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 Peoples
- 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 Archives
- The 'True Tracks' principles developed by Dr Terri Janke to protect and support Indigenous Cultural and Intellectual Property (ICIP)
- 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. 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 become even more pressing in digital environments were 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 the 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 people's 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, 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 practice which is 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
	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.
Indigenous-led digitisation priorities and collecting priorities (including born-digital content)	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.
	Further, digitisation provides the opportunity to: • protect fragile historical materials 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.
	One of the main priorities for institutions holding Indigenous archival collections is facilitate respectful and culturally appropriate online access.
Support culturally safe access to digitised collections	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.
	The choice of suitable technologies can provide exciting

opportunities for Indigenous curation and the realisation of rights.

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.

Acknowledgment of description bias

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.

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.

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.

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.

Use of machine learning

Algorithmic bias is now acknowledged as inherent in many design processes for use of machine learning techniques. Efforts to counter this include:

- 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.

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.

	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.
Support Indigenous community archives	In this way, communities have the opportunity to manage and describe cultural materials according to protocols suited to local protocols and Indigenous knowledge systems, and to keep control and ownership of the information contained.
	Support for Indigenous community archives also include advocate for ongoing appropriate resourcing to encourage employment in communities.

Acknowledgements

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