

Dear Archaeologist

REBURIAL And SCREENING OF ALL EXCAVATED HUMAN REMAINS IN ENGLAND AND WALES

Since 2008, licences for the archaeological excavation of human remains in England and Wales have required the eventual reburial of ALL remains and screening off of ALL sites, of ALL periods, no matter what their value to scientific research, public outreach and the advancement of knowledge.

This is an appalling situation yet Kenneth Clarke, the Secretary of State responsible, was apparently told that the profession has no problem with it (see background documents)! It is now urgent that we make our voices heard, to correct this misinformation and object to the wholesale and haphazard disposal of excavated human remains.

Before 2008, licences required either reburial or curation in a museum or other appropriate institution. There has, therefore, been a crucial change in the interpretation of the 1857 Burial Act (Section 25). The Act itself states only that the Secretary of State responsible can impose "precautions" on the excavation of human remains. There is no mention whatsoever of reburial in this Act.

In 2008 and 2009, the Ministry of Justice, who issue our excavation licences, acknowledged that the legislation needed amending, and indeed published information on what they planned to do (see two background documents on website). We waited patiently for action, but a general election has intervened, and it is now apparent that the Ministry of Justice intends to do nothing at all.

All human remains excavated from 2008 onwards – including early humans – must, by law, be reburied. There is no mechanism in place to control or oversee this proposed blanket reburial of all recent and future human bone assemblages – nobody knows where, how or when they will be reburied, and it appears that no-one in any heritage agency has overall responsibility. Each individual holding an excavation licence is personally responsible for reburial.

The second element of the law which we feel needs review is the blanket requirement to screen off the excavations of all human remains. The public enjoys being involved in the archaeology that takes place within their local community; they have done so quite happily for decades, and watch the excavation of prehistoric and early historic remains in their living rooms on popular television programmes. The reinterpretation of the rules now means archaeologists have to screen off all sites, a practice that can lead to mistrust and suspicion amongst the community – indeed, why do we need to hide if we are behaving ethically and according to the guidance issued by the heritage community? Such an arrangement will lead to a growing sense of alienation that is felt by the public with science and archaeological processes. A better system existed when screens could be erected at the discretion of the excavation team so that appropriate systems could be put into place according to the nature of the remains and the development/research project. Blanket rules do not work when applied to varied situations.

English Heritage's science advisor, has been meeting the MoJ frequently, and sadly all indications are that they intend to do nothing.

Reburials must not happen, and the screening rules should be relaxed. Colin Renfrew set this more recent stage rolling by asking a question in the House of Lords on this subject on the 20th December 2010 and we have written a letter signed by 40 of the UK's leading professors of archaeology to Kenneth Clarke and the MoJ (letter published on website and part of a feature in February's British Archaeology).

Further letters to the Secretary of State (Kenneth Clarke) from the profession may push the MoJ to take action. We fear this will be just a preliminary step in a long campaign, but we do have to try.

A copy of the signed letter from us as a group to Mr Clarke is attached, a copy of this is also available as a Word document so you may wish to sign it and email it to coroners@justice.gsi.gov.uk and clarkek@parliament.uk. A briefing document, sent to Kenneth Clarke and a background document for your information are attached so you may like to write your own letter. This is likely to be a long campaign and so we would like to keep a running tally of who has written in, so please email BurialLaw@uclan.ac.uk and let us know.

An information document on the background to (and repercussions of) the situation is attached; it is written in a simple style as we foresee it being distributed very widely to all archaeologists and non-archaeologists alike, many of whom may not know the ins and outs of the subject.

We hope this situation will inspire you to act.

Yours sincerely

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