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RIGHTS IN RECORDS AS A PLATFORM FOR PARTICIPATIVE ARCHIVING

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Abstract

In this essay we reflect on our engagement in research, in Australia and in the states emerging out of the former Yugoslavia, relating to the role of recordkeeping and archiving in human rights and social justice contexts, and in post-conflict societies. This research has engendered a rethinking of participatory archiving as it relates to official as well as other types of records, an expanded conceptualisation of archival activism and a new concept of archival autonomy, recently defined by Evans et al.

It also provides insights into the vital transformative roles that these factors individually and collectively might play in such situations. Based on our research findings, a review of relevant critical literature in archival studies, and our own immersive experiences over many years as archival and recordkeeping researchers and as educators and practitioners, we present an integrated set of rights in records that acknowledge and respect the interests of the different agents who are involved or implicated in records and recordkeeping processes. The guiding principles for the development of the set of rights originate in deep reflection on what constitutes ethical and pluralized recordkeeping and archiving. While we may advocate for and invoke codified rights in support of

transformative practice, the driving impulse to animate and prioritize 21st century recordkeeping and archival practice in human rights, social justice, and post-conflict contexts has emanated from and, we would argue, should ideally always emanate from personal, professional, institutional, and national recognition of and response to ethical exigencies rather than as a result of externally-imposed rights-based directives.

If we can grasp this vision, if we can break the ‘cancer’ of silence, if we can ‘disarm’ ourselves of exclusive power and learn to share it collaboratively, then what we keep in future will be radically different. And if we archivists accept that we are indeed defined by ‘what we keep,’ and that ‘we keep what we are,’ then our professional identity will also be radically altered, to society’s significant benefit. Theorizing and implementing such a vision in the near future is, I believe, the fundamental professional challenge, in all archival functions, and most certainly in our first responsibility of archival appraisal.¹

Introduction

Records, whether they be generated through institutional, community, or personal activity, are created and employed within a complex of official and other purposes and processes that involve and implicate many different institutional and human agents.² Not all of those agents, however, are necessarily acknowledged in decisions made about the management and accessibility of the records over time, nor are all agents’ interests in the records addressed equitably across archival and other recordkeeping activities and services. This situation is particularly problematic when one contemplates the roles that recordkeeping can play in both obstructing and promoting social justice, human rights, and recovery from past injustices and conflicts.

UNESCO’s 2011 Universal Declaration on Archives contains some fine rhetoric about the role of archives in promoting accountability and transparency, and in meeting individual and community memory needs:

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* [our emphasis].³

The latter statement provokes questions, however, that speak to the complexities of archival realities in living up to this rhetoric in situations where there is a history of contestation of rights or memory, or of oppression, marginalization, or even obliteration of individuals or communities.

- Do existing archival models and their open access regimes, as currently conceived, support human rights and social justice agendas and the critical archival needs of communities living through and recovering from conflict?
- Do they deliver and protect (and do so equitably) when it comes to the pressing identity, memory, and accountability needs of all citizens and all agents in the records in such contexts?

“Rights in records” issues in such situations have been surfaced repeatedly by recent and ongoing research, as well as in inquiry and commission reports and community and personal testimonies.⁴ The research, reports, and testimonies also provide ample evidence of the impacts on individuals and communities of poor recordkeeping in the past. Moreover, they demonstrate how appraisal, description, and access policies and practice in the past and present that have not addressed critical needs for access to records relating to identity or that are essential for redress and recovery have contributed to the re-traumatization of affected communities and archival users. By focusing on rights in records, however, it is important to acknowledge that these have both policy and ethical dimensions. Having an externally imposed mandate to address rights in records does not obviate the fundamental question for recordkeeping and archival professionals as to what constitutes ethical recordkeeping and archiving in these contexts. In other words, what morals inform ethical archival acts by archivists (acting as individuals and as professionals) and by archival institutions to support such transformative, and transformations in, practice?

In this paper we begin by briefly reviewing two specific strands of research in which we and our colleagues have been engaged. Each strand has engendered a rethinking of participatory archiving, expanded conceptualisations of archival activism,⁵ a new concept of archival autonomy recently defined by Evans et al.,⁶ and exploration of the vital transformative roles that these factors individually and collectively might play in such contexts. One strand (McKemmish et al.) relates to the unmet recordkeeping and archival needs of Indigenous Australians, including members of the Stolen Generations, and also to members of the Former British Child Migrants, Forgotten Australians, and Forced Adoption communities.⁷ The other strand (Gilliland et al.) addresses the structural, political and emotional violence perpetrated by bureaucratic recordkeeping in the states of the former Yugoslavia, and the continuing challenges of identifying, obtaining, and using records that are essential to individual and community recovery and daily lives within and across states, bureaucracies, and spaces of ongoing contestation since the Yugoslav Wars commenced in 1991.⁸

