology

- 3.1 This policy acknowledges that referencing restitution, repatriation and repatriation within a museum context risks narrowing or neutralising their origins in Indigenous resistance to colonial violence. The Horniman commits to engaging with these terms as living, Community-defined practices rather than fixed institutional categories.
- 3.2 In a museum context:
  - **Restitution** refers to processes through which institutions acknowledge and address the historical, ongoing, and structural harms caused by colonial collecting practices. Restitution is not limited to physical return but includes repairing relationships, restoring dignity, and addressing material, cultural, and spiritual losses.
  - **Repatriation** is the return of human remains, ancestors, cultural belongings, or natural specimens as determined by Communities and nations. Repatriation emphasises sovereignty, consent, and responsibility to ancestors, rather than legal ownership alone.
  - **Repatriation** is an Indigenous-led framework for the process of "returning to the sacred Mother". This returning specifically refers to restoration of relationships, responsibilities, and living connections between people, ancestors, land, and Indigenous matrilineal knowledge systems, rather than the transfer of ownership alone.

## 4 Governance

- 4.1 The Horniman Museum and Gardens is a charitable company limited by guarantee, with a Board of up to twelve Trustees. Trustees meet four times a year. They are there to ensure that the objectives of the charity are met over the long term, and they discharge this trust on behalf of the public. Decisions related to Return requests are made by the Trustees.
- 4.2 The Horniman is also a Non-Departmental Public Body of the UK Government's Department for Culture, Media and Sport (DCMS), which provides it with the majority of its funding. This means that, although four of our Trustees (including the Chair) are appointed by government, as a group they are at 'arms-length' (or independent) from government.
- 4.3 Our official regulator is the Charity Commission, which advises that Trustees have six main duties<sup>1</sup>:
1. Ensure the charity is carrying out its purposes for the public benefit
  2. Comply with the charity's governing document and the law
  3. Act in the charity's best interests
  4. Manage the charity's resources responsibly
  5. Act with reasonable care and skill
  6. Ensure the charity is accountable.
- 4.4 The Horniman's Charitable Objects<sup>2</sup>, listed in our governing document, set out the specific, legally defined purposes of the Horniman as a charity. They outline what we aim to achieve for public benefit. In regard to collections, this is: *'(1) the advancement of education for the public benefit by acquiring housing and exhibiting and documenting, conserving, restoring and repairing objects and collections of an educational nature particularly those relating to the study of ethnography, natural history and musical instruments and by establishing acquiring managing and maintaining museums galleries libraries and other suitable premises for use for such purposes.'*
- 4.5 As a result of the Trustees' charitable duties, Trustees must exercise caution about selling or giving away the charity's assets, which include the collections. Nevertheless, it is possible to do this under agreed circumstances where a case can be made on moral or legal grounds.

## 5 Legal Framework

- 5.1 This policy exists within a national and international legal framework that includes charitable law, and certain instruments that specifically deal with issues of restitution, repatriation and rematriation. These include:

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<sup>1</sup> <https://www.gov.uk/guidance/charity-trustee-whats-involved#trustees-6-main-duties>

<sup>2</sup> [Register of Charities - Charity Commission](#)

- The Charities Act 2011 and 2022
- United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UN Doc A/RES/61/295 (2 October 2007, adopted 13 September 2007)
- [Human Tissue Act \(2004\)](#) )
- UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property (1970)
- Dealing in Cultural Objects (Offences) Act 2003
- Cultural Property (Armed Conflicts) Act 2017
- Return of Cultural Objects Regulations 1994
- CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora).

## 6 Existing Guidance

6.1 Our approach is informed by guidance for UK museums from:

- Arts Council England (2023) [Restitution and Repatriation: A Practical Guide for Museums in England](#)
- DCMS (2005) [Guidance for the Care of Human Remains in Museums](#)
- Museums Association [Off the Shelf: A toolkit for Ethical Transfer, Use and Disposal](#)
- Museums Association (2025) [Code of Ethics](#)
- Museums Association [Supporting Decolonisation in Museums](#).

6.2 We recognise that Communities and nations will have culturally and community-specific guidance on what constitutes respect and care for human remains, natural specimens or belongings. We are committed to flexibility in incorporating this guidance, approaching each request on a case-by-case basis.

## 7 Policy

7.1 The Trustees of the Horniman welcome discussions with Communities and nations about the potential Return of human remains, natural specimens or belongings that are in its collection and were acquired: illegally from the nation of origin at the time of acquisition; through or following physical force or other forms of duress; from people who were not the legitimate owners; in circumstances where owners were compelled to sell or give them; without the legitimate owners' free, prior and informed consent; or in violation of the legitimate owners' laws, traditions and customs.

