

Disputed Archival Heritage

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In the 1960s, when the “wind of change” swept through the African continent and many colonial states gained independence, the British Empire left with almost all Colonial Office records, resulting in what is now termed “disputed archives.” This was also the case with other former colonies. There were, of course, those who advocated for the return of displaced archives to their rightful owners; Nathan Mnjama, for example, was throughout his forty-year career a lone voice from the African region who championed this cause. And there were some successes, such as that of late Director of the National Archives of Zimbabwe Ivan Murambiwa (may his soul rest in eternal power), who oversaw the return of Rhodesian Military Intelligence archives from South Africa. However, despite decades of efforts by archival activists, organizations such as the International Council on Archives (ICA) and UNESCO, and international statutes such as Article 10 of the *Vienna Convention on Succession of States in respect of State Property, Archives and Debts*, calls for colonial powers to return disputed archives largely went unheeded. As Jeannette Bastian writes in the book’s foreword, “when the colonial powers abandoned the colonies, they generally either destroyed records or took them with them, claiming ownership and custody and essentially ignoring any claims made against them” (p. xii).

The international discourse on disputed archives—also known as migrated archives, displaced archives, fugitive archives, guerrilla archives, and diasporic archives—was thus waning until the 2019 publication of *Disputed Archives*, which was also edited by James Lowry and published by Routledge. Providing historical context and legal views of displaced archives from an international perspective, *Disputed Archives* resuscitated the effort to find solutions to joint or shared heritage. *Disputed Archival Heritage* is a continuation of this work. This collection of essays is designed to rekindle an international dialogue about displaced archives after efforts to repatriate them in international forums stalled.

Edited by James Lowry, associate professor in information studies at Queens College, City University of New York, the essays in this volume address common threads related to custody, ownership, and access to disputed archives. The volume outlines three general types of disputed archives. First, Ascensão de Macedo, Carlos Guardado da Silva, and Maria Cristina Vieira de Freitas discuss internally displaced archives within the borders of a country. Such archives exist in reconstructed nations like South Africa, which is recovering from colonialism and apartheid. For example, archival records of some South African provinces, such as Mpumalanga, Gauteng, and Limpopo, are in the custody of the national archives repository because these

provinces were previously part of Transvaal.¹ Yet it is difficult to return such archives to their respective provinces due to pending approval of the national repatriation policy. Furthermore, some archivists argue that the archival bond between some of the materials might be affected if the materials were returned, as the archives now belong to four provinces. Instead, these archivists advocate for production of digital surrogates for such archives, which can then be shared. The current policy position of the National Archives of South Africa only applies to records of the national government that are in various provinces. The policy states that custody of such records should be the responsibility of the provincial archival service because the records will be maintained in the context in which they were created and used functionally and will be more accessible to the communities on which they have a direct bearing and to records creators who might occasionally require them for functional purposes.

Displaced archives held in a different country with a different sovereign than their provenance represent another type of disputed archives, and they have their own challenges. Displaced archives at the British National Archives, for example, are “entangled with legalities and technicalities that have, to this date, made it impossible to repatriate [them] . . . to their provenances around the world” (p. 121). This is compounded by a lack of inventories for displaced archives, which may result in those who advocate for their return searching for a needle in a haystack. For example, due to a lack of cataloging, Chaterera-Zambuko indicated that many African archivists do not know which British entities have custody of the archives of the Rhodesian Army. Requesting repatriation of such archives will therefore be a tall order if archivists do not know which collections exist where. The archival relations between Namibia and Botswana are also an instructive example of bureaucratic procedural hurdles. Apart from the early Caprivi records in Botswana, the Botswana National Archives holds highly significant records relating to Namibian exiles during the German colonial wars and the struggle for liberation. Countries like Botswana should follow the example of South Africa and return these records before they themselves request the repatriation of records—such as High Commission Territories (i.e., Bechuanaland, Basotholand, and Swaziland, now Eswatini) records—from Britain.

Other displaced archives are in the hands of private individuals and journalists. These are what Anne Gilliland and Marianna Hovhannisyan, contributors to *Disputed Archival Heritage*, term “the third kind of displaced archives, which may occur when personal and community materials are carried into or created through diaspora by displaced people” (p. 233). Displaced archives in the hands of individuals are difficult to trace and are often sold on the black market, as was the case with the files of Percy Yutar (state prosecutor at the 1963–1964 Rivonia Trial that led to the imprisonment of Nelson Mandela and other members of the African National Congress),² which ended up on the black market in the United Kingdom.

Nonetheless, some of these records were later brought to South Africa through the intervention of the Oppenheimer family in 2009.

Displaced archives, especially those from colonial masters, are classified in this book as shared or joint archives. Most of the authors advocate returning these archives to their provenance or sharing them through digitized or microfilmed surrogates. For some authors, such as Riley Linebaugh and Forget Chaterera-Zambuko, there is anger rightfully directed at the United Kingdom for displacing the archives of its former colonies. While the British Empire displaced a large portion of disputed archives, other European nations, such as Portugal, Germany, Belgium, France, Italy, and Spain, also displaced archives in Africa, South America, and other regions, although this is not fully covered in the essays in this book. For example, Mozambique's records detailing how the sewage system of that country was laid out were taken by Portugal when the country gained independence. Mozambique is prone to flooding, and the country now has no records to use in detecting where flooding could impact the sewage system. Likewise, because Belgium took the colonial-era records of the Democratic Republic of the Congo (DRC, formerly Zaire) when the DRC gained independence, the country could not even establish a national archives until 1989. Even now, the Institut National des Archives du Congo has many gaps in its holdings, which has created a huge gap in the country's national memory. These are just some of the issues missing from the essays. However, the editor himself acknowledges that "there are large regions of the world that are not discussed in essays in this book, reflecting the still limited communication across languages and locations in relation to displaced archives" (p. 6). I hope this omission can be rectified in future or companion editions to address the problem holistically and globally.

