The Role of Participatory Archives in Furthering Human Rights, Reconciliation and Recovery

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ABSTRACT

Participatory archives acknowledge that multiple parties have rights, responsibilities, needs and perspectives with regard to the record. The archives consequently become a negotiated space in which these different communities share stewardship - they are created by, for and with multiple communities, according to and respectful of community values, practices, beliefs and needs. This paper discusses principles and approaches to guide the establishment of participatory archives or the re-structuring of existing archives along participatory lines to further human rights agendas in relation to identity (including language, culture and religious practices), self-determination, the exercise of cultural rights, redress and the support of reconciliation and recovery after inter-community conflict.

Key words: participatory archives, human rights, reconciliation and recovery

Il ruolo degli archivi partecipativi nello sviluppo dei diritti umani, riconciliazione e recupero

SINTESI

Gli archivi partecipativi riconoscono che più parti hanno diritti, responsabilità, bisogni e prospettive per quanto riguarda il documento. Gli archivi di conseguenza diventano uno spazio negoziato in cui queste diverse comunità condividono la gestione - vengono creati da, per e con più comunità, secondo il rispetto dei valori comunitari, delle pratiche, delle credenze e dei bisogni. Questo articolo tratta dei principi e degli approcci per guidare l'istituzione degli archivi partecipativi o la ristrutturazione di archivi già esistenti lungo linee partecipative per ulteriori agende dei diritti umani in relazione all'identità (tra cui lingua, cultura e pratiche religiose), all'autodeterminazione, all'esercizio dei diritti culturali, al risarcimento ed al supporto di riconciliazione e di recupero dopo un conflitto inter-comunitario.

Parole chiave: archivi partecipativi, diritti umani, pacificazione e ristabilimento

Vloga participativnega arhiva pri podpiranju človekovih pravic, sprave in obnove

IZVLEČEK

Participativni arhivi priznavajo, da ima več strank pravice, obveznosti, potrebe in perspektive v zvezi z arhivskim gradivom. Arhivi so postali prostor za pogajanja, v katerem si te različne skupnosti delijo skrbništvo. Ustanavljajo jih številne skupnosti, v skladu in spoštljivo, do vrednot, praks, prepričanj in potreb skupnosti. Prispevek obravnava načela in pristope za vzpostavitev participativnih arhivov ali prestrukturiranje obstoječih arhivov po participativnih smernicah, v smeri spodbujanja zadev s področja človekovih pravic, predvsem v odnosu do identitete (vključno z jezikovnimi, kulturnimi in verskimi praksami), samoodločbe, uresničevanja kulturnih pravic, pravnih sredstev in podpore za spravo in obnovo po spopadih med skupnostmi

Ključne besede: participativni arhiv, človekove pravice, sprava in obnova

1 Introduction

The *Universal Declaration on Archives* (ICA, 2011) states that archives "are authoritative sources of information underpinning accountable and transparent administrative actions. They play an essential role in the development of societies by safeguarding and contributing to individual and community memory. Open access to archives enriches our knowledge of human society, promotes democracy, protects citizens' rights and enhances the quality of life". But, do existing archival models and their open access regimes support human rights agendas? Do they deliver when it comes to the pressing identity, memory and accountability needs of the victims of human rights abuse? How well do they support reconciliation and recovery? In this paper, we argue for a new participatory model to be applied in archives that are central to the promotion of human rights, reconciliation and recovery. Participatory archives acknowledge that multiple parties have rights, responsibilities, needs and perspectives with regard to the record. They are created by, for and with multiple communities, according to and respectful of community values, practices, beliefs and needs. Participatory archives offer a space for negotiating different perspectives, experiences and needs and a mechanism for reconciling the dual nature of archives that has been critiqued by scholars and distrusted by those who have been disenfranchised, silenced or otherwise marginalized or victimized by archives and recordkeeping more generally. This paper discusses principles and approaches to guide the establishment of participatory archives or the re-structuring of existing archives along participatory lines to further human rights agendas in relation to identity (including language, culture and religious practices), self-determination, the exercise of cultural rights, redress and the support of reconciliation and recovery after inter-community conflict. It proposes an extended suite of rights in records and archives to underpin participatory archival models.