Both strands of research are consciously situated within a critical research paradigm.⁹ As Evans et al. have argued, this kind of research, which is increasingly being employed in archival studies, “moves beyond explanation to a moral and ethical critique of the design, development, implementation and impacts” of recordkeeping and archiving practice.¹⁰ In relation to parallel developments in information systems research, it is motivated by a desire to support “social, political and technological transformations to overcome disadvantage, exploitation, disempowerment, domination and disenfranchisement.”¹¹ It aims to challenge the status quo, uncover “deep-seated, structural contradictions within social systems,” and help bring about transformation.¹² Critical work, however, also calls for overt acknowledgement of and reflexivity on the part of the researchers regarding their own perspectives and background, and recognition of how this might influence and contribute to the research. The research discussed here, as well as this paper, are informed, consciously, inevitably and, we believe, usefully by our own immersive experiences over many years as archival and recordkeeping

researchers, and as educators and practitioners within institutions that themselves are actors in particular statist ecologies. Thus this paper is in part a reflexive account of two archival fellow travellers and the impact that our research, professional and community engagements, and collaborations have had on our awareness of the need for transformative action and its ethical drivers.

When we review these research strands, their findings, and related data and documentation, individually and collectively they suggest that the answer to each of the questions posed above in relation to the Universal Declaration is *'no!'* There is abundant evidence that archival frameworks, systems, and services, including professional ethics and rights frameworks, fail many members of communities with acute memory, identity, and accountability needs. Indeed, they also fail individual archivists in terms of the personal agency that they might choose to exert (or not) We note, too, that the essential role that archives must play in supporting reconciliation and recovery is not mentioned at all in the Universal Declaration. Based on these inputs, therefore, as well as a review of additional relevant critical literature in archival studies, we have derived an integrated set of rights in records that acknowledge and respect the interests of the different agents who are involved or implicated in records and recordkeeping processes.

Presented collectively for the first time in this paper, we argue that these rights could inform ethical and pluralized recordkeeping and archiving in the institutionalised and often transnational recordkeeping settings with which victims and survivors inevitably have to engage in order to access "official" records, as well as in other kinds of records and memory environments, particularly if driven by a 21st century professional ethos. We focus in particular on approaches to appraisal, description, and access as defined in the records continuum, and how they might better support the central role that archives need to play in human rights, social justice, and post-conflict contexts. In the continuum, appraisal encompasses proactive decisions about which records to make and how long to keep them for current and future purposes, although it also recognizes that in contexts other than formal recordkeeping

institutions and processes (e.g., in grassroots, local, Indigenous or diasporic communities), appraisal may be a more ad hoc activity, if it happens at all. Description is construed as a complex multi-layered formal and informal recordkeeping function that is carried out through a series of parallel and iterative processes throughout the life span of the record. And access is ideally managed by policies, processes, protocols, and designated human gatekeepers who establish and implement terms and conditions governing the uses and views of records according to the rights of all the individuals involved in the transactions documented in the record, and the business or social purposes of the transactions.

To address the needs of all communities in human rights contexts, appraisal has to address what records or other documentation should be created up front as well as their ongoing value (including considerations such as paucity of documentation, association with survival stories, non-traditional use as proof, evolving needs of descendants) of what survived. Metadata and description frameworks, protocols and processes should accommodate the kind of descriptive data that needs to be captured about records during creation, management, and use to serve the current and archival needs of individuals and communities, capture metadata from multiple sources, and represent multiple provenances and perspectives in and through time. Access policies and processes should be designed to meet the needs of victims and oppressed and marginalized communities for access to current as well as archival records, and to protect the most vulnerable individuals, groups, and communities from disclosure of harmful information.

In this paper, we propose and discuss a suite of rights and guiding principles as a contribution toward “theorizing” Cook’s vision for the transformation of archival functions, and a response to what he describes as our “fundamental professional challenge.” Discussion of the implementation of these rights in practice is beyond the scope of this paper since it is necessarily dependent upon the transformation of professional culture and priorities along the lines of the guidelines proposed here—the second component of Cook’s “fundamental challenge.” The nature of that transformation is explored and theorized in

a number of complementary papers already published or in preparation, as referenced throughout this paper.

As discussed above, the guiding principles for the development of the set of rights originate in part in deep reflection on ethical archival acts linked closely to consideration of who has agency in records, as well as with reference to rights codified in conventions and laws. The latter form part of regulatory and sometimes punitive frameworks, and are associated more with official records and institutions with which most people at some point in their lives must interact, than the multiverse of recordkeeping processes, people, and archival material. We acknowledge the potential contradiction or dilemma in advocating on the one hand for the plurality of the multiverse of recordkeeping practices (broadly understood with its rich chaotic tendencies) and multiple forms of expression and representation, and in proposing on the other hand a rights-based platform for participatory practice. While such an approach might promote ethical and pluralised recordkeeping and archiving in institutional settings in human rights and post-conflict contexts, in “other” records, archives, and memory settings, there is always the danger that recordkeeping and memory practices might be adversely affected. How do we prevent a rights-based platform itself from becoming a license to colonize everything—including practice outside the official recordkeeping processes—or from restructuring everything in a way that just imposes a new hegemonic structure? How do we (and there is a fundamental question about to whom the “we” refers in this question) become more participatory and build bridges across communities and different types of record- and memory-keeping systems while keeping things open, dynamic and responsive?

