
Disputed Archival Heritage

Disputed Archival Heritage brings important new perspectives into the discourse on displaced archives. In contrast to shared or joint heritage framings, the book considers the implications of force, violence and loss in the displacement of archival heritage.

With chapters from established and emerging scholars in archival studies and adjacent fields, *Disputed Archival Heritage* extends and enriches the conversation that started with the earlier volume, *Displaced Archives*. Advancing novel theories and methods for understanding disputes and claims over archives, the volume includes chapters that focus on Indigenous records in settler colonial states; literary and community archives; sub-national and private sector displacements; successes in repatriating formerly displaced archives; comparisons with cultural objects seized by colonial powers and the relationship between repatriation and reparations. Analysing key concepts such as joint heritage and provenance, the contributors unsettle Western understandings of records, place and ownership.

Disputed Archival Heritage speaks to the growing interest in shared archival heritage, repatriation of cultural artefacts and cultural diasporas. As such, it will be a useful resource for academics, students and practitioners working in the field of archives, records and information management, as well as cultural property and heritage management, peace and conflict studies and international law.

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Disputed Archival Heritage

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First published 2023
by Routledge
4 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge
605 Third Avenue, New York, NY 10158

Routledge is an imprint of the Taylor & Francis Group, an informa business

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British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library

ISBN: 978-0-367-52401-2 (hbk)

ISBN: 978-0-367-52403-6 (pbk)

ISBN: 978-1-003-05776-5 (ebk)

DOI: 10.4324/9781003057765

Typeset in Times New Roman
by KnowledgeWorks Global Ltd.

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Foreword

Jeannette A. Bastian

My high-school history textbook called it the Age of Discovery, a period between the 15th and 18th centuries when European nations sent out adventurers to explore new lands and plant flags for the glory of the mother country. In reality, this Age of Colonialism saw rapacious primarily European nations engaged in a sustained global grab for territorial supremacy and economic exploitation, seizing, claiming and settling these new lands, often lands already occupied by Indigenous inhabitants. From the beginning, archives and records were deeply implicated in this colonization process, and in fact were integral to the process itself. Maps defined boundaries and re-drew territories; written laws, policies and regulations proclaimed from central offices controlled distant populations; records categorized people and property and tragically designated people as property.

Despite the decline and discrediting of colonialism and the emergence of independent nations and self-governing territories in the 20th century, the legacy of the colonial archives continues to loom large – a legacy of disruption, displacement, denial and loss. When the colonizers abandoned the colonies, they generally either destroyed records or took them with them, claiming primary ownership and custody and essentially ignoring any claims that the colonized inhabitants might have had. But colonialism is not the only reason for archival displacements. As the chapters in this valuable volume demonstrate so well, war, conquest, seizure of territory have all resulted in similar displacements. In particular, the Indigenous inhabitants of settler colonialism have suffered and continue to suffer from the weaponizing of the archives.

The initial volume on this subject, *Displaced Archives*,¹ presented historical and legal views of archival displacement and dispersion, placing the issues within an international context. The current volume, *Disputed Archival Heritage*, builds on that foundation. Each case is different and yet each results in similar deprivations for the victimized community – loss of control over their own pasts, and in the case of the Indigenous inhabitants of settler colonies, possible loss of control over their own futures. Seeing these diverse cases that cover a multitude of different but eerily analogous

situations set out in chilling detail not only demonstrates the enormous scope of the problem but also offers the possibility of discovering new approaches and resolutions.

While each case in *Disputed Archival Heritage* is different, there are familiar threads: The tension between custody and access runs throughout as do the critical relationships between records and communities; the exertion of control and power of one entity over another suggests that the forces of colonialism can still assume many forms today; the intransigency of current custodians offers little hope of resolutions despite decades of efforts by the International Council of Archives and UNESCO; successes are few and far between, depending more on personal intervention than any internationally agreed on protocol.

But, at the same time, these essays demonstrate that the conversation may be changing. Over the several years since the previous volume was published, the archival dialogue has shifted. Archivists have become both angrier and resigned and are searching for different, forward-looking solutions. A new archival vocabulary is shifting the value of disputed archives – terms such as ‘affect’, ‘radical empathy’ and ‘social justice’ throw a different light on the situation for the country, region, territory and individuals denied these archives.

A significant archival trope is the belief that the community creating the records should be the motive power and deciders when it comes to their disposal. One of the points about displacement is that this decision has not only been taken out of the hands of the community but that the community may likely never be given any say in the matter and in fact is often completely alienated from its records with very little realistic recourse. But even in these cases there may still be a place for a community decision. Essentially, the community must decide on how it moves forward given this situation – to continue the battle for the original records; to implement strategies such as digitization; to let the records go; to focus on creating and maintaining records that reflect its own cultural heritage. These are a few of the options weighed in these essays.

Importantly, the ever-widening distance from the colonial era continues to lessen and ameliorate the relevance of many colonial archives particularly in those former colonies that are now autonomous entities. Does the value of these colonial archives remain the same, or do time and distance decrease their worth? Are the records of the colonizer still the desired records of the colonized? As former colonial entities increasingly look towards decolonization, is it time to discard those colonial records in favour of building a dynamic archives of the now, one that values both the culture and the cultural heritage of the formerly colonized rather than continuing to value records produced by the oppressor.

As an archivist myself, I was struck anew by the paradox of the archives itself. On the one hand, the admitted power of archives – else why the efforts

to deny them, destroy them or struggle to obtain them – and on the other hand, the relative short shrift archives often get in terms of resources and institutional and governmental considerations. In addition to providing valuable insights on the many struggles to right historical injustice, this volume brings home once more the enduring power, worth and reach of the human record.

Note

- 1 James Lowry, ed. *Displaced Archives* (Abingdon: Routledge, 2017).

Legerdemain

Kayo Chingonyi

and, at last, you have come upon
the jewel in the crown of our collection
here at the Royal Museum for Central Africa:
a magnifying glass used by one
of the King's functionaries
who, by Royal decree, remained
unsung among the sons of Europe
until recently. Note the engraving
on the ivory handle that tells us
this glass was used in the Kasai.
Since the official report was redacted
some of you might be unaware
of this particular brand of magic:
the 'trick was to use a magnifying
glass to light a cigar, "after which
the white man explained his intimate
relation to the sun, and declared
that if he were to request [the sun]
to burn up his black brother's
village it would be done"'*
and so it was the land changed hands
as a cigar, given light, becomes a stub
and its smoke that stays with you
is the smoke from a burning village.¹

(**George Washington Williams as quoted in
King Leopold's Ghost by Adam Hochschild.*)

Introduction

Disputed Archival Heritage

James Lowry

Gently evoking violent images – an ivory handle, a glowing cigar end, a burned village – Kayo Chingonyi's *Legerdemain* contextualises a displayed magnifying glass through the material and affective consequences of its original uses. Its full provenance includes deception, threat, dispossession, secrecy and the extraction and expenditure of value intimated in the image of the smoked cigar. In the dim light of the museum, these events seem to hang in the air, lingering around the display case like acrid smoke.

That 'smoke that stays with you' permeates archives too.

Yet archives barely figure in the substantial and global techno-judicial apparatus for the protection and restitution of moveable cultural heritage. This complex of actors, initiatives and outputs includes UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property, digital systems such as INTERPOL's database of stolen art and the World Customs Organisation's ARCHEO real time communication tool that links enforcement agencies with academic experts, and international resolutions and model regulatory instruments such as codes of ethics and regulations for mutual legal assistance between countries. Of all the displaced things contemplated by this global system, the least evident and perhaps the least vivid in the popular imagination are the archives, which some have argued lack the financial value of looted art, the representational potency of monuments or buildings or the aesthetic value of objects displayed in museums.

However, archives are highly significant for the very reasons they are apparently 'less than' other kinds of materials. Archives can have monetary value in the sense that there is an international market for archives, but also in another sense: they often speak of debts and inheritances, directly, when they are administrative and legal instruments or convey promises and intentions, and more figuratively, as in the case of displaced archives, which *are* debts and speak to reparations.² Displaced archives, and particularly their custody and access, reveal who and what is valued by states, institutions and peoples.

Archives have representational potency. They can cause terrible pain (archives wound) or give comfort (archives heal), and, like people, they can do many other things to our psychic states because they come from, describe, can stand in for and are intended for people. Likewise, records can be highly consequential to our bodies, about which they convey data (such as medical data), transmit commands (such as execution or deportation orders) and shape environments (as in design documentation for physical and digital spaces).

As for aesthetics, archives frequently are beautiful, in their formal elements, on screens or other carriers, because of their calligraphic flourishes, bitmaps, forms design, images, patinas, glitches, in their decay. From striking photography to intricate illuminations, archival aesthetics can pique the interest of the collector, whether private or state.³

These are some of the ways that displaced archives are as important as looted art, stolen objects and pillaged sites. But in fact such distinctions of value and form reveal a classificational worldview that directs certain things to certain institutions in ways that often do not reflect the uses, values and provenances of the originating communities, let alone their custodial claims. What the colonial museum understands as an artefact, the colonial library recognises as a source of knowledge, the colonial archive determines to be a record, has often failed to apprehend the wampum belt, the quipu, the haka. The colonial logic that seeks to classify the cultural genius of the world in these ways is bound to fail in the face of archival modes that defy and flourish in the presence of coloniality, as they will in its absence, because such a logic cannot account for what it has not itself imagined. Displaced archives deserve more attention than they receive, and at the same time, the work for archival repatriation may be enriched by understanding such things as land back or language preservation not as parallel undertakings but as part of a larger project of sovereignty. What alliances and tactics might become possible if we rethink what constitutes ‘displaced archives’? It is hoped that a contribution of this volume will be to move the archival discourse into closer conversation with cognate fields, theories and projects, to open out what started with *Displaced Archives*.

An International Conversation

In a sense, the present volume book-ends a period of activity that began with the publication of *Displaced Archives* in 2017. That edited collection of essays was intended to initiate an international dialogue around displaced archives since efforts for repatriation in international forums had stalled. To an extent it has done that. At a 2016 International Council on Archives (ICA) Congress panel to mark the forthcoming publication of *Displaced Archives*, the ICA’s President announced the formation of an Expert Group on Shared Archival Heritage (EGSAH), which was to provide ‘a forum for

discussion and ultimately the resolution of issues related to archives pertaining to the history and cultural heritage of more than one community, country or region where the custody, ownership and access is unclear or in dispute'.⁴ EGSAH has since worked towards this goal by sponsoring a survey of extant archival claims, commissioning a bibliography and organising or contributing to ICA conference sessions and presentations to the Forum of National Archivists.⁵

At its 2017 annual general meeting, the Association of Commonwealth Archivists and Records Managers unanimously adopted a position paper on the Migrated Archives, a body of records removed to the UK from 37 former British dependencies. The paper invoked the principles of 'territorial provenance' and 'functional pertinence' that had been articulated earlier in UNESCO and ICA documentation, and called on the British government to repatriate the removed records, or at least provide digital copies of the records. A year later, the National Archivist of Suriname hosted a conference of the Caribbean Regional Branch of the ICA (CARBICA) with a focus on archival displacement. At that conference, archival displacement and reparations for slavery and colonialism were explicitly linked for the first time.⁶ And in 2020, the Museum of British Colonialism launched the *Lost Unities* virtual exhibition, which repeats and makes visible the calls for repatriation from the countries affected by Britain's archival removals.⁷

In addition to these meetings and projects, there has been a sustained growth in scholarship on the topic, including detailed studies of the provenance and disposition of particular bodies of records, such as certain archives in Belgium, Iceland, the United Kingdom, and the dispersed records of the South African liberation struggle.⁸ Two articles from 2019 suggested a new direction for displacement research by arguing for an ethics of care approach that centres empathy, as distinct from previous work that focused on questions of law and professional principle.⁹ Cases of archival displacement have also recently been used to test the limits of the records continuum model, which aspires to an all-encompassing concept of records, their origins, affordances and futures: the highly specific and consistently complex circumstances of displacement challenge claims to the universality of such models.¹⁰ A book was published about records seized from Iraq that shows how politically loaded the discourse around displacement and repatriation can be.¹¹ The politics of the mass digitisation of colonial materials have been examined,¹² and relatedly, writing on archival decolonisation has continued to contemplate archival displacement.¹³ Most recently, post-colonial archival dispossession has been shown to follow a global 'archival colour line', where racism is implicit in ongoing displacements.¹⁴

Race, power, possession and value figure not only in the distribution of disputed archives, but in the work around those archives. In *Displaced Archives*, I noted that that book's contributors were 'overwhelmingly white, western European or Anglophone, and writing from countries whose

governments are in possession of archives claimed by other countries'.¹⁵ The present volume reflects the diversification of the discourse as new projects, conversations and writing have connected scholars, archivists and activists internationally. However, there are large regions of the world that are not discussed in essays in this book, reflecting the still limited communication across languages and locations in relation to displaced archives, and archival studies more generally.¹⁶

It is also notable that the work presented in this collection of essays is largely unfunded – perhaps reflecting the undervaluation of archives described earlier – and it should be acknowledged that some contributors to this volume have worked in unsafe places, through conflict, power outages, in the face of job precarity, and under financial constraint. Meanwhile, in the broader sphere of cultural heritage restitution, a well-funded research industry has evolved. This industry disproportionately benefits the already elite, where wealthy institutes, their salaried staff, advisory boards and research teams are dominated by or entirely comprise white people in the global North. In one prominent European foundation, even the Department for Cultural Goods and Collections from Colonial Contexts is fully white. Where the problem is the extraction of material from formerly subjugated and exploited peoples, the solution cannot be arrived at by channelling resources into the pockets of those already enriched, even if indirectly, by expropriation. Since there is no real restitution unless it is equally shaped by all concerned, resource redistribution must be built into the mechanisms established for resolving disputed claims. As this book shows, it matters who is 'at the table'.¹⁷

Sections and Chapters

In the first section of the book, *Places and Sovereignties*, the authors critically examine some of the key concepts and assumptions in the displaced archives discourse: Riley Linebaugh addresses the notion of 'joint' or 'shared' heritage; J.J. Ghaddar, the political economy of territorial provenance; Maria Montenegro, parallel conceptions of evidence and Forget Chaterera-Zambuko, the presumed primacy of the Western juridical lens. In each of these contributions, place, and related and contested notions of sovereignty, are at the heart of the interventions being made, each one new and significant in the displacement literature.

Linebaugh both historicises and locates 'joint heritage', long used in the literature but 'currently poorly articulated',¹⁸ in the context of Europe's tactical retreats in the dying days of colonial occupation. As an archival ideal, joint heritage has its roots, Linebaugh shows, in Western admiration for classical culture and the efforts to preserve Italian art in the Second World War. While European powers were espousing the 'shared heritage of mankind' in international forums, they were destroying and evacuating swathes

of records from their colonies. Though joint heritage was excluded from the *Vienna Convention on the Succession of States in Respect of State Property, Archives and Debts* – the as yet unratified attempt of the international community to legislate for archival reparation, discussed below – it was resurrected, at least in its archival applications, when the International Council on Archives (ICA) named its Expert Group on Shared Archival Heritage in 2016. The term's potential to depoliticise deeply political disputes – the very reason that it was selected by the ICA to foster cultural diplomacy – elides a more insidious history that could usefully be surfaced in the uneven field of international policy forums. Linebaugh's critical review of the emergence of the joint heritage concept is timely as repatriation returns more visibly to the agenda of the international archival community, particularly since the conversations that unfold in spaces such as UNESCO and the ICA are embedded in a history of ideas that is also a history of geopolitical power operations.

In her contribution, Ghaddar also looks back to the ideas that did or did not survive the debates that shaped the Vienna Convention, with another important re-historicisation. Through an expansive contextualisation Ghaddar illuminates the Convention as the product of long anti-colonial struggles that archivists and others from the global South carried into the realm of material culture, and particularly the Algerian jurist Dr. Mohammed Bedjaoui, a leading light in the development of the Convention (and the chapter is a long overdue acknowledgement of Bedjaoui's significance in this field). Ghaddar vivifies the hopes of a world majority that are too easily sidelined by the currently prevailing assumption that the Convention has irrecoverably failed. The sense of failure, presented in historian and former ICA Secretary General Charles Kecskemeti's chapter in *Displaced Archives*, is commonly held by archivists who are active in ICA and UNESCO spaces. It was born from a disappointment shared by those like Bedjaoui, who hoped for a reparative shift in cultural diplomacy, and those, like Kecskemeti, who believed that a less forceful phrasing of demands might have seen the Convention succeed, opening up the possibility for repatriations. Sadly, Charles Kecskemeti died as this book was being compiled, so we cannot know if he would have been encouraged by Ghaddar's argument for a return to the Convention. Driving this call to the Convention is Ghaddar's elaboration of 'provenance in place', a powerful new understanding of provenance that 'embraces the commitment to undo the colonial occupation of one people's land by another today, and the archival legacies of such occupations in the past...'

Montenegro's chapter also seeks to return 'place' to centrality in the displacement discourse by tracing the multiple ways that archival displacement dispossesses Indigenous people in the USA. By studying demands for evidence from the Fernandeano Tataviam people as they seek federal recognition for their sovereignty claims, Montenegro shows how discursive

displacements – ‘displacements of purpose, use and intention, interpretation, value, and meaning’ – affect tribal sovereignty, while dramatically expanding the as yet unsatisfactory definitions of archival displacement in the literature, beyond the simple physical loss of records. This chapter is the first major study to connect archival treatments of displacement with the record-keeping issues around Indigenous sovereignty within the settler colonial state, and it does this by challenging Eurocentric notions of place as property for exploration and exploitation. Instead, Montenegro centres Indigenous understandings of space as connective tissue between people, including ancestors, and in that context how the settler colonial archive defines and occupies places, physically and discursively. The settler colonial archive exercises sovereignty through records, within a juridical system that claims ‘interpretive authority’ over those same records, so that ‘tribal spatial realities and the records that represent them are contradictorily relegated to exist “outside” national settler terrains, even while controlled and manipulated by settler governance’. Building upon Ghaddar’s concept of ‘provenance in place’ (this volume), Montenegro argues that it is through an Indigenous understanding of place as provenance that Indigenous records are given their meaning.

Disparities in evidential regimes are also apparent in other colonial contexts. Recognising that the international legal regime that emanates out of European statist thinking and the ongoing realities of global colonialism has not afforded remedies to, or even audiences for, the claims over records from the global South, Chaterera-Zambuko eschews appeals to legislation and professional principles in favour of Zimbabwean traditional jurisprudence. Invoking the *darelinkundla* – traditional community forums that pursue both justice and reconciliation – Chaterera-Zambuko creates space for the testimonies of Zimbabwean archivists in relation to the Rhodesian Army Archive, which is a collection of official records smuggled into South Africa and then into the United Kingdom by retreating white nationalists. In presenting the statements of these archivists in full and verbatim, Chaterera-Zambuko centres the varied views of one community around these records that has been excluded from the discussion over the records’ fate. This powerfully illustrates the perseverance of colonial power in international archival relations, and refuses them. As such, it is a significant break with established approaches to displacement and repatriation. Here it is important to acknowledge the work of Ivan Murambiwa who, like Kecskemeti, died while this book was being compiled. While Director of the National Archives of Zimbabwe, Murambiwa oversaw the return of Rhodesian Military Intelligence archives from South Africa: this chapter continues to pursue his vision for the recovery of Zimbabwe’s archival heritage.

In the second section of the book, *Borders and Diasporas*, the authors test and extend understandings of the jurisdictional and geographic borders that

bound archival claims: LS Ascensão de Macedo, Carlos Guardado da Silva and Maria Cristina Vieira de Freitas take us within the borders of a nation state, looking at internally displaced records; Rebecca Abby Whiting follows records in motion under the agency of non-state actors; Ellen Namhila and Werner Hillebrecht think through South-South displacements of deep complexity and John Aarons and Helena Leonce reflect on the characteristics of purchased papers of diasporic literary figures.

Ascensão de Macedo, Guardado da Silva and Vieira de Freitas provide the first in-depth study in English of subnational archival displacement. Looking closely at the records removed from the Portuguese island of Madeira to Lisbon, the authors make an intervention in critical displaced archives theory by applying a nissological or island studies lens to the retention of local records in the capital. The authors observe that ‘international legislation assigns the monopoly of decisions to the Government ... at the expense of communities within the territory administered by that state’. In this way, national jurisdictional borders delineate the distribution of records and sever them from their local contexts. The authors observe that local and regional claims over records are often unheard at the national level, which replicates intra-nationally what is familiar to us internationally: a committed disregard on the part of records custodians. The significance of ‘the border’ is prominent in this close study of the Madeiran records in Lisbon, revealing how closely tied are the archival and the territorial, each lending credence and authority to the other. In the face of such nationalist projects the authors reassert the importance of archival catalogues, reflecting on how descriptive choices shape the interpretation of records in many ways, including how they are recognised as displaced or not. Archival power is enacted not only in removal and custodianship, but in the choices about how archives will be represented to the public, which is also key in the following chapter.

Whiting follows the object itineraries of Islamic State files removed from Iraq to the US by New York Times journalists to expose the neoliberal compact between states, military forces and the private sector, the corporate media in particular in this case. Attending to the lives of these records reveals how the unilateral decision-making about the records assumes rights over these spoils of war, extending into rights over the personal data of the subjects of the records. In this way, the power exercised by states through record-making is co-opted by the private sector in the publication of copies. In a sense, the US military campaign in Iraq and the actions of NYT journalists were a prolonged process of appraisal, suggesting that appraisal can be, more than a single act, a constant process that includes moment-by-moment decisions to support the status quo. Finally, the itineraries of these records reveal how neoliberalism can co-opt the academy to lend a veneer of respectability to actions that in fact disregard a range of ethical questions about the treatment and uses of records. Whiting shows us that just

as bureaucratic records function within systems of governance that frame their interpretation, their displacement to new and foreign value systems causes them to function differently and in a sense even *be* different.

In their richly detailed contribution to this book, Namhila and Hillebrecht describe archival displacements across the life of the territory that is now the nation of Namibia to illustrate the complexities of archival displacement and dispute when political power and jurisdictional boundaries share a history characterised by dispute. Against a tendency to think of displacements in binary terms – the one-to-one relationship of the colony to the metropole or the victor and the defeated – Namhila and Hillebrecht show how complex historical and geopolitical events complicate claims for records repatriation, including South-South post-colonial claims that may also involve now defunct administrations or dissolved states. Displacements exist across vectors that are national and international, institutional and personal, since church missionary societies, private sector actors, political organisations and individual profiteers have all had a stake in the creation and removal of records from Namibia. The authors suggest that cooperation does not need to hinge on the benevolence of the custodian country or institution; that broad alliances that combine resources and build visibility may be a route towards repatriation, even if we have not yet seen this play out successfully.

Situated in the Caribbean, a region shaped by movement, Aarons and Leonce's work dwells on the diasporic nature of records created across boundaries by sometimes expatriate authors. Aarons and Leonce apply Ricardo Punzalan's diasporic archives model to the papers of literary figures from the Caribbean to test the conceptual boundaries of terms such as 'displaced', 'alienated' and 'shared', seeking to define the issues that shape custody and access to literary heritage for local populations. Considering geographical, temporal, provenancial and material dispersions, the authors draw on their rich knowledge of collections related to Louise Bennett Coverley, CLR James, VS Naipaul, Derek Walcott, Anthony Winkler and other Caribbean writers to untangle some of the meanings and implications of dispersed archives. The chapter concludes by charting a path towards increased archival sovereignty for nations and institutions disadvantaged in the global market for literary papers, including practicable suggestions informed by the authors' experience of the realities of archival work in often under-resourced institutions and networks.

In the final section, *Towards Home*, the authors contemplate various themes connected with notions of belonging and return. Marianna Hovhannisyán and Anne J Gilliland begin with a fundamental question about what home means when homelands no longer exist or are no longer accessible as people seek refuge or emigrate; Jos van Beurden compares archival and object repatriations; Frans van Dijk and Rita Tjien Foooh tell the story of a successful repatriation and Stanley H Griffin frames displacement as value extraction, linking repatriation and reparation.

Personal and community archives are rarely discussed in relation to displacement, yet a displacement of material and meaning takes place when records are carried into or created in diaspora by individuals, families and communities: Hovhannisyan and Gilliland offer a study of such a ‘multi-valent understanding of displaced archives’ grounded in the ‘simultaneous human and documentary Armenian Genocide and diaspora’. While analysing the records of the Armenian community in the United States, preserved in family and community archives, the authors deploy visual, affective and material scholarship to show how changes in meaning and significance across times and places sustain archival imaginaries that connect displaced people to ‘home’ over generations. This chapter, like many others in this book, centres placeness, but in this case place is contemplated through the pictorial memorialisation of lost and in many distinct ways irrecoverable landscapes and sites. The visual traces maintained by the diasporic community are ‘*dis*-placed, *un*-placed, and *re*-placed with new meanings, very much analogous to the human experience of being forcibly dislocated and taking on new identities as a result’. Borrowing from forensic architecture and archaeology, this chapter posits ‘negative evidence’ as a frame for understanding archival absences, which the authors suggest can be factored into appraisal, description and advocacy work to more fully map losses and displacements. The potential applications of this concept are far-ranging, responding as it does to decades of complaint by archivists internationally that ‘we do not even know what is missing’.¹⁹

Van Beurden, expert in colonial collections and restitution issues, draws on his expansive knowledge of the repatriation of objects in the colonial context to place archival and artefactual displacement into conversation; another long overdue move, and one that responds directly to the common sense that archives are under-valued and under-represented in the broader cultural heritage field. Van Beurden asks ‘Are there instances where colonial objects and colonial archives meet?’ His findings suggest there are only a few. In four agreements, objects and archives were treated together: between Ethiopia and Italy in 1947, between Papua New Guinea and Australia from 1975 onwards; between Indonesia and the Netherlands, also in 1975 and more recently between Rwanda and Belgium. Across these specific cases, van Beurden notes the variations in practices and problems that come up when working between the disciplinary spaces of the museum and the archive, as well as the more obvious political exigencies. Not rarely, archival returns tend to precede, and even pave the way for, object repatriations, but in all cases there is a sense of the unfortunate disparity between archives and objects outlined at the beginning of this introduction.

The focus remains on repatriation in the subsequent chapter, where van Dijk and Tjien Foooh tell two sides of the same story, recounting the repatriation of records from the Netherlands to Suriname that concluded in 2018, following 102 years of metropolitan custody. Though the removal of records

from Suriname was negotiated, documented and agreed, making their eventual return straightforward on paper, the two texts presented in this chapter clearly show how many factors can influence the fate of records in bilateral contexts. Like van Beurden's chapter, this piece underscores how significant collegial relationships are in making repatriation a reality while at the same time it shows how hard it is for a former colony and a former coloniser to deal on equal footing.

The book concludes with another important new contribution in Griffin's chapter, which is the first definitive statement connecting displaced archives with the reparations movement. At the CARBICA meeting in Suriname in 2018, Griffin made this connection by reframing archival displacement as the extraction of value much like the colonisers' and slavers' extraction of value from people and land, to the enrichment of Europe. This thesis is elaborated in the chapter: Not only do many of the records in question document such extractions, they are themselves extracted, which is deeply consequential for the Caribbean and other people whose only documentary traces of ancestry may be in these transactional records. Griffin makes this case by detailing the reparations movement, its evolution and goals, before explaining the relationship between reparations and records, which hinges on the mercantile and bureaucratic documentation of labour and production. Griffin notes that while the documentation created by plantation owners can be read for traces of the lives of the enslaved and indentured, this record-making regime also sought to eradicate the information cultures of the enslaved and indentured, as well as the Indigenous inhabitants of the colonised islands, which nevertheless survive in various forms. Using anti-colonial psychohistoriography, Griffin argues that archival practices that recuperate these subjugated memory and informational practices relate to a societal sense of health, which leads to difficult questions about the merits of prioritising the preservation of crumbling plantation registers and ship manifests over spoken and lived memory practices. Considering the nature of bilateral archival cooperation, Griffin shows how the vampiric or parasitical drawing out of value seen during the colonial period continues into today's transnational digitisation projects, concluding the volume with a question mark over the supposed restorative benefits of 'shared' archival heritage.

Conclusion

Archaeology and anthropology have recently experienced a stunningly callous and ill-conceived claim that human remains in museums and other institutions are the common heritage of humankind and that to prioritise repatriation and reburial over ongoing analysis is anti-intellectual, elevating animism above science.²⁰ While the archival community has not had such a 'Weiss and Springer moment', it is nevertheless testing its

understandings of sharedness in spaces where violence and erasure have been defining forces. There is clearly an unarticulated reticence around disputed archival heritage and expanded understandings of provenance, since bilateral and multilateral engagements remain limited. The ‘shared archival heritage’ framing can be a tactical move to take the tension out of multilateral forums, not to build consensus necessarily, but to open a space where discussion becomes possible. But dispute is an equally valid framing. In this book, we are speaking about disputed archival heritage both in simple opposition to sharedness and in order to bring dispute back into the vocabulary of the field: for all their contingency and specificity, the displacements described in this book open up a broad vista of technical and theoretical challenges in which history and politics are often heavily inflected with violence, and what is common to all cases is the presence of a claim, often unheard.

There have been some recent repatriations, however. For example, Suriname received its archives from the Netherlands in April 2017, and the USA returned the final tranche of Ba’ath Party records to Iraq in August 2020. Yet as the results of the recent ICA survey show, there are still contentious cases to be addressed, and so there is much more that can and needs to be said and done about displaced archives and the concepts that have been conceived and extended because of them, including shared or disputed archival heritage. Some ideas for future research have been proposed²¹ and others are suggested in the present volume, but ‘...any studies should consider how they contribute to the resolution of disputed claims’ and it is important to continue to ask ‘How could further research be channelled into policy formation, dialogue creation and professional mobilisation?’²² The urgent work is in translating the deepening knowledge of the problem into action.

Total restoration is never possible: it is a kind of forensic fantasy. Something is lost in archival displacement, and perhaps something new is made. But what is at stake in disputed archival heritage is not merely cultural property or access to information, but justice, reparation, rights, sovereignty and healing. The scent of the smoke of the burning village won’t dissipate from the archive, if it ever can, or should, until the records removed from the places of their creation are returned, and their preservation and interpretation are controlled by the peoples of those places.

Acknowledgements

I would like to acknowledge the generosity of Kayo Chingonyi for letting me reproduce his poem in this book; Jeannette Bastian, for her foreword, advice and collegiality; all of the contributors to this book for their hard work, often in difficult circumstances, beyond even the demands of the pandemic; Nerve Macaspac for his solidarity during this project; Jess Guijarro for her

assistance with manuscript preparation; Smaran Dayal and Heidi Lowther for their comments on this introduction; Mandy Banton for her ongoing collaboration; Njordur Sigurdsson for fostering so much useful work during his chairship of the Expert Group on Shared Archival Heritage, and for asking important questions about sharedness; David Fricker, Jeff James and Normand Charbonneau for continuing to facilitate difficult conversations within the International Council on Archives and Forum of National Archivists; and archivists everywhere who refuse to collect what is not theirs to collect.

Notes

- 1 Kayo Chingonyi, "Legerdemain," in *Kumukanda* (London: Chatto and Windus, 2017), 26.
- 2 See Griffin's chapter in this volume for an explication of the relationship between records, including displaced records, and reparations for colonialism and slavery.
- 3 Banton, "Precious Artefacts."
- 4 ICA, "Terms of Reference," para. 2.
- 5 The survey began in 2018 and was finally published in 2020. The report is available in English and French at <https://www.ica.org/en/disputed-archival-claims-an-international-survey-20182019>. The EGSAH's bibliography was compiled by Mandy Banton, Frank Jarman and Leila Ratcliff, and is available at <https://www.ica.org/en/displaced-archives-and-shared-archival-heritage-a-bibliography>. Mandy Banton convened a panel on shared archival heritage at the ICA conference in Yaounde, Cameroon in 2018. The event is described in Banton, "Shared Archival Heritage." Under the leadership of Jeff James, the UK's Keeper of the Public Records, the Forum of National Archivists has been receptive to and has facilitated conversations about displaced archives at its meeting in 2018 in Yaounde, Cameroon and 2019 in Adelaide, Australia.
- 6 Griffin, this volume.
- 7 Museum of British Colonialism, "Lost Unities: An Exhibition for Archival Repatriation," curated by Forget Chaterera-Zambuko and James Lowry, accessed 24 September 2021, <https://www.museumofbritishcolonialism.org/lost-unities>.
- 8 Lauwers, "Documenting War Crimes"; Ngoepe and Netshakhuma, "Archives in the Trenches"; Banton, "History Concealed, History Withheld"; and Sigurdsson, "Skjalakröfur Íslendinga."
- 9 Agostinho, "Archival Encounters" and Lowry, "Radical Empathy."
- 10 To follow the discussion in sequence, see Karabinos, "In the Shadows" then Frings-Hessami, "A Response to Karabinos" and Karabinos, "Acknowledging the Shadows."
- 11 Montgomery, *Seizure of Hussein's Archive*.
- 12 Jeurgens and Karabinos, "Curating Colonial Memory"; Agostinho, Dirckinck-Holmfeld, and Søylen, "Archives That Matter."
- 13 Muchefa, "Possibilities of Decolonising"; Karabinos, "Decolonisation in Dutch Archives"; and Jeurgens and Karabinos, "Curating Colonial Memory."
- 14 Linebaugh and Lowry, "The Archival Colour Line."
- 15 Lowry, Introduction to *Displaced Archives*, 33.

- 16 Relating to the limited communication across regions and languages with respect to displaced archives, it is notable that there the 2018/2019 survey of archival displacement received no responses from Central or South America, Asia or the Pacific. The more general issue of the limits to intellectual exchange across languages and traditions in archival studies was a driving factor in the formation of the *Archival Discourses* research network in 2018.
- 17 Ghaddar, this volume.
- 18 Linebaugh and Lowry, "The Archival Colour Line."
- 19 Mnjama, "Migrated Archives."
- 20 Weiss and Springer, "Repatriation and Erasing."
- 21 Lowry, "Proposing a Research Agenda."
- 22 Lowry, "Proposing a Research Agenda," 355.

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Part I

Places and Sovereignties

‘Joint Heritage’

Provincializing an Archival Ideal

Riley Linebaugh

Introduction

European colonial conquest threatened social extinction in many places through the deliberate destruction of peoples’ histories, genocidal violence, assimilation programs, the removal of traditional social structures, and the confiscation of print and visual materials among other forms of expression. Ngũgĩ wa Thiong’o writes that the effect of this erasure ‘is to annihilate a people’s belief in their names, in their languages, in their environment, in their heritage of struggle, in their unity, in their capacities and ultimately in themselves’.¹ Though erasure constituted attempts by European powers to *thingify* and therefore subjugate peoples across the Americas, Africa, Asia, the Pacific, and the Caribbean, it was unsuccessful.² Everywhere that colonists attempted empire, they were met by resistance. This included antislavery and anticolonial activism as well as the sometimes necessarily covert preservation of cultural practices and pasts.

Arguably, a more complete erasure occurred within hegemonic space itself. A kind of self-induced oblivion, this forgetting was facilitated by the destruction or suppression of archival evidence of European colonial rule. Metropolitan governments concealed documents that contradicted the values espoused by the so-called liberal democracies, such as those that proved the use of indiscriminate violence, the disregard for the rule of law, the prohibition of political participation, the erection of punitive institutions, and other features of imperial domination. This suppression produced ignorance of colonialism among European publics and encouraged Eurocentric prejudices. It is against this forgetting that the world currently rebels. In March of 2020, US police officers murdered George Floyd, triggering a(nother) global uprising against white supremacy and the dehumanization of Black people. Among the many messages of protests is the demand for a historical reckoning. As statues of slave traders, colonists, and confederates fall, Robert Burroughs and Sarah de Mul warn that the ‘discussion of historical racism ... allows an easy performance of moral values with definite limitations on the levels of commitment required’.³ In addition to historical

education, they suggest looking directly at how knowledge-production is 'bound up in structures of white privilege'.⁴ National archives, an export of European colonialism, are one such structure. At the end of empire, colonial powers removed and destroyed archives to protect European hegemony. Challenging the eurocentrism of national archives requires examining the politics of their custodianship and accessibility.

The archival profession offers the idea of *joint heritage* to deal with the problem of contested archival ownership between those lands that previously colonized or were colonized, as well as other instances of archival disputes triggered by state succession. This chapter focuses on the Anglo colonial context of disputed archives. It critically historicizes the *joint heritage* concept to situate the international archival community as a generative historical actor not separate from 'structures of white privilege'. The logics at work in archives have been made to look obvious, a rationalizing practice that has also functioned to naturalize colonial claims of white supremacy. After providing an etymology of the term, this chapter focuses on the contradiction between the Anglo ideal of global heritage constructed during WWII and the denial of archival custody to African, Asian, and Caribbean lands and peoples. In addition to this contradiction, this chapter traces the development of international cooperation on questions of archival ownership and the strategies for resolving custodial dilemmas. This chapter concludes with an appeal to examine the ways in which archival politics serve colonial interests both historically and in the present.

Defining 'Joint Heritage'

Joint heritage is a term in professional archival discourse that has several connected meanings. It refers to archival collections related to the heritage of multiple countries, a framework for negotiating the ownership and access of those collections, and the formal agreement reached by that process. Employed largely by international organizations such as the International Council on Archives (ICA) or the United Nations Educational, Scientific and Cultural Organization (UNESCO), the term recognizes the possible validity of multiple custodial claims by different states to archives regarded as national collections, instead of as the inalienable property of a single nation-state.

The term likely originated in the 1970s by Charles Kecskeméti of the International Council on Archives as an intervention in stalemates between former colonizing and colonized states over the ownership of colonial archives, among other instances of 'displaced archives'.⁵ In 1977, UNESCO commissioned and later published a study from the ICA examining archival disputes. In response, Kecskeméti, then the ICA's head of Secretariat, wrote *Archival Claims: Preliminary Study on the Principles and Criteria to*

be *Applied in Negotiations* in which he defined several principles, including *joint heritage*. He elaborated,

In cases where an archive group derives from the activity of an administration whose succession is shared between the predecessor State and one or more successor States – in other words, where the group forms part of two or more national heritages but cannot be split up without destroying its juridical, administrative and historical value – the only practical solution is recourse to the concept of joint heritage. The effect of this is that, physically, the group is left intact in one of the countries concerned, where it is treated as part of the national archival heritage, with all the responsibilities in respect of security and handling implied thereby for the State acting as the owner of that heritage.⁶

In this conception, *joint heritage* occurs between at least two states, a premise which fortified state sovereignty as necessary to launch archival claims within the *joint heritage* framework. Further, Kecskeméti clarifies that any disputed archival collection should remain intact and in the physical custody of one country. The country that hosts the collection under dispute, in the above definition, is also obliged to care for the collection. Though the definition references 'security' it is otherwise vague regarding the particulars of that care.

In 1978, UNESCO defined *joint heritage* once again, departing only slightly from Kecskeméti's version. The general assembly accepted this definition two years later. It read:

Where an archives group or body of archives results from the activity of an administration where succession is shared between the predecessor State and two or more successor States – i.e. where the archives form part of the national heritages of two or more States but cannot be divided without destroying its juridical, administrative, and historical value – as a realistic solution recourse should be had to the concept of joint heritage. The practical result of the application of this concept is that the archives group is left physically intact in one of the countries concerned, where it is treated as part of the national archival heritage, with all of the responsibilities with respect to security and handling implied thereby for the State acting as the owner and custodian of that heritage. The States sharing this joint heritage should then be given rights equal to those of the custodial State.⁷

This definition contains small semantic differences from the first version. For example, *joint heritage* was conceived as a 'realistic' rather than a 'practical' solution. The most significant difference between the two, however, lies in the latter's final sentence: 'The States sharing this joint heritage

should then be given rights equal to those of the custodial State'. This point recognizes the entitlement of those States not holding physical custody of collections to some kind of 'rights'. What those are, however, is unclear.

According to Kecskeméti's 1977 conception, *joint heritage* encourages diplomatic actions between states to reach mutual agreement in the spirit of international cooperation to determine the 'rights and responsibilities connected with the custody of and access to' disputed archives.⁸ Such agreements might address:

- guarantees of physical conservation of archives
- guarantees of equal access to archives by both/all parties to the agreement
- terms of access to archives by public according to legislative frameworks in both/all states
- the production and use of microfilm copies to provide access in multiple locations, including costs
- the party which would provide physical custody to original documents
- the interests of both/all parties to the disputed documents⁹

Switzerland proposed the notion of *joint heritage* as an amendment at the 1983 Vienna Convention on Succession of States in Respect of State Property, Archives and Debts.¹⁰ Voted down 32 to 17 with 14 abstentions, the amendment would have reshaped the professional concept as a legal framework. The amendment would have defined *joint heritage* as:

archive groups created by administrations, functions of which are shared between the predecessor State and successor State or States, as a result of the succession of States, may be declared in the special archival agreement 'joint heritage.' Rights and responsibilities connected with the custody of and access to the joint archival heritage shall be specified in the agreement.¹¹

Briefer, this definition specifies that archival disputes that qualify for the *joint heritage* framework are those which relate to administrative functions of at least two States. This is a narrower notion than the three forms of archival value Kecskeméti articulated which included juridical and historical in addition to the administrative. Additionally, this conception emphasized a bi/multilateral agreement as the *joint heritage* form. Despite the failure of this 1983 amendment, archivists from recently independent states continued to advocate their access to and co-ownership of colonial collections.

UNESCO revived the concept in the 1990s as the end of apartheid in South Africa and the conflicts in Iraq and Yugoslavia posed grave questions to the international heritage community about its responsibilities. Especially, the dissolution of the Socialist Federal Republic of Yugoslavia renewed *joint*

heritage as a matter relating to state succession.¹² In the instances where a *joint heritage* agreement is reached, the will of both/all parties to enter negotiations is cited as the most decisive factor in their success.¹³

Archival activism from the global South, especially by Algerian, Indian, and Kenyan archivists from the 1960s onward, directed the international community's attention to the problem of colonial archives. As a result, in the 1970s and 1990s, international organizations (UNESCO and the ICA) studied international archival claims.¹⁴ In both instances, the authors of the subsequent reports addressed the variety of claims, suggested a typology of disputes, and offered bilateral or multilateral cultural agreements between claimants as a solution. In neither instance did this process result in the desired international cooperation by former European imperial states, namely the United Kingdom or France, who rather denied the existence of colonial archives in their custody or refused to negotiate. It did lead, however, to another iteration of *joint heritage*. In 1998, UNESCO commissioned further analysis regarding international conflicts over archival ownership from Leopold Auer. In *Disputed Archival Claims: Analysis of an International Survey*, Auer defines *joint heritage* as

Archive groups (fonds) resulting from the activities of administrations, functions of which are shared between two or more successor States may be declared 'joint heritage'. Rights and responsibilities connected with the custody of and access to the joint archival heritage are to be specified in the agreement concluded on its establishment by the States concerned.¹⁵

Like the failed amendment, Auer's definition did not guarantee equal rights to collections by all states but rather suggested that states sort out between themselves the terms for the 'rights and responsibilities connected with ... custody ... and access ...'

In 2009, the ICA supported the Displaced Archives Working Group, which aimed to continue addressing archival disputes embedded in geopolitical conflict. The group fell dormant and in 2016, the ICA established the expert group on *shared archival heritage* (EGSAH) to consider 'different points of view in archival claims' and solve them 'through conversation and collaboration'.¹⁶ Though EGSAH has not issued its own definition on *shared archival heritage*, it states as its terms of reference that it 'provides a forum for discussion and ultimately the resolution of issues related to archives pertaining to the history and cultural heritage of more than one community, country or region where the custody, ownership and access is unclear or in dispute. This may arise from war, military occupation, the succession of States or other adverse events'.¹⁷ Beyond professional archival discourse, joint heritage features broadly in heritage diplomacy, as do *shared* or *mutual* heritage.¹⁸ Scholar Lauren Yapp observes that these terms

and the approaches to heritage they promote ‘possess a political power – or rather, a power to depoliticize’,¹⁹ especially when deployed to describe histories of European colonialism. She goes on to suggest that rather than razing historical and contemporary asymmetrical power relations, ‘joint’, ‘shared’, or ‘mutual’ framings satisfy a white European tendency to view colonial history as ‘benign ... or even as a source of pride’.²⁰ With this critique in mind, the following chapter aims to historicize and make explicit the meanings of joint heritage within international archival discourse in order to provincialize what is offered as a universal ideal.²¹

World War II and Early International Archival Cooperation

Art and Science are not things that belong to any one nation.
(Allied Commission²²)

Before his death during an air raid of Munich, art historian Max Göring shared a secret with a friend in October 1943.²³ In his role as a Bavarian State functionary and member of the Bavarian Commission for the Preservation of Art and Monuments, Göring had been informed that Hitler had issued an order that ‘all historic buildings and works of art in Germany ... should be destroyed rather than allowed to fall into the hands of Germany’s enemies’.²⁴ This decree was not restricted to Germany. A month prior, Allied and German forces clashed on Italy’s western coast upon the Allies’ landing on the beaches of Salerno. In addition to street fighting, the German defense included wanton destruction. They wrecked harbors and blasted post offices, strategically targeted as communication and transit nodes. German forces also seized the National Museum, the Royal Palace, the Museum of San Martino, the Castel Nuovo, and the Villa Floridiana. They burned the library of the Royal Society of Naples, destroyed the contents of the Filangieri Museum, and the 600-year-old archives of the Kingdom of Naples.²⁵ Göring’s secret passed on to the British War Office after this devastation in Naples. By the end of 1943, the Allied forces introduced the Monuments, Fine Arts and Archives (MFA&A) program to protect cultural property. A few days after Christmas, US President Eisenhower addressed all commanders of the Allied forces, especially those in Italy, ‘Today we are fighting in a country which has contributed a great deal to our cultural inheritance, a country rich in monuments which by their creation helped and now in their old age illustrate the growth of the civilization which is ours’.²⁶ By appealing to a spirit of shared human history, Eisenhower evoked an ideal of cultural heritage beyond borders. Behind this universalism, however, was the very specific reverence of Italy by the cultural West as a bedrock to ‘civilization’. By way of contrast, there was no such initiative on the Pacific front to protect against the US-American

area bombing of Japan, nor were heritage-conscious wartime standards observed on the Eastern Front.²⁷

A transnational commitment to the preservation of cultural heritage in war areas became a way in which the Allied powers self-differentiated from Nazi Germany. After landing on Salerno's shores, Allied forces received an official pamphlet on the preservation of works of art in Italy. The pamphlet stated that German forces ravaged the riches of Italy's art, some of the greatest in the world, in an attempt 'to destroy a nation' through the destruction of its cultural heritage.²⁸ The German forces not only destroyed objects but looted great artworks in Italy and elsewhere. The pamphlet emphasized that, 'this tale of organized robbery and senseless destruction makes it all the more important that we, by comparison, should ensure by our own behavior in occupied territory that we cannot be accused of such crimes'.²⁹ The scale of cultural destruction by all sides during WWII was vast, ranging from soldiers who pocketed bits and pieces as souvenirs to the bombs that devastated entire cities. However, in 1943, Eisenhower ordered that cultural destruction be authorized only when militarily necessary. The pamphlet discouraged senseless destruction and tried to foster a sense of stewardship in foot soldiers toward the libraries, administrative centers, universities, museums, etc., where they might lodge. It read, 'the Germans look upon collections of objects of Art belonging to occupied countries as fields for vandalism and lucrative looting, it is the duty of each member of the United Nations when in occupied territory to regard himself as a trustee for such possessions'.³⁰ To that end, the MFA&A is best known for its work on recovering and restoring Nazi-looted cultural objects to their previous owners wherever possible and protecting ancient monuments in European war areas.³¹ The program's work on archives was more complexly situated at the nexus of history, military power, and the politics of transnational restitution and reparations.

Archival Diplomacy: Universal Ideals and National Interests

The work of archivists deployed under the MFA&A program served a range of aims due to the varied values of archives. Like the Roman bridges and Michelangelo's masterpieces that the MFA&A were ordered to guard, archives were protected for their historical value. For example, the archives section made special efforts to protect the ancient Ecclesiastical records in Italy, from local parishes up to the Vatican.³² Church records, like administrative archives, were also of special interest to the MFA&A for their civic-political value. Considering the role of such archives during postwar recovery, Allied archival experts suggested that 'the registers of Baptism, Marriages, and Burials may be of greatest importance to native Italians returning to their homeland who will need to establish their identity to resume the pursuits of normal life'.³³ Thus, archives were protected

not only for their precious historical value but for their potential to assist people trying to build their lives and worlds anew after the devastations of war. Further, soldiers received orders not to remove or rearrange documents because ‘even those which do not appear to be ancient may be of great importance, not only historically but as containing information necessary for the practical purposes of the war’.³⁴ Archives, especially repositories containing recent records, were also of military-intelligence value. In this way, archival protection was distinct from the preservation of monuments and works of fine art that sought to keep safe cultural treasures for future appreciation. At war, archives were perceived to hold a reconnaissance value that rendered them useful instantaneously.

Current records, or ‘modern archives’, were not only regarded for their potential historic or civic-political value but as resources in war. In February 1944, Hilary Jenkinson of the United Kingdom Public Record Office arrived in Italy to survey archival damage and develop a wartime strategy for the use of seized records for military purposes by the Allied forces. Jenkinson cooperated with Fred Shipman, appointed by US President Eisenhower, and Major Cave of G-2 Advanced Intelligence (USA) to devise rules for how to handle records of intelligence value without jeopardizing either their physical integrity or their status as Italian property. For example, the trio concluded that when authorized officers removed documents perceived to be of military relevance, they should keep notes recording how and where officers moved and used files. They also reached a decision to keep archives ‘as a whole’ so as not to lose meaningful context or dislocate documents from a larger collection. Furthermore, the possibility of removing records was predicated on ensuring that ‘ultimate restoration of displaced archives [could] be realized’.³⁵ The team reached a kind of transnational custodial agreement on Italian archives in wartime. This stood in stark contrast to the enormous scale of archival destruction and displacement that characterized WWII across the globe.³⁶

Observing the ways in which structures of power deploy archives for historic, political, or military use reveals value systems inherent to those structures. Shortly after coming into power in 1933, Hitler’s Nazi regime raided and confiscated the archives of all trade union headquarters as well as many libraries and research institutions across Germany to weaken organized Communists, Social Democrats, and left-wing trade unionists. By 1938, the regime seized the most important Jewish archives in Germany and exploited them ‘for the purposes of so-called research and propaganda with the aim of “eradicating” [Jews]’.³⁷ Nazi troops also plundered archives across the continent as a method of conquest by ‘strengthening control over various enemies of the regime’.³⁸ Toward the end of the war, German forces destroyed many of their own records lest Allied troops seize and use them in restitution or reparation efforts. Finally, faced with defeat, Hitler’s troops constructed hiding spots on

Austrian mountaintops to conceal and store the documents they deemed worth saving. They secreted others into guarded palaces and remote castles.³⁹ This chronology of archival activity demonstrates already well-established value systems of the Nazi regime, namely white supremacy and nationalism in service of genocidal violence, fascist rule, and the attempt to colonize continental Europe.

The major Allies' interest in archival preservation, use, and ownership during and after WWII was more complicated than the universal ideal announced by Eisenhower. Individual governments, especially the UK and Russia, were preoccupied by the costs of the war and the financial ruin of its aftermath. Thus, the recovery of documents related to 'looted assets', such as gold, art, and accounts, was a priority in matters of restitution and reparations.⁴⁰ Amassing documents was also essential for preparing evidence for the Nuremberg trials.⁴¹ Further, the Allies regarded German archives as an important resource in the political debate over 'who could legitimately interpret Germany's disastrous course during the first half of the twentieth century'.⁴² The discovery of Germany's foreign ministry's archive in the Soviet zone of occupation prompted British and American troops to secretly relocate the archive to the west for their own consultation.⁴³ Scholar Astrid Eckert emphasizes that the postwar negotiations between western Germany, the UK, and the US over custody of Germany's archives were emblematic of postwar struggles for sovereignty.

The international cooperation on archival matters that started during the war evolved with the postwar development of international organizations, such as the United Nations. In 1948, Hilary Jenkinson attended a conference to establish the ICA, sponsored by the UNESCO, founded two years prior. In its founding, the ICA was tasked with holding congresses, developing a global network of archivists, promoting awareness of archives, and facilitating exchange among specialists regarding techniques of preservation and standardization of best practice. A report on the ICA's first meeting recorded that the 'Assembly endorsed the principles of freer access to archives and the exchange of copies as being among objectives of the Council'.⁴⁴ The delegates went so far as to endorse 'international exchanges and the freedom of mutual access to the archives and other original documents' between represented nations.⁴⁵ These points harmonized with the international idealism that the ICA was founded on, expressed in its original mission 'to cooperate with all organizations concerned with the documentation of human experience and the use of that documentation for the benefit of mankind'.⁴⁶ Behind this universalism were significant exclusions. The first meeting was attended by representatives of 30 countries, all of which were UN member states. The proceedings were dominated by the UK, US, and France and to a lesser extent by Italy, Austria, the Netherlands, and Norway. Russia and its allied nations did not attend, nor did the dozens of lands under European colonial rule.

In the aftermath of WWII, supranational structures such as the UN and ICA reinforced state sovereignty through membership criteria.⁴⁷ Sovereignty was thus billed as the requirement to benefit from the universal ideals such organizations espoused.⁴⁸ Furthermore, postwar restitution processes reaffirmed nation-states as the proprietors over cultural property, including national archives. Anticolonial nationalism amplified this emphasis by citing the sovereignty of new nations as the basis for geopolitical maneuvering. Yet, in this international regime characterized by the primacy of state sovereignty, the principles enunciated by the new vehicles for international cooperation were implemented selectively. For example, claims by recently independent lands against European states for looted cultural property revealed how unwilling some states were to enact the universalism to which they had previously committed themselves. The as yet unsuccessful claims against Britain are a clear example.

Colonial Loot and ‘Joint Heritage’

A man without culture is like a man without soul and so is the nation without a well preserved and properly equipped archives.

(David Maina Kagombe, former Director,
Kenya National Archives⁴⁹)

In 1948, the same year as the ICA's founding, Hilary Jenkinson circulated a Memorandum on Colonial Archives to British Colonial Governments (BCG) across the empire. In the memo, Jenkinson suggested that ‘modern archives may indeed be regarded as, potentially, the ultimate answer to one of the greatest dangers of Modern Civilization – the unscrupulous use of Publicity and Propaganda’.⁵⁰ The memo continued with how to preserve and keep safe colonial administrative archives. The British Colonial Government in Ceylon received the memo just as the colony gained independence, emerging as Sri Lanka. In contrast to the recommendations laid out by Jenkinson, the outgoing colonial government oversaw mass archival destruction and removal upon its defeat by anticolonial activism.⁵¹ Early into independence, India, Pakistan, and Sri Lanka launched claims against the UK government for the archives of the East India Company, the Board of Control, and the India and Burma Offices, which were stored in London by the India Office. Claims by Burma and Nepal followed shortly after. The UK Government unilaterally put the question of legal ownership to the Law Officers of the Crown in 1956. A privately appointed judicial committee reached their own solution behind closed doors that no doubt made very few concessions, hence no response to any claimant state.⁵² In the same year, as Kwame Nkrumah powerfully headed the anticolonial movement in the Gold Coast (Ghana), the colony's governor conspired with the Colonial Office regarding the removal and destruction of certain archives before independence.⁵³

By the early 1960s, the success of anticolonial movements across both British and French empires resulted in major collapse of European imperialism and made way for new nations.⁵⁴ Metropolitan governments responded to this transformation by commanding archival destruction and evacuation from former colonies to European cities at a mass scale. In the British case, the removed records were selected according to their potential for 'embarrassment'.⁵⁵ These were records that revealed BCG violence, surveillance, infiltration, and systematic handling of racialized domination, including attempts to overcome anticolonial resistance. Their removal and suppression demonstrated how failing colonial governments constructed an archival strategy that departed from Jenkinson's: to counter anticolonial critiques against European imperialism, which had been self-fashioned through a civilizing discourse, public evidence of colonial rule had to be heavily censored. Historian Vincent Hiribarren suggests that the tendency to conceal colonial history was and remains a habit particular to those European states that are regarded as liberal democracies.⁵⁶ Avoiding embarrassment proved a more pressing concern to the UK than the ability for previously colonized lands and peoples to use documents to build their worlds anew after colonial occupation. Instead, the Colonial Office coordinated the smuggling of documents from 37 countries, locking them in 6 kilometers of steel cages in Hayes Storage facility, a former ammunition factory in the south east of England, before denying their existence and 'forgetting' about them. In contrast to the reverence for Italian cultural artefacts and the wartime mobilization to safeguard them, the UK's treatment of the archival heritage related to 37 countries demonstrates an absolute disregard of the peoples of those lands, and any other, to access the documented history of the colonial period. This difference clarifies the geopolitical order of value according to the UK government, one that continues to favor the interests of the so-called West and to subjugate those the 'West' constructed as 'other'. Hard-won sovereignty would not be enough for newly independent lands to convince former colonial powers to address the issue of displaced archives.

Archival Disputes as Political Struggle

As a result of colonial looting and record removal, archivists and activists from newly independent states organized around a shared interest in restoring the objects and documents taken from their lands by settlers, explorers, militaries, and former colonial governments. As an alternative to referencing nations and nationalism, scholar Hamid Dabashi describes the emerging public sphere constructed by globally dispersed anticolonial activism as liberation geography.⁵⁷ Dabashi's notion of 'liberation geography' is unfixed in either time or space. Rather, he uses it to describe transnational solidarities in rebellion against the colonial condition that fundamentally alter 'how we think and fathom the world', both historically

and in contemporary politics.⁵⁸ As such, liberation geography refers more to the ideas, behaviors, and relationships of peoples engaged in geopolitical struggle than locational, nation-state boundaries. In the early 1960s, the influence of this geopolitical configuration, largely emanating from the global South, on international discussions about 'heritage' was significant. Activists, politicians, and record-keepers made use of the structures and resources of international organizations to develop a framework for archival restitution. For example, the 1964 General Conference of UNESCO produced a 'Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property' that built on post-WWII precedent. The conference defined cultural property to include archives and argued that it was a 'basic element of ... national culture'.⁵⁹ UNESCO's emphasis on individual nations as cultural proprietors contrasted Eisenhower's universal rhetoric of one shared human history and reflected the significance of national sovereignty for newly independent states. Where Eisenhower's universality had concealed a geopolitical order of value, archivists from African, Asian, and Arab lands made global heritage protections more inclusive by insisting on the sovereignty of new states.⁶⁰ The 1964 UNESCO recommendation suggested the use of bilateral or multilateral agreements to settle disputes arising 'from the export, import or transfer of ownership of cultural property' between states. Further, the recommendation suggested that such a process would lead to 'understanding and mutual appreciation between nations'.⁶¹ Thus, in the colonial context, UNESCO framed restitution as a form of international diplomacy. Continuing with the British example will illustrate this.

Established in 1965, the Kenyan National Archives (KNA) was a key institution in the attempts to negotiate archival restitution with the UK Government as a matter of diplomacy. The KNA's Inter-ministerial Committee on Retrieval of Kenya Archives from Overseas Countries intensified its activities at the same time as the international community turned its attention on the issue of colonial archives. For example, the 1972 ICA meeting in Moscow concluded that 'governments of developed countries' and "developing countries' should use 'bilateral cultural agreements' to reach a compromise on disputed archives. It recommended that the former should provide microfilm copies of archives related to the histories of 'developing countries' and consider returning removed archives.⁶² At the ICA meeting, director of India's National Archives Dr. Shitla Prasad argued that, 'Morally, these records belong to the developing countries concerned, they are vitally necessary for reconstructing its history ... The developing countries feel strongly and unanimously that these "migrated archives" must be restored to them'.⁶³ The Kenyan committee had already dedicated time and money to figure out 'which information is either in documents transferred to the UK or destroyed' and agreed that 'proper Anglo-Kenyan Arrangements should be negotiated afresh'.⁶⁴ The Kenyan government

agreed to pay several research officers attached to the High Commission in London with an archival retrieval mandate. Among the officers' tasks was compiling a survey of Kenya-related records within UK archival institutions. The committee believed that such a survey was essential 'to approach the British Government with substantial evidence' so that their requests could not be easily dismissed.⁶⁵ As historian Poppy Cullen emphasizes, maintaining favorable relations with Kenya was of explicit interest to the UK government in foreign policy objectives across the African continent and to a certain extent within the Non-Aligned Movement.⁶⁶ The UK East African Department advised the FCO that archival requests 'will clearly have to be handled with some care given the closeness of our bilateral relations with Kenya'.⁶⁷ It was therefore important to proceed with delicacy on the question of colonial archives at the ministerial level of government, so as to nurture diplomatic relations with Kenya but not at the expense of the UK's claim to colonial records.

The UK government struggled internally to formulate a convincing legal or moral argument to justify its proprietary claim over colonial records.⁶⁸ Instead, the FCO legitimized its status as a rightful owner through insistence and in doing so rejected wholesale the requests from Kenya to the colonial records stored secretly, but agreed to sell microfilm copies of more innocuous materials held for public view at the Public Records Office. Reviewing FCO discussions on the matter, it seems like the 'migrated archives' were understood as a class on their own. They were not considered UK Public Records but nonetheless were regarded as belonging to the Foreign and Commonwealth Office. They were understood as related to former territories but too valuable and/or risky to return, destroy, or reveal. The 'migrated archives' constituted a kind of no-man's land that the UK furtively guarded. Their limbo status provided the FCO with a *carte blanche* regarding their future and the absence of a legal frame enabled the government office to act with impunity.⁶⁹

International Mediation and Joint Heritage

Despite uncooperative European metropolises, UNESCO and the ICA continued to engage the issue of disputed colonial archives throughout the 1970s with the aim of facilitating international cooperation through bilateral agreements. In contrast to the use of information in service of domination, international organizations such as UNESCO asserted that 'cooperative information systems' could 'contribute to better understanding and world co-operation'.⁷⁰ The process of forging a cultural agreement was framed as a diplomatic process that could improve relations between states after geopolitical ruptures. In UNESCO's own terms, 'the establishment of joint archival heritages can thus contribute towards creating a climate of goodwill between peoples formerly in opposition to each other'.⁷¹ Former ICA

Executive Secretary Charles Kecskeméti spent years working with governments, national archives, individuals, and other international institutions to develop ‘a typology of [archival] disputes, a specific and unambiguous terminology, [and] concepts able to offer a way out of impasses’.⁷² The wide-ranging typology addressed states as the custodial entities over administrative archives and identified instances of ‘state succession’ as the context for archival disputes. The typology listed five kinds of state succession:

- 1 Transfer of part of the territory of a State (i.e. the Alaska Purchase (1867))
- 2 Newly independent State (i.e. Libya (1951); Morocco (1956))
- 3 Uniting of States (i.e. the United Arab Republic (1958-1961) between Syria and Egypt)
- 4 Separation of part or parts of the territory of a State (i.e. Pakistan from India (1947); Bangladesh from Pakistan (1971))
- 5 Dissolution of a State (i.e. the former Austro-Hungarian Empire (1918)).⁷³

These were situated in the context of decolonization in Africa, Asia, and the Middle East, the reconfiguration of eastern European socialist republics and the emergence of post-war alliances between North America and western Europe. Dedicated to resolution, Kecskeméti addressed the two parties he identified in archival disputes across the wide spectrum covered by the typology: the state that had archives in its custody and the state(s) that argued legitimate ownership. In contrast to international organizations such as the International Law Commission and the UN, Kecskeméti stated that UNESCO and the ICA played a ‘professional, non-governmental’ role in settling disputes and consequently addressed the parties in archival disputes on professional grounds.⁷⁴ In doing so, Kecskeméti presented his/the ICA vision of what joint archival heritage could mean.

UNESCO and the ICA’s advocacy of joint heritage presumed that direct negotiation between the states concerned could result in the settlement of archival claims.⁷⁵ Kecskeméti acknowledged that ‘the problem of archival claims at the end of a period of decolonization [was] particularly complex’ and that there would be ‘no possibility of achieving any real progress unless the full complexity [was] understood’.⁷⁶ On behalf of UNESCO and the ICA, he addressed the two parties of colonial archival disputes to recommend joint heritage guidelines that might ease the complexity. He suggested the following to the former colonial powers who held disputed documents in their custody:

- They should not regard the transfer of original archives as an ‘impoverishment’ of their national heritage
- Their removal of archives from now independent countries was a breach of the ‘integrity of collections’ and therefore any argument that

restitution threatened the integrity of collections under their custodianship was bunk

- Avoiding negotiations would prolong the problem, not make it disappear
- Providing microfilm copies was not a quick fix to this problem; the issue of legal ownership must be addressed
- They should 'reach an agreement based on mutual trust' with those lodging the claims.⁷⁷

To those parties requesting archival transfers, he suggested:

- For a claim to be successful, parties needed to agree on a standard of physical conservation and access that the requesting party was able to provide
- Recovering original administrative documents alone would not 'solve a country's archival problems', implying that newly independent states should make an ongoing commitment to their national archives beyond the scope of restitution
- Countries requesting restitution should acknowledge that the documents they sought were 'of interest to both parties, since they are the documentary product of a common history'.⁷⁸

As conceived, joint heritage required state parties not only to compromise on the issue of archival ownership but, in doing so, develop a new set of relational practices through diplomatic negotiation based on trust and in recognition of a shared past.

In addition to advising states on how to approach joint heritage negotiations, UNESCO suggested how to prepare a bilateral agreement and some of the terms it should cover. UNESCO justified joint heritage as a matter between governments on the grounds that a nation's archives were considered state property and governments were the 'trustees of its integrity'. The following is a summary of the procedure UNESCO proposed in 1977 for preparing an agreement. First, both/all states must recognize the existence of a dispute. This recognition should be followed by the shared acknowledgement that special rules of access between states were required. No state should enter the agreement with prior conditions, such as a refusal to accept microfilm copies. After reaching a tentative agreement, participating state governments should produce a document on the agreement and distribute it to archival authorities, who could then set up a joint commission. As a first task, this commission should compose a list of the relevant archive groups subject to negotiation. The commission should then examine each group on a case-by-case basis and propose a best course of action, such as transfer of originals, complete or partial microfilming, or transfer of certified hard copies. Finally, the commission should prepare an agreement. This agreement should address transfers, regulations governing access and

duplication (administrative and scholarly), the future of inter-state cooperation (such as establishment of a permanent delegation), and the question of funding.⁷⁹ UNESCO and the ICA further developed the contents of such an agreement in the 1981 *Model Bilateral and Multilateral Agreements and Conventions Concerning the Transfer of Archives*.

Building on the process laid out in 1977, UNESCO's 1981 guidelines on bilateral and multilateral agreements made clearer the responsibilities of states involved, the role of international organizations, and the overall conceptual framing of joint heritage. The guidelines clarified which archive groups could be considered under a joint heritage agreement. It stated that only documents produced by the administrative body that preceded the succession of states would be included. Regardless of how relevant they might be, the agreement would not consider documents scattered outside of official government resulting in the exclusion of records held privately (i.e. by ex-colonial officials, missionaries, settlers, explorers, etc.) and institutionally (i.e. by museums, churches, universities, etc.). The agreement would treat only records produced by and presumably held by governments. UNESCO stressed that the contents of a record made no difference to its ownership. In other words, a civil servant could make no claim to their personal file; neither could a convicted person lay claim to their trial record.⁸⁰ Once states identified which archives their agreement pertained to, UNESCO offered joint heritage as 'a framework for action'. Such action would include establishing a joint committee, surveying administrative collections, launching a reprography program, negotiating terms of access and budget. This frame of action, so UNESCO purported, would result not only in access by both states to disputed records but also an improved relation between states 'formerly in opposition to each other'. In the case that states were unable to reach an agreement, UNESCO suggested forming an arbitration commission, composed either of an equal number of state-appointed representatives from lands other than those in dispute or a commission put together in cooperation between the ICA and UNESCO. The arbitration procedure should be held in secret, without record, and yield unanimous decisions. The guidelines defined internationally framed and entangled archival interests as a matter of inter-state diplomatic negotiation.⁸¹

The Vienna Convention

The work by UNESCO and the ICA and the International Law Commission throughout the 1970s culminated in the Vienna Convention on the Succession of States in Respect of State Property, Archives and Debts. The convention is largely considered a failure.⁸² Though the UN adopted the convention's terms, not enough members signed and ratified it for it to come into effect. A clause on joint heritage was an early loss, voted down and excluded from the convention's text. The vote to exclude joint heritage reflected the

unwillingness of European states to negotiate the archival claims from former colonies. Though the typology of state succession enumerated by the convention was broad, its context was loaded with postcolonial proxy struggles. In 1983, India, Pakistan, Algeria, Kenya, Indonesia, and Yugoslavia had active archival claims against the UK, France, the Netherlands, and Austria.

No European state signed the convention in 1983. According to the interests of the UK and other former colonial European states, the convention's defeat was a success.

Nevertheless, Kenya persisted. After the Vienna Convention, the Kenyan delegates returned to Nairobi and handed over a report to the director of the National Archives that made clear their resolve to continue pursuing archival restitution within the frame of a joint heritage cultural agreement. The report's author wrote, 'Although the Western European countries cast a negative vote ... the truth can never be hidden ... and neither can the people's right to know about their culture be ignored'.⁸³ They continued,

Even though Britain cast a negative vote on the convention, attempts should be made towards concluding a cultural agreement. There are certain classes of documents held at the [Public Records Office] which are still inaccessible to the Kenya Government. In as much as British archivists would wish to co-operate and assist Kenya in its retrieval programme, it is only through a Diplomatic Agreement with [the UK government] that these closed documents can be opened to Kenya, leave alone being returned.⁸⁴

The rapporteur proceeded to detail what, in their view, a sufficient joint heritage agreement between Kenya and the UK would entail. The following is a summary of that view. As a first course of action, the UK should provide a comprehensive list of all secret files in their custody which relate to Kenya. The UK should also include works of art and artifacts related to Kenya in their survey. A joint heritage agreement should solve stalemates over 'certain classes of records which [the UK government] would not wish to give Kenya at all costs, and which Kenya would continue to demand from Britain ...'.⁸⁵ The agreement should not only determine co-ownership of documents but also establish equal terms of their use and disposal. Given the high costs of microfilming, an exchange program should be established whereby either Kenya or the UK provide the other with copies of certain documents of interest to both governments.⁸⁶

However, by 1983 the political climate in Kenya was hostile toward critical historical work. Since a coup attempt in August 1982, Kenyan President Moi oversaw the escalation of his repressive regime that re-normalized colonial style detention without trial, political kidnappings, and raids. To control international perception of the country which had been heralded as

the West's 'showcase democracy', Moi's administration restricted Kenyans' mobility such that only those with executive clearance could travel outside of its borders.⁸⁷ Kenya's historians and other academics were targeted by the administration. The Kenyan National Archives shrunk in budget and function. Once an international leader in the push to identify and return colonial records, Kenya's team to retrieve migrated archives had their final meeting with the UK in May 1983.

Joint Heritage after Vienna

We strongly argue that the present is always a product of the past, and if the errors of the past are not exposed there is no guarantee that they would not be repeated.

(Ndeshi Namhila, Pro-Vice Chancellor,
University of Namibia⁸⁸)

Despite Kenya's temporary retreat from the migrated archives debate in the mid-1980s, the international archival community continued with the issue. James Lowry chronicles the progression as follows.⁸⁹ In 1995, Hervé Bastien compiled a *Reference Dossier on Archival Claims* for the ICA. Three years later, Leopold Auer published a report on archival claims on behalf of UNESCO. Auer concluded that his study revealed such a 'multitude of claims, of different types and origins' that only a general approach based on professional principles might be helpful.⁹⁰ Joint heritage was among the principles Auer listed. His definition repeated that which had been voted down 15 years prior. In something of an historical rhyme, Algeria once again raised the issue of displaced archives at the International Council on Archives Conference in Vienna in 2004. In 2009, the ICA approved the formation of the Displaced Archives Working Group, which intended to continue the work laid out by Auer but according to Lowry 'is considered dormant'.⁹¹

However, the watershed moment regarding removed colonial archives within the Anglophone discourse occurred in 2011 when a group of Kenyans, their lawyers, and a team of historians cornered the UK's Foreign and Commonwealth Office into publicly admitting the existence of the 'migrated archives' for the first time in a global media event known as the Hanslope Park disclosure.⁹² A reparations case featuring Kenyan claims against the systematic and indiscriminate use of torture by the British government during the period leading up to independence triggered the 'migrated archives' admission. In need of a public explanation as to why the archives had been hidden for so long, the FCO claimed it was a mistake. A court ordered report, conducted by a UK government diplomat, confirmed by suggesting that like all large organizations, it was difficult for the FCO to keep 'track of information held'.⁹³

Shortly after the Hanslope Park disclosure, James Lowry founded the Displacements and Diasporas’ project at the University of Liverpool Centre for Archive Studies in 2014 to examine ‘outstanding issues and claims over displaced records and records in diasporas’.⁹⁴ As a result of the project and the conversations it produced within the ICA, an expert group on shared archival heritage formed in 2016 in order to consider ‘different points of view in archival claims’ and solve them ‘through conversation and collaboration’.⁹⁵ According to a presentation by the group’s Chair, Njörður Sigurðsson, the group references Auer’s notion of joint heritage and emphasizes the delicacy of negotiating disputed archives, suggesting that the way in which the problem is framed is indicative of whether a conclusion will be reached.⁹⁶ An examination of those instances where joint heritage is regarded as a success and those where it fails confirms the importance of framing.

Within the literature on displaced archives there are examples described as joint heritage successes. Charles Kecskeméti mentions bilateral agreements between the Netherlands and Indonesia, Namibia and South Africa, and Slovakia and the Czech Republic. Among the resolutions made following the break-up of the Socialist Federal Republic of Yugoslavia was a 1997 agreement between archives of successor states that cited joint heritage. The agreement aimed to grant equal rights to archives that concerned multiple states while acknowledging that only one could take responsibility for collections, lest they face dispersal.⁹⁷ In 2006, representatives of Suriname’s National Archives requested the return of archival documents from the Netherlands. The two National Archives reached an agreement that established terms related to conservation, professional training, and digitization. The Netherlands sent the final tranche of original documents to Suriname in 2017. In 2001, Namibia and Germany began a jointly funded project ‘Archives of Anti-Colonial Resistance and the Liberation Struggle’ that facilitated the repatriation of many documents from Germany to Namibia. As early as the 1970s, advocates successfully demanded archival repatriation of the Republic of Indonesia’s administrative records seized by Dutch intelligence officers from the Netherlands back to Indonesia. In his discussion on the politics of Indonesian-Dutch archives, scholar Michael Karabinos considers the joint heritage framing, stating that ‘it should not be overlooked that what binds records in joint heritage, in colonial examples, is *force*’.⁹⁸ In contrast to the joint heritage framing, scholar Steven Chung states that repatriation of archives and objects rests ‘on the notion that they were removed illegally, without verifiable proof of privately or publicly sanctioned transaction’.⁹⁹ By framing the problem of colonial archive disputes together with types of state succession, the joint heritage concept both legitimates colonial administrations as a state with legal protections and makes it difficult to see the problem as a form of forceful extraction or looting that would warrant restitution.

The singularity of colonial archives was a recurrent theme in UNESCO/ICA documentation on disputed archives and discussions on joint heritage. In summarizing a historical overview of archival transfer upon succession of states, Kecskeméti pointed out that while ‘it can be observed that archives evacuated or removed during war time (or military occupation) are restituted’, archives removed ‘during colonial wars’ were not. By way of explanation, Kecskeméti observed that archival claims typically were settled ‘in a somewhat circumstantial fashion determined by power relationships at the time and prompted by considerations other than archival ones’. In contrast to the ‘automatic inclusion since the 17th century’ of archival clauses in treaties related to inter-European territorial cession, the agreements that facilitated the succession of states upon decolonization were ‘silent on the subject’. He concluded that ‘it is essential to reach a consensus concerning the retroactive effects of independence in the matter of archives’.¹⁰⁰ However, Kecskeméti’s point of inquiry was limited to the presence or absence of a transfer agreement. A fuller examination of archives as a device of colonial rule might have done more to explain the overwhelming lack of cooperation from European states on archival claims.

In reviewing UK governmental internal correspondence, it becomes clear that UNESCO’s early work on joint heritage was based on a fundamental miscalculation. UNESCO stated that a joint heritage approach required that ‘all the parties concerned have a common desire to reach agreement’.¹⁰¹ Not only was the UK uninterested in reaching any kind of joint heritage agreement, the government was still evacuating records and concealing them in secret storage from both the UK public and other lands.¹⁰² The UK government continued to privilege its reputation over the lives and welfare of peoples residing in formerly colonized lands. This continuity aligned with the original function of colonial archives in the British empire.

Colonial archives were configured not only in service of racial subjugation but to preserve the existence of the colonial state structures. Quoting Hilary Jenkinson’s *Manual of Archive Administration*, Kenya’s colonial archivist Evelyn Bweye stated that the colonial archive should ‘serve the practical purposes of administration by providing precedents and historical background to government business’.¹⁰³ This was the colonial archive’s original purpose: to serve the interests of its administration. The key feature of colonial bureaucracy in service of domination was that the ends could justify the means only if both were concealable. Hiding archives, through classification schema that prevented access, physical destruction, or keeping their existence secret, was a way of hiding the systems behind and the extent of colonial violence. Archival concealment paralleled other forms of colonial cover-ups. Resisting the colonial tendency to obscure government-sanctioned and racialized violence requires vigilance against the use of euphemism.¹⁰⁴ Yvonne Adhiambo Owuor refuses the notion of ‘shared’

colonial history, arguing that, 'the original inhumanity, the violation of [... the] basic covenant of human relationality, the desecration of dignity and decency forbid it'.¹⁰⁵ 'Joint heritage' suggests a similar sense of co-belonging and equality and must be regarded with the same skepticism.

Conclusion

Information is power in war and peace. But information, particularly in the struggle between the dominated and the dominating, is never neutral ... [it] is therefore a site of intense struggle and nowhere is this better illustrated than in a colonial situation.

(Ngugi wa Thiong'o¹⁰⁶)

The Allied practice of transnational cooperation in the preservation of monuments, artworks, and archives in WWII gave way to a universal ideal of common heritage across nations. This ideal, even at the time, was applied narrowly to protect what the cultural West regarded as civilization's great masterpieces in Italy. This stood in contrast to the neglect of architectural and artistic destruction on the Eastern and Pacific fronts. The discord between the universality of the common heritage ideal and its application paralleled the discord between the western Allied powers self-fashioning as champions of democracy and the struggles within their societies against oppressive rule, especially within European empire. The success of anticolonial movements and the consequent liberation of dozens of new nations resulted in the reshaping of universal ideals formed in the context of WWII. This included debates over state archives.

Many European states failed to uphold the ideals of common heritage espoused after WWII in the colonial context. Toward the end of their rule, former European colonial states destroyed and removed archives from across the globe to metropolises to conceal evidence of practices of domination. Immediately after independence, recently liberated states demanded access to these collections. Because of this activism, the international community, namely the ICA and UNESCO, took up the issue of disputed archives and focused on providing professional frameworks and tools to solve the problem. Joint heritage was one of these tools. While the ICA and UNESCO recognized the particularity of colonial disputes, they generalized the problem of archival disputes to include other instances of state succession. Joint heritage was offered as a description of disputed archives, a process of negotiating their custody and access, and a bilateral cultural agreement stating the terms of said negotiation. However, the generalization of the problem that joint heritage addressed enabled European states that were reluctant to acknowledge the existence of concealed colonial records to avoid cooperation. Nonetheless, archive activists from and/or in solidarity with the global South continued to advocate restitution, culminating in

the public revelation that the UK had been withholding scores of archival documents removed from across its empire.

The ICA's Expert Group on Shared Archival Heritage formed in 2016 to continue working on the problem of disputed archives. Its stated aims are to 'represent all sides of the discussion', to provide an environment for dialogue that recognizes the delicacy of disputes, to provide 'a balanced and professional analysis' of settlement options, and to settle disputes in order to allow 'all people to connect with their archival heritage, in a culturally appropriate way, freely and without impediment'.¹⁰⁷ The expert group's rhetoric echoes the universalism of previous ICA/UNESCO documentation, at the expense of historical specificity regarding colonial archives – both as a device of colonial rule and as a mechanism to avoid accountability. However, during a roundtable at the ICA's conference in 2018, the group's chair Njörður Sigurðsson questioned whether shared archival heritage was an appropriate term to describe the group's remit. As scholar Mandy Banton reports, Sigurðsson concluded that it was not appropriate 'in the case of the forced removal of records by colonizers and the subsequent refusal of former metropolitan states to contemplate any meaningful "sharing"'.¹⁰⁸ Instead of employing euphemisms that obscure the coercive and violent asymmetry of colonial history, directly and specifically addressing both the historical and contemporary functions of administrative archives to (ongoing) European colonial power and impunity would be a logical next step.

