



The Indigenous Archives Collective position statement on the right of reply to Indigenous knowledges and information held in archives

Indigenous Archives Collective

On 9 August 2021, the Indigenous Archives Collective released its *Position Statement on the Right of Reply to Indigenous Knowledges and Information held in Archives* (the Statement).¹ This Statement draws on outcomes of the ‘Right of Reply – Indigenous Rights in Data and Collections Symposium’.² Collective members’ experience working and researching in collecting institutions holding archives and records relating to Indigenous peoples and Indigenous Cultural and Intellectual Property (ICIP) also informed the development of the Statement. All of these themes raised in the Statement resonate with the aims and aspirations of the Indigenous Archives Collective.

Kirsten Thorpe and Dr Shannon Faulkhead are founding members of the Collective, establishing the then Indigenous Archives Network in 2011 through the National Archives of Australia Ian Maclean Research Award. In 2018, the group was revitalised as the Indigenous Archives Collective. Current members include Indigenous and non-Indigenous professional archivists and researchers. It has been re-imagined as a place where Indigenous practitioners and researchers lead; as a place of support; and as a place where culturally safe collaboration, dialogue and reflexive practice, and advocacy for transformation in the Australian and international GLAM sector can occur.

The Symposium was held in October 2019 at the National Centre for Indigenous Excellence. Its purpose was to address developments in technology and the management and preservation of collections, which have the potential to either undermine or support Indigenous self-determination and data sovereignty. It was made possible through the leadership of the Jumbunna Institute for Indigenous Education and Research, and sponsorship from University of Technology Sydney, the Australian Institute of Aboriginal and Torres Strait Islander Studies, Monash University, the Australian Society of Archivists, the Aboriginal and Torres Strait Islander Data Archive, the State Library of New South Wales and the Australian Library and Information Association. The relevance of the event was clear in the response to it: it was oversubscribed, and attendees included Indigenous and non-Indigenous peoples from the community, professionals, researchers, and representatives of organisations, which hold records about Aboriginal and Torres Strait Islander peoples.

The importance of Aboriginal and Torres Strait Islander peoples accessing and responding to records that pertain to themselves, their families and communities were asserted in the 1997 report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families,³ and reiterated in the 2019

International Council on Archives (ICA) Tandanya-Adelaide Declaration.⁴ The Statement frames the right of reply within the context of the colonial silencing and dispossession of Aboriginal and Torres Strait Islander peoples' voices and knowledges in the creation of the colonial archive. Enacting the Statement is a potential avenue for truth-telling and healing in the Australian and international GLAM sector.

An issue paper was distributed prior to the Symposium, to encourage discussion on the theme of the right of reply.⁵ It posed wide-ranging questions about, for example, the impact on Indigenous peoples of trends to promote and increase accessibility to data and colonial collections through digitisation, the potential of these trends to enhance the contextualisation of data and collections, and the reinforcement of racist stereotypes and prejudice through automation and artificial intelligence.

During the Symposium's final session, groups of attendees discussed the definitions and the significance of a right of reply and their conclusions formed the basis from which the Statement was developed. Barbara Reed undertook the first drafting of these conclusions into a compilation, which Collective members further developed into the Statement.

The statement is structured around a number of key principles, the first fundamental principle being the right to know. There can be no reply without first knowing. Access to records and the specific relevance for Aboriginal and Torres Strait Islander peoples of the right to know have been a recurring theme in thirty years of recommendations produced by Royal Commissions and Inquiries relating to Aboriginal and Torres Strait Islander peoples' experiences of colonisation and interaction with various state and territory governments. In a discussion of the existence, destruction or dispersed location of records, the *National Inquiry into the Removal of Aboriginal and Torres Strait Islander Children from their Families' Bringing Them Home Report* emphasises the importance of information in records for connecting to family, strengthening identity and supporting wellbeing. Without knowing of records and collections' existence, there can be no right of reply. The recognition of the need to set the record straight through a right of reply was also evidenced in the Trust and Technology report, and articulated in the 'Statement of Principles relating to Australian Indigenous Knowledge and the Archive'.⁶