In the context of multiple national jurisdictions, it may well be that rights frameworks have to be the ultimate way forward, but the development of a personal, professional, institutional, and national awareness of the ethical exigencies involved must precede it, and also, we would posit, a sense of solidarity, respect, understanding, and inclusiveness within and across affected communities must also be sought out, inculcated, and nurtured. These are critical questions for future research.

Archives and the Rights of the Child

The Australian Research Council-funded Trust and Technology¹³ and “Who Am I?” projects¹⁴ yielded key findings relating to rights in records. The Trust and Technology project was a collaboration between Indigenous communities in Victoria, the Koorie Heritage Trust Inc., the Koorie Records Task Force, the Public Record Office of Victoria, the Indigenous Special Interest Group of the Australian Society of Archivists, and Monash University researchers. It explored the record-keeping and archival needs of Indigenous communities in Victoria, including members of the Stolen Generations. It found that Indigenous self-determination and the exercise of cultural rights, as well as the addressing of critical needs relating to recovering identity and memory, re-uniting families, seeking redress, and promoting reconciliation, are all closely linked to being able to exercise codified rights in records. Those rights in records, however, go beyond individual access rights that are commonly unilaterally decided upon and implemented by archival access regimes, to encompass the rights of all communities and individuals to be involved on a systematic and ongoing basis in decisions about appraisal, description, access, and use in relation to records relating to them, whatever their source or location.¹⁵ As Australian Indigenous Social Justice Commissioner Mick Gooda has advocated, Indigenous human rights need to be embedded in archival practice; Indigenous peoples need to be re-positioned from being passive subjects of the record or “captives of the archive,”¹⁶ to being active participating agents in recordkeeping and archiving. Papers reporting on related research include detailed proposals for implementing major changes to archival frameworks, policies, strategies, and practices in Australia to achieve this transformation.¹⁷

In Australia, there is also a growing body of research, as well as reports of commissions and inquiries¹⁸ and the testimony of members of vulnerable communities, pointing to systemic failings of archiving and recordkeeping, and ingrained issues with frameworks and infrastructure. For example, generations of children, including members

of the Stolen Generations of Indigenous children removed from their families, Forgotten Australians, Former British Child Migrants, and children taken from their mothers in so-called Forced Adoptions are amongst the many victims of child sexual abuse being investigated by a Royal Commission in Australia.¹⁹ The Royal Commission's terms of reference focus on systemic issues associated with this abuse, which is an acknowledgement that pursuing individual perpetrators and cases does not address the institutionalized nature of the abuse. The "Who Am I?" project brought together social welfare, archival, and historical researchers with "care" providers and advocacy organizations to investigate the role played by archiving and recordkeeping practices in the construction of identity for people who experienced out-of-home "care" as children.²⁰ This project and related research being undertaken with communities of "care leavers" (a term used in Australia to describe people who experienced out-of-home "care" as children²¹) who were abused as children reveals a disturbing pattern indicating that recordkeeping and archival needs relating to identity, memory, accountability, advocacy, and redress are not being met. Indeed for care leavers, seeking access to records of lost childhoods is often re-traumatizing, since in many cases the record does not exist, is patchy and fragmented, or access is denied.²²

Researchers are currently involved with these communities in an experiment in archival activism on a large scale. A National Summit, planned for late 2015, will hopefully set the agenda for recordkeeping and archival action over the next decade to address the needs of these communities as well as those of recent care leavers, as well as children currently in "care" and in immigration detention centers.²³ Although there have been a number of excellent project-based initiatives to improve discovery of and access to records of the past, they are dependent on "one-off" funding. No major reforms are underway in recordkeeping practice or archival frameworks to address problems with recordkeeping and archiving in the present and stop them from recurring in the future. Beyond discovery and access, cross-jurisdictional, cross-sectoral, unifying archival and recordkeeping frameworks and

infrastructure are needed to support governance and accountability in the organizations and institutions responsible for child care; preventative strategies in child care institutions that might reduce the levels of abuse, detection, reporting, investigation, and remedial action; and current and future archival services that provide discoverable, accessible evidence. In parallel with the Summit planning, development of a research and development agenda, together with advocacy, communication, and media strategies are planned. To move forward, as was the case with the Royal Commission itself, the recordkeeping and archival community would need to acknowledge that the records and archives issues are systemic. They can only be addressed for these communities and society generally by fundamental reform of Australian archiving and recordkeeping—by transforming laws, frameworks and resourcing models, theories and practice. Such fundamental reform would need to be preceded and underpinned by the emergence of a professional ethos of the kind discussed earlier in the paper. The Summit is in part aimed to engender a cultural shift in the professional community in Australia towards such an ethos.

