

## Scope and Purpose of Statement

The Trust and Technology Project has developed this Statement of Principles relating to Australian Indigenous Knowledge and the Archives to guide future archival practice, research and education. Its focus is largely on:

- records of Indigenous communities and individuals created by non-Indigenous organizations, including Australian government organizations, and held by those organizations, or by government and other non-Indigenous archives
- the relationship between these records and other sources of Indigenous knowledge.

It does not include provisions relating specifically to records created by Indigenous organizations and individuals. Principles relating to secret and sacred records are beyond the scope of this Statement.

As Indigenous and settler communities in various countries and regions have jointly reflected on their engagement with mainstream archives, there has been a growing recognition that Western archival methods reflect and reinforce a privileging of settler/colonist/invaser voices and narratives - often although not always expressed in written form - over Indigenous ones. Further, the conventional positioning of individuals as the *subjects* of the archive has had a particularly disempowering effect on Indigenous people whose lives have been so extensively documented in archives, often for the purposes of surveillance, control and dispossession. There is, however, a duality to these records in that whilst they have in the past been instruments of oppression and the construction of a negative view of Australian Indigeneity, they can in the present and future play an important role in recovering identity and memory, re-uniting families, seeking redress, and reconciliation.

Over the last two decades, many Australian archival institutions and professionals have taken on board the important part records can play in the reconciliation process between Indigenous and non-Indigenous Australians. Examples of this include consultation about access with Indigenous Australian communities, the negotiation of Memoranda of Understandings, name indexing projects, exhibitions and guides to records, and an awareness of the need for more culturally sensitive description and appraisal practices. However, these initiatives have generally taken place within a paradigm that positions Indigenous people as *subjects* of records and *clients* of archival services, and tend to be overshadowed by a legacy of distrust in the archive.

In this context, it is essential that Australian archival institutions, the Australian archival profession, and archival researchers and educators seek to understand the priorities of Indigenous communities in relation to archival sources of their knowledge and consider new archival systems and services which embrace Indigenous frameworks of knowledge, memory and evidence.

# Background to Statement

Indigenous communities rely on sources of knowledge and methods of transmission that differ greatly from the knowledge frameworks of the wider community. This fundamental difference in knowledge systems has implications for the archival and recordkeeping profession in Australia, archival institutions, systems and services, recordkeeping research and education, and archival science itself.

Storytelling lies at the heart of Indigenous knowledge transmission within communities:

Stories are powerful. The courage of the telling, and the richness of the content, can move people and communities to rethink their identities, and the meanings and values they assign to their lives. Stories are a fundamental method used by marginalized groups around the world in their efforts to reclaim their history and culture and assert their place in the world. (Dale 2002)

The year 2007 represented a remarkable milestone in Indigenous Australian history; ten years since the Human Rights and Equal Opportunity Commission's *Bringing Them Home* Report, forty years since the 'Vote Yes' referendum, and fifty years since the first National Aboriginal and Islander Day of Commemoration (NAIDOC). These three events highlight, each in a different way, the significance of historical narratives, written and spoken, to Indigenous people.

The truth is that the past is very much with us today, in the continuing devastation of the lives of Indigenous Australians. That devastation cannot be addressed unless the whole community listens with an open heart and mind to the stories of what has happened in the past and, having listened and understood, commits itself to reconciliation. (HREOC 1997, Introduction)

In 2008 the national parliamentary apology to the Stolen Generations has powerfully illustrated that understandings of the past - the narratives that are told and written, and the manner in which they are conveyed - profoundly shape a community's identity and aspirations and provide a mandate for action, in this instance around issues of Indigenous wellbeing. Indeed the metaphor of 'turning a new page in Australia's history' was used repeatedly in the apology itself and in a commentary on it.