The paper first provides an overview of alternative conceptualisations of archives within scholarship and grass-roots communities. It discusses why participatory archives offer an archival "third way" for communities that are often regarded as having oppositional stances, incommensurate ontologies, or traumatic experiences that are simply too difficult to move past toward reconciliation. The paper then explores questions that relate to building participatory approaches and principles into new or existing archives, and embedding human rights into participatory archival practice. It concludes by proposing an extended suite of rights in records and archives.

2 Alternative conceptualizations of archives

Alternative conceptualizations of archives have been proposed in both the critical and the human rights literature as well as the writings of postcustodial and records continuum archival scholars since the 1990s. They include big ideas relating to the Archive and the processes of archivalisation, encompassing broad philosophical and cultural notions of the Archive in society and its societal functions (Cook, 2001; Ketelaar, 2005 & 2006; Nesmith, 2002; Hurley, 2005:1 & 2005:2; McKemmish et al, 2011:1; McKemmish & Gilliland, 2013; McKemmish & Piggott, 2013)). Such ideas can be contrasted with narrower professional constructions as they relate to records, the repository responsible for their management, and the practices and services associated with that management. The critiques seek both to expose and redress complicity, and to demonstrate the liberatory potential of the traditional institutional archive, particularly the archives of the governments of colonial, autocratic or dictatorial, genocidal, or discriminatory regimes. The latter have been viewed negatively as tools of control, surveillance, and nationalist agendas; or positively as the guardians and preservers of evidence that can be used to hold those administrations accountable, to provide compensation to those who were harmed, and to reach out to support victims in diaspora. Of course, the reality is that any archives may be all of these things at different moments or at the same moment when viewed through different lenses.

In the critical literature, relevant conceptualisations include the oppositional archive, the radical archive, the counter-archive[1] (Amad, 2010), the archive of affect or of feelings (Cvetkovich, 3003 & 2012; Sharpe, 2013), and the archive of spectre and of hauntings (Arvatu, 2011; Lee, 2014; McClintock, 2014). The human rights literature includes extensive discussions of the official records, trial transcripts, and victims' testimonies that have been created in the growing number of tribunals and

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1. See also several recent conferences such as Archive/counter-archive, Monash University, Prato, July 2009; and Law's counter archive: narrative, memory, testimony, University of London, March 2013.

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commissions that have been investigating alleged human rights abuses and war crimes over the past twenty years. However, human rights efforts often end up resting on the kinds of documentary evidence that can be compiled from disparate unofficial sources or sources for which the provenance or chain of custody may be unclear. While these might be regarded by the archival field as "incidental" or "accidental" archives, they serve as important supplements, counters, or corrections to the records held in official archives.

The growing community archives movement in many countries reflects a more tangible response to the perceived complicity and limitations of official archives. Organised by communities who frequently feel that their historical experiences, identities, ideologies, and perspectives are not adequately reflected in the official record, and their needs are not being met by existing traditional archives activities and services, community archives have been defined in a number of different ways: as community-led/centric/based archives, DIY (do-it-yourself), grassroots, oppositional, participatory, or independent archives, and archives-from-the-bottom-up. These archives frequently do not look like traditional archives - they may place value in different kinds of "records" of their communities, including artifacts and stories; they may not have the same physical or financial resources; they may eschew a professional staff in favor of community experts such as Elders, veterans and community historians; and they are often more focused on the immediate needs and politics of the community than on the long-term preservation of the materials they hold. Some of the factors that motivate community archives include the following:

- The identification, collection and use of historical sources to document histories perceived to be ignored or misrepresented.
- Active engagement in the construction of history rather than passive or disinterested curation.
- History-making as a participative practice - as heritage activism.
- Embodiment of DIY cultural and political engagement (i.e., without the aid of "professionals").
- Making the past "useful" - community-based archiving as social movement activism and mobilization.
- Community-based history-making and archiving for education and identity formation.
- Creating spaces of aspiration and possibility.
- Community-based archives as community-owned space (place of safety, place of resistance, as monument to presence) (Gilliland & Flinn, 2014).

