
REQUEST FOR REPATRIATION OF AN ITEM FROM THE COUNCIL'S COLLECTION OF MUSEUM ITEMS

Report by Corporate Transformation and Services Director

EXECUTIVE COMMITTEE

24 MARCH 2015

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes that Scottish Borders Council consider a request from Wairoa Museum, Hawkes Bay, North Island, New Zealand for the repatriation to New Zealand of a Maori War Flag currently held in Hawick Museum as part of the Council's collection of museum objects. This request is being dealt with in accordance with the Council's approved Museum and Gallery Service Collections Development Policy 2014-19.**
- 1.2 In 1921 the artist Tom Scott RSA donated a Maori War Flag to Hawick Museum. The flag does not have a local connection, has not been on regular public display, is not in particularly good condition and will require conservation treatment before it could be considered for any significant period of display.
- 1.3 Following an initial approach and visit to the museum in the summer of 2014 by New Zealand residents enquiring about the flag a formal request for repatriation was received in January 2015. This request came from Mike Spedding, Director of the Wairoa Museum, Hawkes Bay, New Zealand on behalf of descendants of noted Maori leaders involved in Battle of Omaruhakeke, 25th December 1865 which is directly connected with the flag. The request is supported by three letters from descendants from both sides of the battle.
- 1.4 The Council's Senior Museums Curator, having considered the request in the context of:
 - a) The Council's approved Museums and Galleries Service Collections Development Policy 2014-19, in particular section 10
 - b) The Museums Association's (MA), Policy Statement on Repatriation of Cultural Property, 2006 which supports moves to consider Repatriation requests.
 - c) The Museum's Associations' Code of Ethics for Museums, 2008 supports the request for repatriation.

2 RECOMMENDATIONS

2.1 I recommend that the Committee:-

- (a) Agree to the request from Mike Spedding, Director of the Wairoa Museum, Hawkes Bay, New Zealand that the Maori War Flag connected to the Battle of Omaruhakeke, 1865, be transferred from the ownership of Scottish Borders Council to Wairoa Museum.**
- (b) Delegate to the Senior Museums Curator to make the necessary arrangement with Wairoa Museum to ensure the safe return of the Flag.**

3 BACKGROUND

3.1 History of the War Flag

The flag was captured from a local Maori tribe by a joint force of Europeans and their Maori allies during the Battle of Omaruhakeke on 25th December 1865. This battle was part of the New Zealand Wars which saw Maori communities divide with some siding with the European settlers against others who wanted to maintain their independence. The flag was presented to Tom Scot RSA by the Secretary, Government House, Napier, Hawkes' Bay, New Zealand and subsequently donated to Hawick Museum by Tom Scott on 25th February 1921. There is no indication as to why Scott was presented with the Flag or why he passed it onto Hawick Museum. Since 1921 it has remained in store at Hawick Museum with various short periods on display. The Flag has only been displayed once in the last 10 years and prior to that museum staff think it may not have been displayed since the 1950s. A photograph of the flag is attached as Appendix 1.

3.2 Background to the request for repatriation

- a) An approach was first made to Hawick Museum in June 2014 by Susan Price, who requested a viewing of the Maori battle flag. Along with her cousin she visited Hawick Museum on 22nd July 2014 and met with the curator. A brief discussion was had during this visit about the possibility of the flag being returned to New Zealand and Ms Price intimated that she would raise this with the local community on her return home.
- b) A letter was received by the Museum Service on 6th January 2015 requesting repatriation of the flag. The request came from Mike Spedding, Director of the Wairoa Museum, Hawkes Bay, North Island, New Zealand on behalf of descendants of noted Maori leaders involved in the battle connected with the flag. A copy of Mr Spedding's letter is attached as Appendix 2.
- c) Mr Spedding's letter was accompanied by three further letters from descendants from both sides of the battle, including a fourth generation descendent of Ihaka Whaanga, a Maori leader fighting alongside the Europeans who is said to have captured the Flag. The writers state that they hope that the Flag will be a powerful symbol for the resolution of 160 years of social, economic political and spiritual turmoil for the Maori people in this area. Copies of these letters are attached as Appendix 3.

3.3 **Background to Wairoa Museum**

Wairoa Museum was established in 1975 and is administered by a Trust Board. It employs three members of staff and has a strong presence in the local community. It has a comprehensive collections policy, collection procedures, acquisition and disposal policies. The Museum has indicated that they will have the flag conserved and have conservation expertise on staff as well as access to advice from New Zealand's National Museum's conservators. It is the Museum's intention to display the flag. The Museum is in the process of a major exhibition development and if returned they see the flag as being a key feature of the new development. It would be a powerful symbol in telling the story of the conflict and considerably strengthen the local content of the museum's New Zealand Wars collection. More about the museum can be found at <http://wairoamuseum.org.nz/>

4. THE CASE FOR REPATRIATION

- 4.1 There is no good reason, apart from the donor's connection to Hawick and the Scottish Borders, for the flag to be part of the local museum collection. The general scope of the Museum Service's Collections Development Policy 2014-2019, unless specified, is now limited to items which have a link or association with the Scottish Borders or are representational of items which would have had such an association. Paragraph 10 of the Policy also gives scope for the Museum Service to consider repatriation requests on a case by case basis, within its legal position and taking account all ethical implications and available guidance.