They will also consider additional factors such as whether the restricted nature of the human remains, natural specimens or belongings makes access to them through exhibition or research unethical, or where the spiritual and/or cultural significance of human remains, natural specimens or belongings and the impact of their loss is central to a request.

- 7.2 Trustees will normally only consider a request for return from a Community or nation if it has been made officially through a body or individual generally recognised as responsible for the governance or interests of that Community or nation.

Trustees will generally only consider a request for return from a national government if it is made on behalf of, or in collaboration with, an identified Community and formal communication is received from both parties confirming their relationship.

The claimants proposing repatriation should do everything that they can to ensure that there is agreement with other potentially interested parties over who has the right to receive the repatriated items.

- 7.3 Each discussion will be held on a case-by-case basis, in recognition of unique stories and circumstances.

## 8 Procedure

- 8.1 When an individual or group representing a particular Community or nation wishes to discuss the return of human remains, natural specimens or belongings, the following procedures will apply.

### *Developing a relationship*

- 8.2 We welcome and strongly encourage initial informal enquiries from Communities and nations to explore the holdings of the Horniman, the circumstances of acquisition, and the possibility of a return. Our experience is that the development of a relationship of mutual respect and understanding is fundamental to the exploration of issues of future management of collections, including return. The Horniman will do its best to facilitate such informal discussions, including support to access information about our collections and their provenance. We will also do our best to provide photographs and video tours of the collection where people are unable to travel and to share information about any known archives relating to the items and the way in which the items are currently being used and cared for.

- Find the [Horniman Collections Online](#)
- Find information about [human remains](#)

Informal enquiries should be sent to [enquiry@horniman.ac.uk](mailto:enquiry@horniman.ac.uk) where they will be forwarded to the relevant department.

Information about the member of staff who may receive your enquiry can be found here: [Horniman staff](#). This is usually a member of the appropriate curatorial team.

### *Making a request*

8.3 Following this initial exploratory phase, Communities or nations may wish to make a formal request for Return of human remains, natural specimens or belongings. This request, made in writing and posted or emailed to the Chief Executive of the Horniman, should include the following detail to ensure that Trustees have all the information they need to exercise their responsibilities:

- An introduction to the Community or nation's representatives and their relationship to the Community making the request.
- Details of the human remains, natural specimens or belongings that are the subject of the request for Return. Horniman staff will help provide these details.
- The reasons why a Return is being requested. This may include an indication of what is planned for the material when it is returned, if the Community feel this is relevant to their request.
- Community representatives making the request are welcome to provide any additional information they feel the Horniman needs in order to make the decision. This might include:
  - Letters of support from the Community, partner organisations, or national bodies
  - Information about any other requests that are planned or in process.
  - Advice on any archives, publications, organisations, or individuals whom it would be useful to consult.

A formal emailed request should be sent to: [gseabright@horniman.ac.uk](mailto:gseabright@horniman.ac.uk)

A postal request should be sent to:

Chief Executive  
Horniman Museum and Gardens  
100 London Road  
London  
SE23 3PQ  
United Kingdom

#### *Responding to a request*

8.4 When a formal request for Return is received, the Horniman will send an acknowledgement of receipt within one week and will provide within 20 working days a timetable for response to the request. This timetable will vary on a case-by-case basis, depending on the number of human remains, natural specimens or belongings involved, the archival or accompanying documentation, the complexity of the issues and the timing of Trustee meetings. Sometimes, we may need to hold discussions with other implicated Communities, such as diaspora communities in the UK, or seek opinions of specialists with more detailed knowledge, including communities of origin. We may also need to seek advice about whether we have the legal right to return the item (for example, we need to be able to demonstrate that it is not on loan to us from another owner).

- 8.5 The Director of Content and a member of Horniman staff, usually the curator who has been liaising with the Community or nation prior to the formal request, will be appointed to support the request.
- 8.6 The appointed curator will work on a report for Trustees. The report will set out the history of the human remains, natural specimens or belongings, including the circumstances of their acquisition, and the case made for return. They may contact the Community or nation to gather more information to support the report and will share any further information gathered regarding the Return with the Community or nation.

A valuation for the Return will be obtained, to determine whether consent would be required from the Charity Commission in addition to the Horniman's Trustees (see section on *Decision making*, below).

If not already specified in the request for Return, the appointed Curator will also discuss with the Community or nation whether associated archive material, images and other documentation (where this does not infringe the rights of any third party) should also be considered as part of the request.