In the United States, ethnic, racial and Lesbian, Gay, Bisexual and Transgender (LGBT) communities have been among the most prominent developers of community archives; in Australia, Indigenous communities have developed their own "keeping places" and sought to have materials held in archives and museums repatriated, either in original or in digital form, to those communities; and in the United Kingdom, labor movements as well as ethnic, racial and LGBT groups have played a leading role. In many ways, the engagement of such a diversity of groups speaks to grass-roots views that archives are key sites of contested identity and rights and the desire to "set the record straight". Recognising this, and also the ways in which high power organisations such as governments, business and academia have used their own archives to reinforce their own identities, societal positions, and interests, these communities are seeking to do something similar. Only they are doing it in their own ways, and not with practices that are often viewed as emanating from the same oppressive or unrepresentative systems that they are pushing back against. Although scholars have been quick to label these community archives (and it should be noted that that term really comes from the archival field and not from the communities themselves) as counter-archives and anti-archives, if we set aside the goals of these efforts, they are not necessarily that different in their rationale from traditional organizational archives. Their priority is serving a designated community in terms of addressing its ongoing interests, recordkeeping and identity needs, and historical memory.

3 An archival "third way": the participatory archive

Some scholars have co-opted the term "the liberal archive", coined by Patrick Joyce (1999) to describe efforts being made by more traditional archives to "liberalise" and address the issues raised by these communities and the power and control critiques.

Women's and Gender Studies scholar, Ann Cvetkovich has argued that what Queer communities "claim for the queer archive is an epistemic right, but what kind of archive do we want? Should it be inclusive and assimilationist, separate, or quite a different archive?" (Cvetkovich, 2014).

In this paper we propose a more profound reconceptualisation of the "participatory archive." We would posit that 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. And since inevitably those individuals and communities will need to interact with the official archives, or to link to or incorporate aspects of the official archives into their own community archives, then it has to be "quite a different kind of archive" - a participatory archive.

Although the concept of a "participatory archive" is related to the concept of "community archives", a key distinction is that more than one community (for example, one or more source communities, a judicial community, an academic community, the professional archival community) are simultaneously and explicitly involved in and responsible for the creation, management and use of a participatory archive (Huvila 2008)[2]. In other words, the concept of a participatory archive acknowledges that multiple parties have rights, responsibilities, needs and perspectives with regard to the archives. Participatory archives consequently become a negotiated space built around critical reflection in which these different communities share stewardship and expertise - they are created by, for and with multiple communities, according to and respectful of community values, practices, beliefs and needs. They may also work in partnership with institutional archives, including government archives and collecting institutions.

In the virtual world, shared, networked archival spaces can be created by communities working in partnership and exercising mutual rights and responsibilities in records. Communities can archive their records, and link them to related official records and the records of other communities, individuals and organisations. They can also add annotations that interpret, correct, or provide context for information content sourced from the records of other partners. Virtual spaces can be configured to respect the rights in records and protocols of all parties involved, and support differentiated access (McKemmish, 2011):

> *New digital technologies … can represent multiple perspectives, parallel or multiple provenances; enable shared control and the exercise of negotiated rights in records; present government, alternate and contested views in parallel or together in a shared archival space; allow community organisations to integrate government records into their own knowledge and records systems, and individuals to interact with public and community archives (p. 142).*

Key challenges involved in building a participatory archive include developing principles, policies, strategies and tools for managing appraisal and description to support multiple provenances, differentiated access, and the exercise of mutual rights and responsibilities.

In the rest of this section, we discuss participatory principles and approaches to guide the establishment of new archives or the re-structuring of existing archives to further human rights agendas in relation to identity (including language, culture and religious practices), self-determination, the exercise of cultural rights, redress and the support of reconciliation and recovery after inter-community conflict.

Participatory archival approaches and principles re-define the notion of agency in records. They reposition the subjects of records and all others involved in the events and actions documented as participatory agents with a suite of legal and moral rights and responsibilities relating to records and archives (McKemmish et al, 2011:2). They address the records continuum concepts of co-creation, parallel and multiple simultaneous provenance (Hurley, 2005:1; 2005:2, McKemmish, 2011), abandoning the view of a singular creator which dominates most archival practice. When embodied in archival descriptive systems and management regimes this traditional view privileges the context in which a singular "record creator" operates and is blind to the contexts of others who participated in the activities or events documented in the record, gives agency to a singular record creator at any point in time, and assigns to the singular records creator alone an extensive suite of rights in the record.