Recordkeeping in the Aftermath of the Yugoslav Wars

The wars and “ethnic cleansing” that began in 1991 with the secession of first Slovenia and then Croatia from the Socialist Federal Republic of Yugoslavia (SFRY), and continued for a decade with the wars in Bosnia and Herzegovina and then Kosovo, resulted in population displacement, genocide, rape, and other war crimes on a scale not seen in Europe since the Second World War. In Bosnia alone, approximately two million people were displaced, 250,000 men were killed, and 35,000 women raped. In the period since the ending of the respective conflicts, there have been extensive efforts to identify records that might serve as evidence for the prosecution of war crimes by the International Criminal Tribunal on the former Yugoslavia (ICTY), as well as documentary projects to gather testimonies from those who lived through the wars. Additionally, as the countries that emerged out of the SFRY seek to

follow Slovenia, and recently Croatia, into the European Union (EU), there has been pressure from the EU to increase transparency and diminish corruption in government and business. While each of these activities addresses particular and very important aspects of record-keeping, none directly addresses the structural, political, and emotional violence perpetrated and perpetuated by recordkeeping processes and the records themselves on individual citizens. Nor do they address the immediate needs for records, or the agency and affect of certain kinds of records in daily life in post-conflict societies in the Balkans, as well as individuals and communities who remain in diaspora as a result of the wars. The research described here, therefore, is focused on how to anticipate and meet immediate needs for records, but also to do this in a way that can take into account individual circumstances, motivations, and emotions.

Structural violence of the kind caused by bureaucracy, and especially by recordkeeping, can take many forms, including oppressive rules and biased classification schemes, other discriminatory and emotive recordkeeping processes, incompetence, confusion, arbitrariness, and simply the inappropriate wielding of bureaucratic power. It is an aspect of bureaucracy and power relations that has been growing as an area of anthropological study in recent years. It is remarkable not for spectacular incidents of physical violence, but precisely because of its systemic nature that often renders it invisible or at least hard to pin down, and the fact that it has an impact upon every aspect of daily life.²⁴ As Graeber has noted:

the boring, humdrum, yet omnipresent forms of structural violence that define the very conditions of our existence, the subtle or not-so-subtle threats of physical force that lie behind everything from enforcing rules about where one is allowed to sit or stand or eat or drink in parks or other public places, to the threats or physical intimidations or attacks that underpin the enforcement of tacit gender norms.²⁵

In the case of the SFRY, that violence is an outcome of several interacting factors. Historical factors include the complex colonial administrative

heritage of this region (Ottoman, Austro-Hungarian, Venetian, French, Italian) succeeded by various configurations of an independent monarchy and, from 1945 until 1992, the SFRY made up of six socialist republics. This resulted in a diaspora of records across several countries (including those outside the SFRY) as well as poor or absent keeping of key records such as land records under the socialist administration. The destruction or hiding of records during both world wars as well as the Yugoslav Wars, some of it deliberate and targeting particular ethnic communities, have exacerbated the difficulties in locating relevant records. During the Yugoslav Wars, targeted massacres of boys and men were designed to obliterate certain ethnic communities and disrupt traditional community and inheritance structures. Moreover, recordkeeping then and continuing today can be highly gendered, resulting, as Halilovich has indicated, in the “disappearance” of women survivors who are left to try to recover their lives and support their families.²⁶ In Kosovo, the removal by Serbs of all documents carried by fleeing ethnic Albanians was another act designed to prevent an ethnic population from being able to reestablish itself after the war.

Today bureaucracies in the countries that emerged from the SFRY still frequently suffer from corrupt, unqualified, and politically and ethnically aligned personnel, as well as disaffection, poor work ethic, and lack of willingness to take personal initiative or responsibility enduring from the socialist era.²⁷ Requirements for the production and translation of records (still predominantly in paper form) can be opaque and arbitrary and the processes for obtaining them lengthy, expensive, convoluted, and inconsistent. This often also means that individuals who have been displaced must undergo considerable ongoing financial hardship and emotional trauma in order to obtain documents such as birth certificates and property records from a location from which they were displaced (frequently in another country) in order to establish residency or work status, to reclaim homes, or to obtain or maintain pensions and other forms of support. The state archival systems are chronically under-resourced and are themselves recovering from being targets of ethnic destruction during the war, as well as being dismantled or differently

constituted as a result of the break-up of Yugoslavia and the redistributions of ethnic territory as a result of the wars and peace agreements.²⁸

This research, which has been primarily ethnographic in nature, suggests that there are immediate needs for supportive and mutually tolerant access regimes across the life and location of the records to help individuals identify whether a record exists and if so where, and then how to view it or obtain a copy in a way that will be the most responsive to that individual's circumstances. This calls for the design of participative structures that cross institutional, community, national, and legal boundaries. Those structures need to respect plural perspectives and narratives, and address the highly interactive pasts, presents, and futures of the individuals, communities, and nations involved. They must also take into account the affect associated with both the records and the processes involved with their creation, dissemination, and use, as well as long-held beliefs and recordkeeping traditions on the part of the recordkeepers. While we might wish for ethical awareness, compassion for, and solidarity with victims, survivors, and other deeply affected individuals and communities to be sufficient for the development of structures to be prioritized and resourced, realistically in a post-conflict situation, especially one that crosses national and ethnic boundaries, these are unlikely to be sufficient.²⁹

Rights in Description, Rights in Appraisal, Rights in Records

It is envisaged that a driving force in implementing the kinds of participatory approaches called for by the research described above would be the delineation of a formal suite of rights in records. This suite of rights would be rooted in an acknowledgement of what might be termed the "natural rights" and agency in records of all those involved in and through time in the actions and events they document, and principles of equitable recordkeeping and archival services.