The apology has also renewed national attention on 1997 *Bringing Them Home* report. The report devoted a chapter to the role which records and recordkeeping institutions should play in supporting family and community reunions and the reclamation of personal and community identity. Of particular significance to this Statement, three of the many imperatives highlighted by the report were:

- The need for Indigenous Australians to reclaim identity by knowing their family background and reconnecting with the places and cultures of their people. This is an issue relevant not only to members of the Stolen Generations but also to many other Indigenous people who have lost connection with their family and/or community.
- Telling the stories of post-colonisation experience, in particular of separation, within Indigenous communities and beyond to the wider Australian community as a means

of honouring the experiences of these generations of Indigenous Australians and as a means of ensuring their place within Australia's history and memory.

- In the longer term, the need for Indigenous communities to control their own historical documentation. (HREOC 1997)

Over the last decade government, archival institutions and other record holders such as religious organisations have responded with a range of initiatives to provide better access to records and better services to Indigenous people seeking information. These have included the establishment of indexes to help Indigenous people find records about themselves or family members, agreements with Indigenous communities regarding access and related services, efforts to employ Indigenous people or appoint them to advisory or governing bodies, exhibitions, guides to relevant records and scholarships to train Indigenous recordkeepers. These initiatives have gone some way to addressing the first two imperatives.

Although the *Bringing Them Home* report was the stimulus for extensive efforts at many levels of Australian life to create and support opportunities for reconciliation and redress, an apology to members of the 'Stolen Generations' was one of several recommendations which were not implemented in the first decade since the report's release. On the whole, the third of the above records-related objectives - Indigenous community control of their historical documentation - is in this category. The obstacles to realising this recommendation are practical as well as philosophical, however, the renewed national energy for reconciliation that has accompanied the apology is conducive to exploring and addressing the legal, policy and archival challenges involved. Moreover, within Indigenous communities private expressions of identity and pride have always existed, however, the decline of external threats to Indigenous cultures and the fear of child removal have allowed a more free public expression of Indigenous experiences and cultures beyond their communities. It seems likely that the 2008 apology and an associated shift in national sentiment will heighten the determination and sense of urgency amongst many to ensure that the post-invasion experiences of previous generations are remembered and honoured and that knowledge of pre-invasion cultures is maintained and recovered as far as possible.

# Basis for Statement

The Statement of Principles relating to Australian Indigenous Knowledge and the Archives is based on an extensive analysis of international and local rights declarations and statements, protocols developed within Australia and internationally, and the findings of the Trust and Technology: Building Archival Systems for Indigenous Oral Memory Research Project 2003-2007.

Rights statements and protocols which underpin this Statement of Principles include:

1. United Nations *Declaration on the Rights of Indigenous Peoples* (2007) which declares that Indigenous peoples:
  - have the right of self-determination and can choose their political status and the way they want to develop (article 3)
  - have the right to keep and develop their distinct characteristics and systems of law; they also have the right, if they want, to take part in the life of the rest of the country (article 4)
  - shall be free from cultural genocide (which places an onus on governments to prevent actions which take away their distinct cultures and identities; the taking of their land and resources; their removal from their land; measures of assimilation; propaganda against them (article 7)
  - have the right to their distinct identities, including the right to identify themselves as Indigenous (article 8) (UN 2007)
2. Victorian *Charter of Human Rights and Responsibilities Act* 2006 (Victoria 2006)
3. United Nations Human Rights Council's *Joinet-Orentlicher Principles*, which codify, amongst other key rights, the right for individuals and communities to know the truth about past events, and have been formulated with post-colonial and post-trauma societies in mind (UNHRC 1997 & 2005)
4. Australian Indigenous Cultural and Intellectual Property Rights which provide for the ownership and control of Indigenous heritage, including 'documentation of Indigenous peoples' heritage in all forms of media' (ATSIC 1999)
5. *Statement of the 2003/05 World Summits on the Information Society* which formulated the goal of a 'people-centred, inclusive and development-oriented Information Society' and recognised the need to pay attention to the 'special situation of indigenous peoples, as well as to the preservation of their heritage and their cultural legacy' (WSIS 2003 & 2005)
6. *Protocols for Native American Archival Materials* (First Archivists Circle 2007)
7. *ATSI Library and Information Resources Network Protocols* 2005, an updated version of 1995 ATSI Protocols for Libraries, Archives and Information Services (ATSLIRN 2005)

