

**Connections & Conversations**  
**Australian Society of Archivists Conference 2006**

**Offices of Memory**

***The paradigm of the global as a tool for the preservation of culture***

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*'The two offices of memory are collection and distribution.'* ~ Samuel Johnson

*The function of remembering is often cast as an act of choice. We choose to remember that tagged as important, we forget that which is not. Yet why we choose to forget (not make accessible, not distribute) can be as important as what we choose to remember. The Memory of the World Program establishes a frame of reference and a mechanism for world-wide recollection. It tags a specific item or set of items in a way that makes significance accessible, and secures agreement as to value. But in memory the act of rejection is as important as the act of retention. This paper explores the difficulties that arise when the offices of collection and distribution are managed through a globalised hierarchy of value. It reflects on the corollary of mechanisms for memory, particularly those mechanisms for sanctioned forgetting, where dominant voices and stronger narratives drown more fragile, less centrally connected ones, and where information needs to be delivered in particular formats to be ensure global accessibility.*

Samuel Johnson, essayist, philosopher, lexicographer and keeper of the English language claimed:

*The two offices of memory are collection and distribution.*

A lovely quote with which to start a paper that explores the role of UNESCO's Memory of the World Program.

The Memory of the World Program is framed in various ways, depending on whether you enter the Australian Memory of the World site or the UNESCO Memory of the World site. This in itself makes

it difficult to penetrate the expectations underpinning the various activities that make up the program. Maggie Shapley outlined the Australian Memory of the World Program in the presentation preceding mine at the 2006 Australian Society of Archivists Conference 'Connections and Conversations – Archives at Work'. I refer you to her paper 'The Australian Memory of the World Register' for this excellent account.

The information on the UNESCO Memory of the World website states:

*Documentary heritage reflects the diversity of languages, peoples and cultures. It is the mirror of the world and its memory. But this memory is fragile. Every day, irreplaceable parts of this memory disappear for ever. UNESCO has launched the Memory of the World Programme to guard against collective amnesia calling upon the preservation of the valuable archive holdings and library collections all over the world ensuring their wide dissemination.*

[http://portal.unesco.org/ci/en/ev.phpURL\\_ID=1538&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.phpURL_ID=1538&URL_DO=DO_TOPIC&URL_SECTION=201.html) [accessed 10 October 2006])

This statement frames the Memory of the World Program with three constructs:

- Identification
- Risk management
- Access

The program is explained as a method for supporting culture under threat. In framing the program as 'world memory' and embedding 'documentary heritage' and 'library and archives' in the description, the program appears, as is necessary for a UNESCO sponsored program, to be a benign and agreed framework for implementing initiatives that support the preservation of material that relates to literate cultures. But I think it is disingenuous to talk about 'world memory' and problematic to conjoin preservation with access. Although UNESCO has developed a parallel program for intangible culture the corralling of content by format presents some very real issues, not least by establishing a false dichotomy between content and carrier.

This definition of documentary heritage was enshrined under Article I section 2 (c) of UNESCO's constitution which commits the organisation to:

*Maintain, increase and diffuse knowledge:*

*By assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to nations concerned the necessary international conventions*

[http://www.icomos.org/unesco/unesco\\_constitution.html](http://www.icomos.org/unesco/unesco_constitution.html) [accessed 29 January 2007])

There are a number of assumptions in this statement that reflect the mid-twentieth century, post-war, post-colonial Western worldview that framed the birth of the United Nations. In the twenty-first century such a worldview is problematic. Although international criticism of the United Nations is a highly politicised activity often with suspect motivation, there is no doubt that the perception of the UN as strong on rhetoric but weak on impact is not without foundation. Despite the fact that there are excellent thinkers associated with programs such as Memory of the World, there nevertheless remains this disconcerting gap between rhetoric and substance.

An obvious first order consideration is – whose memory are we talking about? Putting poetic prose to one side there is a big difference between documentation and memory. The personal and contestable nature of memory gives individual memory a potent role in national storytelling. We don't all have the same memory, even of the same things. Documentation is different. A document articulates and encapsulates events or positions; it is the story made literate, and often literal. The reason that memory is much more various than documentation – and therefore a much richer source for reflection – is relevant. Documentation often presents a sanctioned, dominant and collated view. National stories often go through a gradual development as the sanctioned documentation is modified by emergence of the preserved memory. The intangible and local story often contests, and then becomes the ballast for the sanctioned, national story. In time the personal and intangible becomes the publicly acknowledged document; the migrant's story, the internment camp secrets, the institutional abuse – these alternative narratives are compiled in books, preserved in radio or television programs or turned into film. Once in the public sphere other voices are often added to the storytelling.