Before focusing on our recent work on the development of such a suite, however, it is useful to reference the broader human rights

context. Internationally adopted statements on human rights affirm that Indigenous people have the right to make decisions about the creation and management of their knowledge in all its forms, wherever it is stored.³⁰ People who have been the victims of oppression and human rights abuse also have particular internationally-acknowledged rights in records which arise from the part those records have played in the past in their oppression, dispossession, and abuse, and from the part they could potentially play in the present and future in recovering identity and memory, re-uniting families, seeking redress, and facilitating reconciliation.³¹ Yet other international human rights principles support rights of disclosure and setting the record straight as an important means of acknowledging and limiting the ongoing potency of records that have been the tools and products of dispossession and control. The United Nations Convention on the Rights of the Child³² is one of a suite of conventions that support the 1947 United Nations Declaration of Human Rights. One of its aims was to change views on and treatment of the child by understanding children as human beings with a distinct set of rights, not passive objects of care and charity.³³ Its guiding principles include non-discrimination, acting in the best interests of the child, the right to life, survival, and development, and the right to participate, including participation in decision-making that affects the child, supported by access to relevant information.

In the context of human rights and social justice, Duff and Harris have asked a crucial question, “Does the archivist have a moral obligation to engage the marginalized and excluded voices in records?”³⁴ Additional warrant for the suite of rights that we are proposing below, and especially for rights relating to appraisal and description, can be found in key concepts relating to agency in records drawn from continuum thinking. For example, Hurley, in expounding on the notions of co-creation and multiple provenance proposes:

... 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.’³⁵

A structural violence approach also potentially provides a continuum-oriented lens whereby to examine the ways in which descriptive infrastructures, even those that aspire to provide enhanced access to materials by and about minority, marginalized, and oppressed groups and experiences, can have the effect of systematically and cumulatively de-radicalizing, homogenizing, assimilating, and sentimentalizing community and cultural expressions and heritage, as well as submerging inherent power inequities. More broadly, it offers a lens whereby to look at metadata creation associated with records throughout the continuum of their existence.

Gilliland identifies three other strands of recent discourse that have focused on the implications of power and representation for historically subjugated, marginalized, or subaltern communities:

post-colonial analyses of the role of the archive and archival practices in colonialism (e.g., Stoler 2009; Ghosh 2005), the community archives movement (e.g., Flinn et al. 2009), and the movement to promote Indigenous protocols for archival materials (e.g., Nakata et al. 2006; McKemmish et al. 2011b). Each strand is deeply cognizant of the often difficult and intertwined histories that are inevitably reflected in their equally intertwined archival legacy. At the same time, each strand raises its own questions about how mainstream archival description reflects and shapes interpretations of these materials in favor of dominant or elite interests, and often in the process subordinates or excludes the narratives, needs and perspectives of communities who were under-empowered, unwitting, or unwilling participants in the creation of documentation about them.³⁶

Postcolonial and queer archives theory, in particular, acknowledge the role that mainstream metadata can play in imposing classificatory categories, privileging specific notions of authorship (e.g., single provenance rather than community provenance or co-creation), depoliticizing established or delegitimizing local authority forms, neutralizing oppositional expression, supporting dominant historical narratives, and prioritizing the needs and perspectives of elite or preferred users.³⁷

Participatory approaches reposition the subjects of records and all others involved in or affected by the events and actions documented

in them as participatory agents. The concept of co-creation that posits that everyone who has contributed to a record's creative process or been directly affected by its action is co-creator of a record and that records have multiple provenances in and through time is thus elevated to a fundamental archival principle. The logic of this principle is that multiple parties—co-creators and their successors—have agency in records and a related suite of rights in and through time.

Moreover, certain archives, especially those that are consciously self-projecting as community, independent, or oppositional archives,³⁸ have resisted the value systems and assumptions encoded within mainstream archival practices and have instead implemented alternative, identity-based, or ideology-centric practices. Identity-based approaches to archival functions, as Caswell has noted, are a crucial means by which “to forge a new politics of the future.”³⁹ Another source of community or identity-based principles for alternative, augmented, or reconceptualized description are the various Indigenous protocols for library and archival materials that have been developed in Australia, the U.S., and elsewhere. For example, the Aboriginal and Torres Strait Islander Data Archive (ATSIDA) protocol is guided by the principles of respect, trust, and engagement, and includes three rights that are specifically addressing problems raised by the archival principle of provenance: the right of attribution of authorship, the right against false attribution of authorship, and the right of integrity of authorship.⁴⁰

Accordingly, Gilliland has recently proposed a set of rights with a human and civil rights-oriented platform in mind that is based around a set of “ethical acts,”⁴¹ and include the rights to:

- Have one's role vis-à-vis archival description or content acknowledged (e.g., creator/author, co-creator, community of origin), and to be consulted as the creator, co-creator, or subject (or their descendants).
- Describe or name oneself/self-identify in any archival description.
- Challenge or correct archival description content.