Notes

- 1 Thiong'o, *Decolonising the Mind*, 3.
- 2 For a discussion of *thingification* as related to a decolonial archival praxis, see Ghaddar and Caswell, "To Go Beyond."
- 3 Burroughs and de Mul, "Leopold II Statues Fall," para. 4.
- 4 Burroughs and de Mul, "Leopold II Statues Fall," para. 10.
- 5 Explored at great length in the 2017 anthology *Displaced Archives* (edited by James Lowry), the titular term broadly denotes archives that have been removed from the place of their creation.
- 6 Kecskeméti, "Archival Claims: Preliminary Study," 26.
- 7 ICA (as re-published in "Reference Dossier on Archival Claims"), 30 (emphasis added).
- 8 As summarized by Lowry and cited by Banton, "Shared Archival Heritage," 22.
- 9 Kecskeméti, "Archival Claims: Preliminary Study."
- 10 FCO 141/19912, International Council on Archives Working Group, Professional Advice on the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts, Part III, State Archives (Art. 19 to 31), n.d., 7.
- 11 FCO 141/19912, International Council on Archives Working Group, Professional Advice on the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts, Part III, State Archives (Art. 19 to 31), n.d., 7.z.

- 12 Pandžić, "Succession of the State Archives"; Stahn, "Agreement on Succession Issues."
- 13 Banton, "Shared Archival Heritage."
- 14 Kecskeméti, "Archival Claims: Preliminary Study"; Auer, "Disputed Archival Claims."
- 15 Auer, "Disputed Archival Claims," 30.
- 16 Sigurðsson, n.d., slide 3.
- 17 ICA, "Terms of Reference," para 2.
- 18 See Daehnke, "Reflections on the Confluence Project"; Dragojlovic, "Shared Cultural Heritage."
- 19 Yapp, "Define Mutual," 72.
- 20 Yapp, "Define Mutual," 72. Though Yapp takes the Netherlands as a case study, other scholars have made similar observations about the legacy of colonialism within white European political and cultural spaces. See: Gilroy, *After Empire* and Flinn, "Community Histories, Community Archives."
- 21 This chapter skews toward examples related to the UK and Kenya due to the author's current doctoral research. It is therefore by no means exhaustive in scope but illustrative of a key case.
- 22 T/209/10, Preservation of Works of Art in Italy, Allied Force Headquarters, 8 May 1944.
- 23 Max Göring was of no known relation to Hermann Göring, a prominent figure in the Nazi Party and notorious looter.
- 24 T/209/10, Letter from Woolley to Macmillan, 2 November 1944.
- 25 T/209/10, Preservation of Works of Art in Italy; 117; T/209/18/2, Headquarters Allied Commission, Monuments Fine Arts and Archives, Final Report: Campania, 25 November 1945.
- 26 T/209/10, Letter from Dwight D. Eisenhower to All Commanders, 'Historic Monuments', 29 December 1943.
- 27 US area bombing destroyed over 60 Japanese cities *prior* to the nuclear bombings of Hiroshima and Nagasaki; The knowledge of cultural destruction during WWII is asymmetrical, leaving gaps in Anglophone scholarship regarding the "cultural cost of the Pacific War." (Lawyers' Committee for Cultural Heritage Preservation, "From Plunder to Preservation," para. 4). Further, scholar Patrick J. Boylan emphasizes that combat on the eastern front took little or no regard of wartime standards of conduct, including the protection of cultural heritage (Boylan, "Concept of Cultural Protection").
- 28 T/209/10, Preservation of Works of Art in Italy.
- 29 T/209/10, Preservation of Works of Art in Italy.
- 30 T/209/10, Preservation of Works of Art in Italy.
- 31 Scholars Laila Hussein Moustafa, "Cultural Heritage and Preservation" and Rim Lababidi and Hiba Qassar "Did They Really Forget" have generated an especially important discussion on the work of the MFA&A to highlight the international heritage community's comparative neglect of contemporary cultural destruction in the Middle East, especially in Iraq and Syria.
- 32 T/209/10, Letter from Jenkinson and Shipman to Carroll, 15 April 1944.
- 33 T/209/10, Letter from Jenkinson and Shipman to Carroll, 15 April 1944.
- 34 T/209/10, Preservation of Property of Historical or Educational Importance in Italy, Robertson, 30 March 1944.
- 35 T/209/10, Notes on conclusions reached at a conference on the safeguarding of modern archives, Jenkinson, Shipman, Cave, 11 April 1944.
- 36 Auer, "Displaced Archives."
- 37 Büttner, "Treatment of Enemy Archives," 740.

- 38 Auer, "Displaced Archives," 120. Auer also writes that Germans captured archives from France, Belgium, the Netherlands, Yugoslavia and in Italy but that the most extensive "devastation of archives by Nazi authorities took place in Eastern Europe" to bolster anti-Bolshevik and anti-Semitic propaganda campaigns (Auer, "Displaced Archives," 119-120).
- 39 FO/102/2766, Repositories to Which Works of Art and Archives have been Moved in Austria, List II, Vienna: Schoenbrunn Palace, Repository for Archives and Library of German Foreign Office, n.d.
- 40 Kurtz, "Searching for Truth."
- 41 Auer, "Displaced Archives," 119.
- 42 Eckert, *Struggle for the Files*, 3.
- 43 Eckert, *Struggle for the Files*, 1.
- 44 Norton, "First International Congress," 18.
- 45 Norton, "First International Congress," 27.
- 46 Norton, "First International Congress," 14.
- 47 For example, the United Nations defines membership, per their homepage, as open to "all peace-loving States that accept the obligations contained in the United Nations Charter and, in the judgment of the Organization, are able to carry out these obligations." <https://www.un.org/en/sections/member-states/about-un-membership/index.html>.
- 48 For further discussion on the ways in which internationalization reinforced the primacy of nation-states in heritage contexts, see Meskell and Bruman, "UNESCO and New World Orders"; and Coombe and Weiss, "Neoliberalism, Heritage Regimes."
- 49 FCO 141/19912; newspaper clipping, Kwena, "The Kenya National Archives is 'Heart' of the Nation," *Daily Nation*, December 12, 1978.
- 50 ARC (CG0) 1/4, Memorandum on Colonial Archives, 1948.
- 51 For an elaboration on the decision to remove records from Ceylon and the consequent archival displacements across the British empire see Banton, "Displaced Archives."
- 52 LRR 331/10, B C Bloomfield, letter IOLR Transfer to the British Library, to Mr. Thorpe, 1 February 1982.
- 53 Sato, "Operation Legacy," 701-702.
- 54 For further context regarding Algerian archival activism, namely restitution from France see Shepard, "Making Sovereignty."
- 55 Banton, "Destroy? 'Migrate'? Conceal?"
- 56 Hiribarren, "Hiding the Colonial Past?"
- 57 Dabashi, *Iran Without Borders*.
- 58 Dabashi, *The Arab Spring*, 6.
- 59 UNESCO, Recommendation on the Means.
- 60 For a more general discussion on the ways in which the global South "virtually remade the UN", see Burke, *Decolonization and the Evolution*.
- 61 UNESCO, Recommendation on the Means, Provision 13.
- 62 KNA 34/87, Minutes of the Interministerial Committee on Retrieval of Kenya Archives in Overseas Countries (ICRKAOC), 8 August 1973.
- 63 As quoted by Banton, "Displaced Archives," 52.
- 64 KNA 34/87, Minutes ICRKAOC, 1973.
- 65 The committee spent years surveying the UK for records related to Kenya, in both private and public collections. Their work resulted in the publication of *Guide to Archives and Manuscripts Relating to Kenya and East Africa in the United Kingdom* (1991). See Mnjama, "Migrated Archives," for an account of various African governments attempting to retrieve archival collections

- removed to European countries. See also Mnjama and Lowry's "Proposal for Action" for an African-centered outlook on archival retrieval based on decades of experience. The efforts by Mnjama and his colleagues to identify and advocate restitution of colonial records cannot be overstated.
- 66 Cullen, *Beyond Neo-Colonialism*.
 - 67 FCO 12/357, A E Huckle, letter, to E C Blayney, 24 Jun 1982.
 - 68 Especially as documented throughout FCO 12/357.
 - 69 FCO 141/19933, R R M Hollas, letter, to Mrs. Yasamee and Mr. Bone, 1 February 1995.
 - 70 Zaher, "UNESCO and National Library Planning," 16.
 - 71 Kecskeméti and van Laar, "Model Bilateral and Multilateral Agreements," 21.
 - 72 Kecskeméti, "Archives Seizures," 14.
 - 73 UN Conference on Succession of States in Respect of State Property, Archives and Debts, Articles 27-31, 1983; Examples largely from Emanuelli, "State Succession, Then and Now," 1278.
 - 74 Kecskeméti, "Archival Claims: Preliminary Study," 5.
 - 75 Kecskeméti, "Archival Claims: Preliminary Study."
 - 76 Kecskeméti, "Archival Claims: Preliminary Study," 6.
 - 77 Kecskeméti, "Archival Claims: Preliminary Study," 6.
 - 78 Kecskeméti, "Archival Claims: Preliminary Study," 7.
 - 79 Kecskeméti, "Archival Claims: Preliminary Study," 29-30.
 - 80 Included in the 1981 guidelines, this principle was illustrated with these examples in the 1977 guidelines.
 - 81 Kecskeméti and van Laar, "Model Bilateral and Multilateral Agreements."
 - 82 See Lowry, Introduction to *Displaced Archives* and Kecskeméti, "Archives Seizures."
 - 83 KNA AR/15/5, Report on Vienna Convention on Succession of States, 22 April 1983.
 - 84 KNA AR/15/5, Report on Vienna Convention on Succession of States, 2 April 1983.
 - 85 KNA AR/15/5, Report on Vienna Convention on Succession of States, 22 April 1983.
 - 86 KNA AR/15/5, Report on Vienna Convention on Succession of States, 22 April 1983.
 - 87 PPK/01/01/02, Report, "Repression Intensifies in Kenya after the August 1 Coup Attempt," 1 October 1982.
 - 88 Namhila, "We Want Your Records," 10.
 - 89 Lowry, Introduction to *Displaced Archives*.
 - 90 Auer, "Disputed Archival Claims," 1.
 - 91 Lowry, Introduction to *Displaced Archives*, 4.
 - 92 Though there is a focus on the Anglophone case in this text, important and related negotiations regarding colonial and disputed archives were taking place in the Dutch and French speaking worlds as well as in the former Yugoslavia.
 - 93 Cary, Cary Report, 17.
 - 94 Lowry, "Proposing a Research Agenda," 349.
 - 95 Sigurðsson, n.d., slide 3.
 - 96 Sigurðsson, n.d., slide 3.
 - 97 Pandžić, "Succession of the State Archives."
 - 98 Karabinos, "Indonesian National Revolution Records," 67, (emphasis added).
 - 99 Chung, "Visibility, Nationality, Archive," 201.

- 100 Kecskeméti, "Archival Claims," 29.
101 Kecskeméti, "Archival Claims," 29.
102 In 1982, an FCO official wrote, "The system of removal of sensitive material prior to independence is still in effect and we would not wish the present colonial territories to become aware of the fact" (FCO 12/357, E C Blayney to Mr Streeton, 28 July 1982).
103 AJ/1/17, Letter C. Bwyte to R. Charman 9 September 1963.
104 See Ghaddar and Caswell "To Go Beyond" for a contextualization of archival practice in a colonial framework.
105 Yvonne Adhiambo Owuor, "Derelict Shards: The Roaming of Colonial Phantoms," (presentation, International Conferences: Colonialism as Shared History. Past, Present, Future, held virtually, October 7-9 2020).
106 Thiong'o, "A Voice of Silence", i.
107 Banton, "Shared Archival Heritage," 20.
108 Banton, "Shared Archival Heritage," 21.

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Provenance in Place

Crafting the Vienna Convention for Global Decolonization and Archival Repatriation

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In academia, we often discuss Fanon out of context, as when we talk about *The Wretched of the Earth* (1961) without reference to its central preoccupation, the Algerian Revolution (1954–1962), one of the bloodiest wars for decolonization in the last century.² It took a million martyrs to free Algeria, it is often said colloquially, but in fact it was closer to a million and a half people who had to die for decolonization.³ As I've noted elsewhere,⁴ the book was published the year before Algeria's independence from French settler colonial rule as Fanon had boldly predicted, just as he anticipated the fall of the South African apartheid regime decades later:

All the generals-in-chief of all the colonial wars repeat the same things, but how can they fail to understand that no rebellion is ever vanquished? What can it possibly mean, to vanquish a rebellion? [...] We want to show in these pages that colonialism has definitely lost out in Algeria while the Algerians come what may, have definitely won.⁵

Fanon is an iconic figure of the Third World Project whose life and work exemplified the internationalist ethos characteristic of it. As with the quotation above, he took up the problems of its revolutions and national liberation struggles in all his writings to produce knowledge to help the movements and their cadres achieve their aims. It is these battles that preoccupied Fanon and his theorizing cannot be removed from this context. To do so is a disservice to him, as well as to Algeria and the Third World geographies that are erased when we ignore those dimensions of his work. Such erasure reinscribes the forgetting of the history of colonialism, and the denial of its legacies and continuity. That is also the case when we consider another text grounded in the Algerian Revolution and Third World Project of national, racial and social liberation, the *Vienna Convention on Succession of States in Respect of State Property, Archives and Debts* (1983).

We tend to talk about the Vienna Convention and associated figures like Dr. Mohammed Bedjaoui without reference to this historical context – the struggle in Algeria and around the world to break free of empire. This also reinscribes the same historical erasures and violent narratives, which made possible the western imperialism and colonial conquest that people like Bedjaoui devoted their lives to contesting. My chapter intervenes into the debates about disputed archives. It recontextualizes the Convention within the period of Third World political decolonization, an era that roughly the decades from the 1940s to the 1980s when direct colonial rule was ended slowly but surely in many (but not all) places around the world. The newly independent countries and the liberation movements of the global South devoted a significant amount of energy and attention to the question of disputed archives and cultural heritage.⁶ This chapter makes connections between this history, the international laws and norms that emerge from it, and wider debates about knowledge, self-determination, antiracism, cultural heritage, economic development, and decolonization still relevant today. Tracing some of the history and thinking that went into crafting the Convention, the chapter outlines how it was the culmination of many was the culmination of many decades' worth of efforts by the Third World to repatriate archives from the First World as part of broader efforts to decolonize the global order. I highlight this context whereby archival decolonization, communication and information equity, economic sovereignty and anti-imperialism were considered inextricably connected.

The archival literature has provided a robust interpretation and contextualization of legal mechanisms like the Convention within a western legal and historical context centered on Europe from as early as the 14th century. My chapter enriches this scholarship by bringing into our framework ideas, histories and traditions from beyond the horizon of the west. It outlines how Third World actors were at the center of crafting the Vienna Convention to compel the repatriation of archives and records from western imperial states to the successor governments of their former colonies. This issue remains as pressing today as when it was first put on the international agenda in the last century when over a hundred newly independent states began to emerge through the process of Third World political decolonization. With this global realignment of sovereignties, the established practice within Europe of the devolution and restitution of archives with the succession of states and shifts in jurisdictions 'was abruptly abandoned in 1945' in keeping with the centuries-old refusal to extend the legal rights and privileges that western states claimed for themselves to their global South counterparts.⁷ To this day, despite the Convention and numerous United Nations (UN), United Nations Educational, Scientific & Cultural Organization (UNESCO) and International Council on Archives (ICA) resolutions, policies, reports and recommendations, '[n]either the issue of restitution nor of state succession with relation to archives has been brought under normative

acts in international law'.⁸ The Vienna Convention never received the requisite 15 state signatories to come into force. The opposition of First World states and archivists to the Convention has been decisive in its non-ratification. Since then, bilateral or multilateral agreements between states have been the norm although most potential claims remain unresolved.⁹ Nonetheless, in a statement calling on Britain to return archives removed from its former colonies on the eve of their independence, the Association of Commonwealth Archivists & Records Managers states, 'Although [the Convention] was ratified by too few member states to come into force, it has continued to inform thinking about archives within the international archival community'.¹⁰ Exploring the Convention's history in relation to Third Worldism brings to the fore the global South histories and ideas that inform contemporary debates about archival repatriation and decolonization, as well as the dynamics of power undergirding global archival standardization and integration.

Global South actors in the mid-20th century pushed for the repatriation of archives and cultural heritage as a fundamental element of a larger program to change the conditions of their lives. These were not abstract ideas or debates about the need to claim or preserve cultural knowledge and material objects for their own sake, to safeguard some cultural essence or identity, or because of what they could tell us about the past as such. And it was not just about writing better history books. In international and national arenas; within colonized spaces and decolonization movements; as scholars, politicians, diplomats, poets and insurgents – over and over again people articulated a connection between the decolonization of archives, knowledge and culture, on the one hand, and their aspiration for land, economic sovereignty, freedom and dignity, on the other. Here, I provide one example among many that illustrates that connection through the Vienna Convention, and through no less a Third World figure than the eminent Algerian jurist, Dr. Mohamed Bedjaoui, who led the UN's International Law Commission during the many years it dealt with the topic of archives and state succession. My research seeks to bring into the discussion of disputed archives the sociopolitical concerns that have tended to be overshadowed by the professional ones.¹¹

The Convention is composed of a preamble, and 51 articles divided into six parts: I. General Provisions; II. State Property; III. State Archives; IV. State Debts; V. Settlement of Disputes; and VI. Final Provisions. It ends with a two-page annex outlining a conciliation process to resolve disputes between parties to the Convention. Throughout, different categories of succession are treated in divergent ways, that is separate provisions are provided for different forms of succession, as when there is a union or dissolution of states, when there is a separation of parts of a state's territory, or when there is a newly independent state. While exploring various aspects of the Convention, I focus on Part III: State Archives, and, within that, Article 28: Newly Independent

States. The following analysis and the conclusions I draw pertain specifically to disputed archives in the wake of Third World political decolonization. Against that backdrop, the chapter outlines the key principles undergirding the relevant provisions of the Convention: the principle of *territoriality* (*territorial pertinence, provenance and origins*); of *retroactive sovereignty*; and of *functional pertinence*. Highlighting the importance of land and territory in the Convention, I make some preliminary comments about the place of/in archives, in relation to their context and origin, because the control, modification or settlement of land is in one way or another at the core of all colonial projects as well as the liberation struggles that oppose them. My anticolonial rethinking of place and archives, which I gloss under the term *provenance in place*, is a making of space to attend to the relationship between records, their place and the people of that place. This intellectual intervention serves as a strategic move that contests the ownership of archives by reconceptualizing provenance because the two are often conflated such that creators and custodians are often considered the de facto owners. In conclusion, I urge the archival community to reengage the Convention and associated debates, ideas, tools, documents and so on, and to consider anew whether and how to work towards its global adoption. To attend to this issue, I turn now to the history and context of the Third World Project.

Imperial Internationalism, Third World Decolonization and the Making of a Global Order

Most of our contemporary international organizations were established after the Second World War, be they the UN, its satellite agencies like UNESCO, or international information and cultural heritage organizations like the ICA. UNESCO was founded at a conference in London a few months after the 1945 San Francisco Conference for the Foundation of the UN. Since then, it has been a key player in the articulation of legislation and international norms on culture, heritage, education, science, information, communication, media and archives. One of its first tasks, along with post-war reconstruction in Europe, was to help found the ICA. As early as 1910, when an International Congress of Archivists & Librarians met in Brussels, attempts were made to establish an international archival organization. The archival representatives, most of whom came from western Europe and represented the major archival traditions of that region, had secured endorsement by the Congress of the principle of *respect des fonds* as the basis for all archival practice in line with the canonical Dutch manual, i.e. the *Manual for the Arrangement and Description of Archives* (1898).¹² At the Congress, plans were made for periodic future international meetings but this early professional movement was interrupted by the world wars, as were attempts by the International Institute of Intellectual Cooperation to coordinate international archival collaboration.

Significantly, the creation of the ICA evolved from these earlier efforts. At the instigation of the Society of American Archivists (SAA), the UNESCO General Conference held in Mexico City adopted a resolution instructing UNESCO's first Director General, Julian Huxley, to assist in establishing an international organization on archives in 1948. In May, Huxley sent out formal invitations to selected member countries asking delegates to attend, as a committee of experts, a meeting at UNESCO House in Paris on 9 June. The group included archivists from the Netherlands, Norway, Britain, France, Italy, Czechoslovakia, the US and Mexico. The assembled delegates, including the British archivist Hilary Jenkinson, adopted the organization's first constitution and established its name. They also resolved themselves into its first Constituent Assembly, and subsequently elected the initial executive members. The ICA's first International Congress was held in Paris in 1950, after which it became truly operational.¹³

UNESCO was also part of founding many of the other main global information and heritage organizations like the International Federation of Library Associations (IFLA) and International Council on Museums (ICOM). These organizations are all interconnected. They were designed that way. They were founded around the same time by more or less the same people, and they were meant all together to form one single coordinated global system of laws, programs, infrastructures and personnel, *a global information and heritage order*, if you will. This emerging global order was initially dominated by western countries and precepts as evident in the fact that the majority of the members, founders, leaders, staff and representatives of the new international organizations were from that minority of the world, the western countries. Also, the emerging order, in making 'distinctions between libraries, archives, museums in the IFLA/ICA/ICOM division of responsibility follows western understandings of the materials and what they're for'.¹⁴ The main targets and beneficiaries of these organizations in their early years were western countries, particularly in the post-WWII reconstruction efforts in the heritage and archives domain.¹⁵ 'From their creation', Giton explains, 'the UN and UNESCO saw their origin in the humanist philosophy of the Enlightenment and the world peace concept emerging at that time'.¹⁶ The goal was 'to unify humanity in its symbols and ambitions with the aim of imposing the main features of the Western political and social system at the international level'.¹⁷ Organizations like UNESCO, according to Daniel Holly, also seek to impose the western-dominated capitalist system globally by establishing the necessary infrastructure for the spread of a capitalist economy in the decolonizing Third World countries and territories.¹⁸

A range of scholarship has elucidated the imperial roots of the postwar international system: Giton illustrates the eurocentrism of early initiatives through UNESO to promote public libraries and books, which were linked for example to advancing a form of economic development considered

equivalent to capitalist expansion by its proponents.¹⁹ While much has been said about the role of the US in the UN's founding, Mazower draws our attention to how 'the British imperial dimension enters as a key strand of early 20th century internationalism' and, eventually, into the internationalism of the UN and its specialized agencies.²⁰ Pavone notes that even 'UNESCO's utopian dream of uniting all nations in a universal community living in an everlasting peace through the promotion of a general reform of education, science and culture is by no means original in Western history'.²¹ His work connects the scientific humanist philosophy influential during UNESCO's founding years to philosophical and political utopias developed in the 17th century by Bacon, Comenius and Puritan Reformers. Such thinkers responded to the religious wars in Europe 'by formulat[ing] an original and syncretic approach to religion, science, politics and education, which embodied utopian features and aimed at the establishment of a universal community of humankind, free from violence and conflict'.²² Positivist philosophers like Saint-Simon, Comte and Renan built on and reformulated this utopian framework in the 19th century in France, and from there scientific humanism would spread, be re-articulated and persist well into the next century.²³ With its potent blend of scientific certitude and progressive universalism, scientific humanism proved irresistible to central UNESCO figures like Huxley, considered the founding father of modern scientific humanism. His evolutionary humanism wielded considerable influence over UNESCO when he served as Chair of its Preparatory Commission and its first Director-General.

Interestingly, Pavone also shows the religious dimensions of the history of the idea of the *free flow of information* so emphasized at UNESCO by the dominant countries as a tool of Third World containment. In the philosophy of Comenius, Pavone notes, '[t]he belief in an unlimited advancement of knowledge through a *free and unrestrained flow of ideas* had biblical origin and it was loaded with great expectations and anxiety because of its eschatological meaning'.²⁴ The free flow of information, along with the knowledge and education it was meant to enable, was primarily linked to 'the unification of Man and God'.²⁵ By extension, they were connected to the achievement of universal peace because it was believed that 'the advancement of scientific knowledge and the establishment of universal education would unite the people into a universal community transcending national states and ethnic cultures'.²⁶ As with Rosicrucian philosophy, the goal ultimately was to restore humanity to the perfection of Adam before the fall: '[...] from an initial state of bliss, in which Adam was considered perfect both in knowledge and grace, humankind had entered a decline that deprived human beings of their original perfection'.²⁷ For Puritan Reformers like Comenius, the spiritual regeneration of Man through the *advancement of learning* rested on the belief that 'through science God was giving humankind the opportunity to restore their original status' and, in turn, in the

final age and end of history for ultimately ‘science would lead mankind to the *instauration* of the *millennium*’.²⁸

While a detailed discussion of such eschatological ideas and intellectual histories is beyond the scope of this chapter, suffice it to say that Pavone’s intervention indicates the long history of the *free flow* doctrine in western philosophy and political thought. In the course of this history, complex connections have been between knowledge, the unrestrained access and circulation of information, spiritual regeneration, progressive universalism, the propagation of modern western education and the belief that science and humanism promote peace and global harmony. While Third World ascendancy at UNESCO would challenge and disrupt the influence of scientific humanism and puritan philosophical precepts, their impact would re-emerge with the neoliberal containment of the Third World Bloc within the international arena as the Cold War drew to a close. As Singh explains, ‘Comenius’ influence began to be explicitly acknowledged as antecedent to UNESCO during Federico Mayor’s director-generalship (1987-99), and was most visible in Mayor’s Culture of Peace program, which began in 1989’.²⁹ Also of note is the role of the International Humanist Ethical Union, first founded by Huxley in 1952, which still enjoys Special Consultative Status with the UN and UNESCO.

Anghie (2006) outlines the imperial origins of international law, showing that colonialism is central to its founding concept, sovereignty: *international law has always been animated by the civilising mission, the project of governing and transforming non-European peoples, and ... the current war on terror is an extension of this project*.³⁰ He points out that even though international law was a creation of Europe, it was from its inception inextricably intertwined with the colonial question and the preoccupations of the Great Powers with securing their spheres of influence globally. He warns that:

Third World sovereignty, at least to the extent that it was shaped by international institutions, and by Western states acting through international institutions, was created in a way that could continue to serve Western interests. Crudely put, an examination of the [League of Nations] Mandate System illuminates the ways in which political sovereignty could be created to be completely consistent with economic subordination.³¹

While Anghie acknowledges that anticolonialism is shaped by the colonial logics it ostensibly opposes, he recognizes that the ‘[s]ustained nationalist protest by Third World peoples, however, ensured that decolonisation had become a central preoccupation of the international system’.³² Alternatively, Baxi highlights the ‘originalism’ of Third Worldism, arguing that it ‘crystallised a world-historic norm that inaugurally ousted, and also further outlawed, the claims of Divine Right to Empire by conquest, and forms of

belligerent occupation'.³³ He further states that: 'The Third World states and peoples wrest away the authorship of international law norms, standards and values from the charismatic priesthood of the European Enlightenment thinkers. Their struggles inscribe a germinal principle of the right to self-determination, almost entirely unbeknown to classical international law'.³⁴ Even as scholars have uncovered the imperial and eurocentric basis of the postwar global order, they have also shown that western domination was relentlessly contested at every level. Their interventions show that international organizations are not abstract entities but a particular field of agents, practices and discourses that included and had to take into account the global South even in their earliest days when their membership was small and western-dominated. Until WWII, Mazower examples, 'imperial internationalism was articulated in a world that took the durability of empire for granted; few, if any, African or Asian nationalist claims to independence seriously registered'.³⁵ I would qualify this statement by noting that for the colonized peoples around the world waging their liberation struggles, imperialism may have been seen as deeply entrenched but its continuity was not taken for granted. Otherwise, why would they have bothered at great cost to fight it? Mazower also points out in line with Anghie that the League of Nations (LON), from which the UN evolved, 'confined Wilsonian talk of national self-determination almost entirely to Europe and allowed the victorious European imperial powers to expand their informal empires elsewhere' – through, for example, the 'Mandate' System.³⁶ The LON was created by the victorious Allied powers after the Paris Peace Conference of 1919 ended WWI, two years after the 1917 Bolshevik Revolution began transforming the Russian empire into the USSR. The LON's charter, the *Covenant of the League of Nations* (1919), would come into effect together with the Treaty of Versailles (1919) in January 1920, the latter as integral as the former to the postwar arrangements. Article 22 of the Covenant established the League's mandate system as a 'sacred trust of civilization' whereby 'advanced nations' should administer as mandates on its behalf:

[.] those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world [...]. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.³⁷

The 'Mandate' System established a postwar global hierarchy of races and places, dividing the territories of the defeated German and Ottoman empires into Class A, B and C 'mandates' under mainly British and French rule, as well as that of Belgium, South Africa, New Zealand, Australia and Japan.³⁸

Ostensibly bringing the imperial powers under international oversight, the Covenant in practice justified foreign rule, military intervention and colonialism as benevolent assistance while safeguarding the economic interests of the dominant states.³⁹ Given the racist imperatives undergirding the 'Mandate' System, I have chosen to place quotation marks around the term 'mandate' in this text to signal the imperialism at its core and my refusal of benign-sounding language that whitewashes the violent nature of this system.⁴⁰ Overall, Mazower's intervention highlights the continuity between the LON and the UN, pushing back against the claim that the latter's founding was a break with empire. Nonetheless, he shows that by the 1940s, the global system was being radically transformed as the unrelenting anticolonial uprisings ensured that decolonization became a central preoccupation of the global system.

At a time when the western powers were severely weakened by the world wars, India early gained independence in 1947 with Jawaharlal Nehru at the helm, and many other colonies soon followed, including Ghana in 1957 under Kwame Nkrumah's leadership. Dubbed the Year of Africa, 1960 saw 17 sub-Saharan African countries become independent from colonial rule, including 14 of France's former colonies: Cameroon, Togo, Madagascar, Democratic Republic of the Congo, Somalia, Benin, Niger, Burkina Faso, Côte d'Ivoire, Chad, Central African Republic, Republic of the Congo, Gabon, Senegal, Mali, Nigeria and Mauritania. Against this backdrop, '[i]n the 1950s and 1960s, the principle of national self-determination was globalized in a startlingly rapid fashion, and the UN turned from being an instrument of empire into an anti-colonial forum'.⁴¹ Between 1947 and 1954, UNESCO grew from 28 to 73 countries and more followed, including in 1960 when 6 new African states joined the organization.⁴² By the 1970s, Wells points out, 'the Third World had increased its majority in full-membership organs of the UN to over two-thirds and had also secured enlarged shares of representation on restricted-membership bodies'.⁴³ By 14 July 1983, UNESCO had 160 full member states when Fiji ratified the UNESCO Constitution.⁴⁴ The vast majority of them were the newly independent states of Africa and Asia. In contrast, in 1946, the membership had stood at only 20 states, which included only one country from Africa and three from Asia: 'Such is the distance travelled since the official creation of UNESCO'.⁴⁵ As newly independent states took up UNESCO membership, it became a privileged site of activism by Third World countries along with the General Assembly (GA) because these were arenas where they could effectively wield their majority votes without a veto or executive power to block them.

The symbol of the new age was the Bandung Conference in 1955, whose broad agenda to assert the importance of Asia and Africa evoked unprecedented enthusiasm.⁴⁶ Twenty-nine Asian and African countries came together, bringing into conversation the various strands of Pan-Arabism,

Pan-Africanism and, to a lesser degree, Pan-Asianism to counter the increasingly violent spread of the Cold War into the decolonizing world.⁴⁷ Many other conferences and gatherings would follow, laying the groundwork for the nonaligned movement: The Afro-Asian People's Solidarity Conference held in Cairo from December 1957 to January 1958 brought together twice as many African and Asian countries while taking a more explicit stance against the First World.⁴⁸ Unlike Bandung, it included not only official state delegates but also a range of cultural and political organizations. The first official nonaligned summit was held in Belgrade in 1961.⁴⁹ In 1963, the Organization of African Unity was founded following conferences and meetings of independent African states and anticolonial movements. Its support for the latter was key to the liberation of still colonized countries on the continent. By 1966, seven years after the Cuban Revolution brought down the US-backed Batista regime, Havana was host to the First Solidarity Conference of the Peoples of Africa, Asia and Latin America, i.e., the Tricontinental. An extension of Bandung, it brought together hundreds of delegates representing 82 countries based on a radical internationalist vision.⁵⁰ My discussion here gives but a glimpse of the interconnections and alliance building between national liberation movements and revolutionary struggles in the last century that fostered a global South political imaginary, which continues to inform social movements and grassroots organizing today.⁵¹ Prasad coined the term *international nationalism* to capture the dualistic thinking within Third Worldism, that is the holistic understanding of the relationship between national independence and international cooperation, between self-determination and world peace.⁵² The Third World Bloc within the UN system emerged in the wake of Bandung, bringing Asian, African and, later, Latin American and Caribbean countries together into a global coordinated body that wielded considerable influence in the international arena for decades.

The term 'Third World' is said to have been coined in an article by the French economic historian and demographer, Alfred Sauvy. As decolonization spread through the British and Dutch empires, he used the term 'Tiers Monde' (Third World) in a 1952 article titled, 'Three Worlds, one planet' published in the socialist weekly, *L'Observateur*.⁵³ Recalling the tiers-état (third estate) of the French Revolution, the article drew parallels between the uprising of the peasants of 1789 against the nobility to that of colonized peoples against empire.⁵⁴ (Of course the French Revolution was as much shaped by colonialism, the transatlantic slave trade and racialism as by French class conflict. Notably, the Haitian Revolution, which unfolded in tandem, was decisive, as C.L.R. James explains so well: 'the history of liberty in France and of slave emancipation in San Domingo is one and indivisible'.⁵⁵) The term identified a world outside the Second World led by the communist USSR (the Warsaw Pact) and the First World led by the

capitalist US (NATO). It was ‘a third pole of influence [...] in the contemporary international order, independent and equal to the two already existing worlds (thus having its own “third way”), and perhaps even being the most important’.⁵⁶

The Non-Aligned Movement (NAM) established in 1961 and the Group of 77 (G77) in 1964 are key organizations that expressed and exercised this notion of a ‘third pole’. Samir Amin argues that the nonaligned movement was not about being nonaligned with the US or USSR but, rather, with the globalization of the time.⁵⁷ At its core was a conception of self-reliance and a rejection of the idea that the Third World had to adjust to western imperialism. Rather, Third Worldism sought to compel the imperial system to have to adjust to it. Amin refers to this as *delinking*, which requires South-South solidarity for mutual support and strength.⁵⁸ The nonaligned movement was successful to a degree in compelling imperialism to retreat, negotiate and adjust. As with Amin, significant strands within the Third World Project also adopted an explicitly anti-capitalist stance in their struggle against imperialism, which was characterized by Cabral during his Tricontinental speech as ‘capitalism in action’.⁵⁹ Relevant here is Sajed’s observation that ‘the idea of the Third World is unthinkable without global capitalism and the rise of global hierarchies and inequality it produced’.⁶⁰ Drawing on a rich Marxist tradition from Marx, Luxemburg and Lenin to Stavrianos, Rodney and Amin, she adds, ‘The integration of colonial societies into capitalist circuits has permanently changed and restructured local economies with tremendous consequences both for the short term and, more importantly, for the long term’.⁶¹ In part, then, the Third World refers to those countries and nations on the losing end of a globally structured relationship of dependence, exploitation and inequality constituted historically through the globalization of capitalism through centuries of colonialism, empire building, genocide, racism and the transatlantic slave trade.

Above and beyond that, the Third World denotes not a place per se but, rather, a political project to unite exploited countries and peoples with a common history of colonialism to harness their collective power to transform their status in the world. In my usage, the Third World refers not only to states but also to a multiplicity of individuals, communities, organizations that operated in, through or against the state system in the last century in struggles against western imperialism and colonial rule. Drawing on Sajed’s ‘ethos of “affirmative critique”’, my analysis ‘keep[s] in tension two important dimensions of the Third World state: its inevitable reductionism (inevitable because structurally determined by a global system that bestows legitimacy exclusively to nation-states), but also the openings to other forms of political community and liberation (which many times remained as unrealized potentials of decolonization)’.⁶² While Sajed’s intervention problematizes the nation-state as the endpoint of anticolonial struggle, it also reminds us that Third Worldism was much more than those

states and their failure to realize the full promise of the national liberation movements. The Third World Project involved millions upon millions of people over decades across all the continents of the world who worked to different degrees in varied arenas with diverse visions to realize an end to colonial rule and imperial domination. Such visions, Sajed concludes, 'function as latent ideals of the unfulfilled potential of Third Worldism, which are still worth keeping in mind and striving towards'.⁶³ The Vienna Convention is itself a latent ideal and unfulfilled promise, a legal instrument that has yet to come into force but one that provides what is likely the most radical vision of global archival repatriation ever debated on such a grand scale. It is a vision that is still worth keeping in mind as we continue discussing disputed archives today.

The process of decolonization, the emergence of NAM and the G77, the establishment of the UN Conference on Trade and Development (1964) calling for equity in global economic development – such happenings had a remarkable impact on the UN. As the newly independent countries took their seats in the intergovernmental agencies, and coalesced into a coordinated bloc, they sought to protect and build on their recently won political independence. They worked to articulate and enforce international laws, instruments, norms, policies, programs and principles that outlawed conquest, colonialism, racism, economic domination, war and aggression as a counter to the neocolonial strategies of the west.⁶⁴ These included UN resolutions like the *Declaration on the Granting of Independence to Colonial Countries & Peoples* (1960), legal instruments like the *International Convention on the Suppression & Punishment of the Crime of Apartheid* (1974) and antiracist statements like UNESCO's *Declaration on Race & Racial Prejudice* (1978). The Third World Bloc also sought to support the peoples and movements still fighting against direct colonial rule and white racial domination, working to enshrine in international law the right to resist foreign intervention and colonialism. For example, GA resolution 37/43 passed in 1982 '[r]eaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle'.⁶⁵ The Third World Bloc also lobbied for status and recognition within the UN for national liberation movements that were not state actors. These include the African National Congress and South West Africa People's Organisation (Namibia) struggling against apartheid South Africa's bid for regional domination, as well as the Algerian National Liberation Front (FLN) and Palestinian Liberation Organisation. Significantly, national liberation movements recognized by the Arab League and the Organization of African Unity had status at the 1983 conference where the Vienna Convention was adopted, as did the UN Council for Namibia.⁶⁶

My point here is that places like the UN and UNESCO are international hubs of exchange and mutual influence across national and regional

borders, and not sites of one-way transfer of knowledge or views from the west/centre to the rest/periphery. Nonetheless, it is always necessary to remember the inequality of power informing this exchange even at the best of times as evidenced, for example, by the veto powers accorded the five permanent members (China, France, Russia/USSR, UK and US) of the UN Security Council over any substantive resolutions. While still operating within the constraints of imperialism, the Third World Bloc was able to maneuver and push forward an offensive agenda at sites like UNESCO and the GA to a greater degree than most multilateral organizations, as noted above. This reality continues to inform the debates about UNESCO and why, for example, the Trump administration decided in 2017 to withdraw the US's membership over what Said terms *the Question of Palestine*.⁶⁷ That also happened under Reagan, partly again over the Question of Palestine, at the height of US counterinsurgency policies during the Cold War and the rising neoliberal assault. Reagan's decision was part of a much broader offensive by the dominant countries within intergovernmental organizations, and national and regional arenas, to contain the transformative power of decolonization and safeguard their position of domination.⁶⁸ From coercive diplomacy and economic sanctions to illegal and undemocratic maneuverings within the UN, UNESCO and the International Monetary Fund; from the creation of elitist bodies like the Group of 7 as a counter to broad fronts like the G77 to military coups, proxy wars and a sophisticated counterinsurgency apparatus – in the end, the Cold War was very hot in the global South.⁶⁹ Eventually, in the face of the violent counteroffensive and neoliberal onslaught, the Third World Project gave way as the USSR collapsed at the turn of the '90s.

Third Worldism did not achieve its goal of uniting *the wretched of the earth*, nor did it realize its ultimate aim of ending imperialism. Nonetheless, it served as a powerful converging point for and is today an important symbol of the striving of people around the world for genuine decolonization. It provides a rich legacy of practice and theory to articulate and work toward the still unrealized dream of freedom in one's homeland, despite the betrayal of the promises of national liberation movements by global South ruling classes in collusion with or under pressure from imperialism. Despite the ideological fissures and contradictions within the Third World Project, and the limits of its solidarities, the unifying spirit of Bandung was based on the recognition of a common experience of colonial rule and the need to come together to assert a collective agenda to counterbalance the global scale on which imperialism operates. Third Worldism and national liberation struggles, like all social and political movements, cannot be reduced to success or failure. That is not what movements do per se, fail or succeed. Rather, they create, innovate and engender new possibilities, sensibilities, languages and modes of being that become crucial to the next phase of struggle, the next round of revolt. Speaking of what she and her comrades

accomplished during the civil rights era in the '60s and '70s, Angela Davis explains that it was not in vain: 'Even if the structural change that we wanted did not occur, even if relief was not brought to subjugated communities in the way we wanted, what we did manage to do was to change the terrain of struggle. We reconfigured the landscape on which we now try to increase the measure of freedom all communities enjoy'.⁷⁰ A *longue durée* perspective that takes us beyond a focus on moments of crisis, narratives of success or failure, and time bound events can reveal these shifts in terrain across historical periods and iterations of struggles. It also provides us with an opportunity to assess the relevance today of the contributions and interventions of people like Dr. Mohammed Bedjaoui and instruments like the Vienna Convention.

No one better exemplifies Third World sensibilities than Dr. Bedjaoui, or has a greater commitment to 'the tangled struggle to realize the promise of self-determination that was (and *is*) the international law of decolonization'.⁷¹ Born in Sidi Bel Abbès in 1929 under French colonial rule, Bedjaoui was the Legal-Adviser to the FLN, as well as a jurisconsult to the Provisional Government of the Algerian Republic (the FLN's government-in-exile based in Tunis) from 1958 until 1962 when the Evian Accords established a ceasefire and paved the way for a referendum on Algerian independence. In turn, he served as an expert member of the Algerian Delegation in the Franco-Algerian negotiations at the Evian and Lugrin meetings that led to the accords. In 1975, he represented Algeria in the controversial case of the legal status of Western Sahara in the World Court, intervening to argue against the validity of that classic European legal pretext for colonialism and conquest, *terra nullius*.⁷² His career included multiple positions in the Algerian government; as Minister of Justice (1963–1970), Ambassador to France (1970–1979) and Ambassador, Permanent Representative of Algeria to the UN in New York (1979–1982). Later, he served as Co-President of the investigating Committee of the UN in Iran for the Release of the American Diplomats Hostages (1980); Judge at the International Court of Justice of the Hague (1982–2001); President of the Algerian Constitutional Council (2002–5) and State Minister, Minister of Foreign Affairs of Algeria (2005–2007). He also represented Algeria in regional forums like the Arab League and the Organization of African States. By the time he was appointed Special Rapporteur in 1967 for the UN's International Law Commission (ILC) on the issue of what happens to archives, property and debts in the case of a succession of states, Bedjaoui was an established personality with substantial diplomatic experience and a long-term commitment to the struggle for Algerian and Third World liberation. By then, the Algerian Revolution had galvanized his home country into a leading role within the nonaligned movement.⁷³

At the height of the Radical Sixties, as revolutionaries and national liberation movements from all the continents of the world set up offices and

flocked to Algeria for training, coordination and resources, Bedjaoui and Third World lawyers like Georges Abi-Saab and Kamal Hossain fought to rearticulate and transform international law to realize genuine decolonization of the global order.⁷⁴ Bedjaoui's lifelong preoccupation with the politics and law of decolonization, as well as his many publications, initiatives and legal interventions, were all grounded in his experiences in the anticolonial struggle of his home country. In *Law & the Algerian Revolution* (1961), he argued for international recognition of the Provisional Government of the Algerian Republic (GPRA) and laid out the basis in international law for Algerian independence. He wrote the book after he had been tasked as the jurisconsult of the GPRA to seek international legal recognition for the government-in-exile.⁷⁵ In it Falk observes, 'the author's passionate commitment to the movement for Algerian independence is the basis upon which all legal questions are resolved'.⁷⁶ The book covers topics that would engage him for many years: 'accession to multilateral treaties by an unrecognized government, applicability of the laws of war, duties of non-intervention, rights and duties of an insurgent government, the legitimization of domestic insurgency, relations between recognized and unrecognized governments of the same state vis-à-vis third states and international organizations, the principle of self-determination and territorial unity, and the special quality of anti-colonial belligerency'.⁷⁷ Like Bedjaoui, Third Worldism was preoccupied for obvious reasons with what happens when new states are established in relation to pre-existing treaties, their status within the global system and their rights and duties vis-à-vis the preceding state and international law. It was also concerned with legitimizing anticolonial insurgency, and delegitimizing colonialism and foreign invasion. The question of what happens to archives with a succession of state is part of this broader program to support and integrate the newly independent states into the world community on an equal footing. Hence, Bedjaoui's interventions in the process that culminated in the Vienna Convention were a component of this larger program, as were his calls for a new economic, legal, political, information and communication order. For him, archival repatriation was about realizing the "structural revolution" within the international order initiated by decolonization, about undoing and providing redress for European domination and colonialism.⁷⁸

Cultural Development and the Vienna Convention: 'Decolonization, the powerful yet frail source of the great challenge'⁷⁹

The heyday of the Third World movement in the '60s and '70s was a time of negotiation and wide debate on almost every facet of the global order, including the relationship between development, self-determination, cultural heritage, archives, information and communication. Throughout

this period, global South thinkers and movements critiqued the global domination of western culture and thought, and the global racial hierarchy that constructed the vast majority of the world's peoples as inferior and lacking in culture. They argued that 'only through a consciousness-awakening and a cultural voice from within would the developing world free itself of such oppression. "Poverty, national oppression, and cultural repression are one and the same", wrote Frantz Fanon'.⁸⁰ Third World figures like Fanon, Freire and Sison 'not only constitute a world system of decolonizing thought that is simultaneously local and planetary but also reconstitute culture and humanity as a whole'.⁸¹ The Third World Project is articulated through such anticolonial literatures, insurgent thinkers and public intellectuals, as well as the myriad documents, declarations, international instruments and resolutions that I have mentioned throughout this chapter like the Vienna Convention. It 'emerges through practices of resistance and struggle by the colonially constituted subject peoples', and 'offers histories of mentalities of self-determination and self-governance, based on the insistence of the recognition of radical cultural and civilizational plurality and diversity'.⁸² The cultural preoccupations of Third Worldism are evident in the efforts to transform the global information and heritage order alongside the economic, legal and political aspects of the international system.

Throughout this period, library, archives and museum development, as well as cultural heritage preservation efforts, were increasingly taking place through the UN, UNESCO, ICA, IFLA and ICOM under the banner of *cultural development*.⁸³ As Pavone explains, 'the early 1970s were characterized by the emergence of a distinct and well organised critique of the modernization paradigm of development, previously adopted by the majority of the non-aligned countries'.⁸⁴ Underscoring the political and cultural dimensions of even the most technical initiatives, and the relationship of dependence and power imbalance between North and South, the critique also stressed that development should be based on self-determination.⁸⁵ Cultural development as 'a new paradigm [...] emphasized autonomy, self-reliance and a more just information and communication world order, [and] transformed UNESCO in [sic] an intellectual arena, where western, liberist ideas confronted the new challenges from the developing world'.⁸⁶ Accordingly, the Third World Bloc used its voting majority in various international and regional bodies to push forward a series of bold new programs.

To the western countries' surprise, the development and modernization they had touted were countered with the political proposal by NAM countries for a New International Economic Order (NIEO). A legacy of the Tricontinental, NIEO was an ambitious Third World initiative for the reorganization of the international order that demanded recognition of every country's permanent sovereignty over its natural resources and right to development.⁸⁷ Its call for equity in economic development was articulated

in the legal instruments, the *Declaration and Programme of Action on the Establishment of a New International Economic Order* (1974) and the *Charter of Economic Rights and Duties of States* (1974), that were passed since Algeria insisted on a special session of the GA to discuss development and raw materials.⁸⁸ Subsequently, the Third World Bloc and NAM pushed forward the political proposal for a New World Information & Communication Order (NWICO) in 1976, calling for equity in the global flows of information. These were highly controversial initiatives for global structural change. Opposed by the imperialist monopolies and dominant countries, NIEO was also criticized by Marxist economists like Amin who pointed out the contradictions inherent to this program of capital reform as well as its failure by 1975 to achieve its stated goals.⁸⁹

While NIEO called for people-centered development, NWICO challenged the loaded idea of a *free flow of information*, which was used as a rhetorical strategy by the US and its allies to argue that newly decolonized states did not have a right to create national policies or strategies to contain US domination of the global information flows, and to demonopolize the communication and media industries controlled by a few agencies at the service of western economic and commercial interests. Relevant here is Roach's observation that, 'UNESCO's role in supporting the NWICO movement was far more polemical than that of the non-aligned countries, not only because it had to contend with its powerful Western membership, but also because of its longstanding commitment to the free flow of information doctrine'.⁹⁰ Roach here gestures to what I have referred to as the containment of the Third World Bloc at UNESCO through the rhetoric of *free flow of information*. Bedjaoui alongside the Tunisian Mustapha Masmoudi were central to all these efforts. They and NAM more broadly emphasized what is still to this day a central principle of 'Third World thinking on global information relations: economic and cultural domination are inextricably linked'.⁹¹ Bedjaoui tackled this issue in *Towards a new world economic order* (1978), which is considered 'the NIEO's most influential and widely circulated legal manifesto'.⁹²

In the manifesto, Badjaoui explains his commitment to the creation of 'a new world-wide legal, economic and political order', and his keen awareness of 'both the power and the vulnerability of the decolonized part of the world in its protest against the old order and its relation with the new'.⁹³ The realization of a new world order, he argues, requires transformations in the political, economic and information arenas because all these work together to maintain imperialism:

It is a matter, no more and no less, of reforming the world. But how is it to be done when five big multinationals control world trade in cereals, when five big news agencies dominate world information, and the five great powers in the Security Council control the world's political

and military might? [...] We need to be aware that, while world public opinion must be educated so that all the world's energies can be released for the struggle to achieve greater economic justice, the path is virtually blocked by the five big news agencies which practically possess a monopoly in the circulation of news throughout the world. There can only be a new international order if this situation is changed, and that can only happen if the new order is introduced. A vicious circle.⁹⁴

Bedjaoui brought such a holistic understanding of the global order to his role as Special Rapporteur to the UN's ILC. Ultimately, the struggle for archival repatriation was connected to the efforts to realize NWICO, which in turn was embedded within the larger NIEO initiative, itself an element for Bedjaoui of realizing a structural revolution to achieve an end to empire and exploitation. As Özsu explains, 'the NIEO, aiming for a systematic reconstruction of north-south relations, was essential to fulfilling the economic preconditions of a fully decolonized world'.⁹⁵

Not coincidentally, then, the period of Third World ascendancy was also a time when many of the most important global initiatives in the information and cultural heritage fields were launched. This includes what is arguably UNESCO's most widely known project, the World Heritage List, and crucial instruments like the *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* (1954); the *Convention on the Means of Prohibiting & Preventing the Illicit Import, Export, & Transfer of Ownership of Cultural Property* (1970) that includes archives among its definition of 'cultural property'; and the Vienna Convention (1983). The latter, unlike the 1970 convention, retroactively casts its net backwards to the many centuries of western colonial rule, in line with the principle of *retroactive sovereignty* discussed below.⁹⁶ As per Article 20, the Vienna Convention covers all "'State archives of the predecessor State'", which 'means all documents of whatever date and kind, produced or received by the predecessor State in the exercise of its functions which, at the date of the succession of States, belonged to the predecessor State according to its internal law and were preserved by it directly or under its control as archives for whatever purpose'. The Convention's vast scope is almost breathtaking.

Ultimately, the Convention is the culmination of a series of interconnected efforts over almost two decades led by the Third World Bloc to push forward an archival repatriation agenda in different national, regional and global forums.⁹⁷ Like NIEO and NWICO, these were highly contested efforts and debates about the nature of the global order, as well as the definition of archives and records; the competing claims over their ownership and custodianship; and the legal and professional frameworks for repatriation. And they were often resisted and critiqued by the western dominated international archival community who, in parallel with US rhetoric and diplomatic maneuverings, tended to evade the central questions of power and

inequality at the core of Third World initiatives through the use of technical and professional arguments.

The Convention is likely the international archival initiative that most expressed Third World thinking on the connection between culture, information, history, development and self-determination. It begins in the preamble on page 2 with the statement: 'Considering the profound transformation of the international community brought about by the decolonization process'. It then evokes 'the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force', as well as the 'political independence of states'. These evidence the text's Third World orientation insofar as they firmly situate the Convention against the backdrop of political decolonization and self-determination. Throughout, the Convention also makes distinctions between newly independent states and other instances of state succession, which reflects Third Worldism's insistence that there are unique needs that should be considered when colonialism is a factor. In discussing property and debts in relation to newly independent states, Article 15.4 and Article 38.2 outline respectively that no agreement should infringe on 'the principle of the permanent sovereignty of every people over its wealth and natural resources'; or 'the fundamental economic equilibria of the newly independent State'. Significantly, like NIEO, Article 38 of the Convention also calls for the cancellation of all debt from the colonial era for the newly independent states (unless the parties agree otherwise).⁹⁸ Here we see clearly that Third World thinking informs the way in which the Convention links archives, information, history and cultural heritage to the right to development within a framework that more broadly centers the question of economic sovereignty in line with NIEO. With such issues in mind, I now turn to a more detailed analysis of Part II: State Archives of the Convention, with a focus on Article 28: Newly Independent States.

Provenance in Place: Territoriality, Repatriation and the Vienna Convention

The Convention's proposal with what to do about archives is as bold as Third Worldism's bid for all-sided global decolonization. Article 21 states, 'The passing of State archives of the predecessor State entails the extinction of the rights of that State and the arising of the rights of the successor State to the State archives which pass to the successor State, subject to the provisions of the articles in the present Part'.⁹⁹ This transfer of archives to the successor state is to take place as of the date of state succession and without compensation, as per Articles 22 and 23. For newly independent states, Article 28.1 stipulates that all archives by or about a territory be transferred to the successor state from the preceding state's national

repository, including archives that had once belonged to the territory that were incorporated into the colonizer's archives and those created within the colonizer's archives about the territory. Article 28.4 also calls on the preceding state to assist with the in-gathering of archives that are not in its national repository but had belonged to the territory and were dispersed in the colonial era. This is not about co-ownership, shared or joint heritage, or reproduction. Rather, it is the passing of ownership irrevocably from the preceding to the successor state in the wake of political decolonization.¹⁰⁰ It is, in other words, a form of 'repatriating the power of the knowledge held in archives'.¹⁰¹

While wresting substantial archival power from the state that had benefited from the colonization of land, people and archives, Article 28 does not altogether foreclose the possibility of other claims on the records. Specifically, Article 28.7 outlines that agreements on archives 'between the predecessor State and the newly independent State [...] shall not infringe the right of the peoples of those States to development, to information about their history, and to their cultural heritage.' While connecting information and heritage to the right to development, this provision makes room for the claims of people living outside of the decolonized state (e.g. Algeria, Ghana) within the boundaries of the state that colonized it (e.g. France, Britain). This is especially vital given that the very same colonial and racial processes that led to the displacement of the archives of Third World societies also led to the displacement of substantial segments of their populations. When colonialism is involved, this author is skeptical that joint or shared heritage, or reproduction, are solutions that address the core of the problem, namely how archival colonial legacies help perpetuate today the power imbalance between North and South. 'Even if joint heritage is the term used to describe these records,' Karabinos argues, 'it should not be overlooked that what binds records in joint heritage, in colonial examples, is force.'¹⁰² Joint/share heritage framings, as with digital and analog copying, are problematic insofar as they serve to contain the radical potential of the Third World demand to decolonize archives. However, a decolonized reframing of joint/shared heritage may be a productive framework for working out solutions to cases where there are multiple claims over records where such colonial force is not a factor, including when there are competing claims by racialized groups and global South actors over records.

Article 28 on newly independent states is undergirded by the principle of territoriality (*territorial pertinence*, *provenance* or *origins*), of *retroactive sovereignty*, and of *functional pertinence*. *Territorial pertinence* is defined by the SAA as, 'The practice of placing documents with content relevant to a region in a repository within the region. [...] For example, under territorial pertinence, records relating to a newly formed country would be transferred to the new country'.¹⁰³ This principle is related to that of *retroactive sovereignty*, 'which means that the archives produced by administrations

and institutions in charge of managing the business of the territory that has become a newly independent state are devolved to the new state'.¹⁰⁴ The SAA also distinguishes *territorial pertinence* from that of *territorial provenance*, whereby 'the records would remain with the agency that created them'.¹⁰⁵ In line with *territorial provenance*, the Conventions calls for records that belonged to the formerly colonized territory to be returned there if they had been incorporated into the colonizing state's archives. This is related to the principle of *territorial origin*, 'according to which the archives produced by the territory before it became dependent, and then incorporated in the archives of the annexing or supervising state, are bound to the successor state'.¹⁰⁶ The Convention also states that whatever records the colonizer had created originally in its national archives should be transferred to the newly independent state when they are vital to its ability to operate. As Kecskeméti explains, 'The *functional pertinence* principle, observed by most of the treaties signed after a change of sovereignty, means that the transfer of power and responsibilities must be accompanied by the transfer of archives that are necessary for administrative continuity to be ensured'.¹⁰⁷ He elaborates that this principle, like that of *retroactive sovereignty* and *territorial origin*, was articulated through UNESCO and ICA activities in the '60s and '70s, as outlined in the report 20C/102 of the Director General of UNESCO adopted unanimously at the UNESCO General Conference in 1980.

While it is beyond the scope of this chapter to give these principles the extensive treatment they deserve, I will point out that the Convention is centering land and place in the case of the newly independent states insofar as archives by or about a territory belong to that territory even when not created in it, are not in the custody of its government, and are located elsewhere.¹⁰⁸ In my reading, the Convention calls for global archival repatriation in an attempt to operationalize the principle of self-determination and decolonization in relation to archives. It does so by connecting archival ownership and custody to the issue of whose land has been or is colonized by whom. In this sense, it expresses a *provenance in place* framework, insofar as it posits that archives removed by colonizers and through colonial violences from a place should be returned to that place (as origin and context). In other words, records should be kept together based on the place they pertain to and in that place, rather than by creator as per the dominant western paradigm. *Provenance in place* is about creating archival regimes and infrastructures that begin by asking what land(s) do the records pertain to? What people and nations are connected to that land historically and today? And among them who if any has been dispossessed or colonized, and by whom? Most importantly, it is to ask, how can the archives support efforts to end that dispossession and colonization? These questions derive from the imperative to reconnect colonized peoples with their lands and affirm native sovereignty against colonial mastery. Ultimately, the Convention compels us to consider the many cases of

disputed or migrated archives through a lens that views archives not only as evidence; tools of governance and administration; cultural heritage and sources of history; or tools for the legitimatization of state sovereignty but, over and above that, as vital to the ability of any group to live free from foreign interference and colonialism. As with NWICO, the Third World approach is to challenge the control and domination of information about the South by the North. It does so by reimagining archival ownership and principles from the perspective of colonized and racialized people.¹⁰⁹ In the process, archival concepts like *provenance* and *pertinence* are connected to the reclamation of land, self-determination, decolonization and economic sovereignty in novel ways.

These are powerful ideas. The Association of Commonwealth Archivists & Records Managers took a firm position about the return of migrated archives from Britain to the newly independent states in part by referencing the Convention.¹¹⁰ Alternatively, a committee of western archival experts called together by the ICA in 1995 criticized the Convention for adopting *territorial pertinence* because it violates the dominant creator-centric conception of provenance: ‘The ownership of archives cannot be determined by or on the basis of the information contained in them, but only by their provenance’.¹¹¹ This statement represents the dominant tendency to conflate or collapse ownership and provenance, which is why the question of how to define provenance is often at the core of arguments for archival repatriation. More recently, Kecskeméti, who opposed the Convention, nonetheless” considers the principles of *territorial origin*, *retroactive sovereignty* and *functional pertinence* to be ‘based on provenance’.¹¹² Indeed, much has changed between 1995 and 2017. Since the turn of the last century, a range of archival scholars have increasingly attempted to think more expansively of provenance, and how to locate the pluralistic histories and dynamic relationships of records as captured in concepts like *societal provenance*, *parallel provenance* and *community of records*.¹¹³ The concept of a *community of records* was first developed by Bastian who argues that the subjects of colonial records, the colonized and enslaved populations they depict, are co-creators with a right to ownership along with the governments that generated the records. Calling for a ‘more expansive definition of context as community and community as context’,¹¹⁴ her intervention ‘has enriched the archival discourse with the notion of a *community of records*, referring to a community both as a record-creating entity and as a memory frame that contextualizes the records it creates’.¹¹⁵ Her seminal theorizing of *societal provenance* moves us ‘beyond the physical record creator to discover context in place, in ethnicity and in collective memory’.¹¹⁶ Hence, she argues that ‘the claim of the people of the Virgin Islands relies on an expanded definition of provenance that includes territoriality or locale’.¹¹⁷ Elsewhere, she notes that ‘a provenance of place [...] by its very nature embraces both the physical locale and the collective memory of that

locale, establishes a context of creation that links the creators as well as the act of creation to a location, to the past and present meaning of that location as well as to one another as inhabitants of the location'.¹¹⁸ Drawing on the Vienna Convention and Third Worldism, my anticolonial rethinking of the place of archives builds on Bastian's theorizing of a community of records and provenance of place. It does so by inviting us to consider the possibility of reconceptualizing the principle of provenance partly by centering place as context and origin even when that means de-coupling provenance from *respect des fonds*.

Of course, place is not the only important aspect of the origin and context of records, i.e., their provenance, but it is one that is too often disregarded, minimized or elided in how we understand and manage archives. By provenance in place, I seek to push back against this colonial tendency to make space for the articulation of an understanding of provenance that embraces the commitment to undo the colonial occupation of one people's land by another today, and the archival legacies of such occupations in the past, even when that means records of the same fonds are not kept together. Pertinent here is Drake's observation that dominant creator-centric understandings of provenance and the descriptive practices they engenders 'are remnants of a colonized mode of thinking about the world through the gaze of great white men'.¹¹⁹ Based on principles first articulated for stable 19th century administrative bodies in western Europe, these practices and standards are also inappropriate for describing records for liberatory ends.¹²⁰ The globalization of western archival theory about provenance means that we are universalizing precepts that were established at a time when the vast majority of people within and beyond Europe were not at the table, so to speak. The Vienna Convention, and the debates and ideas associated with it, provide modes of thinking and a rich legacy that can help us rearticulate provenance in ways that are free of colonialist and imperialist ambitions.

Conclusion: A Call for the Global Adoption of the Vienna Convention

This chapter has traced the bold contours of the still unrealized project of global archival decolonization based on principles of self-determination and anticolonialism at the core of which is the still unquenched longing across the global South for freedom and 'living room' in one's homeland.¹²¹ To disconnect the Vienna Convention from the history and context of its creation within Third Worldism deprives us of the ability to generate robust understandings of this legal instrument and its relevance. It is equally impoverishing to decontextualize people like Dr. Bedjaoui from the Third World Project that was their milieu and vision. Without this context, it is difficult to appreciate the profundity of the radical vision of archival repatriation

that the Convention is proposing. Hence, my chapter has emphasized the influence of Third Worldism in heritage and information initiatives within the international arena in the mid-20th century, and the connection between their interventions on archives with the broader question of global economic, political and legal decolonization. In line with Veric's imperative to discontinue 'the symbolic currency' of the Third World Project, it has provided a reading of the Convention that shows its relevance to contemporary debates about archival repatriation and decolonization.¹²² Highlighting the importance of place in the Convention, it has made some preliminary comments about reimagining provenance in relation to the places and lands depicted in archives, and the people and nations of those lands.

What would a return to the aspirations of the Convention, and to the Convention itself, mean for archives globally? How can the spirit and/or letter of the Convention further inform contemporary debates and efforts to resolve disputes? How can archivists bring the principles and framework of the Convention into greater prominence within their professional practice, methods and standards? Should archivists work towards the ratification of the Convention in their local contexts? What barriers present themselves? How can mechanisms to resolve archival disputes in the wake of Third World political decolonization be enriched or reframed by drawing on the Convention? Given its statist focus, how can we bring contemporary theories, frameworks and practices about community archiving, diasporic archives, and Indigenous data sovereignty to bear on these discussions and our interpretations of the Convention? As with the Third World Project, the radical promise of the Convention is contained by the western dominated capitalist global system of nation-states in which it is embedded, as reflected in its statist focus. At the same time, it is a vast improvement on the status quo, and has substantial potential to help move forward contemporary debates about displaced archives in the wake of Third World political decolonization. Indeed, the Convention reflects decades of debates and activities that have left a rich legacy of ideas, principles, documents, records and tools on the question of archival decolonization. Revisiting this history through its extensive archival and documentary trail provides a unique opportunity to glean Third World thinking from the last century about archival decolonization, ownership, custodianship, access, and placement. As it is, the Convention and the Third World voices behind it have been too little considered, if not misrepresented and erased, because of the global dynamics of power between North and South. The history has generally been written by the white men who opposed it. Ahead of its 40th anniversary in April 2023, this chapter provides an anticolonial rewriting of the Convention's history. It seeks to encourage a reengagement with the Convention and with the historical call for its adoption, as a necessary imperative arising from the colonization and contest over archives in the last few centuries.

Notes

- 1 Brief excerpts of this chapter appear in J.J. Ghaddar (August 2021) *Provenance in Place: Archives, Settler Colonialism & the Making of a Global Order*. Thesis, University of Toronto.
- 2 For a reading that eschews this tendency, see Alina Sajed (2013) Fanon, Camus and the global colour line: colonial difference and the rise of decolonial horizons. *Cambridge Review of International Affairs* 26(1):5–26.
- 3 Nahla Abdo (2014) *Captive Revolution: Palestinian Women's Anti-Colonial Struggle Within the Israeli Prison System* (London: Pluto Press), 25.
- 4 J.J. Ghaddar and Michelle Caswell (2020) 'To Go Beyond': Towards a Decolonial Archival Praxis. *Archival Science* 19(2):71–85.
- 5 Frantz Fanon (1965/1959) *A dying colonialism [L'An Cinq, de la Revolution Algerienne]*. Trans. Haakon Chevalier, with an Introduction by Adolfo Gilly (New York: Grove Press), 30. Emphasis in the original.
- 6 On how I use 'Third World' versus 'global South,' see Alina Sajed (July 27, 2020) From the Third World to the Global South. *E-International Relations*, <https://www.e-ir.info/2020/07/27/from-the-third-world-to-the-global-south>.
- 7 International Council on Archives (1995) *The View of the Archival Community on the Settling of Disputed Claims*. Position Paper Adopted by the Executive Committee of the International Council on Archives at its Meeting in Guangzhou, China, 10–13 April 1995, 1, <https://www.ica.org/en/declaration-ica-executive-board-guangzhou-china-10-13-april-1995>. See also Kecskeméti, Charles. *Archival Claims: Preliminary Study on the Principles and Criteria to be Applied in Negotiations*. Paris: UNESCO, (PGL-77/WS/1), 1977, 21–3.
- 8 Leopold Auer (1998) *Disputed Archival Claims. Analysis of an International Survey: A RAMP Study*. Prepared for the General Information Programme and UNISIST (Paris: UNESCO), 1.
- 9 James Lowry (2017) "Introduction: Disputed Archives," in James Lowry, ed., *Displaced Archives* (London, New York: Routledge), 1–11, 6.
- 10 Association of Commonwealth Archivists & Records Managers (2017) *The 'Migrated Archives': ACARM position paper*. Adopted at the ACARM annual general meeting Mexico City, 25 November 2017, 3. Although the Association folded in October 2020, this position paper remains relevant and significant. Some of the Association's members continue to advocate for its tenets in professional and academic venues like the ICA. The paper still circulates and informs debates and scholarship on disputed archives, as with this chapter. In that regard, it is far more relevant than any number of position papers issued by associations in operation. Furthermore, it represents an important attempt to address the colonial legacies and harms at the core of the Association's history, which is inspiring and galvanizing of further such attempts. On the colonial legacies that led to the Association's closure, see "Message from the Chair, James Lowry in, Association of Commonwealth Archivists and Records Managers, "The End of an Era," 3–4.
- 11 See, for example, the discussion on the international archival community's response to the Convention in Richard Cox (2017) "Revisiting the Law & Politics of Compromise," in James Lowry, ed., *Displaced Archives* (London, New York: Routledge), 196–214, 201–202.
- 12 Jennifer Douglas (2010) "Origins: Evolving Ideas about the Principle of Provenance," in Terry Cook and Heather MacNeil, eds., *Currents of Archival Thinking* (Oxford: Libraries Unlimited), 23–43, 28; Lawrence D. Geller (Summer 1983) Joseph Cuvelier, Belgian Archival Education, & the First International Congress of Archivists, Brussels, 1910. *Archivaria* 16:26–34, 26; and Margaret

- Norton (January 1951) The First International Congress of Archivists, Paris, France, August 21–26, 1950. *American Archivist* 14, no.1:13–32. Geller notes that two of the authors of the Dutch manual, Robert Fruin (State Archivist of the Netherlands at Middleburg) and Samuel Muller (State Archivist of the Netherlands in the Province of Utrecht) were at the Congress.
- 13 This account is culled from Frank B. Evans (1987) Promoting Archives & Research: A Study in International Cooperation. *The American Archivist* 50(1):48–65, 49–50; Morris Rieger (1976) The International Council on Archives: Its First Quarter Century. *The American Archivist* 39(3):301–306; Oliver W. Holmes (1976) Toward an International Archives Program & Council, 1945–50. *The American Archivist* 39(3):287–299; Norton (1951) The First International Congress of Archivists;” Solon J. Buck (January 1947) The Archivist’s ‘One World’. *The American Archivist* 10: 9–24; and Oliver W. Holmes (1946) The National Archives & the Protection of Records in War Areas. *The American Archivist* 9:110–27.
 - 14 James Lowry, personal correspondence in April 2021.
 - 15 Rim Lababidi and Hiba Qassar (2016) Did They Really Forget How to Do It? Iraq, Syria, & the International Response to Protect a Shared Heritage. *Journal of Eastern Mediterranean Archaeology & Heritage Studies* 4(4):341–362.
 - 16 Céline Giton (2016) “Weapons of Mass Distribution: UNESCO & the Impact of Books,” in Poul Duedahl, ed., *A History of UNESCO: Global Actions & Impacts*, 49–72, 63.
 - 17 Giton, “Weapons of Mass Distribution,” 63.
 - 18 Holly as cited in Giton, “Weapons of Mass Distribution,” 69. Giton is referring to: Daniel A. Holly (1981) *L’UNESCO, le Tiers monde et l’économie mondiale* (Montréal: Presses de l’Université de Montréal), 11.
 - 19 Giton, “Weapons of Mass Distribution,” 52, 65–67.
 - 20 Mark Mazower (2009) *No Enchanted Palace: The End of Empire & the Ideological Origin of the United Nations* (Princeton, Oxford: Princeton University Press), 27.
 - 21 Vincenzo Pavone (2008) *From the Labyrinth of the World to the Paradise of the Heart: Science & Humanism in UNESCO’s Approach to Globalization* (Lanham, MD: Lexington Books), 25–26.
 - 22 Pavone, *Labyrinth of the World*, 57.
 - 23 Pavone, *Labyrinth of the World*, 59, 46–57.
 - 24 Pavone, *Labyrinth of the World*, 58. Emphasis in the original. See also Clare Well (1987) *The UN, UNESCO & the Politics of Knowledge* (London: MacMillan Press).
 - 25 Pavone, *Labyrinth of the World*, 35.
 - 26 Pavone, *Labyrinth of the World*, 58.
 - 27 Pavone, *Labyrinth of the World*, 29.
 - 28 Pavone, *Labyrinth of the World*, 58, 59. Emphasis in the original. The millennium here refers to a Christian prophecy about the end of times, as per Landes: ‘Literally, millennialism refers to the belief, expressed in the book of Revelation, that Christ will establish a one-thousand-year reign of the saints on earth before the Last Judgment. More broadly defined, millennialists expect a time of supernatural peace and abundance *here on earth*’. See Richard Landes (2000) *Encyclopedia of Millennialism and Millennial Movements* (New York: Routledge), 453.
 - 29 J.P. Singh (2011) *United Nations Educational, Scientific & Cultural Organization (UNESCO): Creating Norms for a Complex World* (London, New York: Routledge), 3.

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- 30 Antony Anghie (2006) The Evolution of International Law: Colonial & Post-colonial Realities. *Third World Quarterly* 27(5):739–753, 739. Emphasis in the original.
- 31 Anghie, The Evolution of International Law, 747.
- 32 Anghie, The Evolution of International Law, 748.
- 33 Upendra Baxi (2006) What May the ‘Third World’ Expect from International Law? *Third World Quarterly* 27(5), Reshaping Justice: International Law & the Third World:713–725, 717.
- 34 Baxi, What May the ‘Third World’ Expect, 719.
- 35 Mazower, *No Enchanted Palace*, 23.
- 36 Mazower, *No Enchanted Palace*, 23.
- 37 League of Nations, *Covenant of the League of Nations*, 28 April 1919, <https://www.refworld.org/docid/3dd8b9854.html>.
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- 41 Mazower, *No Enchanted Palace*, 25.
- 42 S. Nihal Singh (1988) *The Rise & Fall of UNESCO* (Ahmedabad, Calcutta, New Delhi), 150.
- 43 Wells, *The UN, UNESCO & the Politics of Knowledge*, 81.
- 44 United Nations Educational, Scientific and Cultural Organisation (1983) *UNESCO: Backgrounder* (Paris: UNESCO), (MC/174), 3, <https://unesdoc.unesco.org/ark:/48223/pf0000054550>.
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- 46 Vijay Prashad (2007) *The Darker Nations: A People’s History of the Third World* (New York: The New Press), 31–51. See also the History Beyond Borders. *The Bandung Conference as a global event*. Crossing Borders Research Cluster, Bishop’s University (e-dossier), 2022. <http://historybeyondborders.ca/?p=142>.
- 47 Jason Parker as quoted in Jason Steinhauer (August 15, 2015) The Legacy of the Third World Project 60 Years Later. *Insights Scholarly Work at the John W. Kluge Center, Library of Congress*. Blog, <https://blogs.loc.gov/kluge/2015/08/the-legacy-of-the-third-world-project>.
- 48 Prashad, *The Darker Nations*, 52.
- 49 Prashad, *The Darker Nations*, 96.
- 50 Anne Garland Mahler (1984) *From the Tricontinental to the Global South: Race, Radicalism & Transnational Solidarity* (Durham: Duke University Press).
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- 52 Prashad, *The Darker Nations*, 12. Emphasis in the original.
- 53 Jason Parker as quoted in Steinhauer, The Legacy of the Third World Project 60 Years Later; and Marcin Wojciech Solarz (2012) ‘Third World’: The 60th Anniversary of a Concept that Changed History. *Third World Quarterly* 33(9):1561–1573, 1562.
- 54 Jason Parker as quoted in Steinhauer, The Legacy of the Third World Project 60 Years Later.
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- 56 Solarz, ‘Third World’: The 60th Anniversary, 1563–1564.
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- on Marxism – Marxism & the Development of the Human Race, <https://www.youtube.com/watch?v=F07FgOx7FVc&index=2&list=PLzKC3rjHi9uBxRIAaEKEG9y3uA8V7eQpo>.
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- 61 Sajed, From the Third World to the Global South.
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- 63 Sajed, Re-remembering Third Worldism, 16.
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- 75 Grégoire Mallard (2019) *Gift Exchange: The Transnational History of a Political Idea* (Cambridge: Cambridge University Press), 168–172.
- 76 Richard Falk (1963) *Law & the Algerian Revolution*, by Mohammed Bedjaoui. *American Journal of International Law* 57(1): 176. See also Özsu, “In the Interests of Mankind as a Whole”; and Mohammed Bedjaoui (1961) *Law & the Algerian Revolution [La Révolution algérienne et le droit]* (Brussels: L’Association internationale des juristesdemocrates).
- 77 Falk, *Law & the Algerian Revolution*, 176.
- 78 Mohammed Bedjaoui (1976) *Towards a New International Economic Order* (Paris, New York: UNESCO / Holmes & Meier), 87–89; and footnote 1 on page 82.
- 79 Bedjaoui, *Toward a New International Economic Order*, 76.
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- 93 Bedjaoui, *Toward a New International Economic Order*, 13, 66.
- 94 Bedjaoui, *Toward a New International Economic Order*, 120.
- 95 Özsu, “In the Interests of Mankind as a Whole”, 132.
- 96 Article 4 outlines the process for the Convention to apply to an instance of state succession that took place before it enters into force.
- 97 For a procedural history, see Anthony Aust (2009) *Vienna Convention on Succession of States in Respect of State Property, Archives & Debts*. The United Nations Audiovisual Library of International Law, <https://legal.un.org/avl/ha/vcssrspad/vcssrspad.html>.
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- 99 Article 25 provides the caveat however that, ‘Nothing in the present Part shall be considered as prejudging in any respect any question that might arise by reason of the preservation of the integral character of groups of State archives of the predecessor State’.
- 100 Article 28.2 proposes that reproduction of any parts of the preceding state’s archives above and beyond those outlined in Article 28.1 should be negotiated between the parties ‘in such a manner that each of these States can benefit as widely and equitably as possible from those parts of the State archives of the predecessor State’.
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- 102 Michael Karabinos (2017) “Indonesian National Revolution Records in the National Archives of the Netherlands,” in James Lowry, ed., *Displaced Archives* (London, New York: Routledge), 60–73, 67.
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- 105 Society of American Archivists, “Territorial Pertinence”.
- 106 Kecskeméti, “Archives Seizures”, 14. Emphasis in the original.
- 107 Ibid.
- 108 I provide this analysis tentatively, while also having in mind the distinctions between ‘territory’ (with its statist overtones), ‘land’, and ‘place’ as per Eve Tuck and Marcia McKenzie (2015) *Place in Research: Theory, Methodology, & Methods* (New York: Routledge). This chapter is informed by this book and the rich corpus of Indigenous writing of which it is a part that explores pedagogical and research methodologies that foreground the importance of thinking about place literally in our teaching, research and practice. With its strong Indigenous feminist ethos, this literature centers relationality, consent, solidarity and place/land-based approaches to decolonization and Indigenous resurgence. For further discussion, see J.J. Ghaddar (2021)

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- 110 Association of Commonwealth Archivists & Records Managers, The ‘Migrated Archives’, 3.
- 111 International Council on Archives, Committee on Legal Matters (1995) *Reference Dossier on Archival Claims*. Compiled by Hervé Bastien, Committee Member, for the Council of Europe, 53, <https://www.ica.org/en/reference-dossier-archival-claims>.
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- 113 Tom Nesmith (2007) The Concept of Societal Provenance & Records of Nineteenth-Century Aboriginal-European Relations in Western Canada: Implications for Archival Theory & Practice. *Archival Science* 6:351-360; Jeannette Bastian (2006) Reading Colonial Records Through an Archival Lens: The Provenance of Place, Space & Creation. *Archival Science* 6(3):267–284; Chris Hurley (2005a) Parallel Provenance (1): What if Anything Is Archival Description? *Archives and Manuscripts* 33(1):110–145; Hurley (2005b) Parallel Provenance (2): When Something Is Not Related to Everything Else. *Archives and Manuscripts* 33(2):52–91; Bastian (2003) *Owning Memory, how a Caribbean Community Lost Its Archives & Found Its History* (Westport, CT: Libraries Unlimited); Terry Cook (1997) What Is Past Is Prologue: A History of Archival Ideas Since 1898, and the Future Paradigm Shift. *Archivaria* 43:17–63.
- 114 Bastian, Reading Colonial Records, 281.