10. THE REPATRIATION & RESTITUTION OF OBJECTS AND HUMAN REMAINS

The governing body, acting on the advice of the Senior Curator or other museums professional adviser, may take a decision to return human remains (unless covered by the 'Guidance for the care of human remains in museums' issued by DCMS in 2005) , objects or specimens to a country or people of origin. The Museum Service will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance.

SBC Museum Service Collections Development Policy 2014-2019

- 4.2 Due to the Flag's lack of a local connection, its fragile condition, its size and the difficulty involved with its safe and appropriate display it is mostly kept in storage at Hawick Museum. It is the Senior Curator's opinion that it would need extensive conservation before the museum would consider displaying it again. The case for spending from a limited budget on this work is not a priority with and is not included in any museum forward plans for either conservation or display.
- 4.3 Although the flag has no tangible link with the Scottish Borders there is a strong spiritual, social and political case for the flag to be repatriated to its place of origin in New Zealand where it is seen by descendants from both sides of the historical conflict as a potentially powerful symbol in the resolution of the grievances between the Crown and local Maori.

- 4.4 If returned to its place of origin the Flag will be conserved, displayed and interpreted appropriately and made widely available to both the local community and visitors to the area.
- 4.5 The Museums Association (MA), the independent membership organisation representing museums and galleries in the UK has published a positive Policy Statement on the Repatriation of Cultural Property which supports moves to consider repatriation requests.
<http://www.museumsassociation.org/policy/01092006-policy-statement-on-repatriation-of-cultural-property>
- 4.6 The Museums Association's Code of Ethics for Museums, 2008 also states, in section 7.7, that those who work for or govern museums should ensure that they "deal sensitively and promptly with requests for repatriation both within the UK and from abroad of items in the museum's collection, taking into account: the law; current thinking on the subject; the interests of actual and cultural descendants; the strength of claimants' relationship to the items; their scientific, educational, cultural and historical importance; their future treatment."
- 4.7 Taking the points raised in 4.1- 4.6 into consideration the Senior Museums Curator is of the opinion that the Flag should be returned to its place of origin and is proposing that the ownership of the flag is transferred from Scottish Borders Council to Wairoa Museum.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report. The cost of returning the Flag to New Zealand will be met by Wairoa Museum.

5.2 Risk and Mitigations

- (a) If the Council turn down the request for repatriation there is a risk that the issue could be escalated and debated publicly in both Scotland and New Zealand. Approving the request is likely to result in positive publicity.
- (b) If the Council approve the request for repatriation there is a slight risk that this will result in requests from other overseas communities for the return of indigenous material. The MA Policy Statement on the Repatriation of Cultural Property states that this is unlikely to be the case
"The last ten years of increased attention in this field has also shown that the argument that returning one item will begin a 'slippery slope' leading to large amounts of repatriation is not justified."
- (c) In (a) and (b) the Council's action is supported by both its own policy and national guidance. Both suggest that every case is looked at on its own merit and does not set a precedent that has to be followed.

5.3 Equalities

- (a) An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

5.4 Acting Sustainably

- (a) In terms of the Scottish Borders there are no economic, social or environmental effects linked to the repatriation of the Flag. There will be economic and social benefits to the area the Flag is being returned to.

5.5 Carbon Management

- (a) The recommendations in this report will have no effects on carbon emissions.

5.6 Changes to Scheme of Administration or Scheme of Delegation

- (a) There are no changes to be made, to the Scheme of Administration or Scheme of Administration arising from this report.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.
- 6.2 The Corporate Communications and Marketing Manager has been consulted and any comments received have been incorporated into the final report.
- 6.3 The Museums Association and Museums Galleries Scotland have both been consulted on the content and recommendations in this report.

Approved by

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Signature

Title: Corporate Transformation & Services Director

Author(s)

Name	Designation and Contact Number
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Background Papers:

- Scottish Borders Council Museums and Galleries Service Collections Development Policy 2014-19
- The Museums Association's Policy Statement on Repatriation of Cultural Property, 2006
- The Museum's Association's Code of Ethics for Museums, 2008.

Previous Minute Reference:

Scottish Borders Council Executive 21 Jan 2014

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