

REVIEW ARTICLE

Displaced and disputed archives: the international debate continues

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In his introduction to *Disputed Archival Heritage*, James Lowry outlines international developments, and the growth of scholarship, since the publication of his *Displaced Archives* in 2017. Whereas contributors to that volume were ‘overwhelmingly white, western European or Anglophone, and writing from countries whose governments are in possession of archives claimed by other countries’ the present volume ‘reflects the diversification of the discourse’ (5–6). Although Lowry regrets that limited communication across languages and locations continues to result in uneven global coverage, he must be congratulated for bringing together a group of archivists and scholars who have so effectively carried the story forward.

There are only two chapters in the book devoted exclusively to Africa. The first, concerned with Zimbabwe, is linked here with two others which are related in subject rather than place. The second concerns Namibia. Another chapter discusses the dichotomy between displaced archives and displaced museum artefacts, noting the occasional links between ways in which demands for their return have been treated. It is in part concerned with Africa. Finally I have noted a chapter with no obvious parallels with African experience but which caught my attention and which resonates with a current UK scandal. This does not, of course, mean that other chapters have no global application; Lowry’s introduction provides excellent summaries.

In her chapter, ‘*Ngaadzoke please: a Dare/Inkundla for the Rhodesian Army records*’, Forget Chaterera-Zambuko describes her work as a contribution to the emergent critical theorization of displaced archives. She points to the international models shaped by Western legal thought that have failed to achieve repatriation, while at the same time reminding us of the renewed interest in the 1983 Vienna Convention on the Succession of States in respect of State Property, Archives, and Debts,¹ which insisted that ‘State archives of the predecessor State during the period of dependence

¹ https://legal.un.org/ilc/texts/instruments/english/conventions/3_3_1983.pdf#:~:text=Vienna%20Convention%20on%20Succession%20of%20States%20in%20respect,the%20international%20community%20brought%20about%20by%20thedecolonization%20process%2C

shall pass to the newly independent State'. As readers will be aware, the Convention did not come into force, being ratified by too few member states, but its provisions have continued to inform thinking on displaced and disputed archives.

Focusing on the Rhodesian Army Records, whose whereabouts have been unknown since the controversial closure of the British Empire and Commonwealth Museum a decade ago, Chaterera-Zambuko notes that the voices of Zimbabwean archivists remain unheard in the international discourse around displacement. Using the analogy of traditional community courts in Zimbabwe which ensure equal participation of all members, she stresses the importance of Zimbabwean archivists having a voice and of the international archival community being prepared to listen. In 2020, she sought the views of Zimbabwean archivists. It must have been a dispiriting experience: of twenty archivists invited to comment only seven did so. Others did not respond, or were unwilling to share their opinions despite assurances of anonymity. Those few who did participate agreed that the records should be returned to Zimbabwe but most doubted that this would happen, distrusting not only European governments but also their own. Their views are set out. One stressed that no government is prepared to release information which incriminates or embarrasses it and suggested that any hope for repatriation should perhaps be forgotten: 'a good soldier does not waste time fighting a losing battle' (128). Despite such pessimism the overall opinion was that displacement constitutes an injustice that must be righted.

The position of the International Council on Archives (ICA) should be borne in mind. Its code of ethics states that 'Archivists should cooperate in the repatriation of displaced archives'.² One would hope that 'cooperation' might include a willingness to discuss the subject. Chaterera-Zambuko concludes:

In the *Dare/Inkundla* system the decision is determined by the community and the verdict is pronounced by the council of elders. In general, the community has decided that the records should be repatriated, whether the community is construed as Zimbabwean archivists or archivists in Commonwealth countries (including Britain): there is no disagreement in the literature. But the records are not returned, because in this framing, the part of the council of elders is played by the British, who do not recognize our consensus. How far are we from colonial rule if the power to make the verdict is not shared with us? (132)

Here the author seems to suggest that Britain has authority in this case. In fact, the Rhodesian Army Records are known to be in private hands. Two other chapters explore the origins of the 1983 Vienna Convention, while emphasising very different aspects of its genesis. In "'Joint heritage": provincializing an archival ideal' Riley Linebaugh focuses on the preparatory work of UNESCO, the ICA and the International Law Commission. She also steps back over the years to trace notions of shared human history, and an ideal of cultural heritage beyond borders, in the 1943 Allied creation of the Monuments, Fine Arts and Archives (MFA&A) programme to protect cultural property. The MFA&A is now associated with the retrieval of looted artwork, but much of its early work rested on the protection of archives, partly to secure documentation for the Nüremberg trials, and fed into the creation of the ICA in 1948.