- 115 Eric Ketelaar (2005) Sharing: Collected Memories in Communities of Records. *Archives and Manuscripts*:44-6, 44.
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Re-placing Evidence

Locating Archival Displacements in the US Federal Acknowledgment Process

Maria Montenegro

Land acknowledgment

This research was conducted in what is currently known as Los Angeles, California, the territory of the Tongva people, the traditional land caretakers of Tovaangar (Los Angeles basin, So. Channel Islands). As a non-Indian student conducting research and pursuing a degree in a land grant institution located in Indian land, I thank and pay my respects to Honuukvetam (Ancestors), ‘Ahihirom’ (Elders), and ‘eyoohiinkem’ (relatives/relations) past, present, and emerging and recognize their continuing connection to land, water, and resources.

A note on terminology

There is no consensus about what is the most appropriate name for the original inhabitants of North America. The names that tribal members have used to describe themselves often translate into ‘the people’, or ‘the real people’ in English; there was no need for a collective term embracing all the peoples of North America until settler Europeans arrived and invented one. Some people insist on using Native American and reject Indian as a derogatory term. However, America is also a word of European invention. Most often the term Indian tribe is used to refer to the federally recognized entity made up of Indigenous people with a recognized territory and the capacity of self-governance. Many Indian people today call themselves just that, Indian people. In this proposal, I have identified particular peoples by their tribal names, and when talking more generally I have used tribes, Indigenous people, Native American, American Indian, Native groups, people, and communities interchangeably, recognizing that none is entirely satisfactory.

Introduction

On 27 May 2020, the US Department of the Interior’s Office of Federal Acknowledgment, or OFA, said ‘no’, or technically speaking, issued a negative Proposed Finding (PF), in response to Phase I of the Fernandeano

Tataviam Band of Mission Indians' petition for federal acknowledgment. The Federal Acknowledgment Process (FAP) is the system through which the US 'legally' recognizes the sovereign and separate political status of tribal nations who, as a consequence, become eligible to receive resources provided to members of Indian tribes. In order to be recognized as such, petitioners must satisfy seven mandatory criteria that require petitioning tribes to provide documentary evidence that their members descend from a historical Indian tribe or tribes. This evidence must, among other requirements, confirm continual social and political identification as people from the 1900s to the present, and prove that there has been a continual tribal land base.¹ Petitioning tribes, then, are required to document their history, race, culture, and genealogy according to the federally imposed criteria, and submit the evidence for review to the OFA, where a group of mostly non-Native scholars and federal agents evaluate and either reject or 'adjudicate' Indian sovereign status. In this case, the Tataviam have been told 'no'.²

The Fernandño Tataviam, a non-federally recognized tribe of northern Los Angeles County, whose ancestral villages are located in the San Fernando, Santa Clarita, eastern Simi and Antelope Valleys in what is now considered to be California in the US, formally initiated their petitioning process in the mid-1990s. But as Tribal President Rudy Ortega tends to clarify, 'the Tribe has been navigating this arduous and rigorous process for the last 128 years'.³ This has meant, among other things, conducting archival research in more than 20 repositories, including private, religious, university, regional, and national archives, as well as submitting thousands of documents to accompany the Tribe's written narrative of sovereignty and self-determination.

In the OFA's 'no' to the Fernandño Tataviam petition, they state that the Tribe meets only three of the four mandatory criteria under the FAP's Phase I:⁴ Criterion (d) *Governing document*, (f) *Unique membership*, and (g) *Congressional termination*. They have not, according to the OFA, met criterion (e) *Descent*, which requires that the petitioner's membership consists of individuals who descend from a historical Indian tribe or tribes that combined and functioned as a single autonomous political entity from 1900 to the present.

The OFA contends that the evidentiary materials submitted by the Tribe to demonstrate descent – including government, court, church/mission, and vital records; newspaper articles; secondary sources; tribal administrative and enrollment records; correspondence; and oral histories among many others – do not constitute the evidence needed to satisfy criterion (e), claiming that the Tribe needs to provide additional 'historical' and 'legal' documents of US government origin to prove descent. Along with this prioritization of settler-produced documentary evidence, records produced at the San Fernando Rey Mission (SFR) along with other forms of evidence submitted by the Tribe were discredited by the OFA based on what appears to be an arbitrary interpretation of their evidentiary value.

This chapter examines the ways in which archival displacement produces multiple forms of Indigenous dispossession and how definitions of place and land can determine how archival displacement is understood across multiple arenas. It also exposes the socio-cultural, political, juridical, affective, and spatial consequences that those displacements can have for tribes advancing recognition and sovereignty claims. I seek to respond to an identified need for a more substantial study of what happens to tribal records in the hands of settler colonial states – how they are held, used, and interpreted – and the importance of relating this to the surprisingly separate discourse around the physically and discursively displaced archives in the archival studies field.⁵ This chapter approaches archival displacement from a less conventional lens, focusing more on discursive displacements rather than physical displacements – displacements of purpose, use and intention, interpretation, value, and meaning. The goal is to intervene in the ongoing harsh realities of archival spatial violence experienced by tribes as a result of persistent colonial legacies of exclusion, racism, erasure, dispossession, and interpretive authority over Indigenous political and cultural forms.

My approach to this investigation combines critical archival theory,⁶ Native American studies, and tribal law and policy by applying a critical place research framework. As described by Eve Tuck (Unanga̓x̓) and Marcia McKenzie, critical place research or inquiry addresses and works against the erasure or neutralization of spatialized and place-based processes of colonization and settler colonization by understanding places as mobile, shifting over time and space, and through interactions with flows of people, other species, and social practices. The framework understands places as both influencing social practices and being performed and (re)shaped through practices and movements of individuals and collectives, thus conceptualizing place as interactive and dynamic. It also recognizes that disparate realities determine not only how place is experienced but also how it is understood and practiced.⁷

Even though archival displacement centralizes a spatial metaphor – *displacement* – as its core element of analysis, archival displacement scholarship tends to locate discussions of place (broadly understood) on the periphery. Against this tendency, Neil Smith and Cindy Katz argue that spatial metaphors (e.g., ‘positionality’, ‘locality’, ‘grounding’, ‘territory’, ‘nomadism’, and of course, ‘displacement’) require urgent critical scrutiny, since they depend overwhelmingly on a very specific and contested conception of space, thus embodying often unintended political conceptions.⁸ I choose to work guided by a critical place research framework in order to engage conceptually with place, grappling not only with the physical and spatial aspects of it in relation to the social – how places and our orientations to them are informed by, and determinants of, history and culture⁹ – but also with how shifting placenesses differently define objects and records within a particular field.

I use the Fernandeano Tataviam petition for federal recognition as a case study to illustrate the multiple forms of archival displacement – both physical and discursive – that records about and by tribes’ experience when they are produced, held, and assessed by settler-colonial entities and their evidence legitimization systems. These forms of displacement experienced by Tataviam records have contributed to the Tribe not being officially recognized as an Indian group, and the dismissal of its inherent sovereignty as a nation. The Fernandeano Tataviam petition for recognition and, in particular, the OFA’s negative PF, reveal how these discursive practices can shape the meaning and impact of institutional and political developments in US-Tribal relations, whether these developments take the form of federal policies, legal decisions, the actions of governmental and non-governmental political actors, or the contested definitions and practices of sovereignty.

Critically examining displacement within a settler-imposed policy and archival reality that directly affects tribes, this chapter places Indigenous theories and voices at the center – including Fernandeano Tataviam oral history and a discourse analysis of the Tribe’s petition documents – as I build upon research that seeks to be a form of action in response to settler colonialism as a critical place issue.¹⁰ This chapter begins with a literature review of place/space/land as understood by Indigenous and feminist scholars, followed by an overview of the concept of sovereignty and its impact on discussions about archival displacement. It then provides a general background on Fernandeano Tataviam histories of land dispossession and their ongoing petition for federal recognition and moves on to examine the different forms of archival displacement experienced by the records presented by the Fernandeano Tataviam in support of their recognition petition. It concludes by imagining ways in which archivists and tribes can collaborate to promote and facilitate the ‘re-placement’ of dis-placed archives through anticolonial actions.

Place/Space/Land

The western philosophical notion of the term space, as it is used today, emerged from Newtonian and Leibnizian conceptualizations in the 17th century. In the Newtonian conceptualization, space is itself an independent entity, no matter what or if it is occupied by objects or events. In this view, space is concrete, and indeed it is this concreteness that makes it real. In contrast, in the Leibnizian conceptualization, space is relational and dependent, holding no powers itself. In this view, space is active, yet ‘entirely parasitic on the relations between objects and events occupying places’.¹¹ Critical place research offers an extension of the Leibnizian construction of space, more in line with the revival of conceptualizations of place that occurred in the 1970s and 1980s, which was concerned with the mediating role of place in social relations and meaning-making.¹² It does this by

moving away from characterizing space as static, concrete, or absolute, and instead thinking of it as a process that is dynamic and interactive. Following Vine Deloria's (Standing Rock Sioux) assertion that 'power and place produce personality',¹³ Tuck and MacKenzie's update of the Leibnizian formulation of space depicts it as 'power-laced', allowing for an analysis of how power and place are co-produced.¹⁴

From the perspective of many Indigenous thinkers, scholars, and writers, western notions of place have been compromised by an over-reliance on the European, colonial notion of property.¹⁵ Manifestations of place as property suggest multiple discourses of ownership, including 'having "things", owning lands, invading territories, possessing someone', all 'narratives of displacement that reward and value particular forms of conquest'.¹⁶ These notions of place as property emerge in part from what Mary Louise Pratt (1992) calls 'Europe's planetary consciousness'. Constructed of the dual impulses toward interior exploration and constructions of global-scale meaning, this European planetary consciousness is the basic element of modern Eurocentrism.¹⁷ Indigenous philosophies of place, on the other hand, are constructed based on the relationships between land, epistemology, and ontology, where understandings of collectivity and shared relations to land are core attributes.¹⁸ These philosophies pre-date and have co-developed alongside and in spite of the deep structures of Pratt's European planetary consciousness.

In *Red Pedagogy*, for example, Native American education and critical Indigenous theory scholar Sandy Grande illustrates this difference:

The delineation of difference between modern (secular) and traditional (sacred) societies and their competing views of land and nature helps explain the persistence of severe conflict between such societies. Unlike secular societies—where land signifies property, property signifies capital, and capital signifies wealth, status and power—land in 'sacred' societies signifies connections to family, tribe and ancestors.¹⁹

Aimed at re-mapping colonially imposed geographical knowledges, in *Mark my Words*, American Indian and gender studies scholar, Mishuana Goeman (Tonawanda Band of Seneca), imagines and engages alternative spatialities and spatial practices to that of making land into property or treating land as 'purely a surface upon which we act'.²⁰ Arguing that our spatialities were and continue to be always in process, for Goeman, a place is a material setting that provides a mechanism for social relations to take place, where many histories and ways of seeing and mapping the world can occur at the same time. Her critique of western/settler understandings of place follows along the lines of geographers who have worked to expound the boundaries of place as more than just the point on a graph or locale, but as that which carries with it a 'way of being-in-the world'.²¹ Goeman's alternative

spatialities contest dominant histories and geographies while reminding us that the stories that connect and form relationships between Native people and the land are much older than colonial governments.

In discussing the profound distinctions between western and Indigenous notions and manifestations of space and place, some Native scholars argue that 'place' and 'space' are often not even the right words when referring to land. Even when the term 'place' is used, it refers to something quite different than can be found in western knowledge traditions. Multiple Indigenous authors have indicated preference for the term 'land' over place – with 'Land' being a shorthand for land, water, air, and subterranean earth.²² The difference lies between an ontology of place which prioritizes and centers the individual human, versus an ontology of land, which prioritizes and centers land as it constitutes the life of a collective.²³ This conceptual difference between place/space/land is further explained by Vine Deloria, Jr. in *Power and Place*. Deloria observes that even though the realities of the Indian social world can be translated into concepts from the western scientific context – such as space and time – when we do so, the meaning of those concepts often gets lost.

In *Decolonizing Methodologies*, Maori scholar Linda Tuhiwai Smith critically analyzes the impact that western conceptions of space have had upon Indigenous lives and their relationship to land. Space is often viewed in western thinking as being static or divorced from time, which generates ways of making sense of the world as fixed and without politics. This is particularly relevant in relation to colonialism. Assembled around the concepts of the line, the center, and the outside, colonial manifestations of place – including the establishment of military, missionary, or trading stations; the building of roads, ports, and bridges; the clearing and the mining of minerals – are clear processes of marking, defining, and controlling space. For the Indigenous world, Smith continues, western conceptions of space, or of the relationship between people and the landscape, have meant not only that the Indigenous world has been represented in particular ways back to the west, but that the Indigenous world view, the land and the people, have been radically transformed in(to) the spatial image of the west. In other words, Indigenous space has been colonized. Land is viewed as something to be brought under control, altered, and renamed, the latter being probably as powerful ideologically as changing the land. More significantly, space was appropriated from Indigenous cultures and then 'gifted back' as reservations or 'land in trust' – as reserved pockets of land for Indigenous people who once possessed all of it.²⁴

Tewa scholar Gregory Cajete reminds us that among Indigenous peoples, relationships to land and place are diverse, specific, and un-generalizable. 'Land' is imbued with those long relationships and with the pedagogies and knowledges that have emerged from those relationships. Land, then, refers not just to the materiality of land, but also to its 'spiritual, emotional, and

intellectual aspects'.²⁵ In *Wisdom Sits in Places*, Apache host Charles Henry explains these aspects to ethnographer Keith Basso: 'This earth is part of us! We are *of* this place ... We should name ourselves for this place! ... You see, their names for themselves are really the names of their places. This is how they were known, to others and to themselves. They were known by their places. This is how they are still known'.²⁶

Although it is un-generalizable, it might be safe to say that, for most Indigenous peoples, the concepts of place and space are always complex as they relate directly with Land – they represent an unfixed meaning-making process that is at the heart of Indigenous identity, longing, and belonging. Decolonizing conceptualizations of place, therefore, are intended to confront, undermine, disavow, and unsettle understandings of place that emerge from those imperial ideologies that – as they continue to authorize state force over Native land and bodies – influence contemporary understandings of space and place.²⁷ Decolonizing place, in this context, directly impacts endeavors by tribal nations to defend, reclaim, and repatriate their land, or as scholar and jurist John Borrows (Anishinaabe) sees it: 'to protect their legal archive (i.e., the land) and not see it destroyed'.²⁸ This suggests, as Jamila Ghaddar has interpreted it, 'that the land is just as much about evidence, accountability and governance as it is about heritage, culture or identity. It gestures at Indigenous worldviews where land, law and sovereignty are interwoven, based on a radically different understanding of what knowledge is and how it is acquired'.²⁹ An attack on the placeness of a land's archive, therefore, affects legal cases of federal recognition and land reclamation, specifically when the evidence required from tribes to be recognized as such is given its meaning through the political, economic, and cultural significance of the placeness in which its presentation and encounter are framed – colonially or decolonially.

Place, sovereignty, and archival displacement

The way the Archive – as the place/land it occupies, the records it holds, and the histories, practices, and discourses it supports – imagines and represents particular understandings of place, time, and subjects, has social and political effects. Feminist scholar Doreen Massey sharply illustrates the impact that definitions of space have upon archives: 'Archives conceiving space as in narrations of colonial discovery/space conquest, for example, make space seem merely as a surface'. This way of imagining space, she continues, 'can lead us to conceive of other places, people, cultures simply as phenomena 'on' this surface ... deprived of histories ... immobilised,' like lying there, 'on space, in place, without their own trajectories'.³⁰

As institutions of settler colonialism, colonial archives have inherent ambitions surrounding collection, circulation, access, use and preservation practices. As argued by Jane Anderson and Kim Christen, these ambitions

are articulated in practice through policies, procedures, and workflows that often reproduce marginalization and amplify the erasure of difference.³¹ In settler-colonial contexts specifically, these archival mechanisms have historically and ideologically enabled and enhanced the possibility for the possession and dispossession of Indigenous peoples' land and knowledge, relegating that knowledge to the realm of the unacknowledged and therefore making it absent on the 'official' maps of the state – literally and discursively.³²

Archival understandings of place/space/land, then, significantly impact definitions of archival displacement. Displacement, as defined by the archival community, refers to 'the removal of archives from the place of their creation, especially those removals that are arguably not illicit "thefts" but are somehow legitimised or defensible by virtue of the fact of their being removed by states, regimes or exiled groups rather than individuals'.³³ In his introduction to *Displaced Archives*, however, James Lowry adds:

Defining displaced archives according to, for instance, their spatial and temporal contexts as opposed to their social and political contexts has ramifications for how archival claims are settled ... The definition of nations, communities, borders and identities are at the heart of all conversations about the ownership of archives, so exactly how those definitions are constructed is crucial to understanding and resolving disputes over archives.³⁴

Building upon this clarification by Lowry, the multiple definitions of sovereignty in settler colonial contexts are especially central to theorizations about archival ownership, both complicating our understanding of archival displacement and tying it directly to the physical and ideological displacement of Indigenous peoples from their land. Settler colonialism is a form of colonization in which outsiders come to land that is inhabited by Indigenous peoples and claim it as their own new home, stealing the land but also the people, requiring them to do forced labor while they are kept landless and estranged from their homelands. Since the rationale of settler colonialism is the need for space and land, the main intention of settlers is to remove, displace, and erase Indigenous peoples from their territories.³⁵ Even if they are not forced to move physically, they are often estranged by having the meaning of their place erased and reinscribed with a new, settler colonial place. A structure of elimination, as it has been defined by Patrick Wolfe,³⁶ this settler colonial technique encourages the replacement of Indigenous peoples and relations to land with settlers and relations to property.³⁷

In this context, sovereignty is an intrinsically contested concept. With its etymological origins in Christian ideologies – God as the true sovereign – and European colonial law – the King as sovereign who inherited from God the right to rule – sovereignty was transposed into the ideologies and structures of the modern nation.³⁸ In the US, sovereignty has historically been

put to work to justify assimilation programs and the dispossession of Indian lands and resources reinforcing the government's colonial objectives – to abrogate the means and abilities of Indian tribes to maintain their jurisdiction and territorial rights by advancing the dispossession, enslavement, assimilation and genocide of 'theoretically' sovereign Indigenous peoples.³⁹

In the 1950s and 1960s, sovereignty emerged as a valued and ubiquitous term within Indigenous discourses to signify a multiplicity of legal and social rights to political, economic, and cultural self-determination.⁴⁰ Tribal sovereignty, according to these discourses, is not 'granted' but inherent – it comes from within a people or culture, and as explained by Deloria Jr. (1970), to the degree that a nation loses its sense of cultural identity, to that same degree it suffers a loss of sovereignty. Therefore, despite the stealing of Indigenous land and peoples and the displacement of Indigenous peoples from their land, and despite settler state demands for tribes to define their political status in relation to the spatial and epistemological boundaries of the US political system, tribes' inherent sovereignty challenges the temporal and spatial impositions of colonialism itself. In other words, tribal sovereignty resides in a space incommensurable with the institutions and discourse of the settler state. It inhabits a third space, as Kevin Bruyneel has put it – one that resides neither simply inside nor outside the American political system but rather exists *on* these very boundaries.⁴¹

As an example of the contradictory definitions of sovereignty, the FAP requires tribes to prove Indian identity and sovereignty in part by demonstrating their continuous connection to place and ownership of land, but with evidence that was often produced and used to dispossess them from their lands in the first place⁴² – evidence that denied their sovereignty to displace them, used to prove settler sovereignty. Thus, the ways in which the settler-colonial Archive itself defines, presumes, and asserts sovereignty has severe material, social, affective, and political effects on tribes advancing their recognition claims: determining how records are used/deployed in relation to place, land, and territory; how they are treated under law and policy; and, therefore, the kind of spatial and discursive violence that they might cause. Consequently, archival displacement promoted and produced by settler state governmentalities requires inquiry into the nature of states, forms of government, and the legitimacy of regimes altogether⁴³ – including the rethinking of statist visions of place – since within settler colonial contexts, physically displaced records do not necessarily leave the 'nation-state'. Instead, tribal spatial realities and the records that represent them are contradictorily relegated to exist 'outside' national settler terrains, even while being controlled and manipulated by settler governance.⁴⁴

Continued discursive displacements related to knowledge production in the archives cannot therefore be separated from Indigenous dispossession from land – along with the spatial and discursive restructuring of Native bodies and nations through policies like the FAP. These discursive

displacements include: the ‘recordness’ and legitimization of only certain records; the exclusion and erasure of others; the ways in which records circulate and are used as part of archives’ colonial collecting legacies; and understandings of sovereignty built a priori into the Archive’s foundational logic. The following sections of this chapter analyze those archival displacements and the impacts they have had upon the Fernandeano Tataviam in terms of both the Tribe’s placeness and its petition for federal recognition.

Fernandeano Tataviam spatial and cultural dis-place-ments

Since the first arrival of settlers to what is currently known as California, the Fernandeano Tataviam have had to continuously (re)negotiate their relationships to their land and resources.⁴⁵ Between 1843 and 1885, Tataviam ancestors received, held and were then dispossessed of Mexican land grants located near the old Mission San Fernando, into which ancestors from the villages in the area⁴⁶ were forced and assimilated during the mission period (1797–1834), and from which the Tribe received the name, Fernandeano. After surviving the Spanish regime, the Tribe held land grants in trust from the Mexican government,⁴⁷ which were meant to be preserved in the American period and would have formed the foundation for a reservation. Despite efforts advanced by Special Assistant US Attorney Frank Lewis under the Mission Indian Relief Act of 1891, recommending that the federal government take action regarding the Fernandeano Tataviam land rights granted by Governor Micheltorena in 1843, the federal government did nothing to protect the Fernandeano Tataviam from the attacks on their land or the impacts of settlement and economic and political forces on their communities. Throughout the American period, the Tataviam lost additional land and were forced to enter American political and economic life.

In addition to physical displacement, Tataviam ancestral lands have endured various levels of re-placement, including cultural alteration through place (re)naming and repurposing. Although many neighborhoods in the local area have retained traditional place names (e.g., Tujungá, Pacoima, Cahuenga, and Topanga), or have been renamed after Spanish translations of the traditional place names (e.g., Encino and Calabasas), countless locations in the City of San Fernando, where the Tribal Administration Office of the Fernandeano Tataviam Band of Mission Indians is currently situated, have been changed.⁴⁸ Yet as its land became and becomes further altered, the Tribe’s fluid relationships with both that land and place were, and remain, subject to constant modifications.

Here, the inextricable connection between place, land and identity is at play for the Fernandeano Tataviam, far more significantly than as a mere location. For the Tribe, ‘place is both one’s position within space, and a feeling that is rooted within the land, a feeling that connects people with generations

of experiences and stories',⁴⁹ meaning it is both geographic, or physically spatial, and discursive, in memory, language, story and identity. Areas in which land was allocated, dispossessed and repossessed are deeply embedded in the memories of tribal members today, while the Tribe continues to navigate significant obstacles that originated in the period of forced slavery and indentured servitude by Mission San Fernando. But they do not replace the emotional ties with the land that were established prior to colonization.⁵⁰

Notwithstanding displacement and other adverse effects of the losses of land due to settlement – conquest, wars, slavery – and assimilation policies through the establishment of missions and boarding schools, the prohibition to practice traditional culture and speak Indian languages, the promotion of segregated living patterns via allotment law and the discouragement of actions to uphold tribal land and political rights⁵¹ – the Fernandeano Tataviam have lived within and maintained its social and political structures from the 1700s to the present. Today, the Fernandeano Tataviam is a state-recognized Tribe with approximately 900 enrolled citizens. Tribal life consists of community organization and benefit activities, cultural renewal of ceremonies, recovering language, history, genealogy, cultural knowledge, relations with local government, local politicians, community agencies and organizations, and the efforts to recover land and gain federal recognition through the Federal Acknowledgment Process.⁵²

Both the physical displacements experienced by the Fernandeano Tataviam and the symbolic/discursive displacements that accompanied and enabled them, have affected the Tribe's quest for federal recognition, equally. The challenges have included locating dispersed evidence, but more importantly, it has meant having to fill in the gaps of nonexistent evidence – aspects of the mandatory FAP criteria that cannot be satisfied via documentary evidence because, through land dispossession and displacement, such evidence was lost or was never produced to begin with. Additionally, there is the obstacle of having to make the case for tribal-led interpretations of the evidence they do have, most of it produced by non-Indians, and arguing for those interpretations to be treated as legitimate in support of their petition. And it is especially in this last category that the displacement of their evidentiary materials is most difficult to grasp, where the narrative, epistemological and identificatory aspects of Fernandeano Tataviam placeness remain subordinated, as the discursive backdrop against which their meanings could compete with the state's settler-colonial meanings is suppressed, denied or left unheard.

Fernandeano Tataviam petition for federal acknowledgment

The Fernandeano Tataviam claim their descent from a 'coalition' of politically autonomous 'villages', 'lineages', or 'family groups' called Suitcanga, Tujung, and Cabuepet, who interrelated through exogamous marriage,

shared rules of land usage, and ceremonial life. Each of the Tribe's three progenitors belonged to one of these lineages, forming a tribal network that participated in a social, economic, and political arrangement that predated the San Fernando Rey Mission (SFR), maintained itself during the mission period (from 1797 to 1834), and reconstituted itself after the Mission was secularized in the decades preceding California statehood. The Tribe claims that, after the mission period, its three progenitors married men with the surnames of Ortega, Garcia, and Ortiz, respectively, and that the resulting three 'lineages' became associated with these three surnames.

Although a Native village that existed prior to 1900 may constitute a 'historical Indian tribe' according to the regulations, the OFA claims that evidence in the record does not demonstrate that any of these villages or surname lineages was an Indian tribe between the end of the mission period and 1900, nor that the three lineages combined and functioned as a single historical Indian tribe, thus failing to identify such an entity for the purpose of calculating descent. (OFA, 2016, 2020) In other words, the Tribe must have demonstrated that its pre-Mission San Fernando organization was a 'historical Indian tribe' – as defined by the OFA, not by how it is defined by the Tribe. The OFA suggests an 'alternate theory', that the Tribe's three claimed lineages became part of an amalgamated Indian tribe – a new, centralized, political and social entity – at SFR, from which they might be able to calculate descent and therefore satisfy criterion (e).⁵³

But the Tribe argues that this alternate theory overstates the influence of the relatively brief mission experience, misinterprets evidence of inter-marriage practice, and more importantly, contradicts the well-known purpose of the missions – to obliterate tribal organization and assimilate and destroy Indian culture – erasing the strong system of tribal leadership and organization that pre-dated and survived the SFR Mission nonetheless.⁵⁴ Furthermore, OFA's amalgamation theory conflicts with the near-unanimous view of contemporary documentors of 19th century California such as Hugo Reid and George Harwood Phillips, the San Francisco survey, mission records, and tribal rolls, all of which have been submitted by the Tribe with their petition.

The OFA contends, however, that many of those evidentiary materials – including baptismal, marriage, and death records produced at SFR; tribal membership lists; 1928 and 1972 Judgement Rolls of the Indians of California for claims payments; the writings of Hugo Reid;⁵⁵ among others – do not constitute appropriate or legitimate evidence to satisfy criterion (e), claiming that the Tribe needs to provide *additional* 'historical' and 'legal' documents to prove descent.⁵⁶ Furthermore, the OFA's finding that more than one form of evidence is needed runs contrary to their own regulations' evidentiary standards, which make clear that the Tribe may demonstrate descent based on Mission baptismal records only.⁵⁷

Due to the negative Proposed Finding issued by the OFA in May 2020, the Tribe's petition is currently halted, which means that the Tribe remains unacknowledged but is still in the process for at least 120 days since the publication of the OFA's decision in the Federal Register. After a 120-day public comment period, the Tribe alone has the right to respond to the comments. The Tribe can then challenge the OFA's decision before an administrative law judge within the Department of the Interior (DOI). The judge will look both at the OFA's record and the public comments and decide whether the OFA erred in its process or if its decision was arbitrary. If the administrative law judge rules in the Tribe's favor, the petition goes back to the OFA to enter Phase II. If the judge rules against the Tribe, the Tribe can go to the Assistant Secretary of the DOI and present an argument. The Assistant Secretary could either decide that the Tribe is entitled to recognition (which is unlikely in light of the fact that the Tribe has only gone through Phase I), could send it back to the OFA to initiate Phase II, or deny it altogether.⁵⁸

Some of the reasons why the evidence submitted by the Tribe has been constantly discredited/dismissed by the OFA in the different phases of their petition have to do with the various forms of displacement that have affected records about or by the Tataviam over time. As the examples below will show, the US settler state and the colonial practices of dispossession it continues to promote – including re-placing Tataviam understandings of rights to land and territory — destroy (or displace) the sense of place that gives records, and therefore evidence, their meaning.

Archival displacements of federal recognition evidence

California Indians' unique histories are largely incompatible with the FAP's imposed acknowledgment criteria, presenting specific evidentiary obstacles for petitioning tribes such as the Fernandeño Tataviam. The destructive forces of Spanish and Mexican colonization; droughts and diseases; a US state and federally funded genocide that had as a consequence a 96% reduction in the population of tribal California; the federal government's negotiation of 18 treaties with California tribes during the 1850s and the US Senate's refusal to ratify them; and the termination of 44 California tribes⁵⁹ during the 1950s and 1960s make it difficult, if not impossible, for California tribes to prove political and community continuity.⁶⁰

Along with the displacement of the Fernandeño Tataviam from their ancestral lands in the pre- and post-Mission period as mentioned earlier, and the US' settler-state advanced policies that came after, including the material practices involved in the processes of federal programs aimed at spatial relocation⁶¹ and separation of tribal communities and their incorporation into the nation-state, both physically and mentally,⁶² came the displacement of their archives – including most of the records that they are required to use as evidence for their tribal recognition case, today. These

archival displacements, however, do not just refer to records having been dispersed and some of them untraceable, but also that the records have been mis-produced, mis-informed, mis-attributed, and mis-used.

Jeannette Bastian reminds us that colonial records are central to political processes advanced by the nation-state, but ‘often as obstacles to be overcome, predicaments to be resolved and mazes to be negotiated rather than as the sources of enlightenment and memory’.⁶³ The archival displacements described below have all had a negative impact on the forms of evidence used by the Fernandeano Tataviam in support of their petition – the Tribe has had to learn how to navigate, re-interpret, re-purpose, and re-use, if not their own records, records about their own existence, their own political and cultural history.

Material displacement/displacement of place

One of the more tangible consequences of the dispossession of California Indians from their lands – and the parallel colonial practices of collecting Indigenous materials and knowledge – was the physical displacement of their records. Only a very small portion of the evidence used by the Tribe in support of their petition is held at the Fernandeano Tataviam’s headquarters in the San Fernando Valley. While the Tribe’s informal archive consists mainly of photographs, oral history interviews, press releases, minutes of recent meetings, copies of court decisions, tribal membership forms, and some secondary sources, the bulk of records required to fulfill the FAP’s criteria are held elsewhere. The Tribe’s petitioning research team have had to spend an inordinate amount of time and resources seeking and locating what the OFA considers to be ‘legitimate’ evidence for their recognition petition.

Records used as evidence by the Tribe are being held in more than 20 different repositories, including private libraries and archives such as the Huntington Library and the Autry Museum’s Braun Library; national and state archives such as the National Archives in Washington DC,⁶⁴ Riverside, Laguna Niguel, and San Bruno and California State Archives in Sacramento; university archives such as the Bancroft Library at UC Berkeley, UCLA Special Collections⁶⁵ and California State University at Northridge; religious and mission archives such as the Santa Barbara Mission Library and Archive; the La Plaza Church (Our Lady Queen of Angeles Church), St. Ferdinand Church, Santa Rosa Church, and Saint Francis Church; private collections such as the Heather Daly and Ron Andrade Collections; hospitals such as Glendale Memorial Hospital and Pacoima Memorial Lutheran Hospital; and federal agencies such as the Bureau of Indian Affairs (BIA), among others.

For example, in order to gather the required documents to fulfill Criterion (e) *Descent*, the research team has had to look for Fernandeano Tataviam tribal members’ genealogical records – birth, marriage and death certificates – in

multiple repositories, including physical institutions such as the La Plaza, Santa Rosa and Saint Francis churches; the San Fernando and San Gabriel missions; Mission Hills Catholic Mortuary; Santa Clarita Valley Television; State of California Department of Public Health's Bureau of Vital Statistics; California Marriage and Death Indexes; California Voter Registrations; and the BIA in Sacramento; as well as online databases such as the Huntington Library's Early California Population Project (ECP);⁶⁶ Ancestry.com; Latterday Saints; Mac-Family Tree Program; and Find a Grave.

In addition to this tangible form of archival displacement – records produced and held by entities external to the Tribe – is the material absence of many of the forms of evidence required and regarded to be legitimate by the OFA, a form of physical (or non-material) displacement as well. The absence of evidence is a direct consequence of tribes being removed, relocated, and replaced by the state. Those evidentiary absences, according to Anne Gilliland and Michelle Caswell, are 'evidence of the thing which does not exist', where the 'nothing' or 'no evidence' is in itself evidence of the particular regime or system that caused that absence.⁶⁷ While the Tribe's petitioning research team has been able to locate a considerable amount of evidence dispersed across the different repositories listed above, one of the biggest challenges has been filling the gaps of evidence that was never created, has been lost, held undisclosed or destroyed by the same entities that produced it.

For example, the FAP's regulations require evidence to demonstrate that petitioning tribes have had 'substantially continuous' existence from 1900 to the present; however, continuity of tribal community life in California is almost impossible to document because of the relocation policies already mentioned. According to Rudy Ortega, many of the records required by the OFA simply do not exist. During the relocation era, Ortega points out, 'we were forced to move away from our ancestral lands in the San Fernando Valley, however, now the BIA is asking why we didn't stay all together. Many of us stayed, but some moved to other reservations close by that had better land conditions'. Yet, Ortega points out, 'they see that dispersion as *our* fault, as evidence of lack of community life, and that interpretation significantly affects our Indian identity and sovereignty'.⁶⁸

The OFA has also asked for historical and administrative records documenting tribal meetings and gatherings before and after the 1900s. However, as co-leader of the Tribe's petition research team Duane Champagne (Turtle Chippewa) explains: 'They [the Tribe] were not meeting in a formal way. Back in those days, they're going to the festivals, ceremonies, Catholic holidays, etc'.⁶⁹ There are references to commemorations and ceremonies celebrated by the Tribe, Champagne continues, 'but the OFA is looking for the western style government way of keeping records⁷⁰ and they [the Tribe] were just not doing that'.⁷¹ According to Champagne, the Tribe only started doing more bureaucratic organization or recording meetings' minutes in the

1950s.⁷² Moreover, historical data about Indians produced during the 1840s, 1850s, and 1860s are rare and extremely hard to find – those are decades filled with all kinds of disasters; droughts and floods, and diseases such as smallpox plagues were the cause of severe demographic declines. As a consequence, there is a significant lack of records about Indians during those times as well.

These two forms of physical displacement – both the more conventional form where records have been detached from their subjects or alienated from the body-land-voice they represent, and the agony of immaterial evidence being required but never produced – are direct consequences of the land dispossession, removal, and relocation of tribes advanced by the US and the colonial systems it continues to promote. The displacement of a petitioning Tribe's Archive means, at a superficial level, the additional difficulties locating and gathering the records needed for their case, including distance, financial resources, and time. It also means, however, not being able to access their own records and the information they contain even after locating them, due to the restricted and elitist access policies that many repositories have in place. In this sense, an expanded notion of rights and obligations to records that benefit communities whose records are 'owned' by external entities or individuals due to western notions of authorship, ownership, and intellectual property rights, is needed.⁷³

Discursive displacement/displacement of meaning

I refer to discursive archival displacement as the inaccuracies, discrepancies, misspellings, and the misapplication of language and naming practices contained in records about tribes and tribal individuals that have been produced by non-Indians, and that as a consequence displace the meaning of those records, often due to misunderstandings, misinterpretations, and/or ignorance of tribal realities. Because tribal history and knowledge was usually passed down orally from generation to generation, up until the mid-20th century, many tribal communities produced very few written records, resulting in a lack of tribal-authored tangible documents. Consequently, much of what records about or attributed to Indian people say, survives through the filter of the writing of settlers. Tribes, then, often find themselves having to rely on documents created by non-Indians, usually anthropologists, ethnographers, and historians who were part of the colonial collecting and documenting endeavor during the late 19th century and first decades of the 20th century. These external documentors were all literate but alien – they didn't always know the peoples they were writing about and even if they knew them, they were not necessarily sympathetic to them, which in many cases made them unreliable observers and inaccurate recorders.⁷⁴ Existing externally produced tribal documents, therefore, do not always convey tribal needs, perceptions, and self-conceptions.

In California specifically, most existing documents about Indian tribes come from the biased and often distorted writings of Spanish, Mexican, and American colonizers, settlers, and missionaries. As is well known, distortion and alteration of meanings in the record relied upon by colonial governance is an integral part of the processes of colonial oppression and dispossession.⁷⁵ In California, this kind of colonial discursive dispossession was significantly facilitated by the mission system and the documentation practices that its regime had in place. In the case of the Fernandeano Tataviam, for example, the language and spelling discrepancies of vital records produced at the missions – baptismal, marriage, and death records – have significantly complicated their petition narrative. Much like parish priests in Europe, missionaries in California were required to keep records for all Indians affiliated with the missions and for the region’s Spanish and Mexican population. Thus, whenever they baptized an individual, they recorded that individual’s birthplace, age, parents, marital status, children, siblings, godparents, given Spanish name, and any other information they deemed unique or relevant. Similarly, when they married or buried an individual, they nearly always recorded that same information plus family relation and, if known, baptism record number.⁷⁶

Spanish names that were given or assigned by the missionaries were assumed names rather than family Indian names and rarely included the person’s surname – the family name or last name – in the record (for soldiers and settlers, the missionaries always listed both given and family names). However, discrepancies in the spelling or actual name of an individual within their record are very common. Missionaries often recorded the name of an individual in a slightly different form in the baptism, marriage, and burial records. For an individual with a common name such as Francisca Maria, for example, it is not unusual to appear as Maria Francisca or simply as Francisca in another record or in a record’s margin.⁷⁷ Rudy Ortega explains: ‘During the missions, Indigenous names were reversed, replaced with Spanish names, shortened [using just first name], and miswritten. Names were never transferred literally since it was often an outsider—a white person—who would record the names and he would do it differently, according to what he heard.’⁷⁸ These flawed naming practices not only complicate the linking of an individual’s records, but also make it difficult to identify and prove an individual’s lineage/ancestry and their relationship with a particular group or community.

The mission system’s intricate language practices have significantly hindered the Fernandeano Tataviam’s quest for federal recognition. Its messy naming conventions have meant that the names of the Tribe’s lineages, ancestors, and their offspring have changed over time, and therefore so have the names in the records. For example, the three Fernandeano Tataviam lineages of Suitcabit, Cabuepet, and Tujubit changed their names over time into the lineage names of Ortega, Garcia, and Ortiz, respectively. And the names

of the progenitors of those lineages have changed over time as well: Antonio Maria Ortega, progenitor of the Ortega lineage, appears in some records as Jose Rosario Ortega; Maria del Rosario Triunfo, progenitor of the Ortiz line, appears in some records as Rusaria Peralta, Rosaria Carlon de Ortiz, and Rosa Arriola; and Maria Josefa Leyva, progenitor of the García lineage, appears in some records as Josephine Leiba Garcia Gutierrez. These names did not officially change at some point in time; however, the OFA requires evidence that shows *when* and *why* the Tribe's ancestors made the name changes, which is impossible to prove given the non-existence of such evidence.⁷⁹

Both the Tribe's ancestors' and lineages' name changes were a direct consequence of the documentary practices of dispossession practiced by the California mission regime (Montenegro, 2019). Archivaly, this form of discursive displacement has severe consequences for the description and cataloging practices of these (already dispersed) records at collecting institutions. Inaccurate, incomplete, and wrong metadata accompanying tribal records in nontribal collecting institutions create new categories of displacement, especially when provenance is erroneously inscribed, deeming those purposely displaced records as 'culturally unidentifiable', and therefore detached from their homelands both physically and discursively and with no possibility of return. It also hinders the ability of establishing relationships between records and between repositories, which is crucial when preparing federal recognition claims. This is why the right to correct inaccuracies contained in the record and in the records' metadata in these contexts is crucial. The intentional and/or unintentional mistakes and ambiguities contained in the documents described above, along with the continued dismissal by OFA reviewers of the documentary contexts in which those records were created, re-inscribed, and collected, make it extremely hard for petitioning tribes to use that evidence in their legal cases today.

Interpretative displacement/displacement of value

Another form of archival displacement experienced by the Fernandeano Tataviam in the context of their federal recognition petitioning process is the displacement of value or legitimacy by the OFA of particular categories of records presented by the Tribe as evidence for their case. As explained earlier in this chapter, OFA agents and a review committee comprising anthropologists, historians, and genealogists (none of them necessarily Native) are in charge of assessing – and therefore accepting or dismissing – the evidence submitted by the Tribe in support of their petition. Reviewers, though, tend to rely on how non-Indigenous legal and social scientific analyses indicate 'Indianness', rather than taking into account the contemporary realities, tribal beliefs, and unique histories of petitioning tribes. Rooted in colonial conceptions of history and evidence, OFA reviewers fail to consider

the impact that the contexts in which records were/are created have on tribal archives as well as the biases built into the records that tribes are required to rely on as evidence of their Indian existence. By default, dismissing the value and legitimacy of records submitted by a tribe in order to prove their very Indian identity and existence significantly perpetuates colonial anxieties and a discourse of tribal erasure and disappearance.

Specifically concerning the Fernandeano Tataviam federal recognition claim, the OFA made the determination that the mission records submitted by the Tribe's petition team do not represent appropriate evidence to fulfill the *Descent* criterion. In its 2016 TA Letter to the Tribe, the OFA states:

If the FTB petitioner chooses to maintain the claim that the historical Indian tribe consisted of a coalition of three distinct, politically autonomous Western Gabrielino lineages named Suitcabit, Cabuepet, and Tujubit, then ... [t]he FTB Petitioner should submit evidence other than secondary sources and the SFR baptismal records. Specifically, the petitioner should provide historical documents that demonstrate the existence of the three distinct social and political entities named Suitcabit, Cabuepet, and Tujubit as they moved through time separately and also came together as a coalition at various points in time.⁸⁰

Mission records, and especially baptism records, however, not only are listed in the FAP regulations as a legitimate category of evidence for demonstrating descent (listed as 'church or other similar enrollment records') but also supply strong evidence of the existence and continuity of the lineages that entered Mission SFR. They are original documents and contain a variety of information that extends across and before the SFR Mission period. Moreover, contradictorily, the OFA's TA Letter relies to a substantial degree on baptismal records for supporting the Tribe's argument that Tataviam village leaders continued to exercise political authority after entering the Mission.⁸¹ Why would these types of records, then, be legitimized to support the OFA's version of the Tribe's existence and not the Tribe's argument of political and community continuity over time?

Since a lineage is a kinship group, the SFR Mission vital documents provide an extraordinary record of lineage-group activities such as marriages, deaths, births, possible candidates for political leadership, and lineage survivability. Carole Goldberg, legal scholar and Co-leader of the Tribe's petition's research team, believes that the OFA is assessing mission records as if they were individual records; 'records that have nothing to say about tribal community'. However, she continues,

[mission records] have enormous amounts to say about tribal community, because for those who were not born at the mission, they identify the lineage that their parents come from. And if our position [the

Tribe's] is that the Tribe's lineages continued through the mission period and beyond, you need the mission records to show that. Insofar as the missionaries are documenting the continuation of leadership by lineage captains, that is significantly relevant to the argument we're making in this petition.⁸²

The California mission registers, therefore, do contain the information necessary to reconstruct not only the individual life histories of the tens of thousands of Indians (and settlers) who lived in California but also the divergent population dynamics of these groups. Discarding this form of evidence by displacing their evidentiary value is yet another form of colonial dispossession.

The OFA similarly discredited the California Judgement Rolls of 1928 and 1972, also submitted by the Tribe as evidence for their recognition case. These are enrollment lists that were produced by the Bureau of Indian Affairs (BIA) so that California Indians – defined as Indians residing in the State of California on 1 June 1852, and their descendants – could bring suit against the US for lands taken from them. Both the 1928 and 1972 rolls were designed to prove tribal political and cultural affiliation – the questions contained in the forms specifically asked what tribe an individual belonged to and who was the leader of that tribe, necessarily recording the names or identities of the people who belonged to a tribal entity at the time when the roll was created. Furthermore, applicants were required to get their documentary evidence to the BIA to prove eligibility so they would receive part of the payout.

The OFA, however, stated in its PF that the rolls of the Indians of California for claims payments would not satisfy § 83.11(e)(1), because 'those rolls were not prepared for specific tribes ...'⁸³ The problem is that, for most tribes in California, rolls created for a specific tribe were never produced. The three different ways in which California Indians were required to prove eligibility for the 1972 California Judgement Roll, namely, being on one of their existing rolls from 1928 or 1940, have a lineal relative on one of these rolls with evidence documenting the familial relationship, or trace their ancestry back to an Indian in California in 1852, should be enough to prove tribal affiliation. Yet again the OFA decided to dismiss evidence that was designed by the very federal entity it serves.

As Duane Champagne asserts: 'Taking records that identify tribal affiliation and tribal leadership, and treating them as worthless for demonstrating tribal organization, is an erasure.'⁸⁴ The OFA, however, displaces place and meaning by reading and analyzing these documents without appropriate contextualization or tribal interpretation. This is in line with Joanne Barker's argument that, 'U.S. national narrations represent recognition as an expected outcome of Native cultural authenticity', where tribes are required to demonstrate their *Indianness* in accordance to a standard that

‘makes it impossible for Native peoples to narrate the historical and social complexities of cultural exchange, change and transformation’,⁸⁵

The OFA tends to fail to accommodate or reconcile multiple and at times differing perspectives and interpretations of tribal histories, social practices, and cultural traditions. The arbitrariness and subjectivity around what gets admitted and rejected as evidence in federal recognition processes regarding Indian identity and authenticity questions might have to do in part with what the canon – and therefore the Archive – does and does not recognize as tribal evidence. When things fall outside of the canon or are incompatible with it – oral histories and traditional knowledge, for example – they are not just being silenced but actively excluded.⁸⁶ Studying how evidence ‘behaves’ in the archives’ stacks, catalogs, and databases might help mapping the contexts and tracing the conditions under which such evidence was created, collected, and now is used and stored. Investigating the contextual or *land-based* provenance of recognition evidence and how tribal histories and counter-histories reside within the archives might help articulate potential remedies that repositories can undertake by rethinking their collecting and representation structures, systems, standards, and procedures in order to make them more inclusive, participatory, and collaborative.

Displacement of purpose, intention, and use

Data collection about tribes has been historically driven by the administrative needs of federal and/or external agencies, rather than by the governmental needs of Tribal Nations, thus inadequately characterizing those needs and insufficiently informing policy and resource allocation decisions.⁸⁷ Commissions of inquiry, depositions, surveys, and censuses are all examples of data-gathering exercises – both across disciplines and government offices – that have been central to imperial modes of governance and knowledge production. While to some, these historical practices of documentation are simply information, for others, they symbolize the very illustration of colonial power,⁸⁸ serving as ideological fuel for both the material and discursive oppression, dispossession, displacement, erasure, and appropriation of Indigenous peoples.

This is exemplified in many ways in FAP petitions, where tribes are required to prove Indian identity, community continuity, and political and cultural existence in part by demonstrating their continuous connection to and ownership of land, but with records that were crafted with the double intention of acknowledging and at the same time disavowing and removing Native communities from their homelands.⁸⁹ Ethnographic fieldnotes and archival photographs produced by federally funded anthropologists and ethnologists, commissioned by national museums to document Indigenous rituals and ceremonial life, eventually became evidence of the supposed ‘uncivilized’ and ‘savage’ nature of tribal groups, supporting laws

and policies that resulted in the removal of entire communities from their homelands.

State required tribal rolls and federal censuses documenting Indian lives were deployed to implement extremely harmful policies for Native groups, such as the removal of children to boarding schools and the allotment of land based on racial identifiers and categorizations.⁹⁰ Records produced by missionaries documenting Indian lives and languages were eventually utilized to obliterate tribal groupings and prohibit Native children to speak those same languages in missions and boarding schools. This resulted in the loss of what linguists estimate to be thousands of Indigenous languages worldwide, as well as the connections between Native groups and their ancestral place names and traditional knowledge. These were all produced to ultimately build cases for territorial dispossession and effect the discursive erasure of Native groups from the national memory.

Stored and displayed in archives, libraries, and museums, these reports, field notes, maps, ledgers, photographs, surveys, correspondence, land grant applications, and other administrative records are today used as both anchors to the colonial past and evidence for present reconfigurations of tribal history, memory, identity, and sovereignty.⁹¹

The Fernandeano Tataviam petition illustrates how the FAP both draws from, uses and mobilizes settler colonial documents and their logics against Indian tribes seeking recognition, and equally problematic, how it *misuses* and *misinterprets* the tribe's framing of itself, its political parameters and history. Settler colonial documents are being used by the OFA exactly as they were intended – to dispossess, categorize, and evict Native people from their sovereign spaces and to deny ancestry and land-based origin in particular.⁹²

By considering these forms of evidence 'official', the FAP is forcing petitioning tribes to engage with externally imposed and often racist, outmoded and today academically repudiated definitions and interpretations of Indianness and tribal existence.⁹³ Tribes are suffering the affective consequences of both being required to gather evidence of their past in accordance with federal and archival guidelines of recognition (as opposed to their own forms of knowledge production, documentary realities and record keeping places) in order to prove their identity and authenticity in terms of federal legal frameworks and relying predominantly on settler-colonial documentary evidence, and being subjected to a recognition process to justify their own existence and identity in the first place.

In part due to the effect and the affective consequences of having to depend on colonial records to prepare their recognition petitions and sovereignty claims, the FAP is perceived as at least as much a means of domination and subjugation as it has been a means of affirmation and protection of tribal sovereignty.⁹⁴ Refusing the recognition system imposed by

the US, therefore, in many cases has meant a refusal to use records that have been conceived with the displaced and primary purpose of Indigenous elimination.

Conclusion: Re-placing displaced evidence

The Fernandeano Tataviam petition illustrates the ways in which federal policies like the FAP, exert physical and cultural violence upon Indian groups through spatial and discursive control. The US settler state and the colonial practices of dispossession it continues to promote, including imposing the creation and use of records aimed at Indigenous disappearance, also displaced Indigenous authority and/or tribal capacity to create their own records in their own language and/or hold tribal records within their own land bases. Not only Native communities were bodily displaced due to settler colonialism, and along with them their records, but also the significance of tribal land and territory as potential archives and holders of tribal records, cultural materials, and traditional knowledge.

Despite these displacements, however, the Fernandeano Tataviam continue to live in ways that surpass the OFA's demands for the Tribe to fully define itself within an imposed idea of evidence and of 'historical Indian tribe'. Fernandeano Tataviam history of self-determination draws its own conceptual boundaries of what a historical tribe is, signaling what neither the OFA nor the US are able to understand: that Tataviam sovereignty is beyond the confines of settler colonial policies and epistemologies – it rather belongs to that third space identified by Bruyneel.⁹⁵ The Fernandeano Tataviam, then, is utilizing the FAP to advance spatial and temporal claims to sovereignty, identity, and territory; as a way of reclaiming or re-marking boundaries and as a means to furthering their own tribal interests. The re-spatialization that tribes are undertaking by writing their recognition petition narratives of self-determination represents and 'communicates' what Mishuana Goeman has identified as a 'Native ethics and politics of their place in the world', with the potential to contest the ever-developing intents of dispossession of settler colonial nations.⁹⁶

The tensions and contradictions concerning the original intention and context of creation – or provenance – and the tribal-led re-placements of discursive archival displacements – are represented by the many ways in which petitioning tribes are using evidence today. Tribes locating, gathering, repurposing, and recontextualizing the records that were produced, collected, removed, destroyed, and now dismissed and/or misinterpreted by the OFA with a clear intent of Indigenous dispossession, as part of their recognition petitions constitute important, and quite radical acts of decolonization.⁹⁷

One tangible way in which the Fernandeano Tataviam are undoing archival displacement or re-placing evidence⁹⁸ is by organizing more than 10,000

records gathered as evidence for their case into a comprehensive digital archive curated by the Tribe itself to be accessed by Tribal citizens.⁹⁹ The database aims to provide ‘culturally-competent, historically-factual, and community-driven stories centered on the Tribe, with historical and contemporary relationalities that uplift the community’s long-term goals’ to support policy change, cultivate truth-telling, and (re)educate tribal members and the general public.¹⁰⁰ Among the purposes of this digital archive are to correct false historical narratives – including re-placing meaning by correcting the descriptive metadata of many of the records used for the Tribe’s petition – through Native-driven micro storytelling and testimony that will eventually empower the Tribe and its youth by providing examples of ancestors’ efforts and current day agency to belong in Tataviam traditional homelands. By condensing the vast knowledge from the Tribe’s storytellers, the archive will provide untold stories that counter mainstream narratives taught at schools today, including telling their own story and relationship to the SFR Mission without compromising historically accurate facts and community perspectives.¹⁰¹

Repurposing federal recognition evidence to gain back land, place, and meaning are all instances of reversal of the colonial project of spatial and discursive dominance. This is in line with Goeman’s assertion that to begin to (re)map the settler nation, we must consider Native-made spaces that are often disavowed, appropriated, or co-opted by the settler state through documenting, writing, imagining, law, politics, and the terrains of culture.¹⁰² For libraries and archives, this re-placement must be anticolonial, or what Jane Anderson and Kim Christen (2019) have called ‘a territorial project’. That is, collecting institutions must form long-term relationships of collaboration with tribes on whose land they sit, to (re)connect land, languages, and community histories of truth within their collecting, classification, organization, and representation practices and systems.

One theoretical and practical way in which the archival field can contribute to the re-territorialization or re-placement of evidence – across disciplines and institutions – is by advancing what Jamila Ghaddar has been exploring as a land-based approach to provenance,¹⁰³ one that draws on Bastian’s idea of provenance of place which ‘embraces both the physical locale and the collective memory of that locale, establishes a context of creation that links the creators as well as the act of creation to a location, to the past and present meaning of that location as well as to one another as inhabitants of the location’.¹⁰⁴ Thinking of place as provenance in a way that incorporates Indigenous understandings of place and land might contribute with the anticolonial endeavor of re-attributing Native voices and bodies as the rightful authors and owners of their records, thus re-gaining the sense of place – the land’s archive – that gives, in this case, Tataviam records their meaning.

Notes

- 1 Office of Federal Acknowledgment, Procedures for Federal Acknowledgment.
- 2 The Tataviam are the only Tribe in the U.S. that has gotten this far in the FAP under the amended regulations of 2015.
- 3 Rudy Ortega, interview with author at the Fernandeano Tataviam Headquarters, San Fernando Valley, Los Angeles, CA, May 12, 2017.
- 4 In Phase I, the OFA determines if the petitioner meets the Governing Document Criterion (§ 83.11(d)), Descent Criterion (§ 83.11(e)), Unique Membership Criterion (§ 83.11(f)), and Termination Criterion (§ 83.11(g)). If the petitioner meets those criteria, the petitioning Tribe moves to Phase II, where the OFA reviews whether the petitioner meets the Indian Entity Identification Criterion (§ 83.11(a)), the Community Criterion (§ 83.11(b)), and the Political Influence/ Authority Criterion (§ 83.11(c)). If the petitioner claims previous Federal acknowledgment, the OFA will also review whether the petitioner proves previous Federal acknowledgment and, if so, will review whether the petitioner meets the criteria under § 83.12(b) (Office of Federal Acknowledgment, Procedures for Federal Acknowledgment).
- 5 Lowry, introduction to *Displaced Archives*.
- 6 Caswell, Punzalan and Sangwand, "Critical Archival Studies."
- 7 Tuck and McKenzie, *Place in Research*.
- 8 Smith and Katz, "Towards a Spatialized Politics," 68.
- 9 Tuck and McKenzie, *Place in Research*.
- 10 Tuck and McKenzie, *Place in Research*.
- 11 Agnew, "Space and Place," 318-319.
- 12 Massey, *Spatial Divisions of Labour*.
- 13 Deloria, "Power and Place," 23.
- 14 Tuck and McKenzie, *Place in Research*, xx.
- 15 Bhandar, *Colonial Lives of Property*; Moreton-Robinson, *The White Possessive*; Barker, "For Whom Sovereignty Matters"; Grande, *Red Pedagogy*.
- 16 McKittrick, *Demonic Grounds*, p. 3.
- 17 Pratt, *Imperial Eyes*, 15.
- 18 Goeman, *Mark My Words*; Tuck and Yang, "Decolonization is Not a Metaphor"; Kovach, *Indigenous Methodologies*; Grande, "American Indian Geographies"; Grande, *Red Pedagogy*.
- 19 Grande, *Red Pedagogy*, 72.
- 20 Goeman, *Mark My Words*, 15.
- 21 Goeman, *Mark My Words*, 6-9.
- 22 Tuck and McKenzie, *Place in Research*, 50.
- 23 Bang et al., "Muskrat Theories."
- 24 Smith, *Decolonizing Methodologies*, 52-55.
- 25 Cajete, *Look to the Mountain*, 37.
- 26 Basso, *Wisdom Sits in Places*, 21 (emphasis mine).
- 27 Goeman, *Mark My Words*, 16.
- 28 Borrows, *Freedom and Indigenous Constitutionalism*, 96.
- 29 Ghaddar, "Right to Rule."
- 30 Massey, *For Space*, 4.
- 31 Anderson and Christen, "Decolonizing Attribution."
- 32 Anderson and Christen, "Decolonizing Attribution"; Ghaddar, "Spectre in the Archive"; Luker, "Decolonising Archives"; Moreton-Robinson, *The White Possessive*; Goeman, *Red Pedagogy*.
- 33 Lowry, introduction to *Displaced Archives*, 11.
- 34 Lowry, introduction to *Displaced Archives*, 12.

- 35 McCoy, "Manifesting Destiny."
36 Wolfe, "Settler Colonialism."
37 Tuck, McKenzie and McCoy, "'Land Education,'" 16.
38 Deloria, "Self-Determination."
39 Fletcher, "Politics, Indian Law"; Bruyneel, *Third Space of Sovereignty*; Barker, "For Whom Sovereignty Matters."
40 Barker, "For Whom Sovereignty Matters."
41 Bruyneel, *Third Space of Sovereignty*, xv-xvii. Many still argue, however, that translating Indigenous epistemologies about law, governance, and culture through the discursive rubric of sovereignty was and is problematic. Glen Coulthard (*Red Skin, White Masks*, "Subjects of Empire") and Taiaiake Alfred ("Cultural Strength", *Peace, Power, Righteousness*) among others, contend that sovereignty fails to interrogate the ideological bases on which it has emerged and functioned as a category, urging a return to Indigenous epistemologies and languages when referring to Indigenous political forms.
42 Montenegro, "Unsettling Evidence."
43 Lowry, introduction to *Displaced Archives*, 13.
44 Goeman, *Mark My Words*, 33.
45 Non-Native settlement and land usurpation were aided by two key pieces of legislation: the State of California's 1850 Act for the Government and Protection of Indians, and the federal government's 1851 Act to Ascertain and Settle the Private Land Claims in the State of California. The U.S. Congress' failure to ratify eighteen treaties made between California tribes and the federal government in 1852 solidified the dispossession of Native lands.
46 Including the Simi, San Fernando, Santa Clarita, and Antelope Valleys in California.
47 Including Rancho Escorpione (Chatsworth), Rancho Encino (Encino), Rancho Cahuenga (Burbank), and Rancho Tujunga (Tujunga).
48 Fatehi, "Tribal Cultural Resources Management."
49 Fatehi, "Tribal Cultural Resources Management," 1.
50 Fatehi, "Tribal Cultural Resources Management."
51 Rosenthal, *Reimagining Indian Country*.
52 Fernandño Tataviam Band of Mission Indians' website, accessed June 8, 2020, <https://www.tataviam-nsn.us>.
53 Office of Federal Acknowledgment, Proposed Finding.
54 Fernandño Tataviam Band of Mission Indians, Response to Technical Assistance Letter.
55 Series by Hugo Reid, Esq. written in 1852 discussing the history of Los Angeles County Indians, Los Angeles Star (22 letters).
56 Office of Federal Acknowledgment, Proposed Finding.
57 The acknowledgment regulations require the Department to find a criterion to be met "if the available evidence establishes a reasonable likelihood of the validity of the facts relating to that criterion," but "conclusive proof" is not required. § 83.10(a)(1). The Department must further "[t]ake into account historical situations and time periods for which evidence is demonstrably limited or not available," and "[a]pply these criteria in context with the history, regional differences, culture, and social organization of the petitioner." § 83.10(a)(3), (5).
58 Carole Goldberg, interview with author via Zoom, Los Angeles, CA, June 10, 2020; Office of Federal Acknowledgment, Procedures for Federal Acknowledgment.
59 In 1956, 1957 and 1958 The California Rancheria Termination Acts, part of the U.S. Indian termination policy, targeted 44 California tribes for termination,

- with Congress promising them improved roads, water systems, sanitation facilities, and vocational schools before the termination would become effective.
- 60 Chilcote, “Time Out of Mind”; Wood, “Trajectory of Indian Country”; Ferguson-Bohnee, *Testimony*; Goldberg and Champagne, *Second Century of Dishonor*. Only one tribe in CA has successfully secured federal recognition through Part 83, the Death Valley Timbi-Sha Shoshone Band.
 - 61 In the U.S., settler colonial practices of displacement and replacement are materialized by the termination and relocation policies in place during the 1950s – PL 280, Relocation Policy, and House Concurrent Resolution. 108 – which not only ended the government’s recognition of sovereignty of several Indian tribes but also relocated them to reservations with a clear intent of Indian assimilation and acculturation.
 - 62 Goeman, “Native Feminism’s Spatial Practice.”
 - 63 Bastian, “Reading Colonial Records,” 268.
 - 64 Particularly helpful for the Tataviam’s petition have been the Records of the Bureau of Indian Affairs Special Cases, 1821–1907; Central Classified Files, California Special, 1907–1939.
 - 65 The Anna B. Packman Papers have been especially useful to supporting the Tribe’s claim.
 - 66 Comprised of more than 200,000 individual records created by the missionaries to document the administration of baptisms, marriages, and burials performed in all 21 of the California missions between 1769 and 1850 (including records from the Los Angeles Plaza Church and the Santa Barbara Presidio), the ECPP’s database has been particularly useful for finding Fernandeano Tataviam genealogical records produced at the SFR Mission. Because the separate baptism, marriage, and burial registers for all of California’s 21 missions are largely complete, consistently thorough, and in many ways cross-referenced, records from different missions and registers in the ECPP database can be linked and sorted by individual, making the search even easier. Before this database was completed in June of 2006, original registers about California Indians produced at the missions were scattered across California, hard to locate, and many of them too old and too brittle to handle, transcribe and translate. (Hackel, Reid, et al., *California Population Project Report*).
 - 67 Gilliland and Caswell, “Records and Their Imaginaries,” 54.
 - 68 Ortega, interview with author, May 12, 2017 as quoted in Montenegro, “Unsettling Evidence,” 128.
 - 69 Duane Champagne, interview with author via Zoom, Los Angeles, CA, June 8, 2020.
 - 70 Based on the *Robert’s Rules of Order*, for instance, the most widely used manual of parliamentary procedure in the United States. It governs the meetings of a diverse range of organizations – including church groups, county commissions, homeowners associations, nonprofit associations, professional societies, school boards, and trade unions – that have adopted it as their parliamentary authority.
 - 71 Champagne, interview with author.
 - 72 Champagne, interview with author.
 - 73 Carbone, Gilliland and Montenegro, “Fighting Bureaucratic Violence.”
 - 74 Calloway, *Indian Voices from Early America*; Lyons, *X-Marks: Native Signatures*.
 - 75 Stoler, *Along the Archival Grain*; Bastian, “Reading Colonial Records”; Harris, “The Archival Sliver.”

- 76 Hackel, Reid et al., *California Population Project Report*.
- 77 Hackel, Reid et al., *California Population Project Report*.
- 78 Rudy Ortega, interview with author at the Fernandeño Tataviam Headquarters, San Fernando Valley, Los Angeles, CA, November 4 2019.
- 79 Montenegro, “Unsettling Evidence”; Office of Federal Acknowledgment, Technical Assistance Review Letter; Fernandeño Tataviam Band of Mission Indians, Response to Technical Assistance Letter.
- 80 Office of Federal Acknowledgment, Technical Assistance Review Letter, 3.
- 81 Office of Federal Acknowledgment, Technical Assistance Review Letter, 4.
- 82 Goldberg, interview with author.
- 83 80 FR 37867, as cited in Office of Federal Acknowledgment, Proposed Finding, 16.
- 84 Champagne, interview with author.
- 85 Barker, *Native Acts*, 221.
- 86 Trouillot, *Silencing the Past*.
- 87 Rainie et al., *Policy Brief: Data Governance*; Bruhn, “Identifying Useful Approaches”; DeWeaver, *Survey Data on the American Indian*; Rodriguez-Lonebear, “Building a Data Revolution.”
- 88 Bastian, “Reading Colonial Records”; Stoler, *Along the Archival Grain*; Schwartz and Cook, “Archives, Records, and Power.”
- 89 Gould, “The Nipmuc Nation”; Rivard, “Archival Recognition.”
- 90 Critiques of the federal Census as a form of imperial knowledge production, together with allegations and evidence of systemic undercounting practices towards American Indian and Alaska Native populations in the US and its failure to identify tribal affiliation are well documented (Lujan, “Census Underenumeration”; Widmer, “Making People Countable”). For example, a release of a Census Bureau report on the 2010 census count estimates that American Indians and Alaska Natives living on reservations were undercounted by 4.9 percent. National Congress of American Indians, “Census,” <https://www.ncai.org/policy-issues/economic-development-commerce/census>, para. 7.
- 91 Christen, “We Have Never Been Neutral.”
- 92 Montenegro, “Unsettling Evidence.”
- 93 Barker, *Native Acts*; Barker, “The Recognition of NAGPRA.”
- 94 Several tribes in the U.S. (and First Nations in Canada) have articulated powerful anti-recognition arguments, pointing to the ways in which the FAP actually undermines Indigenous struggles for self-determination. These arguments emerge from the increasing debates within Indigenous scholarship about concepts of nationhood, sovereignty, and self-determination that address the tensions that tribes experience between a desire for recognition, on the one hand, and a desire to refuse the system, on the other. (Coulthard, “Subjects of Empire”, *Red Skin, White Masks*; Alfred, *Peace, Power, Righteousness*; Simpson, *Mohawk Interruptus*; Goeman, *Mark My Words*).
- 95 Bruyneel, *Third Space of Sovereignty*.
- 96 Goeman, *Mark My Words*, 16.
- 97 O’Neal, “The Right to Know”; Klopotek, *Recognition Odysseys*.
- 98 Although the term replacement (and emplacement) tend to be concerned with settler futurity, which always indivisibly means the disruption of Indigenous life to aid settlement, I use it here as a form of place or space theory that seeks to interrupt—not recuperate—settler colonialism; as a form of Indigenous futurity that forecloses settler colonialism and settler epistemologies (Tuck and McKenzie, *Place in Research*, 70).

- 99 This archive will be powered by Mukurtu CMS, a content management system conceived with Indigenous needs in mind that allows for granular levels of privacy for culturally responsible access, circulation and use. See: www.mukurtu.org.
- 100 Tataviam, *Our Voices, Our Stories*.
- 101 This project is in part funded by a UC Critical Mission Studies Community Grant, and I am assisting the Tribe with building the digital archive.
- 102 Goeman, *Mark My Words*, 23.
- 103 Ghaddar, "Right to Rule."
- 104 Bastian, "House of Memory," 17.

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Ngaadzoke Please

A *Dare/Inkundla* for the Rhodesian Army Records

Forget Chaterera-Zambuko

Introduction

In developing a framework for improved access to and use of archives in Zimbabwe, I found that amongst the challenges hindering the National Archives of Zimbabwe (NAZ) from granting full access to Zimbabwe's documentary heritage is the issue of archives that were displaced to the United Kingdom.¹ Other scholars have criticised the countries and legal instruments involved for failing to repatriate these archives.² Here, I want to look to different practices of justice than the international models and relations shaped by Western legal thought that have so far failed to achieve the repatriation of these records. In Zimbabwean culture, there is a traditional system of community courts (*Dare* in Shona language/*Inkundla* in Ndebele language) administered by community leaders such as chiefs, headpersons or village heads with the help of elders and community members. The function of *Dare/Inkundla* is to resolve disputes amongst people in a community. The system ensures equal participation of all the community members involved. The community and the council of elders are responsible for passing the verdict. The village head or chief will only be there as presiding officer.³ The *Dare/Inkundla* allows all voices to be heard. I am using this chapter as a figurative *Dare/Inkundla*, to make space for the voices of Zimbabwean archivists, who we have not heard in the archival discourse around displacement to date, in the hope that the international archival community is listening. As such, this chapter is a contribution to the emergent critical theorisation of displaced archives.⁴

Archival displacement from Zimbabwe may never be resolved if Britain is not prepared to apply a human face to the matter and let go the desire to save her face from the crime of her occupation in Zimbabwe and other former colonies. 'The community that is currently served best in terms of access to these displaced archives is the community of British researchers and those with money to travel to Kew [in London; location of the UK National Archives]⁵, a situation which frustrates many Zimbabweans as

they take in the reality that they must travel to another country to consult their own archives. In this study, I am interested not in the many African archives in Britain, but a particular collection of records stolen from Zimbabwe by retreating white colonialists: the Rhodesian Army Archives. To hear the views from Zimbabwe's archivists about the displaced Rhodesian Army Archives, I followed the data collection strategy used in Nathan Mnjama's study on migrated archives, where he sought views from directors of national archives in the countries covered by the Eastern and Southern Africa Regional Branch of the International Council of Archives.⁶ I have restricted my data collection to archivists practicing in Zimbabwe.

The matter of displaced archival heritage as evidenced in extant literature is shrouded with so many controversies and complexities; hence disputed claims over archives have often remained unsolved for decades. At the International Council on Archives 2019 conference, I had the opportunity to discuss in person with Jeff James, the Chief Executive Director of the National Archives of the UK, the question of archival displacement. He confirmed that the issue of displaced archives is entangled with legalities and technicalities which have to this date made it impossible to repatriate the displaced archives at the UK National Archives to their provenances around the world.⁷ This chapter focuses on the Rhodesian Army archives whose situation is even more complex because it is unclear which British entity has custody of the archives and there are many questions about their ownership.

The Rhodesian Army Archives

The Unilateral Declaration of Independence (UDI) is an historical event that occurred on 11 November 1965 when the Cabinet of Rhodesia declared itself an independent sovereign state. The Rhodesian Army Archive consists of archives relating to the period of the UDI and includes Army, Airforce and Civil archives covering the efforts to combat independence insurgencies.⁸ These archives were created by units of the Rhodesian security forces, including the Rhodesian Army, Rhodesian Air Force, Combined Operations Headquarters, Special Branch/Central Intelligence Organisation and the Directorate of Military Intelligence. Some of these archives are official records from the army of the former Federation of Rhodesia and Nyasaland, thus Zimbabwe, Zambia and Malawi.⁹

The army archives were smuggled into South Africa after independence in 1980 to 'save them from destruction', presumably by the incoming black government.¹⁰ The archives were, in 1998, shipped from South Africa to the UK. It is unclear which South African institution was in custody of the Rhodesian Army archives between 1980 and 1998. However, Ivan

Murambiwa, the Director of the National Archives of Zimbabwe, believes that the Rhodesian military archives found their way into the custody of the South African Defence Force.¹¹ His assertion is based on the 2002 discovery of the Rhodesian Military Intelligence archives in South Africa, including information gathered on Zimbabwean nationalist organisations and individuals in the archives of the South African Defence Department. This archive was returned to Zimbabwe in 2004, in adherence with the archival principle that official government archives remain the property of the originating country and its people, even after regime changes. Further buttressing this principle is the position set out in the 1983 *Vienna Convention on the Succession of States in respect of State Property, Archives, Debt*, which states that ‘archives having belonged to the territory to which the succession of States relates and having become State archives of the predecessor State during the period of dependence shall pass to the newly independent State’.¹² Sadly, the Vienna Convention never came into force because it was against the desires of the perpetrators of colonial archival displacement.¹³ Nevertheless, the convention remains a crucial point of reference for the principles it enshrines, though Britain adamantly refuses to acknowledge its principles.

Even if Britain had acceded to the Convention, the issue of the Rhodesian Army archives is more complex than the British state custody of other displaced archives, as the army archives are presumed to be in private hands, they lack a permanent home and the catalogue of the archive, which we are told does exist, is not publicly available. Around 2001, the Rhodesian Army archives were deposited at the British Empire and Commonwealth Museum (BECM) in Bristol city by the Rhodesian Army Association (RAA). BECM opened to the public in 2002, closed to the public in 2008 and permanently closed in 2012 due to financial pressure and questions about the management of the collections.¹⁴ After the closure of BECM, the Rhodesian Army Association Museum Trust (RAAMT) which was established within the framework of the RAA approached Rhodes House Library, Oxford as a potential home for the collection where it could be accessed by researchers.¹⁵ The transfer did not transpire. As of 2015, the Rhodesian Army archive remained in the custody of the RAAMT and its physical location does not appear to be in the public domain.¹⁶ Where these archives are kept today remains a mystery to most, and certainly to us in Zimbabwe.

The little that is known is that in 2006, the University of the West of England (UWE) undertook a three-year cataloguing project on the Rhodesian Army Archive entitled *Wars of Liberation, Wars of Decolonisation*. Owing to the perceived security sensitivities around the collection, the catalogue that was concluded in 2011 is not publicly available; it is said to be on a secure server at UWE.¹⁷ Not only is the archive obscured from view, but the metadata that describes it is hidden from us too, calling to mind Mnjama’s observation

that many African archivists do not even know what records are missing as a result of decolonisation, due to the lack of cataloguing or inadequate detail in catalogues.¹⁸

Dare/Inkundla

Zimbabwe has 16 official languages and the most widely spoken are English, Shona and Ndebele. *Dare* and *Inkundla* are respectively Shona and Ndebele terms that refer to a body of elders employed with the sole task of presiding over community disputes. *Dare/Inkundla* acts as a group mediation platform. The forum is communal in nature. It is basically a traditional court which allows for the participation of the entire community at various levels from family, through village to community levels. Traditional courts are appreciated owing to their quest for justice, equal participation by all parties involved in the dispute(s) and efforts to resolve conflicts in ways that promote peace and unity among community members. The general acceptance and respect given to traditional courts by members of local communities and the government recognise them as facilitators of transitional justice at grassroots level which can then rise up through the entire state structure. In the Constitution of Zimbabwe, traditional leaders have the duty to resolve disputes amongst members of their communities, and preserve cultural traditions while promoting the prevalence of peace and harmony among families. The council of elders tasked with the responsibility to preside over community courts earnestly execute their duties as they regard their functions as an extended arm of the country's judicial system. The *Dare/Inkundla* is practised among the rural communities while the urban population make use of constitutional courts. Nonetheless, the urban population is aware of this traditional practice since most of the urban population also have rural homes.

Although the *dare/inkundla* and colonial and post-colonial archival systems exist in two different paradigms – one traditional and communal, the other imposed and statist – *dare/inkundla* is an appropriate approach to framing the displaced archives dispute because it asserts the sovereignty of indigenous legal practice. We are not compelled to have this conversation on the terms and in the terms of the coloniser, whose models of bilateral and multilateral diplomacy and convention-making have silenced our voices, as the failure of the *Vienna Convention* shows. I make this space for our testimonies as an act of anticolonial scholarship. Like the records in question, the *dare/inkundla* was created on Zimbabwean soil.

Yet archival thinking in the West is coming to join us. The *dare/inkundla* is a closely related phenomenon to the concepts of radical empathy and affect theory, which are now being used in archival theory, because community courts in Zimbabwe are solely based on the concepts of humanism, fairness, brotherhood and the need to feel for each other for a better world. Affect

theory has been brought into archival theory by Marika Cifor and applied to displaced archives by James Lowry. Cifor described affect as a force that consciously or unconsciously creates a relationship between a body and the world. In affect theory, archivists are deeply implicated in webs of affective relations¹⁹. Archivists are therefore not mere custodians of documentary heritage; they are affected by what is in their care and by extension what has been removed from their custody. Demonstrating the affective power of archives, Cifor explains that archives are in large part about creating, documenting, maintaining, reconciling and (re)producing social relations between archives and people, ideologies, institutions, systems and worlds across bounds of time and space.²⁰ To remove archives from their context of creation is to destroy the pillars that make up a community, a society and a place, hence evoking emotional distress to those affected and stripping them of their sense of belonging in the world and in history. In this regard, affect theory provides a way of enacting fairness in archival functions such as access to and use of archives.

Empathy refers to the ability to understand and share the feelings of another. Radical empathy in the context of archival displacement refers to the need for archivists in possession of foreign archival materials to feel for those whose archives were removed from them. It is more than five decades since archivists and governments in former British colonies started to negotiate for the repatriation of a missing part of their heritage. The fact that no tangible results have been realised to this date bears testimony to the lack of empathy in the negotiations. Radical empathy demands genuine efforts to ensure access to and use of Rhodesia's Army archives by Zimbabwe's populace who currently do not have access to them.²¹ The question that itches to be answered is whether this radical empathy can prevail in British thinking about displaced archives, given the fact that the UK's colonisation and post-colonial relations have never been empathetic. Is the UK capable of exercising radical empathy considering that the country has not been well meaning from the onset? Without repeating much of what is already documented in extant literature, it is imperative to highlight the chameleon approach that Britain adopted in this matter regarding another collection of displaced records: the Migrated Archive. The British Foreign and Commonwealth Office (FCO) repeatedly denied having custody of missing colonial documents for over 50 years, only admitting their existence in 2011 after Kenyan petitioners secured a court order.²² Britain also subsequently revealed that it held files from 37 former protectorates, a collection first estimated at 8,800 items but in fact comprising about 20,000 items.²³ Feeling exposed and the need to defend her position, Britain assigned one of its diplomats to look into the matter and his report 'emphasized bureaucratic incompetence and loss of corporate memory rather than any deliberate intention to conceal the existence of the archives'.²⁴ To this end, 'William Hague, then Foreign Secretary, informed Parliament that it was

his intention ‘to release every part of every paper of interest subject only to legal exemptions’,²⁵ by which he meant to release the records to the British public, not release them to their countries of origin.

The perceived unwillingness by the British government to repatriate the archival materials they took from their former colonies is a clear indication that they are trying to hide the atrocities committed against the sons and daughters of the soil by their soldiers. Resonating with this argument is the former Director of Botswana National Archives who in 2004 stated that the colonial powers took away some of the archives because they were too sensitive and might cause unrest if left with the natives.²⁶ The refusal by former colonial governments to repatriate the archives they removed from their former colonies stems from a strong conviction that evidence obtained from these archives supports the historical reports of violence, painstakingly hidden through machinations of the state.²⁷ This all becomes so much more complicated in the case of the Rhodesian Army Archives, which are not in the hands of the British state though they are within the borders of the state.

The issue of the Rhodesian Army archives in the UK calls for empathy and a deeper understanding of the people involved, as the matter is tangled in several complexities. In his contribution to *Displaced Archives* (2017), Timothy Lovering presents complex and differing arguments that the Rhodesian Army archives are neither displaced nor migrated but rather archives which had explicitly been deracinated from their place of origin; they had been *expatriated*. The concept of expatriate archives is in simple opposition to the idea of repatriation, which is a persistent theme in the discourse of migrated archives. Migration and expatriation are not one-dimensional.²⁸ Furthering this argument, Lovering asserts that the Rhodesian Army Archives are not only expatriated but they are also the archive of an expatriate community, ‘indeed of a doubly expatriated community, once exogenous as colonisers in Zimbabwe, now exogenous in a worldwide Rhodesian diaspora’.²⁹ This complex set of connections around the archive suggest that the archive is in some sense shared imperial heritage. It is tempting here to call on archival concepts such as territorial provenance to assert the significance of place in understanding what appropriate custody looks like for the Rhodesian Army Archives, but in keeping with the *darelinkundla* and Western theories of affect and empathy, I want to focus on the human aspect. Lovering points out that as this expatriate white Rhodesian community in diaspora ages, new generations have fewer and fewer connections with Zimbabwe – born and raised in the cultures of their parents’ new home countries, they become less and less likely to identify as Rhodesian, have not visited Zimbabwe, do not speak our languages or know our cultures and they are less likely to be interested in the records removed from us by their elders. Conversely, those whites who have remained, like all other Zimbabweans, may wish to access the records in our national archive.