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2. Note that Huvila (2008) also explores the nature of a "participatory archive", but focuses on decentralised curation, radical user orientation, and the broader contextualization of records management.

> *By expanding the definition of record creators to include everyone who has contributed to a record's creative process or been directly affected by its action, notions of co-creation and parallel or simultaneous multiple provenance reposition 'records subjects' as 'records agents'. They support a broader spectrum of rights, responsibilities and obligations relating to the ownership, management, accessibility, and privacy of records in and through time (McKemmish & Piggott, 2013, p. 137)*

Participatory archives serving human rights agendas need to embed rights of self-determination and facilitation of the exercise of cultural rights as human rights, underpinned by the principle of prior, free and informed consent, in their archival practice.

Even with the best will in the world, bringing together differing worldviews and belief systems, victims and perpetrators or historically antagonistic parties, to collaborate in a way that is viewed to be ethically right and hopefully also mutually beneficial, is going to be difficult. In post-colonial societies, Indigenous protocols for archives and archival materials offer a model for how to approach this task. For example the Australian *Aboriginal and Torres Strait Islander Library and Information Resources Network Protocols for Libraries, Archives and Information Services* (ASTILIRN, 2005) and the Native American Protocols (First Archivist Circle, 2011) are built on the premise of mutual respect, consultation, and in some cases, shared governance. In Australia, the 2007 UN *Declaration on the Human Rights of Indigenous Peoples* (UN, 2007) has provided "a framework for asserting the rights of Indigenous people to become active, participating agents in recordkeeping and archiving practice relating to all records relating to them, rather than the passive, disempowered subjects of records created and maintained by non-Indigenous institutions and organisations" (McKemmish & Piggott, 2013, p. 136). In 2010 at a workshop on Archives and Indigenous Human Rights, the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda, stressed that archival partnerships cannot be based on consultation alone. They need to be built on dialogue, conversations, education, exchange of knowledge, and working through things together in a negotiated space, with the process being as important as the ends, and recognition of rights and ways of knowing as central[3]. This approach might provide a useful way forward in other contexts with human rights and social justice dimensions.

It is underpinned by the right to self determination, defined as the right of peoples to a system that respects and facilitates their political, social, economic and cultural participation and development in the *International Covenant on Civil and Political Rights* and the 1966 *International Covenant on Economic, Social and Cultural Rights* (UN, 1966:1 & 1966:2). The principle of full, free, prior and informed consent is an integral part of exercising the right of self determination. Free means that no force, pressure or undue influence is involved in obtaining consent; prior means that consent is obtained before any action is taken; informed means that all available relevant information is disclosed and understood; consent means engagement in a process of negotiation

How does full, free, prior and informed consent play out in the design, development, implementation, monitoring and evaluation of participatory archives, and their practices, services and facilitation of research? Firstly, it requires negotiation between all parties on an equal footing in order to reach an outcome acceptable to all. It is a much stronger obligation than merely providing information or consulting as evidenced in relation to Indigenous Australians and the archives. For governments and archival institutions in Australia to be compliant with the Australian Human Rights Commission's *Community guide to the UN Declaration on the Rights of Indigenous Peoples* (2010) for obtaining informed consent, they would need to negotiate with relevant Indigenous organisations, communities and individuals when making recordkeeping and archival laws and policies, and undertaking activities that affect them or relating to records about them, whatever their provenance (McKemmish et al, 2011:2).

A major issue relates to the possible retrospective application of the principle of free, prior and informed consent to archival records which have been accumulated and managed in the past without such consent, e.g. by government archives taking custody of the records of government agencies that document actions and events involving individuals and communities, collecting archives and libraries holding research data or oral histories deposited without the consent of the research subjects or oral

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3. Aboriginal and Torres Strait Islander Social Justice Commissioner Mick Gooda speaking at the *Archives and Indigenous Human Rights Workshop*, Melbourne, 12 October 2010.

history participants, or records transferred under a donor agreement that did not take into account the interests of those documented in the records. It also requires archives to take an ethical stand when governments seek to gain access to such materials in violation of the full, free and informed consent and terms of access that were agreed with the donor. This would be particularly challenging when re-engineering a pre-existing archive or merging multiple pre-existing archives, physically or virtually.