The four remaining fundamental principles arise from Indigenous peoples' experience working in and using records held in archives. These principles are cultural safety for staff, collections and users; consent to management and use; organisational custody of collections rather than ownership and control; and continual advocacy to ensure Indigenous peoples' rights in data and collections. The Statement calls on institutions to adopt a post-custodial and participatory approach to managing collections and support the development of culturally appropriate and self-determined archival processes. Developing this approach would have to be proactive, such as in building reciprocal relationships with communities and implementing ICIP rights. These principles illustrate how a right of reply is more than an initiative based on particular sets of records. A right of reply exists, or should exist, within archival practice as a whole. Practice is to be based on institutional stewardship as policy, rather than ownership and control.

In keeping with sector frameworks and protocols – the ATSLIRN (Aboriginal and Torres Strait Islander Library, Information and Resource Network) Protocols,⁷ the Statement of Principles relating to Australian Indigenous Knowledge and the Archives,⁸ the CARE Principles for Indigenous Data Governance,⁹ and the Tandanya Declaration – the Statement is intended to be a challenge and a guide.

Future work of the Collective is to develop case studies that explore the methods and questions that arise in relation to activating the principles of the Statement. An area of key focus that arose in the development of the Statement related to the retrospective work necessary to align the work of the archives with Indigenous Data Sovereignty principles.

The statement was developed through lead author Barbara Reed and Collective members Rose Barrowcliffe, Fiona Blackburn, Lauren Booker, Monica Galassi, Duncan Loxton, Charlotte Moar, Nathan Sentence and Kirsten Thorpe with the support of wider Collective members Shannon Faulkhead, Tasha James, Paris Norton, Jennifer R O’Neal, Damien Webb and Cassie Willis.

The full Statement follows:

The Indigenous Archives Collective Position Statement on the Right of Reply to Indigenous Knowledges and Information held in Archives:

The Indigenous Archives Collective asserts the rights of Indigenous peoples to challenge and respond to their information and knowledges contained in archival records held in Galleries, Libraries, Archives and Museum (GLAM) institutions through a *Right of Reply*.

To engage with a *Right of Reply* means to recognise the issues and inherent biases associated with record making and collecting paradigms that silence and subjugate Indigenous peoples’ voices and knowledges. It is also key to the process of truth telling in society and to the support of the self-determination and sovereignty of Indigenous peoples.

The *Right of Reply* is contingent on the *Right to Know* and is a component of a larger participatory model in which record ‘subjects’, individuals and communities are repositioned to become record ‘agents’ and participants in the act of record creation. In this context, the *Right of Reply* is the ability to challenge the depiction of individuals, objects or events presented in records by providing a self-determined response to both the record itself and the metadata associated with it.

Through this process, the *Right of Reply* can provide alternative versions and descriptive frameworks, which sit alongside, rather than replace, the organisational interpretation of records. In a fully implemented participant model, every contributor, including the person whom the record is about, has legal and moral rights and responsibilities in relation to ownership, access and privacy.

To support the *Right of Reply*, the Indigenous Archives Collective affirms the principles and rights frameworks articulated through sector mandates including:

- The United Nations Declaration on the Rights of Indigenous Peoples¹⁰
- CARE Principles for Indigenous Data Governance and associated movements working to support of Indigenous Data Sovereignty

- Statement of Principles relating to Australian Indigenous Knowledge and the Archives¹¹
- The ‘True Tracks’ principles developed by Dr Terri Janke to protect and support Indigenous Cultural and Intellectual Property (ICIP)¹²
- The ATSILIRN Protocols
- The Tandanya Declaration

Why a statement on the *Right of Reply*?

In late 2019, the Indigenous Archives Collective held a Symposium on the importance of Indigenous rights in data and collections and the significance of the *Right of Reply* in relation to Indigenous self-determination and national truth-telling efforts.¹³ One of the main outcomes of the day was the gathering of ideas and feedback from participants, speakers, and organisers to guide progressive action for enabling Indigenous responses to archives.