The Memory of the World enshrines and, more problematically, encapsulates this process, showcasing institutionalised agreement about national significance. In this context it is worthwhile asking:

- Who wants to remember?
- Who wants to forget?
- Why we are remembering? and
- What is being remembered?

If we ask these questions as part of the process then the issue of what could constitute the Memory of the World becomes a more complex matter. The dichotomies of the program become clearer if we explore it through the three framing precepts: identification, risk management and access. Let us start with risk management.

## **Risk Management**

The continuing case of Cobell v. Norton (later Cobell v. Kempthorne) presents an excellent case study with which to explore the challenges for Memory of the World as a process for managing risk to documentary heritage. This case, which has been running in the US since 1996, remains unresolved. It evolved from the realisation by a number of Native Americans that funds which were legally due them through the Native American Trust Fund (a fund established when the US Government confiscated Indian title to their lands and established a trust to manage these lands and activity relating to their development and management) were improperly managed. Profits from trust activity were supposed to flow through the Trust back to individuals.

On June 1996 Elouise Cobell and four other plaintiffs filed a complaint in the U.S. District Court, Washington, D.C., seeking reform of the trust system and an accounting of money held in the trusts. In November of that year the Court ordered the Department of the Interior and the Treasury to produce relevant documents. At this stage, and up until May 1999, it was thought that the archival documentation that reflected the history would provide a critical evidential tool in resolution of the complaint. By May 1998 the Court had not received the relevant files, and on 18 December Judge Lamberth issued an order to show cause why Interior Secretary Babbitt, Treasury Secretary Rubin and Assistant Interior Secretary Gover should not be held in contempt of court for failure to produce the documents.

Unknown to the court, between November 23 1998 and January 28 1999 the Treasury's Financial Management Service had destroyed 162 boxes of relevant documents stored in a suburban Maryland warehouse. During this period Government lawyers were telling the Court that searches were underway for the records.

On 22 February 1999 Judge Lamberth, unaware at that point that the files had been destroyed, found Babbitt, Rubin and Gover in contempt for failing to produce the records.

On May 11 1999 Government lawyers notified the Court that Treasury destroyed 162 boxes of documents.

In August 1999 Judge Lamberth ordered the Interior and Treasury to pay \$600,000 in penalties for the delay in reporting the destruction of the documents, and in October he appointed a mediator. In December of that year, the Court-appointed Special Master Alan L. Balaran found that the Treasury and the Department of Interior lawyers had violated ethical rulings noting that 'This is a system clearly out of control.'

Despite this the plaintiffs continued to fight for their right to know the financial implications of this breach of trust, estimated by some to be well over \$100 billion. In July 2006, a decade after the

case commenced, the U.S. Court of Appeals removed U.S. District Judge Lamberth from the case. The plaintiffs noted: 'In so doing, we lost the services of a dedicated and fair jurist who had presided over our case since its inception in 1996.' (For an overview of this case go to: <http://www.indiantrust.com/>)

There are two points here. Firstly these boxes represent the type of material that is in real danger – documentary evidence that has adverse political and financial implications for the dominant interest. None of the listings on the Memory of the World register appear to be jeopardised in this way. Even if the Native American trust documents were to have been proposed for Memory of the World listing, they are unlikely to have been deemed significant within Memory of the World criteria. Their significance is identified in the act of their destruction. They are critical documents about use and abuse of Government power. Their destruction (and the removal of Judge Lamberth from the case) says as much about this abuse of power as the continued existence of the files. What their destruction has done, however, is to remove evidence relating to Native American rights to compensation. Here the question of who wants to forget, and why, has real resonance.

The second point that this case raises, which is evidenced by the removal of Judge Lamberth, is that not only are the documents in danger, but that the people who support the preservation of the documents and who take action commensurate with this support are also in danger. Proposing and accepting documentary heritage for inclusion on the Memory of the World lists should be risky business. If the Memory of the World Programme highlights anything under the risk paradigm it will, in many cases, be highlighting unpalatable political realities.

## **Identification**

This is where the second precept of the framework, identification, is critical. Let us explore this precept through the prism of the Mabo Case Papers, one of the two items from the Australian Memory of the World register that is also represented on the international Memory of the World list.