For archives in any context, it has become increasingly difficult to predict the ways in which their holdings might be used or mined if they are created in, or transformed into digital formats. However, a participative archive assumes that the creators or donors of content and those formerly treated as the subjects of records are key participants with agency in the record. Contemplate the examples of witness and survivor testimonies, oral histories, storytelling, even textual materials and hard drives. If archivists cannot fully anticipate how archives might be used, how can they alert others to those possible uses? And how can they engage key participants in ongoing decision-making about the archives and their use? How might a participatory approach impact on those donating materials to the archives. Would they still be prepared to give materials to the archives if all key participants as defined above were involved in negotiating management and use? What about the politicians, military leaders, business leaders and so forth? What happens when they become more aware of what the archives contain and how they might be used against them, or by them against others?

4 Rights in records and archives: appraisal, description and access

In Australia, the Trust and Technology Project found that acknowledgement by archival institutions of Indigenous rights of self-determination and facilitation of the exercise of cultural rights as human rights, linked to the principle of free, prior and informed consent, involves moving beyond the current focus on individual archival access rights to involve individuals and communities in decisions about appraisal, access and management of records relating to them, whatever their source (McKemmish et al, 2011:1).

What kind of appraisal, description and access arrangements would be needed in participatory archives serving a human rights agenda? What kinds of documentation about events, communities and individuals would be held and how might this documentation be reciprocally associated or linked with related materials in other archives? How would decisions about appraisal and access be made? How might participatory archives and participatory archival techniques facilitate individuals and communities in adding their perspectives and stories to augment or "set the official record straight"? In what ways might archival description better facilitate the human rights objectives of participatory archives? And what are the implications of participatory approaches for rights in records and archives?

One of the problems with trying to use archives to support the victims of human rights abuse, especially those who have been under-documented or who have had to flee or emigrate is that only small traces of them are captured in any given archive. And emigrants, migrant workers, refugees may pass through many points of documentation around the world as they move. So it is very important that all the traces that exist can be linked together to provide a bigger picture than a single archive might provide. This in turn calls for the participatory ethos to be distributed across a network of archives around the globe, as well as informing the practice of individual participatory archives.

Gilliland has proposed a platform that foregrounds several "ethical" acts that do not appear in the mainstream rhetoric of information organization but that should lie at the centre of participative description: *Acknowledging, Respecting, Enfranchising, Liberating and Protecting* (Gilliland, 2014).

- This set of rights might include (and here "one" could refer to an individual, a group or a community):
- The right to have one's role vis-à-vis archival description or archival content acknowledged (e.g., creator/author, co-creator, community of origin).
- The right to be consulted when one is the creator, co-creator or the subject of the archival content.
- The right to describe or name oneself/self-identify in any archival description.
- The right to challenge or to correct archival description or archival content.
- The right to respond or to annotate any archival description or archival content.
- The right to annotate and delineate relationships involving oneself or one's records through

archival description.
- The right to request take-down of any archival description or archival content.
- The right not to have descriptive information about oneself disseminated beyond the local or specified archive.
- The right to exercise one's belief systems through archival descriptive practices.
- The right to protect one's traditional cultural expressions through archival descriptive practices.

This platform would provide the grounding for a set of rights in description and associated principles to be incorporated into archival description in an act that not only respects but also seeks out a plurality of perspectives and acknowledges critical personal and community agencies and rights in archival description. In a participatory archive context the platform would need to be extended to include similar rights in relation to decision making and archival actions relating to appraisal and access. To fully support a human rights agenda, a participatory archives would also need to address the *Joinet-Orentlicher Principles,* adopted by the United Nations Commission on Human Rights (UNHRC, 1197 & 2005) to guide member states. They deal amongst other things with the inalienable individual and collective right of individuals and communities to know the truth about past events, the duty of the state to preserve and make accessible archives of repression and abuse as part of the collective memory, and the entitlement of individuals to know that there is a record about them, and to challenge its validity by exercising a right of reply. How would these principles be translated to participatory archives? To support the right to know and the right of reply, mechanisms would need to be in place to identify communities or individuals documented in records; contact them via appropriate representative bodies; disclose that there are records relating to them; and develop procedures to enable them to exercise a right of reply. But to fully address the principles, the participatory archives would need to enable communities identified after the establishment of the archives to participate - and to extend to them the full suite of rights envisaged above.