- Respond to or annotate any archival description or content, including annotation and delineation of relationships involving oneself or one's records.
- Request take-down of any archival description or content.
- Not to have descriptive information about oneself disseminated beyond the local or specified archive.
- Exercise one's belief systems through archival descriptive practices.
- Protect one's traditional cultural expressions through archival descriptive practices.⁴²

Implementing this suite of rights in the context of current mainstream archival culture and practice would be highly challenging if not impossible. While some of the rights listed (e.g., challenging, correcting, or annotating archival description or content, restrictions on further dissemination of descriptive information, or even changing current practices around how authority forms for personal and even corporate and place names are established and linked⁴³) might be more immediately achievable, whole-scale implementation presupposes radical changes in archival cultures, practices, and relationships, globally and in a great diversity of local contexts. Embedding the guiding principles that inform the set of description rights in transformed archival practice would involve new approaches that not only respect but also seek out a plurality of perspectives and acknowledge critical personal and community agencies and rights in archival description. It would respond to multiple concerns about what is being lost, who is being exposed and who submerged, rights of descendants in records, and what the implications might be for self-determination over identity and expression as a result of the current construction of archival description. These concerns are not about paying lip service to diversity. Archives capture and can expose, knowingly or unwittingly, intimate aspects of people's lives, activities, and relationships, whether they be still alive, in living memory, or passed out of direct memory. As such, they also play a

critical role in how people come to be characterized in the public mind. Once people are no longer alive to tell their own stories or to correct or refute those told about them, archives become their voice and, one hopes, their protector. Papers relating to the cases we reference above and other archival research in human rights and social justice contexts, cited throughout this paper, provide ample evidence of how archival appraisal, description, and access practice can fundamentally impact on the intellectual, spiritual, emotional, and physical health and wellbeing, and even the survival of individuals and communities and their friends, colleagues, and descendants, as well as cultures, belief systems, and social and political movements.

Bearing in mind the issues raised by both of the strands of research discussed above:

Archival description that directly addresses community needs and perspectives, however, must go beyond simply enhancing access for these communities to materials by and about them that are held by individual repositories. It must also be able to traverse, explain, “set the record straight” (McKemish et al. 2011a), and reconcile layers of metadata for diverse such materials that today might be dispersed across many locations and repositories, and that have been created over time under different political and social circumstances and according to different worldviews.⁴⁴

Wood et al. observe that:

When one re-envision[s] archival activities, including description, from a human rights framework, it becomes impossible to separate the record from the politics of its origins, as well as from its consequences, affects, or most importantly, the human life to which it is related.⁴⁵

Acting upon principles of the nature laid out above would first and foremost involve acknowledging that creator communities and communities of origin have rights in terms of how they and their materials are represented, 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 how archival materials are described whenever possible.

What then, might a complementary set of rights relating to “participative appraisal,” linked to human rights and social justice agendas, look like? A possible set of parallel appraisal rights is presented below. We note that we are envisaging both individual and collective rights that apply in and through time, i.e. to people and groups in time, and to their successors through time.

- The right to participate in decision-making about appraisal, of records (determining what records to make/how long to keep them).
- The right to have an individual’s or a community’s identity, memory, accountability, recovery, redress, and reconciliation needs and perspectives addressed in appraisal decision-making.
- The right to challenge appraisal decisions.
- The right to add to or annotate the “official record” and participate in decision-making about the appraisal of the augmented/annotated record.
- The right to exercise one’s belief systems through appraisal practices.
- The right to protect one’s traditional cultural expressions through appraisal practices.
- The right of those vulnerable to suppression, appropriation, violence, discrimination or other oppressive or traumatizing acts, to be protected from appraisal practices that might lead to exposure, exploitation, or re-traumatize them (including future generations).

Having worked on these parallel sets of rights, however, we are beginning to think that the rights might be better expressed as rights in records, an integrated suite relating to appraisal, description, access, and use designed to restructure how they are practiced, and to challenge the way in which mainstream archival practice treats description, appraisal, and access in silos instead of conceiving of them as highly interactive

and interdependent processes. The starting point for this integrated suite would be the records continuum premise that appraisal, description, and access decisions need to be made throughout the life of a record.

In terms of the impact on existing archives, we envisage that implementing such a suite of rights would involve:

- Acknowledging both the creators and the co-creators/subjects of records when appraising, describing, and making accessible those materials;
- Consulting, to the fullest extent possible, with the creators and co-creators/subjects of archival materials when appraising, arranging materials, developing descriptions, and making decisions about access and disclosure;
- Striving 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-represented or inequitably represented or rendered invisible through archival descriptive practices;
- Acknowledging and respecting 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; and
- Ensuring that their appraisal and descriptive practices or access and disclosure processes do not expose or exploit those who are vulnerable to suppression, appropriation, violence, discrimination, or other oppressive or traumatizing acts, or re-traumatize them (this also applies to future generations who might be vulnerable on the basis of what is contained in the archives).⁴⁶

Who is involved, when, and what rights they have are deep and complex questions. How rights might play out in different scenarios add to the complexity. For example, the right to be protected from exposure, re-traumatization, or exploitation would involve looking at who might be creating records (broadly construed); what records exist, in which locations, and under which kinds of regimes (if any); what

records might need to be created; what metadata needs to be associated with those records; what appraisal decisions need to be made about the metadata or archival description itself as part of the record; what records should not be made or kept, or what records should be made and kept, but not be made available for general access for the lifetimes of the people or even the communities involved; and how this would be managed in a way that would not preclude individuals or communities exercising their access rights to records of abuse and oppression. In these complex and contested spaces, it needs to be acknowledged that in some circumstances, the ultimate protection is destruction; that in some circumstances it is the oral tradition that needs to prevail; that some rights are going to be incommensurate or irreconcilable; and that inevitably in the kind of situations and contexts explored in this paper, privileging the rights of one community might well compromise the rights of another.

