NEWS FROM ILAM

Digital Heritage Repatriation Workshop: 9–11 December 2008

The International Library of African Music (ILAM) held a very stimulating and productive workshop on "Producing, Preserving, and Repatriating Digital Cultural Heritage" on 9–11 December 2008 as the first outcome of its partnering relationship (est. July 2008) with the University of Michigan, Ann Arbor, African Studies Center (ASC). ASC Director Kelly Askew and ILAM Director Diane Thram, in cooperation with the University of Michigan's *African Heritage Initiative* (AHI), implemented the AHI plan to assist museums and universities in Ghana in their heritage preservation needs. This was done by organizing a workshop on the challenges, benefits, ethics and results of digitizing collections of cultural heritage materials, be they text, audio recordings, video/film recordings, artefacts, or photographs.

The significant inroads ILAM has made in cataloguing and digitizing its collections of sound recordings and photographs puts ILAM at the forefront of archival practice, especially because its collections are now searchable online from its website. ILAM was an ideal host for the workshop since it constitutes a success story in the landscape of South African digitization projects, many of which have met financial and political challenges. The question that frequently arises in digitization projects is: "Who benefits?" Justifications usually posit universal benefit, i.e. the heritage materials will be preserved for posterity and easily accessible to all via the Internet. But given the reality of low bandwidth and sparse internet accessibility for many in the southern hemisphere, such justifications can ring false.

The three-day workshop involved 24 participants representing the University of Ghana, Legon/Accra; Kwame Nkrumah University of Science and Technology (KNUST); Kumasi; University of Michigan, Ann Arbor; and the University of Fort Hare, University of Cape Town and Rhodes University from South Africa. Professional organizations represented included Digital Innovation South Africa (DISA), the National Research Foundation (NRF), the Alan Lomax Archive, USA, and the Children's Radio Foundation, Cape Town.

Discussions explored: (1) sources of digitization success and failure; (2) technology and the mechanics of distribution; (3) funding and sustainability; (4) access (open access versus fee-based models); and (5) intellectual property rights. Participants spent a considerable time also grappling with the question of: "After digitization, what next?" and (6) how to repatriate cultural heritage to communities of origin. The workshop agenda included presentations on "Content Management Models", a repatriation project carried out by the Alan Lomas Archive in the Caribbean, copyright issues, and technology options.

Outcomes of the workshop included two sets of guidelines – on the *Reproduction and Sale of Digital Heritage* and on the *Repatriation of Digital Heritage*. The guidelines are presented here in concise language with the hope that they will be of use to the world-wide community of institutions possessing cultural heritage.

Guidelines on Reproduction and Sale of Digital Heritage

MORAL/PROFESSIONAL ETHICS

- Apply prevailing professional ethics
- Respect all substantiated reasonable objections to online access
- Fair use = fair dealings
- Assure no harm – no use for financial gain without contractual agreement that gives return to community of origin
- Set up ethical standards committee:
    - institutional review board
    - lawyer on review committee

GUIDING PRINCIPLES – REPRODUCTION AND SALES

- Open access to low-resolution watermarked excerpts/resources
- Purchase/reproduce through review process
- Tiered:
    - free for Africa non-commercial use
    - beyond Africa – fees increased
    - Fee for commercial use
- Conflict of interest – performers interests should always come first

LEGAL REQUIREMENTS

- Place of origin?
- Ownership? (depositor/community?)
    - must make and document best effort (due diligence) to locate artists/creators
    - Public domain (50 years? length of copyright?)
- Prior agreements?
    - New Agreements: recommend 50/50 split
- Use?
    - scholarly (not for profit) – fees only for costs of creating copies
    - commercial (profit) – fees in line with industry standards, e.g. publishing, music industry

RECOMMENDATIONS

- Investigate existing cultural property/heritage guidelines
    - African Studies Association (ASA)
    - International Association of Sound and Audio-visual Archives (IASA)
    - International Council of Archives (ICA)
    - American Anthropological Association (AAA)
    - UNESCO
    - The Hague Convention
    - Emerging copyright legislation
- Low quality (compressed) files only on your websites – whatever is on your site may be used, abused, sold, etc., if quality reproduction can be made

Guidelines for Repatriation of Digital/Cultural Heritage

- Repatriation is understood as the process through which both tangible and intangible cultural heritage is returned to its communities of origin
- Cultural heritage is understood in two categories
    - Tangible heritage includes artefacts, art objects, musical instruments, folklore, indigenous technological tools, e.g. scrapers, carving tools
    - Intangible heritage includes music, ritual practices, cultural ceremonies, indigenous knowledge in general

RECOMMENDATIONS

- Individuals, groups and institutions in possession of digital cultural heritage should make the best attempt to repatriate it to its communities of origin
- Non-original holders of the heritage are ethically bound to repatriate it in an appropriate format for its owners
- The format of the repatriated material shall be determined through a dialogue between the possessor of the heritage and its community of origin
- Methods of repatriation are determined through a dynamic process depending upon:
    - the type of heritage
    - the resources of the holders and of the recipients
    - the conditions of the local environment of the communities of origin
- An agreement should be negotiated between the holders and the recipients of the heritage stipulating clearly:
    - conditions for preservation
    - conditions for use, sale and reproduction

- Ownership, group or individual, must be considered in respect to copyright law and potential commercial use
- When an item of material culture is repatriated, there should be accountability and transparency on the part of the recipient

For further details regarding the workshop visit the ILAM website www.ilam.ru.ac.za or contact ILAM`s Director, Prof. Diane Thram, d.thram@ru.ac.za.

ILAM is continuing its partnership with the African Studies Center at the University of Michigan in several ways: with a follow-up workshop at the University of Ghana in 2009; with the development of a museum exhibit on ILAM for the Origins Museum at Wits University, Johannesburg; and with a collaborative project between the ASC, ILAM and the Vienna Phonogram Archive to conserve and disseminate the Kubik Collection of field recordings of African music.