- 8.7 This report will then be taken by the Director of Content and the appointed Curator to an initial meeting of the Horniman's Restitution Subcommittee. This is a group of at least two Trustees, together with the Director of Content and Chief Executive as ex officio members, which has delegated responsibility from the Horniman's Trustees to make a recommendation on Return issues. The composition of the Subcommittee may be adjusted depending on the specific Return claim (for example, where claims for some restricted material may only be determined by members of the same gender). The Subcommittee will review the report alongside the request from the Community or nation.
- 8.8 The Community or nation are welcome to meet with, or make a further contribution to, the Subcommittee, should they wish to do so. This could be in writing, in person or online, at a mutually convenient time, or via a recording.
- 8.9 The Subcommittee will then make their determination, judging to the best of their ability whether the human remains, natural specimens or belongings may have been acquired:
- illegally from the nation of origin at the time of acquisition;
  - through or following physical force;
  - from people who were not the legitimate owners;
  - in circumstances where owners were compelled to sell or give them;
  - without the legitimate owners' free, prior and informed consent; or
  - in violation of the legitimate owners' laws, traditions and customs.

They will also consider additional factors such as whether the restricted nature of the human remains, natural specimens or belongings makes access to them through exhibition or research unethical, or where the spiritual and/or

cultural significance of human remains, natural specimens or belongings and the impact of their loss is central to a request.

8.10 Following these discussions, the Subcommittee will make a recommendation to the full Board for a decision. This recommendation will be discussed at the next Board meeting (Board meetings are held four times a year). Outcomes are likely to be to:

- Agree to the request for Return
  - In this case, we will inform Community or nation as soon as possible, and begin discussions to progress the Return (see below); or
- Decline the request for Return
  - In this case, the Trustees will set out clear reasons for the decision and we will communicate these to the Community or nation; or
- Request further clarification
  - Here, Trustees will feel unable to make a decision without further information. This might be from Horniman staff, from the Community or nation, or from other stakeholders. In this case, the Community or nation will be informed and a revised timetable produced.

#### *Charity Commission consent*

8.11 In some cases where the Trustees have agreed a request for Return, we may also need to seek consent for the Return from the Charity Commission. This is determined by the combined value of the items being requested (noting that 'unworked' human remains are held to have a £0 value under UK law):

- Where the total valuation of the Return is under £20,000, decisions on Return requests are made solely by the Horniman's Trustees;
- Where the total valuation of the Return is over £20,000, the Trustees' decision will also require consent from the Charity Commission. The Director of Content, with legal advice, will prepare and submit the request to the Charity Commission. This submission will generally be made under Section 106 of the Charities Act - that Trustees feel under a moral obligation to agree the Return. More rarely, it may be under Section 105 - that the return is expedient to the Horniman's interests.

#### *Return*

8.12 When a Return is agreed, we are committed to working collaboratively, flexibly and respectfully with the Community or nation, on a case-by-case basis, to discuss and mutually agree arrangements. Discussions are likely to include:

- The nature of the return. In most cases this will involve physical return of the human remains, natural specimens or belongings. In some instances, other arrangements might be agreed.
- Arrangements for respectful care of, and access to, the human remains, natural specimens or belongings while awaiting physical return.

- Arrangements for the transfer of ownership and associated documentation.
- Arrangements and requirements for packing and transportation.
- Any export licences and other documentation required for transport from the UK, including export licenses for original archive material that is over 100 years old, export licences for cultural goods, and CITES permits for any belongings or natural specimens containing material from CITES-listed species.

8.13 Costs of return would be mutually discussed and a solution found which is acceptable to both parties.

8.14 Formal documentation of the transfer of title and the removal of the human remains, natural specimens or belongings from the Horniman's collections would complete the process.

## **9 Appeals and Dispute Resolution**

9.1 Appeals relating to a decision may only be made on grounds of procedural irregularity or new evidence. In the event that a Community or nation is not satisfied with the process or the outcome, they may make an appeal in writing to the Chair of Trustees, setting out why they feel that the decision is flawed and providing any additional evidence or arguments. This will be reviewed by the full Trustee Board.

A formal emailed request should be sent to: [enquiries@horniman.ac.uk](mailto:enquiries@horniman.ac.uk) clearly marked in the subject line for the attention of the Chair of Trustees.

A postal request should be sent to:

Chair of Trustees  
Horniman Museum and Gardens  
100 London Road  
London  
SE23 3PQ  
United Kingdom

## **10 Review of Policy**

10.1 This policy and procedure will be reviewed by Trustees at least every three years.