



Revista Andaluza de Archivos

## Collective Rights and Individual Rights. A Knowledge of Archives */ Derechos colectivos y derechos individuales. El conocimiento de los archivos*

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### Resumen

Comenzaré indagando el porqué del interés de los archiveros y del ICA en el tema ‘archivos y derechos humanos’. Después me centraré en la aprobación de la Declaración Universal sobre Archivos por la Conferencia General de la UNESCO del 10 de noviembre de 2011, la importancia de este reconocimiento y las posibles acciones de seguimiento. Por último trataré de identificar algunas áreas donde creo que el ICA puede animar reflexiones y acciones en los próximos años, como el desarrollo de indicadores estadísticos internacionales de archivos equiparables y la celebración de conferencias internacionales anuales sobre asuntos relacionados con la temática general de “Archivos y Libertad”, como gobernanza/rendición de cuentas, libertad de información y derecho a la verdad/memoria social; estos tres temas podrían seleccionarse para las tres conferencias anuales del ICA que tendrán lugar en 2013, 2014 y 2015.

### Abstract

*I will first ask why archivists and the ICA are interested in the issue of archives and human rights. Then I'll focus on the endorsement of the Universal Declaration on Archives by the UNESCO General Conference (10 November 2011), the significance of this endorsement and possible follow up action. Finally, I'll try to identify some areas where I think the ICA can inspire reflections and actions in the coming years; these areas include the development of comparable international archival statistics (indicators) and international annual conferences on topics related to the overarching theme “Archives and Freedom”, namely Governance/Accountability, Freedom of Information and Right to the Truth/Social memory; these three topics could be chosen for the three annual ICA conferences that will take place in 2013, 2014 and 2015.*

**Palabras clave:** derechos humanos – archivos – libertad – Declaración Universal sobre los Archivos – Consejo Internacional de Archivos

**Keywords:** Human Rights – Archives – Freedom – Universal Declaration on Archives – International Council on Archives

Dear colleagues and friends, Ladies and Gentlemen,

First I wish to thank warmly the organisers of this seminar, in particular Señora Esther Cruces Blanco, for having taken this initiative and invited me to come. Esther is an extremely generous, inspiring and constructive colleague and her remarkable sense of humour can bring life and laughs to any gathering or meeting. If she cannot awaken the dead then at least nobody will fall asleep when Esther is around. Thank you very much for being there and for being as you are, Esther!

In my presentation today I will first ask why archivists and the ICA are interested in the issue of archives and human rights. Then I'll focus on the endorsement of the Universal Declaration on Archives by the UNESCO General Conference a few days ago (10 November), the significance of this endorsement and possible follow up action. Finally, I'll try to identify some areas where I think the ICA can inspire reflections and actions in the coming years; these areas include the development of comparable international archival statistics (indicators) and international annual conferences on topics related to the overarching theme "Archives and Freedom", namely Governance / Accountability, Freedom of Information and Right to the Truth / Social memory; these three topics could be chosen for the three annual ICA conferences that will take place in 2013, 2014 and 2015.

## The Right to Know the Past

Fighting for the right to know can be a bit like the fights in La Mancha described by your famous compatriot, or even like fighting ghosts from the past. I regret that the Judge Baltasar Garzón has not been able to participate in this seminar but salute his presence as a keynote speaker at the ICA Congress in Brisbane, Australia, in 2012. Judge Garzón has through his actions proven that it is possible to fight successfully against impunity and thereby bring back dignity to victims of human rights violations and their families and to restore hope in truth and justice as meaningful notions. Many of us will always remember the moment when Judge Garzón managed to have the former Chilean dictator, Augusto Pinochet, arrested in London and persecuted for crimes against his own people and against democrats in Chile. The impact of this event was worldwide, this defining moment inspired hope among many other victims of repression around the world, not only the thousands who gathered and chanted "¡Garzón, amigo, el pueblo está contigo!". Judge Garzón has become a symbol because he fought for the right to remember, the right to know, the right to one's own history. This fight would necessarily bring him in conflict with amnesty laws voted in countries like Argentina and Spain, laws that had a strong component of amnesia. Societal developments in Argentina and also in Spain demonstrate that in the long run such collective state-imposed amnesia cannot last. Although citizens do have individual rights to forget if they so choose, there is also a collective right for citizens to uphold the possibility to know and confront even the most painful chapters of the past.

But why do archivists bother about human rights? Why don't we just concentrate on clearly technical issues, relating to appraisal, preservation and access to archives? The response is that

whether we like it or not, archives and records do play an essential role for societies, for their memories, for good governance, for reconciliation and for the building of democracies. Already in the very first Constitution of the ICA, from 9 June 1948, this insight was reflected in the statement that one of the general purposes of the ICA should use the “documentation of human experience (...) for the benefit of mankind”. At the opening of the first congress of the ICA, UNESCO’s Director-General, the Mexican poet, Jaime Torres-Bodet, argued that archives are “the very condition for the continuation of human consciousness”.

The ICA organised CITRAs, annual international conferences, in 2001, 2002 and 2003 on the overall theme of “archives in society.” These CITRAs focused respectively on the themes of ensuring that archives truly represent today's societies in all their diversity, the perception of archives and archives and human rights. Among the ideas emerging from these conferences and subsequent ICA activities, was a new awareness of the key role that can be played by archives in transition societies, in particular countries that have experienced genocide or dictatorships and that are striving for truth and reconciliation. By facing painful chapters of their recent past, countries can arrive at serenity and, consequently, a stronger basis for sustainable development. A telling example is South Africa where the fresh breeze of truth about the crimes committed under the apartheid-regime has significantly helped the country to move forwards on a more unified and sound basis.