In Australia, collecting institutions have shaped and maintained records produced by colonial systems of administration and continue to play a role in perpetuating colonial paradigms that are inherently resistant to the needs and priorities of Indigenous peoples. For this reason, the *Right of Reply* is becoming increasingly important, and Indigenous peoples are asserting their rights to update, correct, critique, or enhance Indigenous knowledge that is held in collecting institutions.

These issues have become even more pressing in digital environments where collecting institutions digitise archival records to make them accessible online. Emerging trends in data and technology use raise urgent questions about data sovereignty, copyright, Indigenous Cultural and Intellectual Property and repurposing of records and metadata, which could potentially reiterate bias and incorrect information.

The Indigenous Archive Collective asserts that Indigenous peoples should be leading decisions regarding the management and reuse of material that concerns or impacts them and that mechanisms to support a *Right of Reply* should be a priority for the GLAM sectors. In fact, without the ability to rectify and challenge the records in which they are represented, Indigenous peoples are limited in their expressions of self-determination and representation across GLAM.

We call for the Australian sector to take a stand as Indigenous and non-Indigenous peoples to prioritise the Right of Reply and support Indigenous self-determination in GLAM.

Statement’s principles

THE RIGHT TO KNOW – *Without an authoritative source to identify where relevant material is to be found, further rights, such as the right of reply, cannot be activated.*

Materials relating to different Indigenous communities are fragmented across a range of organisations around the world. While individual organisations may have good knowledge of this material in their custody, there is no mechanism to connect these holdings and bridge this knowledge across organisational boundaries. Indigenous archival records in collections should be identified and prioritised for action as a component

of truth telling. Inter-organisational collaboration in the compilation of indexes and in facilitating access to dispersed records is a starting point to facilitate the *Right to Know* of Indigenous peoples and communities.

PARTICIPATION – *Activation of the materials held in organisations seeks to assist Indigenous peoples achieve outcomes that they define.*

Operationalising a *Right of Reply*, if done appropriately, is a complex exercise involving rethinking many aspects of current practice. Good practice includes not only rethinking the records themselves, their content and categorisation but also the ways and principles of engagement with Indigenous peoples and communities. It is important to note that Indigenous participation is a voluntary undertaking and that decisions not to participate should be respected. Hence, the material created in exercising a *Right of Reply* belongs to the author of the alternative version. This includes decisions about where that alternative version is held, who can have access, when and how the reply should be managed and whether/when it should be destroyed. Indigenous Cultural and Intellectual Property (ICIP) should be recognised and respected.

CULTURAL SAFETY – *All initiatives to activate Indigenous peoples' rights in data, information and records about them should be undertaken to ensure the cultural safety of participants and knowledge.*

All organisations holding Indigenous material must become more adept at identifying, acknowledging, and proactively addressing concerns relating to cultural safety and cultural appropriation. Where specific professional curatorial standards are used, these must be scrutinised to identify any potential to create or further contribute to the misappropriation and subordination of knowledge or, when material is taken out of context, contribute to active harm.

CONSENT – *Every opportunity for engagement with Indigenous peoples should be taken to support Indigenous peoples control of their information, knowledges and representations.*

Much material of the past relating to Indigenous peoples was created or gathered without consent. Projects involved with collecting or incorporating Indigenous material being undertaken now should adhere to the relevant research ethics guidelines. Such research ethics guidelines mandate that projects are safe, respectful, responsible, of high quality and of benefit to Indigenous peoples. All data collected relating to individuals should be subject to prior informed consent.

INSTITUTIONS AS FACILITATORS, NOT OWNERS – *Prioritise institutional support of Indigenous rights to manage Indigenous material according to culturally appropriate means.*

Paradigms of institutional 'ownership' of materials should shift to responsibilities associated with custodianship and facilitation of access, interpretations and mediated use of these collections led by and in collaboration with Indigenous peoples. Institutions must acknowledge the failings of past practices, support truth telling, and proactively identify the ways in which their organisational values and practices directly impede Indigenous self-determination. Institutions should also seek to work collaboratively with Indigenous peoples to develop new professional practices, which are respectful, collaborative, undertaken with informed consent, and according to Indigenous-led priorities and interpretations.