Those in possession of Rhodesian Army Archives should pursue the socially responsible path of repatriating the documentary heritage to the then Rhodesia, now Zimbabwe. The continued alienation of Zimbabweans from their documentary heritage is grossly unfair as it cripples the country from fully constructing her history. The repatriation of displaced heritage is not a new phenomenon. In Australia, reports have been made on how museum professionals have embraced the extra-legal concept of community participation. The approach instills a sense of belonging to the communities that are invited to partake in the management of their archival heritage. Similarly, anthropologists are now using the stewardship approach to managing displaced indigenous heritage.³⁰

Although it is encouraging to see the West embrace feeling and care in its approach to archives, and I hope that this will bring change in institutions such as the UK National Archives and whoever has our army archives, I return to the ancient precedent of the *Dare/Inkundla* to provide a platform for Zimbabwe's archivists to speak about how they feel about the Rhodesian Army archives that were taken to the UK. This text is part of efforts to echo the sentiments of African archivists which are muffled in the global north discussions, though African archivists have always spoken about displaced archives in emotive ways, as evidenced in Mnjama's work.³¹

I invite you to listen.

Zimbabwe's Archivists Speak

Between February and May 2020, views on the displaced Rhodesian Army archives were solicited from Zimbabwe's archivists through Facebook messaging, WhatsApp and emails. Twenty archivists were invited to share their views about the displaced Rhodesian Army archives, 11 agreed to participate but only seven managed to share their responses. Of the remaining nine, six never responded to the invite while the other three indicated that they were not comfortable to discuss the subject even if I had promised that confidentiality will be upheld through anonymity. The objective was to provide a listening ear and platform to value Zimbabwean archivists' perspectives. The views sought were not those of the National Archives of Zimbabwe nor other bodies, but of archivists concerning their own personal thoughts and feelings about the Rhodesian Army archives held in the UK. The seven archivists who shared their responses revealed that they are aware that Rhodesian Army archives amongst other archives are held in the UK. Below are responses obtained from the archivists, presented in full as they would be at the *darelinkundla*. Archivist A testified:

The whole colonial experience was an emotional moment characterised with wars, displacements and victimhood in many forms. It is an emotive subject. It is essential to note that as Zimbabweans in a

post-independent period, the documentation of these events must be allowed to be accessed by all for justice. The Army archives are part of such archives that are evident to the atrocities. Bringing them back to Africa will constitute part of what is termed decolonization. But the British know this quite well. The very fact that African governments/archivists are presiding over incomplete collection requires repatriation of historical archives that were displaced. Decolonization in both the academia and archival fraternity attempts to close the gap between the subject (people) and their society. Our memory is distorted. Once archives are analysed out of their context the result is distorted facts. Archives generated in circumstances related to human rights violations bring about emotions or reparation issues. So, should we avoid a peace and reconciliation process for fear of handling emotional archives? A Rwandan and South African case of use of similar archives for Transitional Justice can be used.

Repatriation is about nationhood or nationalism and should not be denied anyone. Lastly, I should mention that as an archivist it is a big disgrace and de-service to the profession and nation at large to be a custodian of a collection that is conspicuously incomplete. How do you feel when you refer your readers/researchers to other foreign destinations such as Kew Gardens, Commonwealth Library, David Livingstone Memorial, Oxford University for better material content? These are richer archives when it comes to African colonial content. Military archives are not just about personnel archives but also war operations during the colonial period that were expatriated from Harare on the eve of Independence. *Ngaadzoke* please [Bring them back please].

Archivist B said:

Archives held in the UK must be regarded as historical archives removed illegally from the country. The Archives Act has provision for the removal of archives and any historical artefacts. I am not sure if the Archives Act during the Rhodesian era had such a provision. If the Act forbade removal of historical archives, then it was not to have Rhodesian Army archives taken to the UK. The other aspect is the human rights issue. I am not sure of the contents of the archives held in the UK, but hopefully they were not removed to conceal a violation of human rights. If that was the case, then these archives ought to be repatriated.

Archivist C:

My feeling as an archivist is that these archives must be repatriated back to Zimbabwe. This will give the displaced archives more meaning

because they will be in their context. The archives are invaluable for a balanced narrative of the liberation struggle for independence in Zimbabwe as they will be consulted side by side with the archives of the nationalist movements.

Archivist D:

When governments change, the general assumption is that the next government inherits everything including the debts incurred by the previous government. So, any archives created by an arm of government should be taken over by the next government. We must however bear in mind that transitions from colonial regimes to black majority regimes were different because of gross violation of human rights. Hence some archives were destroyed or migrated. The issue of displaced Rhodesian Army archives is a delicate matter requiring give and take negotiations. Legality in such cases may not work. The best approach is to negotiate for shared custody. Some of the migrated archives contain incriminating and embarrassing information and I do not see UK repatriating those archives. Some of our archives held in the UK are from the intelligence unit and they will not repatriate them. It was easy for NAZ to get Smith cabinet files which were at Rhodes University in South Africa because of black-to-black government, and I am sure that those cabinet files were already sanitised. The best thing to do is to make sure our present ruling black governments do not do the same thing once they lose power because the probability is high.

Archivist E:

It is important that we have the displaced Rhodesian Army archives back. The archives will make our history complete, and researchers will benefit a lot. However, a good soldier does not waste time fighting a losing battle. We can concentrate on repatriating liberation archives from our former communist friends such as Russia and China. Also, within the African continent we have migrated archives. At NAZ we have some of Botswana archives. We also have Federation archives that involve Zambia and Malawi. It is normal for Britain to cling onto these archives. No government, whether in Europe, Africa, America, or Asia is prepared to make available information which incriminates or embarrass them. Even our own black governments are not prepared and will never make public those archives which they believe can embarrass them or reveal the evil acts they did on other people. Do you think that the files or archives of our late former president Robert Gabriel Mugabe will ever be made public in our lifetime if ever they are going to be made public?

Archivist F:

Colonialists were documenting their history and that of the colonised. So, the archives are ours on two main reasons. 1, Territorial authority was Rhodesia, later to be Zimbabwe, so the archives belong to the territory. 2, The information captured constituted legal archives and therefore at law, the archives belong to the country whose constitution was administering Rhodesia, later to be Zimbabwe. Those archives should just be brought back.

Archivist G:

The archives were created in colonial Rhodesia using local resources and they were documenting Rhodesian history therefore rightfully those archives should not have been removed from the country. Those that were taken away should be repatriated to independent Zimbabwe. Principles of respect des fonds and origin of office come into play. Zimbabwe rightfully owns the displaced Rhodesian Army archives. Colonialists were mere agents, but this country is the parent/owner. The archives were generated in Zimbabwe about Zimbabwe, so they are ours, simple!

Listening to archivists uncovers myriad perspectives that complicate our understanding of displacement. Although there is a definite wish to see the records returned, there are some views, perhaps more pragmatic, that do not expect them to be returned. This reveals distrust in governments in general, not just colonial governments but even our current ruling regimes. There is also a tendency, in the answers, to refer to the legal grounds for repatriation, which reveals that many Zimbabwean archivists feel that the ongoing displacement of these records constitutes an injustice that should be righted. Another issue coming out vividly in the archivists' views is the sense that something is missing, and that in serving their users, these archivists feel a sense of impoverishment. These sentiments echo, in various ways, the views of other African archivists on this topic.

Juxtaposing Views from Zimbabwe's Archivists and Those Expressed by ESARBICA's Directors

Since 1969, ESARBICA (the Eastern and Southern and African Regional Branch of the International Council on Archives), which began as ECARBICA (East and Central African Regional Branch of the International Council on Archives), has been passing resolutions calling upon Europe to return archives removed from the region. Sadly, these resolutions are met with deaf ears or they do not even reach the intended ears.

The ESARBICA directors who participated in Mnjama's study shared similar sentiments with those echoed by Zimbabwe's archivists. One of the directors lamented that the country 'lost a natural part of its documentary heritage', while the other ones argued that 'we do not have a complete picture of our history and there are gaps in our holdings. A lot of money has been spent travelling to the U.K. to consult these records especially when historians and other researchers were writing books. It becomes very difficult and frustrating when you must travel to another country to consult your archives, records that rightfully belong to the African countries'. 'Endeavours meant to hold the colonial administration accountable for its actions have been difficult to pursue due to the scarcity of information occasioned by this removal'.³² Despite the differences in their choice of words, the ESARBICA directors as was argued by Zimbabwe's archivists share the view that the removal of archives to the UK has compromised the ability of researchers and scholars to construct a complete history of the country.

Early efforts to retrieve migrated archives were recorded in Kenya when a cabinet committee was established to consider ways and means of preserving Kenyan archives.³³ Unfortunately, all efforts seem to have been in vain as none of archival material in question has been repatriated.³⁴ This explains why some of Zimbabwe's archivists argued that the issue of migrated archives is a lost battle and to continue fighting for the return of this stolen history is pointless. To this effect, one argument that came out from Zimbabwe's archivists was that the nation would rather focus on properly managing that which we have and are in the process of accumulating, instead of fighting for the return of materials whose quantity or nature we do not even know. The archivists expressed the sentiment that those countries whose archives were taken away are awkwardly negotiating from a blind position. How will countries know that they have been given what they are requesting when they do not have an idea of how that something looks like? Forty years after independence and we continue to pursue the return of something that we never knew but can only assume and imagine.

However, overall, the sentiments and arguments raised by Zimbabwe's archivists match what PM Mukula, then Director of Zambia National Archives, argued during the 7th biennial conference and seminar of ESARBICA held in Harare in 1982.

Government Officials took an oath of allegiance and are supposed to be loyal, truthful, honest and sincere. They were required to maintain archives properly and were not supposed to remove copies produced in the course of official duty. On departure the officials were expected to leave all types of correspondence intact and no archives or copies whatsoever were to be taken home. Nothing official was to be used for personal glory or private collection. Yet surprisingly enough, some colonial administrators had no respect for the administrative code under which

they operated. General orders cautioned them against removal, but they removed documents stealthily without permission. Their offence is no different from that of an official who has been sent to prison on charges of theft or for breach of official secrecy. These officers took or sent to their home countries official correspondence, reports and findings. There is no good reason why these records cannot be repatriated.³⁵

Through the decades, the African perspectives on the question of archival displacement have been characterised by a sense of loss, a desire for the return of records and custody over the traces of our history. Your elders have not heard our elders. Our archives are still displaced. Will you hear us?

Conclusion

The issue of displaced Rhodesian Army archives is a delicate matter requiring give and take negotiations, but negotiations outside of a Western legal framing, since, with the failure of the *Vienna Convention*, there is no agreed international legal frame or instrument through which to reconcile our dispute. The question on repatriation therefore rests on the sincerity and good will of those in possession of the archives in question. It is a question of empathy with the voices of those asking for the archives.

In view of such sentiments from Zimbabwe's archivists, concerns arise on whether it is even worth the time, effort and resources to continue calling for the repatriation or digitisation of archives which have been highly weeded. Such concerns resonate well with the current Chief Executive Director of the National Archives of the UK who in an interview held in 2019 indicated that 'you may be disappointed in what you'll find in the archives. It is not much'. What makes the situation even more hopeless is the fact that both the nature and the volume of archives that were removed are not known. As such, the fight for the return of migrated archives could be 'useless' since it is up to the UK to decide on what to give us and what to secretly retain. No one will be able to dispute the completeness of any returns, as neither the quantity nor the nature of the archival material is known to us. To this effect, it is imperative to recall the perverse guessing game the Kenyans were asked to play when they first requested their records from Britain: 'the Foreign Office suggested that Kenya should compile a list of the archives it wished to obtain. This was an impossible task as no archives had been left behind indicating which files had been removed to Britain'.³⁶ Whilst the actual quantity of all displaced archives may not be known, what has been documented about the Rhodesian Army records suggests the existence of a relatively large archive. The BECM prospectus indicated that the complete collection of the Rhodesian Army Archives amounted to around 1,225 boxes.³⁷ This collection may not be all that is being withheld from

Zimbabwe. One can only imagine in awe the gap in history that has been created by the absence of these records in our archives.

The fact that we are imploring Britain, first invoking our rights and now invoking empathy, reveals the limits of the *Dare/Inkundla*. If we make room for all to speak and be heard, as Mnjama has done before and I am doing here, what then? In the *Dare/Inkundla* system the decision is determined by the community and the verdict is pronounced by the council of elders. In general, the community has decided that the records should be repatriated, whether the community is construed as Zimbabwean archivists or archivists in Commonwealth countries (including Britain): there is no disagreement in the literature. But the records are not returned, because in this framing, the part of the council of elders is played by the British, who do not recognise our consensus. How far are we from colonial rule if the power to make the verdict is not shared with us?

Ngaadzoke please.

Notes

- 1 Chaterera, "Framework for Access," 210.
- 2 Moyo, "Access to Archives."
- 3 Sibanda, "Analysis of Traditional Leadership," section 4.1.
- 4 Lowry, "Radical Empathy," 198.
- 5 Lowry, "Radical Empathy," 198.
- 6 Mnjama, "Migrated Archives," 45.
- 7 Chaterera Zambuko, "Looking Back, Looking Forwards."
- 8 Lovering, "Expatriate Archives Revisited."
- 9 Lovering, "Expatriate Archives Revisited," 106.
- 10 University of the West of England. "UWE wins £423K Grant."
- 11 Lovering, "Expatriate Archives Revisited."
- 12 United Nations, *Vienna Convention on Succession of States in Respect of State Property, Archives and Debts*, Article 28 (a), (Vienna: April 8, 1983), Official Records of the United Nations Conference on Succession of States in Respect of State Property, Archives and Debts, vol. II, https://legal.un.org/ilc/texts/instruments/english/conventions/3_3_1983.pdf, 10.
- 13 Lowry, Introduction to *Displaced Archives*.
- 14 University of the West of England. "UWE wins £423K Grant."
- 15 UK Research and Innovation, "Rhodesian Army Archive Project."
- 16 Chifamba, "Rhodesian Army Secrets."
- 17 Lovering, "Expatriate Archives Revisited."
- 18 Mnjama, "Access to Records."
- 19 Cifor, "Affecting Relations."
- 20 Cifor, "Affecting Relations," 8.
- 21 Lowry, "Radical Empathy," 197.
- 22 Winn, "Ethics of Access," 8.
- 23 Winn, "Ethics of Access," 8.
- 24 Winn, "Ethics of Access," 8.
- 25 Winn, "Ethics of Access," 8.
- 26 Mnjama and Lowry, "A Proposal for Action," 123.
- 27 Hiribarren, "Comparison of Archival Policies."

- 28 Lovering, "Expatriate Archives Revisited," 117.
 29 Lovering, "Expatriate Archives Revisited," 118.
 30 Winn, "Ethics of Access," 12.
 31 Mnjama, "Migrated Archives," 47.
 32 Mnjama, "Migrated Archives," 49.
 33 Mnjama, "Records Management in Kenya," 97.
 34 Mnjama, "Migrated Archives," 48.
 35 Mnjama and Lowry, "A Proposal for Action."
 36 Mnjama and Lowry, "A Proposal for Action," 131.
 37 Lovering, "Expatriate Archives Revisited," 105.

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Part II

Borders and Diasporas

Below the Nation State

Power Asymmetry and Jurisdictional Boundaries around the Archives of Madeira Archipelago

L S Ascensão de Macedo, Carlos Guardado da Silva and Maria Cristina Vieira de Freitas

Introduction

As part of the 600th anniversary celebrations of the discovery and settlement of the previously uninhabited islands of Porto Santo and Madeira (1418–2018), the Regional Legislative Assembly of the Autonomic Region of Madeira issued a Resolution demanding the restitution of a set of archival fonds held in Lisbon at the National Archives of Portugal, which is known as ‘Torre do Tombo’.¹ These fonds come from private and royal institutions that created and accumulated documents throughout centuries in the Madeira archipelago until the last quarter of the 19th century, when the documents were tacitly transferred to the ‘Torre do Tombo’.

The quest for the restitution of these fonds is not new. On the eve of the 500th anniversary celebrations of the discovery and settlement of the archipelago, the authors of the first Madeiran encyclopaedia, the *Elucidário Madeirense* (1921), vigorously lamented the still inaccessible *mare magnum* of codices at ‘Torre do Tombo’. The lack of finding aids at the ‘Torre do Tombo’ limited the authors’ knowledge (re)construction about the archipelago. A turning point occurred in 1931, under the military dictatorship, with the establishment of the basis for a national network of public archives and libraries by the Decree no. 19952 dated 27 June 1931. An *erratum* to the decree published in July of the same year included Madeira, establishing the District Archives of Funchal (DAF). Two years later, in 1934, the first head of DAF, named João Cabral do Nascimento (1897–1978), claimed the restitution of the above-mentioned Madeiran fonds, held by the ‘Torre do Tombo’, from the then head of the General Inspection of Archives and Libraries (GIAL)², Júlio Dantas (1876–1962). On that occasion, GIAL denied DAF’s claim, arguing that such a restitution could lead to the ‘eventual dismantlement of Torre do Tombo’.³ However, four years later, in 1937, DAF discovered in Funchal a set of documents belonging to the same Madeiran fonds held by ‘Torre do Tombo’. This situation obviously

imposed a very difficult task for DAF in regards to the reunification of the fonds.⁴ Because of that, since that time Madeiran authorities have repeatedly requested restitution of these fonds from the authorities in Lisbon, but these requests have been ignored or denied. In fact, these claims were not even heard with the 1976 constitutional establishment of the Autonomic Region of Madeira, or the 1980 transfer of powers over the DAF's archives to the Regional Government, or when DAF became the Regional Archives of Madeira (RAM). Claims from the island authorities that call for more autonomy in the management of the islands' assets are not limited to the political level (transfer of power from the State's Central Administration – that is, from Lisbon – to the regional administration – that is, Madeira), but are reflected in the ability of the insular community to hold these fonds, in order to be able to manage them autonomously. This concern for local autonomy, evidently, reaches the sphere of protection and enhancement of cultural heritage in general and, more specifically, of documentary heritage of archival character included therein.

This scenario could be approached as a sub-national⁵ issue of displaced archives. Many disputed archival claims were only known at an international level, involving two or more countries.⁶ Most sub-national archival claims have remained invisible at both the international level and in academic discussion. For example, a growing number of studies about the transfer of colonial archives to the mainland or in the context of succession of states⁷ do not emphasise that those displacements have mostly taken place in sub-national contexts. Likewise, not all cases of conflict over the custody of cultural property in a sub-national context are limited to conflicts between colonised versus coloniser or Indigenous peoples versus settlers, as we will explain later.

In fact, the lack of conceptual accuracy about the term displaced archives, already recognised by some authors,⁸ could become a limitation for the theoretical understanding of sub-national archival issues. Reducing this problem as a mere divide between 'cultural nationalists' and 'cultural intranationalists'⁹ could make the essence of the claim in relation to dispossessed communities unclear, particularly in terms of information access and access to cultural heritage. While those who advocate cultural nationalism consider cultural property to belong to all who share the same nationality, often concentrated in national memory institutions, advocates of 'cultural intranationalism' consider that cultural artefacts should remain with their communities or groups to whom the heritage relates, as 'source communities' and as a means of safeguarding cultural diversity.¹⁰

In our assumptions, we regard the term 'dispossession' as a more productive concept to understand the displaced archives phenomena. In fact, to a certain extent, all archival institutions hold 'displaced' archives,¹¹ that is, many holdings (fonds and collections) have been removed from their original place of creation and deposition, in both sub-national and

international contexts. We consider that the dispossession of archives in a sub-national context from the original communities cannot be understood without the material component that is intrinsic to the notion of cultural property, especially when such phenomena occurred in circumstances of ‘unequal power relationships’, and without regard for how these claims relate to the ‘struggle of the communities for cultural self-determination and autonomy’.¹²

Thus, the main purpose of this chapter is to describe a case study developed in a sub-national context between the Autonomous Region of Madeira and the National Archive ‘Torre do Tombo’ (ANTT). Our analysis will focus theoretically on the etiologies of dispossession and empirically on a case study. Thus, the main questions that will lead this case study are: ‘Why were the Madeiran fonds taken in the past to or by ANTT?’ and ‘How were these Madeiran fonds represented in finding aids provided by ANTT and the RAM?’. Finally, based on nissological critiques,¹³ we will define and contextualise the notion of sub-national displaced archives as an under-researched subset of disputed archival claims, in order to reveal some particular aspects of this phenomenon.

Methods and Approach

Macedo discovered a considerable number of studies on displaced archives in which qualitative research methods and techniques were used.¹⁴ The author mapped the scientific literature, based on data extracted from the Web of Science, especially from the English-language archival terminology, and identified a set of 70 papers, produced between 1962 and 2018, of which 46% highlight the use of historical methods (e.g., essays, opinions), 30% correspond to case studies (single and multiple) and, to a lesser extent, conceptual and theoretical analysis (7%), ethnographic and auto-ethnographic methods (4%), participatory action research (3%), interviews (1%) and literary essays (1%). The methods employed were not explicitly indicated in 8% of the papers analyzed. In turn, Lowry pointed out that there is a gap in the scientific literature regarding the approach to subnational issues in the context of displaced archives.¹⁵

In a broader sense, studies on displaced archives have been approached under the theoretical conspectus of critical theory, particularly under the post-colonial critique.¹⁶ In fact, as discussed above, sub-national displacements rarely map perfectly to decolonial displacements. In our opinion, the post-colonial critique is not a completely appropriate framework for studying specific sub-national issues, especially when it comes to the relation of ‘island versus mainland’. Thus, we preferred to conduct this study under the theoretical framework of ‘critical displaced archives theory’¹⁷ and nissological theory¹⁸ or islands studies,¹⁹ paying attention to specificities related to sub-national contexts.²⁰

McCall defined nissology as ‘the study of islands on their own terms’.²¹ This field of study emerged in the 1980s as a critical response to the ‘continentalising’ or ‘continentalised’ discourses on islands, that is, a view (often stereotyped) of islands ‘often crafted by non-islanders’.²² Despite the fact that nissology and island studies are used as equivalent concepts, Baldacchino considers that island studies is not a discipline *per se*, much less a field in growth, considering it ‘an inter-, or even trans-, disciplinary focus of critical inquiry and scholarship’.²³ The studies concerning islands focus not only on insularity (more focused on physical and geographical dimensions) but also on ‘islandness’ (social and cultural components), in terms of opening and closing in relation to the world.²⁴ Baldacchino said that ‘island studies need/should not be focused only on islands themselves’, but that ‘studies of a particular phenomenon are also strengthened and enriched by an “island-mainland” [other than an “island-island”] comparison or dialectic’.²⁵ In the specific case of smaller and non-sovereign islands (i.e., in a sub-national context), post-colonial studies do not always fit, as we have assumed, with all sub-national spaces.

Baldacchino pointed out that a large part of post-colonial studies ‘may find it easier to pick on, and grapple with, Algeria rather than Mayotte, India rather than Bermuda, and Indonesia rather than Aruba’.²⁶ In our study, we will use island studies as an interpretative tool, in a sense of an alternative to post-colonial criticism, arguing that not all sub-national cases derive exclusively from colonialism, but in the manner that island communities build their identity from their own archives, in the current contexts of how ‘the global periphery is now, for better or worse, setting much of the agenda for a profession that hitherto has been squarely European [we may add “continental”] in orientation and perspective’.²⁷

The case of Madeira is positioned at this crossroads of strained relations between identitarian dependence to a sovereign state and the instrumental asset of autonomy as a means for building an insular identity.²⁸ Although the Portuguese archipelagos (Madeira and Azores) have historically been very important participants in the process of building Portuguese imperialism and colonialism over the centuries (islands as ‘laboratories’ of colonialism), due to their geostrategic location, island-continent relations ‘may be imposed unilaterally from above or nurtured unilaterally from below but is often an outcome of an ongoing process of negotiation and accommodation’.²⁹

This chapter also brings out an instrumental case study,³⁰ designed to explore a phenomenon – Madeiran displaced funds – in contrast with previous theoretical assumptions, in order to provide a discussion about new or unclear aspects of this case. After providing a brief contextualisation of the historical aspects of the Madeiran displaced funds (representing our case study), we carried out a document analysis of sources of the following Portuguese institutions: National Archives of Portugal ‘Torre do Tombo’

(ANTT) and Regional Archives of Madeira (RAM). Both of those institutions are responsible by the custody of the Madeiran displaced fonds that illustrates our case study.

The fonds were identified following a unique criterion: to be explicitly mentioned in Resolution of Regional Legislative Assembly of Madeira no. 3/2017/M dated 12 January (henceforth Resolution). So, we have analysed fonds produced by ecclesiastical and insular institutions of the Old/Ancient Regime (*Antigo Regime*), as follows: i) Cathedral Chapter of Funchal (*Cabido da Sé*), ii) Monastery of Saint Clare of Funchal (*Convento de Santa Clara do Funchal*), iii) the Monastery of Our Lady of Incarnation of Funchal (*Convento de Nossa Senhora da Encarnação do Funchal*), iv) Financial Royal Administration of Funchal (*Provedoria da Real Fazenda*) and the v) Customs of Funchal (*Alfândega do Funchal*). All these five fonds were claimed by the Resolution above mentioned.

Our main purpose in identifying these Madeiran displaced fonds was to analyse the content of the finding aids used to describe them, which were produced and updated by the institutions above mentioned, trying to highlight, behind their custodial archival history, the real motivation for their removal from Madeira (Island) to Lisbon (Continent). The data was gathered from fields in the finding aids previously identified. All the types of finding aids that we have consulted, such as catalogues, inventories, guides, indexes and databases, were in printed and digital versions, and were provided by the aforementioned institutions³¹. The analysis of the finding aids was primarily focused in relevant descriptive information about these displaced fonds. The specific fields that we have examined were: title, dimension, date(s), archival history and immediate source of acquisition or transfer. In addition, in order to find out some acquisition procedures of Madeira Island's displaced fonds, as well as the first formal claims for restitution, we have analysed some institutional correspondence exchanged between ANTT (through GIAL, representing central administration) and DAF (representing peripheral central administration). We also have identified and analysed some early Portuguese legislation. In this case, the data were gathered from GIAL and DAF digital holdings (commonly, 'archives of archives'), in order to identify and analyse possible decision-making by these entities, especially in terms of the rationale for accession actions and accessibility policy.

The Madeira Archipelago: A Brief Contextualisation

The Madeira archipelago is composed of two islands, Porto Santo and Madeira, as well as the uninhabited small sub-archipelagos, Desertas and Selvagens. The Madeira archipelago was already mentioned in maps dating back to the 14th century, as *Insula de Legname* (or Wood Island), due to its closeness to Canary Islands and North Africa,³² and as being part of an

archipelagic group called Macaronesia (Canary, Cape Verde, Azores and Madeira islands).

The archipelago was discovered ca. 1418–1420 by Prince Henry's elite navigators, namely, João Gonçalves Zarco, Tristão Vaz Teixeira and Bartolomeu Perestrelo, who developed the territory, with population settlement and the establishment of the first religious, civil and military infrastructures. From the 15th to 16th centuries, the Madeira archipelago was one of the main geostrategic platforms of Portuguese maritime expansion, due to the mass migrations of European people and the mass transportation of slaves from North and Sub-Saharan Africa and aboriginal *guanches* from Canary Island, and also due to sugarcane plantations in the archipelago until the discovery of Brazil (1500), after which the Archipelago started to face economic decline.³³ Madeira was the seat of one of the biggest Catholic dioceses in history for 22 years after its establishment in 1533;³⁴ the diocese had jurisdiction over the Azores archipelago, Brazil, Africa, the East and other lands yet to be discovered.

From the 15th to 18th centuries, a hereditary captaincy system³⁵ and a regime of *sesmarias*³⁶ were established in the archipelago.³⁷ Both were spread as role models of territorial and social organisation all over the Portuguese colonial empire.³⁸ The archipelago was vulnerable not only to natural disasters, but also to attacks led by pirates and French and Algerian corsairs. Because of the 1807–1811 French invasions of Portugal and the strategic retreat of the Portuguese royal family to Brazil, the Madeira archipelago was taken by British army troops, who settled there from 1801 to 1802. After the sovereignty transfer of Madeira from the United Kingdom to Portugal, through the Secret Convention on the Transfer of the Portuguese Monarchy to Brazil signed in 1807 in London, the archipelago was again occupied by British troops between 1810 and 1814, as a preventive strategy against the advance of Napoleonic forces and protection of the English community residing in the archipelago and Portuguese Crown interests. It is in this particular context of history that the movement for territorial autonomy and independence started to flourish.³⁹ According to the 1822 Constitution, Madeira and the Azores archipelagos were established as Adjacent Islands⁴⁰ and were granted a different status from the Portuguese mainland provinces and from territories under Portuguese jurisdiction in Africa, Asia and Oceania.

From a documentary heritage point of view, the 18th and the 19th centuries were marked by the 1759, 1834 and 1862 national seizures of the assets of religious orders, which had an impact in Madeira. This heritage, with the exclusion of the one returned to the Diocese of Funchal and also to the municipalities, was transferred to Lisbon on separate occasions.⁴¹

The end of the 19th century was also marked by autonomic movements in the Adjacent Islands⁴² until the fall of the monarchy (1910). However, autonomic claims were halted due to the First World War and the establishment

of the *Estado Novo* political regime, which led the archipelagos into a cycle of impoverishment and socioeconomic setback. Upon the 1974 Carnation Revolution, there were pro-independence events in Madeira and Azores, which were mitigated after their promotion from Adjacent Islands to autonomous regions after the 1976 constitutional and democratic transition.

Upon the accession of Portugal to the European Economic Community on 1 January 1986, and according to the 1997 Treaty of Amsterdam, the Portuguese archipelagos were granted the status of outermost regions of the European Union and started assuming a geostrategic role within the Atlantic Ocean area due to the size of their maritime jurisdiction.

One of the first legislative measures brought forward at regional level in Madeira was the prohibition of sending business archives of high cultural value to any location outside the autonomous region, although its enforcement has not been successful.⁴³ For example, the archives of Madeiran embroidery⁴⁴ and Madeira wine enterprises,⁴⁵ which are of the utmost economic and historical relevance to the archipelago, were transferred to the United States of America and the United Kingdom, respectively, by the hand of their owners, in violation of Regional Decree No. 14/78/M of 10 March, which transposed Decree-Law No. 429/77 of 15 October, into the regional legal order, which prohibited the exit of business archives considered cultural heritage of the Nation.⁴⁶

Currently, Madeiran regional authorities responsible for cultural heritage do not even have an inventory of the removed cultural heritage and face challenges while trying to disclose both the size and attributes of that heritage.

Madeiran Displaced Fonds: Identification, Reunification Strategies and Questions

As we have noted, by the Resolution no. 3/2017/M dated 12 January⁴⁷ five Madeiran displaced fonds explicitly mentioned should be transferred back from Lisbon to the Autonomous Region of Madeira. According to our research, this resolution was drawn up on the basis of incomplete or inadequate finding aids. The cataloguing process has continued. Thus, in data collection carried out in the Portuguese Archives Portal [PAP] (*Portal Português de Arquivos*),⁴⁸ we identified 11 Madeiran displaced fonds held at the ANTT, as follows: (1) *Convento de Santa Clara do Funchal* (CSCF); (2) *Convento de Nossa Senhora da Encarnação do Funchal* (CNSEF); (3) *Convento de São Francisco do Funchal* (CSFF); (4) *Cabido da Sé do Funchal* (CSF); (5) *Convento de Nossa Senhora da Piedade de Santa Cruz* (CNSPSC); (6) *Convento de São Bernardino de Câmara de Lobos* (CSBCL); (7) *Convento de Nossa Senhora da Porciúncula da Ribeira Brava* (CNSPRB); (8) *Convento de São Sebastião da Calheta* (CSSC); (9) *Provedoria e Junta da Real Fazenda do Funchal* (PJRFF); (10) *Comissão da Fazenda do Distrito da Madeira e Porto Santo* (CFMPS) and (11) *Alfândega do Funchal* (ALF) (Table 5.1).

Besides the fonds mentioned in Table 5.1, it should be emphasised that a search in PAP⁴⁹ has retrieved two other sub-fonds, namely: i) *Confraria das Escravas de Nossa Senhora do Monte* (CSCF) and ii) *Confraria de Nossa Senhora Mãe dos Homens e do Patriarca São José* (CSFF). Besides, in the same database we have also retrieved other two sub-fonds – i) *Subdelegação do Funchal da Secção Internacional da Polícia de Vigilância e Defesa do Estado* (PIDE/DGS) and ii) *Comissão Distrital do Funchal da União Nacional* -, which were transferred from Madeira to Lisbon in 1974, under the custody of the PIDE/DGS Extinction Coordination Service. As we have mentioned above, those Madeiran displaced fonds will not be analysed in this case study because they were not referred in the Resolution.

As we know, the reason why the Resolution explicitly mentions only those five displaced fonds that we referred above is due to the fact that the finding aids used at the time as information sources were outdated. Since 2002, ANTT has promoted a reorganisation of monastic fonds.⁵⁰ The final product was an inventory in which were listed those six Madeiran displaced fonds that were not originally mentioned in the Resolution. Such fonds are related to masculine monasteries (CFMPS, CNSPRB, CNSPSC, CSBCL, CSFF and CSSC). They were separately analysed as they had remained invisible within PJRFF's fond since their removal to Lisbon during the end of the 19th century. Concerning the other five Madeiran fonds listed in Table 5.1, it should be emphasised that the District Archives of Funchal had tried to establish since 1937 an inventory of the claimed documents at ANTT. The outcome of this initiative was published in the *Arquivo Histórico da Madeira* bulletin.⁵¹ ALF, PJRFF, CNSEF and CSCF fonds were microfilmed and partially digitised from microfilm in a project led by the *Centro de Estudos de História do Atlântico*⁵² – the Atlantic History Study Centre – which is currently discontinued.

Table 5.1 List of fonds held at ANTT

Fonds	Date(s)	Dimension (in units, n=2178)	Units with digital surrogates	Source
ALF	1620–1834	475	462	(ANTT, 2008)
CFMPS	1834–1851	16	16	
CNSPRB	1736–1809	3	3	
CNSPSC	1772–1776	1	1	
CSBCL	1792–1825	4	4	
CSCF	1447–[1900]	144	114	
CSFF	1732–1832	7	7	
CSSC	1674–1811	4	3	
PJRFF	1569–1834	1398	1341	
CSF	1478–1861	78	41	
CNSEF	1660–1890	48	48	

Table 5.2 Fonds held at RAM

Fonds	Date(s)	Dimension (in units, n=10680)	Source
ALF	1650–2000	10598	(Regional Government of Madeira, 2020)
CNSEF	1645–1895	36	
CSBCL	1783–1832	1	
CSCF	1634–1897	17	
CSFF	1710–1730	1	
CNSPSC	1705–1710	1	
PJRFF	1649–1833	26	

The institutional web portal of RAM only provides a digital inventory and does not provide any digital surrogates about the fonds held in institutional databases. Table 5.2 sums up the fonds held at this institution:

Historically, since 1937, the fonds held at RAM (CSFF, CNSEF, CSBCL, CSCF, CNSPSC) had been incorporated into the DAF – an institution within the pre-autonomic decentralised central administration. There are no recorded incorporations into PJRFF before 1957, while documents were incorporated in ALF throughout the years in 1951, 1953, 1958, 1964, 1975 and 2010 and 2012, having these last two been incorporated by RAM in a context of political autonomy. Despite the chronological extent, in some cases throughout centuries, there were significant documentary losses due to human and natural causes, as shown by time gaps. In some sense, finding aids provided by RAM are mere lists of installation units (u.i.) that do not comply with the international rules for archival description, as there are no digital representations of these installation units held in the institution's databases.⁵³

Therefore, after this brief explanation, we assume that the questions involved in the Madeiran archival claims case are strongly related to the dispersion of archival units typifying two different custody situations, as follows:

- 1 Archival units dispersed, and under the custody of two holding entities:** in this situation we have identified about seven fonds that are dispersed between RAM and ANTT, as follows: ALF (RAM 96%, n=10598 u.i. *versus* ANTT 4%, n= 475 u.i.); CSBCL (RAM 56%, n= 5 u.i. *versus* ANTT 44%, n= 4 u.i.); CNSPSC (RAM 50%, n= 1 u.i. *versus* ANTT 50%, n= 1 u.i.); CNSEF (RAM 42%, n= 35 u.i. *versus* ANTT 58%, n= 48 u.i.); CSCF (RAM 9%, n= 14 u.i. *versus* ANTT 91%, n= 144 u.i.); CSFF (RAM 13%, n= 1 u.i. *versus* ANTT 87%, n= 7 u.i.) and PJRFF (RAM 2%, n= 26 u.i. *versus* ANTT 98%, n= 1398 u.i.).
- 2 Archival units concentrated, and under the custody of a unique holding entity:** in this situation we have identified about four fonds held at ANTT, as follows: *Cabido da Sé do Funchal* (n=78 u.i.), *Comissão da*

Fazenda do Distrito da Madeira e Porto Santo (n=16 u.i.), *Convento de Nossa Senhora da Porciúncula da Ribeira Brava* (n=3 u.i.), *Convento de São Sebastião da Calheta* (n=3 u.i.).

As explained above, the dispute over the custody of these archives is reduced to the reunification of fonds, which lies between physical restitution or virtual access.⁵⁴ In the case of fonds with archival units dispersed between two custodians, as exemplified above (see point 1), it is clear that the finding aids available were not designed to represent intellectually and completely (as we say, in a reunified way) the fonds removed from Madeira. This lack in representation was previously discussed in a broad study carried out by Ribeiro that pointed out that the Portuguese finding aids referring to certain fonds ignored records of the same fonds held in other archival institutions in the country.⁵⁵ Ribeiro also concluded that, in general, finding aids were commonly used by Portuguese archival institutions merely as tools for listing assets under their custody.⁵⁶ In this sense, such fonds were misleadingly represented as having completeness and integrity.

In the specific case of Madeiran displaced fonds, the strategy adopted by both sides (RAM and ANTT), as we identified, was the delivery of reproductions (in microform and digitisation) as a substitute for the access to the original content of these cultural artefacts. In that sense, the government authorities of Madeira created a portal on the web – *Nesos*⁵⁷ – in order to provide digital access to a set of documents held by ANTT, among others. Nowadays, as far as we know, this portal is not being updated. In the same way, as of 2008, ANTT provided digital access to Madeiran fonds claimed by Madeiran authorities. In its turn, RAM provided a portal to access fonds and collections in 2017. As far as we know, no project has been carried out by RAM to digitise its own records in order to provide the reintegration of them with the digital copies that are now available from ANTT, thus providing a digital reunification of these displaced Madeiran fonds.

Probably, at the root of the Madeira authorities' discrepancy in relation to ANTT, placed at the core of the 2017 Resolution, is the method used for intellectually representing these claimed fonds. Hypothetically, we may ask if the claim focuses on 'continentalised' interpretations,⁵⁸ attributed to Madeiran displaced fonds represented in the ANTT finding aids, reflecting an idea of order and structure '(re)built'; or if the digitisations (or other substitutes to virtual reunification) provided by ANTT could be a new exercise of power, to prevent the physical reunification of these Madeiran displaced fonds to the island community.

A potential answer to these questions is that, in fact, virtual access does not equate with physical possession of cultural heritage, as we cannot ignore that the material dimension is a significant part of the concept of cultural property. In this case, this material dimension seems to be at the root of the discrepancy between the island and the continent, since the complaining

communities are anxious for physical control and access to these artefacts. This is attested to by the number of times that these fonds have been claimed by their source communities. Anyway, in a holistic sense, the notion behind reunification should not be limited to a physical and intellectual combination of dispersed artefacts, but in the sense that these artefacts are an extension of the memory of their communities, that is, above of all, a reunification *with* the community itself. The claim patent in the 2017 Resolution by the Madeiran authorities reinforces the very deep sense that the physical possession of these archival fonds (in the sense of a heritage that is part of a cultural history written in an island context) empowers the island's community in relation to the knowledge about (and in reconciliation with) its own past.

Under Blurred Provenance and Behind Insular Claims

The archival descriptions of the Madeiran displaced fonds held at the ANTT provide information on the legal instruments underlying the transfer of records from Madeira to Lisbon. In this sense, the descriptive metadata delivers useful information on aspects as sources of acquisition or transfer, and property or custody of archival fonds. Following the traces of these descriptions, we confirmed that only three of those five fonds that were analysed (see Table 5.1) explicitly mention the term 'incorporation' as means of acquisition, referring inclusively to two legal instruments: i) the Decree dated 2 October 1862⁵⁹ and ii) the Royal Ordinance of the Ministry of the Realm dated 9 June 1886⁶⁰. The 2 October Decree explicitly ordered the transfer and incorporation of 'the records of all churches and religious bodies in the national archive'. In our opinion, this instruction is the key factor in understanding the massive displacements of documents that have occurred later, from those archives of extinct and centralised ecclesiastical institutions – to Lisbon, where those documents were kept – first to the National Library of Portugal⁶¹, and then to the National Archives of Portugal 'Torre do Tombo'.

In the particular case of Madeira, most of the fonds were removed probably in the mid-19th century, and were certainly held at the Treasury Office of Funchal (*Repartição da Fazenda do Funchal*). Roberto Augusto da Costa Campos (1837-1907), a Madeiran who served as an officer of the ANTT, was involved in several archive transfers throughout the country. He went to Funchal twice, first in 1886, in 1887 and then in 1894, in order to identify, collect and make up the inventories of the seized fonds. This officer intended to keep documents safe from harm, considering that there was no archival service in the archipelago yet. However, one of the most serious problems was the constant allusion to the Royal Ordinance of the Ministry of the Realm dated 9 June 1886 and only used in ANTT's finding aids designed to find fonds removed from Madeira Island. It is surprising that the Royal

Ordinance of the Ministry of the Realm dated 9 June 1886 is not included in the indexes of the *Diário do Governo* (1886 edition), the official bulletin of the Portuguese government at that time. There is no legislative information regarding Madeira's archives in this period, except for the creation of a job for an archivist to exercise functions at the Funchal Finance Bureau (*Repartição da Fazenda do Funchal*), determined by the Law of 27 June 1864. Although the Funchal Finance Bureau had custody of the documents confiscated from religious orders in the archipelago, unfortunately the fate of this entity's archive is currently unknown, being presumed dispersed. Our research in the ANTT 'archive of the archive' reveals that the first finding aids created refer to this Royal Ordinance dated 9 June 1886⁶². The mention in the finding aids of legal diplomas that are not published in the Government Gazette can also be found in other fonds held by the ANTT, for instance, the Royal Ordinance of the Ministry of the Realm of 9 July 1863 regarding the Collegiate from Santiago de Coimbra.⁶³ In relation to these topics, it is licit to ask some questions: What is the content of these diplomas? Why are they not included in the indexes of the Government Gazette? Why does the ANTT cite a legal instrument in its finding aids that no longer exists, if it ever existed? In 1935, Machado labelled this legal instrument as *portaria surda*⁶⁴ – the 'deaf ordinance' – as a way of complaining about the inaccessibility of Madeiran fonds since their last transfer. Access to the content of these diplomas would make it possible to know if these massive concentrations of documents in Lisbon were lawful.

Júlio Dantas, the head of the General Inspection of Archives and Libraries (GIAL), confirmed that centralising efforts were leading the 'Torre do Tombo' to unsustainability and acknowledged that 'reclamações de carácter local, inspiradas no desenvolvimento do espírito regionalista, originavam incidentes desagradáveis'⁶⁵ – local complaints, inspired by the development of the regionalist thought, caused unpleasant incidents⁶⁶. The Decree no. 19952 dated 27 June 1931, which established a national network of public archives and libraries in provincial capitals, shaped the main reform concerning these services, as it paved the way for the establishment of the District Archives of Funchal. The latter's first head, João Cabral do Nascimento, asked the GIAL for the restitution of archives for the first time in 1934. In a letter dated 19 January 1934, the head of GIAL, Júlio Dantas, replied that the restitution of ANTT held archives was a 'assunto delicado' – a sensitive subject – that could lead to 'desorganização e, porventura, a destruição do Arquivo geral do país, que é a Torre do Tombo'⁶⁷ – lack of organisation and eventual dismantlement of Torre do Tombo, which is the National Archives of Portugal. Nevertheless, the District Archives of Funchal in 1937 found a part of the same fonds transferred to Lisbon at the end of the 19th century at the Treasury Office of Funchal (*Repartição de Finanças do Funchal*), thus raising the issue of the physical reunification of fonds. In the autonomic context, several microfilming and scanning projects

went ahead with funding provided by the Regional Government of Madeira, although in an incomplete and unsustainable way in the long run. *Nesos* web portal is an illustrative example.⁶⁸

This issue, as a claim lasting for more than 80 years, was again raised with the 2004 unveiling by the Regional Government of Madeira of the building designed to host the Regional Archives of Madeira. Several debates took place at the regional parliament claiming the ANTT-held archives,⁶⁹ and the controversy also reached the local media. Although the debate has stalled for political reasons, the scientific and professional Portuguese community has been particularly silent on this topic and on other topics. This has only recently become a research topic.⁷⁰

Empowering the Discussion about Sub-national Displaced Archives through a Nissological Lens

In this section we will carry out a theoretical interpretation of the phenomenon of displaced archives in a sub-national context. Although we foresee a great diversity of sub-national cases, which would not fit in a study with this dimension, we consider that the nissological criticism constitutes an interpretive tool appropriate enough to understand the case of Madeira, especially in its condition as a non-sovereign archipelagic region. It should be noted that small non-sovereign islands and their communities are not reduced to the classic polarisation between Indigenous/native islander vs. settler/mainlander, which, in our opinion, is an unproductive debate, because it only obscures the diversity of social realities experienced in the small islands located on the edge of a globalised world.⁷¹ As we know, most 'displaced archives' issues have been approached as international archival claims – involving two or more countries.⁷² As broadly demonstrated in Auer's report,⁷³ the phenomena of archival dispossessions commonly occur as a result of inchoate factors, such as armed conflicts, state successions, decolonisation or illicit trafficking. The approach used to tackle these issues has been mostly legal, currently including a relevant set of legislation – treaties and recommendations issued by intergovernmental and non-governmental international organisations⁷⁴ – apart from national legislation on cultural heritage preservation.

Restitution, repatriation, return or relocation on the one hand, and joint heritage, on the other hand, are legal mechanisms designed to reimburse, compensate or reconcile phenomena related to cultural heritage dispossession.⁷⁵ However, the existence of a legal setting whose aim is to solve international archival claims does not necessarily mean its immediate practicability between parties involved in disputes. Although there have been a few issues successfully solved by legal means, Lowry has stated that 'long-standing cases have not been resolved and some new cases have arisen'.⁷⁶ Nevertheless, the legalistic perspective used to approach the

restitution of archival heritage has remained the main line of thought in the dispute over this kind of heritage.

The underlying guidelines of the international legal setting on the restitution of cultural property, to which archives belong, have been designed to solve disputes between states. Governments play a main role in most components of many aforementioned legal instruments, thus suggesting a perspective based on the cultural nationalism/internationalism debate.⁷⁷ The theory of cultural internationalism, an expression that gathered strength with the 1954 Hague Convention,⁷⁸ considers movable cultural property as belonging to all humanity, regardless of where it is kept in custody. In the case of archives, on the one hand, cultural internationalism lessens the importance of physical custody and property for the sake of conservation, security and access, usually in countries with better resources.⁷⁹ On the other hand, the theory of cultural nationalism (influenced by 1970 UNESCO) confers primacy on permanent custody within the territories of the state or nation that created the cultural property. Each nation must develop measures for retaining within its jurisdictional boundaries for their classification and conservation, restrictions on cross-border circulation, limits for alienation and prerogatives in favour of public authorities. However, both perspectives cannot be interpreted linearly, especially when those territories and their communities were victims 'by reason of war, belligerent occupation, colonization, turbulent political or other circumstances or by reason of their current incapacity are at stake to protect their treasures from vandalism or organized crime'.⁸⁰ Although Cox⁸¹ and Gilliland⁸² recognise the importance of cultural internationalism as the most productive way of resolving disputes over custody of archives, the tendency of the former colonial powers is to justify custody based on the theory of nationalist cosmopolitanism, 'with direct references to imperialism and to a form of "de-contextualisation"'.⁸³ Although this variant favours the preservation of the physical artefact in detriment of its primary functions in relation to the source community, groups or individuals, those who support cultural nationalism argue that, in principle, 'countries have legitimate interests in their cultural heritage and are the best-placed custodians to preserve it'.⁸⁴ Given that 'national memory' is often used as a strong argument for the symbolic legitimation of the archival heritage of a nation or a dominant group, cultural nationalism admits threats like limiting access or deliberate destruction of archives by those dominant within the nation.⁸⁵ It is particularly illustrative that after the independence of Guinea-Bissau (1975), a former Portuguese colony, the Library and the National Historical Archives, created in 1984, was deliberately targeted and destroyed by nationals in the civil war of 1998 and 1999.⁸⁶ The costs of non-intervention in the internal affairs of States, when the destruction of cultural property is at stake, lead to the fact that 'transnational cultural property norms can be violated by intranational actions'.⁸⁷

Most of these legal instruments face several limitations when aiming to solve archival claims taking place at a lower and less visible level, like those taking place in a sub-national context.⁸⁸ Principles such as territorial integrity, non-interference in the sovereign matters of a State, respect for state sovereignty, inalienability, non-retroactivity of laws and other sets of immunities prevent the possibilities of repatriation or restitution not only in an international but also in a subnational context.⁸⁹ Such vicissitudes may have resulted from centralist attitudes; acts of expropriation or confiscations carried out by central government entities on ethnic or religious groups, local communities or institutions; (re)organisations of sub-national territorial units in terms of creation, merger or extinction; illicit trafficking or theft, especially in contexts of civil war or the acquisition of archives of insufficiently justified provenance by the institutions of memory (i.e., archives, libraries and museums).

In spite of a remarkable evolution of international conventions, treaties and laws in recent decades, regarding the way governments deal with their cultural heritage, international legislation assigns the monopoly of decisions to the Government (particularly to the central administration) at the expense of communities within the territory administered by that state.⁹⁰ Fishman recognises that some types of sub-national conflicts have been obscured by discussions of Indigenous issues, especially as several cases do not fit the 'indigenous-versus-settler template'⁹¹ Furthermore, 'citizens have historically never possessed any cultural property rights at international law vis-à-vis their own government'.⁹²

Given the very diverse conceptual framework concerning displaced archives,⁹³ mostly discussed in English-language archival terminology and less addressed in the terminology of Latin-origin countries,⁹⁴ the main obstacle is how to name those archives 'desalojados do seu *habitat* original' – displaced from their original position,⁹⁵ particularly in a sub-national context. It is imperative to find out the condition or the status of these archives in order to reveal the dispossession in inchoative contexts faced by claiming communities, considering 'their spatial and temporal contexts as opposed to their social and political contexts'.⁹⁶

Disputes over the custody of archival fonds in sub-national contexts stem from unequal relations between dispossessed communities, amplified by territorial discontinuity, vis-à-vis the dominant power structures. That inequality is demonstrated as dispossessed communities feel themselves limited when information access and access to archival heritage are at stake. Access is then a crucial issue when considering displaced archives.⁹⁷ As such, the dispossession of archival heritage from source communities derives from asymmetric relations at both political and ideological levels. Those relations can mean either the statement of an identarian superiority of one community over another or even the seizure of these communities' territorial and patrimonial rights. Archival dispossessions in sub-state contexts can

arise, as assumed above, from different contexts, by using *ope legis* measures, centralist positions of national administrations, seizures ordered by judicial rule, change of sub-national political-administrative boundaries, extra-legal appropriations or due to mere lack of infrastructures capable of keeping archives close to their community(ies), which may lead to physical displacement within the national territory under certain circumstances. The removal of these archives has had many purposes, such as the establishment of a national archival canon which relies on the concept of 'national memory', preventive conservation and security or management decisions. In addition, conflicts over the custody of archives from specific regions and communities of a nation do not always reach the political discussion table at the national level,⁹⁸ subsisting only and sparingly in the testimonies recorded in the local written press.

Many of the sub-national issues arise from an invisibility and lack of knowledge on a set of political-administrative and territorial structures, as well as from sociocultural dynamics comprised in a nation.⁹⁹ According to Giraudy, Moncada and Snyder, many sub-national phenomena are 'obscured by a national-level focus'¹⁰⁰ and, as such, 'national-level theories can be ill equipped to explain subnational outcomes'.¹⁰¹ In the framework of contemporary archival science, scientific production often has focused on theories and concepts focused in the performance of the institutions centred on the figure of the State.¹⁰²

In the case of island studies, especially non-sovereign and small islands (such as Madeira), as far as we are aware, the scientific production available on insular archives has not endorsed this line of research as an interpretative tool for the theoretical framework of archival science.

Although sub-national realities are very diverse,¹⁰³ the 'critical archival studies' proposal recognises an extensive range of research lines 'ranging from decolonisation to postcolonialism, feminism, queer theory, critical race theory, and deconstructionism',¹⁰⁴ perspectives that are part of the emancipatory or transformative paradigm.¹⁰⁵ Within this line of investigation, Lowry proposed 'critical displaced archives theory' with the objective of 'to explain injustices in cases of archival displacement, posit practical goals for their resolution, and provide a set of norms for achieving those aims'.¹⁰⁶ Although we have examples in the scientific literature¹⁰⁷ of how archives produced and accumulated in communities from small non-sovereign islands were removed to the central archives, islands studies or nissology, especially in a subnational context, are not yet part of this broad set of studies related to the current of thought called the *archival turn*. Colonial and post-colonial studies have been the interpretive tool used in most of these cases. In nissological terms, such phenomena can be interpreted as mechanisms of 'continentalisation' of the archives of insular communities through dispossession, using legal and extra-legal channels. Such strategies of 'continentalisation' of the archival heritage of insular communities in

non-sovereign regions are supported by arguments for preventive conservation and the ideological purposes of building not only nationalist archival canons but also, in political and administrative terms, in the affirmation of territorial sovereignty. For this reason, and also because they are *within* the perimeter of the national territory, custodian institutions may not consider fonds removed from their original locations to be 'displaced'. This perspective, in fact, diminishes the value, strength and visibility of the claims of insular communities, calling into question the relevance of the principle of territorial provenance in the context of the restitution of archives in a sub-national context. ANTT even defended, in the past, the right over fonds originated from Madeira, based on the idea that restitution would imply the destruction of the National Archives, which, in turn, would deplete the role of national archives and the national memory.

In addition, the dispossession of archives to the original communities is not restricted to their physical displacement, but may be reflected in the strategies for representing displaced archives in finding aids and in the production of surrogates by custodian entities. To what extent can the archival description, based or not on literary warrants, given by custodian institutions, clarify or, on the contrary, bias the interpretation given to the archives as displaced, in terms of provenance, territorial provenance, original order and integrity? Although the Code of Ethics of the International Council on Archives recommends that the archival community 'should cooperate in the repatriation of displaced archives',¹⁰⁸ even though such responsibility may begin 'with making the disputed archives accessible',¹⁰⁹ it has been widely debated that the representation of archival information in finding aids is not a neutral or impartial process. For this reason, the difficulties imposed in the identification of archives in the condition of 'displaced', preliminarily studied by Grimsted,¹¹⁰ require a critical reading of the descriptions available in finding aids, which are the object of these analyses, in both genre and rhetorical aspects.¹¹¹ The genre aspects, which pay attention to the different types of finding aids, can say a lot about the mechanisms of insertion, modification, fusion or elimination of content, which may constitute strategies of power of the custodial entities over the claiming communities. In the case of displaced archives from Madeira, for example, it is evident that ANTT and RAM did not seek to represent these disputed fonds in a reunified manner. For example, finding aids related to female convents held by ANTT do not complement the information gaps with finding aids from RAM or vice versa. In addition, the rhetorical aspects present in the descriptions available in finding aids can be obscured. Although the finding aids usually mention the literary warrants adopted in the archival description, it will not be difficult to conclude that, in some cases, custodial institutions justify the acquisition of these disputed fonds through silence and a lack of transparency. In the case of displaced fonds from Madeira, finding aids refer to legislation whose content is unknown. In our opinion, an idea of the legality

of the transfer process that took place in a given historical context is being communicated, which, while not entirely false, will only be partially true.

Associated with the representation of archival information, several authors have been defending the role of surrogates (micrography/digitisation) in the resolution of conflicts over custody. Although there is an acceptance of the possibilities that digitisation and web access provide as a fungible mechanism for the physical repatriation of archives, many of these mechanisms are not built in a participatory way, that is, together with the claimant communities. The production of surrogates for the original documents of fonds held in contested custody also constitutes a form of power relationship, not always perceived by the complaining communities, given that 'conversations over repatriation and digitisation are often occurring in a state of cruel optimism'.¹¹² In the case of Madeira, we saw how local digitisation projects and the virtual availability of dispersed fonds (such as *Nesos*, for example) did not have continuity, most likely due to the fact that the custodial entity on the continent – ANTT – made available the most up-to-date technological tools for this purpose, disregarding, in this case, the instruments produced on the island. In the light of nissological criticism, such a strategy could be justified as an exercise in a form of 'continentalisation' of digital custody by the custodian. In addition, this production of digital surrogates, without the participation of insular communities, can be seen as a repossession of the disputed fonds, from their inception to their dissemination. In addition to this nissological interpretation, sub-national asymmetries are demonstrated in the context of strained relations between centre and periphery, especially as 'local regional practices are appropriated or erased by national narratives, and where decision making is centralized and geographically distant from the everyday practices and knowledge that constitute local heritage'.¹¹³

In the context of archives, several sub-national issues arise from factors like the seizure of archives in legally defined territorial jurisdictions, which can affect private and public archives. In the Portuguese context, there are previous records of those practices, for example considering the extinction of the Society of Jesus (1759), the extinction of the religious orders (1834) and the establishment of the republican regime (1910). Massive document displacements towards Lisbon have taken place, to the National Library of Portugal, the ANTT and other nationwide archival institutions. This centralist project has nonetheless had some harmful effects, due to the difficult management of such amounts of fonds and collections and due to the growing complaints of local communities, who demanded archives and libraries to be kept in their original locations. The strategy pursued by the central administration of the Portuguese state to minimise the centralist approach was marked by proposals of legislative measures, such as the Decree no. 19952 dated 27 June 1931, which established a national network of public archives and libraries, including on the Adjacent Islands (Madeira and

Azores). Apart from that, some archival institutions were established in territories under Portuguese imperial and colonial jurisdiction, like Goa (1595), Angola (1930), Mozambique (1934), Macao (1952) and São Tomé and Príncipe (1969). However, the establishment of those institutions did not lead to the restitution of the fonds that were previously transferred to Lisbon. Until the decolonisation process triggered by the Carnation Revolution (1974), more archives were tacitly transferred to Lisbon, particularly the archive of the Portuguese International and State Defence Police/General Directorate of Security (PIDE-DGS).¹¹⁴ Archival institutions based in Lisbon, such as the National Archives of Portugal 'Torre do Tombo', the Overseas Historical Archive (*Arquivo Histórico Ultramarino*) and the Military Historical Archive (*Arquivo Histórico Militar*), emerged as holders of many fonds removed from former overseas territories.

In the particular case of Madeira, marked not only geographically by its condition of insularity, but also by a community with a large diaspora in various corners of the world, relations with the metropolis have been marked by several conflicts over the centuries. Such conflicts stemmed from communication problems due to physical distance, strong exposure to attacks (pirates, privateers and invasions) and financial, economic and political dependence on decision centres based on the Portuguese mainland, leading to conflicts for more decentralisation of power. The autonomist conscience in the archipelago had as a turning point the creation of the archipelagos' adjacency relationship to Portugal through the 1822 Constitution. From the nissological point of view, this was a strategy of 'continentalization of the islands' towards Portugal,¹¹⁵ with all the supervening consequences. For example, the Decree of 2 October 1862, which determined the transfer and incorporation in ANTT of all the extinct ecclesiastical archives, comes in this sense of 're-interpret' the history of the Nation through the constitution of a national archival canon and a unique centre of 'national memory', the ANTT. Therefore, the construction of a new history of the Nation had as a pretext the massive displacement of archives from different parts of the country and overseas to Lisbon, measures that proved disastrous due to the way the transfers were processed.¹¹⁶ It is in the context of the transfers made in 1886, 1887 and 1894 from Funchal to Lisbon, satisfying ANTT's centralist desire to build a 'national memory', that led to Madeiran intellectuals becoming aware of the 'loss', especially in commemorative contexts that are favourable events for the review of historical memory.¹¹⁷

The centre of this dispute is focused on the right to property on behalf of the island community, in all its forms of materialisation, so that 'its value is not only economic, but also symbolic, cultural and political', having as a reference point the insular territory.¹¹⁸ However, the demand for property is accompanied by centripetal and centrifugal tensions of resistance to the 'continentalisation' (greater dependence and centralisation) or 'insularisation' (greater isolation) dynamics of the islands by

the continent's power structures.¹¹⁹ The arguments that oppose, on the one hand, 'anti-continentalists' and 'anti-insularists' and, on the other hand, 'pro-continentalists' and 'pro-insularists' stem from asymmetries in the power relationship that historically have remained invisible around continent-island relations in a sub-national context. These positions orbit around identity issues based on the concept of *madeirensidade*, defined as everything related to what belongs to Madeiran identity.¹²⁰ *Madeirensidade* is a kind of islandness, as 'the essence of island living, the attributes that make an island what it fundamentally is, and which it has by necessity, without which it loses its identity'.¹²¹ The physical custody of archives removed from the archipelago means for insular communities a form of empowerment and accountability, which binds the community not only with regard to the (re)interpretation of their memory but also with the revitalisation of cultural practices at risk of extinction, economic and scientific development and the promotion of social cohesion.

These perspectives about islandness, when applied to cultural heritage, provide polarised discourses. While 'anti-continentalists' consider that cultural property has been appropriated (lawfully or unlawfully) against the interests of insular communities in historically questionable contexts, 'anti-insularists' refer to silence and use legal mechanisms and politicians to protect their interests on behalf of the nation. The 'pro-continentalists', for their part, defend a nationalist and sometimes cosmopolitan regionalism in relation to cultural heritage, while the 'pro-insularists' consider respect for cultural diversity within the national unity.¹²² As an illustration, starting from the arguments on the present topic in the insular press and in the regional parliamentary chamber,¹²³ the production of surrogates of Madeira's fonds in custody at ANTT has been debated in several ways: the 'anti-continentalists' considered that digitisation/microfilming constitutes a strategy of appropriation of archives, of a new form of power relationship through technology mediated by ANTT; the 'anti-insularists' considered that digital access meets the needs of the complaining communities and that the restitution could jeopardise the integrity of ANTT; the 'pro-continentalists' pointed to digitisation/microfilming as a satisfactory means that responds to the needs of insular communities and that, regardless of the custodian, what matters is shared heritage and the guarantee of conservation, preservation and access; 'pro-insularists' argued that cultural property should be close to their communities, as a way of social responsibility and preservation of cultural diversity within the nation. Although these arguments may vary according the ideological spectrum, political interests do not always correspond to the interests of the complaining communities. In addition, the archives of the Madeiran diaspora communities are not always taken into account by the insular authorities in terms of custody. Many of these archives of the Madeiran communities in the diaspora are 'out of scope' of the archival canon in some of the recipient countries,¹²⁴ making the status

of these archives of the diaspora communities likely to encounter future problems in terms of displacement and custody or destruction.

In any case, the answer to these disputes over the custody of archives will ultimately depend on the political and institutional willingness that satisfies the interests of the dispossessed communities.

Conclusion

Disputes over the sub-national restitution of archives have been an invisible topic in the critical framework of archival science. Although the legal approach has been the most used in the understanding of cultural heritage dispossession phenomena within this field, much of the work was limited to understanding international disputes. This study has tried to initiate a discussion that had remained invisible to the scientific community, starting from a specific case point of view. The distinction between archival dispossession phenomena, whether in sub-national or international contexts, lies on the lack of current recognition of past *ope legis* measures, which are perceived as unfair and centred within bureaucratic organisations. Those archival displacement processes took place in a first colonial, then transitional context, during sovereignty transfer processes between nation-states, and during political-administrative territory reforms.

The specific issue in Madeira seems to be a phenomenon coming from a power relation of central administration state institutions towards the insular community. Despite the centuries-long path of 'Torre do Tombo', one of the oldest Portuguese institutions still in operation that has in recent years taken measures in order to make information access to heritage claimed by the Madeiran community easier, it should be questioned whether the use of sophisticated information technologies does not lead to a new unperceived power relation. Can shared archival heritage solve the issues of property and custody of these claimed archives if, as shown above, finding aids were not designed to cover reunited archival representation? Ultimately, how should archives with the same origin be represented in finding aids, even if they are sparse? The identification of displaced archives should, on the one hand, begin with representation strategies within finding aids. On the other hand, the identification of dispossessions should be deepened by using the 'archives of archives'. Although such a recommendation may be feasible in 'making the disputed archives accessible',¹²⁵ this chapter demonstrated, based on the case of Madeira, that it is essential to read between the lines of the archival descriptions in finding aids produced by contested custodial entities.

The main contribution that is made with island studies or nissology for the understanding of the phenomenon of displaced archives consists in broadening not only the metatheoretical scope of the 'critical archival studies'¹²⁶ and, specifically, the 'critical displaced archives theory',¹²⁷ but also the

other way around. We analysed how the strategies of ‘continentalisation’ of the archival heritage of insular communities in past contexts were implemented by different mechanisms of dispossession, not only physical but also intellectual. Conversely, it is important to bring archival theory to the arena of island studies, especially as the dynamics of memory and forgetting are maintained by island communities in their relationship with cultural heritage, in particular with archives. The case of Madeira is illustrative of how a case that occurred in the 19th century did not ‘die’ over several generations, which kept a memory of dispossession alive.

The dispute over the custody of displaced archives on the mainland says a lot to the non-sovereign archipelagic regions, especially when property issues are involved, in all their forms of materialisation. Firstly, due to historical struggles for the physical and intellectual dispossession of property. Secondly, relations between mainland and insular communities have been guided by paternalistic, dependent and subsidiarity behaviour. The discussion around the custody of archives for the insular communities involves full ownership of the property. However, the restitution of archives to these insular communities is understood as an alienation of the national heritage although it does not actually leave the national border itself. The archival institutions of the mainland do not see the multiplier effects of the restitution of fonds to the insular communities, in scientific, cultural, educational and even economic terms.

Finally, we recognise that the case of Madeira does not allow for theoretical replicability and generalisation, because it is limited to a particular case. Most of the islands and their communities constitute very distinct and very diverse cultural microcosms, both as independent states and as non-sovereign territories.¹²⁸ Even so, the case of Madeira makes it possible to raise the prospect of the etiologies of dispossession and the displacement of archives in other subnational, island and non-island, archival jurisdictions.

Notes

- 1 Regional Legislative Assembly of Madeira, “Voto de protesto.”
- 2 In that times, the GIAL was the governing body of the National Archives of Portugal ‘Torre do Tombo’.
- 3 District Archives of Funchal, Correspondence.
- 4 Macedo, “Repatriação dos arquivos.”
- 5 The literature on cultural property uses sub-national and intranational with identical meanings, particularly Watkins “Cultural Nationalists”; Fishman, “Locating the International Interest” and Silverman, “Contested Cultural Heritage.” Cft. *Merriam-Webster*, s.v. “intranational,” accessed Sept. 7, 2021, <https://www.merriam-webster.com/dictionary/intranational>; *Merriam-Webster*, s.v. “subnational,” accessed 7 Sept. 2021, <https://www.merriam-webster.com/dictionary/sub-national>. Suksi distinguishes ‘sub-state’ from ‘sub-national’, considering that the first is ‘focused on institutions, procedures and competences of the intermediate layer of state organisation than on the

- issue of nationality or ethnicity' (*Sub-State Governance*, 4). We prefer the term sub-national in a broader sense and with a more consolidated use in the literature, using only intranational in citations.
- 6 Auer, "Disputed Archival Claims"; Kecskeméti, "Archival Claims," "Displaced European Archives" and "Archives Seizures."
 - 7 u. g., Jakubowski, *State Succession*.
 - 8 Lowry, Introduction to *Displaced Archives*, and "Radical Empathy,"; Ngoepe and Netshakhuma, "Archives in the Trenches."
 - 9 Watkins, "Cultural Nationalists." Watkins defined 'cultural intranationalism' as 'the views of distinct groups within a larger governmental body. In this regard, such groups may be galvanised by social, cultural, religious, or other factors' "Cultural Nationalists," 90.
 - 10 Hauser-Schäublin and Prott, "Introduction: Changing Concepts," 7.
 - 11 Ketelaar, Foreword to *Displaced Archives*.
 - 12 Hauser-Schäublin and Prott, "Introduction: Changing Concepts," 7.
 - 13 Baldacchino, "Studying Islands"; McCall, "Nissology: A Proposal."
 - 14 Macedo, "Arquivos deslocados."
 - 15 Lowry, "Proposing a Research Agenda."
 - 16 Roque and Wagner, *Engaging Colonial Knowledge*; Stoler, "Archival Dis-Ease."
 - 17 Lowry, "Radical Empathy."
 - 18 McCall, "Nissology: A Proposal."
 - 19 Baldacchino, "Autonomous But Not Sovereign?"; "Islands, Island Studies"; "Studying Islands"; Baldacchino and Veenendaal, "Society and Community".
 - 20 Baldacchino and Milne, "Exploring Sub-National Island Jurisdictions"; Baldacchino and Hepburn, "Different Appetite for Sovereignty?"; Suksi, *Sub-State Governance*.
 - 21 McCall, "Nissology: A Proposal," 2.
 - 22 Baldacchino, "Studying Islands," 42.
 - 23 Baldacchino, "Islands, Island Studies," 9.
 - 24 Baldacchino, "The Coming of Age; Grydehøj, "Future of Island Studies."
 - 25 Baldacchino, *Islands, Island Studies*, 10.
 - 26 Baldacchino, "Upside Down Decolonization," 9.
 - 27 Cunningham and Wareham, "Introduction Communities of Memory," 1.
 - 28 Vieira, "Il discorso dell'anti-insularità."
 - 29 Baldacchino, "Upside Down Decolonization," 9.
 - 30 Grandy, "Instrumental Case Study."
 - 31 In the case of ANTT, most of the data were provided online by the ANTT's own fond, named "Archives of Archives" (*Arquivos dos Arquivos*), and available at: <https://digitarq.arquivos.pt/details?id=4201111>. In our opinion, the 'Archives of Archives' is an authority source, in terms of provide a set of reliable information to understand the inchoative phenomena of dispossession of archives, especially in the context of our case study. To contrast information, the Portuguese Archives Portal (Portal Português de Arquivos) was also consulted.
 - 32 Vieira, "O (re)descobrimento / (re)conhecimento."
 - 33 O'Flanagan, "Atlantic Settler Colonialism."
 - 34 Franco and Costa, *Diocese do Funchal*.
 - 35 The captaincy system (*capitanias*) consists of a primitive political-administrative structure for the administration of the territory, developed by Henry the Navigator based on the late-feudal administration model. It consisted in the delegation of the monarch's power to individuals, the captains of the grantee

- (*capitães do donatário*), who were normally members of the Portuguese high aristocracy, with rights and obligations established by donation charter for the development of the territory. Madeira was the first 'laboratory' of this model of territorial organisation in the process of Portuguese maritime expansion, having been exported to the Azores, Brazil and Portuguese domains in India. For further details, see Vieira, "Sugar Islands."
- 36 The *sesmarias* regime (from six part) created in Portugal in 1375 consists of a method of distributing land to its holders/titleholders and landowners and managed by royal officials, the *sesmeiros*, with the aim of stimulating agricultural production and land occupation. This model, with adaptations, will be one of the main incentives for settlement and colonisation. For further details, see Lopez-Portillo, *Spain, Portugal*; Newitt, *Portuguese Overseas Expansion*; and Vieira, "Sugar Islands."
- 37 Veríssimo, "Do mar à serra."
- 38 Herzog, *Frontiers of Possession*.
- 39 Rodrigues, "Primeiro triénio liberal."
- 40 In the context of the strategic withdrawal of the prince-regent from Portugal to Brazil during the Napoleonic invasions, in order not to aggregate the Madeira archipelago to Brazil, the archipelagos (Azores and Madeira) were added as territories attached to Portugal, in the Portuguese constitution of 1822.
- 41 Barata, *Os livros e o liberalismo*.
- 42 Torgal, Cordeiro and Pimenta, "Regionalismo e autonomia".
- 43 Macedo, "Arquivos."
- 44 The fonds in question is called "Vera Way Marghab Papers", held in the South Dakota State University Archives and Special Collections, Hilton M. Briggs Library (US), described as a personal fond but part of a corporate archive, *Marghab Linens, Inc* which operated in Madeira from 1933 to 1998. The archive, library and many Madeiran tapestry artifacts were donated by Vera Way Marghab to the University of South Dakota and the South Dakota Art Museum. See South Dakota State University Archives Special Collections, "Vera Way Marghab Papers," finding aid, Hilton M. Briggs Library, Brookings, South Dakota, 2018, accessed 7 Sept. 2021, <https://www.sdstate.edu/sdsu-archives-and-special-collections/vera-way-marghab-papers>.
- 45 This is the "Cossart, Gordon and Co." fonds (1749–1925), an important Madeira wine trading company managed by English families established in the archipelago since the mid-18th century. The archives were taken by the Cossart Gordon family, purchased in the UK and integrated into the Guildhall Library Manuscripts Section, later merged with the London Metropolitan Archives in 2009. Cft. AIM25, "Cossart Gordon and Company," finding aid, GB 0074 CLC/B/063. London Metropolitan Archives, London, accessed 7 Sept 2021. https://aim25.com/cgi-bin/vcdf/detail?coll_id=16850&inst_id=118&nv1=browse&nv2=sub&fbclid=IwAR1a2PahjtNfgbbb_BhG6-WrmlACmtlWSxteUIX5HM2w_ECqi3oqtm_J7TI.
- 46 The paragraph 1 of article 1 of Decree-Law no. 429/77, of 15 October states that: 'The archives, cultural, historical and scientific value of private companies, national or foreign, which, due to their antiquity, economic relevance or political influence, have had great projection in national life at any time, are considered inalienable and not susceptible to leave national territory'.
- 47 Regional Legislative Assembly of Madeira, "Resolution."
- 48 ANTT, "Portal de pesquisa."
- 49 ANTT, "Portal de pesquisa."

- 50 This work was supervised by José Mattoso (Instituto dos Arquivos Nacionais/Torre do Tombo, *Ordens monástico-conventuais*) and coordinated by Madeiran archivist Maria do Carmo Jasmins Dias Farinha.
- 51 Anonymous, Alfândega do Funchal, Cabido da Sé Catedral, Convento da Encarnação, Convento de Santa Clara, and Repartição da Fazenda; Machado, “Alguns Documentos.”
- 52 Centro de Estudos de História do Atlântico, “NESOS: Base de Dados.”
- 53 Regional Government of Madeira, “ABM: Direção Regional.”
- 54 Punzalan, “Understanding Virtual Reunification.”
- 55 Ribeiro, “Os instrumentos de acesso.”
- 56 Ribeiro, “Os instrumentos de acesso.”
- 57 Centro de Estudos de História do Atlântico, “NESOS: Base de Dados.”
- 58 Baldacchino, “Studying Islands”; “Upside Down Decolonization.”
- 59 *Decreto de 2 de outubro de 1862.*
- 60 *Portaria do Ministério do Reino de 9 de junho de 1886*
- 61 Former Royal Public Library of the Court, created in 1796.
- 62 On the ANTT institutional portal, see the early finding aids, developed in 1886 and 1894: *Instrumentos de Descrição, Livros de Índices*, finding aid, PT/TT/ID/1/286, Digitarq, last modified November 4, 2011, <https://digitarq.arquivos.pt/details?id=4202801>, in the fólhos 35, 43 e 47, concerning to the Funchal Cathedral, Santa Clara Convent and Nossa Senhora da Encarnação Convent.
- 63 Refer to the ANTT institutional portal, Colegiada de Santiago de Coimbra, finding aid for PT/TT/CSTC, Digitarq, last modified 1 July 2020, <https://digitarq.arquivos.pt/details?id=1382441>.
- 64 Machado, “Alguns documentos do mosteiro.”
- 65 Dantas, “Criação e organização,” 8.
- 66 Dantas had received several mail letters with requests for assistance from the various directors of the district archives in Portugal to intervene at the highest level with custodian entities to enforce the mandatory incorporations determined by law (Decree No. 19952 dated 27 June 1931). For instance, in the case of Madeira, several parishes in the Diocese of Funchal were vehemently opposed to the transfer process to the DAF, with clashes between popular and security forces between 1935 and 1937.
- 67 District Archives of Funchal, Correspondence.
- 68 Centro de Estudos de História do Atlântico, “NESOS: Base de Dados.”
- 69 Regional Legislative Assembly of Madeira, “Voto de protesto.”
- 70 Macedo, “Repatriação dos arquivos.”
- 71 Baldacchino and Veendaal, “Society and Community.”
- 72 Macedo, “Arquivos deslocados.”
- 73 Auer, “Disputed Archival Claims.”
- 74 International Council on Archives, “Settling Disputed Archival Claims”; International Institute for the Unification of Private Law, UNIDROIT Convention; European Parliament, “Resolution” and “Directive 2014/60/EU”; UNESCO, “The 1954 Hague Convention”; UNESCO, “Vienna Convention.”
- 75 Cornu and Renold, “New Developments”; Stamatoudi, *Cultural Property Law*; Vrdoljak, “Enforcement of Restitution.”
- 76 Lowry, Introduction to *Displaced Archives*, 9.
- 77 Merryman, “Two Ways of Thinking”; “Public-Interest in Cultural Property”; “Nation and the Object”; “Cultural Property Internationalism.”
- 78 UNESCO, “The 1954 Hague Convention.”
- 79 Cox, “Revisiting the Law.”
- 80 Stamatoudi, *Cultural Property Law*, 20.

- 81 Cox, "Revisiting the Law."
82 Gilliland, "Networking Records."
83 Stamatoudi, *Cultural Property Law*, 21.
84 Stamatoudi, *Cultural Property Law*, 30.
85 Watkins, "Cultural Nationalists."
86 Lopes, Mendy, and Cardoso, "Destruição da memória colectiva."
87 Fishman, "Locating the International Interest," 351.
88 Fishman, "Locating the International Interest"; Watkins, "Cultural Nationalists."
89 Hauser-Schäublin and Prott, "Introduction: Changing Concepts"; Pavoni, "Sovereign Immunity."
90 Fishman, "Locating the International Interest."
91 Fishman, "Locating the International Interest," 350.
92 Fishman, "Locating the International Interest," 351.
93 Lowry, "Radical Empathy."
94 Macedo, "Arquivos deslocados."
95 Ribeiro, "O acesso à informação," 522.
96 Lowry, Introduction to *Displaced Archives*, 5.
97 Winn, "Ethics of Access."
98 Fishman, "Locating the International Interest."
99 Suksi, *Sub-State Governance*.
100 Giraudy, Moncada, and Snyder, "Subnational Research," 5.
101 Giraudy, Moncada, and Snyder, "Subnational Research," 17.
102 Karabinos, "Archives and Post-Colonial History."
103 Many of these sub-national territorial units adopt diverse terminology, such as overseas department or collectivity (France), overseas territory (United Kingdom), external territories (Australia), special administrative region (China), constituent countries (Netherlands), union territories (India) and unincorporated organised territory (United States), autonomous province (Finland), autonomous republic (Azerbaijan), and many others. For further reading, see Wikipedia, "List of autonomous areas by country," last modified 23 August 2021, 12:39 (UTC), https://en.wikipedia.org/wiki/List_of_autonomous_areas_by_country.
104 Caswell, Punzalan and Sangwand. "Critical Archival Studies," 1.
105 Mertens, *Transformative Research and Evaluation*.
106 Lowry, "Radical Empathy," 198.
107 u. g., Bastian, "A Question of Custody," *Owning Memory*, and "Reading Colonial Records"; Barber, "Who Owns Knowledge?"; Macedo, "Repatriação dos arquivos" and "Arquivos."
108 International Council on Archives, "ICA Code of Ethics."
109 Ketelaar, Foreword to *Displaced Archives*, ix.
110 Grimsted, "Archival Rossica/Sovietica Abroad."
111 MacNeil, "What Finding Aids Do."
112 Lowry, "Radical Empathy," 199.
113 Pocock and Jones, "Contesting the Center," 100.
114 A PIDE (1933-1969) and its successor entity, the Directorate-General of Security (*Direção-Geral de Segurança* or DGS, 1969-1974), were secret, intelligence and political police bodies that operated throughout the Portuguese territory, including the colonies, during the *Estado Novo* (1933-1974). In 1975, the archives were transferred to Lisbon, to the custody of the PIDE / DGS Extinction Coordination Service, having been integrated in the ANTT in 1992.
115 Vieira, "Il discorso dell'anti-insularità."