Three further considerations are particularly pertinent to communities that, in order to sustain their archive, give it into the hands of institutionalized archives:

- Rights in records need to be acknowledged in archival law and frameworks, and embedded in recordkeeping and archival practice.
- Any future repository that takes physical, intellectual, or virtual control over the holdings or copies of another repository's holdings would need to 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, or else, after consultation with other stakeholders, provide a transparent justification as to why those conditions are going to be set aside, in total or in part. If the creator is alive and available for consultation, the repository would need to negotiate with the creator or donor and key stakeholders about what conditions should apply in future for the materials in question.

- The default position in decision-making would need to be the protection of the most vulnerable individuals.⁴⁷

Conclusion

Elsewhere we have addressed the moral and ethical imperative for the formation of an archive that works in the interests of those who have been wronged in order to further human rights, reconciliation, and recovery, and posited that this will necessitate “quite a different kind of archive”—a participatory archive:⁴⁸

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.⁴⁹

What shape should or could such an archive take, however? As the research reviewed above indicates, documenting the experiences and perspectives of these individuals within community archives is unlikely to be sufficient to support their needs. They also need to be able to engage effectively and equitably with records by, about, or affecting them that are held in official or institutional archives such as those of governments, international relief agencies, care homes, or community-centered archives. They may also wish to link to or incorporate aspects of the official archives into their own community archives.

One participatory archiving approach would be for the archives holding the official records needed to prove their cases or recover their lives to expand their notions of agency in the records and reorient their priorities accordingly. We would argue that participatory approaches developed according to a platform of agents’ rights in records would result in a major reconceptualization as well as reprioritization of archival practices and services that would more effectively and equitably address such individual and community needs and thereby also rise to

the aspirations of the Universal Declaration. Although it is certainly the case that community archives tend to prioritize the interests of their own community, official archives usually have a responsibility to the public trust and public interest as well as an authority that puts them under a particular onus to respond to those with the most immediate and often dire needs for records.

At the very least, such a platform serves to draw attention to those agents whose needs are least well met by existing archives, and who often may be the least powerful or most vulnerable parties to a record, in which case participatory third party archival services and protocols might be developed to mediate or broker between all affected parties and agents. This brings us to the idea of “archival autonomy,” which has been tentatively defined as:

... the ability for individuals and communities to participate in societal memory, to find their own voice, to become participatory agents in recordkeeping and archiving for identity, memory and accountability purposes.⁵⁰

Archival autonomy so defined respects and supports community and individual self-determination and perspectives in and through time and thus simultaneously meets the spirit of and augments the Universal Declaration. It could be the animating force in the emergence of a professional ethos for 21st century recordkeeping and archival professionals.

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communities, the Public Record Office of Victoria, Koorie Heritage Trust Inc., Koorie Records Taskforce, and the Indigenous Issues Special Interest Group of the Australian Society of Archivists (Indigenous human rights and the archives research, beginning with the Trust and Technology project); Michelle Caswell (community-based archives, and social justice and human rights concerns in archives); Hariz Halilovich (migrating memories: archives, diaspora and human rights); Mirna Willer (archival metadata) and Joy Novak (archival activism).

As we reference research undertaken with Indigenous researchers and partner communities, it is appropriate to acknowledge the traditional people of the land where we presented this paper, and of Australia, and to pay our respects to their elders, past and present.

Endnotes

1. Terry Cook, “We Are What We Keep; We Keep What We Are: Archival Appraisal Past, Present and Future,” *Journal of the Society of Archivists* 32, no.2 (2011): 185.

2. The term “agents” is used here to refer to institutional and human parties to whom rights might be attributed. This is in the same spirit that the term is used in the Australian Recordkeeping Metadata Schema: “Agents may be corporate bodies, persons or instruments. They may operate at any level in a hierarchy and may be responsible for creating, controlling and managing records, or they may be involved in their use. Examples include intelligent agents, operational positions, organisational units or work groups, organisations, social institutions (including social constructs such as motherhood or friendship), persons or families” (SPIRT Recordkeeping Metadata Project, “Recordkeeping Metadata Schema,” Monash University Information Technology, 2000, <http://www.infotech.monash.edu.au/research/groups/rcrg/projects/spirt/deliverables/austrkms-schemes.html>).