The citation on the Australian Memory of the World website states:

*The personal papers of Edward Koiki Mabo are held alongside legal and historical materials relating to the Mabo Case. Eddie Mabo was an indigenous activist whose efforts resulted – shortly after his death – in the Australian High Court, in June 1992, overturning the doctrine of 'terra nullius'. The judgment unleashed profound change in Australia's legal and legislative landscape, influencing the status and land rights of its indigenous peoples and race relations generally. The significance of the Mabo Case lies in it being an extremely rare instance in*

*world history of pre-existing tribal law being formally recognised as superior to fundamental law of the 'invading' culture, regardless of the economic and political implications.*

([http://www.amw.org.au/items/002/002\\_nom.htm](http://www.amw.org.au/items/002/002_nom.htm))

It is incontrovertible that this collection of papers is, by almost any criteria, of international significance. It is important that successful Indigenous activism is showcased in our national institutions. This is part of what is being asserted in the identification of the Mabo papers on the register. Nevertheless the citation, and what it represents, is disturbing, and the celebratory nature of this citation clouds rather than distinguishes the reality of the outcomes of the Mabo ruling.

*Nearly a decade has passed since the High Court recognised the existence of Native Title at common law in Australia (Mabo (No. 2) 1992). The current situation is that the land returned in Australia since Mabo has been minuscule. For those Indigenous people who have been waiting for over two centuries for land justice, it is a poor reflection on Australia's legal and political institutions. The lack of formal outcomes is experienced against a backdrop of community hostility and antipathy towards Indigenous rights.* (<http://www.nntt.gov.au> ;Age, 10 October 1996).

(Atkinson, <http://home.vicnet.net.au/~aar/nojustice.htm>)

and again:

*The doctrine of native title has created a hierarchy of rights and interests which, at every turn, places other interests above those of Indigenous peoples. The recognition of rights in Mabo's case, and the attempt by the High Court to reconcile the common law with Indigenous peoples' prior and continuing law and authority, has been continually wound back to accommodate non-Indigenous interests to the detriment of Indigenous peoples.* (Strelein, 1999:7-8)

As another website sponsored by the National Library of Australia celebrates the Mabo Case for '...overturning of the obstacle of the doctrine of *terra nullius* by the High Court...' (<http://www.foundingdocs.gov.au/item.asp?dID=104>), rather than showing that 'pre-existing tribal law' was 'formally recognised as superior to fundamental law of the 'invading' culture, regardless of the economic and political implications'. The fact is that the Native Title Act works within common law as a space where Indigenous law can be scrutinised within Australian law. (Noel Pearson, 1997, <http://www.lib.latrobe.edu.au/AHR/archive/Issue-March-1997/pearson.html>).

For Native Title to be acknowledged it must be contested in court, a process that is at odds with the way most Australians assume land title; and it must be contested precisely because Indigenous law is not 'formally recognised as superior to' Australian law. This Native Title process is expensive, exhausting, and as has often been pointed out, perhaps of most benefit to the legal

profession. Given that less than 0.015% of land in Victoria has been granted to traditional owners under Native Title, the experience of many Indigenous communities would not support the assertion that the Mabo Case influenced 'the status and lands rights of its indigenous peoples and race relations generally'. For further discussion around this point I refer the reader to Frank Brennan's considerations on the issue: 'Confessions of a land rights advocate', Frank Brennan, 26 December 2006, <http://www.eurekastreet.com.au/article.aspx?aeid=2092>

The Mabo Memory of the World citation is triumphant and iconoclastic, dissolving the difficulties and celebrating the agency of the National Library of Australia in collecting this material, and the western judicial system in its ability to be flexible and accommodating. This citation locates the Indigenous land justice struggle predominately within a western context, its claims are inflated and, in presenting an iconoclastic view of the Mabo case and the Meriam struggle, this citation marginalises and diminishes the lineage and continuing struggle of Australia's Indigenous population. The history of land rights in Australia is in danger of being reduced to a series of heroic high points, where black activism meets white enlightenment. Such a position needs to be approached with caution.

Yorta Yorta elder and claimant in the Yorta Yorta Native Rights Claim Dr. Wayne Atkinson clearly articulates this when he notes:

*The image of Kooris as great survivors needs to be treated cautiously because it tends to portray them as being immune to those injustices they have had to suffer, and which are still to be rectified. It also provides a diversion for those Governments responsible for addressing the disadvantage and inequality Kooris still experience on a day to day basis as a direct result of their dispossession and mistreatment.*

<http://home.vicnet.net.au/~aar/yorta.htm>

The Mabo example indicates two aspects to the Memory of the World Programme that I identified at the beginning of this paper, identification and risk. In this case neither of these have been progressed by adding these papers to the register. As the subsequent Yorta Yorta case indicated, the threat to cultural memory does not relate to items that have been collected and housed in one of the best-resourced institutions in the country, the real threat manifests in the privileging of particular forms of culture and the negation (including the destruction) of other forms.