- 116 Ribeiro, “O acesso à informação,” and “Os instrumentos de acesso.”
 117 Smith, *Uses of Heritage*.
 118 Serrão, “Property, Land and Territory,” 7.
 119 Vieira, “Il discorso dell’anti-insularità.”
 120 Franco, “Nacionalidade e Regionalidade”; Rodrigues, “Da madeirensidade.”
 121 Royle and Brinklow, “Definitions and Typologies,” 11.
 122 Rodrigues, “Da madeirensidade.”
 123 u.g., Regional Legislative Assembly of Madeira, “Voto de protesto.”
 124 Rodrigues, “The Question of Custody”; Rodrigues, “An Archival Collecting Model,” and “Underrepresented Communities.”
 125 Ketelaar, Foreword to *Displaced Archives*, ix.
 126 Caswell, Punzalan and Sangwand. “Critical Archival Studies.”
 127 Lowry, “Proposing a Research Agenda” and “Radical Empathy.”
 128 cf. Depraetere and Dahl, “Locations and Classifications.”

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Records in Motion

The New York Times and the 'ISIS Files'

Rebecca Abby Whiting

Introduction

Wars have been catalytic in the displacement of records throughout history. Armies habitually seize the official records and archives of the nations they invade, taking reams with them as plunder. Invading forces claim these seizures are permitted by international law due to the military and intelligence value of the records.¹ Over the past century, military acquisitions of records have filled the archives of the war victorious United States, United Kingdom and Russia, to name but a few.² In recent years, the Gulf Wars and ensuing conflict have seen millions of pages of official documents displaced from Iraq through American intervention. In addition to the US military's activities, nongovernmental organisations, military contractors and journalists have also been involved in the de-territorialisation of multiple large collections of Iraqi records. When a regime collapses through war, the violent destabilisation makes space for foreign private and third sector actors to seize the records of the former institutions of power. In Iraq, non-state actors have been motivated, variously, by intentions to preserve endangered records and archives, expose human rights abuses or enable academic research. Those involved in the displacements have in each instance defended their collecting activities by stating that the records would not have otherwise survived.³ While the records have been preserved, the actors involved in their movement, the means through which they were moved and the conditions of their survival in exile are factors that have permanently impacted the Iraqi historical record and have implications on all future uses of the documents.

Archival collecting is always an act of power. As Iraqi records and archives have so repeatedly been displaced through wars, the power dynamics that have facilitated these acquisitions demand focused inquiry. As archival scholar Michelle Caswell writes, 'archival collecting is an affirmative act of political power (the power to determine something worthy of archiving)'.⁴ In Iraq, the wartime collecting and appraising activities of foreign military, private and third-sector actors have served to largely define which parts of

the historical record have been assured preservation, dependant on where those actors have ascribed value. The social and political lives of displaced records expose the endurance of the political logic that frames foreign intervention in Iraq. They also reveal the global power structures that grant non-state actors the access and resources to collect official records and assume custody of them. There are consequences to the records being archived, digitised and publicised outside of their country of origin; these interventions occur in conversation with site-specific socio-political realities. Drawing on scholarship from anthropology, archaeology and archival studies, I propose a theoretical perspective that illustrates firstly, that the routes along which records are displaced illuminate aspects of the ways in which power operates, and secondly, that the displacement and recontextualisation of records permanently alter them; displaced records do not merely reflect the realities of the contexts of their creation, but also the power dynamics evident in their displacement, their management and the ways in which they have since been used.

Inspired by the ‘object itineraries’ framework developed by anthropologists and archaeologists Rosemary Joyce and Susan Gillespie, this chapter delineates a tactical approach for tracing the itineraries of records-in-motion in order to draw attention to the social and political forces that contribute to the displacement of records and define how they are deployed. I build on the work of archival scholar Eric Ketelaar, who argues that the contexts within which records are put to use impact the records themselves and that as recontextualisations take place, the records accrue histories and meanings so that every time they are engaged with, they evolve. I also draw on Caswell’s work on the power relations inherent in the transformations that occur as records are reconfigured in new contexts. I use this approach to discuss the displacement of Islamic State (IS) records removed from Iraq by New York Times (NYT) journalists in 2016–2017 during the battle for Mosul. Supported by its armed forces, IS governed the territory it held through a complex totalitarian bureaucratic system and fastidiously kept records. As well as documenting the militant group’s governing strategies, its records also document aspects of the lives of those people living under its rule. While the object of this study is the power relations at play in the displacement of these documents, the horrific violence suffered in Iraq surrounding their creation and the thousands of deaths that occurred during the conflict in which they were acquired are an integral part of the records’ history.

The New York Times in Iraq

On 4 April 2018, the NYT published an article by foreign correspondent Rukmini Callimachi: ‘The ISIS Files: When Terrorists Run City Hall’. Callimachi had travelled to Iraq to report on IS as the Iraqi army, backed

by heavy US airstrikes, battled the militant group to retake the city of Mosul in 2016. Making five trips to Iraq over the course of a year, Callimachi and her team gathered a total of over 15,000 pages (1,600 documents) of internal IS records left behind when the militants retreated from Mosul and the surrounding areas. The journalists took these records with them back to New York. They include IS tax and arrest records, land deeds and birth certificates, military strategies and internal regulations. Unredacted digitised copies of documents, including an arrest warrant that named a 14-year old and a land lease including the photographic ID card of the leaser, were uploaded to the NYT site along with Callimachi's article, exposing details of the lives of Iraqi civilians to the world in narratives far beyond their control.⁵ The actions of the NYT journalists follow a long history of the displacement of Iraqi records through foreign intervention.⁶ The routes through which records have been systemically de-territorialised illustrate an enduring dynamic of the asymmetrical power structures that characterise relations between Iraq and the US.

Displaced Iraqi documentary heritage

The fall of a regime everts the meanings and possible uses of its records; new forces emerge and gain control of the regime's tools, seizing or destroying them. Over the course of the Gulf Wars, when the Ba'ath regime lost control over areas of Iraq, Iraqi political parties, non-governmental organisations (NGOs) and individuals seized vast amounts of paperwork.⁷ War's violent, searing rupture to political and social structures provided space for a variety of domestic actors to gain control of official records. The theatre of conflict also enabled the entrance of foreign actors into the struggle over the fate of Iraq's records and archives. Between 1992 and 2017, six large collections of records were displaced from Iraq by US-based actors. The parties involved in de-territorialising records include the US military, US government agencies, NGOs and journalists.

In 1992 and 1993, records captured by Kurdish forces during an uprising in the Kurdish regions of northern Iraq were shipped to the US through the intervention of the US Senate Committee on Foreign Relations with the assistance of Human Rights Watch after a coalition-led safe-zone was imposed in the regions.⁸ During the 2003 invasion and occupation of Iraq, the US military shipped 100 million pages of records seized from government institutions to a military processing centre in Qatar in their abortive search for evidence of Saddam Hussein's weapons of mass destruction. During the occupation, a collection of records, books and artefacts pertaining to the Iraqi Jewish community was found badly damaged in the basement of the Ba'ath intelligence headquarters in Baghdad. The collection, subsequently named the Iraqi Jewish Archive, was shipped by the military to the US to undergo conservation processes and, contentiously,

remains there.⁹ Amid the conflict in 2003, the Iraq Memory Foundation, a Washington DC-based NGO with close ties to the US administration, took custody of a large collection of records found in the basement of the Ba'ath Party's headquarters in Baghdad. In 2005, these records were shipped to the US with the assistance of the Pentagon. Between 2008 and 2020 they were housed at the Hoover Institution at Stanford University.¹⁰ During a raid in 2007, coalition forces captured personnel records of the armed groups Mujahidin Shura Council and the Islamic State of Iraq and sent these to the Combating Terrorism Center at West Point in the US, a military academic institution specialising in research on terrorism.¹¹ The records displaced by the NYT team constitute the most recent de-territorialisation. Although the particulars of each case differ, there is continuity in the narrative of the displacements; the routes through which records have been displaced from Iraq to the US reflect the multitudinous sinews of the global power relations that have impacted Iraqi history. The itineraries of the records cannot be disentangled from American military interventions in Iraq.

The displacements have been met with sharp criticism from voices within Iraq and outside it. The actions of the Iraq Memory Foundation, which operated in Baghdad while in receipt of a US military defense contract and took custody of records of a politically sensitive nature, caused particular controversy. Saad Eskander, then director of the Iraq National Library and Archives, highlighted some of the fundamental issues in a 2006 interview with *Bidoun*. He noted that the Iraq Memory Foundation worked 'without being subjected to Iraqi laws, outside of Iraqi legislative and executive bodies, so they are outside the legal framework of the country, and we don't know what they do with the documents. Some of them are extremely dangerous, and they could be used as political weapons against others'.¹² An official Iraqi delegation, including Eskander, travelled to Washington DC and Stanford in 2010 to request the repatriation of all of the displaced records, but no agreements were reached.¹³ Eventually, in 2013 the 100 million pages of state records shipped by the US military to Qatar were returned to Baghdad.¹⁴ In August 2020, the records displaced by the Iraq Memory Foundation were quietly repatriated as a gesture of goodwill towards the new Iraqi prime minister, Mustafa al-Kadhimi, who was a member of the Memory Foundation in 2003 and had been involved in the initial acquisition of the records.¹⁵

The NYT journalists have also been heavily criticised for taking the IS files out of Iraq with no written consent from Iraqi authorities, particularly by the academic community.¹⁶ The Middle East Studies Association (MESA) wrote an open letter to the NYT editorial board and Callimachi, raising legal, ethical, moral and professional concerns regarding their actions and expressed fears that they were potentially endangering the lives of Iraqi citizens by publishing records containing personally identifiable information. The letter stated, 'removing these documents from Iraq... once again

empowers outsiders to unduly influence, or even control, the narration of Iraq's history ... These materials belong to the Iraqi people, and they need to be returned immediately to the appropriate Iraqi authorities'.¹⁷ As Iraqi author and scholar Sinan Antoon wrote, 'Iraqis across areas formerly held by ISIL are struggling to rebuild their destroyed cities and to reconstruct their shattered lives. Why have they been deprived of troves of documents containing evidence of crimes committed against them?'¹⁸

By taking custody of records created by IS, the journalists positioned themselves in a place of power regarding the rights of the Iraqi citizens documented in the records, including their rights to privacy, claims over property and land, and other civic and legal rights, in addition to the power they assumed over the construction of historical narratives. Social, political and economic power is required to determine records to be worthy of preservation, and also to control their management and make decisions as to what is publicised and digitised.¹⁹ These archival processes take place in accordance with the meanings and values that are bestowed upon records, frameworks that are inevitably contingent on specific moments in time and space. Tracing the itinerary of the IS records highlights the relations of power evident in every stage of their creation, seizure, displacement and deployment – processes that have shaped the Iraqi historical record.

The itineraries of records

In the 1980s, scholars in the social sciences developed a methodological approach for exploring society and culture that centred on objects as sites of analysis. Anthropologist Arjun Appadurai coined the concept that objects have social lives. He argued that the transactions and calculations that enliven things and encode them with significance are imbued with the properties of social relations; 'we have to follow the things themselves, for their meanings are inscribed in their forms, their uses, their trajectories ... it is the things-in-motion that illuminate their human and social context'.²⁰ This focus on objects provided new ways of thinking about the relations between humans and things. Social anthropologist Alfred Gell argued that 'things' have social agency; they cause events to happen when enmeshed in social relationships.²¹ Exploring the social agency of objects, archaeologists Chris Gosden and Yvonne Marshall argued that both people and objects are mutually transformed through their interactions over changes in time and space. They promoted an 'object biography' approach so as to offer a relational understanding of the ways in which 'objects become invested with meaning through the social interactions they are caught up in'. Meanings and values are renegotiated in specific social contexts and accumulated through the life of an object.²²

Expanding from the object biography model, Joyce and Gillespie developed a framework for following things-in-motion through their social

interactions that also engages with sites and movement, taking into account the routes through which objects travel. Joyce draws on cultural theorist Michel de Certeau's concept of itineraries, which spatialises actions and considers the relations between places.²³ Building from this, Joyce develops the notion of 'object itineraries' as a way to narrate things in spatial as well as temporal stories, connecting things with places. Object itineraries offer a narrative device for capturing the mobility of objects over time, the routes by which they move through places where they are active or at rest. The approach demands that we consider the 'technologies for circulation; transformations that happen along the way; and the value of circulating objects for the production and reshaping of relations among humans, nonhumans, and other forces'.²⁴

Object itineraries enable the understanding that objects have 'different kinds of value ... and distinct kinds of effects at different points in a spatial and temporal framework that is shaped by the circulation of some thing'.²⁵ As Joyce writes, 'Things in motion make things happen, and traces of their effects are visible all along their journeys'.²⁶ Tracing objects as they are shaped, accumulated, fragmented or reproduced, leads us to think about 'the entangled social relations' things produce.²⁷ The values and meanings of objects or their potential for action are influenced by the places which they move through and come to rest. To illustrate the object itinerary approach, Joyce uses the case study of Ulua marble vases manufactured in Honduras between 500 and 1000 AD. The itinerary of the marble, from quarry to the workshop, then from the workshop to users as vases, and eventually to museum and archeological research collections demonstrates the formation and reshaping of social relations in networks of production and consumption.²⁸ Gillespie writes that tracing the itineraries of objects encourages us to 'investigate things as "historicized traces of practices" and to reassemble the networks they facilitated'.²⁹

The concept of the social lives of objects has been employed by information studies and archival theorists in ways that recognise documents as the 'means to make and maintain social groups'.³⁰ The model has been further developed to great effect to consider the ways in which records and archives, 'shape political struggles and influence social change'.³¹ Caswell, in her book *Archiving the Unspeakable: Silence, Memory and the Photographic Record in Cambodia* on photographic archives of the Khmer Rouge, intertwines a social life of records methodology with archival theory that centres records as evidence of human activity as she traces transformations in the format, uses and meanings of prisoner mug shots from Tuol Sleng prison.³² Her work follows the evolution of photographic records that document human rights abuses as they became archival collections, active in the memorialisation of the victims and in processes to hold the perpetrators legally accountable.

Reflecting the conceptual shift in anthropology and archaeology espoused by Joyce and Gillespie, I am expanding on these works on the

social and political lives of records and archives by connecting records to places, taking into consideration the routes along which they travel when they are displaced: records-in-motion. I use a record itineraries framework to demonstrate that records have different agential potentials depending on where they are, and that as they move, do work and bring about effects in different contexts, they produce and reshape social and political relations. To take this argumentation a step further, I wish to explore the concept of the mutually transformative impacts of interactions between people and records. While records-in-motion make things happen, they are also impacted by their interactions throughout their social and political lives. I here draw on the work of Ketelaar, who developed a framework for making transparent the 'regime of practices' of archiving and highlighting the impacts of these practices on records and the ways in which they are engaged with. He acknowledges the influences of social, cultural, political, economic and religious contexts in the creation, processing, appraisal and use of archives. These contexts determine the tacit narratives of an archive, and he argues that these narratives need to be read in order for the archive to be understood.³³ His framing draws attention to the concept that social and political contexts influence not only the creation of records, but also archival processes and how records are used.

Semantic genealogies in motion

For Ketelaar, every, 'interaction, intervention, interrogation, and interpretation by creator, user, and archivist is an activation of the record. The archive is an infinite activation of the record'.³⁴ He proposes a framework that he terms the record's 'semantic genealogy', to trace the activations of a record: by asking questions as to who created a record, why, when and how; where it was kept; who used it first, and who since, when, why and how; and who carried out the appraisal, when, why and how, we can rebuild the paths that records have followed.³⁵ Ketelaar is drawing on archivist Verne Harris' argument that, 'if archival records reflect reality, they do so complicitly, and in a deeply fractured and shifting way. They do not speak by themselves. They speak through many voices'.³⁶ These voices include those of the authors of the document, of those that used and managed the file, and of the archivists. The record then also speaks through the voices of the researchers accessing the records, each one bringing a unique perspective. Harris contends that 'Any reading of the text without this accompanying peeling back of layers of intervention and interpretation will be deeply flawed'.³⁷ In Ketelaar's formulation, these stories constitute the record's semantic genealogy, which is added to every time the record is activated. The archive is thus approached as a 'repository of meanings'.³⁸

Ketelaar argues that the continuous recontextualisations of a record every time it is activated mean that the record itself changes as its semantic

genealogy evolves. He sees the record as dynamic and ‘membranic’; ‘the membrane allowing the infusing and exhaling of values which are embedded in each and every activation’.³⁹ Ketelaar writes, ‘Each activation leaves fingerprints which are attributes to the archive’s infinite meaning’.⁴⁰ Thus, every activation affects all possible future activations and also changes the significance of earlier activations.⁴¹ Caswell uses Ketelaar’s framing in her work on the Khmer Rouge prisoner mug shots to demonstrate that when the records are activated at different times and in different contexts where they construct meanings variously for groups such as survivors, families of victims, human rights activists, and visitors to commemoration sites, future activations are inextricably bound to past and current uses of the records. She writes, ‘knowing that they have been used as legal evidence in the tribunal or to help the family members of victims achieve closure through identification and religious ritual, ..., we can not read the mug shots in the same way as before’.⁴² Caswell builds on Ketelaar’s conception of each interaction and moment of meaning construction constituting archival activation as she traces the transformation of the Tuol Sleng mug shots from active records as they are ‘figured and reconfigured as archival collections’ by various actors. She demonstrates that each moment in the archiving of the mug shots, ‘is pregnant with power – the power to determine which sources constitute legitimate historical evidence, the power to claim physical and intellectual custody of the records, and the power of the political will to deem them objects of national and international attention’.⁴³ Analogous dynamics of power can be read in each stage of the transformation of the ‘ISIS files’ from the records of the militant group to an archive in a private US research institution.

Ketelaar’s semantic genealogy framing is useful as I demonstrate that the contexts of the acquisition and displacement of the IS records from Iraq are now a part of the archive. The records do not merely reflect the realities of life under IS, they also now reflect the realities of the global power dynamics that granted foreign journalists the capacity to take physical and intellectual custody of the records. The ‘ISIS files’ cannot be read just as the records of the militant group, they must also be read as records acquired through conflict due to their value to a reporter with the access and resources to seize them. Intertwining Ketelaar’s semantic genealogy approach with the methodology espoused by Joyce and Gillespie for tracing object itineraries, I suggest that each activation of the records, which adds to its history of meanings, should be read as spatially contingent. Understanding that records-in-motion have different agential potentials depending on where they are activated draws attention to the fact that the displacement of records leads to different interactions and interpretations and that these also impact all possible future uses. Examining the ‘ISIS files’ as the historicised traces of practices demands consideration of the power dynamics inherent not only in the records’ creation, but in all the processes in their trajectory and transformation, promoting questions as to why they were considered valuable enough to seize, preserve,

move, digitise and publicise, by whom and for what purposes. The ‘fingerprints’ of everyone who has interacted with and interpreted the records are now part of the archive in displacement.

Tracing the itinerary of the records enables a focus on the ways in which each activation occurred in relation to spatialised social, political and economic influences. The evolution of the IS records – from instruments of a brutal regime through their collection and displacement by journalists, to their digitisation and publication in the US – evidences networks of power. The records the journalists found worthy of preserving and the ways in which they have been deployed now dominate how the history of the occupation of Mosul and the surrounding areas is portrayed internationally. I will now turn to the social and political contexts in which the documents were created. Analysis of the records here is drawn from what has been written about them and is thus filtered through the lens of the NYT articles and podcasts.

Active bureaucratic records in Mosul

On 10 June 2014, fighters from the militant group the Islamic State in Iraq and al-Sham (also known as the Islamic State in Iraq and the Levant) seized control of Mosul, forcing out Iraqi government security forces. Mosul, Iraq’s second city with a population of over 2.5 million, became the largest city under the group’s rule. At the end of June, the leader of the group declared the establishment of a caliphate and changed its name to the Islamic State. Mosul became an important epicentre for IS’ state-building project, which included establishing and expanding territorial sovereignty.⁴⁴ Within days of capturing Mosul, members of the group began to circulate a new City Charter, which laid out the laws those living under its rule were expected to obey.⁴⁵ The group claimed that its legal system strictly applies the divinely revealed body of Islamic law known as *shari’a*. It created a series of laws and regulations through which to govern civilians, control territory and enforce the discipline of its officials and fighting forces.⁴⁶ Legal scholar Mara Revkin has argued that legal and judicial institutions, the police, courts and prisons, played an integral role in IS’ state-building project. This legal system was employed with the aim of establishing a supposedly legitimate legal basis for territorial sovereignty and expansion and, importantly, justifying taxation. Taxation was an important source of revenue for IS and both civilians and members paid levies.⁴⁷ Economic punishments and the forced seizure of property for those deemed to have broken any number of laws and rules were means to garner financial income and foster loyalty. Property and capital were appropriated from those seen as enemies of the group and redistributed to members or used for the group’s financial gain.⁴⁸ All of these processes were fastidiously documented.

The bureaucratic machine that enabled IS’ governance was in part built on the infrastructure of the ousted Iraqi government. Records later found

by Callimachi show that when IS took Mosul and the surrounding towns, the records of government institutions were appropriated and re-deployed by the group. It used government records to identify properties belonging to other religious groups and minority ethnicities for confiscation. It repurposed government identification cards to use them as IS General Directorate of Citizenship identification. Recontextualised in the reality of IS rule, these Iraqi government records lived a second life as tools in the hands of IS. The group also established various new ministries and departments, such as the Islamic State's Prisoners and Martyrs Affairs Authority, and printed reams of its own records. Birth certificates were issued on IS stationery.⁴⁹

While active within the IS bureaucracy, the records fulfilled an important social and political function. Any regime maintained through extreme regulations and totalitarian legal institutions is inherently reliant on a rigid bureaucratic system and detailed record-keeping, in addition to its armed forces. As anthropologist Ann Laura Stoler argued as to colonial archives, as well as being products of the state, the archives also bolster the production of that state. Archives are 'cultural artifacts of fact production, of taxonomies in the making'.⁵⁰ The same can be said of the IS records. A second NYT article uploaded sample documents to evidence IS' bureaucratic means of gaining both legitimacy and revenue.⁵¹ They document how IS, as an invading force, governed those living within its territories and constructed an image of those it ruled over according to its worldview. The terminology and Islamic State codes employed in the records – the rules, laws and norms they documented and enforced – served to produce and control the realities of the group's state building project. They were a site at which IS exercised its power over the people living under its rule.

Collecting in conflict

The first stage in the transformation of these documents from active records into an archival collection took place when the IS regime lost control over the territory it held. The Iraqi army and Kurdish armed forces launched an attack to take back the city of Mosul on 16 October 2016, backed by heavy US-led coalition airstrikes, commencing a bloody nine-month campaign.⁵² The battle for Mosul was described by a US army official as 'the most significant urban combat to take place since World War II'.⁵³ Iraqi forces suffered heavy casualties and the civilian death toll was catastrophic, with Associated Press reporting that between 9,000 and 11,000 civilians were killed, over ten times the number reported by coalition forces.⁵⁴ Amid the violence, IS members retreated incrementally from areas they controlled, leaving behind aspects of the apparatus of their regime in Mosul and the surrounding areas as vast swathes of the city were reduced to rubble.

When IS eventually abandoned its institutions, an extensive paper trail of its rule was left in its wake, as later seen through Callimachi's exposés.

Callimachi and her team, equipped with trash bags ready to fill with IS documents, were embedded with Iraqi security forces searching through buildings that the militant group had occupied. The records Callimachi found showed that IS officials had ‘continued their unrelenting documentation until their final days in power’.⁵⁵

When Iraqi troops gained control of an area, properties that had been used by IS were identified and investigated by military units. Callimachi was moving alongside the elite counterterrorism force of the Iraqi army and the properties she and her colleagues entered had been cleared by Iraqi troops before them. She later wrote that the troops collected hard drives from computers and took a small amount of records, valuing those that included the names of fighters, but left the vast majority behind. Callimachi was embedded with the units that followed immediately after. She wrote, ‘They in turn had no plans to preserve these documents, and in many locations were burning them’.⁵⁶ As IS retreated from Mosul, power over the fate of its records was negotiated between the armed forces, who according to Callimachi were only seeking material of intelligence value, and the journalists, who were searching for material about IS to be exposed to an international newspaper audience. NYT journalists had the capacity to collect documents through the considerable financial resources of their corporation and the kind of connections that allowed them access to the front lines of the conflict and the co-operation of the Iraqi army. The material, political and social realities of the conflict zone were determining factors that shaped the army’s and the journalists’ interactions with the records and defined what was preserved, who controlled it, and how, where and by whom the records would be put to use.

Callimachi’s 2018 audio series, *Caliphate*, includes audio footage of the team searching for and finding records. She describes having the permission of the Iraqi elite counterterrorism forces to collect documents and then looking for a building that had been used as the headquarters of the IS religious police. When Andy Mills, a team member, asks her what exactly she hopes to find before they enter the site, she responds, ‘We know that they kept careful, very detailed and meticulous records of the people they arrested and the Sharia punishments that they meted out against them. And obviously, that would just be the gold mine, if we’re able to find that’. On that occasion, the site had already been emptied of paperwork. As Callimachi notes in the podcast, the records could have been taken by IS members, ‘because they knew that they would reveal the accounting of the various war crimes they committed’, or by a team of Iraqi security forces.⁵⁷ Conflict is a very distinct context in which to consider how records are ascribed value, how their meanings are constructed. The battle for Mosul was brutal; 40 per cent of Iraq’s elite counterterrorism forces were killed or wounded during the campaign.⁵⁸ The conflict itself, with the exceedingly intensive airstrikes, was a defining factor in determining which records survived, as much of Mosul was left in

ruins. Appraisals of the records made by the Iraqi military, and even retreating IS members before them, decisions as to what to leave behind or burn, were made within an active and violent war zone. They were working under extreme pressure and in great danger. The journalists collecting records were also working in exigency, but as non-combatants were under different pressures, and with entirely different designs on the documents.

The first trove of records Callimachi found, in December 2016, was in the provincial headquarters of the Islamic State's Ministry of Agriculture in Omar Khan, a village 25 miles southeast of Mosul. There, in an outhouse, were 273 folders, each identifying a plot of land belonging to presumed enemies of IS, members of different religious communities, acquisitioned by the militant group. The folders included requests of people seeking permission to lease the seized land and leases to these properties issued by IS to farmers whose bids it approved.⁵⁹

Demonstrating the site-specific ways in which records-in-motion make things happen, after Callimachi found the land leases she used her networks in Iraq to trace a signature that repeatedly appeared in the records. She eventually met with the signee, a former Iraqi government worker who had been forced by the militant group to continue their administrative role when IS seized control of the government's institutions. The agricultural official speaking to Callimachi described IS members going through government files searching for properties that belonged to people of different religious faiths or other opponents of the group.⁶⁰ In interpreting the records, Callimachi had initially presumed the owner of the signature to be an IS bureaucrat. The coercion of the local communities into IS' bureaucracy under threat of violence was a reality of life under the occupation that was not immediately evident in the texts of the records, a reality obscured through their recontextualisation. The contextual information needed for the records to be correctly interpreted was found in the place of their origin; understanding of the records was dependent on meaning constructions that took place there, which led to the formation of social relations and further activations of the records. While in close proximity to the locale of the records' origin, Callimachi was able to connect a signature to an individual who through her reporting was given a voice in the telling of their history with the records, though still within the narrative constructed through journalistic research into IS. The stories of others, such as the individual whose unredacted photographic ID was included in an application for a land lease and uploaded to the NYT site, are reduced to how the journalist has posited them. Although records are inherently always open to multiple interpretations, the stakes in presenting an individual as complicit in the horrors committed by IS to an international audience are particularly high, potentially life-threatening.

Interactions between people and the records had mutually transformative effects as they were a site at which social relations were formed, such as

between the Iraqi army and the foreign journalists. Describing her searches, Callimachi wrote, 'Because the buildings were near the front lines, Iraqi security forces nearly always accompanied our team. They led the way and gave permission to take the documents. In time, the troops escorting us became our sources and they, in turn, shared what they found, augmenting our cache by hundreds of records'.⁶¹ The 'ISIS files' as a collection constitutes the historicised traces of not only the records' creation, but of the battle for Mosul, and the decisions made as to what to preserve by the parties negotiating the power to make those choices, factors contingent on the specifics of the moments in space and time during which the records were collected.

Making five trips to Iraq, the journalistic team collected documents from 11 cities and towns that had been under IS control, 'from the drawers of the desks behind which the militants once sat, from the shelves of their police stations, from the floors of their courts, from the lockers of their training camps and from the homes of their emirs'.⁶² The team found a briefcase in a building in Mosul which contained financial reports, IDs, receipts and correspondence between different IS ministries.⁶³ Callimachi describes sorting these papers in their hotel in Iraq into piles of 'important and unimportant' and then creating 'a very important pile'.⁶⁴ This reconfiguring of the materials as they were categorised according to the values they held for the journalists broke the archival bond around the records. Obscuring the relationship between the individual records in the briefcase by re-categorising them has altered the meaning of each record.⁶⁵ As the records were transformed from active records to property seized in a war zone and then transported to New York in the journalists' suitcases, each activation left fingerprints on the 'ISIS Files'.

Recontextualisation

In a bombed-out building that had served as the IS Ministry of War Spoils, the journalists had found a few remaining papers that had not completely burned in the bombardments that, 'showed how objects seized from the religious groups they [IS] had chased out were offered as rewards to ISIS fighters'.⁶⁶ Presumably these records, as with the land leases, would constitute important evidence for people seeking restitution for their stolen property in the wake of IS' defeat. While Callimachi has suggested that the records may have been destroyed if she had not taken possession of them, they have not, to date, been activated as evidence of crimes against humanity. Rather, they have been deployed in the construction of narratives that centre solely on foreign journalists and researchers' interests in IS. This recontextualisation makes evident the power involved in defining how records are valued and used; the records were salvaged as evidence of IS activities with no apparent regard for the rights of the Iraqi citizens who lived under the

group's occupation, for the juridical demands for chain of custody integrity that could be critical in future legal proceedings, or for the contextual information about the records needed for historical understanding.

This tension is even more evident in the arrest and prison transfer records that the journalists took to the US. The documents had been left behind in a house that IS had repurposed as a police station in Tel Kaif, a town north east of Mosul. These records include the arrest warrant of a 14-year old that was uploaded to the NYT article, their name unredacted. The collecting of police records from a war zone raises serious ethical concerns, regardless of whether or not the institutions were run by a group that was recognised as a legitimate governing body. These are the records of a collapsed totalitarian bureaucracy that document abuses; the individuals whose details are there inscribed must be seen as stakeholders in decisions as to how the records are deployed, whether that be within a legal framework, within memorialisation projects, closed for an appropriate period, or even destroyed. As archival theorists Anne Gilliland and Sue McKemish have argued, 'in human rights contexts, there is a moral and ethical imperative for an archive that works in the interests of those who have been wronged'.⁶⁷ Through these IS police records being displaced and digitised copies being publicised online, those who have been wronged are depicted through the lens of the group that imposed its rule, the codes and taxonomies of that reality reinforced. In the historical narrative constructed by a journalist writing for an international audience, these individuals become just a footnote with no recognised power and no control over the ways their experiences are deployed. This portrayal of their stories is another violation, additional to that suffered under the brutal regime.

The activation of records occurs in conversation with social, cultural and political contexts that are site-specific, geographically situated. Exercising the power to publicise the records deemed worthy of attention, an American newspaper deployed them in narratives both influenced by and serving to perpetuate a political logic that dehumanises Iraqi civilians by overlooking their agency as well as their rights. Journalist Avi Asher-Schapiro for an article on the records spoke with Iraqi historian Omar Mohammed. Mohammed, during the occupation, had anonymously blogged from Mosul about news and conditions in the city under the name Mosul Eye, a key source to the outside world about realities of life under IS. Mohammed expressed concerns that the NYT articles suggested that IS had gained public support in Mosul due to its efficient bureaucracy. The reporting had not shown the resistance that the group was met with. The narrative presented by the NYT of the citizens' lives under the IS occupation could have a lasting and deeply negative impact on the political future of Mosul's residents.⁶⁸ The displacement of the records has allowed for them to be activated at a distance from their place of origin and domestic frameworks of accountability.

Spatialised activations

When the NYT articles were published, the academic community swiftly drew attention to the legal and ethical issues around the displacement and publicisation of the records.⁶⁹ Presumably in response to the outcry, Callimachi and NYT international editor Michael Slackman fielded questions from their readership as to their actions through an interactive page on the paper's site in May 2018. Callimachi argued that the records were displaced so as to facilitate the work to authenticate, translate, scan and photograph them.⁷⁰ The argument that this work could not be carried out in Iraq both typifies and perpetuates global economic and political power imbalances. In the US, the records were taken to the aforementioned Combating Terrorism Center at West Point to have their authenticity confirmed. The only collection of Iraqi records to have been displaced without direct US military intervention still travelled to a military installation, another activation added to their semantic genealogy.

When asked about the ethics of seizing the documents and why they were not given to Iraqi authorities, Slackman responded that the NYT had collected the records in order to shed light on how IS had controlled so much territory for so long, 'This is the real story, not one filtered through a government official. It is ISIS in its own words and deeds. How powerful and important'.⁷¹ In reality, the records speak through the voices of everyone that has interacted with them, including the NYT journalists and editors; they carry traces of the social, political and economic forces that contributed to their seizure, displacement, management and publicisation. The NYT had the power and resources to define these records as legitimate historical evidence and to control their deployment. The publication of the records in the news articles is the result of transformative processes of intervention and interpretation. As Iraqi historian Omar Mohammed tweeted on the issue in April 2018, 'Our history [has] always been told by others using our own [materials]. Always', 'And we have to accept the "interpretation" as a fact'.⁷²

In September 2018, the NYT announced a research partnership with the Program on Extremism at George Washington University, a research centre that focuses on IS, with plans to translate, archive and digitise the documents, and then to publish the digital copies online in a public repository so as to, 'allow researchers around the world – including those in Syria and Iraq – to access a wide array of documents that provide invaluable evidence on the activities and atrocities carried out by the Islamic State group'.⁷³ The press release stated that the records would be analysed before being published online to ensure that information that could harm civilians is not made public. It was also stated that the NYT had delivered the original documents to the Iraqi embassy in Washington DC after the files were digitised.⁷⁴ While there is no further information currently publicly available as to the disposition of the original files, the digitised copies are now controlled

by a research partnership focusing on extremism. In this context, the digitised copies will be archived according to a logic that will influence narrative constructions as the records are deployed and threatens to further silence the voices of the individuals who lived under IS. The movement of the records has defined their recontextualisation in the US, thereby shaping current and future interventions and interpretations and determining which user groups will be privileged when the archive is put online.

Conclusion

The recognition that records-in-motion have distinct effects and different kinds of values in different places illustrates that while the displacement of records from conflict zones may enable their survival, their dislocation is never innocuous: it also shapes the ways in which they can be used. The work records do when they are moving and when they come to rest is geographically bound; site-specific social, cultural and political contexts influence activations. The 'ISIS Files' as a collection of records exists as and where it now does as historicised traces of the operations of power that have dictated every stage in the political and social lives of the records, from their creation to seizure in conflict, displacement and archiving. A records itinerary approach, by questioning the means by which they were collected, collated, transported and used, has highlighted the forces at play that have prescribed the trajectory of the records. The itineraries of Iraqi records displaced through conflict evidence the relations between the places from which the records have been extracted like a resource and the places where they have been used in exploitative and potentially dangerous ways. These relations form the framework of the political logic that has emboldened non-state actors to seize records and deploy them in ways which have disregarded the rights of Iraqi citizens, a reflection of the same political logic that has framed decades of the repeated intervention of foreign forces in Iraq. Concurrently, the narratives the records are deployed in serve to perpetuate that logic by operating within it; the semantic genealogy of the records renders them complicit in a narrative that they cannot be disentangled from. The narratives of power evident in every process in the records' itinerary, each spatialised moment of meaning construction, each activation, have permanently altered them. Considering records-in-motion draws attention to the structures of power that enable their movements and also ensure that they are deployed in ways that bolster those very structures.

Notes

- 1 Cox, "Records in Armed Conflict."
- 2 Lowry, *Displaced Archives*; Grimsted, "Identifying Russia's 'Trophy' Archives."
- 3 Bet-Shlimon, "Preservation or Plunder?"
- 4 Caswell, *Archiving the Unspeakable*, 95.

- 5 Callimachi, "The ISIS Files."
- 6 Bet-Shlimon, "Preservation or Plunder?"
- 7 Mufti and Stover, "Iraq: State of the Evidence"; Whiting, "The North Iraq Dataset."
- 8 Whiting, "The North Iraq Dataset."
- 9 Rebecca Abby Whiting, 'Destruction and Displacement: The 2003 War and the Struggle for Iraq's Records' in *Archives: Power, Truth, and Fiction*, ed. by Andrew Prescott and Alison Wiggins, Oxford Twenty-First Century Approaches to Literature (Oxford: Oxford University Press, forthcoming)
- 10 Alshaibi, "Weaponizing Iraq's Archives."
- 11 Fishman and Felter, *Al-Qa'ida's Foreign Fighters*.
- 12 Chalabi, "Conversation with Dr. Eskander."
- 13 Spurr, "Report on Iraqi Libraries," 26.
- 14 Montgomery and Brill, "Ghosts of Past Wars."
- 15 Gordon, "Baath Party Archives Return."
- 16 Antoon, "Plunder of Iraq"; Bet-Shlimon, "Preservation or Plunder?"; Saleh, "Protection or Plunder?"
- 17 Tucker and Brand, "Documents Removed from Iraq."
- 18 Antoon, "Plunder of Iraq."
- 19 Caswell, *Archiving the Unspeakable*, 93-94.
- 20 Appadurai, *The Social Life of Things*, 5; Appadurai, "The Thing Itself," 15.
- 21 Gell, *Art and Agency*, 17.
- 22 Gosden and Marshall, "Cultural Biography of Objects," 170, 172.
- 23 Michel de Certeau, *The Practice of Everyday Life*, (Berkeley, CA: University of California Press, 1984), 120 as cited in Rosemary Joyce, "Things in Motion," 22.
- 24 Joyce, "Things in Motion," 29.
- 25 Joyce, "Things in Motion," 31.
- 26 Joyce, "Things in Motion," 29.
- 27 Joyce, "Things in Motion," 27, 31.
- 28 Joyce, "Things in Motion," 31-36.
- 29 Rosemary A. Joyce, "From Place to Place: Provenience, Provenance and Archaeology, in *Provenance: An Alternate History of Art*, ed. Gail Feigenbaum and Inge Reist (Los Angeles: Getty Research Institute, 2012), 48-60; and Rosemary A. Joyce, "Life with Things: Archaeology and Materiality," in *Archaeology and Anthropology: Past, Present and Future*, ed. David Shankland (Oxford: Berg Publishers, 2012), 119-132 as cited in Gillespie, "Journey's End(?)," 40.
- 30 Brown and Duguid, "Social Life of Documents," para. 4.
- 31 Trundle and Kaplonski, "Tracing the Political Lives."
- 32 Caswell, *Archiving the Unspeakable*, 7.
- 33 Ketelaar, "Tacit Narratives," 136.
- 34 Ketelaar, "Tacit Narratives," 137.
- 35 Ketelaar, "Tacit Narratives," 139.
- 36 Harris, "Claiming Less, Delivering More," 135.
- 37 Harris, "Claiming Less, Delivering More," 136.
- 38 Ketelaar, "Tacit Narratives," 139.
- 39 Ketelaar, "Tacit Narratives," 138.
- 40 Ketelaar, "Tacit Narratives," 137.
- 41 Ketelaar, "Tacit Narratives," 138.
- 42 Caswell, *Archiving the Unspeakable*, 17.
- 43 Caswell, *Archiving the Unspeakable*, 16, 62.
- 44 Prior to the Iraqi army re-taking the city, researchers writing about Mosul under IS control struggled to gain access to resources due to the security

- situation and other issues relating to the conflict. Studies were thus carried out through eye-witness testimonies and questionnaires, often with people having recently fled IS-held areas, or through primary source documents issued by IS and obtained from social media platforms and IS-affiliated websites (Revkin, “Legal Foundations”; Abdulrazaq & Stansfield, “The Day After”).
- 45 Callimachi and Rossback, “The ISIS Way.”
 - 46 Revkin, “Legal Foundations,” 12, 14.
 - 47 Revkin, “Legal Foundations,” 29.
 - 48 Abdulrazaq & Stansfield, “The Day After.”
 - 49 Callimachi and Rossback, “The ISIS Way.”
 - 50 Stoler, “Colonial Archives,” 98, 91.
 - 51 Callimachi and Rossback, “The ISIS Way.”
 - 52 Oakford, “Counting the Dead.”
 - 53 Michaels, “Deadliest Urban Combat.”
 - 54 Amnesty International, “Mosul Civilian Death Toll.”
 - 55 Callimachi and Rossback, “The ISIS Way,” para. 13.
 - 56 Callimachi and Slackman, “Why We Collected.”
 - 57 Caliphate, “Chapter 8: The Briefcase.”
 - 58 Lamothe et al., “Iraqi Forces.”
 - 59 Callimachi, “The ISIS Files.”
 - 60 Callimachi, “The ISIS Files”; Callimachi and Rossback, “The ISIS Way.”
 - 61 Callimachi, “The ISIS Files.”
 - 62 Callimachi, “The ISIS Files.”
 - 63 Caliphate, “Chapter 8: The Briefcase.”
 - 64 Caliphate, “Chapter 8: The Briefcase.”
 - 65 Thibodeau, “Planning for Preservation.”
 - 66 Callimachi, “The ISIS Files.”
 - 67 Gilliland and McKemmish, “Role of Participatory Archives,” 82.
 - 68 Asher-Schapiro, “Iraq’s History.”
 - 69 Antoon, “Plunder of Iraq”; Bet-Shlimon, “Preservation or Plunder?”; Saleh, “Protection or Plunder?”; Tucker and Brand, “Documents Removed from Iraq.”
 - 70 Callimachi and Slackman, “Why We Collected.”
 - 71 Callimachi and Slackman, “Why We Collected.”
 - 72 Omar Mohammed (@MosulEye), Twitter post, April 11, 2018, <https://twitter.com/MosulEye/status/984040517708189697>.
 - 73 New York Times, “‘ISIS Files’ Research Partnership,” media release, September 10, 2018. <https://www.nytc.com/press/isis-files-research-partnership/>, para. 2.
 - 74 New York Times, “‘ISIS Files’ Research Partnership,” media release, September 10, 2018. <https://www.nytc.com/press/isis-files-research-partnership/>.

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Archival Entanglements

Colonial Rule and Records in Namibia

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Introduction

This chapter illuminates the complexities of colonial and decolonial archival displacements beyond a simple colony-to-metropole trajectory, and does this by discussing the creation, displacement and entanglement of archival records in, from and about Namibia over the entire period of its recorded history, and the successful as well as (still) unsuccessful efforts to repatriate vitally important sources. Namibia gained independence only 30 years ago and is faced with serious gaps in its historical record.

What is now Namibia (then known to Europeans as South-West Africa)¹ remained free from formal colonisation (except for the harbour Walvis Bay that was annexed by Britain in 1878) until colonisation by Germany during the ‘scramble for Africa’ in 1884. The entire area was, however, already affected by colonialism in the form of Christian missions, European hunters and traders, and refugees from the Cape Colony in the South where settlers were displacing indigenous Khoekhoe communities.² Unlike most other German colonies in Africa and Oceania, this colony was soon earmarked to become a settler colony.³ This was a violent process involving several wars of conquest. A general uprising against land alienation and racist overlordship in 1904 was answered by a genocidal war, expropriation and the reduction of the survivors to a landless servant class without political, economic or social rights.⁴

When the First World War resulted in the conquest of the colony by British South Africa, the Versailles Peace Conference awarded the territory as a ‘Class C’ League of Nations mandate to South Africa. This was understood by the South African government as a warrant to continue treating it as a settler colony, and eventually to attempt annexing it as a fifth province. Despite continuous – but never decisive – efforts by the United Nations and a 25-year liberation war to lead Namibia to independence, Namibian statehood was only achieved in 1990 through a negotiated settlement and UN-supervised elections.⁵

Precolonial records

The various and multi-lingual pre-colonial societies⁶ in the area of today's Namibia were also pre-literate before the arrival of Christian missionaries. The first to arrive were Methodist missionaries who began in 1805 to work among pastoral Khoekhoe communities in Southern Namibia,⁷ followed by the German-based Rhenish Mission which also proceeded to the central regions,⁸ and eventually by Finnish missionaries among agrarian Oshiwambo-speaking communities in the North.⁹ These societies maintained oral traditions, mainly in the form of recited genealogies, praise songs, or other forms of poetry, which sometimes have been preserved in writing or as sound recordings by missionaries, linguists or historians. Such records were often taken out of the country, and then shared the varied fate of their secondary repositories over time. Only in the late 1980s, shortly before independence, efforts to record such sources for local preservation were initiated. It should be mentioned that orally transmitted traditions are still alive in several communities, although acutely endangered by rapid social change, while unfortunately no systematic programme to record them exists.

The scattering of such oral sources in private hands, or in institutional repositories where they sometimes arrive after the death of their owners with inadequate contextual information, and the often marginal treatment of sound-carrying media by archives that focus on paper records, make it very difficult to identify and repatriate such sources. The National Archives of Namibia (NAN) was very fortunate in receiving, from the private 'Basler Afrika Bibliographien' archive in Switzerland, digitised copies of the valuable recordings of Ernst and Ruth Dammann that were made in Namibia in 1953/54. On the other hand, all efforts to locate recordings made by the Californian ethnographer Edwin Meyer Loeb in the 1940s have so far been fruitless.

Written records from 19th-century Namibia exist in a variety of sources. The published memoirs of foreign travellers, hunters, traders and missionaries are easily accessible, both outside and inside Namibia.¹⁰ Those are, of course, invariably seen through Western eyes and heavily edited to suit the interest of their authors and their contemporary audience. Less censored original correspondence, reports, diaries and manuscripts were, however, almost always sent or taken out of the country and, where they were not kept in a more or less organised institutional archive, were subject to the vagaries of family custody and the antiquarian 'Africana' market. When in the 1980s the NAN started to take an active interest in such records, they could purchase microfilms of various important records. Some had already been microfilmed, and were available commercially, such as Methodist mission records from London.¹¹ Others were microfilmed on demand, such as the Carl Hugo Hahn papers¹² at the Cape Town repository of the National Archives of South Africa, or the diary of Francis Galton's travel to Southern Africa in 1850–1852,¹³ held by University College London. Another microfilm, of

the papers of the Swedish trader Charles John Andersson, illustrates the problems of such private papers: the whereabouts of the originals that were microfilmed in the 1950s is currently unknown.¹⁴

Another category of pre-colonial sources are the writings of Africans themselves. The spread of literacy in several Namibian communities since the mid-1800s brought about a lively political and private correspondence. While not much of this has survived within the country, due to unsuitable storage conditions and colonial wars,¹⁵ the diplomatic correspondence with colonial South Africa (Cape Colony) is preserved in the National Archives of South Africa, Cape Town Repository, and has partly been repatriated in photographic and microfilm copies.

German colonial records

German colonisation of Namibia started with the private ‘acquisition’ of land around the harbour of Angra Pequena (later renamed Lüderitzbucht) by a tobacco merchant, Adolf Lüderitz. His papers, which are of considerable interest concerning fraudulent practices and the role Lüderitz played in getting ‘his’ land recognised as the first German colony, are with the State Archives of Bremen, and have also been obtained on microfilm.¹⁶

By the time Namibia – or rather South West Africa, its official name until the United Nations endorsed the name Namibia in 1968 – was claimed by the German empire as a ‘protectorate’ in 1884, it was governed by several independent communities. For almost a decade, Germany only kept a nominal presence in Namibia with a few officials and efforts to conclude so-called protection treaties in order to bolster their claim vis-à-vis other European powers in the scramble for Africa.¹⁷ This changed in 1893 with a substantial military re-enforcement and an unprovoked German attack on Hoornkrans, a settlement of the Witboois. The Witboois (IKhowesin) were a Khoekhoe community which had consistently refused to sign a ‘protection treaty’, and their leader Hendrik Witbooi had conducted a diplomatic campaign by letters to other leaders, warning them of the German colonial intentions.¹⁸ The Hoornkrans settlement was destroyed, and among other booty the German forces captured a manuscript ledger that became famous as the ‘Diary of Hendrik Witbooi’, where copies of his incoming and outgoing correspondence were recorded. This early example of a conscious indigenous effort of written record-keeping was taken to Germany, but already returned to Namibia before World War I and is now kept in the NAN. Mainly due to Witbooi’s insights into the nature of colonialism that are expounded in its pages, it has meanwhile been published in the original Cape Dutch text, in German, English and French translations, and has been inscribed in UNESCO’s ‘Memory of the World’ register.¹⁹

The book loot of Hoornkrans had two sequels, which illustrate that African manuscripts can have strange fates before eventually coming home.

Hendrik Witbooi continued to keep record of his correspondence, and in 1904, when he was again at war with the Germans, a trader from Bremen looted two further letter-copy books at Gibeon, the Witbooi main settlement whose inhabitants had fled from the local German garrison. He took the books home and later sold them to the colonial museum (Überseemuseum) in Bremen, where they were forgotten and only rediscovered after Namibia's independence. In an honourable early act of restitution, the originals were given back to Namibia in 1996. Witbooi had started a fourth letter-copy book, later in 1904, which was again looted and apparently dismembered and shared between two or more soldiers as a memento of war. One fragment appeared on the antiquarian market, was bought by a collector and restored to Namibia in 2005. Now all these documents are housed in the NAN,²⁰ but the fate of the remainder of the fourth book is still not known.²¹

The genocidal colonial war of 1904–1908 is one of the most consequential and traumatic events in Namibian history. It ended with a terrible death toll, not only among fighting forces of the Ovaherero and Nama but also among civilian refugees and prisoners, women and children, who died in droves in concentration camps. It also resulted in the total expropriation of the land and livestock of the survivors. For the German side, it was their first major war since the German-French war of 1870, and therefore the Prussian General Staff had all military records immediately sent to Berlin to evaluate the experience for future colonial wars, and to write an official history.²² The two volumes of this sanitised military history are about all that remains from these records, as the military archives in Potsdam, where they were kept, burnt to the ground in a World War II air raid in 1945. Therefore, for example, no official record of the countless court-martial executions by the German troops survived, and gruesome photos, which were perversely circulating as postcards, are the only visual reminder.²³

Other colonial records in Berlin did, however, survive. The archives of the German Colonial Office (Reichskolonialamt) were confiscated by Soviet troops in 1945, but restituted to what was then the German Democratic Republic in 1955.²⁴ After re-unification of Germany, they were accommodated in the German Federal Archives (Bundesarchiv) in Berlin-Lichterfelde.²⁵ These records became the basis of the first academic histories of German rule in Namibia.²⁶ They contain the correspondence between the colonies and the metropolitan administration, as well as the internal decision-making processes of the latter, and are indispensable for any historical research about all German colonies in the period 1884–1915.

In a rather unprecedented move among former colonial powers, these records were microfilmed and the entire film set, without charge, made available to the national archives of all major former colonies (Cameroon, Namibia, Papua-New Guinea, Tanzania and Togo) in 2003. Similar steps have been taken by Denmark with regard to its former colony Danish Virgin Islands (now a United States colony, officially called a US unincorporated

territory). Riksarkivet, the Danish National Archives, has loaded its digitised Virgin Island records, about 5 million pages, on a searchable website.²⁷ And the Netherlands has repatriated records to Suriname and Indonesia. These few cases stand in contrast to other colonial powers, as Mnjama²⁸ observed: 'it is common practice for the requesting country to meet all filming expenses and, at the end of the day, to be supplied with only a positive copy leaving the master negative with the institution holding the originals'.

The Reichskolonialamt records are entangled archives, created in Germany and entangled not only between Namibia and Germany but also all its former colonies. Sharing copies therefore was the obvious solution. The case is different with a set of migrated archives that was created in Namibia, but transferred to Berlin after the end of World War I with permission from the South African occupants: R1002 *Behörden des Schutzgebietes Deutsch-Südwestafrika*. The bulk of this fond consists of staff records of the German administration in the colony. Their digitisation will now be tackled, financed by the German Research Foundation, and the Bundesarchiv has signalled its readiness to share the digital copies.²⁹ Namibia could, however, rightfully claim the original files of this fond, but has not yet done so.

There are colonial archives relating to Namibia scattered all over Germany, in public as well as in private custody. Unlike the human remains and museum objects that have forcibly been taken from Namibia and are therefore expected to be repatriated, most relevant archives have not been removed from our country. They were created in Germany or have been received as correspondence and must be considered entangled archives. Therefore, the request in these cases is not the repatriation of originals, but the sharing of copies for research in the affected country.

Highly charged in this regard is the diary of General Lothar von Trotha, the author of the 1904 'extermination order' against the Ovaherero. It is kept under lock and key in a family archives, and only around 2017 the original was for the first time made available to an academic researcher.³⁰ Such scattered resources would be less relevant if the main military records had been preserved, but the Potsdam archives disaster of 1945 makes it imperative to consult a multitude of other archives to piece information together. This concerns in particular the military records of the former federal states of imperial Germany which contributed to the 'Schutztruppe' colonial troops, and a number of private accessions from individual soldiers.

As ongoing provenance research about human remains and ethnographic objects in German museums has shown, diaries and correspondence of soldiers and colonial administrators can also assist in elucidating the acquisition context of contested objects. A recently developed web portal³¹ by the Potsdam University of Applied Sciences provides an extensive, but certainly not exhaustive, overview of colonialism-related archival sources in Germany.³² Efforts to make copies of such scattered sources available in Namibia have so far been fragmentary, as discussed below.

The take-over of German records by South Africa

In a relatively short campaign, the German colony was conquered by South African troops on request by Great Britain. The German ‘Schutztruppe’ retreated from the superior invasion forces and surrendered on 9 July 1915. The territory was put under military administration, but the German records survived the First World rather unscathed and on site, unlike in some other German colonies where records were often destroyed, damaged or displaced. In particular the central registry of the civil administration in the newly built administrative office, jokingly referred to as ‘Tintenpalast’ (ink palace), remained in place. Outside the capital Windhoek, decentralised agency and district records fared less well, were often unsuitably housed and in some cases partly destroyed by the new masters, purposely or by neglect.³³

Current military records were taken along by the ‘Schutztruppe’ on their northwards retreat, and after their surrender were captured by South African forces at Otavifontein. The responsible General Lukin reported the capture and highlighted the importance and the need for their preservation in an explanatory memorandum.³⁴

The Versailles Peace Conference took a decision to award a ‘C’ mandate to administer the former German colony, by Article 22 of the Covenant of the League of Nations, as part of the Peace Treaty of Versailles signed on 28 June 1919.³⁵ The military administration ended with the mandate being officially awarded to South Africa on 17 December 1920, a goal that General Smuts had pursued from the beginning.³⁶ ‘C’ mandate meant that the territory could be administered ‘as an integral portion’ of South Africa’s own territory. Subsequently, the South African government interpreted this provision as a licence to annex South West Africa instead of leading it towards independence.

Even before that, the military administration had however taken some far-reaching decisions with regard to records. Firstly, they decided in October 1919 to burn the entire customs records (‘about a ton’) as ‘valueless for us’, thereby destroying an important source of economic history.³⁷ They also decided to destroy the records of the *Entschädigungskommission*, a commission to deal with compensations for white farmers and businesspeople for damages in the 1904–1908 war.³⁸ They further worked in conjunction with Ludwig Kastl, who had been assigned as commissioner liaison person to head the remaining German public service, in transferring a number of administrative records to Germany – mainly staff records claimed by Germany for pension and other administrative follow-up. These were the records mentioned above as the present Fonds R1002 in the Bundesarchiv, Berlin-Lichterfelde.³⁹

And lastly, in 1915 the military administration entrusted the German *Schutztruppe* records to a German officer, Major von Lagiewski, to classify

and safeguard the records, which was duly done.⁴⁰ The military staff records were then sent together with the repatriation of active soldiers to Germany in 1919.⁴¹ Those were presumably transferred to the *Heeresarchiv* which perished in 1945, but no documentation on the German side concerning this transaction has been identified. It was intended to take a selection from the remaining military records to the archives of the Department of Defence in Pretoria.⁴² This apparently never happened, as the Department of Defence could find no German military records upon an enquiry of Windhoek archivist Esterhuysen in 1954.⁴³ Esterhuysen could only state that the remainder of the military records was 'destroyed when the building where they were stored was required for offices'.⁴⁴ Neither date nor place of this destruction is known. A small amount of military records, namely files of the equipment depot of the *Schutztruppe*, were saved by a meteorology official from being burnt in 1926.⁴⁵

The Mandate Period and South African annexation ambitions

For the next 20 years, the State Archives of South Africa showed no interest in the occupied mandated territory, while the central German records gathered dust in the Tintenpalast and the district records rotted away, neglected by English- and Afrikaans-speaking magistrates who had inherited records that they could not read. The records of some economically important offices of the German administration, such as mining,⁴⁶ land surveying and land title deeds,⁴⁷ were however taken over and continued by the corresponding branches of the new administration.

This archival neglect only changed in 1937 when the Clerk of the Legislative Assembly,⁴⁸ a South African civil servant named Waldemar Schreve, realised the historic importance of the records that fell, by virtue of their storage space, under his custody. He requested the State Archives in Pretoria for assistance to organise the remaining German records into an accessible and researchable resource. An inspection in 1937 by the South African State Archivist, Graham Botha, came up with recommendations.⁴⁹ Schreve continued to push for staffing and accommodation, and in January 1939 an archivist seconded by the State Archives started to work for a few months in Windhoek.⁵⁰ The 'Archives Depot of the Territory', as it was called, really took off with the appointment of archivist Jan Hendrik Esterhuysen in 1946. He was uniquely prepared for this job, as he had studied from 1938 to 1939 at the Bavarian Archive School in Munich, Germany, and was fluent in reading the German 'Gothic' script. Until his transfer to Pretoria in 1956, he succeeded in centralising all surviving German records at the archives in Windhoek, and also started to ingest records of the South African administration, and important 'private accessions' such as the abovementioned Hendrik Witbooi Papers and Maharero Papers.

While the Archives was getting established as a functional unit, some archival problems were already looming with arbitrary decisions of the mandatory power.

This concerned especially the north-eastern territorial appendix to Namibia, the so-called Caprivi Strip wedged between Botswana, Zambia and Angola. For logistical reasons, after the conquest of South West Africa in World War I, it was initially administered from the Botswana side, which was then a British Protectorate 'Bechuanaland'.⁵¹ The local records from that period are now kept by the Botswana National Archives and Records Service.⁵² Upon misgivings in the Permanent Mandates Commission of the League of Nations, administration of the Caprivi Strip was transferred to the South West Africa Administration in 1929, and the relevant records filed in Windhoek. This transfer was short-lived, because in 1939 administrative control was again transferred, this time to the South African Department of Bantu Affairs, and records were filed in Pretoria.⁵³

Another problem arose out of the fact that the administration of Walvis Bay, which was a British-South African coastal enclave in German South West Africa, was in 1922 transferred to the Administration for South West Africa but in 1977, when Namibian independence appeared to come close, was re-transferred to the Cape Province.⁵⁴ This affected the ownership of records of the Magistrate and the Town Clerk of Walvis Bay, and led to moving relevant records to South Africa.⁵⁵ The re-transfer was not recognised by the United Nations, which maintained that Walvis Bay belongs to Namibia – and the territory was indeed re-integrated, together with the offshore islands, four years after independence, in 1994.

A massive removal of records from Namibia to South Africa took place when the South African Department of the Interior decided to centralise birth, death and marriage records in South Africa. The timing and circumstances of this removal have not yet been elucidated. At independence, the Namibian government found itself without reliable civil records of its citizens, except those that were held by the individuals themselves.

At least, the Caprivi and Walvis Bay issues concerned entire easily identifiable archival fonds. Much more problematic was the fact that the South African government successively removed key responsibilities from the Administration for South West Africa to its Departments in Pretoria. This means that decisions were discussed and taken in Pretoria, where only the outcome was transmitted to Windhoek, and even the implementation was supervised from Pretoria. As a result, records of key importance for Namibia are hopelessly entangled with South African records, and only identifiable through substantial research.

One such area is the so-called 'Native Administration', which in apartheid *newspeak* was renamed 'Bantu Administration', and in a final euphemistic renaming, 'Plural Affairs'. This domain was additionally complicated by a split responsibility between the Department of Justice which supervised the

Magistrates who had to deal with ‘native affairs’, and the Department of Native Affairs, which supervised the Native Reserve Superintendents and ‘Welfare Officers’. In archival appraisal it is a common rule that circulars issued by an office should be preserved with the issuing office, and appraised for destruction in the many receiving offices. When one of the authors of this article researched about the fate of largely disappeared ‘native’ estate records in Namibia, she could only avoid costly additional research in South Africa because she could piece together the circular instructions of these two departments from magistrate records that had not been rigorously appraised, and had kept the circulars.⁵⁶

Massive administrative re-arrangements occurred around 1969, when (amongst others) control over crucially important sectors like Water Affairs was transferred to South Africa. This co-incided with the carving up of the country into ethnically-defined Bantustans with so-called ‘self-government’ and prospective later ‘independence’, according to the ‘Odendaal Plan’.⁵⁷ After a few years, the idea of independent mini-states was dropped for a ‘federal’ solution, but the administrative ethnic separation continued to be enforced with separate education, health, and social service systems for each of eleven so-called ‘population groups’. The constant re-arrangements of responsibilities and bureaucracies, with the accompanying shifting around of records, created an administrative and archival nightmare, making the assignment of clearly demarcated archival fonds and records series for the last three decades of South African rule in Namibia almost impossible. When independence arrived in 1990 with a total abolishment of the Bantustan system, the archivists, like almost everybody else, heaved a sigh of relief.

Transition to independence

The transition to independence brought with it a flood of records of discontinued and poorly organised apartheid institutions, including Bantustans, to the NAN, as nobody felt responsible for them anymore. Not all of them were transferred: some might have suffered the fate of the records of KaNgwane, one of the smaller South African Bantustans, so vividly described by Shireen Ally (2015): being sold by the locals, oblivious of the past, to a papermill. The NAN is still struggling to organise some of these records, which are not only of academic interest but have had an impact on the livelihood of people which is still felt and relevant today – such as allocations of agricultural land or construction plots. Disputes arising from the lack of reliable documentation on property and usage rights can tear a community apart.

As it turned out, the retreating apartheid regime not only withdrew its troops and its Administrator-General, but also Namibian records. Despite international rules on state succession, and under the eyes of a ‘United Nations Transition Assistance Group’, the Administrator-General who had

ruled the last 12 years of occupied Namibia with dictatorial powers and under emergency regulations, took along all records of his office. The South African Defence Force took along not only the records of its own structures and actions, but also the records of the locally drafted 'South West Africa Territory Force' that had operated under South African command, amounting to 3 linear km.⁵⁸ And lastly, all records of the secret police and state security apparatus disappeared into thin air.

The first national archivist of independent Namibia, Brigitte Lau, requested from the South African State Archives⁵⁹ microfilms of several records series pertaining to Namibia.⁶⁰ This was approved, and the microfilms delivered at Namibia's cost. She also requested the Administrator-General's and the military records back,⁶¹ but as long as the apartheid regime lasted, this was met with blank refusal. The Chief of the South African Defence Force claimed, confidently but incorrectly, that 'any documents or records received or created in the South West African Territory Force are governed by the South African Archives Act and therefore South African archives'.⁶² The National Archives referred the matter to the Minister of National Education, but nothing moved. Only after the first free and general elections in South Africa, the attitude changed. Eventually, in 1997, the South African Cabinet adopted a decision that the Namibian records should be returned.

It still took another ten years, and repeated reminders on various levels – from archivist to archivist, from Minister to Minister, and diplomatic visits by the High Commissioner – until the envisaged repatriation was effectively finalised. After microfilming to keep a copy available in South Africa, the originals of the following records were returned to the NAN, orderly processed and catalogued, and free of charge as promised: (1) the Administrator-General's office; (2) the Caprivi administration; (3) the Commissioner-General in Oshakati; (4) the Walvis Bay magistrate; (5) the Walvis Bay Town Clerk. The records, altogether 121 linear metres, were officially handed over in four batches between 1999 and 2007. In a parallel repatriation effort, the National Library of Namibia received two sets of legal deposit copies of Namibian publications, which had been sent in five copies (one for each province) to South Africa under South African legislation. And lastly, the abducted birth, marriage and death records were returned to the Namibian Ministry of Home Affairs and Immigration, which had pursued the issue independently with its South African counterpart. The records were symbolically handed over in a high-profile ceremony by President Thabo Mbeki to President Hifikepunye Pohamba, in October 2007.⁶³ There are, however, reservations that some relevant civil registration documents might still be in South Africa, as they had been mixed up with South African records, and extracting the returned material had apparently been laborious.

The abducted military records remain a sore point. Despite a somewhat more favourable climate at the South African military archives (officially

called the Department of Defence Documentation Centre, which is not a part of the National Archives), nothing has moved in terms of restoring them to Namibia, let alone sharing the war diaries of the South African units operating against the liberation forces in Namibia. A team of archivists and historians from Namibia was able to compile an eight-page list⁶⁴ of Namibian and probably Namibia-related records from the Documentation Centre's master list 'Nuwe argieflys' of archival groups (which probably excludes top secret records). The team was told that the Centre is not entirely opposed to restitution of the records, but they were advised that any negotiations about a transfer could only be effected through high-level negotiations between the respective Ministers of Defence. Although communications have been sent from the Namibian defence minister to his South African counterpart, they were not regularly followed up after ministerial re-shuffles, which occur frequently in both countries. In the top-down culture of secrecy that is rampant in any military establishment, it is unlikely to see fast progress. As Gary Baines has observed, access to South African Defence Force files is fraught with declassification hurdles, and redaction to obliterate even names of persons who are easily identifiable through open sources.⁶⁵

It is worthwhile to mention another important resource that has been repatriated in microfilm format to the National Archives: the Namibia section of the mission archives of the United Evangelical Mission (formerly Rhenish Mission) from Wuppertal, Germany. It consists of the largest part of missionaries' letters and reports from Namibia, dating from 1838 to 1970. These films were handed over in 2005 on the occasion of an official apology of the mission society for their complicity in the colonial project.

In a similar move, the Finnish Mission Society had already in 1984 donated its Namibian archives (starting in 1870) on microfiche to its sister church ELCIN in Namibia, which in turn deposited the copies at NAN, for wider accessibility.

Outlook

The South African Minister of Arts and Culture, Pallo Jordan, said on the occasion of the handover of the third return consignment on 24 September 2004: 'We know there is more material that relates to Namibian history in our libraries and archives and I pledge that we will continue to work with the Namibians to locate and copy what is relevant for you'.⁶⁶ None of this has happened so far. There are reasons for this, and they have nothing to do with the definite ill-will that was displayed by South Africa under apartheid rule, or by the British government with regard to the abducted documents that were kept hidden for decades at Hanslope Park.⁶⁷ The reasons are, rather, that the relevant archives are not enabled by their governments to do more than (barely) maintain their holdings and keep them open to researchers.

Archival restitutions or shares involve a highly work-intensive process for both partners. They require laborious and highly qualified work to identify and prepare relevant records (especially with entangled archives) and ingest them on the receiving side. They also require the staying power of long-term negotiations, and insistence, and administrative clout in dealing with bureaucracies.

The archival relations between Namibia and Botswana are an instructive example of bureaucratic procedural hurdles. Apart from the early Caprivi records in Botswana that were mentioned above, the Botswana National Archives and Records Service also holds highly significant records relating to Namibian exiles during the German colonial wars, and during the struggle for liberation. An archival exchange of relevant copies was already agreed between the Namibian and Botswana archives in 1999, and there is a Namibia-Botswana cultural agreement that should facilitate such exchange. But nothing has happened so far, because information about the high-level bilateral meetings, where such agreements can be finalised, usually trickles down through the bureaucracy to the lowly-placed archives when the meeting has already taken place.

The availability of funds for source research – invariably requiring travel and subsistence cost – and for reproduction and transport cost arising on any side of the transaction is another issue. Releasing and transferring such funds has become increasingly difficult through well-intentioned but inflexible anti-corruption measures that turn any foreign payment from government institutions into a bureaucratic nightmare.

The NAN was, between 2001 and 2009, in the fortunate position of an additional fund with the awkward name ‘Archives of Anti-Colonial Resistance and the Liberation Struggle’ (AACRLS). This project, jointly carried by the Namibian and German governments, was designed to fill the gaps in the historical records created by the exclusion of resistance records (in the broadest sense) by the colonial archives.⁶⁸ It was governed by a steering committee which could bypass some of the bureaucratic procedures of government spending. With this project, the AACRLS realised a number of achievements in repatriating entangled and private archives from Germany, Sweden, Finland, the Netherlands and the United Nations. It could boast of some spectacular successes such as the discovery and digital repatriation of the earliest sound recordings of Namibians speaking of colonial oppression in 1931, which had been resting forgotten in a Berlin sound archives over 80 years.⁶⁹ Unfortunately, the AACRLS ended when the assigned funds were depleted, without a continuation project. Many contacts about resources that required further follow-up had to be abandoned.

The current debate about the restitution of colonial cultural objects, although focused on museums, has created a favourable environment for the restitution or sharing of archives, too. The public awareness that colonialism was not a benign development project but a violent plunder, is

growing. This opportunity has, however, not yet been taken up vigorously by the archival community.

Such repatriations can be further complicated by political fault lines. A rather high-profile repatriation of the 'Witbooi Bible' that took place in 2019⁷⁰ was unfortunately drawn into a political controversy between two parallel initiatives to seek reparations or the 1904–1908 genocide of Nama and Herero – one taking place as direct negotiations between the Namibian and German governments, the other as a lawsuit of sections of the affected communities against Germany in an American court. The resulting publicity focused more on this controversy, than on the fact of repatriation.

Substantial research will be needed to identify more of the scattered Namibian heritage in German archives, museums, universities and private collections. Some, like an unpublished manuscript of an Otjiherero-German dictionary, could only recently be located again at the Hamburg State Archives, after Namibia already tried to get it from private custody in the 1950s.⁷¹ The much-deplored colonial amnesia in Germany led to widespread neglect and failure to recall such items.⁷² There has, however, been a substantial increase of historical studies of German colonialism during the past two decades. A systematic review of the sources used in this research of colonial history would certainly lead to a substantial 'shopping list' of archives for repatriation or sharing.

For the entangled archives of South African colonialism, the situation is different. In comparison to the brief 30 years of German colonialism, the 75 years under South African rule are still under-researched, in particular for the eventful three decades before independence. For this period, it is especially the liberation struggle that has enjoyed attention, but even this was researched mostly on the basis of published sources and oral history, while archives of the two main opponents, the South African military and the liberation movement SWAPO, both remain difficult to access. The wide-ranging administrative and infrastructural changes inside Namibia during this period are virtually unresearched, and it appears that there is very little interest in South Africa itself about this topic – a similar kind of colonial amnesia as it had been diagnosed for Germany. But without such research, which would prepare the ground and at the same time create more demand for archival sources, archivists are struggling to identify further records for repatriation and sharing in South Africa. In conclusion, it seems there are ample reasons to take up the many repatriation issues again, with a fresh view on historical, ethical and technical issues.

As a postscript, it might be mentioned as well that with the founding of the United Nations, Namibia was supposed to become a UN Trust Territory. This was refused by South Africa, and since then the international status of Namibia became a constant concern of the United Nations until the negotiated transfer to independence under UN supervision. The records of United Nations involvement on Namibia are vast and generally quite accessible.

The UN has embarked on a digitisation programme that makes many relevant documents accessible online, and relatively easy to find. However, the records of the crucial final chapter, the United Nations Transitional Assistance Group (UNTAG) from 1989 to 1990, generally hailed as one of the most successful UN peace-keeping operations, remained unprocessed for decades. The finding aid of UNTAG files⁷³ is now available, but it still labels an inexplicably large number of files as ‘strictly confidential’ and therefore inaccessible for research, over 30 years after the events.

Conclusion

From the aforesaid it might appear as if Namibia is a particularly complicated case for repatriation, with its two subsequent colonial powers, the attempted South African annexation and the strong involvement of the international community. However, a closer look at other former colonies shows that such and other complicating factors can be found in many other cases. One needs only to consider Namibia’s neighbours, where the archival situation of Zambia, Zimbabwe and Malawi is by no means (as one might think) a simple on-on-one issue between Great Britain and its three former colonies, but has through the ill-fated Federation of Rhodesia and Nyasaland led to entangled archives and archival claims between these sister countries. Likewise, the removal of written heritage by private individuals and entities such as mission societies or foreign and multinational enterprises is a common problem.⁷⁴ The complexity of colonial displacements calls for an integrated approach of institutions, not only the national archives, as – for example – archival claims to mission archives might be better made or supported by the local successor churches. International cooperation between former colonies with similar experience would also be extremely helpful to facilitate sharing of archives of common interest with a number of interested countries, such as the microfilm of the Reichskolonialamt files in Berlin. This is, however, notoriously difficult to achieve, as exemplified by the envisaged but entirely aborted cooperation between the archives of former German colonies.⁷⁵

Notes

- 1 The term South-West Africa for the stretch of land between the Orange River and the Kunene and Kavango Rivers was introduced by European travellers in the mid-19th century. It was internationally used as official name until the United Nations adopted the name Namibia, as proposed by the liberation movement, in 1968, although the South African administration stuck to the previous name or its acronym SWA throughout its rule.
- 2 Lau, *Southern and Central Namibia*.
- 3 Due to its climatic conditions, the country was considered suitable for the permanent settlement of Europeans, substituting the original inhabitants.

- This was in line with a perception of Germany having ‘people without space’ who needed colonial expansion.
- 4 Drechsler, *Let Us Die Fighting.*
 - 5 While there are a multitude of works about Namibia under colonialism and the Namibian liberation struggle, a succinct and comprehensive overview of Namibian pre-colonial and colonial history, including ample literature reference, is provided by Wallace in *A History of Namibia*.
 - 6 Lau, *Southern and Central Namibia*.
 - 7 Dederling, *Khoekhoe and Missionaries*.
 - 8 Hahn, *Tagebücher = Diaries*.
 - 9 Peltola, *Dr Martti Rautanen*.
 - 10 A few very rare early published sources, for example those about the 1840s guano rush on the Namibian islands, are not in the country, but nowadays at least available online in digitised format.
 - 11 This was the case with the records of the London Missionary Society and Wesleyan Methodist Missionary Society kept at the School of Oriental and African Studies, London, that were microfilmed by Inter Documentation Company, Zug, Switzerland. (NAN Accessions A.0471 and A.0496).
 - 12 NAN Accession A.0335.
 - 13 NAN Accession A.0535.
 - 14 NAN Accession A.0083.
 - 15 One notable exception is the “Maharero Papers”, NAN Accession 0003, consisting of 75 documents.
 - 16 NAN Accession A.0132.
 - 17 Esterhuyse, *South West Africa 1880–1894*.
 - 18 Drechsler, “*Let Us Die Fighting*,” 69–75.
 - 19 UNESCO, “Register Nomination Form.”
 - 20 Namhila, “The Hendrik Witbooi Diaries.”
 - 21 The Witbooi Papers have been registered in the NAN as Accessions A.0002, A.0650, and AACRLS.112.
 - 22 Grosser Generalstab, *Die Kämpfe der deutschen*.
 - 23 The NAN has several such photos, and occasionally others turn up from private property at auctions or on e-Bay – at prices far out of reach for an institution like NAN.
 - 24 Drechsler, *Let Us Die Fighting*, 11.
 - 25 They are registered in the Bundesarchiv as fonds R1001.
 - 26 Drechsler, *Südwestafrika unter deutscher Kolonialherrschaft*; Bley, *Kolonialherrschaft und Sozialstruktur*.
 - 27 Riksarkivet, “The Danish West-Indies.”
 - 28 Mnjama, “Archival Claims,” 36.
 - 29 Letter from Dr Hollmann to W. Hillebrecht, 2 Dec. 2019.
 - 30 Häussler, *Der Genozid*, 34.
 - 31 <https://archivfuehrer-kolonialzeit.de/>
 - 32 Fachhochschule Potsdam, *Archivführer Deutsche Kolonialgeschichte*.
 - 33 The official library of the German administration also stayed intact in the same building, and was later taken over by the South African administration. The museum, developed from small beginnings in 1907, fared far worse and apparently lost much to looting (Otto-Reiner, *A Chronology*).
 - 34 Lukin, *Surrender of the Forces*.
 - 35 Dugard, *Documents and Scholarly Writings*, 67–68.
 - 36 Dugard, *Documents and Scholarly Writings*, 72–74.

- 37 NAN: ARG [1] 1. Organisasie en inrigting van argiefdepot [Organization and establishment of archive depot], 1, memo from F. Minder to Director of Works, approved by unidentified official on 27.10.1919.
- 38 Ibid. – A small number of these records, apparently purposely selected because they concern South African land owners, was recently discovered to have survived the destruction.
- 39 The details of this transfer still remain to be researched.
- 40 NAN: ARG [2] 4/2/8 Oorpasing van dokumente na argief. Militere Afdeling [Transfer of documents to archive. Military Department], 7: Major Leipoldt to Major von Lagiewski, 19.10.1915.
- 41 Ibid., 5: Esterhuysen to Chief Archivist, 18.3.1954.
- 42 Ibid., 8: Brink to Administrator of SWA, 20.11.1918.
- 43 Ibid., 4: Secretary of Defence to Chief Archivist, 9.7.1954.
- 44 Ibid., 5: Esterhuysen to Chief Archivist, 18.3.1954.
- 45 Ibid., 6, Pieterse to Botha dated 28.2.1939. This is now the fond STR (Schutztruppe) in the NAN.
- 46 This is now the fonds IMW (Inspector of Mines Windhoek) in the NAN.
- 47 Both the Surveyor-General and the Registrar of Deeds still maintain their own archives, including German records, currently under the Ministry of Land Reform.
- 48 The Legislative Assembly was an all-white settler parliament with strictly limited authority that had been established in 1926, in terms of the South West Africa Constitution Act, Act 52 of 1925.
- 49 NAN: ARG [1] 1. Organisasie en inrigting van argiefdepot [Organization and establishment of archive depot], report by Graham Botha dated August 4, 1937, 3–7.
- 50 Ibid., 27–30, Pieterse to Botha, dated 9.1.1939.
- 51 Kangumu, *Contesting Caprivi*, 72–77.
- 52 An inventory of the relevant files has been compiled in 2007 (NAN: AACRLS.169).
- 53 Kangumu, *Contesting Caprivi* 78, 92.
- 54 Wallace, *A History of Namibia*, 287.
- 55 NAN: ARG [16] 8/2: Registratuur. Vertroulike korrespondensie 1971–1979 [Registry. Confidential correspondence 1971–1979].
- 56 Namhila, *Post-Colonial National Archive*, 177.
- 57 South Africa, Report of the Commission.
- 58 van der Waag, “Military Record Preservation.”
- 59 Later officially renamed to National Archives and Records Service of South Africa
- 60 Namely, Deputy Minister for South West African Affairs, 1961–1968, Minister of Coloured Relations and Rehoboth Affairs, 1969–1975, as well as several commissions of enquiry.
- 61 NAN: 17/3/2/ P, Lau to Director of Archives Pretoria, dated 1.12.1993.
- 62 NAN: 17/3/2 P, Admiral Loedolff to Director of Archives Windhoek, dated 6.5.1994.
- 63 Emma Kakololo, “News Update,” *New Era*, October 31, 2007, <https://neweralive.na/posts/namibia-sa-forge-close-ties>.
- 64 NAN: IRION file 0189, by J Silvester & W Hillebrecht, March 2008.
- 65 Baines, “Assessing Information.”
- 66 Jordan, “Heritage Day Speech.”
- 67 Banton, interview.
- 68 Namhila, “Archives of Anti-Colonial Resistance.”