# Principle 1: Acknowledgement that Indigenous Knowledge includes Knowledge contained in Archival Records

**Archival systems and services for preserving Indigenous memory and evidence need to be based on recognition of the breadth and diversity of archival sources of Indigenous knowledge.**

Principle 1 acknowledges that archival sources of Indigenous knowledge include but are not limited to:

- oral memory and associated traditions
- oral memory which has been captured using various Western technologies
- records created by Indigenous people and organisations using the structures and forms of Western knowledge and communications systems
- records created by non-Indigenous people and organisations about Indigenous people.

## Principle 2: Acknowledgement of Indigenous Rights in Records

**Indigenous people have a right to make decisions about the management of their knowledge *in all its forms*, including knowledge contained in records created by non-Indigenous people and organisations *about* Indigenous people.**

Principle 2 recognises that Indigenous knowledge is contained in archival records created by non-Indigenous people and organisations. This recognition involves acknowledging the need to extend the rights in Indigenous heritage and knowledge contained in UN and Australian Indigenous protocols to these records.

In Australia, the framework of rights and obligations which govern archival sources of Indigenous knowledge found in Australia's non-Indigenous archival institutions (e.g. records created and, consequently, usually owned, by governments, churches and welfare bodies and other organisations and individuals) do not view these records as containers of Indigenous knowledge and consequently do not enable Indigenous people to exercise their rights over their knowledge.

Principles of self-determination and cultural preservation lie at the heart of Indigenous human rights initiatives. In line with these principles, ATSIC's 1999 Report on *Australian Indigenous Cultural and Intellectual Property Rights* proposed a set of sixteen rights for Indigenous people, including:

- The right to own and control Indigenous Cultural and Intellectual Property.
- The right to define what constitutes Indigenous Cultural and Intellectual Property and/or Indigenous heritage.
- The right to ensure that any means of protecting Indigenous Cultural and Intellectual Property is based on the principles of self-determination, which includes the right and duty of Indigenous peoples to maintain and develop their own cultures and knowledge systems and forms of social organisation.
- The right to be recognised as the primary guardians and interpreters of their cultures, arts and sciences, whether created in the past or developed by them in the future. (ATSIC 1999)

## Principle 3: Recognition of Indigenous Rights in Archival Sources of Indigenous Knowledge in Australian Legal and Archival Frameworks

“Murri academic Henrietta Fourmile makes a cogent argument for the return of records founded upon the cultural and individual consequences of the history documented in those records. The history is one of disinheritance, disempowerment and ultimately attempted destruction. True restitution and cultural and social reconstruction require the restitution of control over the historical documents. While that control should be shared with those who share the history (in this case with record agencies), Indigenous control must be real and not token. At present Indigenous peoples are almost entirely dependent on non-Indigenous institutions to interpret and disseminate their history. Indigenous peoples need resources and facilities and culturally appropriate avenues to disseminate their history, in particular to their own communities. Indigenous communities must have the information on which to base the retelling of their history. (HREOC 1997, quoting Fourmile 1989)”

**Indigenous people have special claims over their knowledge in archives, given the extent to which Indigenous people are documented in archives, the circumstances under which many records were created and the part that these records have played in their dispossession, dislocation and disempowerment, as well as in the recovery of identity, reconnecting families, pursuing land claims, intergenerational healing, redress and reconciliation.**

By far the largest obstacle to the realisation of Indigenous rights in archival sources of their knowledge is that Australian legal and archival frameworks do not recognise any ownership rights for people who are the subject of records. The general effect of the laws of personal and intellectual property is that the organisations which create or receive and maintain records exercise almost all control over them. In relation to government records, privacy, freedom of information and public records laws do give records subjects some rights over the collection, use and disclosure of information about themselves. These rights apply only to individual records subjects: they cannot be exercised by individuals in relation to deceased family members, nor is there any provision for handling information which relates to a family or community rather than an individual.