Principles associated with the rights platform proposed above would require the development of a supporting policy infrastructure, a prioritisation of context in description that runs counter to the current trend of reducing descriptive overhead, and inclusive, negotiated processes relating to appraisal, access and disclosure:

- Archives will acknowledge both the creators and the co-creators/subjects of records when appraising, describing and making accessible those materials.
- To the fullest extent possible, archives will consult with the creators and co-creators/subjects of archival materials when appraising, arranging materials, developing descriptions and making decisions about access and disclosure.
- Archives will strive to identify and implement mechanisms for enhancing the visibility, findability and usability of archival material relating to communities and experiences that have historically been under - or inequitably represented or rendered invisible through archival descriptive practices.
- Archives will acknowledge and respect the belief systems and traditional cultural expressions of the creators and co-creators/subjects of archival materials when developing archival descriptions and online access systems.
- Archives will work to ensure that their appraisal and descriptive practices or access and disclosure processed do not expose or exploit those who are vulnerable to suppression, appropriation, violence, discrimination or other oppressive or traumatising acts, or re-traumatise them. This includes future generations that might be vulnerable on the basis of what is contained in the archives.
- Any future repository that takes physical, intellectual or virtual control over the holdings or copies of holdings of another repository will abide by the conditions concerning appraisal, description and access that were agreed upon with the creator or donor and other key stakeholders (e.g. co-creators/subjects of the records) when the materials were first acquired, if the creator or donor is no longer alive. Otherwise, it will seek to negotiate with the creator or donor and key stakeholders about what such conditions should be for the materials in question, with a default to the protection of vulnerable individuals[4].

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4. Application of this principle would need to take account of whether communities and individuals who were not party

5 Conclusion

Acting upon such principles would first and foremost involve acknowledging and affirming that creator and co-creator communities and communities of origin have rights in terms of how they and their materials are acquired, managed, represented and made accessible, that they can be negatively affected through current and historical archival practices, and that they also have distinctive expertise that should be sought out and incorporated into decision making about how archival materials are managed and described whenever possible. As discussed above, this would, *inter alia*, necessitate rethinking how provenance is conceptualised and applied within appraisal and access policy, and in descriptive standards and the information systems that use provenance as a primary point for access and display; and how descriptive standards individually and when applied in concert with each other, not only facilitate hierarchical description at as many levels as is deemed necessary, but also the implementation of layered or compartmentalized disclosure of information. It would also require that creator, co-creator, source and end-user communities have much more interactive capabilities in order to be able to participate in decision-making, annotate or build relationships into descriptive information, as well as request that material be taken down or de-linked, and exercise their full suite of rights in the record.

Implementing an extended suite of rights would be very challenging as part of a participatory archive that serves a human rights agenda and subscribes to participative principles and approaches. Beyond the scope of this paper, how to spread a participatory ethos more broadly in networks of archives and archival partnerships around the globe is one of the grandest archival challenges of all.

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to the original agreements are subsequently recognized as having rights in the records as outlined above. Donors to a radical or community archive may require that their records never get incorporated into a mainstream or other archives. Perpetrators might give their materials to an archives on condition that they never be disclosed. Where resolution or negotiation of the rights, responsibilities and needs of different stakeholders is not possible, in a participatory archive reflection on power imbalances might come into play and protecting or supporting the interests of the vulnerable might be privileged.

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SUMMARY

This paper proposes a profound reconceptualisation of our role in serving human rights, reconciliation and recovery agendas - the "participatory archive". It provides principles to guide the embedding of human rights into participatory archival practice. It also proposes an extended suite of rights in records and archives. Moving beyond the current focus on individual archival access rights, it recommends the adoption of appraisal, description and access rights for individuals and communities, and inclusive, negotiated processes relating to appraisal, description, access and disclosure. In conclusion it acknowledges the challenges involved in implementing an extended suite of rights in participatory archives serving human rights agenda, and spreading a participatory ethos more broadly in networks of archives and archival partnerships around the globe.