The 2003 CITRA had as its theme “Archives and Human Rights”; this international conference, which was opened by Archbishop Desmond Tutu, launched in earnest the activities on archives and human rights, in particular the ICA Working Group. Events at and around this conference made the link between archives and human rights obvious to many of us who had the privilege to participate. Personally, I had a very strong experience at the District Six Museum in Cape Town, South Africa. This is a museum on apartheid and on how the government in 1965 forcibly removed over 60,000 people from District Six, which is a part of Cape Town, in order to create a whites-only zone. I was standing next to an elderly lady who pointed at the documents and the photos exhibited on the wall, explaining to her granddaughter that this was the proof that she and her husband had in fact lived there. The grandfather had a barbershop right there, the evidence was on the wall in black and white. The archives gave back a history that had been stolen, had been erased by bulldozers in 1965, a history that only existed in memory, and the archives proved the memory true. In so doing, they also gave back dignity and identity to people who had lost everything. Such can be the power of the record and the impact of reaching out to the public.

## UNESCO Endorses the Universal Declaration on Archives

The latest chapter in the unfolding story on the ICA and the relation between archives and human rights goes back to last Thursday, where the UNESCO General Conference upon the proposal of the Ambassador of Senegal, Papa Momar Diop, who is also the former National Archivist of Senegal, unanimously decided to endorse the ICA Universal Declaration on Archives. As many of you know, the ICA Universal Declaration on Archives outlines the core values on archival preservation, appraisal and access. This was the first time in the history of UNESCO that such a general policy declaration on archives was adopted. And looking closer at the explanatory note that accompanied the Draft Resolution, the context of human rights becomes very clear.

In this explanatory note, presented to the General Conference, the relevance of archives is explained by the need to combat impunity and the right of the citizens to know the truth. The idea is that access to archives should be a right for citizens because records are there to keep governments and decision-makers accountable for the decisions they are making on their behalf. The right to access archives constitutes an essential tool for people to exercise some control over those who govern them. Open access to archives is a way of creating more transparent societies with fewer secrets, less fear and more free debates. At the same time, transparency should also be a leitmotif for all legislation on archives; it has to be absolutely clear for all citizens what the rules are, what their rights are, which limitations exist and why.

The UNESCO endorsement of the Universal Declaration on Archives therefore also represents support to the peoples' right to know their own histories, to combating corruption, enhancing good governance and supporting democratic rights of citizens.

A logical question would then be: Does it mean anything; does such a decision carry any meaning; will it make a difference? This is of course hard to say and there is no guarantee that it will have any significant impact. However, in my view there is a real potential in this policy-declaration, although it doesn't carry any legal value. The final paragraph of the Resolution encourages all Member States to be guided by the principles in the Universal Declaration on Archives in their planning and implementation of strategies at a national level. This gives national archives and professional archival associations a tool in their future work. They can refer to this Resolution whenever some of the principles in the Declaration are not respected by their government and argue: This is supported by UNESCO! And you voted for it! A useful complementary action from the international archives and records management community, grouped together in the ICA, would be the development of international archival indicators or statistics that would facilitate comparison and thereby enable archival institutions and associations around the world to draw attention to shortcomings compared to services in other parts of the world – shortcomings that cannot always exclusively be justified by difference in available resources.

Past experiences also show that policy declarations can be politically powerful even if they don't have any legal status. The American Civil Rights activist, Jesse Jackson, has told how he and other activists in the Southern States of the USA in the early 1950s waved the UNESCO declarations on race and against racism to back up their fight against segregation. The UNESCO Declarations were even quoted in the famous verdict by the US Supreme Court in the case *Brown versus Board of Education* from 1954, which declared racial physical segregation unconstitutional.

At the first *Solidarnosc* demonstration in 1980 a banner spelled out the ILO statement on the right to create free trade unions. This shows how a policy declaration of an apparent mostly symbolic value can become a powerful tool as a reference to an internationally recognized set of principles. An example closer to the Universal Declaration on Archives is the *Public Library Manifesto*, initially adopted by UNESCO in 1949 and updated several times since then, insisting on the public library as a fundamental democratic institution. This Manifesto has continuously served as a reference and an inspiration.

## Looking Ahead

The former Canadian National Archivist, Ian Wilson, once said that we as archivists work in the fourth dimension, Time. He said that archives really are about that dialogue across generations: “The current population of Canada is about 30 million but I serve 300 million Canadians. I serve those who lived in 1600, I’m serving those who will live in 2200.” I also believe that we as archivists serve Federico Garcia Lorca when we provide evidence on how, why and by whom he was killed in the hills above Granada on 19 August 1936. We serve Lorca and millions of others less known or completely unknown citizens when we help with information that brings individuals and societies closer to understanding the truth of their histories and thereby to come to terms with themselves. We serve democracies today by working for transparency and truth and we work for the future by creating the archives of tomorrow.

One of several ways of continuing work and reflections on relations between archives and human rights could be to select as a general theme for the ICA annual conferences 2013-2015 “Archives and Freedom”. Each year would then offer an opportunity to focus on a particular topic, such as Governance / Accountability, Freedom of Information and Right to the Truth / Social memory – all these topics are conditions of freedom and in all these fields archives are essential. Permanent access to digital records should also be considered a fundamental right for citizens, since there is today no certainty at all that future historians will have the necessary structured evidence available to interpret and understand societies of the 21<sup>st</sup> century. In a world flooded by information archives have a special role by providing evidence and enabling historians to come a bit closer to telling the truth about past events and developments. Archives are thereby becoming increasingly relevant for societies and for defending individual and collective rights.

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