The legal and archival frameworks apply equally to anyone who is the subject of records in archives: Indigenous people are legally in exactly the same situation as everyone else. The effect of this framework, however, is not the same for everyone. Principle 3 acknowledges that Indigenous people have special claims. These claims could be addressed by:

- Reforms to Australian archival legal frameworks to recognise Indigenous rights in records, and consequent extension of existing international and national laws and protocols relating to Indigenous human rights and heritage to archival sources of Indigenous knowledge, e.g. United Nations *Joinet-Orentlicher Principles* (UN1999 & 2005), United Nations *Declaration of Indigenous Human Rights* (UN 2007), *Report on Australian Indigenous Cultural and Intellectual Property Rights* (ATSIC 1999).

- The adoption by the Australian archival profession and institutions of a participant model which involves repositioning record subjects as records agents – participants in the act of records creation. In a fully implemented participant model, every contributor, including the person who is the subject of the document, has legal and moral rights and responsibilities in relation to ownership, access and privacy.
- Expanding the definition of record creators in archival science to include everyone who has contributed to a record's creative process and has been affected by its action, thus supporting the enforcement of a broader spectrum of rights and obligations.

## Principle 4: Adoption of Holistic, Community-Based Approaches to Indigenous Archiving

**Community-based, community-controlled archival systems and services based on a holistic, approach to Indigenous archiving - bringing together, integrating, preserving and making accessible to the community, physically or virtually, all archives of value regardless of their source, form or medium - will best meet the needs of Indigenous communities.**

Principle 4 recognises that the dispersal of archival sources of Indigenous knowledge in a sense mirrors the dispossession, dislocation and disempowerment which has marked the Indigenous colonial experience. Bringing together disparate knowledge sources redresses the ongoing impact of the fragmentation of Indigenous knowledge.

Archival sources of Indigenous knowledge are fragmented and scattered between the State and Commonwealth government archives and other government agencies, churches and other institutional archives. Many Indigenous communities lack frameworks and systems to build and manage a sustainable community archive that integrates, preserves and makes accessible to the community all records relating to the community. Records created for and by Indigenous communities hold vital narratives of the community, but in the absence of community archival programs, many of these records are inaccessible and at risk. Audio-recorded oral memory and multi-media records are also dispersed. Over the last fifty years, there have been many endeavours to audio-record the stories of Indigenous people and more recently there have been various web-based multi-media projects with a similar purpose. Some of these have been initiated by Indigenous communities and others by a variety of non-Indigenous researchers. In some instances knowledge of these oral history/recording exercises - whether recordings still exist, where they now are and what knowledge they contain - is already lost to the communities or individuals involved. Adequate strategies for the long-term preservation of these resources are often not in place.

Australian archival endeavours have traditionally been institutionally and jurisdictionally based. The Australian archives community is by and large yet to address the challenge of developing programs which recognise the interconnectedness of archives of various provenances. To compound this, other cultural collections such as libraries and museums often also operate on relatively specific jurisdictional, geographical or theme-based rationales. While the experience of Indigenous communities is just one manifestation of a wider problem, there is a strong case for addressing their particular needs given the complexities of the relationship between Indigenous people and the Australian collective archive - the pervasiveness of recordkeeping in their lives, the resultant variety of records, and the relevance of multiple records traditions.