² https://www.ica.org/sites/default/files/ICA_1996-09-06_code%20of%20ethics_EN.pdf

Linebaugh outlines the well-known stories of the removal of colonial government records as metropolitan powers withdrew from empire, and the ongoing demands for their return. As her title indicates, she is particularly concerned with the concept of 'joint heritage' which she suggests was formulated during the planning of the 1983 Convention as 'an intervention in stalemates between former colonizing and colonized states' (20). Varied definitions of 'joint heritage' were suggested but it was considered generally applicable when a collection of records could not be divided without destroying its value. In such cases it should be left physically intact in one of the countries concerned. The two (or more) states sharing joint heritage should then be given equal rights. As Linebaugh points out, what exactly these 'rights' should be was never clarified. Nor was it clear how parties could be expected to reach an amicable agreement given their histories.

The concept of joint heritage was revived by UNESCO in the 1990s as the end of apartheid in South Africa and conflicts in Iraq and Yugoslavia threw up new problems. A 1998 report stated that rights and responsibilities connected with the custody of and access to the joint archival heritage were to be agreed by the states concerned, but apparently gave no guidance. The concept was still alive in 2016 when the ICA established an Expert Group on Shared Archival Heritage to replace a 'dormant' Displaced Archives Working Group.

Linebaugh concludes with an account of the pioneering, although unsuccessful, attempts by the Kenya National Archives to retrieve records of the colonial government and the role of Kenya in achieving the eventual British admission, in 2011, that such documentation was clandestinely held in the UK. She outlines some of the very patchy international developments since, including the more positive agreements between Suriname and the Netherlands, and between Namibia and South Africa, both of which are subjects of chapters within this volume.

Disputed Archival Heritage was published several months before the UK National Archives announced its decision to digitize the colonial government records removed from thirty-seven former British dependencies, including Kenya, and to make the images available to the countries concerned while retaining the originals. Would Linebaugh and other contributors regard this development as at least a partially successful answer to the many questions surrounding 'joint heritage'?

Inevitably there is some overlap between Linebaugh's chapter and J. J. Ghaddar's 'Provenance in place: crafting the Vienna Convention for global decolonization and archival repatriation'. Ghaddar too stresses that the Convention is not about co-ownership, shared or joint heritage, or reproduction, but she also provides a very different background to the genesis of the Convention, grounding it in the 'Third World Project' of national, racial and social liberation. Her chapter 'makes connections between this history, the international laws and norms that emerge from it, and wider debates about knowledge, self-determination, antiracism, cultural heritage, economic development, and decolonization still relevant today' (50). Stressing the involvement of 'Third World' thinkers and activists she points in particular to the role of the Algerian jurist, Dr Mohamed Bedjaoui, who led the UN's International Law Commission in its dealings with archives and state succession, and outlines his 'lifelong preoccupation with the politics and law of decolonization, as well as his many publications, initiatives and legal interventions' (63).

While acknowledging the imperial origins of international law, Ghaddar places her emphasis elsewhere. She notes the huge growth in UNESCO membership with the accession of newly independent countries, particularly in Africa and Asia. She stresses the significance of the 1955 Bandung Conference, and of other conversations, in bringing together the various strands of Pan-Arabism, Pan-Africanism and, to a lesser degree, Pan-Asianism. Other significant developments included the birth of the Non-Aligned Movement in 1961, the creation of the Organization of African Unity in 1963, and the First Solidarity Conference of the Peoples of Africa, Asia and Latin America in 1966. Ultimately, Ghaddar believes that the 1983 Convention 'is the culmination of a series of interconnected efforts over almost two decades led by the Third World Bloc to push forward an archival repatriation agenda in different national, regional and global forums' (66).