ADVOCACY – *Continual advocacy is required to prioritise the rights of Indigenous peoples in the management of cultural material.*

Advocacy of the rights of Indigenous peoples to their information and knowledges should be prioritised and monitored. Negotiation and consultation with Indigenous Elders, facilitated by Indigenous organisations, should become routine, not exceptional. Training opportunities should be provided to increase the participation of Indigenous peoples in professional roles. Upskilling of all practitioners should be undertaken to embed concepts of cultural safety, cultural awareness, and the ability to prioritise the rights of Indigenous peoples in the management of their resources.

Priorities for action

Key priority areas in relation to the *Right of Reply* include

Priority	Actions
<p>Indigenous-led digitisation priorities and collecting priorities (including born-digital content)</p>	<p>Digitisation projects and new collecting paradigms led by Indigenous peoples and organisations provide an opportunity to seek retrospective consent to the management of material that reflects Indigenous individuals, families and communities. However, digitisation also broadens the availability of material that may contribute to continuing harm to Indigenous peoples. In other cases, it may continue the appropriation of Indigenous knowledge.</p> <p>To achieve this, consultation and negotiation should come before plans to digitise and acquire new collections. Digitisation should be mediated by approved community representatives, identified with the assistance of Indigenous facilitators. New collections should follow advice from the local communities on how they wish to be represented, and which contents they would like to keep for future generations.</p> <p>Furthermore, digitisation provides the opportunity to:</p> <ul style="list-style-type: none"> ● protect fragile historical materials by creating copies for use into the future, ● negotiate appropriate descriptive protocols relating to Indigenous materials, ● improve access and accessibility to collected materials, ● support repatriation and/or copies of digitised materials to be returned to communities and individuals.
<p>Support culturally safe access to digitised collections</p>	<p>One of the main priorities for institutions holding Indigenous archival collections is to facilitate respectful and culturally appropriate online access.</p> <p>That is, the technologies and platforms chosen should support the implementation of multiple Indigenous cultural protocols and culturally safe digital preservation workflows. The use of localised classification systems based on local cultural protocols should also be considered.</p> <p>The choice of suitable technologies can provide exciting opportunities for Indigenous curation and the realisation of rights.</p>

(Continued)

Priority	Actions
Acknowledgement of description bias	<p>The practices of the past need to be acknowledged for what they were, and the work done with Indigenous collections should not be attempts to gloss over the actions of the past, or the biases embedded in collections.</p> <p>Archival practice may re-tag, provide alternative readings recontextualising materials using non-offensive language, but in most cases, the past language should be allowed to remain in some capacity whilst prioritising the cultural safety and priorities of Indigenous peoples.</p> <p>To improve the cultural safety of the Indigenous peoples who work with or access offensive collections, notice should be given that the language of records and metadata can be offensive, potentially offensive, biased and distorted.</p>
Use of machine learning	<p>As a consequence of digitisation and the increased collection of information in digital forms, the potential exists to continue and extend bias and misinterpretation/misuse of information to the detriment of Indigenous peoples.</p> <p>New forms of exposure for individuals and Indigenous knowledges arise when information which was previously embedded in paper form is extracted and converted into data to be analysed using machine processing. Particular care should be employed to address ethical considerations, identify issues of decontextualisation of data and to assess long term risks in such projects. To support this process, Indigenous data sovereignty experts should be involved in the design of projects to protect data of Indigenous peoples. Algorithmic bias is now acknowledged as inherent in many design processes for use of machine learning techniques.</p> <p>Efforts to counter this include:</p> <ul style="list-style-type: none"> ● appropriate ethics clearance, ● consultation with Indigenous peoples in the design and analysis of machine learning projects, ● transparency in the design, ● clear documentation of desired outcomes, ● maintenance of training sets of data and ● active efforts to identify inappropriate cultural bias. <p>Indigenous peoples should be involved in all aspects of machine learning and algorithm design where there is any potential to perpetuate negative stereotyping. Any such dataset created or compiled should be held by an appropriate Indigenous Keeping Place or organisation. Indigenous Data Sovereignty advisors and facilitators should be involved in data projects.</p>
Support Indigenous community archives	<p>Cultural institutions should support the digital return and/or repatriation of archival collections to community and Country, through facilitating the establishment and future sustainability of Indigenous led digital and physical community archives.</p> <p>In this way, communities have the opportunity to manage and describe and to keep control and ownership of the information contained.</p> <p>Support for Indigenous community archives also include advocate for ongoing appropriate resourcing to encourage employment in communities.</p>