## Principle 5: Recognition of Need to Set the Record Straight

**Indigenous people need mechanisms to address the errors or limitations of institutional records - i.e. to set the record straight, comment upon the inaccuracies or limitations of institutional records, to contribute family narratives which expand upon or give context to institutional records and to present their version of events alongside the official one.**

The Bringing Them Home Report recognised the need for people affected by forcible removal to correct information on their file (HREOC 1997). The desire to set the record straight is a feature of many post-colonial and/or post-surveillance societies whose citizens subsequently gain access to records about their lives. It is also a recognised component of a 'right to know' about past events in the aftermath of instances of human rights violations. The Joinet-Orentlicher Principles, adopted in 1997 by the United Nations Commission on Human Rights (UNHRC 1999 & 2005), apply to efforts to combat impunity in instances of violations of human rights and/or international humanitarian law. They codify the right to know and the right of reply (along with the right to justice and the right to reparation):

“All persons shall be entitled to know whether their name appears in State archives and, if it does, by virtue of their right of access, to challenge the validity of the information concerning them by exercising a right of reply. The challenged document should include a cross-reference to the document challenging its validity and both must be made available together whenever the former is requested.”

## Principle 6: Recognition of Need for Inclusive Education and Training for Recordkeeping Professional Practice

**A set of principles relating to inclusive, pluralistic and culturally aware recordkeeping education and training should inform course recognition/accreditation and the expectations set by employers and professional associations for ongoing professional development.**

***Recordkeepers need an education which expects and enables them to recognise their own cultural perspectives and how these come into play in their work.***

Understanding that they are working within and applying a particular knowledge system is an essential first step towards recognising and embracing multiple knowledge systems. Recordkeepers need to be able to recognise the contexts in which the dominant conceptualisations and theory of their work have been developed and the values on which these are based. Definitions - record, creator, evidence, ownership, authenticity - reflect a particular knowledge framework. Recordkeepers need to be able to identify the points at which this knowledge framework agrees with, excludes and conflicts with the ways of knowing and keeping those with different cultural perspectives.

***Recordkeeping students need exposure to the experiences of Indigenous Australians who have interacted with the dominant knowledge framework represented by mainstream archival institutions.***

These experiences should profoundly shape the perceptions and attitudes which recordkeepers have about the job they do. Koorie participants in the Trust and Technology Project have powerfully told of their experiences of using archival records and services, and many more recordkeeping professionals need to hear these stories directly. Some understandings which emerge from the Trust and Technology Project are:

- What it is like to use archives as part of a search for family and identity, and on occasion, the pivotal significance, for better or worse, of the search for and discovery of records.
- The potency of records, even several generations later, and the real and lasting effects of the 'archival gaze' for individuals and communities today.
- The breadth of Australian Indigenous knowledge, the diversity in ways of knowing and keeping and the dynamic relationship between institutional archives and oral memory.

***Initiatives to increase the participation of Indigenous Australians in archival education need to continue and be extended (assuming that that education is pluralistic and culturally aware and does not simply impose current paradigms on students).***

In particular, efforts to develop and sustain community-based Indigenous archives programs need Indigenous recordkeeping professionals who are able to work across the usual boundaries of institutional archives and who can continue to reshape the services and systems within these community-based programs and in other settings.

***Some key developmental issues:***

- What curriculum content is needed to make archival education more culturally inclusive and who should be involved in determining this?
- What is the goal of archival education? In particular, how can practitioners be educated to operate within a particular ontology whilst also being equipped with the ability to recognise its assumptions, biases and points of conflict with other knowledge systems?
- What is the role of communities in the development and delivery of archival education? It is well established that academics, employers and professional associations are stakeholders in these processes. How can Indigenous community leaders also shape the curriculum and participate in its delivery?
- How should archival educators and researchers themselves be trained?
- Where and how should education be delivered? Is its current delivery in the academy and/or virtually an obstacle to making it more culturally inclusive and community-directed?
- What might be the relationship between archival education programs with Indigenous studies programs and cultural awareness programs? (Gilliland et al 2007)

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