- 69 NAN: AACRLS.154 “Lichtenecker recordings.”
- 70 An autographed rare print of a Bible translation into the Nama language, looted at the 1893 German attack on Hoornkrans mentioned above. It was repatriated from the Linden Museum in Stuttgart.
- 71 The manuscript by missionary Irle is particularly important for the interpretation of old texts in the Herero language, which has undergone significant change since its compilation about 1900.
- 72 Kössler, “Awakened from Colonial Amnesia.”
- 73 United Nations Archives and Records Management Section, Summary of AG-038 United Nations Transition Assistance Group (UNTAG) (1989–1990), Finding aid, Generated on June 4, 2015, <https://search.archives.un.org/downloads/united-nations-transition-assistance-group-untag-1989-1990.pdf>.
- 74 The issue of the repatriation or even accessibility of foreign-held business records has not been addressed in this contribution, although it is an acute problem of almost all former colonies, and Namibia can claim both successes and failures in this regard. This issue would warrant its own investigation.
- 75 A meeting of national archivists of former German colonies with the German Federal Archives at Regensburg, Germany, in August 2004 remained a singular event without significant follow-up.

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Diasporic, Displaced, Alienated or Shared

Caribbean Literary Archives

John A. Aarons and Helena Leonce

Introduction

This chapter draws together three strands of work in archival studies – the work on displaced archives, diasporic archives and literary archives – to identify and start to unpick some of the problems of defining terms that we have been using to think about Caribbean archives outside of the Caribbean. We will be doing this with a focus on literary archives. The characteristics of Caribbean literary archives will be considered within the ‘diasporic archives’ model devised by Ricardo Punzalan and in relation to concepts such as ‘displaced’ and ‘alienated’ archives and ‘shared archival heritage’. As Caribbean archivists, the authors of this chapter are very cognizant of the value of these materials and the loss to the region when they are dispersed in other countries.

Literary archives can be described as ‘documents (in a range of formats) which relate to all phases of the genetic history of a literary work through the stages of its life cycle – from the avant-texte stage, through the textualization stage, to the post-text stage’.¹ Included in this definition are a wide range of materials such as notebooks, drawings, work plans, annotations to draft manuscripts, corrected fair copies as well as related materials such as correspondence, letters, diaries, audio-visual material and digital records.² As David Sutton, who has written extensively on the subject of literary archives, pointed out, these materials differ from most other types of archival materials in that ‘their locations are more diverse and difficult to predict; they may have a higher financial value which would lead to their more frequently being purchased – as opposed to being deposited or donated; acquiring institutions for literary papers have historically had very little by way of collecting policies’.³ These materials fall into the category of ‘private archives’ as opposed to ‘public’ or ‘institutional’ archives which are often governed by regulations and have to be deposited in designated institutions where provenance and other archival principles can be observed. Literary records have much in common with other categories of private archives such as plantation records and family letters, diaries and miscellanea.

As these records are in private hands, the owners/creators or in some cases their executors, are free to dispose of them in any way they determine. As a result, private papers, including literary archives, relating to the Caribbean region can be found in institutions all around the world.

Indeed, dispersal characterises Caribbean records and archives more generally. Like private papers, public records created or received in the Caribbean are now to be found internationally. It is hardly surprising that our records are widely scattered, since many Caribbean territories changed hands several times; for most of its recorded history the region has been a battleground for European countries. During this period, the Caribbean territories were plantation colonies and valued for the wealth they brought to their owners, most of whom were resident overseas. To these owners, the Caribbean was therefore not home and records were often sent to their respective homelands, hence the large volume of displaced Caribbean archives in repositories in the metropolitan countries.

Literary archives have much in common with the categories of displaced archives noted above in that they provide primary source information on matters dealing with the historical and cultural development of the region. The works of many authors speak to or reflect the lives, aims and aspirations of the Caribbean peoples as they moved from colonialism to independence and grappled with the new demands and opportunities this status brought. But are they displaced in the same sense, and if not, what do these diasporas of records mean for us in the Caribbean?

The Diasporic Literary Archives Network and Its Effects

The Diasporic Literary Archives Network (DLAN), established between 2010 and 2011, has been a major catalyst in the dialogue in archival circles concerning issues relating to literary manuscripts such as ownership, acquisition and access. The DLAN was an international, multi-disciplinary project led by the University of Reading in the United Kingdom. It was initially supported by a grant from the Leverhulme Trust during the period 2012 to 2015 and it collaborated with several institutions in the preservation and access to literary archives. David Sutton who was one of the founders of the network pointed out that the ‘choice of the dramatic term “diasporic” was a defining moment in the life story of the Network’ since it expressed so well the nature of literary archives, a main feature of which was their wide dispersal among institutions, often with little or no connection with the authors who created them.⁴ The core network consisted of representatives from the United Kingdom, France, Italy, Namibia, the United States of America and Trinidad and Tobago. The network held several conferences and workshops, and among the topics discussed were the challenges of split

collections (issues such as provenance, ownership, copyright and access); public/private ownership, especially the ways in which literary manuscripts are represented in business, publishing and other nonliterary collections; the sensitive issue of the 'politics of location' and the benefits and challenges of digitisation. Although the Leverhulme grant ended in 2015, the DLAN's on-going value was recognised by the University of Reading, which agreed to support it into the 2020s.⁵ The collaboration among members has therefore continued.

The challenges of dealing with Caribbean literary materials led to the establishment of the Caribbean Literature Heritage Network, which can be described as a spin-off of the DLAN as some of the principals of DLAN are its leading members. It was established to focus specifically on the identification and preservation of Caribbean literary archival materials. Among its stated aims is to 'bring together academics, archivists and writers from the UK, Caribbean and beyond to discuss the changing nature of Caribbean literary archives'.⁶ It therefore aims to promote conversation between Caribbean writers, researchers, librarians and archivists by providing a forum for them to share their views and concerns and also to disseminate information on literary news and events. This project is primarily based at the University of East Anglia, Norwich, UK but works closely with other universities including the University of the West Indies (UWI).

DLAN has connected with partners such as UNESCO and the International Council on Archives (ICA) through its Section for Archives of Literature and Art (SLA), and in 2018, a special issue of *Comma*, the ICA's journal, was devoted to this topic with most of the articles written by members of the SLA, at least one of whom, David Sutton (the Chair of the Section) was very involved with the work of the DLAN. Among the chapters were two which dealt with Caribbean materials.⁷

The work of DLAN, especially through its fourth workshop on 'The Politics of Location' held in Trinidad and Tobago in March 2014, so sparked the interest of Kim Robinson-Walcott, the editor of The University of the West Indies' cultural journal *Caribbean Quarterly*, that she readily agreed to a proposal by literary scholar Alison Donnell for a special issue of the journal on Caribbean literary archives. Donnell, guest editor for the issue, wrote that it was a part of a 'growing conversation around literary heritage and the future of the region's literary past'.⁸ Articles in the issue provide information on the locations of many prominent collections both in the region and in metropolitan countries. Additional information on many of the collections, as well as some of the challenges in researching Caribbean literary archives, are provided by Donnell herself in an article in a later publication.⁹ We believe that this recent work on literary archives could fruitfully be brought into conversation with other relevant work in archival studies, such as the work on diasporic archives.

Diasporic Archives

That ‘dramatic term’, ‘diasporic’, has been theorised in archival studies by Ricardo Punzalan, who, in looking at definitions of the word ‘diaspora’ said that it implied ‘movement, migration, dispersion or scattering’.¹⁰ This description fits Caribbean literary archives very well: these could well be considered as among the most diasporic of all literary archives, being found in institutions chiefly in the United Kingdom, North America and in the Caribbean region itself, though not necessarily on the islands of origin. These archives have been diasporic or dispersed (as these two descriptions have been used interchangeably) since the 1940s and 1950s, because there is a close relationship between the dispersal of the literary manuscripts and the dispersal/migration of Caribbean people. This movement began as a result of the migration in the post-war years of large numbers of West Indians to the United Kingdom in search of a better life and among those were several authors such as Wilson Harris, John Hearne, George Lamming, Edgar Mittelholzer, VS Naipaul, Andrew Salkey and Samuel Selvon. They travelled to England and also to Canada as the lack of publishers, booksellers and critical and literary venues within the Caribbean meant that they had to emigrate in order to pursue their writing careers. Many of these authors became prominent and it is therefore not surprising that many of their manuscripts remained in the United Kingdom or were acquired by institutions in North America. Donnell sums up the situation well when she says that the region’s ‘literary archives are unsurprisingly subject to the same complicated patterning of movements and dispersal as Caribbean peoples equally multidimensional in their affiliations and attachments’.¹¹

When Sutton suggests that the collection of literary papers has often been ‘opportunistic, unexplained and serendipitous’, he could easily have had the Caribbean in mind.¹² This is because while some materials are located in the countries where the author was born, lived or worked – the ‘natural and archival home’ as he termed it – others are in places in which the authors had no apparent connection and their location is ‘determined by market forces rather than internal archival logic’.¹³ As will be discussed later, the Naipaul Archive at the University of Tulsa in Oklahoma in the United States is a good example of the effect of the marketplace in the acquisition of literary papers.

The Diasporic Challenge: Punzalan’s Framework

Punzalan, although concerned primarily with photographic collections, has developed a model for ‘framing the dispersion narrative of diasporic movement’.¹⁴ He points out that his model is intended to derive a ‘better understanding of context and a fuller approach to archival representation’ and he identifies four main dimensions to characterise this dispersal: geographical, temporal, provenancial and material.¹⁵ He illustrates his points by focusing on

the ethnographic photograph collections of Dean C. Worcester (1866–1924) which are dispersed in ten locations in North America and Europe. Since the dispersal of literary archives should have much in common with the dispersal of photographic materials, Punzalan's dimensions will be used as a framework for considering the challenges in dealing with Caribbean literary archives.

Punzalan's model provides a useful framework for interrogating diasporic collections in a structured manner, appropriating certain elements the historian Kim Butler identifies as constituting diasporic research, the focus of which is the movement of people, to dispersed archival collections.¹⁶ Using Butler's framework, Punzalan posed questions concerning the reasons for the dispersal of archival records; the relationship of dispersed records to their source communities; the ways the records fit in with others in their new setting; the relationship between various collections and the things 'cases of dispersed collections tell us about the nature of archives'.¹⁷

Geographical Dispersion

This is perhaps the most apparent form of dispersion of Caribbean literary archives. Some examples of split collections which illustrate just how dispersed authors' papers can be include those of CLR James (1901–1989), Derek Walcott (1930–2017), Samuel Selvon (1923–1994), Louise Bennett Coverley (1919–2006) and Wilson Harris (1921–2018).

Walcott's collections are split between the University of Toronto (which has the bulk of the papers, some 163 boxes) and the UWI, St Augustine, Trinidad and Tobago (although a few manuscripts are housed at the Mona Campus in Jamaica). The collections of Louise Bennett Coverley, the Jamaican literary icon, are split between the National Library of Jamaica and McMaster University in Ontario, Canada. While the bulk of Samuel Selvon's papers are at the UWI, St Augustine, (8 boxes) there are some at the University of Texas at Austin (3 boxes). The bulk of Wilson Harris' papers are at the University of Texas (12) boxes but materials are at Cambridge University Library (2) boxes, Indiana University (1) box and The UWI Library, Mona. The manuscript at Mona is particularly significant for the institution as it is the first literary manuscript the library purchased.

CLR James' manuscripts have perhaps the most diasporic movements of all collections which are a reflection of the many aspects of his life and work. The main collections are at Columbia University in New York covering the period 1933–2001 (44 boxes) and the UWI Library, St Augustine (33 boxes). Some of the other institutions in which his materials are located are at the Schomburg Center for Research in Black Culture, New York Public Library,¹⁸ Indiana University Library¹⁹ and the Institute of Commonwealth Studies, University of London.²⁰ Mapping the geographic dispersion of these collections is a way of beginning to understand the personal, political and economic forces that cause diasporas of records.

Temporal Dispersion

Archival temporal dispersion concerns the times and dates when archival materials were acquired by institutions. This has implications for researchers as the date at which the acquisition was made could indicate the period covered by the materials. For instance, the National Library of Jamaica acquired the Louise Bennett Coverley collection in the early 1990s when she was migrating from Jamaica to Canada. In 2010, McMaster University acquired the materials she took with her to Canada as well as the materials she amassed while living there. The rationale for deciding on the materials to take with her when she was migrating and those to leave is not known so both collections are in a sense incomplete.

The UWI St Augustine acquired the first set of Derek Walcott's materials in 1988. It included illustrations and drawings mainly from the *Joker of Seville*. The acquisition of this material was particularly appropriate as the play was first performed in Trinidad and Tobago in 1974. 'The second installment, a substantial collection (manuscripts of plays, poems, correspondence, scrap books, photographs), covers the period when Walcott was based in Trinidad and Tobago and the establishment and activity of the Trinidad Theatre Workshop, as well as much of his poetry and prose up to 1981. The third set of material acquired consists of the manuscripts for the poem *Omeros*'.²¹

In 1999, the University of Toronto acquired the first tranche of Walcott's literary papers relating to his poetic, theatrical and prose writings from the early 1980s to the mid-1990s. 'Holograph notes, rough drafts and revisions are included, as well as final drafts and galleys of publications. Many works, both poetic and theatrical, also include screen adaptations. There is a small collection of material relating to Walcott's role as stage director, particularly with the Trinidad Theatre Workshop. The literary papers are complemented by sketches and watercolors by Walcott, often in the form of stage directions or film storyboards'.²²

Samuel Selvon's papers in the UWI, St Augustine and the University of Texas at Austin were acquired at different times. The collection in Texas covers the period 1946–1975 and were purchased in 1976²³ while the ones at UWI were acquired in 1987²⁴ and cover the period 1949–1980.²⁵ Obviously, there are overlaps but these cannot be easily determined since unlike the collection at the University of Texas, details of the collection at the UWI are not available on the Library's website.

The CLR James collection at Columbia University was acquired from his estate between 2007 and 2009 and the method of acquisition was recorded as 'Gift'.²⁶ The materials which The UWI acquired were in 'the author's possession at the time of his death, together with the books which formed his working library. They were offered for sale some years after his death and The University of the West Indies Library purchased them'.²⁷

Thinking about the temporality of dispersion enriches our understanding of the journeys these records have taken, but it also has the potential to explicate or complicate understandings of the legitimacy of custody or claims over the records, by tying ownership more closely to the events around the records.

Provenancial Dimension

Punzalan says that the ‘unclear and at times shifting provenance and attributions of creation and ownership forms another dimension of dispersion’.²⁸ This is not fully relevant to literary archives for, as will be discussed later, the creation, provenance and ownership of these materials are not normally in contention. However, there are aspects of ownership and copyright which can differ in split collections. This is well demonstrated by the Bennett-Coverley Collection. While the materials at McMasters are open with no restrictions, there are some limitations on the collection at the National Library. Whereas the Deed of Gift (negotiations over which dragged on for almost 10 years) gave ownership of the collection to the National Library, copyright resides with the estate and the content cannot be used for commercial purposes without the consent of the estate.²⁹ There are no restrictions on the collection at McMasters University.³⁰ As the collections are in different countries, they operate under different copyright regimes. In Canada, copyright duration is the lifetime of the creator of the works plus 50 years after his/her death. This used to be the situation in Jamaica but in 2015 the Government extended copyright protection from 50 years after the death of the author to 90 years.

There is another aspect of this dimension which can be relevant to literary archives and this is the matter of ownership of the materials before they were acquired by institutions. It would be useful to know the persons or persons who had the authority to dispose of the materials either by gift or sale and the factors which motivated the choice of an institution. These questions are important for this individual or individuals had to make a crucial decision which would have long-term consequences. This is of particular importance in the case of split collections. As noted above, the National Library of Jamaica acquired their Bennett-Coverley collection from ‘Ms Lou’ herself, while McMasters University acquired the remainder of the collection from her executors.³¹ We do not and may never know all the factors at work in deciding on the reasons for the locations of materials.

Material Dispersion

Punzalan says that his fourth dimension relates specifically to photographic materials as they are to be found in a variety of formats within and across institutions. The same photograph, he says ‘may appear as a print in one

repository, a lantern slide in another, or a copy negative in yet another'.³² Literary archives also often contain the same materials in several formats. This is especially the case today as born-digital records are increasingly becoming components of literary collections and require special treatment. However even before the computer age, materials were reproduced and acquired as microforms and photocopies. An example of the latter is the Caribbean Voices Correspondence at the UWI Library St Augustine as these are photocopies with the originals at the University of Birmingham in the UK. However, born-digital materials are different in that it is difficult to determine an original document. For example, an email message from one person can be found in the collections of several persons. The existence of copies of records and the difficulty in determining an 'original' is therefore a consideration that this Dimension emphasises, and it is going to become more relevant as the volume of born-digital archival materials increases. Understanding the context of the records therefore becomes increasingly important.

Assessment of Punzalan's Framework

This framework offers us fuller understandings of displaced literary archives and could usefully be applied to close studies of particular collections or authors, with a view to understanding why and how Caribbean collections were acquired by particular overseas institutions, the ways they relate to other collections of the same author and the significance of the subject/time periods they cover. This would be a useful exercise for there is virtually no information in the literature on Caribbean literary archives on the total composition of authors' collections in their scattered locations with details of subjects covered, dates of acquisition etc. An important result could be the 'virtual reunification' of dispersed collections which would be of immense value to researchers. Punzalan's model surfaces some of the ways in which Caribbean literary archives can be thought about, and better described, in diaspora. As the examples above show, Caribbean literary archives are frequently diasporic. Are they also displaced or alienated?

Displaced and Alienated Archives

How do these diasporic archives fit into the concepts of archival displacement and archival alienation? James Lowry defines 'Displaced Archives as "records that have been removed from the context of their creation and whose ownership is disputed"'.³³ While it is true that numerous collections of literary records have been removed from their 'context of creation' they cannot be considered as displaced in the same sense as records dispersed as a result of armed conflict or as a feature of colonial policy. When institutions acquire private papers (which include literary archives) either by gift

or purchase, the terms of the acquisition are normally governed by a formal signed agreement setting out the terms under which the materials have been transferred to the institution. The agreement once signed signifies that the seller and purchaser are in agreement over the transaction. Areas usually covered are those dealing with copyright, access to researchers and price paid (if purchased). Once a signed legal agreement exists therefore, it would be difficult to argue that 'ownership is disputed'.

However, there can be a sense that such archives are not where they ought to be. For example, VS Naipaul, neither through his life nor his work, had a connection with the University of Tulsa or even with the state of Oklahoma, but his entire life archive is housed there. One prominent Caribbean literary scholar, Kenneth Ramchand, has said that 'we have to explore the possibilities of legislation and negotiation to control the alienation of national treasures and to establish the principle of repatriation'.³⁴ Ramchand's desire for a legal solution, however, would be difficult to achieve for as Sutton points out 'the only literary examples of archival return or archival rehousing have come in cases where the original location was based on deposit rather than ownership'.³⁵ Acquiring materials in this fashion occurs when owners of materials are not prepared, or are unable, to donate or sell the materials outright so they place them in the institution 'on deposit' which means that they could retrieve them at a later date.³⁶ Libraries and archives now shy away from this kind of arrangement as it does not give them any real control over the collection.

Ramchand felt this loss of Caribbean collections to overseas institutions so passionately that Sutton says he coined the term 'alienated archives' to 'give a powerfully negative description of literary archives which have been removed from their natural archival home to a location with which the author had no connection'.³⁷ The examples he had in mind, says Sutton were the Naipaul Archive at the University of Tulsa and the Samuel Selvon Collection at the University of Texas.

It is not easy to discover the financial value of literary papers as authors, their agents or executors do not normally disclose this information and institutions are confidential about these transactions. It is also difficult to determine the ways in which contacts are made with institutions. An exception to this is the late VS Naipaul who was very conscious of the financial value of his papers and took care to organise and preserve them.³⁸ He summed up very well the situation confronting literary persons when he confided to his biographer Paul Theroux that his manuscripts and other papers, such as correspondence, were the only assets he had. He then asked Theroux 'to pass the word around that I am thinking of disposing of all my papers; perhaps someone in the US may be interested'.³⁹ However, he was unsuccessful as this was in 1972 and 'V.S. Naipaul was not yet a big enough name in America'.⁴⁰ Naipaul however persevered and years later he asked his agent to secure a buyer and the University of Tulsa made the winning

bid. 'This was \$470,000, covering material to the end of 2002, with an additional \$150,000 to become available for papers generated during the five years after that date making a total of \$620,000'.⁴¹

The UWI St Augustine was apparently aware that Derek Walcott was considering selling the bulk of his papers to the University of Toronto for Ramchand admitted that the UWI 'could not compete and there is nothing in place at the UWI or in St Lucia or any other island to make the supply of a complete digital copy mandatory'.⁴² Professor George Clarke from the University of Toronto implies that Walcott himself decided on the location of his papers as 'He could've gone to Oxford or Yale, but he chose U of T'.⁴³ Jennifer Toews, modern manuscripts and reference librarian, is reported to have stated that the literary scholar Edward Chamberlain, then a member of staff and his wife the Caribbean poet Lorna Goodison helped the university obtain the collection by fundraising within the international community, including the Caribbean diaspora in Toronto.⁴⁴

No information has been found on how the University of Texas acquired a portion of the Selvon papers in 1976 or who initiated the contact. It is of interest to note that he retained a large portion of his papers which thanks to the intervention of Kenneth Ramchand are now in the library of The UWI, St Augustine.

In discussing this topic, one should also take in mind the perspectives of the authors. Some of them, especially those who have achieved international prominence and are based in overseas institutions, might prefer to sell or donate their materials to institutions of their choice in those countries where they are accessible to a wider group of fellow authors and researchers and where there are better facilities for preserving and digitising them. These factors, in addition to the financial aspect of the acquisition, make it harder for Caribbean countries to compete.

There is therefore no easy answer to how the matter of 'alienated' Caribbean literary archives can be resolved. This issue is not purely a Caribbean one as it applies to collections from authors in other countries. For instance, the collection of James Joyce, the Irish author is at the University of Tulsa which has specialised in collecting materials by leading 20th century writers. The fact remains that as long as author's literary papers have market value and there is competition among institutions to acquire them, instances of alienated archives will continue. Institutions will continue to seek out collections of prominent writers as the ownership of these materials add lustre to their prestige and research standing. The University of Tulsa for instance basks in the glory of owning the Naipaul Archive and says that it attracts researchers from around the world.⁴⁵

While diasporic literary archives may be alienated, they are rarely displaced in the usual sense. The term 'diasporic' recognises that although the authors are heavily influenced by and reflect their Caribbean upbringing, they have all spent major portions of their lives in metropolitan countries,

and this has impacted on them and these experiences are reflected in their archival materials.

Consequences of Archives in Diaspora

That is not to say that diasporic archives are unproblematic. The dispersal of literary papers in overseas institutions creates several challenges for researchers, especially those from the Caribbean region, as they have to travel to several locations in order to consult materials. This is not only expensive but time consuming especially as there is often no logical reason for the separation of materials.

'Please don't let Winkler's papers to some moneyed US institution... they are part of a country's cultural heritage... they are a rich inheritance'. This was the anguished plea of Kim Robinson-Walcott, the Jamaican publisher and literary editor made in 2017 when she surveyed the papers left by the Jamaican writer Anthony Winkler (1942–2015).⁴⁶ The story of the Winkler Collection had a happy ending, as thanks to Robinson-Walcott's intervention, the National Library of Jamaica acquired the materials and 'repatriated' them to Jamaica from the US where the family lived. The well-publicised handing over ceremony was held at the National Library on 6 April 2017.⁴⁷ Robinson-Walcott was only echoing the sentiments expressed earlier by Ramchand, when, in expressing his frustration at the 'loss' to North American universities of many literary archives he observed that 'if I had the power I would pass legislation to the effect that the collections of certain authors are national treasures and attach regulations about sale and lease'. He asserted that as national treasures' they should be housed in the homeland of the author'.⁴⁸

It is perhaps ironic that this loss of materials to better-funded institutions occurs within the Caribbean region itself as shown by the following example. In 2014, the UWI, St Augustine acquired the literary and other materials of Ian McDonald, who although born in Trinidad had lived in Guyana for most of his life. A Guyanese newspaper lamented that it was a 'pity that Mr. McDonald's papers could not remain in Guyana, so much has he contributed to our literary and cultural landscape and so lovingly has he written of this beautiful but frustrating country where he has lived since 1955. Unfortunately, we just do not have the archival facilities to house properly such a collection'.⁴⁹

The question to be considered is the importance, if any, to researchers of the 'context of creation' when accessing archival collections and if materials have added value when they are accessed in the place where they are created. Ramchand suggests that location is important when he asserts that 'I cannot think of a better place to be than in Guyana when looking at a Wilson Harris or a Roy Heath manuscript'⁵⁰. In addition to national pride in having materials remain in their homeland he was perhaps thinking

of the nationalistic flavour of their works and that their papers are better understood and appreciated in the local setting.

Ramchand makes the valid point that not only are the manuscripts parts of a country's cultural heritage but they have the capacity 'to arouse and to evoke intangibles less likely to be picked up by persons not steeped in the culture of the region'.⁵¹ Just as people can be 'of' a place, archives can be of a place. In the present context, this place is the authors' homeland – the particular island or mainland territory whose history, culture and way of life shaped them and influenced their literary works in so many ways. Their manuscripts therefore should have meaning and significance in this local context.

Diasporic collections stand the danger of being 'stand-alone' collections, meaning that there is no relationship between them and other materials in the institution such as similar collections from other authors and relevant monographs and audio and video recordings. Relationships between collections are important and this can only happen when emphasis in an acquisitions policy is placed not on an individual creator – however prominent – but on works of other literary figures working on similar themes in the same environment.

Referring to the literary collections at the UWI St Augustine library, Special Collections librarian Lorraine Nero noted the 'collaborative relationship' between some West Indian authors as they created 'a dynamic network of interaction' and the authors she had in mind were James, Selvon, Lamming and Walcott. She also noted the presence of 'unpublished and unfinished works of one writer, contained within the archives of another writer'⁵² and an example was the presence of unpublished poems by Earl Lovelace, in the Derek Walcott collection. In a similar vein, researchers accessing the Louise Bennett Coverley collection at the National Library of Jamaica should have a distinct advantage over researchers accessing her collection at McMaster's University in Canada. This is because they would have access to materials by or about her in other collections, such as the printed, audio-visual and newspaper collections. The existence of a large 'support' collection is particularly important for a full understanding of her collection since it includes materials on topical issues, often in dialect. The collection therefore can best be understood and appreciated in the context of the Jamaican environment.

These are some of the limitations of diasporic collections and they cannot be easily resolved. As will be discussed in the next section, institutions in the region have a part to play in helping to ensure that collections of their prominent literary figures remain in the region. However, this does not solve the issue of the collections of those authors who lived in metropolitan countries for most of their lives, and feel, in spite of their Caribbean roots, that their materials would be more appropriately located, accessioned, preserved and made accessible in those countries as they have the necessary resources to

do so. A good example is the collection of the Jamaican author Andrew Salkey (1928–1995). A leading member of the Caribbean Diasporic Network (especially in the UK) and a cofounder of the Caribbean Artistic Movement, his collection was acquired by the British Library.⁵³ This is an example of where the concept of ‘shared archival heritage’ becomes applicable.

Shared Archival Heritage: A Way Forward?

In 2016, the ICA established an Expert Group on Shared Archival Heritage (EGSAH). Its goal was ‘to discuss and research issues related to archives pertaining to the history and cultural heritage of more than one community, country or region where the custody, ownership and access is unclear or in dispute’.⁵⁴ One clear objective of the group concerns resolving disputes regarding ownership and custody of records. To date, as far as it is known, there has been no legal challenge to the ownership or custody of Caribbean literary archives in the region or the wider diaspora, although as noted earlier, there has been disquiet about the locations of some collections.

There is another dimension however in which the concept of ‘Shared Heritage’ can be looked at and this says that the cultural heritage of the world belongs to everyone and it is something we should all share. It is best exemplified by UNESCO’s various programmes to safeguard the world’s tangible and intangible heritage.

The concept as it relates to diasporic literary archives could be interpreted to mean that institutions which hold split collections should have a common interest in making the collections as accessible as possible to researchers. This includes using common formats to describe the materials, placing lists of materials on websites and digitising materials and making copies available. This is particularly relevant to collections such as those of James, Walcott, Selvon and Bennett-Coverley, sections of which exist both inside and outside the Caribbean region. They can be part of shared archival heritage in the sense that the materials are part of the heritage of the region regardless of where they are located. Often this ‘shared’ and collaborative approach is not readily apparent as can be seen by the fact that the holdings of the CLR James Collection at The UWI, St Augustine, as listed on the Library’s website, makes no mention of the larger James collection at Columbia University and that there are overlaps between the collections. Similarly, the description of the collection at Columbia does not mention the collection at The UWI.

The concept of ‘shared’ implies equality and at times this is not possible as the developed countries have more resources to acquire, organise, describe and digitise materials than the developing ones and this is a reality which has to be accepted. When institutions are bidding to acquire collections, institutions in developing countries find it difficult to compete. University and research libraries in the region do not have access to the

kinds of endowments many overseas libraries have or the type of intellectual community to which they could appeal for funds. As noted earlier, the acquisition of the Walcott collection by the University of Toronto was in part made possible by funds raised, particularly from the Caribbean community in Toronto.

It is perhaps ironic that as a result of the activities of DLAN and other groups, authors and literary agents might become so conscious of the financial value of their materials that they might be more inclined to accept the highest offers for their materials which would normally come from overseas institutions. If this happens, then institutions in the region will continue to face great disadvantages in the literary marketplace.

Although the Caribbean, through Trinidad and Tobago, was a partner in the DLAN, the leadership of the Network and the maintenance of the listings of diasporic collections are being carried out by institutions in the United Kingdom. While their work is highly commendable and appreciated, Caribbean scholars, archivists and librarians need to become more involved – and also more vocal – in the process of identifying and acquiring materials for the research libraries in the region, cooperating with each other in this process and creating a portal where information on the collections can be disseminated. Caribbean librarians and archivists need to ensure that their institutions have the capacity (human and physical) to organise and maintain collections of literary materials at accepted archival standards and be able to provide digital copies if possible. The Caribbean's literary figures – whether based in the region or not – will continue to be attracted to institutions which will not only reward them handsomely for their materials but which have the facilities and staff to organise, preserve and make them available to the public under optimum conditions. The importance of the institution making a favourable impression on the donor or potential donor cannot be overemphasised. For instance, when Ian McDonald toured the Library at UWI, St Augustine and saw how his collection was being processed and housed, he was so impressed that he presented other materials which were not part of the original agreement.

Caribbean institutions can also do more to position themselves as partners in shared archival heritage endeavours. They could promote the existence and availability of their collections by ensuring that they are listed in the directory of *Diasporic Collections*, (a project of DLAN) which although not a full location register, records the existence and locations of diasporic collections.⁵⁵ Institutions should also ensure that their works are included in the listings of 'Repositories and Literary Archives in the Region (Anglophone Caribbean', a project of Caribbean Literary Heritage.⁵⁶

Caribbean archivists also need to ensure that there is a policy to deal with the management of electronic records as many literary manuscripts are now in born-digital formats. Regulations governing access should take into consideration the privacy rights of the creators and other parties, authenticity,

copyright issues as well as a timetable for digital migration. The National Library of Jamaica faced such a challenge in 2017 when it received a collection of audio tapes which had to be kept confidential for 20 years on account of the sensitivity of the materials. Issues such as security and reformatting had to be taken into consideration while drawing up the Agreement.

Standardising the ways in which holdings are described in an attempt to establish a standardised policy for the acquisition, care and access of literary collections would also be helpful. This was a recommendation from the Group for Literary Archives and Manuscripts (GLAM), a part of DLAN, following the results of a survey it had carried out. Archivists could also adopt a proactive approach and build up a relationship with authors in their countries, advise them of the categories of materials they ought to keep and indicate an interest in acquiring their collections in the course of time. Authors should be made aware of the guidelines produced by DLAN which covers matters such as rationale for keeping literary materials, how to keep them as well as issues involved in the transfer of materials to archival custody.⁵⁷ Furthermore, archivists could acquire from overseas institutions digitised copies of Caribbean literary materials, particularly those relating to their particular country. Some of the materials are available on-line, such as some of the audio tapes in the Louise Bennett Coverley fond at McMaster University in Canada, but institutions should be encouraged to digitise more materials.

Finally, archivists could participate in regional projects to exchange records, and pool resources to further develop the archives in the region. In 2004 (circa), the Association of Caribbean Archives (CARBICA) created a Caribbean Archives Web Portal (MIGAN)⁵⁸ to create a gateway to archives in the region. This, CARBICA felt would strengthen the Caribbean identity, by having the Caribbean archival heritage visible on the web, instead of the split and scattered manner in which they currently exist.

Shared archival heritage efforts offer a way to navigate the complexities of diasporic collections that are not truly displaced, though alienated.

Conclusion

As has been demonstrated, Caribbean literary archives are good examples of diasporic archives as they exist in institutions in many countries and exemplify very well Punzalan's model of 'geographical; temporal; provenancial and material' dispersal. These archives may be alienated from the context of their creation, from the societies that influenced their creation and their content, but they are rarely displaced in the sense that their ownership or custody is disputed. This recognises the fact that although the works of the authors are heavily influenced by and reflect their Caribbean upbringing, they have all spent major portions of their lives in metropolitan countries, and this has impacted on them and these experiences are reflected in their

archival materials. Regarding these archives as diasporic does not, however, diminish the consequences of their dispersal.

The concept of 'shared archival heritage' is one which has great potential for Caribbean literary archives. However, as discussed above, the concept implies equality, and this is not always possible between institutions in developed and developing countries. This is because as indicated, institutions in the region face many limitations which prevent them from being full partners in this concept. It could be argued therefore that 'shared archival heritage' is not a concept which now could readily be applied to Caribbean literary archives. Institutions in the region should work towards making this 'sharing' a reality on their part. They can achieve this by improving their infrastructure covering areas such as facilities, processes and policy frameworks. In this way they would be able to bridge the gaps created during the location and dispersal of Caribbean literary archives.

Archival dispersal from the region is as complex as the migrations and invasions of the peoples and territories of these countries. We feel that the literary and archival communities should have a vested interest in ensuring that the archival materials of their members and nationals have a stable home, virtually or actually, in their respective countries. Though literary archives are often not 'displaced', in their diasporas they can be alienated from the places and cultures that helped to shape their contents, uses and effects. If everyone involved can recognise that they are part of a diaspora of records perhaps we can move towards sharing our archival heritage.

Notes

- 1 Group for Literary Archives and Manuscripts, "What are Literary Archives?" para 2.
- 2 Group for Literary Archives and Manuscripts, "What are Literary Archives?"
- 3 Sutton, "Literary Papers," 1.
- 4 Sutton, "Literary Papers," 2.
- 5 Diasporic Literary Archives, "Home," accessed September 6, 2021, <http://www.diasporicarchives.com/>.
- 6 David Sutton, "Caribbean Literary Heritage," Diasporic Literary Archives, September 5, 2019, <http://www.diasporicarchives.com/caribbean-literary-heritage/>.
- 7 Fernández Campa, "Literary Correspondence"; Jenkins, "Where Are Our Heroes."
- 8 Donnell, "Introduction," 308.
- 9 Donnell, "Researching Anglophone Caribbean Literature."
- 10 Punzalan, "Archival Diasporas," 327.
- 11 Donnell, "Introduction," 308.
- 12 Sutton, "Literary Papers," 1.
- 13 Sutton, "Literary Papers," 7.
- 14 Punzalan, "Archival Diasporas," 331.
- 15 Punzalan, "Archival Diasporas," 331.
- 16 Punzalan, "Archival Diasporas," 327.

- 17 Punzalan, "Archival Diasporas," 327.
- 18 "C. L. R. James Letters and Additions," finding aid for Sc MG 132, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, The New York Public Library, accessed September 6, 2021, <https://archives.nypl.org/scm/20708>.
- 19 "James, C. L. R. mss., ca. 1942-1974," finding aid, Lilly Library, Indiana University, Bloomington, Indiana, accessed September 24, 2020, http://webapp1.dlib.indiana.edu/findingaids/view?doc.view=entire_text&docId=InU-Li-VAD8296.
- 20 "C L R James Papers," finding aid, Institute of Commonwealth Studies, University of London, Accessed September 6, 2021, <https://archives.libraries.london.ac.uk/Details/archive/110017624>.
- 21 Alma Jordan Library, "About the Walcott Collection."
- 22 Discover Archives, "Derek Walcott Papers, Accession MS COLL 00136," finding aid, Thomas Fisher Rare Book Library, University of Toronto, accessed June 24, 2020, <https://discoverarchives.library.utoronto.ca/index.php/derek-walcott-papers-00136>.
- 23 "Samuel Selvon: An Inventory of His Papers," finding aid, Harry Ransom Center, University of Texas at Austin, accessed June 24, 2020, <https://norman.hrc.utexas.edu/fasearch/findingAid.cfm?eadid=00119>.
- The collection consists of 2.5 boxes (1.04 linear ft) and the folders are listed.
- 24 "The material was amassed by the author himself and donated to The University of the West Indies, St. Augustine, in 1987." Alma Jordan Library, "Sam Selvon Collection." Ramchand, who played a leading role in the acquisition of the collection indicated that payment was involved and that copyright rights in the collection would remain with the family, "Lost and Alienated Manuscripts," 329.
- 25 Nero, "Making Connections," 342, note 9.
- 26 "C. L. R. James Papers, 1933-2001, Bulk 1948-1989," finding aid, Rare Book and Manuscript Library, Columbia University, June 2011, https://findingaids.library.columbia.edu/ead/nnc-rb/ldpd_6910705.
- 27 "C. L. R. James Collection: SC82," finding aid, UWISpace: The University of the West Indies Institutional Repository for Research and Scholarship of the University of the West Indies, September 6, 2011, <https://uwispace.sta.uwi.edu/dspace/bitstream/handle/2139/10190/CLR%20James.pdf>, "Provenance" section.
- 28 Punzalan, "Archival Diasporas," 340.
- 29 Ministry Culture, Gender, Entertainment and Sport, "Historic Signing with Louise Bennett Coverley Estate," Jamaica Information Service, September 6, 2018, <https://jis.gov.jm/historic-signing-with-louise-bennett-coverley-estate-grange/>.
- 30 "Fonds RC0037 - Louise Bennett Coverley Fonds," William Ready Division of Archives and Research Collections, McMaster University Library, accessed June 24, 2020, <https://archives.mcmaster.ca/index.php/louise-bennett-coverley-fonds>.
- 31 William Ready Division of Archives and Research Collections, "Louise Bennett Coverley Fonds."
- 32 Punzalan, "Archival Diasporas," 344.
- 33 Lowry, "Proposing a Research Agenda," 1.
- 34 Ramchand, "Lost and Alienated Manuscripts," 327. There are many definitions of "Alienation" as the term has several meanings. For our purpose the following is perhaps the most appropriate 'the state of being an outsider or the feeling of being isolated', *Collins Online English Dictionary*, s.v. "alienation (n)," accessed September 6, 2021.

- 35 Sutton, "Future of Literary Manuscripts," 150.
- 36 Although not a literary collection, the 'Eric Williams Collection', one of the flagship collections of UWI, St. Augustine is on deposit as the family has retained ownership of it. In 2016 there was a proposal to rehouse the collection in a special 'Prime Ministers Archives' but this not happened to date and the collection is still at The UWI. Clint Chan Tack, "New home for Eric Williams collection," *Newsday*, <https://archives.newsday.co.tt/2016/08/02/new-home-for-eric-williams-collection/>. This uncertainty is one of the problems of collections on deposit.
- 37 Sutton, "Future of Literary Manuscripts," 149-150.
- 38 He was undoubtedly influenced by the fact that he lost a large part of his personal collection in 1992. Allison McNearney, "How the Story of V.S. Naipaul's Early Life Went Up in Flames," *Daily Beast*, August 20, 2018, <https://www.thedailybeast.com/how-the-story-of-vs-naipauls-early-life-went-up-in-flames>.
- 39 French, *Biography of V.S. Naipaul*, 323 (quotation from a letter from Naipaul to Paul Theroux).
- 40 French, *Biography of V.S. Naipaul*, 323.
- 41 French, *Biography of V.S. Naipaul*, 468-469.
- 42 Ramchand, "Lost and Alienated Manuscripts," 328.
- 43 Noreen Ahmed-Ullah, "Nobel Laureate Derek Walcott Dies: U of T's Fisher Library Has 160 Boxes of His Drafts, Notes and Sketches," *University of Toronto News*, March 20, 2017, <https://www.utoronto.ca/news/nobel-laureate-derek-walcott-dies-u-t-s-fisher-library-has-160-boxes-his-drafts-notes-and>, para. 8.
- 44 Ahmed-Ullah, "Nobel Laureate Derek Walcott."
- 45 "TU Houses the Late Nobel Prize-Winning Author V.S. Naipaul's Entire Archive," *University of Tulsa*, August 29, 2018, <https://utulsa.edu/vs-naipaul/>.
- 46 Kim Robinson-Walcott, "Acquiring Winkler's Archives for the National Library of Jamaica," *Literary and Artistic Archives* (blog), April 19, 2017, <https://literaryartisticarchives-ica.org/2017/04/19/anthony-c-winkler-archive-goes-home-to-jamaica/>.
- 47 Michael Reckord, "Anthony Winkler's Archives Presented to National Library of Jamaica," *Gleaner*, April 11, 2017, <https://jamaica-gleaner.com/article/entertainment/20170412/anthony-winklers-archives-presented-national-library>.
- 48 Ramchand, "Lost and Alienated Manuscripts," 329.
- 49 "A Guyanese and West Indian Treasure," editorial *Stabroek News*, December 5, 2014, <https://www.stabroeknews.com/2014/12/05/opinion/editorial/guyanese-west-indian-treasure/>, para. 3.
- 50 Ramchand, "Lost and Alienated Manuscripts," 327.
- 51 Ramchand, "Lost and Alienated Manuscripts," 322.
- 52 Nero, "Making Connections."
- 53 Eleanor Casson, "Andrew Salkey: A Man of Many Hats," *English and Drama Blog*, October 29, 2019, <https://blogs.bl.uk/english-and-drama/2019/10/andrew-salkey-a-man-of-many-hats.html>.
- 54 International Council on Archives, "Terms of Reference," Expert Group on Shared Archival Heritage, 2016, <https://www.ica.org/en/expert-group-on-shared-archival-heritage-egsah>, "Purpose and Objectives."
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- 56 Caribbean Literary Heritage, "Links," accessed September 24, 2020, <https://www.caribbeanliteraryheritage.com/links/>.

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Part III

Towards Home

Displaced, Un-placed, Re-placed

Armenian Archives and Archival Imaginaries in the US

Anne J. Gilliland and Marianna Hovhannisyan

Introduction

With the destruction of the Armenian homeland, most of the civil and ecclesiastical records were lost forever. This makes it very difficult for many Armenians living today to learn about their family's genealogical and historical background. Fortunately, there are rich primary sources of historical information pertaining to Armenian immigrants to North America in the form of ship manifests, census records, World War I draft registrations, vital records, naturalization records, passports, newspaper advertisements, etc.¹

Historically, the concept of displaced archives has been treated in the context of official records that have been removed or appropriated from the places or people where or by whom they were created. This usually has occurred through an exercise of unequal power, and in many cases the current placement of those records is still disputed.² Such displacement has frequently been as a result of settlement, (de)colonization, war, conquest, treaty or mercantile activity, or alternatively of political oppression and exile.³ In collecting contexts, this understanding of displaced archives has been expanded to include other kinds of cultural or historical materials, removed either from one nation to another or from one institution to another without the free and full prior or continuing agreement or consent of the first party or source community. These materials may continue to be considered displaced until the parties concerned, or their legatees, agree upon their physical or digital restoration/repatriation, appropriate restitution or other resolution. Yet a third kind of displaced archives may occur, however, when personal and community materials are carried into, or created through diaspora by displaced people.

Such a multi-valent understanding of displaced archives has not yet been discursively applied to what has become known as the Armenian diaspora, which exhibits all of these forms of archival displacement in addition to

deliberate archival obliteration. The Armenian diaspora formed predominantly as a result of the Armenian Genocide (1915–22/23)⁴ committed by the Young Turks authorities⁵ against Western Armenians in their historical homeland⁶ when it was under the rule of the Ottoman Empire: This occurred while World War I was taking place, and during the years leading to the foundation of the modern Republic of Turkey. According to many studies, an estimated 1.5 million Armenians were massacred.⁷ The trajectories of survivors spread across the world, and one of the largest resulting diaspora communities began when some 100,000 individuals – predominantly orphans and women – fled to the United States⁸ where today fourth and fifth-generation Armenian descendants still reside. This tragedy of human loss, displacement and diaspora is paralleled by, and even after more than a century, continues to struggle with the effects and affects of loss, displacement and diaspora of archives in all forms.

Considerable ongoing work by Armenian scholars and scholars of Armenian descent has been shaping the discourse of memory, truth and trauma in writings about the Genocide⁹ and the historical homeland of Western Armenia.¹⁰ Significantly, there is also growing in-depth critical study of the gendered¹¹ and racialized foundations of the catastrophe and its aftermath, and how these have not only reshaped but also profoundly transformed the identity and belonging of the survivors¹². Scholarly work on archives, however, remains focused on issues associated with accessing extant censored as yet undisclosed archives in Turkey¹³ rather than addressing archives as a critical concept that might also contribute to Armenian historiography and beyond. This chapter takes the latter approach, applying critical scholarship in archaeology, visual studies and archival studies, as well as drawing upon the authors' fieldwork in California and contemporary Armenia (the Republic of Armenia). In particular, it draws upon a research study 'Curating Archives, Curating Slippages', which examined the lack of knowledge transmission between Armenian generations who were 'becoming American' – from the 1915 Armenian Genocide survivors who found refuge in the US to successive generations – with the aim of recognizing common archival slippages, mistags, presumptions and materialities of found objects, in order to propose an alternative form of description able to reflect unspoken epistemologies.¹⁴

The chapter first provides some background on the simultaneous human and documentary Armenian Genocide and diaspora and then focuses on the archives of the Armenian community that settled in the United States. In particular, it considers photographic as well as other tangible and audio-recorded materials that might not in other circumstances be thought of as records but that have been preserved as such in family and community archives. Responding to Lowry's proposed research agenda¹⁵ and the visual turn in recent scholarship, the chapter speaks to the affective capacity¹⁶ and materiality¹⁷ of displaced archives and other cultural artefacts that

have experienced genocide, and especially how these materials transmute after displacement into a linguistic, affective and visual experience that sustains transgenerational archival imaginaries of what is lost, irretrievable or unknown.¹⁸ It argues that in the case of the Armenian diasporic community resulting from the Genocide, photographs and other depictions of lost homeland, landscape and life, as well as family portraits, function as markers of place as well as memorabilia. Consequently, the ways in which the immediate survivors and their descendants have regarded these materials, especially photographs, constitute new possible articulations for displaced archives. While their original contexts and meanings today are both unknowable and irrecoverable, the materials simultaneously indicate both the absented *place* of the institutional or home archive in a disappeared homeland where they might otherwise have resided, and the continuing Turkish taboo that denies the material existence of such records and the people and experiences they depict. In other words, these materials speak to how such archives are *dis*-placed, *un*-placed and *re*-placed with new meanings, very much analogous to the human experience of being forcibly dislocated and taking on new identities as a result.

No home to which to return records: Turkish denial of the act of Genocide

There are several possible reasons why a discussion concerning displaced archives has not yet been applied to the Armenian case. The Genocide committed during the Ottoman Empire and in the years leading to the foundation of the Turkish Republic involved obliterating not only the Armenian people but also almost all documentary, artefactual and other traces of their existence. During and in the immediate aftermath of 1915, many valuable archives documenting Armenians' rich liturgical, literary and artistic heritage as well as their civil presence, were either destroyed¹⁹ or lost. Those materials that survived and remained in the region have either been censored,²⁰ dispersed and repurposed,²¹ or rendered inaccessible by the current Turkish government. From 1915 onwards, there were also widespread confiscations of Armenian-owned properties in Turkey, and consequently the destruction of their archives.²² Such confiscated spaces included schools, colleges, orphanages, hospitals, children's summer camps, monasteries, churches, cemeteries, social and commercial hubs (*hans*), residential apartment buildings, houses, vacant lots, fountains, shops, warehouses, factories, commercial buildings, office buildings, workplaces, museums and libraries and printing houses. Only about 11% of these properties have been returned to their Armenian foundations at this point.²³ Furthermore, survivors who escaped the massacres through the assistance of entities such as the American Committee for Armenian and Syrian Relief (now Near East Relief, the American charity organized to respond to the Armenian Genocide),

The Danish Women's Union or The Russian Red Cross, Armenian humanitarian organizations (The Armenian General Benevolent Union/AGBU), and religious institutions such as the patriarchates, or international organizations (Red Cross, The League of Nations) as well as individual generosity, were mostly either destitute orphans or women.²⁴ As such, their narratives and the possibilities of personal archives were often shaped by others and framed through devices such as 'survivors', 'refugees' or 'humanitarian aid'. Mark Arslan, the author of the *Armenian Immigration Project*, a vital online research platform on Armenian immigration and displacement to the US prior to 1930, explains that it is often only through the bureaucratic records of such entities or through other kinds of records such as ship manifests and US World War I and II draft registrations, rather than through personal records carried or created by the survivors, that Armenian Americans can learn anything about their ancestral past.²⁵

In the course of the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) established in 1993, witness testimony regarding genocide carried out against Bosnian Muslims led to the expansion of how the concept of genocide has been understood to include deliberate destruction of a people's cultural, documentary and religious heritage.²⁶ However, the Armenian Genocide and the obliteration of traces of Armenian presence occurred a century ago and is still not acknowledged by the current Turkish government,²⁷ and in the absence of documentary evidence from the Turkish side, there has been a distrust of testimonies and other documentation that was created by the survivors themselves.²⁸ Not only does this situation imply an absence of the possibility of negotiation, agreement or other legal or cultural forms of consensus, but even more fundamentally, since what was Western Armenia is now territorially part of modern Turkey, there is no longer any historical Western Armenian homeland to which to repatriate any records. As the following discussion illustrates, this situation corresponds to what multiple fields such as critical archival, critical race and ethnic studies²⁹, as well as studies of material/visual culture, have helped us to understand: that continuing structural denial of prior violent events promotes further disappearances of material traces of *those* events and obfuscates possible future readings of their meanings.

Different paths of displacements

Another aspect that complicates understanding the case of Western Armenians as one of displaced archives, are the different, multiple routes of dispossession and dispersal. The movements of affected populations were initially centred around Syria, Lebanon and Greece,³⁰ as well as the Southern Caucasus and another part of historical Armenia, known as Eastern Armenia³¹. The latter was soon to undergo its own transition due to the collapse of the Russian Empire, defending against encroaching Turkish

armies and experiencing the October Revolution through the Bolshevik agenda, and subsequently becoming a Republic of the Soviet Union (since 1991 the independent state of Armenia).³² Such a sudden, historical conjunction of dispossession and subsumption events had a compounding effect on Armenian bureaucratic, liturgical and family archives in all these locations in terms of exacerbating their disappearance, dispersal, irretrievability and the fragile, politically and physically precarious nature of their continued existence.

Even though it is now over a century since these events began, a combination of determination to identify, extract and bring together, whether physically or virtually, surviving archival traces of the Genocide and subsequent diaspora,³³ meticulous recording of the provenancial stories of such traces that may, in the case of photographs, continue to exist in multiple copies (as will be discussed more extensively later), and serendipitous encounters can result in some important discoveries and answer questions about the fate of those long lost. Some examples related to the authors by the staff of the Armenian Genocide Museum-Institute in Yerevan, which collects documents and artefacts from the Armenian diaspora, illustrate this point. One exhibit includes a class photograph of several schoolboys, together with their teachers, taken in a small Armenian village before 1915. It was believed that all but the boy whose family had donated the photograph had perished in the Genocide. One day, however, a visitor to the museum told the curator that her family had a copy of the same photograph, because a relative had been one of the other figures in the photograph and had also been a survivor. Using the detailed provenancial notes kept by the museum, the curator was able to identify the donor of the museum's copy of the photograph and organize a reunion between the two families of the survivors. This in turn resulted in the identification of additional familial archival materials in their possession that were then added to the museum's collection thus contributing new knowledge about the community and further elucidation of Genocide and post-Genocide events. A second example involves a second photograph displayed in the same exhibit case – a powerful image of an Armenian woman from Shatak (a district in Van Province of modern Turkey). The woman, named Tangik, looks defiantly towards the photographer. Her right hand holds a rifle and her left arm is laid protectively around the shoulders of her young son, who she had just saved from abduction by Kurds. The Museum knew that Tangik had later been killed and her son had disappeared, but his fate, like that of so many other Armenian children, was unknown. The curator related how she had recently been approached by a Turkish woman who said she had in her possession an item she wanted to give to the museum. The item again turned out to be another copy of the same photograph. Many Armenian orphans and/or women had been forcibly converted to Islam and given new names, to be servants in Turkish, Kurdish and Bedouin households or forced into marriage.³⁴ The boy had

lived with her family and had brought a copy of the photograph with him. After he had died, the family had retained the photograph and this woman had been very anxious to give it to the Museum.

The aspects integral to the Armenian case illustrate a complex, temporal layering and spatial dispersion of circumstances that underscore how displaced archives are inseparable from the contextual information which inherently frames their destruction, survival and/or new configurations, whether as evidence, knowledge, heritage or legacy. In this regard, whether one aims to reflect on Armenian archives from a unified holistic perspective (actual, imagined or aspirational), or simply as dispersed fragments, it seems neither position is fully tenable, or at least, adequately able to account for the unique aggregations of circumstances. For example, post-Genocide geopolitics, geographic paths of displacements and the gender and age of the survivors each play a role in determining what could *possibly* survive or be displaced, and into whose hands it might fall. By juxtaposing this with Lowry's broad definition of displaced records being those removed by states, regimes or exiled groups rather than individuals³⁵ a series of questions can be articulated: given that exiled groups rarely have the capacity to rescue and carry many, if any archives with them,³⁶ what then can be considered 'archival' under the conditions of annihilation and censorship of Armenian textual and artefactual traces by official forces that were faced by Armenians during the Genocide? Further, and importantly for still unresolved legal claims, what can be considered to be a legitimate displaced record that is imbued with legal power and can continue today to serve as both evidence and information that can be used in ongoing restitution and other claims? Finally, in the absence of the archives that were abandoned, removed from them or destroyed, what kind of evidence and consequent archival imaginaries of their past did surviving Armenians keep and transpose across multiple generations, and how?

Rethinking absence in the context of displacement

In Turkey today, denial of the Armenian Genocide is reinforced through a societal, political taboo in the form of complete censorship and closure of related archives. Since conditions resulted in those who were exiled rarely being unable to carry their own records, or indeed other markers (official and otherwise) that aid on several levels in situating an identity with a place and home, this enforced separation from archives that *do* exist and whose contents are unknown to those who have been displaced is a particular kind of absence where the affect of what has been lost is compounded by the affect of what is still being withheld. The meaning of this absence resonates and even amplifies over generations. In this case more traditional notions of displaced records become inverted. The very possibility that material continues to exist beyond their ability to access it serves to remind Armenians

that there are unjust and unequal relations and forces at work within this discourse of archival absence. Such affect shapes the contours of the overlapping roles of the archives as sources of legitimation, evidence and information, as mechanisms for the transmission of memory, and as personal testimonies and family histories. More specifically, it suggests an approach to understanding the role of displaced archives that starts from a position other than an implicit, binary emphasis based solely upon the materialist absence/presence of redeemable official records or other primary sources that could possibly be repatriated or restored. In the Armenian diasporic case, therefore, the possible meanings of such archives transmute rather than disappear in displacement. They can be considered palpable, registered by a distinctive linguistic, visual experience that has left an inextricable imprint on the refugee and diasporic condition. Importantly, these transformations caused by dispossession are crucial reminders for subsequent generations of the context and information associated with these images that point to what is lost, irretrievable or unknown.

‘Negative evidence’: The US and Armenians

In this section, we consider a relation between the Armenian people and the act of their displacement by focusing on photographic images and various other materials produced in the native language of the pre-displacement time period (i.e., directly before 1915). It is productive here to focus on the multi-layered US archival experience with Armenians in order not only to appreciate what documentation *does* exist, but also its valence to the Armenian American community and the Armenia diaspora more broadly.

Dislocation from the Ottoman Empire first occurred as a result of the Armenian persecution during the Hamidian massacres in the 1890s. Those events preceded and would lead to the catastrophe that took place between 1915 and 1922/23. The beginning of the 20th century, when refugees started coming to the US, coincided with the development of immigration policies, the application of new technologies in the production of records about those who moved across geographies and jurisdictions – such as requiring personal photographs on passports – and the associated bureaucratization and classification of people as immigrants and refugees. The results were archives formed *around* and *about*, rather than *by* displaced communities. While these were created at the interstices between refugee lives before and after the Genocide and may be, as Arslan notes, the only available documentation through which many Armenians may learn about their own family pasts, they had little or no documentary overlap with *life* before the Genocide and thus they are unable adequately and affectively to compensate for the absent prior archives.³⁷ Western Armenians had been arriving in the US for labour and financial reasons since the first British colonists arrived in North America,³⁸ however, with their numbers increasing in nineteenth centuries.

Individuals who were associated with the American Mission's work with Armenians such as priests and scholars also immigrated prior to 1915, often studying at American universities such as Yale, Boston and Amherst, setting up businesses, or entering Protestant Christian organizations. These earlier Armenian immigrants brought with them earlier archival material of their own and continued to add to it through their own continuing interactions with Armenian family members and associates in Western Armenia and elsewhere, as well as their local activities where they had settled in the US. Refugees from the Genocide as well as subsequent Armenian immigrants tended to settle in locations where there already was a pre-displacement Armenian community, bringing with them whatever material traces, if any, they had somehow managed to carry with them from their homeland. One of the largest of the Armenian diaspora groups comprised those who came to California directly following the Genocide.

These materials, and in particular, the photographic reproductions that were created and circulated in this crucial time period, can be found in both official and family archives. Our working approach to displaced records has been informed by what Severin Fowles elaborates in archaeology as 'negative evidence'.³⁹ That is to say, how the absence of any tangible archaeological markers (records) in a site (archives) may yet indicate the presence of 'invisible' ones (those who have been displaced).⁴⁰ It has also been informed by the work of archival studies scholars Gilliland and Caswell who, when arguing that the roles of individual and collective imaginings about the absent or unattainable archive and its contents should be explicitly acknowledged in both archival theory and practice, point to the need for archivists to find ways to render impossible archival imaginaries possible for communities that are disenfranchized by the extant record.⁴¹ To possibly translate 'invisible' and 'imagined' records into something tangible would involve addressing underlying social interactions that are only perceivable through the ways in which external contextual knowledge is applied. For example, Fowles inquires as to 'whether the *absence* of pig bones at certain sites can itself point to the presence of a formal religious taboo'.⁴² While this statement begs for the alternative inferences of information in the conditions of non-registration of evidence in an archaeological lens, it also opens up possibilities for a rethinking of the notion of displaced records. Another useful reference can be found in the recent work of another archaeology scholar, Alfredo Gonzalez-Ruibal, who explains that archaeology does not work with living witnesses, intact monuments or complete textual materials, but rather 'with the broken and mute remnants of the past'.⁴³ In other words, the field of archaeology constantly contemplates the negatives of the past as absent evidence. Moreover, the fields of visual arts, contemporary art and architecture also work with the notion of 'negative evidence' and imbue it with spatial and political agency, capable of endorsing new claims of justice in human rights through

creative and critical modes of production. The London-based multidisciplinary research group, Forensic Architecture,⁴⁴ uses architectural disciplinary knowledge, skills and technologies to explore and investigate cases of state violence and human rights violations with a primary focus on the ongoing atrocities committed against Palestinians by Israeli authorities. In this conceptual framework, the lack of evidence of atrocities and violence becomes itself the material evidence, an antibody. As Eyal Weizman, the founder of Forensic Architecture, defines it, negative evidence is ‘...what defense teams mobilize to disrupt prosecution cases: no body, no gun, no holes. In legal terms, it is a kind of antibody that comes to disrupt and dismantle complex epistemological assemblages of networked evidence’.⁴⁵ Relatedly, a curated exhibition by Hovhannisyan, *Empty Fields*,⁴⁶ commissioned by SALT Cultural Center in Istanbul, explored the ‘epistemological assemblages of networked evidence’ in the local American Board Archives (known as the archives of the American Board of Commissioners for Foreign Missions)⁴⁷ and the ways in which Western Armenian archival materials appear as unknown, uncatalogued, and made absent as a result of the ruptures of the Genocide. *Empty Fields* proposed that these gaps, lacunae and instabilities in these archives, exposed at the level of the database, metadata system and inventory tags, are the markers of irretrievable histories and geopolitical interruptions, that in the contemporary times, remain the only structural narratives to follow.⁴⁸ In order to activate this approach, Arab-American artist Fareed Armaly developed the exhibition design concept, where empty archival data fields were step by step transformed by the research (conducted by Hovhannisyan) into a content and context. Centrally, the research uncovered the forgotten legacy of the Armenian-German scientist, botanist and Genocide survivor Johannes ‘John’ Manissadjian (1862–1942), who prior to 1915 initiated and curated a vast natural science collection at the Anatolia College Museum in Marzvan, Ottoman Empire. As a result of the Genocide, the museum collection would be dispersed and considered as lost, and thus, the archival entries associated with this made absent. In other words, the empty data fields in the American Board Archives served as a means of showcasing the specific impacts of epistemological and ontological erasures and blankness on Armenian history, and belonging, as in this case of the forgotten legacy of Manissadjian and his lost museum collection.

Taken together, these propositions are helpful in understanding archival paradigms not just in terms of the archaeology of knowledge, but also as evolving open questions fraught with remnants, parts and meaningful voids. This approach may considerably stretch conventional ideas of archival materials, evidence and information, and ultimately, displaced archives, but all of these concepts ultimately have to be acknowledged and understood in terms of particular social interactions, power relations⁴⁹ and the landscape of what was and may today or in the future be possible or impossible.

Archives in the US: What survives are mainly photographs

It is helpful to frame what has survived in Armenian archives in the US as a prelude to our discussion about the prevalence and valence of Armenian photographs:

Greater Los Angeles: Archival traces of the Armenian diaspora that settled in the Greater Los Angeles area are spread across public libraries, museums and specialized collections, and take many forms⁵⁰. They include dissertations written in English from the 1920s and 1930s by the first refugee/survivor generation; rare books depicting lace made by Armenian orphans who reached the US through Near East Relief; fragmentary community photograph archives; and a set of American commercial and Armenian community-produced recordings of songs and instrumental music – old 78s made in the 1930s – that vividly capture and render survivors' longings for their lost Armenian homeland as well as the Western Armenian language which, as no longer the language of any state, is in danger of becoming extinct within successive generations of the diaspora. With time, distance and assimilation into other language spaces, diasporic communities are rapidly losing the ability to access the knowledge that is embedded in the songs, as well as the letters and inscriptions of the surviving archives.

Fresno: Another important Californian location that captures the Armenian legacy is the city of Fresno and the surrounding California Central Valley⁵¹. Fresno offers a distinctive Armenian community microcosm with which to engage. It is one of the earliest Armenian diasporic farming communities in the world and is located in a landscape that is itself evocative of that of Marzvan and other parts of Western Armenia from whence many of the Armenian immigrants originated. The layered history of the Armenian presence in Fresno begins with a settlement in 1881 during the Gold Rush, then the first generation escaping the Hamidian massacres in the Ottoman Empire and is followed by the arrival of the 1915 Genocide survivors and refugees, and subsequently Eastern Armenians escaping from the Bolshevik régime between 1917 and the 1930s. The early twentieth century phase represents the first point at which the notions of 'refugee' and 'orphan' become integrally associated in the US mind with Armenian identity,⁵² reinforced through the massive fund-raising appeals and humanitarian aid work of Near East Relief. The later twentieth century phase is associated with Middle Eastern Armenian descendants of former Genocide refugees and survivors who came to the US to escape the

Lebanese Civil War of the 1970s and 1980s. The most recent influx has been of post-Soviet Armenians, who came to the US during and after the collapse of the Soviet Union and the independence of Eastern Armenia, a former Soviet republic⁵³.

The Armenian Studies Department at California State University of Fresno is the main institutional research centre and has a vast collection of books and photographic archives donated by families as a result of the department's persistent collecting work from the 1950s onwards in an attempt to keep alive the legacy and heritage of Armenians. The photographs in this collection mainly come from the Ottoman Armenian period pre-1915, and include images from the Armenian homeland, such as family portraits, landscapes and historical cities that are lost today. There is also a scattering of photographs illustrating the Armenian presence and life in Fresno and its adjacent cities in the early 1930s and 1940s. Archives to be found in Fresno are primarily personal materials in the hands of families, however, and thus often remain undescribed and unknown more widely. This presents an important challenge to the reconstruction of knowledge and narratives about the Armenian community and its experiences prior to and since coming to California.

It is also worth highlighting here that the case of Fresno presents a paradigmatic model for record-making practices in post-Genocide contexts. Because it became so important from the 1940s and 1950s onwards to preserve the Genocide legacy when survivors began to pass away⁵⁴, the main collecting focus was either on the images or materials of Armenian life pre-1915 or on the immediate illustration of the catastrophic events that took place. This is the case with the Armenian Studies Department in Fresno. Ironically, by collecting and preserving mainly from those time periods (that is references to and materials from the lost homeland), the survivors' contemporary modes of living in Fresno and in the area were projected as being secondary, and thus not archivally valuable or collectible. This raises an additional archival question about whether the subsequent experiences of generations descendant from displaced people – generations that produce new epistemologies, silences and mute heritage traces – might also be considered to be an irrefutable part or at least a consequence of displaced records, thus potentially continuing to shift and open up conceptual definitions associated with displaced archives.

Greater Boston: Different material evidence of the first generation of refugees and the first American-born and raised generation can be found in the Armenian Library and Museum of America (ALMA) in Watertown and other collections in Boston, another important hub for Genocide survivors. The major part of these collections is

comprised of lace, embroidery and accessories (including village dioramas) whose designs and motifs include direct references to the homeland. Ephemera include Near East Relief posters printed to raise awareness and monetary funds after World War I, political posters such as those relating to political rallies and Genocide commemorations, and family photographs.

The notable presence of portrait and genre photographs in these and other archives from before and after the Genocide is also related to the close relationship between Armenians and early commercial studio photography that is discussed further below. Across Western Asia and elsewhere around the globe, Armenians dominated studio photography from the mid-nineteenth century right up until the 1960s.⁵⁵ Grassroots photographic projects such as *Project SAVE: Armenian Photograph Archives, Inc.* and *Houshamadyan* are helpful in understanding the shifting meanings and potential of the displaced archives of the Western Armenians. Interestingly, the cores of both of these projects are separate donations of family collections. *Project SAVE*, in preserving fragmented Armenian heritage through photographic images and memories of life in historic Armenia, recognizes the role played by private family collections. Founded in 1975 by Ruth Thomasian, *Project SAVE*'s collections currently number approximately 45,000 images dating from 1860.

Although *Houshamadyan* works with photographs and written primary sources with the same goal of preserving Armenian heritage as *Project SAVE*, it is more focused on reconstructing Ottoman Armenian town and village life. Vahe Tachjian, one of the cofounders of *Houshamadyan* project, underscored in an interview the many material forms that such records might take: 'What remains are the unintentional markers of history passed through generations: handwritten accounts of local villages, photos mailed to family members abroad, embroidered garments, a handful of dirt tied in a handkerchief'.⁵⁶ *Houshamadyan*'s thematic divisions include Ottoman Armenian music, cooking, arts and crafts, and in this arrangement, the contributions from family archives from many countries including Lebanon, Syria and the US are notable. This would suggest that tracing the various paths and locations of displacements could be productive when trying to identify possible surviving records of those displacements, as well as to understand what clues that survival might yield for the people with whom those records were associated.

Michael Rettig, a Fresno resident of Armenian descent, related a story as part of the commemorations of the 102nd anniversary of the Genocide that illustrates the various roles that photographs can and cannot play in relation not only to knowledge recovery about Armenian displacements but also specifically to diaspora imaginaries:

I decided to speak about a distant branch of my family that I knew the least about, for the very reason that I knew so little about them. In fact,

my family had no knowledge of their existence until recently. Several years ago, my aunt and I discovered a photograph of an unknown family as we were sifting through my late grandmother's boxes of family archives. I initially thought the picture must have been of my ancestors' family friends from Bitlis, a historically Armenian province of the Ottoman Empire. We later opened a different box and found a legal document that my great-great-grandfather Mardiros Gashagortzian drafted to sue the Ottoman government for the property his family lost during the Armenian Genocide of 1915.⁵⁷

Rettig discusses what he learned about the history of an unknown part of his family after the accidental discovery. Mardiros had arrived in Fresno in 1899 in the first wave of Armenians fleeing the Hamidian massacres, and the document Rettig and his aunt found includes a list of his relatives who remained in the Ottoman Empire. It was through this document and other letters in the archive that Rettig learned not only that the photograph was of his great-great-great-grandmother Mary and the other family members, but also the circumstances of their deaths.⁵⁸ All of them died as a result of the Genocide, with the exception of one son whose letters to Mardiros recorded how he survived in Turkey under an assumed identity. This poignant case epitomizes points already introduced in this chapter – that when contextualizing textual and material references are destroyed or confiscated by perpetrators during catastrophic events, when identities are replaced or covered up, and when there are multiple generations in diaspora, photographs such as these become transformed into temporalities, often reduced in the present to being simply an example of a pictorial image of an unknown family or individuals. As archaeology scholar Guha explains, it becomes impossible to impose:

original meanings on photographs. The slippage between the image and its referent contributes to the layers of meaning a photograph may accrue through its circulation and archiving—meanings that are ascribed during its different situations of viewing, and established within different moments of its social biography.⁵⁹

The photograph becomes elevated from the visual to the artefactual, sensual level, thereby fixing archaeological knowledge and facts only by 'memorialisations of contingent meanings'.⁶⁰ It may only be through serendipitous discovery or connections that one can begin to wrap these photographs again in the stories of their subjects.

To expand the scope of what images and photographs might be capable, scholars in critical visual culture have strived to articulate how the circulation of photographs depicting injustice under sovereign states can hold the viewer accountable.⁶¹ For instance, Azoulay's critical take on archives

is related to her earlier work on photography of the violated subject. Her book, *The Civil Contract of Photography*, examines the role played by photographs, their circulation, function and effects in the rendering of citizenship.⁶² In particular, this applies when photographs of violence or the event of violating human rights are used by/on behalf of ‘stateless’ people as a means of political appeal to the international community.⁶³ Azoulay proposes her central idea of a civil contract, a kind of political or moral agreement or relationship between the viewer and the photograph of ‘noncitizens’ that calls upon the act of viewing as a kind of participatory citizenship in which archival photographic images function as witnessing speech acts.⁶⁴ In the same understanding of a civic contract, Azoulay⁶⁵ suggests that there is a need to create *new archives* that operate with civic awareness and generate new social relationships. This often includes *rescuing* materials. She cites as an example how Anat Kam, an Israeli woman, rescues the archives of Palestinians and becomes an archivist. One has to be careful in extending the application of this particular idea to Armenian photographic archives, however, since Azoulay’s work addresses the political context of a different displaced people, Palestinians, decades later, when photographs had a much more ubiquitous presence due to their preservation through personal albums, or distribution through mass media than would have been the case in 1915 with the more rarefied, class-based photography of Armenians and Armenian life.

Recent scholarship in archival studies has drawn attention to the shifting status of photographs and other materials that circulate and, like Guha, points out the ways in which they gain a certain sense of recordness in relation to that circulation and the communities that interpret them.⁶⁶ In this regard, art historian WJ T Mitchell, discussing visual culture,⁶⁷ argues that there is a distinct difference between pictures as *objects*⁶⁸ and images as *representation*⁶⁹ and that images might even be better understood when they have been interpreted as images, in other words, for the ways that their contingent meaning resonates with the subjectivity of the viewer. Jennifer Evans further emphasizes the sensual and emotional responses that visual sources such as pictures invoke for the viewer, ‘in the realm of the senses – all the senses – including touch, sight, and for those of us digging around in dusty archives, even smell’.⁷⁰

Approaching archival photographs from the perspective of an archaeology of the Armenian condition, the role of photography can be interpreted through two types of image readings – cultural-racial (e.g., ‘Oriental’,⁷¹ where women who are Christian are nevertheless represented as veiled or within the ‘Oriental’ discourse), and evidentiary. American mission-associated and humanitarian photographs were produced from the 1860s until the 1920s within the Ottoman Empire. Initially meant to function as reports to the US central mission, those images depicted the prosperous life of new Protestant Armenian and Greek communities. In the immediate period of the Genocide, the mission workers produced humanitarian

photographs that were intended to call the world to action on behalf of the Armenian cause. In the post-Genocide context, both these types of images have been reproduced and widely circulated in the public media and civic space, engendering particular archetypes and iconography, as well as serving as venerated images within Armenian homes in the diaspora. In other words, public meaning transformed into personal, and these images became substitutes for the archival legitimization that has been suppressed and absented as part of continuing Turkish denial of the Genocide. The production of humanitarian photography about Western Armenians begins as a produced discourse and ends up as an iconic marker endowed with a meaning that goes far beyond the initial connotation of the photographs. In the post-Genocide condition, the memories of both survivors and their descendants are now linked to these displaced meanings of the mission photos and thus are imbued with artefactuality. They also demonstrate how the meanings of images that are solely copies from institutional hegemonic archives, such as those of the missions, have been displaced so that they now also function as heritage in personal or family archives.

But if we are to understand this visual displacement in terms of displaced records, and in conjunction with this chapter's argument that such records must be understood and defined in accordance with their contextual information, there is a specific reflection to be made. Technological development of the era and at the moment of the dispossession and displacement profoundly constitutes the im/materiality of surviving objects. In an article discussing the birth of humanitarian photography, Armenian-American literary critic, poet and writer Peter Balakian points out how the Armenian Genocide is considered to be 'the first genocide of the twentieth century to be implemented with modern techniques, national ideology and state and bureaucratic apparatus: in short, the first *modern* genocide'.⁷² This not only refers to the techniques used in mass killings but importantly, to the growing popularity among ordinary citizens of the photo-camera itself. Balakian discusses how existing, perhaps displaced, photographic images of the Genocide that survive in family hands can be characterized by their accidental creation. Balakian categorizes these photographs into two phases. The first phase are photographs taken between 1915 and 1918 that depict the unfolding of events, lynching marches, camps and so forth. The second phase mostly encompasses postwar mission-associated images dating from 1918 to 1920 that were intended to publicize and support fundraising for the Armenian refugeedom. More often than not, the photographs of events were taken by bystanders who found themselves in unforeseen violent situations. Often they were mission workers – non-professional photographers – trying to create immediate evidence of the events they were witnessing. In other words, this suggests an intent that the visual experience of viewing the photograph would have agency by invoking an immediate reaction to the cause of the atrocities that were captured photographically.

Similarly, the photographic and visual experiences of Genocide survivors can also be contextualized by the second crucial fact that the early professional photographers in the Ottoman Empire were mainly Armenians or of Armenian descent, such as Pascal Sebah, the Abdullah Frères or the Dildilians, just to name a few. An interesting case is the vast private archive, the Dildilian Brothers Collection of photographs and glass negatives (along with family memoirs) associated with Genocide survivor and photographer Tsolag Dildilian. He ran photography studios in Sivas (in Armenian, Sebasia) and in Marzvan,⁷³ whereby was the official photographer at the American mission-led Anatolia college, the Ottoman Empire. This collection survived and ended up in the US, when some members of the Dildilian family found their refugee in the US after the Second War. Those images capture the life, urban scene, and Armenian and Greek people of mainly the Sivas region and include family portraits, college staff, school class pictures and so forth. They are also objects of securities in terms of photographic development at that time. In the contemporary context, this archive has turned into one of the most valued and prominent displaced photographic records to be widely reproduced and circulated among the Armenian diaspora, providing information about their ancestors and helping them to create correlations between other family archives.

While photographic collections in grassroots organizations grapple with the irretrievability and legacy or reconstruction of the past, as Rettig's case illustrates, private family photographs, even those of unknown family members, function as placement markers of a lost homeland and families, and evoke continuing mourning of violent death. In the same way, a famous image from the Dildilian photographic archive shows 'X' marks on the images of those who had been killed – the Armenian and Greek faculty at the Anatolia College in Marzvan by 1920. It took several years for Dildilian's grandchild and Genocide scholar Armen Marsoobian, to examine and write down the names of all of those whose bodies in the image were marked with Xs – two Greek and seven Armenian teaching staff members of the College – HA Arozian, Sarkis Gureghian, Garabed K Kojoyan (Kodjian), Prof. V Hovhannes Hagopian, Prof. Kakig M Ozanian, Prof. Pavlos Pavlides, Dr. Arakel Sivaslian, Dimitrios Theocharides, and one person who remains unidentified as of now. As Rettig sums up, prioritizing the image over the picture-record: 'Who would remember these faces if not for this *picture*, and who would remember their struggles if not for the *letters* in my grandmother's boxes?'⁷⁴

Conclusion: Recordness is the visual experience, and absence is evidence

The cases discussed in this chapter invite consideration of an inverse meaning of displaced archives. As the discussion has explained, because of many factors distinctive to the Western Armenian case it is hard to delineate or

argue for what could be defined more classically or even legally as displaced records. Nevertheless, contemplating the definition of displaced archives in the Armenian post-Genocide context continues to be important for very obvious reasons – official archives of the Ottoman period are still contested and withheld by the sovereign state of Turkey; and surviving community documentation of Armenian life and survival is fragmentary, dispersed and largely uncatalogued across a global diaspora. As a result, not only has culpability for the Genocide been impossible to prosecute, but also many Armenians still do not know the fate of their family members. Current generations of the diaspora have lost their ancestral identity, heritage and homeland. The discourse of the displaced is also not applied because the place where those records could be articulated as dis-placed and to where they should be re-placed is itself no longer in existence. These cases suggest furthermore that the archival impressions and imaginings of scholars, grassroot organizations and generations of descendants of Genocide survivors are dominated by encounters with visual images. It is common for descendants to keep and pass from one generation to another the photographs of their ancestors, photographs that are often copies. As the organizations mentioned here highlight, photographic images predominate in core institutional collections both in terms of their numbers but also in terms of the referential and knowledge recovery roles they might play. Such copies and other surrogates of photographs are unlikely to pass for displaced records, however, because they are not original source materials, their provenance can be hard to trace, and their continuing affective impact is largely intangible and under-recognized outside the Armenian diaspora.

The idea of impossible archival imaginaries conjured up by the longings of past and present generations of the Armenian diaspora may seem too intangible for archivists to grapple with, especially given that more than a century has passed since the Genocide occurred, but it is important to bear in mind that the affect of the trauma of genocide and displacement from home is profoundly human and transgenerational. Moreover, as centuries of inter-ethnic violence and displacement have repeatedly demonstrated, individuals, families and communities act and react upon their imaginaries, even many generations later. Archives, themselves transgenerational mechanisms, sit at the centre of that affect, as its cause, its target, and as a site of intense hopes and fears and they can no longer ignore it. It may never be possible to realize all the imaginaries of the Armenian diaspora, but we would close by proposing some actions that could be taken by the archival field to elevate the evidentiary importance of voids in archival collections and knowledge, to uncover additional knowledge of what happened during and after the Genocide, and to render at least some ‘impossible archival imaginaries’ possible.

Firstly, the obvious action and the one that has been the pursuit of so many Armenian scholars, is for the archival field itself to put pressure on Turkey

to open those records in its archives that relate to Western Armenia and the Armenian community and its treatment within the Ottoman Empire.