Ghaddar discusses the concept of 'territorial pertinence', introduced by the Society of American Archivists, as distinct from 'territorial provenance'; the first holding that records belong in the country to which they relate, whereas the second believes that they should remain with the agency that created them. The Convention, she writes, follows the first concept in stating that records should be kept together based on the place they pertain to and *in that place*. In other words, records of the metropolitan power created in, for example, London or Paris, and relating to, say, Ghana or Senegal, belong in those West African countries rather than in Europe and should be transferred to the newly independent state *when they are vital to its ability to operate*. This, surely, muddies the waters of contemporary debate. The records of those arms of the British and French governments responsible for colonial administration may well have been vital to the operations of newly independent territories. Kwame Nkrumah certainly thought so, detecting 'a definite intention to cut off all links between the past and the present which could help us in finding our bearings'³ but records were not so transferred at independence. How can this paradox be addressed now?

In noting the somewhat rigid distinctions between libraries, archives, and museums imposed by UNESCO's establishment of the International Federation of Library Associations, the International Council on Archives and the International Council of Museums, Ghaddar leads us neatly, if indirectly, into the subject of Jos van Beurden's chapter 'Claims for colonial objects and for colonial archives: can the two meet?' Demands for the return of artefacts in European museums – whether looted or legitimately acquired – are constantly before us, and some are now being addressed. Comparable media or public interest in the return of archives is rare – perhaps non-existent. Van Beurden looks for balance. He investigates cases in which negotiations about the return of disputed colonial archives and museum objects have been linked, the extent to which they are comparable and can be dealt with simultaneously, and how such links play in the current debates about returns. He reviews negotiations between Ethiopia and Italy after the Second World War; Papua New Guinea and Australia, and Indonesia and the Netherlands, in the 1970s, and the ongoing negotiations between Rwanda and Belgium.

Rwandan demands for the return of archives and artefacts are quite recent. A cultural heritage policy developed from 2006 included calls for the return of such

³ Kwame Nkrumah (2007 [1963]), *Africa Must Unite*. Bedford: Panaf Books.

items located in Europe and elsewhere, but there was little progress until the Rwanda Archive and Library Services Authority (RALSA) organized a conference that resolved, in 2018, that Belgium should be asked to return all records of colonial administration together with geological records in the Royal Museum for Central Africa in Tervuren. The two countries agreed a four-year programme of cooperation and in 2019 a Rwandan delegation travelled to Belgium to study colonial administration records dating from the German occupation of the late 1800s together with subsequent Belgian papers. Bottlenecks in digital repatriation include the need to declassify some records and the fact that many relate also to Burundi and/or the Democratic Republic of Congo. In December 2019 the Royal Museum provided information about 2300 Rwandan objects in its collection, providing a picture and a description of each item and, where possible, details of its acquisition including the role of middlemen. Belgium is waiting for a formal and specified request for return. In February 2020, Belgium made the geological archives digitally available.

The idea of seeking the return of archives and artefacts came from Rwanda, possibly inspired by President Macron's restitution speech in Burkina Faso in November 2017 and the subsequent report by Bénédicte Savoy and Felwine Sarr.⁴ The country's robust approach and the well thought out policy paper formulated between 2006 and 2008 have begun to yield results. Rwanda accepts digital repatriation of archival materials, acknowledging its limited conservation facilities, while discussions about the return of objects concern the originals.

The second specifically African chapter is 'Archival entanglements: colonial rule and records in Namibia', by Ellen Ndeshi Namhila and Werner Hillebrecht, which provides vivid examples of the complications which arise when the history of a country is particularly 'entangled'. Prior to German colonization in 1884, oral traditions were collected by missionaries of various nations, and scattered in private hands and institutions. Published memoirs of nineteenth-century travellers, hunters, traders and missionaries were available in Namibia, but heavily edited to suit contemporary interests, whereas original correspondence, reports, and diaries were removed from the country and subject to the vagaries of family custody and the antiquarian 'Africana' market. Records of the German administration had a chequered history. Many were sent to Germany. Military records of the genocidal war of 1904–08, held in Potsdam, were destroyed in a 1945 air raid. Other colonial documentation was seized by the Russians and returned to East Germany in 1955. It was only after German re-unification that this formed the basis of the first academic histories of German rule. In a remarkable and unprecedented move microfilm of the entire collection was, in 2003, made available without charge to the national archives of former German colonies, including Namibia.