Dr. Atkinson's understanding of the legacy of Mabo is at odds with that claimed by the National Library.

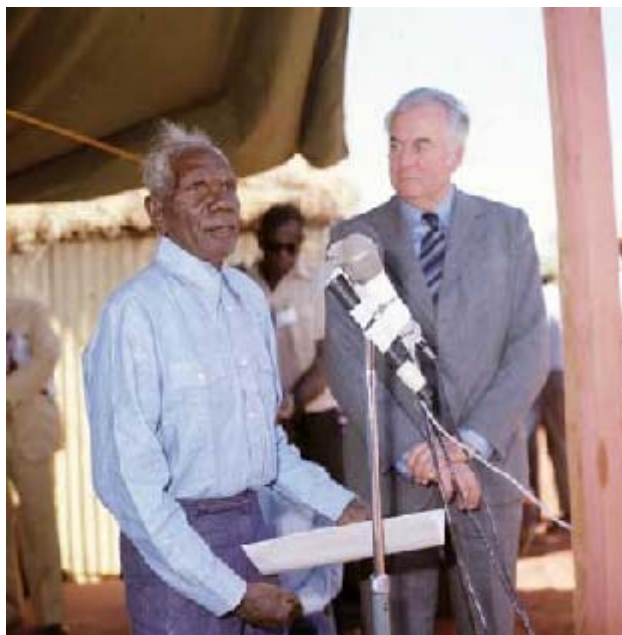
*The rhetoric of 'full respect' and equality supposedly given to Native Title in Mabo is not mirrored in the way it is being applied in the administration of Native Title law. As*

*demonstrated in the YYNTC, the attainment of these principles is dependent on the extent to which a settler society is prepared to concede its dominant position to one of fairness and equality before the law. There are major flaws in the criteria being used to translate Indigenous law and knowledge into the Anglo-Australian legal system because of pre-existing norms and values. The NTA cannot be interpreted without reference to the existing context and interpretive tradition. The Yorta Yorta case exemplifies these inadequacies and highlights the prevailing barriers.*

<http://home.vicnet.net.au/~aar/nojustice.htm>

This issue of context and appropriate contextualisation is of critical importance if the Memory of the World programme is to develop beyond institutional investiture and self-congratulation. The Yorta Yorta case indicates how the privileging of particular memories affected land rights after Mabo.

The importance of context and the need to provide proper scholarship to support celebratory positions are evident in another example from National Library – a clip from page 4 of the February 2001 issue of National Library of Australia News.



The caption accompanying this image in the National Library of Australia reads:

*Prime Minister Mr Gough Whitlam hands back the title documents for 3238 kilometres of grazing ground surrendered by the Wave Hill Pastoral Company in a ceremony at Wattie Creek near Wave Hill, NT, 16 August 1975*

The Gurindji strike, the longest in Australian history, went from 1966 until 1973 but did not result in the Prime Minister 'handing back' title; rather he provided a lease for the excised land, equivalent to a grazing licence (it was not until 1983 that then Minister for Aboriginal Affairs, Mr Clyde Holding, handed title to the Gurindji). The hero of this strike, Vincent Lingiari, who is photographed with Prime Minister Whitlam is not mentioned in this caption.

But it is interesting to think of reframing this image through a reemphasis of the context. The caption could just as easily read:

Aboriginal leader Vincent Lingiari claims leasehold for 3238 kilometres belonging to the Gurindji nation surrendered by the Wave Hill Pastoral Company in a ceremony at [insert Gurindji title] near [insert Gurindji title] 16 August 1975

(Note: In determining the copyright for the image in the National Library of Australia News cited in this paper, and in order to reproduce it in the paper, the National Library provided the National Picture Library as the source of this image. The National Picture Library could not identify the image reproduced in the National Library of Australia News but did provide permission for reproduction of an almost identical image, taken within a short time of the NLA picture. This is the image that appears above. The National Archives of Australia caption for this image is:

*Vincent Lingiari speaking at the handing over of a lease in Wattie Creek, Northern Territory, 16 August 1975, National Archives of Australia: A8598, AK21/4/80/9)*