Secondly, as the field of archaeology demonstrates all too clearly through its use of science, interpretation, interpolation and painstaking attention to the smallest fragments, absence and voids bear witness to events just as does presence. Although recent critical work in the archival field has brought considerable attention to the causes and affects of silences in archives,⁷⁵ the practical work of the field still expends its energies primarily on what is present, what can be presented and what can be represented. In this, it is much closer to the field of law than it is to archaeology. In any post-genocide situation, displaced records can become key primary materials, but the Armenian case introduces a complexity that can be useful for considering absent evidence and displaced archives in cases of genocide that have occurred elsewhere and with other populations. Archivists could build on the concept of 'negative evidence' by approaching their appraisal, description and advocacy activities with the intent of elucidating absence as well as presence of archives and contextual information as both evidentiary and contributing new knowledge.

Taking this one step beyond general practices, could the archival field pursue a global initiative that follows the known routes of the diaspora and engages local repositories to identify, describe, abstract, translate and digitally link as many surviving archival fragments as possible,⁷⁶ together with any provenancial information, while at the same time identifying and mapping documentary absences? Such an initiative might even support acknowledgment and reparations for the Genocide, or at least combat future impunity to commit genocide and parallel archivicide and archival displacement.

Finally, there is a need for archives to capture the experiences and responses of the generations who succeeded the survivors in the diaspora and continue to live with the legacy of displacement. In this respect, newer archival constructions and paradigmatic approaches, particularly those of the community archives movement, may offer important approaches both to the diaspora and to the current Republic of Armenia. As the recent war in 2020⁷⁷ initiated by Azerbaijan and backed by Turkey on the territories of the unrecognized Armenian state of the Republic of Artsakh (known as Nagorno Karabakh from the Soviet Union), has underscored for all Armenians around the globe, their past never ceases to be the past. It resides in the present and keeps returning as new generational trauma, engendering yet more displaced archival imaginaries.

Notes

- 1 Arslan, 'Preface', para. 3.
- 2 Lowry, 'Proposing a Research Agenda'.
- 3 Lowry, *Displaced Archives*.

- 4 While the focus of this paper is the Armenian experience, it should be acknowledged as the Genocide of Armenian, Assyrian, and Greek people under the Ottoman Empire. The word Genocide is capitalized to refer to this specific crime.
- 5 See Zablotsky, 'Governing Armenia', 126–127, on the anti-Armenian Ottoman sentiments prior to the event of 1915 and on the early militant intentions of the Young Turks. See also Suny, *History of Armenian Genocide*, on the complexity of their ideology, which the author argues appealed not only to 'purely Turkish ethnonationalists' and 'religious fanatics' but also 'Ottoman modernizers in their fundamental self-conception' (Suny, *History of Armenian Genocide*, xiv–xv); Akçam, *Armenian Genocide and Ethnic Cleansing*, on the ethnic cleansing in the Ottoman Empire, drastic demographic changes, and the late-Ottoman policy of Turkification; Kieser, *Architect of Genocide*, on Talaat Pasha, who ruled the late Ottoman Empire during World War I, and had a crucial role in the Young Turk Revolution of 1908, and who Kieser argues was 'the father of the modern Turkey', and the 'architect of the Armenian Genocide'.
- 6 In regard to the focus of this paper, it is impossible to unpack all the factual details and discursive frameworks relating to how the territories, part of the historical Armenian homeland referred as Western Armenia (located in West Asia, currently, eastern parts of contemporary Turkey), have been divided, transformed, and occupied throughout their history from 387 AD and throughout the Ottoman Empire. A discussion about the Western Armenian homeland also requires a meticulous critical analysis of the indigenous (both Eastern and Western Armenians refer to this as 'bnik') knowledge structures and cultural heritage in these lands, which have been under the ongoing erasure, appropriation, and misattributions by Turkish authorities. However, the recent dissertation work of political theorist Veronika Zablotsky sheds light onto the complex displacements and deterritorialization of the Armenian homeland and belonging from the postcolonial perspective and situates the Armenian claims to indigeneity in West Asia within racial, imperial, and colonial ruptures. She centrally argues how 'governing Armenia' oscillates between various geopolitical projects and self-colonization: '[a] mandatory affiliation with Europe affirmed Armenian aspirations for self-government in racial terms, it *naturalized* the natal alienation of Armenians in the late Ottoman Empire and rendered their indigenous status in Anatolia *unintelligible*. This geopolitical erasure effectively refashioned the orphaned nation into an extraterritorial entity on the imaginary plane of the globe', that is to say, into the diaspora (Zablotsky, 'Governing Armenia', 35).
- 7 MacDonald, *Identity Politics*, 118–119; Suny, *History of Armenian Genocide*, xiv; xxi.
- 8 Pezeshkian, 'Giving Voice to Strengths', 10; Bolsajian, 'The Armenian Diaspora', 30.
- 9 Nichanian, *The Historiographic Perversion*; Eng and Kazanjian, *The Politics of Mourning*; Suny, *History of Armenian Genocide*.
- 10 Marsoobian, *Remembering Armenia*.
- 11 See the works in critical gender and women's studies of Turkish scholar Ayşe Gül Altınay ('Gendered Silences, Gendered Memories'; *The Grandchildren*). Her ongoing scholarship argues for the Armenian Genocide being a deeply gendered event.
- 12 Bilal, 'The Lost Lullaby'; Cachoian-Schanz, '(Dis)orienting Exile'; Ekmeçioğlu, *Recovering Armenia*; Maksudyan, *Orphans and Destitute Children*; Zablotsky, 'Governing Armenia'. In this context, see also the memoir of

- Arlene Avakian, *Lion Woman's Legacy*, an Armenian-American scholar in women's studies. This memoir is one of the early writings on queerness, exile, and first-generation trauma in the aftermath of the Genocide and diaspora.
- 13 Akçam, *Armenian Genocide and Ethnic Cleansing*.
 - 14 The authors would like to acknowledge funding received in support of this research from The Critical Refugee Studies Collective (CRSC), funded by the University of California Office of the President Multicampus Research Programs and Initiatives. This paper would not have been possible without the help and guidance of archivists, collection managers and curators, Nora Avetyan, Ani Boyadjian (Los Angeles) and Malina Zakian (Fresno) into the fragments of the Armenian archives in California. The acknowledgements extend to the Armenian community members who have been so generous in supporting the research in Fresno and in Los Angeles – the Baloian family, Varoujan Der Simonian, Carla Garapedian, Elizabeth Grigorian, Pastor Badveli Harutyunyan, Mary M. Ekmalian, David Turshyan, Phil Tavlian, and Denis Simonian.
 - 15 Lowry, 'Proposing a Research Agenda.
 - 16 Cifor and Gilliland, 'Affect and the Archive'; Cifor, 'Affecting Relations'.
 - 17 Rekrut, 'Material Literacy'; 'Matters of Substance'; Watenpaugh, 'Preserving the Medieval City'.
 - 18 Gilliland & Caswell, 'Records and Their Imaginaries'; Halilovich and Gilliland, 'Digitality and the Reconfigured'.
 - 19 Matossian, 'The Genocide Archives'; Kouyoumjian, 'Crime Against Cultural Heritage'; Watenpaugh, 'Preserving the Medieval City'.
 - 20 Taner Akçam, 'Ottoman Sources and The Question of Their Being Purged,' in *The Young Turks' Crime against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire*, 1–28, Princeton: Princeton University Press, 2012, <http://www.jstor.org/stable/j.ctt7rt86.6>.
 - 21 Hovhannisyan, *Empty Fields*.
 - 22 Yilmaz, *2012 Declaration*.
 - 23 Yilmaz, *2012 Declaration*; Matossian, 'Taboo Within the Taboo'.
 - 24 Tachjian, 'Gender, Nationalism, Exclusion'; Necessian, *The City of Orphans*.
 - 25 Arslan, 'Preface'.
 - 26 Riedlmayer, Testimony.
 - 27 Suny, 'Truth in Telling'; Matossian, 'The Genocide Archives'; Göçek, *Denial of Violence*. Although the state of development of the archival field of the time period is also a determining factor for what is available now as collections and repositories.
 - 28 Testimonies and witnessing by the immediate survivors are multi-layered, and the original creation dates span from the 1920s to the 1980s. They often take literary (Oshagan, *Panorama of Armenian Literature*; Yessayan, *In the Ruins*) and memoir narrative forms (Banker, *My Beloved Armenia*; Yotnakhparian, *Crows of the Desert*), or represent documentation initiatives undertaken by individuals, such as collecting oral accounts from eyewitnesses (for instance, around 700 pieces collected by Verjine Svazlyan (*The Armenian Genocide*) between the 1960s and 1980s in the Soviet Armenia), audio oral histories (for example, conducted by Vazken L. Parsegian in the 1950s and 1960s in the USA [Columbia Armenian Oral History Archive, 1968–1977]) or video testimonies (Michael Hagopian Video Collection and the Richard G. Hovannisian Armenian Genocide Oral History Collection). See Gerard J. Libaridian's 'Summary of a Survey' as a detailed overview about the archival nature of these kinds of collections.

- 29 The notions of displacement and destruction can also be linked to the recent work of ethnic studies scholar Lisa Lowe's *The Intimacies of Four Continents*. Lowe deconstructs and decolonizes the 'shared' colonial past by exploring the critical entanglements between four continents – Africa, Asia, and Europe and the Americas in the late eighteenth- and early nineteenth- centuries. By tying them together through deep archival research and building cross-references, Lowe reveals how 'liberal freedoms of wages, rights, and trade' in Europe and North America 'linked transatlantic African slavery and Asian indenture in the Americas and throughout the emerging Anglo-American empire' (Lowe, *Intimacies of Four Continents*, 45–46). In this work, the repressed and racialized subjects, such as 'the Chinese coolie' and 'the African slave', emerge as historical figures of workers with an agency to expose the violent, economic correlations between modernity and liberalism. The point is that these links are very destructive and based on exploitation. In this frame, the archival treatment becomes important. If hegemonic narratives and subsequently their archives disembody, obfuscate, and dismember the connections and associations between the victims, the event and the perpetrators, between the enslaved and the colonizers, then how do we re-make, read and overlap these broken links, so that they *neither restore, nor contribute* to the history of Western liberalism, but allow us to recognize 'an archive of colonial uncertainty' (Lowe, *Intimacies of Four Continents*, 78).
- 30 The list of routes is vast and widespread, including Egypt, Palestine, Iraq, Georgia, Russia, Ethiopia, Poland and more.
- 31 See the scholarship of cultural critic Hrach Bayadayan, *Becoming Post-Soviet*, on the division between being an 'Eastern' and 'Western' Armenian, as theorized through postcolonial studies.
- 32 See the trilogy of films by Tigran Paskevichyan, *Great Repatriation of Armenians*, on the escape, presence and repatriation of the survivors to the newly-formed Soviet Armenia, and how many of them experienced a second exile during Stalin's repressions.
- 33 Gilliland, 'Networking Records in their Diaspora'.
- 34 The Armenian Genocide Museum-Institute in Yerevan uses the term 'kidnapped' (The Armenian Genocide Museum), while historian Rebecca Jinks, referring to historian Ara Sarafian's work on the same subject uses the term 'absorbed' instead of 'abduction' more to indicate the complex relationship between how these events were documented and phrased, mainly within missionary records. It is also important to distinguish between the testimonies of these women and their diverse experiences based on in whose hands they ended up, i.e., Bedouin and Turkish, Kurdish. For example, some of these women were subsequently tattooed on their faces and hands in accordance with local Bedouin traditions (Jinks, 'Marks Hard to Erase,' 86). One might claim that this act paradoxically not only entered them into a 'new' forced belonging but also saved their lives since it made them undiscoverable during later Turkish searches for surviving Armenians. In regard to the focus of this paper, this example of a complex racialized and gendered 'othering' raises the issue of truth ascribed to the photographic document and media in the archives. On this subject, see also the endnote 5.
- 35 Lowry, *Displaced Archives*, 4.
- 36 Gilliland, 'Matter of Life and Death'.
- 37 Arslan, 'Preface'.
- 38 Bolsajian, 'The Armenian Diaspora'.
- 39 Fowles, 'Steps Towards an Archeology', 17.

- 40 In this regard, see also the article by historian Elyse Semerdjian, 'Bone Memory,' exploring the necrogeographic implications of the bones of Genocide victims (the unburied dead) collected, displayed, and preserved by Armenians specifically from Dayr Al Zur desert, Syria (a known tragic site of massacres and deportations of Armenians). Semerdjian opens up a remarkable discussion of how this informal pilgrimage site and the 'rituals' of collective trauma and memory through the accumulation of the bones impose an inquiry into *what can be considered* as an ancestral archive in the context of displacement and annihilation.
- 41 Gilliland and Caswell, 'Records and Their Imaginaries', 73.
- 42 Fowles, 'Steps Towards an Archeology', 19 (emphasis in original).
- 43 Gonzales-Ruibal, *The Age of Destruction*, 83.
- 44 Weizman, *Forensic Architecture*.
- 45 Weizman, 'Violence at the Threshold', para. 5.
- 46 Hovhannisyan, *Empty Fields*.
- 47 The project was made possible through the partnership of SALT – which has been cataloging and digitizing the archive – and the American Research Institute in Turkey (ARIT), the archive's caretaker and owner. The initial research began with Hovhannisyan's engagement under the auspices of the EU-funded Hrant Dink Foundation Turkey-Armenia Fellowship Scheme, taking on the classification of untranslated Western Armenian material in the American Board Archives.
- 48 Hovhannisyan, *Introduction: Empty Fields Exhibition*; Vilalta, 'Empty Fields'.
- 49 Carter, 'Of Things Said'.
- 50 These institutions include the Los Angeles Public Library, Glendale Public Library, the University of California, Los Angeles Ethnomusicology Archives and University Library Special Collections, the University of Southern California Visual Archives, the Getty Research Institute, and the Ararat Eskijian Museum. One of the early initiatives in Southern California garnering the audio and video interviews from the survivors were conducted by Richard G. Hovhannisian (the Richard G. Hovannisian Armenian Genocide Oral History Collection), J. Michael Hagopian (The Michael Hagopian Collection), and Donald and Lorna Millers' (*Survivors*).
- 51 Records and photographs related to the Armenians in Fresno, Del Rey, Yettem, and other adjacent cities and farms can be found in the following locations in Fresno – the First Armenian Presbyterian Church, the Armenia Studies Program and Henry Madden Special Collections at the California State University, Fresno Public Library, the William Saroyan Museum, the Armenian Heritage Museum, the Armenian Museum in Fresno housed at the University of California Center Exhibition Hall, the Armenian Cultural Conservancy (an NGO), and the California Armenian Home for senior citizens.
- 52 Zablotsky, 'Governing Armenia', 118–212.
- 53 This is informed by Hovhannisyan's 2019 research interviews with Barlow Der Migirdichian, Randy Baloian, M. Ekmalian and Van Der Migirdichian in Fresno, and email correspondence with Varoujan Der Simonian, July to November, 2019. There are various scholarly works (Bulbulian and Shekoyan, *The Fresno Armenians*; Don Minasian, 'Settlement Patterns of Armenians') that piece together the fragmented histories of Armenian refugees and survivors escaping the Genocide and the first generation of Armenian-Americans forming one of the prominent Armenian diasporas in Fresno and its adjacent cities and farms. However, there is still a need for depth research unpacking the multiple layers of the Armenian community in the Central Valley of

- California as well as the ways in which it overlaps and interacts in that space with Indigenous, diasporic and immigrant peoples and communities such as Native American, Mexican-American, Sikh, Japanese-American, Hmong and other communities.
- 54 For instance, see the video testimonies related to this shift in the Michael Hagopian Video Collection and the Richard G. Hovannisian Armenian Genocide Oral History Collection.
- 55 Vartanian n.d.; Lusadaran Armenian Photography Foundation n.d.).
- 56 Nate Berg, 'A Rich History of Pre-Genocide Armenia Hides in Family Heirlooms and Handwritten Notes,' *Los Angeles Times*, January 17, 2020, <https://www.latimes.com/world-nation/story/2020-01-17/memories-armenia-before-genocide>.
- 57 Michael Rettig, 'A Fresno Man's Mystery Family Discovered in Archives from Armenian Genocide,' *Fresno Bee*, April 19, 2019, <https://www.fresnobee.com/opinion/readers-opinion/article229444074.html>.
- 58 Rettig, 'Fresno Man's Mystery Family'.
- 59 Guha, 'Photographs and Archaeological Knowledge', 10.
- 60 Guha, 'Photographs and Archaeological Knowledge', 3.
- 61 Azoulay, 'Archive'; Keenan, 'Counter-Forensics and Photography'.
- 62 Azoulay, *Civil Contract of Photography*.
- 63 Azoulay, *Civil Contract of Photography*.
- 64 Levin, 'Performative Force of Photography'.
- 65 Azoulay, 'Archive'.
- 66 Carbone, 'Constructing an Object Biography'; Caswell, *Archiving the Unspeakable*; Yeo, 'Concepts of Record', 131.
- 67 Mitchell, *What Do Pictures Want?*
- 68 See also Edwards and Hart, *Photographs Objects Histories*, on the materiality (physicality, smell, taste, and touch) of photographs as integral aspects of their content/meaning, use, and sociality that inherently contribute to the ways in which photographs as objects generate institutional stories and productions of the 'economy of truth' (p. 4–5). This discussion on photographs as objects, that is to say, how material moves and transforms into commodities and things, and thus, as well shifting their meanings and values, connects to the relevantly recent 'material turn' in the discourses of anthropology and material culture as seen in the works of Arjun Appadurai, 'The Politics of Value', on 'social life of things,' Carl Knappett, 'Photographs, Skeuomorphs, and Marionettes', on 'socially alive' objects, Hans Belting, *An Anthropology of Images*, on the relationship between the image, the medium, the body, and the truth. In the context of this article, see also the ongoing scholarship of Marianne Hirsch, *The Generation of Postmemory*, establishing generational readings between postmemory, narrative constructions, and photography in the case of the Holocaust.
- 69 See also the scholarly work by photographer, author, and filmmaker Allan Sekula, who establishes the problematic bond between archives and the role of photography as a visual field. Specifically, in his 1986 seminal essay 'The Body and the Archive,' Sekula situates classification as a repressive accumulative practice by intelligence and technologies of surveillance in the context of the emergence of photography. After the 1840s, photography offers 'a new juridical photographic realism' (Sekula, 'Body and the Archive,' 5) which assists the police and technologies of surveillance in France. In this context, photography was turned into an instrument to regulate the 'social body' of 'the growing urban presence of the 'dangerous class', of a chronically unemployed

- sub-proletariat' (Sekula, 'Body and the Archive', 6, 18), while the biometric accumulation of such photographs turn the archival paradigm into the operation of power.
- 70 Evans, 'Historicizing the Visual', 486
- 71 It is often the case that historical photographic images depicting the Armenian indigenous communities living in the Ottoman Empire appear in collections under the headings of 'Ottoman' or 'Orientalist Photography' such as in the Getty Research Institute's (GRI) collections of Orientalist Photography. This vast repository of images originally categorizes 'the Orient,' during the second half of the nineteenth and early twentieth centuries, through a binary world history ordered as Europeans and non-Europeans. This is, indeed, intertwined with the Western desire for encounters, travels to in/accessible 'exotic' locations, whereby the development of a photographic medium is key (Behdad, *Camera Orientalis*). Meanwhile, a seminal work has been produced on the discourse of 'Orient', through postcolonial perspectives expanding upon Edward Said's critique on Orientalism. For example, in the context of the Ottoman arts, architecture and photography, prominent scholar Zeynep Çelik argues that cultural identity in the 'Orient' was in a complicated dialogue with a perceived European supremacy, and ongoing revisions by the 'Oriental' subjects through 'self-visions' (Çelik, *Displaying the Orient*, 41–42). In the contemporary, such a perspective, as Çelik proposes, allows the 'Orientalized' subjects to 'speak back' (Çelik, 'Speaking Back', 19–41) disrupt the Western gaze, and 'contest the dominant norms' (Çelik, 'Speaking Back', 21). However, there is still critical work to be done to undo the overlaps of the colonial past and postcolonial readings and recognize the silenced survivor of the Armenian Genocide as an 'other' of the 'Other' that is within the construct of a 'speaking-back' 'Oriental' 'Ottoman' subject. In other words, indigenous Armenians under the Ottoman Empire have only been depicted and perceived as generalized 'Oriental' ethnic subjects, first in the image production and importantly, later in archival classification.
- 72 Balakian, 'Photography, Visual Culture', 90.
- 73 The contemporary Turkish usage is Merzifon.
- 74 Rettig, 'Fresno Man's Mystery Family,' para 6 (emphasis added).
- 75 Thomas et al., *Silence of the Archive*; Carter, 'Of Things Said'.
- 76 Manoff, 'Mapping Archival Silence'; Gilliland, 'Networking Records'.
- 77 Please refer to the series of articles and the editorial text by Hrag Vartanian under the rubric of 'Artsakh: Cultural Heritage Under Threat' published by Hyperallergic, the online arts magazine, for the reflection and overview on the war, and the ongoing and present destruction of the Armenian cultural heritage in Artsakh.

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Claims for Colonial Objects and for Colonial Archives

Can the Two Meet?

Jos van Beurden

During five centuries of colonialism, numerous historical and cultural objects disappeared from colonial contexts to European metropolises. So did innumerable colonised archives, constituted in the same contexts. In bilateral negotiations between former colonial powers and their successor states, colonial objects and colonial archives are rarely linked. While the current discussions about returns in the heritage sector, the media and among the public are dominated by colonial objects, colonial archives are an essential ingredient for the reconstruction of our memory of the colonial experience.

This chapter looks for more balance and links between colonial objects and archives in negotiations about their return. It investigates cases in which negotiations about the return of disputed colonial archives and objects were linked and what the effect of this connection was. Successively, the chapter will review the negotiations between Ethiopia and Italy after the Second World War, Papua New Guinea and Australia in the 1970s, Indonesia and the Netherlands in 1975 and the ongoing negotiations between Rwanda and Belgium. It discusses in four conclusions and two observations to what extent displaced colonial archives and objects are comparable and can be dealt with in the same breath, how their linking plays in the current debate about returns and how this dealing with objects and archives in one breath works in another category of contested materials, namely Nazi loot.

An Object Man's Archival Encounters

Unlike most authors in this volume, this writer is not a specialist in archival matters but one who knows about disputable objects from colonial contexts. Yet, he has always had archival encounters. One was recognising that displaced colonial objects did not always dominate the debate about returns: there were times that displaced archives were at the forefront. The first agreement in Europe that covered restitution issues was the 1648 Treaty of Westphalia. Its articles XCV and CXIV dealt with the restoration of records, papers and documents of whatever nature to their countries of origin. These papers were more essential for these countries than cultural

objects, at a time when there were no public institutions like museums to play a role in nation-building. European sovereigns, noblemen and wealthy businesspeople had their own private collections. The Treaty of Westphalia applied to European countries only and not to their colonial possessions.¹

Another discovery was about the interconnectedness of colonial archives and the fear of incrimination. Many colonisers made archival documents disappear, as they did not want to pass them to their successors. When King Leopold II handed over Congo Free State to the Belgian government, he ordered the burning of all archives in his colonial possession so that no one would know what he had been doing in Congo. It took his assistants eight days to finish the job.² The British government conducted this politics of oblivion at the eve of the independence of tens of colonial possessions. Archival documents that might embarrass members of the police, the military and the civil service had to be repatriated or to be 'destroyed under statute'. From Malaysia, for instance, 'five unmarked lorries' carried their documentary cargo to an incinerator in Singapore.³ The Netherlands was no exception. An Assistant-Resident in the Dutch Indies disappeared 'abruptly' from the official archival records after he had reported serious atrocities in the colony.⁴

Colonial records often had to do with the control of resources. The Africa Museum in Belgium is the keeper of old records about geology, biology, minerals and natural wealth in Belgium's former colonies in Africa; the DR Congo, Burundi and Rwanda. It preserves 280 private archives of Belgian people in colonial Central Africa with such data, as well as data about police, military, health, etc.⁵ The strategic value of these records came into the open in 1960, when the DR Congo claimed these records upon its independence. But the Belgian government did not give in⁶. France did something similar after Algeria's independence in 1962. Without the Algerians realising it, colonial officials shipped 200,000 boxes with records to Aix-en-Provence in France in 1961 and 1962. The papers were related to political parties, military operations, the organisation of villages and infrastructure. For half a century, Paris has ignored Algerian return requests, though President Macron is reported to be willing to provide copies of archives dating from the French colonial period.⁷

In their selection of records that had to be preserved, some colonial powers showed a neglect of local people that was racist. Most Namibians have to live without person-related archives, as the South African colonial administration classified them as non-white under apartheid laws, and thus as unimportant. Such records are the type that 'confirm rights and privileges of individual citizens..., confirm identities ... and carry proof of economic transactions', information about matters such as children, marital status, property and employment. The only archives related to non-white Namibians that were considered worth of keeping initially were contractual records, but even these were destroyed, as their research value was considered minimal.⁸ Namibia's National Archive has tried to retrieve military archives from Germany, but so far to no avail. At Namibian independence,

in 1989, South Africa took all military and administrative records, and until now it has returned only the administrative ones.

What the above encounters have in common is that they are mostly about official historical records and records of colonial administrators and military and other Europeans. Nowadays, these are coming more and more into the open. The British National Archives present colonial state papers related to America and the West Indies from 1573 onwards and records related to other parts of the British colonial empire from 1782 onwards.⁹ Few peoples, subjugated during Europe's expansion, were able to preserve the memory of their past in way that Europeans recognised as archival, and if they did, their records were frequently destroyed, confiscated or lost in other ways. Examples can be found in, for instance, Mexico, Thailand and Ethiopia. The Aztecs in Mexico practiced two record-systems, one through hieroglyphic writing, and the other through iconic images. The conquistadores shipped a few codices to Europe, destroying most other ones. The ones in Europe were amputated and renamed after their new possessors, for instance Codex Bodley in the Bodleian Library in Oxford or Codex Borgia in the library of the Vatican.¹⁰ Few records have survived in Thailand. In the 17th and 18th centuries, the Dutch East India Company (VOC) was in close touch with the King of Siam, a country that was never colonised. In VOC sources matters such as trade, diplomacy and court conflicts in the Asian empire are described, whereas 'few Siamese sources survive' that explain how the Siamese of Ayuthaya saw the Dutch.¹¹

Ethiopia had more luck. After their 1935 invasion of Ethiopia, Italian army personnel confiscated government archives, although Emperor Haile Selassie had brought them out of the capital for safe-keeping. As will be shown, they were returned after the war.¹²

Are there instances where colonial objects and colonial archives meet? There are, but very few. Four agreements were found in which objects and archives were considered together. The first is the one between Ethiopia and Italy, based upon the Treaty of Peace with Italy of 1947. Data have been gathered about how Ethiopia benefitted from it. The second is the agreement about the return of archives and objects from Australia to Papua New Guinea from 1975 onwards, which shows the complications that can arise in the cooperation between archival and museum institutions. The third is the Joint Recommendations that Indonesia and the Netherlands agreed upon in 1975, which covered both objects and archives. How did they work out in practice? Finally, a recent program for dealing with archives and objects by Rwanda and Belgium is discussed.

Impeded Implementation: Ethiopia and the Treaty of Peace with Italy (1947)

Does Ethiopia belong on a list of negotiations where *colonial* archives and objects meet? Although the African country was never colonised, many events that it experienced have to be framed in a colonial context, something

that can also be said about China, because both countries experienced the impact of Europe's expansion drive. In 1868, Ethiopia's Emperor Tewodros faced a large British army. Due to their modern weaponry, the British won and confiscated hundreds of treasures from Tewodros' body, his palace compound and some nearby churches. In 1935, Ethiopia faced another invasion by a European power: Mussolini's troops invaded the country. For the Duce, this was part of a *colonial* adventure and an opportunity to take revenge for the humiliating defeat at Adowa in 1896. In 1935, Italy wanted to add Ethiopia to its colonial possessions in North East Africa. Ethiopia considered itself as a member of the League of Nations and its status was thus comparable with that of countries in Europe occupied by Germany or Italy. For Ethiopia, the invasion therefore was an *occupation*. In the 1947 Treaty of Peace with Italy, Ethiopia is dealt with at the same footing as e.g. the then Yugoslavia and Free Territory of Trieste, France and China. At the same time, coloniality tainted European views of Ethiopia, for instance in the way Italian perpetrators of war crimes were treated. Whereas German Nazi leaders and Japanese foremen faced international tribunals, Italians were exempted from it. Field Marshal Rodolfo Graziani appeared for an Italian court accused of using mustard gas and shooting Ethiopian prisoners-of-war in cold blood. In 1948, he was convicted to 19 years imprisonment, but after two years he was released and in 2012, a mausoleum and memorial park were opened for him in his birth place.¹³

The 1947 Treaty of Peace with Italy was not the first peace treaty in the 20th century that dealt with objects and archives from colonial contexts in the same breath. An earlier one was the 1919 Peace Treaty of Versailles.¹⁴ The delegates at the 1919 Paris peace conference were 'motivated by a desire to secure peace and stability by restoring communities, territories and cultural objects and archives.'¹⁵ This desire echoed in different country-related articles of the Treaty of Versailles, which stipulated that the German Government hand over without delay all archival materials that it had captured or produced itself, to Belgium, France, Japan, Turkey and Bulgaria. A major result of this was that Germany lost all its colonies. But these colonies did not gain independence but became mandated areas or protectorates of other European powers, and returned objects and archives went to European colonial countries.

Like the 1919 treaty, the Treaty of Peace with Italy of 10 February 1947¹⁶ forced a European state – this time Germany's ally Italy – to abandon all its colonies, namely Libya, Eritrea and Italian Somaliland. But unlike the 1919 treaty, it stipulated the return of archives and objects to European states such as France, the then Yugoslavia and the then Free Territory of Trieste, and in addition to 'colonial' contexts, such as China and Ethiopia. Article 24 abrogated an unequal treaty between China and Italy. Article 25 ordered Italy to transfer all property and archives to China related to its 1901 concession at Tientsin. The treaty elaborated much further on the

return of objects and archives to Ethiopia. Article 37 stipulated that Italy restore 'all works of art, religious objects, archives and objects of historical value belonging to Ethiopia or its nationals and removed from Ethiopia to Italy since October 3, 1935'.

The treaty thus formulated for the first time a more detailed duty to restore cultural property to colonial contexts and combined objects and archives. The treaty sought to redress the appropriation of Ethiopia's government archives, ceremonial objects such as a statue of Emperor Menelik, thrones and golden crowns of Emperor Haile Selassie and Empress Menem, and precious vestments, textiles, prayer sticks, crosses and gold-bound manuscripts from the Ethiopian Orthodox Church. Italian army-men had even desecrated tombs hoping to find gold. Several Italian generals were said to have kept large quantities of precious objects for themselves.¹⁷ Most of the pillage was documented in general terms, while the lack of adequate and precise inventories of church treasures prevented insights into its full extent. One goal of the mostly Roman-Catholic Italians had been to deprive Ethiopia of symbols of its independence and to humiliate the Ethiopian Orthodox Church. They considered this institution and its priests and deacons as primitive and inferior.¹⁸

Less than ten years after the coming about of the Peace Treaty, Ethiopia and Italy elaborated the restitution obligation of Article 37 in more detail.¹⁹ Article VI of the 1956 agreement replaced the general restitution obligation of the 1947 Treaty for a detailed list of what had to be handed over. Annex A mentioned 191 minor objects. Annex B mentioned valuable objects such as imperial archives, a Lion of Judah statue, imperial thrones, coaches, etc. According to Annex C, Italy had to return the Axum Obelisk.

Government records had been among the first items that were returned.²⁰ Since the early 1970s, the Lion of Judah statue was put in front of the old railway station in Addis Ababa, while the imperial thrones and some crowns have been shown at the National Museum. The obelisk came back in 2005 and was reinstalled in Axum a few years later. The author did not find evidence of the return by Italy of other war booty. All in all, the long road from Article 37 of the 1949 peace treaty with Italy to the reinstallation of the Axum Obelisk in 2008 has been a major result in the field of archives and objects.

Generous Return: Agreements between Australia and Papua New Guinea

In the second half of the 19th century, traders, plantation owners and other Germans settled in the northern part of Papua New Guinea – henceforward PNG (including the Bismarck Archipelago). In 1884, this area became a German colony, and in the same year, Great Britain began its rule over the southern part. In 1905, the British transferred colonial control to Australia. After a short military campaign at the start of the Great War, Australia

displaced Germany as the administrator of the northern part. The League of Nations formalised this arrangement in 1921. In 1942, the Japanese army landed in Port Moresby and stayed in the region until 1945. Australia took over the administration again after the war. In 1975, PNG became independent. Looking back on the colonial period, Michael Somare, PNG's founding prime minister, remarked that his country's late colonisation had protected it from 'many atrocities that have been committed against indigenous people all over the world', which was the reason that many of PNG's 'cultures and traditions are still alive'.²¹

Because of the initial absence of administrators in the German part, most of the collecting of ethnographic materials was done by members of private expeditions, businessmen, plantation owners and missionaries. They showed little respect for the local population, their cultures and ritual and other objects. The objects that they confiscated found eager buyers in the German museum sector. The Linden Museum in Stuttgart, for instance, acquired hundreds of objects from a European collector.²² Collecting in the southern part shows a more varied picture. Some collectors used tricks and threats to obtain objects. Australian photographer Frank Hurley is an example. During his second expedition to PNG, he and Allan McCulloch, a staff member of the Australian Museum, showed the type of collecting practices that 'soured their relationship with Papuan officials. This would later result in Hurley being refused permission to visit Papua for more filming'.²³ Another source mentions how Hurley pilfered 18 ritual bullroarers and uttered threatening language to obtain 17 musical instruments.²⁴

But PNG praises two British officials for their collecting manners and their part in the preservation of its cultural heritage: Lieutenant-governor William MacGregor (1888–1898) and Acting Administrator of PNG, Hubert Murray (1904–1940).²⁵ Both were ardent collectors. MacGregor amassed over 10,000 objects, Murray over 3,000. Both stuck to ethical standards in relation to the local people, from whom they obtained objects. They asked their assent and paid them in kind or cash. Murray is said to have confiscated 'weapons and charms associated with homicide, inter-village warfare and "sorcery"', doing so, however, in his capacity as a judge.²⁶ The Murray collection later became part of Australia's Official Papua Collection. Because of the poor storage and preservation conditions in PNG, both men sent their collections to the relatively close Queensland and other places in Australia, stipulating that the objects would be shipped back to PNG when that country was ready to deal with them properly.

Australia's way of dealing with PNG's archival records from the German, British and Australian periods echoes the manner in which MacGregor and Murray had operated. On two occasions, it had brought records from Papua New Guinea to safety. The first was after a volcanic eruption in 1937, the second following Japan's invasion in 1942. Although large quantities of records were destroyed under the Japanese occupation, the evacuations resulted in

reasonably complete records of the British administration over the period 1884 to 1942. Records of the former German New Guinea remained meagre: 1,500 files, hand-written in the German language.²⁷

Negotiations about the return of PNG's archives began in 1963, 12 years before PNG's formal independence and almost a decade before negotiations about the return of objects would start. The archives were important for PNG because they contained historical and legal documents that could help solve land disputes. The two administrations developed a twofold plan. First, all records from the former British administration of PNG would be microfilmed for the National Archives of Australia, after which the originals would be returned to PNG. These two steps were fully implemented, and in 1997, all records had been returned to PNG's National Archives and Public Records Services.²⁸ That was a hundred percent score. A few years later, the German Archives in Bonn offered to provide a German-speaking indexer to work on the records from former German New Guinea. This work is in progress.²⁹

Things with objects went differently. Three years before PNG's independence, the national museums of both countries initiated negotiations about the return of the MacGregor and Murray collections. The museum in Port Moresby showed its serious intentions by strengthening its museum facilities and with a program to crack down on illicit traffickers of cultural objects. It showed objects that had been taken into custody in an exhibition.³⁰ Several factors made Australia more open for a genuine discussion than former European colonial powers. One was the small geographical distance to PNG. Heritage officials in Port Moresby and in Brisbane, the capital of Queensland, were often in touch and had comparable thoughts about return issues. Another was the growth of a movement among Aboriginal peoples in Australia claiming land, ancestral remains and ritual objects. This made the country more used to return claims. A third factor was the shift in Australian cultural policy from the traditional '(colonial) British ties to the Asia Pacific region'. Australia put more energy in relations with states in the Pacific.³¹ That did not mean that Australians were one in their willingness to return items. In the same year, 1972, that museums of PNG and Australia began to dialogue about return, conservative groups sent – unbeknownst to the official institutions – an expedition to the island to get hold of as many objects as possible before PNG's independence.³² Until 2019, Australia returned some 4,000 objects from the MacGregor collection to the National Museum in Port Moresby.³³ The remainder of over 6,000 objects remain in Queensland. The Murray collection has remained in the National Museum of Australia. The aspirations that the two officials had a century ago have not been met. Only a small 30 percent of what they had wanted to go back was actually given back.

All in all, the negotiations about archives and objects between PNG and Australia took place in a spirit of cooperation and willingness to return,

and both countries had the intention to book results. PNG put its house in order before receiving objects. Was there any exchange between the two sectors of archives and objects during the return process? Did they influence each other? No such evidence was found. According to a staff member of the PNG National Museum in the 1990s, the group of government officials and professionals in the archival and museum sectors of PNG was relatively small. They knew each other. But he does not remember any conscious policy of collaboration.³⁴ According to a retired official of the Australian Museum who was involved in the return of objects in the 1970s, there was no contact between archivists and museum curators in his country. Traditionally, the worlds of objects and archives are fully separated. 'Objects = museums and archives = government record office'. His museum in Sydney has its own archives relating to their acquisitions and he 'never felt the need' to consult State or National Archives to find other relevant records. The absence had also to do with Australia's political structure, a federation with states, where the federal government has no say over museums and archives of the states. For returns to a foreign country a state level museum only needs the support of the government of its state. Possibly related to this is the absence of a commitment on the side of federal and state governments 'to a comprehensive approach to the issues of repatriation' of objects and archives.³⁵ It is hard to say if it would have made a difference if such a comprehensive approach had existed in either Australia or PNG. The return of archives showed a 100 percent score, that of objects less than 30 percent.

Ambiguity: Dutch–Indonesian Joint Recommendations (1975)

From the beginning of the 17th century, the Netherlands expanded its control over the Indonesian archipelago. Until the end of the Dutch domination in 1949, violent conflicts were rampant. After the departure of the Japanese troops in 1945, the Netherlands tried to reinstall its colonial administration but Indonesia declared independence. It took four years of bitter fighting, war atrocities and tremendous suffering, before the Netherlands transferred sovereignty to Indonesia. During a Round Table Conference (RTC) sponsored by the United Nations in 1949, the former colony and coloniser defined their new relations. From the start, the return of objects and archives was on the agenda.

The RTC installed a sub-committee on cultural affairs to draft a Cultural Agreement. Article 19 stipulated that 'objects of cultural value originating from Indonesia and which have come into the possession of the Netherlands Government or of the former Netherlands East Indies Government... shall be transferred' to Indonesia. The Dutch members of the sub-committee brought archival materials in through a back door. Article 19 contained a provision for a possible exchange of materials, which a 'mixed commission'

was to prepare.³⁶ With this provision, the Dutch wanted to retrieve the archives of the Dutch East India Company VOC. The draft Cultural Agreement remained, however, a dead letter.

It took two decades to finalise an agreement about the distribution of colonial and colonised archives and a quarter century to agree on the return of a limited number of objects to Indonesia. Several factors prevented the two countries acting faster. One was the anger on both sides about the atrocities committed between 1945 and 1949. Next, the Netherlands had great difficulty in accepting President Sukarno as a negotiating partner, whom the Dutch saw as a mastermind who had cooperated with the Japanese army to chase away the Dutch. At the same time, the Netherlands was seeking to avoid any recognition that it had acquired objects and archives in a dubious way. In its turn, Indonesia was annoyed about the Dutch hold of West Papua New Guinea. It was not until 1962 that the Netherlands bowed to international pressure and gave in and transferred its half of the island to Indonesia. In their turn, the Dutch were indignant about the way General Suharto took over power from President Sukarno in 1965. But the Cold War made the government in The Hague close its eyes to the mass killings and atrocities during the Suharto years.

Despite all this, the two countries signed a Cultural Agreement on sciences, culture and arts on 7 July 1968.³⁷ It was weak on the return of objects and strong on the return of archives. Negotiations about objects of Indonesian origin in the Netherlands were postponed, but the two countries agreed to intensify their cooperation and began to discuss the return, exchange and digitisation of archives. This helped to slowly improve relations: The number of visits increased; Dutch overseas aid became available for cultural programs in Indonesia; and the Netherlands began to support Indonesia's policy for strengthening its national unity and identity and expressed its willingness to return some objects. Mid 1969, President Suharto urged a Dutch visiting parliamentary delegation to return documents and manuscripts from the Library of the University of Leiden that had been confiscated during the Lombok raid (1894) and Aceh Wars (1873–1914). Among the Lombok booty had been the late 14th century Hindu-Javanese manuscript *Nagarakertagama*. Knowing that the Indonesian authorities needed this poetical text as proof that Indonesia was a pre-colonial entity and included Papua and Timor (Indonesia's present province of Papua is still fighting for more self-determination, while East Timor became an independent country), the Dutch embassy in Jakarta suggested to return it. As to other records and manuscripts, Indonesia accepted that, because of its own weak archival infrastructure, it was better off with microfilm copies of records. In 1970, President Suharto requested a visiting Dutch Minister again for documents and manuscripts, but he included the option of sending microfilms instead of original specimens. The Netherlands Government estimated that 10,000 original documents would be identifiable. It thought

that Indonesian cultural objects and archives in the Netherlands could be 'complementary' to 'the much bigger volume of authentic cultural goods' that had remained inside Indonesia.³⁸

Among the documents, experts from both sides distinguished two types. The first were the Yogya archives, which the Dutch had captured between 1945 and 1949. They were war booty with fragmentary information about the violent behaviour of both Indonesians and Dutch in the period 1945–1949.³⁹ The two governments agreed that the Yogya archives would be returned. Their transfer lasted until 1987. The Netherlands considered it a unique gesture, since transfer of original archival materials was uncommon in the international archival world. The Dutch retained photocopies of some originals.⁴⁰

The second and more bulky type were records of the times of the VOC and the colonial administration. The information that these contained was archipelago-wide, regional or even local. Alongside official documents, there were journals that sailors had kept of their trips and letters that businessmen had exchanged about their work. And afraid to lose these, the authors had sent them by ship to the Netherlands. These shipments had continued until 1880. But that year, the colonial administration set up a Landsarchief (nowadays Arsip Nasional) in Batavia⁴¹ and from then on, records remained in Jakarta. Although the two countries officially agreed in 1975, that archives were to be kept by the administration that had originated them and thus that archival material produced by the Dutch Colonial Administration, the Japanese Military Government and the National Government and regional administrations of Indonesia, but located in the Netherlands, was to be returned to the successor state, Indonesia (see Joint Recommendation IV below), the practice had been different after 1968. In practice, the two countries let the territorial principle dominate: archives became the property of the state on whose territory they were held. Archives that had been shipped to the Netherlands until 1880 remained in the Netherlands and the 10,000 metres of VOC and Dutch colonial administration records in Jakarta, remained there. The national archives of both countries began to busily exchange microfiches.⁴²

Dealing with objects was more complicated. In 1975, Indonesia and the Netherlands appointed a team of experts, its members coming from the government, the museum sector and the national archive. They met for some weeks, socialised and visited places of cultural importance. Indonesia came up with a wish-list of 10,000 objects in Dutch museums. The negotiations were tough, as the Dutch delegation, especially the director of the then Rijksmuseum voor Volkenkunde in Leiden (presently part of the National Museum of World Cultures), who had the most to lose, obstructed returns. Finally, the two teams came up with a set of Joint Recommendations,⁴³ which dealt with both objects and archives.

In *Joint Recommendation II on Museums and Archaeology*, the two teams recommended that the transfer of objects should occur in stages and that objects directly linked with persons of major historical and cultural

importance or with crucial historical events in Indonesia had priority. One person mentioned explicitly was Pangeran Diponegoro, an Indonesian national hero who had fought against the Dutch during the violent Java War (1825–1830). The Dutch government promised to render assistance in establishing contacts with private owners of such objects. In the years thereafter, it did not look for such objects.

The most important object handed over by the Netherlands was the 13th-century Prajñaparamitra, a stone statue of the goddess of wisdom. A Dutch expert compared its beauty with that of the Mona Lisa. Over 200 items of the Lombok treasure were transferred. Dutch soldiers had captured the treasure in 1894 during a raid against King Anak Agung Gde Ngurah Karangasem. At the time, half of the treasure had already remained in Indonesia. A painting by Indonesia's artist Raden Saleh about the capture of Diponegoro – private property of the Dutch royal family – was transferred. While the Dutch government had expressed its willingness to find the ways for the transfer of objects related to e.g. Diponegoro, one museum in the Netherlands – the museum Bronbeek in Arnhem, which is part of the Dutch Ministry of Defence – held one item back, Diponegoro's reins; it is still in their possession. Nor has there been a systematic, national search in the Netherlands for the *keris* (dagger) that Diponegoro had handed over upon his surrender.

As was mentioned above, in *Joint Recommendation IV*, the teams accepted the general principle that archives were to be kept by the administration that had originated them and that the Dutch National Archive in The Hague and the National Archive in Jakarta were to arrange their transfer. That the two sides applied in practice the territorial principle can be seen as an indication of more relaxed relations between the former colony and its coloniser and as evidence that dealing with displaced archives is easier than dealing with lost objects.

All in all, when the relations began to improve, Indonesia and the Netherlands were pragmatic in their dealings with archives. It even looks like the negotiations about archival records served as a warming up for the negotiations about displaced cultural and historical objects, although the Netherlands did not show by far as generous an attitude as with archives. Indonesia dropped its long wish-list and settled for a few hundred items. For several decades, no claims for displaced colonial objects were heard of. In December 2019, a high-ranking Indonesian official expressed his government's interest in the return of more heritage items.⁴⁴

Fresh Start: Rwanda and Belgium

The fourth case is a recent one and the most important sources for it are Rwanda's 2008 *Policy on Cultural Heritage*⁴⁵ and personal communication and email exchanges with the directors of the National Museum of Rwanda,

Robert Masozera, the Belgian State Archives, Karel Velle and the Africa Museum, Guido Gryseels.

The 1884 Conference of Berlin had made Rwanda a German colony. With Burundi and Tanganyika it formed German East Africa. In 1916, the Belgian army took over control in Rwanda and Burundi, and the British in Tanganyika. After the Great War, the three areas became League of Nation mandates. As a result, Rwandan records of the time could be found in archives and museums in Germany and Belgium, and Rwandan objects in the two countries and also in the Vatican and in private collections. Rwanda became independent in 1962.

Since the 1990s, Rwanda had raised the issue of the restitution of objects and archives, but it never submitted a formal request to any of the former colonisers. The Rwandan authorities had only a vague knowledge of what the museums and archives in European countries held in store. Only in 2016, Rwanda learnt that Germany had 1,000 Rwandan skulls.⁴⁶ They had been shipped there around 1907–1908. At the end of 2018, the Rwandan cultural authorities inquired at the Africa Museum in Belgium about Rwandan objects in their collection. The museum turned out to have 2,300 Rwandan objects. For many years, the authorities in Kigali had had the impression that access to colonial collections and official records in European countries would be hard to get.

RALSA, the Rwanda Archive and Library Services Authority, has always had a special relationship with the Africa Museum in Tervuren. Next to a museum with ethnographic objects, the Belgian institute has a research centre for geology, biology, minerology and other sciences. In the immediate post-independence period, the director of the Africa Museum was also director of RALSA's predecessor, the Institute of Scientific and Technical Research (I.R.S.T.) (this was also so in the DR Congo). Between 1987 and 1989, the Africa Museum had helped the African country in setting up its own national museum in Butare.⁴⁷

Since 2006, Rwanda has been developing a cultural heritage policy, part of which is the negotiation of 'the return of archives and other cultural heritage objects located in Europe and elsewhere in the world, while putting in place such conditions as conducive to their management'.⁴⁸ In March 2018, RALSA organised a conference, 'The Development of Rwanda Archives and Library Services', with the director of the Africa Museum among the over 100 attendees. In a resolution the conference asked Belgium to return all colonial archives to Rwanda. They consisted of two parts, geological records in the Africa Museum and records of the colonial administration in Belgium's State Archives. A presidential committee was set up to make an inventory of Rwandan cultural heritage abroad. In September 2018, Rwanda asked the Africa Museum for a list of such objects. The two countries agreed upon a cooperation program for archives and objects that would last from 2019 until 2023, with Belgium as an important funder.

In August 2019, a Rwandan delegation came to Belgium to study the colonial administration records and to determine priorities in their digitisation. This covered documents from the time of the German occupiers in the late 1800s and Belgian files. Bottlenecks in the digital repatriation are that the Belgian authorities still have to declassify part of these records before making them available to Rwanda, and that many records have a mixed nature, as they relate also to Burundi and/or the DR Congo. The physical return of paper records is said to be considered undesirable, as the conservation facilities in Rwanda are insufficient. In February 2020, Belgium made the geological archives digitally available for Rwanda.

As to objects, in December 2019, the Africa Museum handed over digital information about 2,300 Rwandan objects in its collection, mostly wickerwork, baskets, metal objects, earthen objects and musical instruments. The information contained, as far as possible, a picture and a description of each item, the way it had been acquired and the role of middlemen between the community of origin and the museum. Belgium is waiting for a formal and specified request for return.

All in all, the idea of a return of archives and objects came from Rwanda. Possibly, the African country had been inspired by French President Emmanuel Macron's restitution speech, which he had given in Burkina Faso in November 2017. The country's robust approach and its short but thought out 2008 policy paper begins to yield results. Rwanda accepts the digital repatriation of archival materials, while discussions about the return of objects concern originals.

Conclusion

The review of negotiations about displaced colonial objects and archives results in a number of conclusions. The first is that the two are, to a large extent, incomparable categories. Earlier, I defined a disputed colonial object as 'an object of cultural or historical importance that was acquired without just compensation or was involuntarily lost during the European colonial era'.⁴⁹ Displaced colonial objects came from the hands of Indigenous craftspeople, they and their first local possessors being the oppressed in the colonial context. Among the objects appropriated by colonial rulers, there were many that represented the identity of the peoples they had subjugated. Can the replacement of *object* in this definition by *archive* lead to a suitable definition of disputed archives? This is only so for displaced *colonised* archives – archives that were the property of local rulers, people and institutions and that were taken from them and shipped to Europe. An example was Indonesia's Nagarakertagama manuscript. Its uniqueness and historical importance made it into something between an archive and a museum object. Colonised archives played a role in the negotiations between Ethiopia and Italy and between Indonesia and the Netherlands. This author

agrees with others⁵⁰ that displaced colonial archives were a different category. They recorded military and administrative achievements or offered an overview of a colonial possession's resources. Rwanda is a clear example. These archives were associated with the colonisers, who controlled them.

Disputed colonial and colonised archives and disputed colonial objects have in common that all are needed for the reconstruction of our memory of the colonial past. That could be a reason for dealing with them together. But, as a second conclusion, the search for return negotiations about colonial archives and objects has yielded a poor harvest of only four cases. A major factor is the nature of records and objects. Objects evoke emotions. They have more uniqueness and visibility. Many stand for the identity or the unity of the country of origin. The Prajñāparamitra and Raden Saleh's painting of Diponegro's surrender to the Dutch military, or the imperial statue and thrones from Ethiopia are examples. Their robbery and return evoked strong emotions in the countries of origin. Digital repatriation of objects has 'never been proposed as a "soft option" or easy alternative to physical repatriation ... Digital repatriation may be just one among many paths of additional, complementary support to benefit source communities to regain access, control, or physical restitution of important items of their cultural heritage'.⁵¹ For cultural and historical objects digitisation is only useful if it helps to pass knowledge and information after these objects. When the Nusantara Museum Delft in the Netherlands had to close its doors and deaccession its collection of over 18,000 mostly Indonesian objects, it set up a website with images and all associated information.⁵²

The four cases show that archives do not have the same appeal. They can have a symbolic meaning, recording the achievements of the powerful. They can have an economic value, as the disputes between the DR Congo and Belgium and between Algeria and France showed. Rwanda is explicit in its request for archives with information about mineral resources in its soil. But as far as the return of originals or the digital availability of archives is concerned, the countries that lost archives to European powers differ. Italy returned original records to Ethiopia and Australia did the same to PNG. Australia took care to keep digital copies. Indonesia retrieved colonised archives but opted for a pragmatic approach in relation to colonial archives. Together with the Netherlands, these were made digitally accessible, while archives remained where they were. Although the negotiations between Rwanda and Belgium are young, at this moment Rwanda has settled for the digital return of colonial archives. Is the difference between PNG that asked for the originals and Rwanda that is accepting digital copies a difference between a country that is looking for national unity and a country where development opportunities have priority?

A third conclusion is that, in all four cases, first an agreement was reached on the return of displaced archives and, after this, for the return of colonial objects. In the negotiations between Indonesia and the Netherlands,

the talks about archives can even be considered as warming-up and trust-building for negotiations about objects. To agree about archives is easier than about objects. Moreover, in the case of the return of archives, the wishes of the countries of origin were more often or more fully met than their wishes for objects.

A fourth conclusion concerns the cultural gap between museums, archival institutions and their experts. This was the most apparent in Australia, where there were no institutional links and the experts did not even know each other. In some countries, such as Rwanda, one high-ranking official is heading the program for the return of archives and objects. The Indonesian and Dutch teams of experts that negotiated in 1975 had archival specialists. In other countries, such as in PNG in the 1970s and currently in Belgium, people from the two sectors know each other well, but with their retirement or transfer to another post, this advantage can disappear.

An observation concerns a recent French and a German document about dealing with materials from colonial contexts. What do they add to the discussion about archives and objects? In their advice to French President Emmanuel Macron about a new restitution policy towards Africa, Felwine Sarr and Bénédicte Savoy discuss the question of archives. All their interlocutors in Africa ‘insisted not only on the restitution of cultural heritage objects held in French museums but also on the need for a serious reflection on the question of archives. In many places, these archives have become a veritable topos of missing links, relayed by the press, certain contemporary artists and political personnel in Africa as well as historians on both continents’. They do not elaborate on this but focus only on archives ‘that are currently conserved in public museums (or affiliated establishments)’, archives such as ancient decorated manuscripts that have become museum objects, and then argue that ‘intimately tied to the collective consciousness and to the historical processes in question regarding the restitution of objects, the archives constituted during the colonial era play a central role in the reconstruction process of memory’. Colonial archives are a question of the utmost urgency but not for their mission.⁵³ The German ‘Guidelines on Dealing with Collections from Colonial Contexts’ do not treat displaced colonial archives as a separate category at all.⁵⁴ Every now and then, archives are referred to in support of provenance research for cultural and historical objects.

A second observation concerns a comparison of ways of dealing with objects and archives, resulting from Nazi loot and colonial loot. In principles for dealing with Nazi loot, objects and archives are often mentioned in the same breath. A difference between Nazi loot and colonial loot is that Jewish institutions and families often held records themselves. Among the booty that the Nazis confiscated, there were religious and cultural objects, uncountable books and numerous official and unofficial archival records. This putting together of objects, books and archives has gradually been

reflected in stated principles. Whereas the 1998 Washington Conference Principles on Dealing with Nazi Confiscated Art are restricted to ‘art’, the cultural property that is covered in the 2009 Terezin ‘Declaration on Holocaust Era Assets and Related Issues’ includes also ‘burial sites, ... ceremonial objects, libraries, manuscripts, archives and records of Jewish communities’.⁵⁵

At present, the worlds of archives and objects are mostly separated, and so also exchanges about the return of displaced colonial archives and objects. In the four cases dealt with in this chapter, in which the exchanges went together, archival returns preceded object returns and were much more comprehensive than object returns. It is quite possible that the input of negotiations about archival returns eased the road to object returns. Where the two have met, it has not been to the disadvantage of either.

Notes

- 1 Treaty of Westphalia.
- 2 Hochschild, “De geest,” 295.
- 3 Cahal Milmo, “How the British Empire’s Dirty Secrets Went Up into Smoke,” *Independent*, November 29, 2013, <https://www.independent.co.uk/news/uk/home-news/revealed-how-british-empire-s-dirty-secrets-went-up-in-smoke-in-the-colonies-8971217.html>, para. 1.
- 4 Stoler, *Along the Archival Grain*, 238.
- 5 van Schuylenbergh, “La Mémoire des Belges.”
- 6 van Beurden, “Treasures in Trusted Hands,” 181.
- 7 Stora, “Archives historiques d’Algérie”; Charlotte Bozonnet and Ghaliya Kadiri, “Entre la France et l’Algérie, les plaies toujours ouvertes de la mémoire” [Between France and Algeria, the still open wounds of memory], *Le Monde*, September 13, 2018, https://www.lemonde.fr/afrique/article/2018/09/13/les-plaies-toujours-ouvertes-de-la-memoire-france-algerie_5354615_3212.html.
- 8 Namhila, “Use of Colonial Archives,” 212, 213; personal communication with Namhila, September 19, 2018.
- 9 National Archives of Great Britain, “15 Guides.”
- 10 Jansen and Jiménez, “Mexican Codices: An Introduction,” 47–51.
- 11 na Pombejra, “Keynote Address,” 42.
- 12 Pankhurst, “Ethiopia and the Loot,” 94.
- 13 “Italy Memorial to Fascist Hero Graziani Sparks Row,” *BBC*, August 15, 2012, <https://www.bbc.com/news/world-europe-19267099>.
- 14 Treaty of Peace with Germany.
- 15 Vrdoljak, *Return of Cultural Objects*, 78.
- 16 Treaty of Peace with Italy.
- 17 Campbell, *Massacre of Debre Libanos*, 129, 140–141, 228, 230–231.
- 18 Pankhurst, “Ethiopia and the Loot,” 94.
- 19 Jakubowski, *State Succession; Agreement Between Italy And Ethiopia*.
- 20 Pankhurst, “Ethiopia and the Loot,” 95.
- 21 Somare, Forward to *Living Spirits*, VII.
- 22 Linden Museum Stuttgart, “Provenienzforschung im Projekt,” 60, 96–110.
- 23 Finney, “Frank Hurley,” para. 14.
- 24 Cater, “Such Desirable Objects.”
- 25 Somare, Forward to *Living Spirits*, VII.

- 26 Schaffarczyk, "Australia's Official Papuan Collection."
- 27 National Archives of Australia, "Papua New Guinea Records," 87.
- 28 National Archives of Australia, "Fact Sheet 148."
- 29 Evans, "Records and Archives Management."
- 30 Busse, "Short History," 11.
- 31 Vrdoljak, "Return of Cultural Objects," 221.
- 32 Specht, "The Australian Museum," 28.
- 33 Armbruster, "Largest Return of Artefacts."
- 34 Mark Busse, email message to author, September 30, 2019.
- 35 Jim Specht, email message to author, September 28, 2019.
- 36 Legêne and Postel-Coster, "Isn't It All culture?" 272–273.
- 37 van Beurden, "Treasures in Trusted Hands," 131.
- 38 van Beurden, "Treasures in Trusted Hands," 132.
- 39 Frederick, "A 'Brief Genocide' Reconsidered," 360.
- 40 Karabinos, "Displaced Archives, Displaced History," 281.
- 41 Lidwina, "Het Landsarchief," 11, 12, 14, 69.
- 42 van Beurden, "Treasures in Trusted Hands," 148.
- 43 van Beurden, "Treasures in Trusted Hands," 140, 150–153.
- 44 Indriani/Genta Tenri Mawangi, "1,500 Indonesia's Artefacts Repatriated from the Netherlands," *Antara News*, January 2, 2020, https://en.antaranews.com/news/139055/1500-indonesias-artefacts-repatriated-from-the-netherlands?fbclid=IwAR1m4FAgmHL1KjIxDbMXzvAHpbCaFjmiBiZk9m2QMx_vTHPGtn7AB87DUD4.
- 45 Republic of Rwanda, Policy on Cultural Heritage.
- 46 "Germany to Investigate 1,000 Skulls Taken From African Colonies for 'Racial Research,'" *Guardian*, October 6, 2017, <https://www.theguardian.com/world/2017/oct/06/germany-to-investigate-1000-skulls-taken-from-african-colonies-for-racial-research>.
- 47 Kanimba and van Pee, *Rwanda Its Cultural Heritage*, 11.
- 48 Republic of Rwanda, Policy on Cultural Heritage, section 4.2.7.
- 49 van Beurden, "Treasures in Trusted Hands," 242.
- 50 Namhila, "Use of Colonial Archives"; Jeurgens and Karabinos, "Paradoxes of Curating."
- 51 Murphy, "Resolution No. 3," 9.
- 52 van Beurden, "Relocating Nusantara Collection," 83.
- 53 Sarr and Savoy, "Restitution of African Heritage," 41–42.
- 54 Deutscher Museums Bund, "Guidelines."
- 55 Washington Conference Principles; Terezin Declaration, "Judaica and Jewish Cultural Property" section.

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The Repatriation of Surinamese Archives from the Netherlands

Frans van Dijk and Rita Tjien Fooh

Introductory Note

This chapter discusses the repatriation of Surinamese archives from the Netherlands, and it is presented in two parts. The first part, written by Frans van Dijk, presents a Dutch view of the background, process and results of the repatriation efforts, and the second part, written by Rita Tjien Fooh, presents a Surinamese view of the same. The editor has taken a light touch approach to these texts, and no conclusion is attempted, so that both archivists speak in their own words and both texts, which speak to the meeting of perspectives necessary for successful archival repatriation, are left to speak for themselves.

The Repatriation of Surinamese Archives from the Netherlands: The Dutch Perspective

Frans van Dijk

Preface

Sometime in the early years of this century Rita Tjien Fooh and Ramon Cumberbatch, both members of the management team of the Surinamese *Landsarchiefdienst* (later to be renamed *Nationaal Archief*), visited the National Archives of the Netherlands. I showed them around in the repositories, but the only archives they were interested in were the ‘Surinamese archives’. For me these archives were not special, but for them they were. Both were emotional, saying: ‘This is our history!’. I said: ‘You should ask them back, because they belong to Suriname’.

For a few years nothing happened, until 2006 when an article in a Dutch historical magazine set into motion the process of repatriating these archives from the Netherlands to Suriname. This chapter is about this process, starting with emotion and ending with the ambition to rewrite the history of a young country.

Introduction

The historical relationship between Suriname and the Netherlands

The Republic of Suriname, with Paramaribo as its capital, is situated on the northern Atlantic coast of South America, surrounded by three countries: Guyana in the west, French Guyana in the east and Brazil in the south. The country has an area of 163,000 square kilometres and is four times bigger than the Netherlands. In 2017, Suriname had 558,000 inhabitants, while nowadays around 350,000 people of Surinamese origin live in the Netherlands.

The historical ties between Suriname and the Netherlands started in the year 1667 when a military force from the Dutch province of Zeeland conquered Suriname at the cost of the English. A few years before, in 1664, English warships sailed into the harbour of New-Amsterdam, a small town which later became known as New York. The English claimed the territory (the town and the surrounding province) which the Dutch West India Company had governed since 1624/1625. The actual situation in both Suriname and New-Amsterdam was confirmed by the peace treaty of Breda in 1667¹ and formalized by the treaty of Westminster in 1674 which ended the Third English-Dutch war.

From 1683 on, Suriname became the joint commercial enterprise of three parties, that is the *Geoctroyeerde Societeit van Suriname*. The three parties were: the *West India Company*, the city of Amsterdam and the Van Aerssen van Sommelsdijck family. This arrangement ended when, in 1770, the Van Aerssen family sold its shares to the city of Amsterdam and when the West India Company was liquidated in 1792. From then on, the central Dutch government became the new ruler in the colony of Suriname.

From the late seventeenth century on, the Dutch expanded the plantation economy in Suriname, which produced sugar, coffee, cacao and cotton. This economy was heavily dependent on the labour force of enslaved Africans, who were bought from local slave traders in West Africa by the West India Company and sold at the slave market in Paramaribo, while the island of Curaçao played the role of an international slave market for the region. Slavery was abolished by the British in 1834, by the French in 1848 and finally by the Dutch in 1863. In order to meet the shortage of labour force and to control the wages on the plantations, indentured labourers from China, India and Indonesia were recruited by the Dutch colonial government.

After the abolition of slavery a representative body of the people was introduced that can be regarded as the precursor of the modern parliament. However, the governor of the colony as a representative of the Minister of Colonies in the Netherlands had the executive power and the right of veto

in legislative matters. After the second World War a form of autonomy was introduced by the granting of some power in the internal affairs of the country. This was formalized by a special law in 1954 when the status of Suriname changed from colony to one of the constituent countries of the Kingdom of the Netherlands.

Although formally the three parts of the Kingdom² were equal members, the reality was that the Dutch government had the ultimate power. Surinamese politicians experienced this as a restriction of their authority and power and wanted more influence in external relations and other matters, but not all Surinamese parties were in favour of a rapid independence.

In 1973, a new government in the Netherlands proclaimed that the country should not have colonies. In those days Dutch society was also confronted with a growing immigration of Surinamese inhabitants and this caused tensions. The Dutch government wanted to solve this problem within its 4-year reigning period and so Suriname becomes an independent country on 25 November 1975: the Republic of Suriname. Immigration from Suriname only stopped formally in 1980. Between 1970 and 1980, 300,000 persons moved to the Netherlands.

The transport of Surinamese archives to the Netherlands

In the year 1916, in the middle of the First World War, a cargo ship named *Nickerie* sailed across the Atlantic Ocean and the North Sea, from Suriname to the Netherlands. Part of its cargo were archives formed by the Dutch colonial government in Suriname. What was the background of this transport in those turbulent times?

In 1899, the deputy archivist of the Dutch National Archives, Albartus Telting, travelled to Suriname in his capacity as caretaker of the West Indian colonial archives. His aim was to examine the state of these archives. His alarming report contained recommendations on storing and repairing the archives which were in a bad physical condition.³ Notably, the colonial government was worried about the notary archives in which the ownership of land, testaments and contracts are stated. In Suriname, no adequate storage facilities were available and the archives were endangered by environmental conditions (high humidity and temperature), insects, rodents and human and political neglect. Because of a lack of the necessary funds, no sufficient measures were taken after the archivist's report.

Discussions on how to solve these problems continued until 1913 when the minister of Colonial Affairs decided to transfer the most endangered and oldest archives to the Netherlands where the National Archives in The Hague would be given the task of caretaker. In 1915, the minister sent the archivist, Theodorus Morren⁴, to Suriname to prepare the transport. One of his tasks was to make a selection of archives to be transported. However, the government in Suriname was not in favour of a risky transport in the

middle of a war in which German submarines were a constant threat to not only commercial ships from the allied countries, but also to neutral countries, like the Netherlands. When Morren arrived in Suriname, he learnt that a big fire in the centre of Paramaribo in October 1915⁵ had changed the mind of the colonial government: leaving the archives in the city was by then considered to be a greater risk than transporting them across the Atlantic Ocean in wartime.

As mentioned before, the first transport to the Dutch National Archives took place in 1916. There, the archives were cleaned, boxed and made accessible, after which they could be consulted in the reading room. After the transport of 1916 more shipments followed. The final two archives were handed over to the National Archives in 1977 by a Dutch civil servant who was involved in organizing the population census of 1950 in Suriname and in using the collected data in statistical processing. One of the archives transferred in 1916 was a non-governmental one, the only of the 40: *Archieven van de Nederlands Portugees-Israëlitische Gemeente in Suriname, 1677-1906*, the archives of the Surinamese Portuguese Jewish community. A remarkable transfer was the one that took place in 1976: the *Archief van de Gouverneur van Suriname, kabinet, 1951-1975*. Presumably at that time the Dutch considered some of its content too sensitive to leave this archive in Suriname. The document of transfer stated that the archive would have to be repatriated to Suriname as soon as an adequate archival building was available. In fact, most of the transport documents stated explicitly that the ownership of the archives would stay with the 'colony of Suriname' and that the caretaking of the Netherlands would be only temporary, awaiting the availability of an adequate archival building in the colony.⁶ In total, 40 archives from the period 1662–1975, with a shelf length of 802 metres, became part of the collection of the Dutch National Archives for a century.

The physical condition of some of the older parts of the archives was very poor because of their long period of storage unprotected from tropical conditions. The damage was caused by paper-eating insects and rodents, moisture, fungi and dirt, a combination of damages which 'regular' archives in the collection of the National Archives did not have. Subsequently, the conservation and restoration department of the National Archives had to pay more than average attention to these archives. Some of the older parts were in such a deplorable condition that they were closed to public use.⁷

The Surinamese archives were consulted frequently by researchers: by 31 December 2006, 12 archives (out of 40) were in the top 250 (out of 6,500) of the most consulted archives of the National Archives.⁸ An active group of Dutch nationals with a Surinamese background contributed intensively to these figures. The most consulted archive was the *Eerste Volkstelling van Suriname, 1921* (First census of Suriname, 1921).

The Process of Claiming, Negotiating and Repatriating: The Dutch Perspective

In April 2006, an article was published in a Dutch magazine on history: *Suriname wil archieven terug uit Nederland* (Suriname wants archives back from the Netherlands).⁹ In this article, Mr. Maurits Hassankhan, in his capacity as Surinamese minister of Home Affairs (and responsible for archival matters) and Mrs. Rita Tjien Foooh, member of the management team of the Landsarchiefdienst (in 2006 renamed in Nationaal Archief Suriname or National Archives of Suriname) claimed the Surinamese archives for the first time and in public. They stated that these archives belong in Suriname and that the circumstances in Suriname to keep them professionally had greatly improved: a new archival building was being built, a new archival law was adopted and the staff was well trained. The building was the result of a Dutch promise made in 1996. The archival law and the improvement of the professional education of the personnel were results of a cooperation programme between Suriname and the Netherlands running in 2003–2007.

The director of the Dutch National Archives was the spider in the web of decision making in the case of this claim, but of course two ministries played their part too: the Ministry of Education, Culture and Science (under which the National Archives reside) and the Ministry of Foreign Affairs (because of the international component). I was appointed as a project manager.

Soon after the article on the claim was published, the discussion on how to respond to it became urgent, because of a visit to Suriname of the Dutch State Secretary of Foreign Affairs in June 2006. An initial internal discussion within the National Archives produced advice for the state secretary: the most important thing was that the Surinamese claim was acknowledged because of the legal and undisputed ownership. Still, several questions had to be answered in the forthcoming period: which archives are involved and what is their access and physical status? And what about the consequences for the large group of Dutch users of these archives?

The basic view that the Dutch state secretary expressed in Suriname was that the archives could be repatriated, but only under certain conditions, which still had to be defined. The Dutch government thus recognized the Surinamese claim on the legal ownership of the archives. In this matter, the Dutch parliament was subsequently formally informed by the Minister of Foreign Affairs.¹⁰

The various aspects of materializing the claim

It would take more than three years before a general agreement could be signed and another three years before an agreement could be reached on how to safeguard the accessibility of the archives. Various questions had to be answered and problems solved: the accessibility and physical condition of the archives; the conditions to be defined; the duplication options; the online publication of scans and the funding of the project.

The accessibility and physical condition

As mentioned before, 40 archives were identified as being formed in Suriname and transported to the Netherlands under the condition that the ownership would stay with Suriname. All finding aids were checked and identified to be according to ISAD-G standards. The physical condition of about one third of the archives (in metres) was considered to be *extremely poor*. This meant that any form of duplication would be very costly: duplication could not take place before these severely damaged documents were treated – a rather time-consuming activity.

The conditions

In the autumn of 2006, the conditions were defined which the state secretary had announced during his visit to Suriname in June 2006. The first was the availability of well-educated personnel of the Surinamese National Archives. The second was the availability of a modern archival law which would assure a solid custody of the archives to be repatriated and a reliable and fluent procedure of consultation. The third was the availability of a modern archival building. The first and second conditions were met by an earlier cooperation programme between Suriname and the Netherlands.¹¹ The start of building a new National Archives was projected for 2007 and would be finished in 2009. The building would finally be opened in April 2010.

Already in 2006, the idea arose that these three conditions were not enough to take away the anxiety on the Dutch side. In order to define additional conditions, talks were arranged with a number of stakeholders, like historians, genealogists and archivists. Most of the archivists consulted did not oppose the repatriation of archives, but a considerable number of users of the archives did. They feared that the Surinamese would not take proper care of the archives, in spite of the new archival building, the archival law and the well-trained personnel. Would the Surinamese government provide their National Archives with enough financial means to execute its lawful tasks in the long run? A much heard argument was that in the future Dutch researchers had to travel all the way to Suriname to consult the archives. A fact however is that this situation had been the case for Surinamese researchers for a century. Nonetheless, several duplication options were defined to meet the objections of the historical field.

The duplication options

The original idea was to duplicate all archives by microfilming. In those days (2006) duplication of large archives by digitization was – at least in the Netherlands – not a common practice yet, but the digitization of individual documents was. So in the years to follow the options changed again and again. In 2007, only the most consulted archives would be digitized,

in 2008 all archives would be filmed and the most consulted would be digitized (from film) and in June 2009 the final option was accepted: the direct digitization of all archives. At that time the consequences of this choice were evident and manageable. This option met most of the objections of the historical world: the content of the archives was saved and the online availability was a large step forward in improving the level of archival service. Moreover, the vulnerable, original archives did not have to be physically consulted by researchers anymore.

How to prepare – in the physical sense – the vulnerable archives for digitization was complicated. The traditional restoration method¹² would be time consuming and therefore very costly, so a new approach in conservation had to be defined: *first line conservation*. This method anticipated on the human handling as well as the physical stress during digitization. The documents would be repaired in a way that the risk of losing information during transport, handling and digitization was minimal, which was a challenge for the conservation specialists, who were used to treating documents to a level that allows them to be used in the reading room.

When the Surinamese side was confronted with the Dutch digitization plan, understandably disappointment was felt. The Dutch decision to digitize the archives, which at this point was not in the interest of Suriname, would mean that the physical repatriation would be much later than they expected. Their suggestion to execute the digitization work in Suriname (and provide the Dutch with copies), after the repatriation of all archives, was rejected. The reason for this was the uncertainty of the outcome, in quality and quantity.

The funding of the project

The ministries of Education and of Foreign Affairs were willing to finance a project of repatriating the archives after digitizing them, but the initial estimate of 2008 was too high (7.5 million euro) and so the National Archives were forced to find ways to cut the projected costs. In this estimate, traditional restoration, filming of all archives and digitizing of the most consulted archives (from film) were included. A new estimate, in which direct digitization of all archives and first line conservation were included, was drawn up in 2009, with much more acceptable figures: 3.8 million euro in total. The ministries decided to contribute each half of this sum which would be administered by the Dutch National Archives. The Surinamese government did not contribute to the project costs.

The Agreement of 15 October 2009

With the opening of the new archival building in Paramaribo in sight, the plans ready and the financing settled, there were no obstacles left to sign an agreement.

On 15 October 2009 a formal document¹³ was signed in The Hague by Maurits Hassankhan, for Suriname, and Ronald Plasterk, Minister of Education, Science and Culture and Frans Timmermans, State Secretary of Foreign Affairs, for the Netherlands.

On the same day, a detailed Plan of Action¹⁴ was signed by the new director of the National Archives of Suriname, Rita Tjien Foooh and the director of the Dutch National Archives, Martin Berendse. The general content of the agreement and the plan was:

- The archives would be repatriated within a period of seven years, starting from the formal opening of the building of the National Archives in Paramaribo, Suriname
- The first 3 archives (out of 40) would be handed over at the opening ceremony of the building. These archives were already microfilmed and would be digitized from film in preference
- All other archives would be stabilized, using the new method of *first line conservation* by professionals, assisted by Surinamese staff
- All archives would be digitized in tiff file format
- The National Archives of Suriname would receive digital copies of all scans
- The National Archives of the Netherlands would compile an overview of all existing archival material in the Netherlands on the relations with Suriname and try to find budgets to digitize this material
- An agreement on how to publish the digitized material on the internet still had to be discussed. So was the financial side.

The online publication of scans

As mentioned before, it would take more than three years to reach an agreement on the online publication issue. The Dutch considered this as an integral part of the plan. In a meeting between the directors involved in September 2010, Martin Berendse expressed this principle as follows, after having taken notice of Rita Tjien Foooh's request of postponing the issue:

There is no archival project in the world which is comparable with this project. What we do together is unique and creates many opportunities. In the Netherlands the repatriation of archives is accepted as an all-in-package, so including the online presentation of the digitized material. Not executing this part, violates that very fundament.¹⁵

The issue contained the following elements: which party will store, in a durable way, the enormous amount of digital data (millions of scans in tiff format) and publish the data (in jpg format), connected to the finding aids, on its website?

The Dutch were sceptical about the option that Suriname would provide these facilities, because of a lack of technical expertise and financial means. At first the Dutch government was considering to provide Suriname with the expertise needed and the finances, but because of political developments in Suriname the Dutch course changed radically. In 2010, a new government was installed in Suriname which was not welcomed by the Dutch government. The prospect that cultural ties between the two countries could be broken stimulated the Dutch National Archives to define a solution to avoid this problem and the others mentioned above.

A judicial note of 2010 stated that both the Dutch archival legislation and the Surinamese do not contain objections against publishing copies of governmental documents on the internet: copyrights were not at stake.¹⁶ The contours of a solution became visible: the Dutch National Archives would store the produced data and publish them on its website, without costs for users downloading scans. Furthermore, Suriname would be assisted in adapting its website to the possibility of showing the data as well, making use of the new infrastructural facilities of the Dutch National Archives which were completed in 2011. Suriname wished to start publishing the data on both websites at the same time. The Surinamese website would be completed only in April 2013. From then on thousands of digital images could be seen and downloaded. In 2017, when the last batch of archives was uploaded, some 5.5 million images were available.

The execution of the agreement and plan of 2009

In January 2010, the actual work on the project started with employing conservation experts who were working in the conservation workshop of the Dutch National Archives. Soon they would be accompanied by Surinamese staff who would be staying in the Netherlands for periods of around two months. The order of the archives to be handled was according to a priority list determined by the Surinamese. The experts had to get used to the new method of conservation, but intensive discussions between conservators, archivists, historians and users, as well as detailed instructions helped to overcome the initial uncertainties.

The digitizing work was done by external parties. The Dutch National Archives was not used to digitizing projects of this size, so lessons had to be learned about transporting physical archives, formulating demands on the digitizing companies and their facilities, quality control, internal data storage and publication of data on the website. Beside this project, the National Archives had also the ambition to digitize 10% of its collection, being 12.5 kilometres at that time. It is understandable that experiences from both projects had a useful influence on each other. A few years later another programme, *Shared Cultural Heritage*, financed the digitization of archives related to the trading and colonial past of the Netherlands. Both

additional digitizing programmes took care of the digitization of archives containing information *about Suriname* from the collection of the Dutch National Archives. This had been one of the desires of Suriname, stated as one of the articles in the agreement of 2009.¹⁷

In April 2010, the new archival building was inaugurated in Paramaribo and on that occasion three archives were handed over. These archives were microfilmed earlier and the films were digitized as part of the project. In 2015, 2017 and 2018 other transports (by sea) followed. The one in 2018 was the last in the row: the archives of the Surinamese Portuguese Jewish community, a non-governmental archive which needed a separate agreement on its future custody to be settled between the Jewish community and the Surinamese National Archives.

Finally, the project was formally closed in 2017 by two separate celebrations, in The Hague (in January) and in Paramaribo (in April). All 40 archives were conserved and digitized, the 5.5 million images were online and 39 archives were physically in the country where they were formed: Suriname. The last one, as mentioned above, arrived there in 2018.¹⁸

Looking Back at the Process and the Results

I remember walking together with Maurits Hassankhan, coming from the ministry of Education, Science and Culture, on one side of the Central Station of The Hague and going to the Dutch National Archives, on the other side. That was in the phase when researchers were not in favour of repatriating the archives to Suriname. As an archivist and well aware of the *Code of Ethics*¹⁹, I found the Surinamese claim on their displaced archives very understandable, but I was a little worried as well. I told Maurits about a great idea that I was thinking of: 'We will copy all archives and provide Suriname with these copies. The originals will stay here, so you do not have worry about their horrible physical condition'. Maurits looked at me a bit agitated and said: 'This is the honour of a country!'