In 1920 Namibia was assigned to South Africa as a League of Nations mandate. Despite the termination of the mandate in 1966, and an International Court of Justice ruling in 1971 that South Africa's continuing presence in the country was illegal, it was not until 1990 that Namibia achieved independence. Early neglect of the Namibian records during the South African period was to some extent rectified in the 1930s when officials belatedly recognized their importance. However, constant redevelopment of South African policies and rearrangement of bureaucracies,

⁴ https://web.archive.org/web/20190328181703/http://restitutionreport2018.com/sarr_savoy_en.pdf.

including the incorporation of Namibia into the 'Bantustan' system, created an administrative and archival nightmare. With independence in 1990, 'the archivists ... heaved a sigh of relief' (200).

The long years of Namibia's struggle for independence led to further 'scattering' of the records. Between 2001 and 2009 the National Archives received additional funding through a Namibian/German project, 'Archives of Anti-Colonial Resistance and the Liberation Struggle' (AACRLS), designed to fill the gaps created by the previous exclusion of resistance records. It repatriated entangled and private archives from Germany, Sweden, Finland, the Netherlands and the United Nations, but funding was not renewed and contacts that required follow-up were abandoned.

As noted above, as I concentrate in this review on chapters relevant to Africa, while not neglecting global applications, I have discussed only five of the twelve chapters in this important volume. Two others relate to the Caribbean (one of them, by Stanley H. Griffin, connecting displaced archives with the reparations movement), one to the Madeiran Archipelago, where archivists seek the return of documents held in Lisbon, one to ISIS files, one to Armenian archives in the United States, and one to the repatriation of Surinamese archives from the Netherlands.

Another chapter particularly caught my attention although it also appears to have no relevance or application to Africa. This is Maria Montenegro's 'Re-placing evidence: locating archival displacements in the US Federal Acknowledgment Process', a fascinating account of the frustrated attempts by United States indigenous peoples to achieve federal 'acknowledgment'. The Federal Acknowledgment Process is a system through which the United States recognizes the sovereign and separate political status of tribal nations who then become eligible to receive resources provided to members of 'Indian tribes' (Montenegro acknowledges problems of nomenclature). In order to be recognized, petitioners must provide documentary evidence that they descend from a historical tribe or tribes. The dispersal of such evidence in over twenty repositories, including private, religious, university, regional, and national archives, and in many cases the absence of such evidence, 'is a direct consequence of tribes being removed, relocated, and replaced by the state' (101). This is, therefore, an example of internal displacement rather than the international displacements with which we are more familiar. The group discussed has to date failed to meet the demands of the state which sometimes include requests for evidence that state entities themselves never collected or have since lost or destroyed.

This story may or may not have any African relevance but it does resonate with the recent experiences of migrants to the UK from former British dependencies, particularly in the Caribbean, the so-called 'Windrush Generation'. Individuals who had lived legally in the UK for decades, many of them arriving as young children, were suddenly required to provide documentary proof that they had remained permanently resident in Britain. For most this was an impossibility; often there was no proof even of their arrival given that the Home Office had destroyed crucial landing cards. Individuals were denied basic rights including health care, some lost their jobs, some were deported. A compensation scheme has been woefully slow in addressing their suffering which is hardly surprising given that the rules, first issued in June 2020, have been updated ten times and now run to fifty pages.

In conclusion, this is an important book that provides an overview of recent developments in scholarly thinking around the topics of displaced and disputed archives. Its availability as an Open Access online edition will hopefully encourage anyone with a concern for rights to information to scan its contents. Lowry's introduction provides a way in.

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