Notes

1. The Position Statement is also available in the Indigenous Archives Collective blog, available at: <<https://indigenousarchives.net/indigenous-archives-collective-position-statement-on-the-right-of-reply-to-indigenous-knowledges-and-information-held-in-archives/>>, accessed 15 September 2021.
2. Symposium sessions were recorded and a number can be viewed online at: <<https://vimeo.com/385880219>>, <<https://vimeo.com/385883696>>, <<https://vimeo.com/385894072>>, <<https://vimeo.com/385901508>>, accessed 15 September 2021.
3. National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, *Bringing them home: report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, 1997, available at: <<https://humanrights.gov.au/our-work/bringing-them-home-report-1997>>, accessed 15 September 2021.
4. ICA Expert Group on Indigenous Matters, ‘Tandanya – Adelaide Declaration’, 2019, available at: <<https://www.naa.gov.au/sites/default/files/2020-06/Tandanya-Adelaide-Declaration.pdf>>, accessed 15 September 2021.
5. The issues paper is available at: <<https://indigenousarchives.files.wordpress.com/2019/10/final-right-of-reply-issues-paper-october-2019.pdf>>, accessed 15 September 2021.
6. Monash University Caulfield School of Information Technology, Centre for Australian Indigenous Studies, Public Record Office of Victoria, Koorie Heritage Trust Inc., Victorian Koorie Records Taskforce and Australian Society of Archivists Indigenous Issues Special Interest Group, ‘Koorie Archiving: Trust and technology. Final Report’, 2009, available at: <<https://www.monash.edu/it/hcc/dedt/past-initiatives/trust-and-technology/final-report>>, accessed 15 September 2021.
7. Aboriginal and Torres Strait Islander Library Information Resource Network (ATSILIRN), ‘ATSILIRN Protocols for Libraries Archives and Information Services’, 2015, available at: <<http://atsilirn.aiatsis.gov.au/protocols.php>>, accessed 15 September 2021.
8. Monash University Caulfield School of Information Technology et al., ‘Koorie Archiving: Trust and Technology. Final Report’, 2009, available at: <<https://www.monash.edu/it/hcc/dedt/past-initiatives/trust-and-technology/final-report>>, accessed 15 September 2021.
9. United Nations, ‘United Nations Declaration on the Rights of Indigenous Peoples’, 2007, available at: <<https://www.refworld.org/docid/471355a82.html>>, accessed 15 September 2021.
10. Monash University, ‘Statement of Principles relating to Australian Indigenous Knowledge and the Archives’, 2009, available at: <https://www.monash.edu/__data/assets/pdf_file/0011/2374166/Statement-of-Principles-relating-to-Australian-Indigenous-Knowledge-and-the-Archives-v2.pdf>, accessed 15 September 2021.
11. Terri Janke, *True Tracks: Indigenous cultural and intellectual property principles for putting self-determination into practice*, 2019, available at: <<https://www.terrijanke.com.au/terri-janke-phd-true-tracks>>.
12. Jennifer R O’Neal, ‘“The Right to Know”: Decolonizing Native American Archives’, *Journal of Western Archives*, vol. 6, no. 1, 2015, Article 2.

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Disclosure statement

No potential conflict of interest was reported by the author(s).

Notes on contributor

The Indigenous Archives Collective is a group of researchers and practitioners – both Indigenous and non-Indigenous – created to support dialogue on themes related to Indigenous archives. Established by Dr Shannon Faulkhead and Kirsten Thorpe through a National Archives of Australia Ian Maclean Research Award (2011 to 2016), it was revitalised in 2018 and it is now supported by the Jumbunna Institute for Indigenous Education and Research at the University of Technology Sydney (UTS).