It also would have been useful to hear dissenting voices on the issue of disputed archives. Francis Garaba, an information science lecturer at University of KwaZulu-Natal, for example, applauds activities to reclaim this archival heritage. But he also argues that the time is now for closure and a focus on transformation in line with Africa's Agenda 2063 so that archives can reflect the history of Africans as told by Africans, thereby resulting in (re)Africanization.³ Garaba's argument is similar to Aarons, Bastian, and Griffin's talk of "caribbeanisation of archives" in their 2022 book *Archiving Caribbean Identity*.⁴

However, there is a glimmer of light at the end of the tunnel, and surely it is not that of an oncoming train, as the book is already achieving one of its intentions—to sensitize British archivists about the injustice brought by displaced archives through Migrated Archives Working Group seminars. Immediately after *Disputed Archival Heritage* was published, the editor organized a listening session on the Migrated Archives,⁵ a series of records removed from thirty-seven of Britain's former colonies and held in secret by the Foreign and Commonwealth Office for decades, before they were transferred to the British National Archives around 2012. The listening

session was one in a series of five events intended to raise awareness among, and spur action from, British archivists about the Migrated Archives. Although *Disputed Archival Heritage* was not directly mentioned, the discussions touched on some of the book's content. In this regard, British archivists can hopefully bring about change by applying pressure on the British government through letters, social media campaigns (e.g., #MigratedArchives), and other means to repatriate these archives. The book does include success stories, such as the repatriation of records from Namibia to South Africa and Germany, as highlighted by contributors Ellen Ndeshi Namhila and Werne Hillebrecht. This success story can be used as a model for repatriation of archives, although it was a painstaking exercise for the records to be repatriated. Hurdles were encountered from "archivist to archivist, from Minister to Minister, and [from] diplomatic visits by the High Commissioner—until the envisaged repatriation was effectively finalized" (p. 201).

As we yearn for the return of these exiled archives, perhaps we should pause and ask ourselves several questions, including the initial reasons why these archives were displaced. Are these reasons no longer applicable, meaning that colonizers might agree to return the records? Should some form of impunity or protection from incrimination be offered to colonizers—e.g., through a truth and reconciliation commission—as motivation for returning records? If displaced archives are returned, do the receiving countries have the necessary archival infrastructure to take these records into custody? In South Africa, for example, the national archival building is at capacity, which is the case with other national archives repositories. Natural disasters, like the fires at the South African parliament and University of Cape Town library, are also challenges. While it is important for Britain to return records such as the Blue Books, House of Assembly reports, Commission reports, and Hansard debates to replace the ones damaged by these fires, the fires themselves are a problem because they show a lack of disaster preparedness and recovery. Why are the Commonwealth countries not speaking with one voice to address these issues and have records returned to them?

What is at stake in disputed archives is more than just cultural property or access to information. For countries like South Africa, displaced archives are necessary for healing. Without the full picture of those who were forcefully removed from the land due to the policies of colonialism and apartheid, the land question will continue to be a heated and highly contested issue. In this regard, repatriation of missionary records and other displaced archives could help enrich the current debate in South Africa on "Expropriation of Land Without Compensation."⁶ Perhaps global adoption of the Vienna Convention, as advocated by Ghaddar (p. 52), would help. The issue of displaced archives could also be put on the agenda when heads of Commonwealth countries meet.

It is clear from this book that displaced archives have a severe impact on the colonies' social memory and justice. Undoubtedly, a large portion of the disputed

archives have been displaced by the British Empire. However, the book gives hope that such archives can be returned to their places of origin or at least shared digitally. This can happen if the former colonies put more pressure on the colonial powers to return the displaced archives.

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NOTES

- ¹ Transvaal was one of the four provinces of South Africa during colonialism and apartheid rule. It occupied the northeastern part of the country, specifically the present-day provinces of Limpopo, Gauteng, and Mpumalanga. "Transvaal," *Encyclopædia Britannica*, July 17, 2023, <https://www.britannica.com/place/Transvaal>.
- ² African National Congress, "The Rivonia Trial," June 1, 2009, <https://www.anc1912.org.za/rivonia-trial-the-rivonia-trial/>.
- ³ Francis Garaba, "Migrated Archives: Time for Closure to Turn the Wheels of Reconciliation and Healing for Africa," *Journal of the South African Society of Archivists* 54 (2021): 1–11, <https://doi.org/10.4314/jsasa.v54i1.1>.
- ⁴ John Aarons, Jeanette A. Bastian, and Stanley Hazley Griffin, *Archiving Caribbean Identity: Records, Community, and Memory*, 1st ed. (London: Routledge, 2022).
- ⁵ Archives Portal Europe, "Webinar Series on the Foreign and Commonwealth Office Migrated Archives," December 10, 2022, <https://www.archivesportaleurope.net/blog/webinar-series-on-the-foreign-and-commonwealth-office-migrated-archives>.
- ⁶ More information on appropriation of land is available through the Parliament of the Republic of South Africa, "The Expropriation Bill [B23-2020]," accessed March 12, 2023, <https://www.parliament.gov.za/project-event-details/1670>.