Looking back at the repatriation of archives to Suriname I see only winners: Surinamese archives are back in the country where they are formed and belong. Their damage is stabilized, which means that they are in a better condition than in the time they were transported to the Netherlands. Another great accomplishment is the online availability of 5.5 million images, without additional costs for users and without restrictions in using them.

Some people wonder what would have happened if no written statements about the ownership of the Surinamese archives were recorded at the time of their removal from Suriname? Maybe this would have made the claim much more complicated. Of course, Suriname could have reminded the Dutch of the fact that in 1949, when Indonesia became an independent country, they handed over 17 kilometres of Dutch governmental archives to the new

government. My personal view is that – also in this case – a Surinamese claim would have been successful.

Maurits Hassankhan always said that, after repatriating the archives, Suriname would finally be able to rewrite its own history. I hope that he will someday present me with the first book doing precisely this!

By the way, the *SS Nickerie* (by then renamed *Har Zion*), the ship that brought the first load of archives to the Netherlands in 1916, was sunk by a German submarine (U-38) on 31 August 1940. Only one of the crew survived and the cargo of spirits and fertilizer was lost.²⁰

The Repatriation of Surinamese Archives from the Netherlands: The Surinamese Perspective

Rita Tjien Fooh

Historical Background²¹

At the beginning of the twentieth century, the colonial archives that were formed during the colonial rule of the Netherlands by their administrative authorities in Suriname (1667–1975), were transferred to the National Archives (then General State Archives) in the Netherlands. During that period there were serious concerns about the care and management of these archives in the colony. Several missions were sent out to Suriname (and Curacao) to examine the condition of these archives. As early as 1899, the deputy archivist of the Netherlands, Mr. A. Telting, paid a visit to Suriname (and Curaçao) to find out about the state of the archives. In his report, Telting explicitly stated that only a sufficient measure would provide a solution to the problem, namely ‘...the construction of a completely fire-proof archive building, in which all documents, both old and modern, can be stored; a building that will also be sufficient for a very long time in the future. The archive building will also be furnished according to the requirements of the climate’.²²

Since the construction of a new archive building was not one of the priorities of the colonial government in Suriname, the Dutch General National Archivist, Prof. Mr. R. Fruin, found it necessary to have the archives transferred to the Netherlands. This decision was supported by the Dutch Minister of Colonial Affairs (1913). Although the local colonial authorities were opposed to the idea of having ‘their’ archives transferred to the Netherlands, there was little they could do against the order of the Minister of Colonial Affairs. It is still unclear until now why the secretary of the governor of Suriname and the representative of the *Algemeen Rijksarchief* in The Hague, Theodore Morren, at the handing over of the archives in 1916, explicitly had the following text included in the document ‘that the archival documents had been received to be placed in the General Archives in The

Hague for safekeeping and on loan under the express reservation that they belong to the colony²³

The archives (1662–1977) were transferred to the Netherlands in different periods, namely in 1916, 1919, 1930, 1975 and 1977. As a result, a large part of the Surinamese archives were not accessible for researchers in Suriname. Surinamese researchers had to purchase expensive flight tickets to travel to the Netherlands and spend some time in the research room of the National Archives in the Hague. In the history books it was even mentioned that all the archives before 1845 were in the Netherlands and research about this period was very challenging to conduct. For more than 90 years, Surinamese students and researchers did not have access to these historical documents. Research and publications about the colonial period were mostly conducted by the Dutch and some privileged Surinamese researchers.

After the independence of Suriname (1975) successive governments did not take actions to improve the archives. Because of this, archives were in a bad condition. Proposals for the construction of a new building failed and there were no trained staff to manage the archives. Furthermore, there was no adequate archive legislation with regards to the storage and preservation of archives. As a consequence, the condition of the archives further deteriorated due to climatic conditions (moisture, heat) and vermin and were also destroyed by fires and by arbitrary disposal.

In the meantime, from the 1950s until 1990s several attempts were made to improve the conditions of the Surinamese archives: In 1956 the *Landsarchiefdienst* (predecessor of the National Archives Suriname) was established²⁴ by the government according to the resolution of 10 November 1956. However considerable changes were not achieved due to lack of financial resources, under qualified staff and inadequate housing. Between 1960 and 1987 several committees were established to draft recommendations for the improvement of the archives in Suriname. For example, the *Interdepartementale Archiefcommissie* (1980–1987) made several recommendations; besides the construction of an archive building their emphasis was on the training of qualified staff, drafting an archive regulation and installing a National Archives Commission. In the 1990s a mixed Dutch-Surinamese Archive Commission was created to join efforts and expertise to improve and develop further the Surinamese archives. However, all of these efforts did not result in the improvement of the conditions of the Surinamese archives.

In 1996 a huge fire burned down the building of the National Assembly (Parliament), the Ministry of General Affairs and part of the Ministry of Foreign Affairs. The archives that were still in the custody of these ministries and the National Assembly were all destroyed. For Suriname, this was a very sad day: parts of our documentary heritage were destroyed completely! It was after this disastrous event that the Dutch Minister of Development Cooperation (*Ontwikkelingssamenwerking*) Mr. J Pronk,

extended a gracious gesture to the Surinamese government with the promise to finance a new and modern archive building for Suriname. Since the archives were part of the 'shared' heritage between the two countries, the Netherlands considered it to be part of their responsibility to make sure the archives were stored in a modern archive building. It took the Surinamese government several years to actually take action and follow up on the gesture made by the Dutch government.

In 2000, a new Surinamese government was elected and the new appointed Minister of Home Affairs installed an Archive Commission chaired by the historian Maurits Hassankhan. In 2001/2002, this Archive Commission collaborated with the National archives of the Netherlands to draft a plan of action to support and further develop the Surinamese archives. This plan was the result of a cooperation between the two archives (2003–2007) to re-build the institution in terms of capacity building (archival education, training, exchange of expertise), legislation, new building and equipment.

In 2002, the Minister of Home Affairs also recruited new staff for the *Landsarchiefdienst*. A team consisting of three persons namely Asha Ammersing, Ramon Cumberbatch and Rita Tjien Fooh also started to work at the Archives and were later appointed as the management team with separate and specific responsibilities.

From Preliminary Negotiations to Signing the Agreement

To Suriname, there was always the certainty that the archives transferred in the early twentieth century to the Netherlands belonged to Suriname. This was reinforced by the official document (transfer document) signed by the representative of the local colonial authority and the representative of the National Archives of the Netherlands in 1916. This document served as our proof that the archives in temporary custody in The Hague had to be returned home to Suriname as soon as we inaugurated our new building.

The newly appointed management of the *Landsarchiefdienst* with the support of the ministry of Home Affairs made it their mission to ensure that the historical archives were to be returned entirely to Suriname. In 2006, the Dutch magazine '*Historisch Nieuwsblad*'²⁵ interviewed Rita Tjien Fooh and Maurits Hassankhan about the ongoing projects such as the construction of the new archive building. In the article both persons spoke with certainty and without doubt that the archives had to return to Suriname upon the inauguration of the new building. The title of the article was '*Suriname wil archieven terug uit Nederland*' (Suriname wants archives back from the Netherlands). This news article caused a huge shock in the Hague. Suriname had the impression that the National Archives in the Netherlands never expected that our country would lay a claim on the archives that were in their custody for over 90 years.

In June 2006, shortly after the article was published, the Dutch state secretary visited Suriname. On behalf of the Dutch government he acknowledged that the archives were the property of Suriname and that they were willing to return the archives under certain conditions set by the Dutch. Later in the same year the conditions were defined, namely:

- Suriname must have the availability of well-trained staff (already in place in 2006)
- an archival regulation must be in place (formulated in 2006)
- a modern archive building (expected inauguration was in 2009).

Although Suriname met all these conditions or was in the process of finalizing them, there was still a certain distrust coming from researchers in the Netherlands about the ability of Suriname to take adequate care of the returned archives. They also observed that upon return of the archives to Suriname, Dutch researchers had to travel to Suriname to conduct their research. It was never considered that for many years Surinamese researchers had to fly to the Netherlands to consult our archives.

Preliminary Negotiations

In June 2008, the management of the National Archives Suriname requested from the director of the National Archives in The Hague an update on the return of the archives to Suriname. Several months after this request, in October, the director of the National Archives of the Netherlands visited Suriname as part of delegation of the Dutch State Secretary of Foreign Affairs, Mr. Timmermans. During this visit the minister of Home Affairs (Maurits Hassankhan) urged the Dutch representatives to make haste with the restitution of the archives. He also informed the Dutch delegation that the proposed restitution period of approximately ten years was far too long. Suriname's condition was to have the archives returned within three years after the inauguration of the new archive building. In his perception, the Dutch wish to duplicate archive material before it was returned was not primarily in the interest of Suriname and he therefore believed that it should not slow down the return. Although the Suriname minister brought up the possibility to duplicate the archives in Suriname after the restitution, this was not an option for the Netherlands.

State Secretary Timmermans reconfirmed the agreements made with previous Dutch cabinets that the archives will in principle go back when the new archive building was ready, but that the implementation should be further elaborated in a 'Plan of Approach' to be drawn up by the National Archives of the Netherlands and Suriname, on which the two primary responsible portfolio holders (minister Plasterk and Minister Hassankhan) should decide. He also indicated that the condition of the material was such that a lot of financial resources were needed for the preservation and duplication.

Duplication of the material would take place directly and simultaneously with conservation measures, not only from considerations of cost efficiency, but also because of the historical importance that is attributed to the material in the Netherlands as well.

Initially, the Suriname side was of the opinion that if the Netherlands decided to duplicate the archive material (either on microfilm or digitally), then other archive material about Suriname formed in the Netherlands by Dutch institutions must be duplicated as well since these were considered as shared heritage. Suriname has the same right to the duplicates of these archive material as the Netherlands has the right to duplicate the archives of Suriname, because in principal both archive material contained information about the history shared between the two countries. Suriname was therefore of the opinion that duplication of the material formed by the Dutch administration in the Netherlands should be part of the restitution process. The response of the Netherlands was that duplication of their material (archive material formed by Dutch institutions in the Netherlands) did not fall within this Plan of Action for the return of the Surinamese archives and that it would be better to integrate it in the project for *Gemeenschappelijk Cultureel Erfgoed (Common Cultural Heritage)*.

Although Suriname was of the opinion that duplication of the Surinamese archives was not an activity that fell under the terms of return of the Surinamese archives, it was clear what little influence we had in the terms of condition and the timeframe for the return of these archives.

In the final agreed plan for the return of the Surinamese archives, a paragraph was added that the Netherlands will make an inventory of all archive material present in the Netherlands relating to Suriname. The results of that research will in due course be the subject of further consultation between the Netherlands and Suriname. The Netherlands will cooperate in drawing up an action plan for the duplication of material in the Netherlands that is important to Suriname. As far as possible, this is based on (then) existing digitization or filming programs. An inventory or guide with the list of archives concerning the history of Suriname and in custody of various Netherland institutions was later drafted by the National Archives of the Netherlands and handed over to Suriname.

At the meeting with the Dutch national archivist in Suriname (November 2008) the National Archives Suriname and the Netherlands agreed that both sides had to work on a number of documents concerning the Plan of Action. For instance:

- 1 A list of archives that were eligible for return. The starting point was that this concerns the archives 'of the colony of Suriname', namely the archives formed by the Dutch government in Suriname. Archives 'about' Suriname in custody of the Netherlands in other fonds was not part of the restitution process.

- 2 A priority list of archives. The order on the list determined (as much as possible) the order of the actual return to Suriname.
- 3 A statement that the accessibility of the archives complies with applicable international standards.
- 4 The condition report of the Surinamese archives.
- 5 A description of the concept of 'emotional-historical' value as an instrument to eventually draft a list of documents that require a higher level of preservation. In doing so, use can be made of the expertise of researchers who have knowledge of these archive files.

By the end of 2008, the representative of the National Archives Suriname visited the Netherlands to discuss the final process and terms of condition for the restitution of the archives with the National Archives of the Netherlands and representation from the Dutch ministries of Foreign Affairs and Education, Culture and Science. The negotiations were focused on:

Duplication of the archives material

In the end, the Dutch decided that all the archive material (before the restitution to Suriname) had to be digitized in their entirety. For the Netherlands, the return to Suriname would mean that the information would be difficult to obtain for researchers and other users in the Netherlands. The National Archives in The Hague was of the opinion that the historical interest of, among others, the Dutch of Surinamese descent and Dutch researchers should not be obstructed by the restitution and that the information from the archives should be preserved for the Netherlands by means of an integral digitization of the archive material. As consequence of this decision the process to return the archives took seven years. Suriname originally wanted to receive the archives within three years after the inauguration of their building. However as already stated this was not an option for the Netherlands. 'The Surinamese archive material does not go out the door without duplicates being made beforehand. The service to the public must be guaranteed'.²⁶ Suriname's argument that scientists, researchers and the public in general have been waiting for these archive for more than 80 years, was destined for deaf ears.

It is worth mentioning that Suriname did not contribute financially to this huge digitization project, because the digitization was done in the first place to accommodate the users in the Netherlands and thus done in their own interest.

Conservation of the archives material

Since the transfer of the Surinamese archives to the Netherlands, due to lack of financial resources the National Archives of the Netherlands have been given little priority to take conservation measures to prevent further

deterioration. Of the 802 lm Surinamese archives, 721.72 lm had been repacked and 80.49 lm was still packed in old boxes and wallets. To gain a reliable insight into the material condition a damage report was drafted by the National Archives of the Netherlands. The report has shown that approximately 30% of the archive material was damaged (more than 220,000 folios), making regular use impossible. More than 100 lm of the Surinamese material have been preserved and filmed within a film adaptation program by the National Archives.

Since restoring all the archive material, according to the traditional restoration method would be time consuming and very costly, the Netherlands introduced a new approach in conservation *first line conservation*; the conservation was limited to one time use only of the document (to stabilize the damage on the paper in order to digitize the document). When this approach was presented to Suriname, we expressed the wish to restore a number of documents of 'historical-emotional value' in such a way (traditional restoration method) that use for exhibitions would be possible. This was approved by the Netherlands and included in the plan of action for the return of the Suriname archives.

It took approximately six months after the meeting in December 2008 for the representatives of the National Archives of Suriname and the Netherlands to come to an Agreement of the final plan of action for the return of the Surinamese archives and also draft the formal document to be signed by the ministers of both countries. On 15 October 2009 a formal document was signed by the ministers and at the same time Plan of Action was signed by the representatives of both archives institution in The Hague.

Prior to the signing of the Agreement and the Plan of Action, a symposium was held where among others, the Surinamese historian Dr. Eric Jagdew delivered a presentation on 'Content and meaning of the archives from a Surinamese perspective'.²⁷

He indicated that

...although this is a shared heritage, these archives were formed in Suriname and therefore, viewed from a nationalistic point of view, actually belong in Suriname. But most importantly, with the restitution of the Surinamese archives and the renewed policy in the field of archives in Suriname, historiography in Suriname itself will increase dramatically.²⁸

Jagdew, also interviewed three prominent Surinamese researchers about the importance of these archives to them. One of them was Cynthia McLeod-Ferrier, a well-known author of Surinamese historical novels, who delved into the various archives of the 'Oud Archief Suriname' to write her historical novels. She said that when people do not have access to the sources of its history, they will have a self-image based on myths and stereotypes.

According to her, this was the case with Surinamese people in recent years.²⁹ Another Surinamese researcher who was interviewed by Jagdeu was Dr. Maarten Schalkwijk, sociologist and at that time director of the Institute for Graduate Studies and Research (IGSR) in Suriname. He wrote a dissertation on the formation of the Surinamese colonial state and consulted the correspondence letters and reports from various governors. Schalkwijk indicated that during his research it became clear to him that many writers copy from each other, thus repeating many errors in the historical books. With the information from the archival documents he was able to correct many errors and misconceptions about the history of Suriname.³⁰

At the official ceremony for the inauguration of the new archive building of the National archives of Suriname, finally three archives were handed over by the Dutch National Archivist to Suriname. These were the Baptism, Marriage and Burial Records, 1662–1838, Notarial Archives, 1828–1845, Census 1921, including card indexes. This moment was of national importance to the Republic of Suriname, especially in view of the decolonization of Surinamese historiography in Suriname. As Jagdeu concluded, the repatriation of the Surinamese archives was important, because of this:³¹ the historiography in Suriname will be promoted by Surinamese; knowledge in Suriname about its own history will increase; the self-image of the Surinamese people will change through the unravelling of myths, stereotypes and secrets; historiography will be tailored to the needs of its own people.

Restitution 2010–2017(8)

After the restitution of the first cargo of archives to Suriname in April 2010, several practical issues needed to be addressed. One of them was the conservation method used by the National Archives of the Netherlands to dismantle (cut) the spine of some of the thick bundles of registers for digitizing purposes. Since the binding methods made it difficult to scan the registers, in cases where it was impossible to make complete scans, the spine of the registers were cut open. Because the National Archives of Suriname expressed its concerns about the method used to prepare the registers for digitization, the digitization and conservation were halted for several months. Only after a report was presented by the Dutch experts in which the procedure was clearly explained and where they assured that little damage was done to the paper itself, the National Archives of the Netherlands resumed its work. However, dismantled bundles were never sewn up again.

Another issue that took almost three years to reach an agreement with the National Archives of the Netherlands was the online publication of the digitized Surinamese material. It was clear that the National Archives of Suriname did not possess the technical infrastructure and the financial resources to manage and store a large quantity of digital data and also to

publish the digitized archive material on our (outdated) website. At first the National Archives of the Netherlands expressed the possibility to support Suriname with the expertise and financial resources, but after the installation of a new Surinamese government, not favoured by the Dutch politicians in the Hague, we realized soon enough that they would not provide us with the necessary support with the technical infrastructure and upgrade of the website.

Although the pressure from the National Archives of the Netherlands to publish the digitized archive material online was very high, representatives of both national archives were constantly in dialogue to resolve the issue. It is worth mentioning that now and then the tone of the letters became a bit harsher and meetings a bit uncomfortable. The principle of making the scans available via the internet was not in dispute. The bottlenecks included the unavailability of a website of the National Archives of Suriname with the technical infrastructure to make a large amount of digitized material available for consultation (in addition to the availability via the website of the National Archives of the Netherlands). In this context, Suriname set the condition that the archives must be published simultaneously on the website of both archival institutions. Another issue was the disclosure provisions of the Surinamese archives; The archives that were eligible for restitution were subjected to a strict closure regime of a maximum of 75 years under the Dutch Archives Act due to possible complications in the event of full disclosure. Although this was already the case, Suriname indicated the need to verify (screen) several archives (8) first according to their Surinamese Archives Act, before giving permissions to upload the data on the internet. The National Archives of the Netherlands was of the opinion that this process of screening would entail a colossal amount of work and feared the delay of the online publication. Also researchers in the Netherlands insisted that, in the interest of research, there should be no accumulation of disclosure provisions. Further research has shown that Surinamese legislation does not pose any obstacles to the online publication of Surinamese digitized administrative archives on the internet taking into account the applicable closure rules.

Finally in January 2013 both national archives reached an agreement that Suriname would develop and build its own website to be launched on 12 April 2013. To make the archive material online available, the Surinamese website will make use of a link to the image storage of the National Archives of the Netherlands (I-frame). As of 12 April 2013, the National Archives of the Netherlands will also upload this Surinamese archive material on their website. The use of the Dutch facilities was free of charge up to the end of the project; The National Archives of the Netherlands informs Suriname in good time about digital files that will be placed on the internet. Suriname will be informed whenever changes occur in the technical infrastructure of the website of the National Archives of the Netherlands. In principle, the current (Dutch) closure regime will be maintained.

The remaining archives were returned respectively in 2015, 2017(8) after being digitized. As soon as Suriname received the original files, the scans were uploaded on the website of the National Archives of the Netherlands and through an I-frame link shared on the website of the National Archives of Suriname.

At the formal closing of the project ‘Return of the Surinamese archives’ in Suriname on April 2017, both the directors of the National Archives of Suriname and the Netherlands signed a Memorandum of Understanding in the field of archival cooperation for three years (2017–2020) and was to digitize archive collections in the Netherlands and Suriname related to the shared cultural heritage; exchanging scans; online availability of the inventory and scans in the Netherlands and Suriname, training and education for the staff of the National Archives Suriname.

The policy of the National Archives of Suriname is to promote the collaboration between archival and other heritage institutions in Suriname and abroad, based on mutual benefit and respect for each other’s standpoint. It is also about identifying each other’s strengths and weaknesses and supporting each other when the other does not have the means to achieve their objectives.

Looking at the outcome of the project ‘Return of the Surinamese archives’, one could say that it was a huge success, because in the end all the 802m archives were repatriated to Suriname and even so Suriname received the digital copies as well. But looking carefully behind all the negotiations and the conditions that was set by the Netherlands for the repatriation of the archives to the rightful owners, the conclusion can easily be drawn that putting our own interest first was the common thread of the negotiations. The political situation in the country also could affect the outcome of the negotiations. Diplomatic skills and perseverance are needed to enter these negotiations. Suriname has benefitted from the archival collaboration with the Netherlands (and still is), but it must be clear that the Netherlands at the same time benefitted also from our cooperation.

Notes

- 1 The peace treaty of Breda in 1667 meant among others that Suriname became a Dutch colony while New Netherlands (present New York) became a British colony.
- 2 The 3 parties: Suriname, the Dutch Antilles and the Netherlands.
- 3 Telting, Verslag omtrent oude archieven [Report on Old Archives].
- 4 Vos, *Theodorus Morren*.
- 5 The fire took place in the Wagenstraat in the night of 13/14 October.
- 6 Vos, Beschrijving van overgedragen archieven [Description of Transferred Archives].
- 7 The Notariële Archieven, 1699–1829 and the Archieven van de Nederlandse Portugees-Israëlitische Gemeente in Suriname, 1677–1906 were amongst the most damaged.

- 8 Notitie Teruggave Surinaamse Archieven [Note on Restitution of Surinamese Archives].
- 9 Visser, "Suriname wil archieven terug" [Suriname Wants Archives Back].
- 10 Brief van de minister van Buitenlandse Zaken [Letter from the Minister of Foreign Affairs].
- 11 Project Ondersteuning Archiefwezen Suriname.
- 12 This method is focused on repairing the document to such level that human use in the reading room is possible again.
- 13 Verklaring van Overeenstemming [Declaration of Conformity].
- 14 Tjien Fooh, and van Dijk, Plan van Aanpak [Plan of Approach].
- 15 Verslag van overleg met Rita Tjien Fooh/2 september 2010, 6 september 2010.
- 16 Juridische grondslagen openbaarmaking [Legal basis for disclosure].
- 17 Van Dijk, Frans. Overzicht van archieven [Overview of Archives].
- 18 See for a list of the archives, their finding aids and the images: <https://www.nationaalarchief.nl/onderzoeken/zoekhulpen/suriname/overgebracht-naar-suriname-en-digitaal-beschikbaar>.
- 19 The Code of Ethics was adopted by the General Assembly of the International Council on Archives in its XXIII th session in Beijing (China) on 6 September 1996. Rule nr 2 states: 'Archivists should cooperate in the repatriation of displaced archives.'
- 20 Wreck Site. "Nickerie SS (1918~1919) Har Zion SS [+1940]." <https://www.wrecksite.eu/wreck.aspx?257296>.
- 21 Bastian, Aarons, and Griffin, *Decolonizing the Caribbean Record*.
- 22 Telting, *Report on Old Archives*, 4.
- 23 Telting, *Report on Old Archives*, 11.
- 24 Regeling Landsarchiefdienst, Gouvernements Besluit no. 3528 [Government Decree no. 3528].
- 25 Visser, "Suriname wil archieven terug" [Suriname wants archives back].
- 26 Statement by the Dutch National Archivist, Dec. 2009.
- 27 Jagdew, "Inhoud en betekenis" [Content and meaning].
- 28 Jagdew, "Inhoud en betekenis" [Content and meaning].
- 29 Jagdew, "Inhoud en betekenis" [Content and meaning].
- 30 Jagdew, "Inhoud en betekenis" [Content and meaning].
- 31 Jagdew, "Inhoud en betekenis" [Content and meaning].

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- Damage: Damage in the form of a butterfly caused by insects (photograph by Frans van Dijk)
- First transport: A wooden box containing archives just arrived in Suriname (April 2010) (photograph by Frans van Dijk)
- Governor of Suriname archive: Archives of the Governor of Suriname in a repository of the National Archives of the Netherlands (photograph by Frans van Dijk)

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Value Displaced, Value Re/Claimed

Reparations, Shared Heritage and Caribbean Archival Records

Stanley H. Griffin

Introduction

The Caribbean has been a place of work, for work and enrichment from work. From the arrival of Christopher Columbus in 1492, followed by other Europeans, the resources found in the region were systematically extracted to meet the European demand for wealth. This exploitation extended to the well-established Indigenous civilizations that the Europeans encountered. Centuries later, the Caribbean region is still feeling the effects of these exploits, effects which are tangible even with the end of colonial rule and the rise of independent nationhood. The archival holdings of Caribbean national institutions have their genesis in the periods of colonial settlement and rule. In these territories, whose terrains were divided up for plantation monoculture, the surviving archival records outline the shared relationship each particular estate and territory had with the Colonial Office in London and merchant houses across the United Kingdom. These records, which now form the basis of national documentary memory, illustrate the claims over and profits from colony by metropole, wherein the colony produced raw materials for the investment and profits of European commercial interests. Undoubtedly, in the bilateral relationship between colony and mother country, both parties shared claims in the documented content of the records. The records of activities on plantations were for the provision of evidence of the returns on investments. Both colony and mother country may share claims to these records, the former asserting the subject matter as documentation of livelihood and lived experiences, while the latter claiming imperial ownership. The burden of the various work activities that gave rise to the creation of these records was not equally borne. The enslaved and later indentured labourers worked and the white planters and their investors in Europe profited. The dividends derived from the extraction of material wealth and exploitation of human labour were not equally distributed. The various archival documents outline the connection between colonial governmentality, merchant transactions and colonial underdevelopment. This inequality, then and now, is the bone of contention for activists and proponents in the

Caribbean's Reparations Movement. In this chapter, this legacy of inequality will be explored as it relates to records and record-keeping, particularly in the Commonwealth Caribbean.¹ Records about the region show evidence of the displaced value of human life, tropical environment and extracted wealth. The dominant value documented in the records was not about the humans living and working on estates but rather the profits gained from the exploitation of those workers. This is a central argument of this chapter that the value of human life was displaced by the value of profit margins. Additionally, the system of record-keeping was created to detail and validate the evidence of estate productivity and profitability, and in so doing, documented the displaced value of human life. Finally, the claims to this displaced value are not based on equal measures between colonized and colonizer. This raises a question as to the legitimacy of the shared heritage concept and the manner in which it is exercised. Above all, this discussion aims to re/claim the value of Caribbean memory, not just for its significance for colonial discourses, but for the disenfranchised it documented and represents.

Reclaiming Value: The Caribbean Reparations Movement

Reparations, as a concept and the basis for a regional movement, has had a long and complex history in the Caribbean, emerging from the agitations of advocacy groups such as the pan-Africanist movement, Rastafari culture², as well as academia.³ As a concept, reparations call attention to, and for compensation for, the economic, social and political inequalities that are direct legacies of the colonial experience. The reparations concept seeks to correct the entrenched colonial perceptions of racial, economic and political power and superiority over former colonies. It calls into question contemporary power imbalances exerted by European nations over the 'developing world', bearing in mind the historical role former colonies played in the development of European power. Law student Katarina Schwarz describes the Caribbean context for the concept in very simple, clear terms: '...Contemporary European states are being faced with the ghosts of antecedent injustices. Widespread calls for reparations are now being given voice by the descendants of slavery both as individual human actors and as national citizens of a region which continues to bear the scars of European shackles'.⁴ These shackle scars are evident all around the Caribbean. Describing them as harms, the reparations concept addresses key contemporary concerns, including economic deprivation, and reliance on aid programmes and loans for social and infrastructural development, that have their genesis in the days of colonial rule. As Schwarz notes, 'The requests of the Caribbean community [for reparations] are thus tied directly into remedying the harms which continue to pervade their societies and which have their origins in the trans-Atlantic slave trade, rather than on perpetuating

the retention of ancient grudges'.⁵ In essence, the value of wealth extracted for metropolitan gain should be returned for the benefit of the region. The colonial scars, which are impediments to national growth and ambitions for full recovery, are the impetus for the movement for reparations.

In presenting the case for reparations, Caribbean and economic historian Hilary Beckles posits that the benefits gained by British society ran wide and deep, embracing all facets of imperial governance, financing and socio-cultural establishments:

The role of the British state was not confined to the regulation and fiscal management of slavery. The state also engaged directly in the slave system as an important investor and owner. The reparations claim, then, should be a government-to-government legal process in the first instance, with options to include those participating financial and social institutions that exist today as privileged beneficiaries.⁶

The movement is therefore built on the premise of reclaiming values that were displaced, i.e. the displaced value of human life, wealth from labour and consequential post-colonial impoverishment for the improved value of contemporary life and societal betterment.

As a movement, the Caribbean reparations movement grew in its advocacy on the world stage following minor victories in representing the cause in various international symposia and fora. The movement is driven by activists and academics across the Caribbean, with the support of various national governments,⁷ and aims to bring European institutions and nations to account for the value extracted from the lands and labours of former colonies. The movement pursues actions against the United Kingdom, France (for territories such as Dominica, Grenada, Haiti and St Lucia) and The Netherlands (for Guyana and Suriname), whose colonial legacies are still present in various ways. According to Claudia Rouhut, 'the Caribbean—a central region of the African diaspora—is the only region in the world where national commissions for reparations have been founded with the support of governments...'.⁸ A regional commission was established by the Caribbean Community (commonly called CARICOM) in 2013, while a Centre for Reparations Research at The University of The West Indies serving as the hub for research and advocacy efforts. These two agencies symbolically represent the gravitas of the agenda of the movement in the region.

The motivation of the Caribbean Reparations Movement is based on the view that

while colonialism and its manifold evils laid down the foundation for the welfare state in those European countries and very high standards of living in those countries, the descendants of those who made these living standards possible continue to struggle in abject poverty in

the Caribbean today; reaping none of the fruits of the labour of their ancestors.⁹

The movement recognizes the need for European acknowledgement of the genocide inflicted upon the Indigenous civilizations encountered and the devaluation of Black humanity by the system of enslavement and colonialism.¹⁰ Beckles maintains that

reparations as justice connects each descendant of enslaved Africans and decimated natives to deep, painful emotions. It means as much to millions of other people beyond the Caribbean whose societies were violently colonized by Britain and who live with the open wounds caused by the crimes committed against their community. Reparation resonates throughout these global communities and require answers beyond casual conversations and academic discourse.¹¹

Reparations and Records

Records stand at the nexus of claims and dividends. Richard Levy suggests records are ‘talking things. They are bits of the world that...we have imbued with the ability to speak’.¹² As documentary observers, or byproducts, of the transactions that they detail and relationships they represent, records have active agency in themselves. Records outline the parties to the transaction (who), the materials being transacted (what), the way in which the business will take place (how), the time period of the allotted activity (when) and the significance of this transaction (why). In other words, records outline the following: Who gets to claim, what *is* claimed, who is due/owed payment, who is recognized for payment, and importantly, who will *not* be paid. The evidentiary role of the record is to ensure claims made by each party to the transaction are laid bare, and the beneficiaries – and the forms the dividends will take – are explicit. The act of documenting and affirming the exchange of goods and services creates privileges for the transacting parties. The object or subject of the transaction, i.e. that which is being exchanged, bought or sold, is, in its silence within the record, almost ancillary to the documenting process, even though it is the object or subject that links the business interest.

This connection between activity and evidence, the compensated and the disenfranchised, is central to musings on reparations and constructs of shared heritage. It is crucial to appreciating the role records play in the claims, counterclaims and disclaims of the reparations cause and movement. Journalism educator Rachel Buchanan contends that records and archives were key pillars of the dominance of Empire:

Archives charm. Archives harm. Beyond their tactile, anachronistic or nostalgic appeal, archives are part of the architecture of imperialism.

They are sources of narrative, power, sites where stories about the bloody or bloodless beginnings of a nation are stored. The Archives is also a place of discursive or epistemological violence, a place where one way of knowing the world—the spoken—was replaced with another, the written...¹³

For this reason, records were crucial to defining, documenting, displacing and re/appraising the value of human life and environmental worth for the Caribbean. For as Buchanan asserts, ‘Colonial history emanated from archives and ... history returns to the archives to reassert its authority as a scientific, objective, empirical source of knowledge...’¹⁴ Thus, the revolution must begin in the Archive and arise from records.

Unlike other foci of this volume, this chapter posits another view on the displacement of records: the displacement of records that would illuminate and support reparations claims is not about the absence of context, or dislocation or even the emigration of materials. The displacement here is about the value of people, subjected by the records, whose subjugation persists. The issue of reparations, and the contention with the records thereof, is about the Displacement of Value for human life expended in enslaved labour for the enrichment of masters and development of mother country. The value detailed in records substantiates societal, legal and economic structures that rewarded the owner to the detriment of the labourer. The labourer, plantation and by extension the colony gained nothing from the wealth amassed, exported and expended in Europe. Colonies, estates and workers were devalued, reduced to spaces and ploys for the enrichment of (often absentee) British families and infrastructural development of metropolitan cities. By devaluing the labourers, and in particular the enslaved masses, records were used to remunerate the white planter-subjugator at the expense, ostracism and consequential impoverishment of the black subjugated masses. Thus, the movement is seeking to reclaim value for the descendants in the present-day Caribbean.

Colonial Extraction

It was all about sugar, molasses and rum,
Till your ears are confounded, your senses struck dumb;
And the penkeeper joins with his innocent prattle,
Which is all about pastures, and fences, and cattle.¹⁵

The above rhyme captures the *raison d'être* for colonies in the Caribbean. The British, like the Spanish conquistadors before them, and other Europeans, sought wealth creation and accumulation for themselves individually and their monarchial homelands. Richard Dunn argues it was this adventurous, entrepreneurial and nationalistic spirit that induced many to

the Caribbean, a place associated with ‘ample tales about gold and pearls ... incredible wealth, amazing savagery’.¹⁶

As soon as full settlement was possible, the production of raw materials captivated every aspect of life in the territory and the attention of the planter and merchant alike. Every possible square inch of land was occupied in the business of extracting the valuable for export to Europe. Initially settled as small landholdings, once prices for crops like tobacco fell in value, and the feasibility of sugarcane production was realized, Caribbean landscapes were irreversibly transformed into plantations.¹⁷ In order to meet their demands, colonizers utilized both land and labourer, especially imported African enslaved persons, to maximize their gains. Karl Watson references a statement made by an enslaved in Barbados in 1676 that describes the reality of West Indian plantation life: ‘The Devil was in the Englishman, that he makes everything work, he makes the Negro work, the Horse work, the Ass work, the Wood work, the Water work and the Winde work’ (64). The 17th-century foundations laid for the activities, investment and dividends of the plantations would remain and shape the course of life and narratives in the territory for centuries. Sir Kennedy Simmonds, former Prime Minister of St Kitts and Nevis, aptly describes the daunting effect plantation society has on St Kitts, and by extension the rest of the Caribbean. He asserts, ‘the plantation ... was a total economic institution, which blurred any distinction between economic organization and society on one hand, and chattel slavery, on the other, which deprives workers of any personal rights, including the right to own or cultivate land’.¹⁸

Sugar plantations gave rise to the ‘Sugar Revolution’, the term used to describe the period (1640–1660s) that triggered much social, racial, economic exploitation in the Caribbean as well as the evolution of trade, imperialism and industry in Europe.¹⁹ Historian Barry Higman posits that unlike other previous agrarian revolutions in Europe, e.g. rice, wheat and potato, sugar not only transformed European diets and palates but propelled the economic and imperial dominance of their nations. Higman writes,

The six central elements of the sugar revolution are commonly regarded as a swift shift from diversified agriculture to sugar monoculture, from production on small farms to large plantations, from free to slave labour, from sparse to dense settlement, from white to black populations, and from low to high value per caput output. More broadly, it is claimed that the sugar revolution had five effects: it generated a massive boost to the Atlantic slave trade, provided the engine for a variety of triangular trades, altered European nutrition and consumption, increased European interest in tropical colonies, and, more contentiously, contributed vitally to the industrial revolution.²⁰

Archaeologist Matthew Reilly maintains that the sugar estates were designed to extract the most profit from investment, reinforce class and

racial hierarchies and establish control over all within its parameters.²¹ Each sugar estate was autonomous, falling under the whim and fancies of the planter, and directly connected to a beneficiary merchant house in Europe. Thus, as noted historian William A. Green maintains,

Plantations formed the basic social and economic units in the islands, providing the main focus of identity and community allegiance for the labouring people. Colonial revenue depended on the wellbeing of sugar estates; colonial courts, legislatures, and parish vestries were controlled by sugar planters, the militia was officered by them; and the public calendar was regulated by the seasonal requirements of sugar production.²²

Enslaved labourers were seen as cogs in a well-orchestrated cycle of economic production and a system devised on the basis of race and class was established to entrench Blacks in servitude.

Caribbean colonies were not just economic units for European benefits but were designed to mimic the colonizers' histories, political traditions, cultural norms and legal practices. Thus, British concepts such as property ownership and classism were tailored for, and implemented in, their colonies. Historian Elsa Goveia noted that colonizers saw themselves as masters, and mastery was imbued with meanings of power, whiteness and Eurocentric cultural norms. The 'discovered' Indigenous or imported Africans were seen as the antithesis of European power and slave laws were established to maintain this social order. '... Slavery came to provide the economic and social framework of a whole society'.²³

Colonial societies were, therefore, tense spaces. Violence could erupt at a second's notice. Violent acts ranged from whippings for misdemeanors on plantations, to harsh militia crackdowns on rumoured plans for revolt. Karl Watson rightly asserts that planters used violent acts to forcefully demonstrate their authority over their property, and in so doing, stripped away the humanity of their enslaved and their proclivities, both good and bad. 'A glare, a raised voice, inappropriate body language, tardiness in carrying out an order could all have been interpreted as insolence' and subject to violent wrath.²⁴ Offenses that directly impacted the plantation's profit margins, such as eating cane or burning property, maiming livestock or running away, received harsh punishment.²⁵ A white person causing the death of an enslaved person was not a criminal issue (until 1805) as property could not be murdered; instead the owner would be compensated for 'its' loss and the colony's administration would benefit from an imposed fine. However, should a Black person cause bodily harm, and even worse death, to a white person, the judicial response was a death sentence. The devaluation of Black lives meant that a society was built on the disenfranchisement of the majority of its inhabitants for the enrichment of the few whites.

Colonial hegemony was also expressed in cultural forms. Plantation society, with its complex hierarchies, rules and relationships, created and established cultural dynamics between the Euro-cultural hegemonic and the Afro-and other ethnic subjugates. Colonial societies were spaces where creolization emerged and was nurtured. Caribbean linguist Richard A. Allsopp describes creolization as the process of developing ‘marked Caribbean characteristics...to cause (something that was originally foreign) to become Caribbean in character’.²⁶ Poet and cultural historian Kamau Brathwaite positions creolization as the historical contestations that occurred on estates and having two stages, *ac/culturation* and *inter/culturation*. *Ac/culturation* refers to the yoking of one culture to the other and speaks to the hegemonic domination that the white minority had over Black enslaved majority. The latter, on the contrary, is ‘an unplanned, unstructured, but osmotic relationship, proceeding from this yoke’.²⁷ This osmosis can be seen in a wide range of cultural expressions, from language and culinary expressions to dress and religious practices.

Thus, in emphasizing colonial ownership of space and subject, colonists instilled practices and outlooks that celebrated the order of society: Eurocentric dress and values over African retentions and practices. Stuart Hall descriptively captures this dynamic in which European cultural habits persisted while attempts were made to stamp out African cultural practices. Attempts at cultural retention and recital ‘characterized the colonizing cultures as well as the colonized. People are always more Victorian when taking tea in the Himalayas than when taking tea in Leamington—they were keeping alive the memory of their homes and homelands and traditions and customs’.²⁸ Such cultural retentions were violently quashed in the enslaved Africans, via (for example) slave laws and Christian indoctrination.²⁹ This cultural domination instilled a self-depredation, especially among the African subjugates, the effects of which are still crippling present-day Caribbean societies.³⁰

Proposals for emancipation offered, *inter alia*, two things: a period of apprenticeship for the newly freed and compensation to the planters for their loss of property. Debates in the British Parliament projected that the newly freed lacked the wherewithal to live freely and earn wages, and would therefore flee from estates, return to barbarism and endanger the peace and prosperity of the colonies. Planters would also lose control over their labourers, precedence over the masses, and property, with the freedom of their enslaved assets. With the declaration of Emancipation in 1834 in the British Empire, the enslaved became apprentices on the plantations and planters were granted £20 million in compensation by Act of Parliament.³¹ In examining the many rippling effects of this compensatory payout, historian Nicholas Draper theorized that planters received, *de facto*, a double payment: a monetary award from the state and more state-stipulated and enforced labour from the emancipated.

The 'slave compensation' ... was part of the wider package negotiated between the British government, representatives of the slave-owners and parliamentary leaders of the abolitionist movement in the spring and early summer of 1833 and enshrined in the 1833 Abolition Act. The Act provided for £20 million in monetary compensation to the slave-owners, interest on that compensation from 1 August 1834 (the effective date of the Act), and a period of 'apprenticeship', four to six years of further enforced labour of forty-five hours per week by the formerly enslaved for their former masters and mistresses. The emancipated people themselves received nothing. New social relations of production were forged in the Caribbean in a very short period of time, with the former enslaved withdrawing from the estates into subsistence agriculture where it was possible and being remoulded into a waged labour force where it was not.³²

Caribbean societies therefore emerged out of this extracting framework drained, depleted and devastated. As yet, European societies have not acknowledged and returned the dividends of their exploitations to the region.

Records Documented, Value Displaced

The foundational holdings in Caribbean archival repositories are the transactional records of plantation and colony. Records formed part of the exchange of information between colonial settlement and the Crown and merchant in the European mother country. The history of records creation, use and maintenance is linked to the aforementioned wider contextual history of the Caribbean. Since the various European settlements in the territories of the Caribbean were places of work, records were created to control and evidence the production of the individual plantation, including its assets, the enslaved. Each unit of activity had a reporting relationship with its sponsoring body in Europe. Each colony had a direct record-relationship with its mother country. It must be noted that good record-keeping practices were essential to a colonial power that controlled large territories of subject people. Records were vitally important to colonial control and the British developed structures to ensure their colonial dominance through records with the British Civil Service to give effect to this control.

There are, therefore, two groups of records relevant to a discussion of displaced value and reparation: records created in Europe and records created in the Caribbean. Each complemented the other in their corresponding relationship of mother country/merchant house investor and colony/subsidiary plantation. While both types may reflect a transactional interaction between the colony and metropole, there will be some groups and types of records in Europe that are not in the Caribbean and vice versa.

In the case of the British Empire, Mandy Banton, in her study on imperial administrative records, noted that prior to 1825, the colonies were seen as overseas economic ventures, and not imperial outposts, of the Crown and this was reflected in the systems established for reporting to London and the types of records maintained. These mostly consisted of reports on economic activities, governors' reports and copies of colonial assembly legislative outputs. The local colonies retained the working records of the offices of the governor, colonial secretary, courts, parish vestries, ecclesiastical and other forms of records deemed necessary at the time of creation.³³ These records reflect the activities or completed transactions that involved creators and subjects and, therefore, documented the value invested and exported from the region. These records not only serve as the basis of the holdings for various national archives, but many have been nominated and officially registered as having global significance by the UNESCO Memory of the World (MoW) documentary heritage programme.³⁴ Their informational and cultural values to their specific communities transcend socio-racial boundaries and have meaning for humanity in its entirety.

The records created in or about the Caribbean include plantation deeds, wills, chancery records and slave registers. The lists of records found on the UNESCO International Memory of the World Register intimate the extent to which value was extracted from enslaved people and occupied land and directed to the plantocracy, and Europe.³⁵ This value, from the point of creating the record, was displaced. The names of the records series show the kinds of value being accounted for as it was expropriated. For example, in Jamaica, there were: The Accounts Produce (Crop Accounts) (series dating from 1740 to 1819); Inventories (1674–1881); Returns of Slaves (1817–1832); Manumissions and Releases from Apprenticeship (1740–1838); For The British Virgin Islands are listed: deed books (1777–1905), book of mills, Council minutes, Powers of attorney (1761–1857), courts of chancery and magistrates records; In Barbados were: Plantation accounts (1795–1873), Vestry Books (1655–1890); merchant ledgers (1828–1887). These records detail the devaluation of the human resources of plantation society.

In describing the transactions documented, the perceptions and actions of the plantocrats – who did the 'recording' and interpreting – can be reevaluated for the benefit of those recorded. Undoubtedly, the details that constitute these records were really the outputs and successes of the labouring classes, though the records obscure the sweat equity of the enslaved and indentured servants in their reporting of profits. For as Nathan Sowry posits, 'the archives reflect only the views and cultural perceptions of the colonizer, neglecting to give voice or agency to the [masses]' who were forced to participate in the sugar economy.³⁶ Thus, from the onset of plantation society, the enslaved and indentured workers in the Caribbean were marginalized in documentation as they were subjugated in life. But not only were they subjugated in the documentation of the colonizers, but this colonial

documentary regime displaced and sought to erase the information cultures of the enslaved. While their labour was the oil enabling the extraction of wealth, their humanity was depreciated and their information culture devalued. The plantation system not only established one-sided records, it simultaneously sought to obliterate the memory of the greater number of those forced to survive within its confines. Out of this cultural conflict came a record system that validated the written while muzzling the spoken.

Colonialism Disrupted Pre-colonial Forms of Memory

In the establishment of plantations, Indigenous communities were eradicated, displaced or enslaved. This, in addition to the later importation of enslaved Africans and indentured labourers from East Asia, disrupted established social and cultural forms of creating information and preserving memory. The legacies of the Indigenous communities are scattered in various forms around Caribbean territories. In some territories, such as Jamaica, there are stone and cave etchings and other inscribed artefacts and material culture present and regularly uncovered through archaeological excavations.³⁷ In other territories, the former Indigenous presence is marked by cultural retentions, religious rituals and social practices that form part of the cultural tapestry of society.³⁸ Oral traditions and socio-cultural mores also formed part of the 'cultural equipage' that were brought over the Middle Passage journey from Africa to Caribbean plantations.³⁹ While the other indentured labourers still maintained cultural connections to their ancestral homes, the African enslaved labourers were not so privileged. Nevertheless, both racial groups were subjected to the cultural and racial supremacy of the colonizers and thus, traditional memory practices have been lost or lost their full significance due to the predominance of European records regimes.

From the banning of drums to the negation of creole languages, non-European information-creating and dissemination cultures struggled for survival. Bill Ashcroft, Gareth Griffiths and Helen Tiffin, in their discussion on post-colonial literature theory, link the depredation of oral traditions and record-keeping practices to the colonization process and predominance of writing culture. They maintain,

In many post-colonial societies, it was not the English language which had the greatest effect, but writing itself. In this respect, although oral culture is by no means the universal model of post-colonial societies, the invasion of the ordered, cyclic, and 'paradigmatic' oral world by the unpredictable and 'syntagmatic' world of the written world stands as a useful model for the beginnings of post-colonial discourse.⁴⁰

In devaluing colonized record-keeping practices and traditions, the colonial hegemony over what is documented, preserved and the manner in which

it is recorded, takes precedence. Thus, what has survived as records and authorized expressions of memory, such as monuments, statues, names and designs of the built environment, as well as publications and academic disciplines, are European in focus and principally British. Therefore, the value of the memory and practices of the colonized were displaced.

Displaced Value, Unhealthy/Unequal Memory

Undoubtedly, records that emerge from a systemic record-keeping context designed to document the voice of the colonizer, and in so doing preserve the memory thereof, excludes the memory of the colonized. Colonial record-keeping has created an unhealthy memory value system, wherein the Eurocentric forms of record-keeping and memory are advanced as validated sources for history and expressions of heritage, while the oral traditions and practices of the colonized are shrouded in mystery and deemed to be in need of triangulated authentication. Unhealthy because the knowledge and memories of the peoples of the Caribbean are always the unsubstantiated other, falling beneath the threshold of validity, authenticity and rigour. Always deficient, the documented must seek self-validation and socio-cultural legitimacy via analyses of transactional records and interpretations of inferred references in colonial archives, having their own voices, experiences and memories stifled by the lack of evidence.

This dichotomy has had a tangible effect on the psyche of Caribbean people. Frederick W Hickling, the pioneer Caribbean psychiatrist and theorist, illustrates this dilemma in his work on concepts of madness in postcolonial societies, and in particular Jamaica and the Caribbean. From his practice and drawing on historiography, Hickling developed the technique of psychohistoriography. By analysis of historical records and chronologies, cross-referenced with verbal recollections and perceptions, in psychohistoriography, a graph is drawn to reflect insight into a group of people's conditions. Hickling explains:

A horizontal *timelline* across the centre of the chart (the abscissa of the Cartesian coordinate axis) delineates the period of history under consideration. A coterminous racial and social class dialectical matrix is then created above and below the time/line (the ordinate axis of the graph), which is call the *dialectic matrix*. Ethnographic historical data, either from anecdotal materials within the group or the reports of written work, are then charted chronologically and dialectically above and below the timeline. Vertical *theme-lines* are established through the specific clusters of consensual historical data filling the chart and labelled with phrases that express the group's perception or insight of the theme. The insights and *overstandings* [i.e. understanding⁴¹] of the dialectical cross-sectional historical expressions are then transposed

into psychological phenomena using conventional phenomenological definitions or translated into skeletal word-trees for the construction of poems, songs, scripts and drama.⁴²

This method of investigation was used over 30 years to consider multicultural groups, sized from 15 to 300 participants, in the Caribbean, North America and the United Kingdom. From psychohistoriographic analyses of various research groups, Hickling observed specific and repetitive themes that have been ‘chronicled, collated and tabulated into ten time specific watersheds from 1492 to 2006’.⁴³ At the basis of these themes, Hickling observes that the European colonizers suffered from what he called ‘The European Delusion’. He defines this delusion as,

A fixed false belief impervious to rational argument, out of keeping with the cultural beliefs and...corresponds to the concept of ‘white supremacy’ and of Europeans owning the world... the psychohistoriographic analysis identifies that avarice and greed over the beauty and riches of the New World set the stage for the European social engineering of the delusional western civilization, concretizing the fixed false belief that *all of that I see is mine and all therein belongs to me* (his emphasis).⁴⁴

Records were the means by which this delusional Eurocentric claim over lands and peoples was articulated. In creating, maintaining, disseminating and preserving information about their accumulation of value, colonialists also expressed a social memory that was deeply unhealthy, particularly for the colonized.

This unhealthy social memory, linked to the displaced value of the colonized environments and territories, also sought to drown out subjugated people’s narratives and experiences. As he explains the debilitating effect of the European psychosis on colonized peoples, particularly in the commonwealth Caribbean, Hickling alludes to the connections between exploitation, social memory and documentation:

The European psychosis has created distorted historical, political and social images of the colonized people. The colonized people have no history, their values are uncivilized, and their history of struggle is unrecorded. Integral to the collective European colonial psychosis is the attempt to negate the values, culture and social history of the colonized. A slave was simply that—a slave. He was not a farmer, a carpenter, a writer, a healer. She was not an artist, a jeweler, an historian or a nurse. He/She was depersonalized; he/she was a slave. He/She had no name, and took the name of the slave owner. Within the ideology of this European psychosis, the colonizer set up political, legal, social and economic institutions that facilitated the process of continuous individual

and collective underdevelopment. Emancipation in the early nineteenth century and constitutional independence in the mid-twentieth century have left fundamental social and economic relationships unchanged... The real history, nature and psychological content of Caribbean slave society are still to be documented.⁴⁵

The value displacement of human capital and memory still haunts Caribbean peoples and institutions to this day and is a constant consideration in academic, cultural and even political circles especially in view of developmental goals and policies. The noted Nobel Peace poet laureate VS Naipaul vocalized this colonial mindset in his (in)famous reflection on the former British West Indies:

Nothing was created in the British West Indies...no civilization as in Spanish America, no great revolution as in Haiti or the American colonies. There were only plantations, prosperity, decline, neglect: the size of the islands called for nothing else... How can the history of West Indian futility be written? What tone shall the historian adopt? The history of the islands can never be satisfactorily told. Brutality is not the only difficulty. History is built around achievement and creation; and nothing was created in the West Indies.⁴⁶

Further to the systemic unhealthy mental state of colonized peoples is the reinforced devaluation of the memory of the colonized. In preserving, affirming and perpetuating European records, the inverse – eroding, negating and restricting the memory of the colonized – occurs simultaneously. Frantz Fanon, a renowned Martiniquan psychiatrist who worked in colonial Algeria, wrote on the irreconcilable differences Blacks faced in challenging white supremacy and colonial imposition with their own cultural and racial self. He argues that there is an Antillean complex (Antilles being the Francophonic equivalent to West Indian in English), which, in siding with the European informational and cultural principles, constructs a disavowing sensitivity to all things (tangible and intangible) African that is also equated with Blackness. In other words, the Antillean asserts a European identity that negates his/her own cultural, physical and racial existence. In discovering white understanding of blackness, the Antillean is conflicted, unmasked to himself. Fanon writes,

Every colonized people—in other words, every people in whose soul an inferiority complex has been created by the death and burial of its local cultural originality—finds itself face to face with the language of the civilizing nation, that is, with the culture of the mother country... To speak a language is to take on a world, a culture. The Antilles Negro who wants to be white will be the whiter as he gains greater mastery

of the cultural tool that language is... Because the Antillean does not think of himself as a Black man, he thinks of himself as Antillean. The Negro lives in Africa. Subjectively, intellectually, the Antillean conducts himself like a white man. But he is a Negro. That he will learn once he goes to Europe; and when he hears Negroes mentioned he will recognize that the word includes himself...⁴⁷

The British West Indian, now Commonwealth Caribbean person, shares the same complex as the French Antillean. White records do not include Black memory. British record-keeping traditions did not make room for colonized memory practices and expressions. Black memory is antithetical to white documentation. The value of colonized narratives and expressions of memory were displaced to affirm, maintain and preserve the value of the delusion of European supremacy. This unequal social memory is illustrated in attempts at researching genealogy for descendants of African-enslaved labourers. Archivist and Caribbean family historian Guy Grannum outlines this psychological conundrum in the use of records for family histories.

To research free African-Caribbean people before and after emancipation genealogists can use the usual sources but tracing families further into the period of slavery can be challenging because until emancipation most African-Caribbeans were considered the property of their owner ... Therefore, enslaved African-Caribbeans do not appear in the usual records used by family historians and will be more usually found among the private papers or transactional records associated with the slave holder such as wills, inventories, valuations, receipts or accounts for purchases and sales, loans and mortgages, and personal letters.⁴⁸

In the quest for full Black Caribbean self-actualization and in efforts to claim, re/claim and acclaim value for Caribbean expressions of memory, there is merit to the admonition of Marcus Garvey, the Pan-Africanist orator and a prophet of the Rastafari culture, which was popularized by Robert Nesta 'Bob' Marley in his 1980 *Redemption Song*, 'Emancipate yourself from mental slavery; None but our self can free our minds...'⁴⁹ The freedom of the communal mind also entails ascribing value to memory creation and record-keeping culture. In the introduction to the archives reader, *Decolonizing the Caribbean Record*, Jeannette Bastian, John A Aarons and I maintained,

Gaining control of their own narrative, telling their story on their own terms are fundamental concerns of decolonized societies. It is a 'decolonizing of the mind' as well as of a physical space, and this process permeates all aspects of the society, from economics to education, from politics to poetry ... It is the creativity of Caribbean peoples, which

negates the stagnating repressions of colonial insidencies, that is ever evolving and reshaping Caribbean societies, its memories and—by extensions—records.⁵⁰

In re/claiming value for Caribbean memory practices and forms of documentation, archivists, memory workers and users must recognize and shed constructs that restrict the application of the prized hallmark of archival appraisal, i.e. 'enduring value', to formats and practices other than paper or electronic media. Caribbean people must not only celebrate and perpetuate their distinct cultural uniqueness, they must intentionally acknowledge the informational value of their cultural endeavours and enable record-keeping frameworks to effectively appraise and select, maintain and preserve, as well as make available Caribbean-endowed records of enduring value beyond the colonial record.

The Irony of Shared Heritage

Colonial records in Caribbean repositories are often at the centre of policies and projects, usually funded by former colonializing countries, aimed at promoting the preservation and greater accessibility to selected materials. These projects have been proffered as expressions of 'Shared Heritage', a supposed meeting of both parties, one with funding and expertise, the other with material content, sharing interest in the value of the expression of the past. However noble the intentions, the concept of shared heritage, upon deeper reflection, is ironic. While the concept of heritage is just as problematic in its various definitions, the idea is further complicated when coupled with representations of equity and equality in interests and value. Such 'sharedness' is especially questionable given the historical and contemporary reality of economic and resource disparities between both nation-parties. Materials now considered as valuable shared heritage were created as byproducts of economic activities that devalued one party for the profit of the other and to serve as evidences of the superiority of the enriched party – yet also tell us precisely how this disparity came to exist.

The value of items that are deemed to be of shared heritage is therefore just as paradoxical as the dynamics of these shared heritage initiatives. Whose heritage is being preserved and made accessible when disintegrating plantation registers (for example) are selected for conservation and preservation? Whose narratives are being reinforced? Whose memory is being preserved, whose subjugation is being perpetuated? Given the historical context in which the materials were created, used and maintained, it is problematic to curate a perception of mutual commonality without due acknowledgement to its inherent devaluations. Authors Cara Aitchison, Nicola E Macleod and Stephen J. Shaw posit heritage is simply the repackaging of history for

some specific purpose or gain, which is usually of an economic or political nature. They note,

The paradigm of heritage as common inheritance is therefore problematic, as is the perceived relationship between heritage and history. It has been argued that, if history is made up of the raw facts of the past, then heritage is the processed product of history—in effect heritage is history re-shaped and made palatable for contemporary consumption. Heritage is history processed through mythology, ideology, nationalism, local pride, romantic ideas, or just plain marketing, into a commodity.⁵¹

This assessment of heritage formation and glorification accentuates the questionable thinking that classifies colonial materials as items of shared heritage.

If heritage is the stuff of selective memory, what aspects of the divided history are shared? Jamaican Archaeologist Basil Reid maintains that Caribbean heritage is as conflicted as its histories rooted in colonial dominance, war, migration, resistance and creolization. He contends,

Caribbean Heritage is not only mixed—given the participation of different ethnic groups in the creation of that heritage—it also poses a challenge to identification of historical and cultural continuity in a complex ethnic framework in which the majority of people came from different continents. They had to adapt to a completely new economic and social system dominated by the export-oriented plantation, with all the agonies associated with the intense abuse of labour. In a real sense, the search for a Caribbean heritage is in part a challenge to the plantation complex, which has morphed but has not disappeared.⁵²

These items, depicting the rise of Caribbean socio-cultural, economic and political diversity, are not only in formats aligned with European record-keeping traditions. Registers, correspondences or art works are not the only forms representing the shared heritage of Caribbean people. The appraisal and selection of items of shared heritage cannot be restricted to records created by the powerful of society, but must include those crafted from below. Heritage practitioner Angela M Labrador describes this conundrum of describing and connecting societies to common past participant experiences while somehow ignoring the inequalities of those historical realities and partiality of selected materials. “Heritage is an excellent way to objectify cultural entities [and objects] and to order the world’s complex social system of interrelated processes into ... [this] global pool hall in which the societal entities spin off each other like so many hard and round billiard balls.”⁵³ In other words, under the guise of protecting the past, the colonizer is still wielding authority of what is remembered and how it is to be remembered.

A Brief History of Shared Heritage

The concept of shared heritage has its roots in claims and discussions of custody, ownership, provenance and power over materials held in the custody of global northern institutions of former colonial powers. Historian Sarah Van Beurden, in her brief overview on the etymology of the concept with reference to museum cultural objects, noted that use of the term ‘...suggests an equilibrium that pre-emptively erases the context of inequality and colonialism in which this collecting took place. After all, the reality is that the possession of this material is currently *not* shared (her emphasis)’. She goes on to say that we ‘should be able to have a historically sensitive discussion that recognizes past and contemporary imbalances of power and possession. This historical context needs to be recognized not only in the language we use, but also in the local, national and international regulations we apply’.⁵⁴ From meetings and discussions in the 1960s to the 1972 UNESCO World Heritage Convention, ‘The concept “shared heritage” is only the newest iteration in a longer history of reformulating and transforming the identity of the objects under discussion, a trajectory that can be traced in the language used to describe them’.⁵⁵

Within archival and library circles, while much of the literature has been occupied with the question of whether or not shared heritage arrangements could resolve disputes over the custody of records, much of the practical work on shared heritage initiatives has been about the digitization of Caribbean (and African) archives for global (North) access. The shared heritage concept is based on the interests of metropolitan (former colonial power) countries in expanding and adding ‘diversity’⁵⁶ to their holdings to include material expressions of their former colonies. According to the website of the National Library of France (BnF), its shared heritage project uses digital technology to diversify its holdings and services. BnF has a ‘Shared Heritage collection’ that ‘aims to bear witness to the relations maintained between France and the world over the centuries and sheds light on this history in a global approach. This collection is regularly enriched through new partners and opportunities and is a testament to the diversity of the collections of the BnF’.⁵⁷ The French describe their shared heritage programme as built on partnership and collaboration between territories with long established relationships with France. The euphemisms in BnF’s description of its collection are glaring: Colonial rule is rephrased as ‘exchanges’ and ‘shared history’ experiences of power and dominance are rearticulated as ‘a story of diverse, rich exchange and interactions resulted from encounters’. The hegemonic authority to perpetuate narratives of former world dominance and protect the evidences thereof is expressed as an attempt to ‘digitally safeguard, disseminate and connect documentary sources from complementary collections located across the world’.⁵⁸

Attitudes towards shared heritage in British circles are just as problematic, wherein mutual interest is recognized but access and repatriation are controversial. Undoubtedly, British imperial rule has resulted in connections and contentions that are documented and, thematically, interconnects both former mother country and colony. The UK National Archives maintains custody of records series about, and from, former British colonies and dependencies around the world, including those described as ‘migrated archives’. There are no shared access privileges or repatriation considerations, neither is any formal training or resource support proffered. The depth of the shared relationship is very superficial and lacks real tangible returns.⁵⁹ The British Library offers digitization support, through grants in its Endangered Archives Programme, which ‘seeks to preserve cultural heritage and make it available to as wide an audience as possible’ through digitization.⁶⁰ Collections for digitization are proposed by applicants, and digitization results in at least one copy remaining in the host institution and/or country with copies deposited at the British Library, with open access to digitized materials via its website. True to form, there is no wholesale digitization of holdings, only the grant awarded for selected fonds, nor is there any repatriation, digital or otherwise, of holdings in British custody. The host institution is expected to consider itself fortunate with particular fonds being digitized and accessible elsewhere, while other related records series languish. In short, the extraction continues, with little to no tangible returns.

Reclaiming Displaced Value

The inequities of the colonial past are neither addressed, recompensed nor requited by well-intended institutions and initiatives under the guise of shared heritage.⁶¹ While ensuring a balance of perspective by connecting records in Britain to parallel records in the Caribbean, these projects do not assert the value of the memory in the region. Instead, these initiatives reinforce the historical colonial power by enabling and resourcing aspects of the heritage that is of interest to the former masters. Memory institutions in the Commonwealth Caribbean are woefully under-resourced and have the burden of caring for archival and artefactual materials with very little interest and support from government and the public.⁶² In so many instances, shared heritage projects, with its provision of funding, access to expertise and equipment, capacity for marketing and greater access, offer no real reprieve to the challenges of maintaining historical materials. The interest and investment are often temporary, ineffective in addressing underlying host institutional weaknesses, and unsustainable beyond the life of the project. Once the investing agency has acquired its desired access to the shared heritage material, the host institution is left without the much-needed long-term technical support and professional direction that would make on-site preservation viable into the future.⁶³

There is, furthermore, an unevenness to materials considered as shared heritage. While the paper-based materials, e.g. ledgers, reports, deed books, may be of interest to a European-funded shared heritage project, a skilled craftsmanship or storytelling/oral history project may be of greater interest, usefulness and value to a Caribbean memory institution. So often, Caribbean archivists, curators and librarians have the difficult task of proving relevance of documentary and artefact heritage materials to societies that would rather not remember the specifics of the horrors of the past. Simultaneously, they must affirm the value of Caribbean memory practices and cultural retentions that are indeed as valuable, yet as threatened, as the paper and artefact materials. Conservation and digitization projects are undoubtedly useful to ensure the survival of the remaining documentary expressions of the past. However, expressions classified as folk culture have as much shared heritage value as those colonial transactional records. Thus, the 'assistance' with preserving Eurocentric forms coupled with the lack of investor interest in non-Eurocentric practices does not auger well for capturing and preserving the fullness of the common remembrances of the past.⁶⁴ Interests in shared heritage must be balanced: giving due consideration to the value of both (intangible) cultural and tangible heritage materials. Restricting shared heritage support to conserving, digitizing and making accessible Eurocentric items without seeking to improve the total infrastructure for managing and preserving heritage materials is to further wield hegemony over the content and effectiveness of the memory practices of formerly colonized peoples.

There is still a need to re/envision the ways in which shared heritage is conceptualized within the Commonwealth. The relationship is still very unequal and the projects not sufficiently impactful on the ground. However, it is possible to develop equity in preserving and managing expressions of shared heritage that reflects the equal interest in the care and use of the materials. The development of the archives programme in Suriname, which included building and equipping the repository, training staff and returning records from the Netherlands, is an example of the possibilities when both sides of the Atlantic claim an equal value in the documentary heritage. The actual repatriation of records from the Netherlands to Suriname, as a key component of, and testament to, this project, affirms the value of their particular contributions and interconnectedness to the elements of their shared heritage.

This Suriname-Netherlands project offers a glimpse of possibilities for equitable shared heritage projects within the Commonwealth. As a closely knitted 'family' of nations with shared experiences of colonialism and socio-cultural realities and developmental goals, the Commonwealth could be the facilitator for creating opportunities for engaging in collaborative memory work that preserves the multiple perspectives and voices in mutually beneficial shared heritage. In addition to language and British cultural influences, member countries share a record-keeping tradition that still

informs business practices, political operations, civil service and modes of communication. Already, there have been instances of joint nominations for the UNESCO Memory of the World documentary heritage programme, wherein several nations around the former empire support the registration of particular records that are of world significance.⁶⁵ The recent demise of the Association of Commonwealth Archivists and Records Managers (ACARM) in 2020 is a significant blow to actualizing this particular vision of an accessible and equitably shared Commonwealth heritage.⁶⁶ Nevertheless, digital technology has made collaboration much more possible than yesteryear. One can only hope that regions like the Caribbean can be supported in their quests to safeguard a mutually shared past.

Conclusion

Stuart Hall contends that Europeans and enslaved Africans lived together on Caribbean estates in 'a mixture of cruelty and intimacy'.⁶⁷ This interchange has resulted in the systemic inequalities that still haunt the Caribbean. The Commonwealth Caribbean's call for reparations from the displaced value of colonialism, enslavement and disenfranchisement is the starting point for reflecting on the ways in which records were central to historical and contemporary realities of Caribbean life. The current state and value of records, in both Eurocentric and cultural formats, epitomizes the dilemma of displacement and the need to reclaim value. There is no doubting the evidence that affirmed the planters claim for compensation in 1838 can equally confirm the valid claims of the 21st century reparations movement. However, reparation is about much more than money. There is a need to recognize the hegemonic power that continues to wield control over expressions of memory and access to memory. The concept of shared heritage is crafted from realities, and for byproducts, that were never created on equal terms or documenting equitable transactions. Colonial mechanisms of and for control have been recrafted to preserve hegemonic narratives and evidences of racial and cultural supremacy. Shared heritage initiatives, as currently usually practiced in postcolonial contexts, perpetuate the controls over memory by deciding on the conservation, preservation and access of particular (Eurocentric) forms of memory. There must be recognition that the colonial experience gave rise to two record series and formats, which are indicative of the record-keeping cultures of both colonizer and colonized. Both parties have equal vested claims to the narratives and experiences of their roles and involvement in the realities of the past. Recognizing the values of human life, record content and memory practices that were displaced by colonial memory and power is essential for bridging past hegemony and re/claiming autonomy and validation over our cultures, historical narratives and memory practices. It is possible to re/fashion such record-relationships by greater conversation and collaboration. There is still time to reclaim the values displaced.

Notes

- 1 The Commonwealth Caribbean refers to the English-speaking nations and territories, which were once colonies of the British Empire and since attaining independence, are now part of the Commonwealth of Nations in addition to the few islands that are British Overseas Territories. Anglophone Caribbean or Anglo-Caribbean. This term will also be used instead of the former nomenclature, British West Indies, which described the British colonies in the Caribbean at the height of colonial rule.
- 2 Ordinarily, Rastafarianism, as a noun, would refer to the ideologies and practices held by members of the Rastafari faith. However, Rastafarians consider the 'ism' as disrespectful because they negatively interpret the various ideologies and occurrences, undertaken as part of the various 'isms and schisms' that consequently afflicted Black people. Thus, Rastafari is considered more acceptable as a descriptor by the movement and will be used as such accordingly.
- 3 See Beckles, *Britain's Black Debt*, for a full discussion on the history of the movement.
- 4 Schwarz, "Bars to Recovery," 5.
- 5 Schwarz, "Bars to Recovery," 7.
- 6 Beckles, *Britain's Black Debt*, 163.
- 7 Antigua and Barbuda, The Bahamas, Barbados, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Suriname and Trinidad and Tobago are member-nations of the Caribbean Community (more commonly referred to as CARICOM) and all have formal government commissions or units focusing on the case for reparations. See Antonius R. Hippolyte, "Unearthing the Legitimacy," 1.
- 8 Rauhut, "Struggle for Slavery Reparations," 285–6.
- 9 Hippolyte, "Unearthing the Legitimacy," 9.
- 10 The reparations movement focuses its efforts on seeking compensation and apologies for the experiences of the various Indigenous communities and the descendants of imported African enslaved labourers. While there were indentured labourers in the region, working according to historical chronology, following the decimation of Indigenous populations and following the emancipation of the enslaved. The former group were referred to as white indentured servants, from various non-English parts of the Kingdom (e.g. the Irish and the Scots), as well as prisoners, petty criminals and adventurers. These served, at the height of slave society, as supervisors and militia men and received some form of payment for their services. For their own fascinating history, see Johnson and Watson, *White Minority in the Caribbean*. The latter group were contracted workers from Asia and India (from 1848 to the 1920s). Although they lived and worked under the same harsh conditions of the formerly enslaved, by virtue of their labour contracts, were not subject to the inhumane indignities of chattel property status and slave laws. At the end of their work tenures, there were some form of payment, a luxury never extended to the newly emancipated. See Hugh Tinker's classic examination of the Indian Indentureship scheme, *New System of Slavery*.
- 11 Beckles, *Britain's Black Debt*, 1–2.
- 12 Levy, *Scrolling Forward*, 23.
- 13 Buchanan, "Decolonizing the Archives," 44.
- 14 Buchanan, "Decolonizing the Archives," 44.
- 15 As quoted in Green, *British Slave Emancipation*, 7.
- 16 Dunn, *Sugar and Slaves*, 10.

- 17 Interestingly enough, the word plantation has a distinct British colonial meaning. Mandy Banton footnoted the following: 'Plantation in the sense of a British settlement "planted" in a faraway land, rather than a horticultural enterprise. The term...came to be extended to colonies in North America. The 17th century philosopher Thomas Hobbes defined plantations as "numbers of men sent out from the commonwealth, under a conductor or governor, to inhabit a foreign country, either formerly void of inhabitants, or made void by war"'. Banton, *Administering the Empire*, 29.
- 18 Simmonds, "Political and Economic Factors," 278.
- 19 See Curtin, "The Sugar Revolution."
- 20 Higman, "The Sugar Revolution," 213.
- 21 Reilly, "'Poor Whites' on the Peripheries," 52–53.
- 22 Green, *British Slave Emancipation*, 35.
- 23 Goveia, "West Indian Slave Laws," 347
- 24 Watson, "Capital Sentences Against Slaves," 197.
- 25 See Douglas Hall's discussion of Thistlewood's graphic forms of punishment in *Miserable Slavery*.
- 26 Allsopp, "Creolize," in *Dictionary of Caribbean English Usage*, 178.
- 27 Brathwaite, *Contradictory Omens*, 6.
- 28 Hall, "Negotiating Caribbean Identities," 29.
- 29 See Boaz, "The Boundaries of Religious Freedom."
- 30 Hilary Beckles, Ralph Gonzalves, Sandew Hira, Catherine Hall among others have described the extent of colonial exploitation from royal monarchical interests, contemporary family descendants of slavery-investors, banks and estate companies, to churches and counties. The wealth of the colonies enriched the entire mother country. These effects are still felt today in contemporary independent states, as Hira outlines, geographic, economic, social relations and politics dimensions.
- 31 Generally, all adults were to become apprentices, with children six years and under being set free immediately. Colonies like Antigua and Bermuda elected to forgo apprenticeship and implement the Emancipation Act in 1834. See William A. Green's discussion on forming a new society in *British Slave Emancipation*, 163–190.
- 32 Draper, "Dependent on Precarious Subsistences," 223.
- 33 See Mandy Banton's discussion on colonial records in Chapters 4, 6 and 12 of her influential text, *Administering the Empire*.
- 34 An excellent example of the international interrelations of these records is the joint nomination of the Records of the West India Committee submitted by Antigua and Barbuda, Jamaica, United Kingdom of Great Britain, Anguilla, Montserrat and recommended for inclusion in the Memory of the World Register and inscribed in 2016. 'The West India Committee (WIC) collection is a unique documentary heritage crucial to the comprehension of the Transatlantic Slave Trade, providing insight into many unacknowledged innovations, institutions and inventions derived directly from the trade. Its archival collection enhances the historiography and general understanding of the contribution made by West Indians to the development of the global economy, and civil society'. See UNESCO, "The West India Committee Collection," accessed 15 March 2021, <http://www.unesco.org/new/en/communication-and-information/memory-of-the-world/register/full-list-of-registered-heritage/registered-heritage-page-8/the-west-india-committee-collection/>.
- 35 See UNESCO, "International Register."
- 36 Sowry, "Reading Against the Grain," 1.

- 37 See Connolley, "Jamaican Taino Symbols."
- 38 See Hofman et al., "Indigenous Caribbean Perspectives."
- 39 Nettleford, *Caribbean Cultural Identity*, 2.
- 40 Ashcroft, et al., *The Empire Writes Back*, 81–82.
- 41 "Overstand: to understand" From Rastafari culture. Allsopp, in his Caribbean-English Dictionary notes its conversational use, "I understand.' I say. "No! You don't understand. That's the trouble with us. Always thinking negative. Never positive. You don't understand. Under means below. That's negative. You overstand!" *Dictionary of Caribbean English Usage*, 421.
- 42 Hickling, *Owning Our Madness*, 28.
- 43 Hickling, *Owning Our Madness*, 28.
- 44 Hickling, *Owning Our Madness*, 28–29.
- 45 Hickling, *Owning Our Madness*, 35.
- 46 V. S. Naipaul, *The Middle Passage*, 27–29.
- 47 Fanon, "Black Skins, White Masks," 230–231.
- 48 Grannum, "Genealogy and Family History," 790.
- 49 Bob Marley, "Redemption Song," released June 1980, track 10 on Bob Marley and the Wailers, *Uprising*, London: Island Records, compact disc.
- 50 Bastian, Aarons, and Griffin, *Decolonizing The Caribbean Record*, 2–3, 6.
- 51 Aitchison, MacLeod, and Shaw, *Leisure and Tourism Landscapes*, 96.
- 52 Reid, *Caribbean Heritage*, 3.
- 53 Labrador, "Shared Heritage," 5.
- 54 Van Beurden, "Pitfalls of 'Shared Heritage,'" para. 9.
- 55 Sarah Van Beurden, "Pitfalls of 'Shared Heritage,'" para. 2.
- 56 Diversity is a loaded construct that seeks to represent the acknowledgement, inclusion and representation of the marginalized Other. In archival circles, the term also includes acknowledging and recognizing the value of the multiple ways of creating, using, maintaining and preserving their information, its practices and formats. According to Rebecka Taves Sheffield, Janet Ceja and Stanley H Griffin, "We are increasingly concerned about representation, both in the profession and in the collections we cultivate, and about building a more inclusive discipline overall. We, the guest editors of this special issue, present a collection of articles that not only contribute to this diversity turn, but also go one step further to challenge the very limitations of "diversity" as an organizing principle in archivy'. See Sheffield, et al., "Diversity, Recordkeeping, and Archivy."
- 57 Bibliothèque Nationale de France, "Shared Heritage," para. 1.
- 58 Bibliothèque Nationale de France, "Shared Heritage," What is Shared Heritage?
- 59 Some Caribbean national archivists have arranged visits to copy materials for access-provisions in their home territories, often out of personal initiative and, at times, with governmental support.
- 60 British Library, "About the Programme," para. 1.
- 61 There are numerous programmes and initiatives aimed at celebrating the common past and heritage as reflected in archival materials and library collections, such the British Library's Endangered Archives Programme. This, and other programmes, offer digitization and conservation works on approved items or, as in a recent Jamaican awardee's case, specialized training and attachments to British memory institutions. See the 2019 case of a librarian at the National Library of Jamaica's Chevening Scholarship, "26 year Old Determined to Preserve Jamaica's Cultural Heritage," Jamaica Observer, 21 August 2019, http://www.jamaicaobserver.com/news/26-year-old-determined-to-preserve-jamaica-cultural-heritage_172792?profile=1373.

- 62 To fully appreciate the struggles of a National Archives in an English-speaking small island state, see Borg-O’Flaherty, “Archival Outreach in St. Kitts”; Leonce and Lowry, “Managing Government Records”; and Thomas, “Innovative Approaches to Archiving.”
- 63 There are many anecdotes of these instances around the Caribbean. Shared heritage projects have created scenarios wherein donations of scanning equipment, trial-based use of proprietary software, insufficiently trained in-house staff, coupled with the continued lack of local and governmental support, have left staff at memory institution demotivated, incapacitated and its heritage materials further inaccessible. Once the donor agency has collected their digitized copies (or in some cases, original physical items) the interest, support and even collaboration ends. In many cases, digitized copies and listings are available on non-regional databases and websites, while the host institution is still without even a web presence. These experiences, with good reason, caused memory institutional leadership to be extremely cautious, if not suspicious, of collaborative projects which centres around in-house materials.
- 64 The issue of local interest also needs to be interrogated. Cultural expressions and practices, which are indeed information-creating and memory preservation activities, also suffer a lack of investment, especially when such initiatives are not feasible or useful for entertainment or employment in the tourism industry. Efforts to stabilize and resource the creative and cultural industries are increasingly popular, not just for its heritage and identity-constructive value, but more so for economic development. See Hendrickson, et al., “Creative Industries.”
- 65 See “Registry of Slaves of the British Caribbean 1817–1834,” UNESCO, accessed 15 March 2021, <http://www.unesco.org/new/en/communication-and-information/memory-of-the-world/register/>, which is ‘Documentary heritage submitted by Bahamas, Belize, Dominica, Jamaica, St. Kitts, Trinidad and Tobago and the United Kingdom and recommended for inclusion in the Memory of the World Register in 2009’; and ‘Records of the Indian Indentured Labourers’, UNESCO, accessed 15 March 2021, <http://www.unesco.org/new/en/communication-and-information/memory-of-the-world/register/full-list-of-registered-heritage/registered-heritage-page-7/records-of-the-indian-indentured-labourers/#c200608>, which is described as ‘Documentary heritage submitted by Fiji, Guyana, Suriname, Trinidad and Tobago and recommended for inclusion in the Memory of the World Register in 2011’.
- 66 Association of Commonwealth Archivists and Records Managers, “End of an Era.”
- 67 Hall as quoted in Maharaj “Teaching V.S. Naipaul,” Naipaul’s Critics, para. 4.

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