3. UNESCO, *Universal Declaration on Archives*, 2011, <http://unesdoc.unesco.org/images/0021/002134/213423e.pdf>.

4. For details, see Joanne Evans, Sue McKemmish, Liz Daniels, and Gavan McCarthy, “Self-Determination and Archival Autonomy: Advocating Activism,” *Archival Science* (in press); Anne J. Gilliland and Sue McKemmish, “The Role of Participatory Archives in Furthering Human Rights, Reconciliation and Recovery,” *Atlanti: Review for Modern Archival Theory and Practice* 24 (2014), 79-88; and literature referenced throughout this paper.

5. Novak’s 2013 analysis of the archival literature identifies core concepts associated with activism as social power, neutrality/archival transparency, community engagement, diversity/inclusivity, accountability, and open government. Joy Novak, “Examining Activism in Practice: A Qualitative Study of Archival Activism” (PhD diss., University of California, Los Angeles, 2013), 2.

6. Recently defined by Evans et al. as, “...the ability for individuals and communities to participate in societal memory, to find their own voice, to become participatory agents in recordkeeping and archiving for identity, memory and accountability purposes” (Evans et al., “Self-Determination and Archival Autonomy”).

7. **STOLEN GENERATIONS:** From 1910 to 1970 up to 50,000 Indigenous Australian children were forcibly taken from their families under policies aimed at the assimilation of ‘half-caste’ children into white society and ‘breeding out’ Aboriginality. See Australian Human Rights and Equal Opportunity Commission, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997), <http://www.humanrights.gov.au/publications/bringing-them-home-report-1997>.

FORMER BRITISH CHILD MIGRANTS: It is estimated that child migration programs were responsible for the removal of over 130,000 children from the United Kingdom to Canada, New Zealand, Zimbabwe (formerly Rhodesia), and Australia. Many of these children were removed without their parents’ knowledge or consent. See Child Migrants Trust, “Child Migration History” (2014), <http://www.childmigrantstrust.com/our-work/child-migration-history>.

FORGOTTEN AUSTRALIANS: 500,000 non-Indigenous children, child migrants, and Indigenous children experienced 'care' in institutions or outside a home setting in Australia during the 20th century. See Alliance for Forgotten Australians, *Forgotten Australians: Supporting Survivors of Childhood Institutional Care in Australia* (3rd edition, 2011), <http://www.forgottenaustralians.org.au/PDF/MiniAfaBooklet.pdf>.

FORCED ADOPTIONS: There were 150,000 adoptions between 1951 and 1975. It is impossible to know exactly how many were forced. See Community Affairs References Committee, *Commonwealth Contribution to Former Forced Adoption Policies and Practices* (Canberra: Commonwealth of Australia, 2012), http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2010-13/commcontribformerforcedadoption/report/index.

8. Anne J. Gilliland, "Moving Past: Probing the Agency and Affect of Recordkeeping in Individual and Community Lives in Post-Conflict Croatia," *Archival Science* 14 (October 2014): 249-274; Hariz Halilovich, "Reclaiming Erased Lives: Archives, Records and Memories in Post-War Bosnia and the Bosnian Diaspora," *Archival Science* 14 (October 2014): 231-247; Stacy Wood, Marika Cifor, Anne J. Gilliland, Kathy Carbone, and Ricardo Punzalan, "Mobilizing Records: Re-Framing Archival Description to Support Human Rights," *Archival Science* 14 (October 2014): 397-419; Michelle Caswell and Anne J. Gilliland, "False Promise and New Hope: Dead Perpetrators, Imagined Documents, and Emergent Archival Evidence," Special issue of *International Journal on Human Rights* on Interrogating the Perpetrator, eds. Samuel Martínez and Cathy J. Schlund-Vials (in press).

9. Dubravka Cецez-Kecmanovic and Mary Anne Kennan, "The Methodological Landscape: Information Systems and Knowledge Management," in *Research Methods: Information, Systems and Contexts*, ed. Kirsty Williamson and Graeme Johanson (Pahran, VIC: Tilde University Press, 2013), 113-137; Gilliland and McKemmish, "The Role of Participatory Archives."

10. Evans et al., "Self-Determination."

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23. Several possible outcomes of the Summit are envisioned, including a Decadal plan for collaborative action to address recordkeeping and archiving needs of key stakeholder communities, including national policies, resourcing and infrastructure, and law reform; proposals for a National Archival and Recordkeeping Framework, a National Access Policy and instruments, an independent Archive of the Child in Care holding copies of records deposited by all service agencies and professionals involved in the care of the child, and records created by the child; the development of functional requirements for recordkeeping/archiving relating to children in out-of-home “care,” and a National Network of Community-based Archives with community-controlled nodes, and support for community recordkeeping infrastructure; identification of a research and development agenda to support the Decadal Plan; and recommendations for clever use of enabling technologies.

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28. See Gilliland, “Moving Past;” and Halilovich, “Erasing Reclaimed Lives,” and *Places of Pain* (Oxford: Berghahn, 2013) for more detailed discussion.

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45. Wood et al. "Mobilizing Records," 398.

46. Gilliland and McKemmish, "The Role of Participatory Archives."

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50. Evans et al., "Self-Determination and Archival Autonomy."