

Call for Papers: International Law and Displaced Archives in Arctic Countries

Archives document, classify and crystallise the rights of individuals, communities and nations, being instruments of legal and political power, as well as privileged historical sources. As a result, archives have been seized, claimed and disputed during independence struggles, regime changes, and (de)colonization (ILC, 1981; Hiribarren, 2017; Lowry, 2020).

The extensive research conducted by the International Law Commission in the 1970s on state succession to archival claims has limited relevance in the Arctic where only Iceland is a successor state (ILC, 1981; Vienna Convention, 1983). Archives pertaining to Indigenous Peoples and Colonial Peoples who are not (yet) living in independent States of their own-making are not covered in this work. Nevertheless, rapid developments in the law of decolonisation, self-determination, the rights of Indigenous Peoples and human rights law since the 1980s have significant implications for ownership, control, access and possession (OCAP®) of records. Although important work is being done by Indigenous and other archivists, historians and cultural experts, the issues have yet to be comprehensively explored from a legal perspective.

Shared, displaced and disputed archival heritage is a matter of global concern (Lowry, 2019a; Lowry 2019b; Lowry 2020), certain features distinguish the Arctic cases. For example, the displacement may not be a physical relocation of the archives, as was witnessed in the rapid removal of sensitive archives from African colonies by European officials on the eve of decolonisation (ILC, 1981; Hiribarren, 2017) or transfer to another colonial power (Bastian, 2001; Agostinho, Dirckinck-Holmfeld & Sjøilen, 2019). Instead, it may be the People that has been relocated, sometimes forcibly; or a State border may have been constructed or moved, creating a legal frontier between the archive and the People to whom it pertains; or displacement may be judicial, such as the Danish archives held in Nuuk but under exclusive Danish authority (Lowry, 2020; Johnstone and Seiding forthcoming). New archives are created daily, both by and about Greenlanders and Indigenous Peoples in the Arctic, including through truth and reconciliation processes and historic inquiries.

In this *call for papers*, editors Rachael Lorna Johnstone and James Lowry seek contributions that bring together expertise from all relevant disciplines, such as international and constitutional law, history, archival theory and practice and Indigenous studies. The following list of suggested topics is not exhaustive and other proposals are welcome:

- Identification of and/or classification of displaced archives in the Arctic
- The right of Peoples to ownership, control, access and possession (OCAP®) of archives as an aspect of the right to self-determination
- Indigenous rights and human rights law pertaining to archives
- Archives as cultural property under international law
- The ongoing relevance of the Vienna Convention
- Case studies of displaced archives in the Arctic (including resolved cases)
- Archives in truth and reconciliation processes
- Archives held by non-State actors (privately-held collections)

Seminar at the Danish Institute for International Studies (DIIS) Copenhagen, 2 May 2024

Selected contributors will be invited to present their papers at a public seminar at DIIS, Copenhagen on 2 May 2024.

International Journal of Heritage Studies

Selected papers will be submitted to the International Journal of Heritage Studies for consideration as a special issue.

Dates for Submissions

- Abstracts: 5 January 2024 (100-300 words) and bios (100-200 words).
- First draft: 8 April 2024 (8000-10000 words, including references).
- Seminar and workshop Copenhagen: 2-3 May 2024.
- Final drafts for submission to the International Journal of Heritage Studies: 31 August 2024.

Further information and submissions

Please email inquiries or abstracts for consideration to:

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See also

U Arctic Thematic Network on Arctic Law (TNAL), [Sub-Group on Arctic Archives](#)

New members welcome!

References

- Hiribarren, Vincent. "Hiding the Colonial Past? A Comparison of European Archival Policies." In *Displaced Archives*, edited by James Lowry, 74-85. Abingdon, Routledge, 2017.
- ILC. International Law Commission. Draft Articles on Succession of States in Respect of State Property, Archives and Debts with Commentaries. In Report of the International Law Commission on the Work of its Thirty-third Session, 1981. UN Doc. A/36/10, Part II.D.
- Rachael Lorna Johnstone and Inge Seiding. "Decolonising Arctic Archives: a Research Agenda," *Yearbook of Polar Law* 15 (2024) (forthcoming).
- Lowry, James. "Displaced Archives: Proposing a Research Agenda," *Archival Science* 19 (2019a): 349-358.
- ____ "Radical Empathy: the Imaginary and Affect in (Post)Colonial Records: How to Break Out of International Stalemates on Displaced Archives," *Archival Science* 19 (2019b): 185-203.
- ____ *Disputed Archival Claims: An International Survey 2018/2019*. Paris: ICA Expert Group on Shared Archival Heritage, 2020.
- Vienna Convention on Succession of States in respect of State Property, Archives and Debts. Adopted April 8, 1978 (not in force). UN Doc. A/CONF.117/14.