## **Access**

Access, the third construct in the Memory of the World program, is closely linked to context. Both the language and the framing of context given to a citation affect how accessible that citation will be to a particular audience; or may indeed make it unacceptable to an audience. Access is an institutional imperative, so it is not surprising that institutional triumphalism frames much of the program. There is a focus on access to the information as part of a context of institutional frameworks (part of the list of 'Founding Documents' or 'the Memory of the World Register') rather than assisting the audience to assess the information within a broader social framework. This focus decontextualises important parts of that material, and limits its accessibility. Further, an iconic approach to documentary heritage can produce results that are at odds with the kind of intellectual pluralism that we expect from our institutions. If we frame the Mabo citation within a paradigm of valuing cultural survival, and celebrating the Meriam culture that enabled the challenge to *terra nullius*, then it would make sense, at the very least, to have a parallel translation of this citation in the language of the Meriam people, available for the Meriam people, thereby affirming the role of the culture through language. When, however, the audience is primarily

conceived as an international group of professionals whose opinion about an institution overshadows their need to know about Meriam culture, then whether the language of the Meriam people is used or not become inconsequential.

The point is that the Memory of the World website could provide a diverse and active account of contemporary cultures, rather than an encapsulated example of institutional triumphalism. There are numerous links that could be provided highlighting the history of the land rights struggle. There could be access provided to the rich living Meriam culture. None of this is difficult.

The Memory of the World Program relies on an acceptance of the following as important markers of significance:

- The iconic
- The accessible
- A closed knowledge system 'contained', 'finite'
- 'Correct' knowledge

The Significance Assessment Methodology, which has proven to be an extremely useful tool in museum collection management in Australia, has been successfully incorporated into the Australian Memory of the World selection process. Yet, as Native Title cases have highlighted, within Australian Indigenous communities significant cultural material, and the knowledge it represents, is often restricted, and public or 'objective' scrutiny, which is presumed to be a key strength of the Significance Assessment Methodology, is extremely problematic. The democratisation of heritage is as complicated as the concept of democracy itself.

The problem with significance is that it is culturally dependent. This means that vulnerable items will remain vulnerable until acknowledged as significant, by which time their value and protection is probably assured. This is the circular logic within the programme.

*The Declaration on the Importance and Value of Universal Museums* is one example of how the idea of significance can be manipulated to accommodate the position of a special interest group, in this case nineteen of the most prestigious American collecting institutions in Europe and North America. The claim by their directors to their rights to continued retention of material that is highly significant to a range of Indigenous and colonised peoples, relies entirely on an acceptance of their argument that competing significances can be assessed by a criterion of access. This is a variation on the winner makes history paradigm, but not a thousand miles away from it.

*Over time, objects so acquired—whether by purchase, gift, or partage—have become part of the museums that have cared for them, and by extension part of the heritage of the nations which house them.*

*Museums are agents in the development of culture, whose mission is to foster knowledge by a continuous process of reinterpretation. Each object contributes to that process. To narrow the focus of museums whose collections are diverse and multifaceted would therefore be a disservice to all visitors. (Declaration on the Importance and Value of Universal Museums*  
Declaration on the Importance and Value of Universal Museums  
[http://www.clevelandart.org/museum/info/CMA206\\_Mar7\\_03.pdf](http://www.clevelandart.org/museum/info/CMA206_Mar7_03.pdf)  
[accessed 29 January 2007])

The 'offices of memory' are our national institutions that collect the documentary heritage that supports our national memory, and distribute the information that contextualises these documents as national memory. In a pluralistic society like Australia, it is important that the assignment of significance to something as important and contestable as national memory is managed as a challenging and frequently challenged activity. Programs need to identify and address the complexity of memory. Rich and diverse contextualisation helps. Acknowledging that an issue of national importance will spawn a multiplicity of views and that there are often political exigencies in national amnesia are also important.

So the final word goes to another of the world's great essayists, Mark Twain, who succinctly summed up the relationship between memory and history when he said,

*'When I was younger, I could remember anything, whether it happened or not.'*

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## Notes

The Yirrkala Bark Petition 1963 indicates the importance of genealogy. The Bark Petitions are listed as Founding Documents by the National Library. They are part of the tradition of the Yolgnu struggle which included J. Blackburn's decision in the *Milirrpum v Nabalco Pty Ltd (1971) 17 FLR 141* that native title was not part of the law of Australia, and that the claimants could not demonstrate proprietary interest in the land they were claiming. The Australian register would be a more relevant, useful and informative source if context became as much of a focus as the iconic.

A good overview of Native Title case history was compiled by Rod Hagen and is available at:

<http://rodhagen.customer.netspace.net.au/nativetitle.html>