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A DIFFERENT APPROACH TO AN ETHICS BASED UNDERSTANDING OF PROFESSIONAL DOCUMENT MANAGEMENT

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**A DIFFERENT APPROACH TO AN ETHICS
BASED UNDERSTANDING OF
PROFESSIONAL DOCUMENT
MANAGEMENT:
THE PRINCIPLES OF ACCESS TO
ARCHIVES OF THE INTERNATIONAL
COUNCIL ON ARCHIVES**

Anne-Emmanuelle Tankam and Hans von Rütte

The “Code of Ethics for Librarians and Other Information Workers” has been published by the International Federation of Library Associations and Institutions (IFLA) in 2012¹. It has been brought to the attention of librarians and other workers which are the target audience. Today, only two years after its publication, it may be too early to assess the impact of the IFLA Code of Ethics on the conduct of librarians and other information workers.

Archivists have a professional deontology since 1996 when the General Assembly of the International Council on Archives (ICA), held in Beijing, China², formally adopted the “ICA Code of Ethics” for archivists³. Among others, the document has served as a model when the

¹ <http://www.ifla.org/faife/professional-codes-of-ethics-for-librarians>.

² <http://www.ica.org/?lid=5555&bid=225>.

³ See the presentation „Voraussetzungen, Möglichkeiten und Notwendigkeiten für einen, International code of ethics for archivists“ by Reimer Witt (who was member of the ICA working group that developed the Code of Ethics) at the

librarians developed the IFLA Code. In the meantime the ICA document has become available in 23 languages and thus reachable for mostly all professional archivists worldwide. Later, in addition to the ICA Code of Ethics, the ICA has published in 2010 another fundamental statement addressing the institution, the “Universal Declaration on Archives“. ICA declares the document being a “key pillar of its outreach and advocacy strategy” and being “an important step in improving understanding and awareness of archives among the general public and key decision-makers.”⁴ Both texts are putting the function of giving access to the archives to the public at the centre of the archivist’s duties.

The ICA Code of Ethics for archivists is well anchored among the professionals on a global level in the sense that it is most prominent and highly visible: Many archival science study programme include the ICA Code of Ethics thus offering the students the opportunity to get acquainted with their future responsibilities. Many archives services worldwide also have a direct link from their website to the text. Many archival institutions adopted their own deontology based on the ICA Code of Ethics, thus showing the staff’s personal commitment. But despite the high visibility of the code we cannot assess the deeper impacts of the deontology on the daily work of archivists and it is uncertain if it has had much influence on public administration archives, particularly regarding its impacts on archives legislation, on the assertiveness of the archivists against stakeholders, especially against the creator bodies of archives, and finally on the allocation of resources for archiving. Moreover it would be of high interest, to assess whether the ICA Code of Ethics has had some influence among archivists of the

Journée archivistique de l’Association suisse des archivistes, 21.03.1997, in Berne.

⁴ On proposition of the ICA the Universal Declaration on Archives has been adopted by UNESCO, November 11, 2011. <http://www.ica.org/13343/universal-declaration-on-archives/universal-declaration-on-archives.html>.
<http://www.ica.org/13619/toolkits-guides-manuals-and-guidelines/principles-of-access-to-archives.html>

private sector, particularly archivist of private companies. Even more uncertain is, as we suggest, whether the archivists have substantially and significantly changed their behaviour and conduct as it has been the objective at the time of the ICA Code of Ethics' adoption in 1996. Ethical guidelines or codes are aiming on the conduct of the individuals. Are today's archivists fulfilling their duties and responsibilities different and even better than the generations of archivists before 1996? Has ethical conduct and responsible conduct of archivists grown? And if yes, can it be traced back to the influence of ICA Code of Ethics?

We cannot show you any results of research answering this question today. It isn't the purpose of the present paper. Furthermore, to our knowledge, no analysis has ever been made on the impact of the ICA Code of Ethics on the conduct of archivists. This could and should be subject of future archival research. Expectations shouldn't be pitched too high. However it is my opinion that the personal conduct of individuals cannot remain the only approach when professional ethics are questioned. We shouldn't lose sight of the institutional aspects. This leads us to a different approach of ethical based guidelines. Therefore we want to share with you an approach focused on the good governance of archival institutions that helps to improve the archivists' work and to strengthen the core function of archiving, thus making possible a better achieving of the ethical dimension of archiving.

Sixteen years after the adoption of the ICA Code of Ethics, the ICA developed such a different or complementary approach to reach ethical achievements of archival work. On demand of the ICA Committee on Best Practice and Standards an ad-hoc working group chaired by Trudy Huskamp-Peterson drafted the Principles of Access to Archives. After a process of consultation and review the text finally got adopted by the

ICA at the General Assembly in Brisbane, Australia, and published in 2012⁵.

The starting point of the Principles of Access to Archives is different from that of a code of ethics. Whereas a code of ethics aims at improving the conduct of the individual professional in archives institutions, the Principles of Access to Archives rather serve as a more general standard for all actors dealing with records and archives. The Principles of Access to Archives align to a set of several archival standards developed and adopted by the ICA during the last decades. The preface to the Principles of Access to Archives states as follows: "Access is the availability of records for consultation as a result both of legal authorization and the existence of finding aids".⁶ To this end, ICA published during the last fifteen years four standards on archival description: ISAD(G), ISAAR (CPF), ISDF and ISDIAH.⁷ Most of all, it has been ISAD(G), the standard for the description of the content of archives, that has been widely accepted, followed and applied by almost all archivists around the world. It is by now the worldwide applied design for the inventories to archives which are the instruments of

⁵ <http://www.ica.org/13619/toolkits-guides-manuals-and-guidelines/principles-of-access-to-archives.html> . In addition to the Principles the working group published the Technical Guidance on Managing Archives with Restrictions in 2014 (see <http://www.ica.org/15369/toolkits-guides-manuals-and-guidelines/technical-guidance-on-managing-archives-with-restrictions.html>) and has drafted in 2014 the Basic Principles on the Role of Archivists in Support of Human Rights (see <http://www.ica.org/15999/news-and-events/basic-principles-on-the-role-of-archivists-in-support-of-human-rights-give-your-opinion.html>).

⁶ See the term of access as defined in: International Council on Archives (ed.), *Dictionary of Archival Terminology*, Handbook Series, vol. 7, 2nd edition, Munich: K.G. Saur, 1988.

⁷ The four ICA standards for archival description are: ISAD(G): General International Standard Archival Description - Second edition, 2000; ISAAR(CPF): International Standard Archival Authority Record for Corporate Bodies, Persons and Families, 2nd Edition, 2004; ISDF: International Standard for Describing Functions, 2007; and ISDIAH: International Standard for Describing Institutions with Archival Holdings, 2008; see <http://www.ica.org/10206/standards/standards-list.html>.

getting access to archival information. The three other standards for archival description have a less strong standing. Today, we can truly say that ISAD(G) is a success story and that it has had a deep impact on archival description of the 21st century, as it is stated in the preface of the Principles of Access to Archives : “These standards cover finding aids, one of the two key elements of archival access; they have transformed the practice of description”.⁸

The Principles of Access to Archives cover “the other element of access: the legal authority to consult archives”.⁹ The Principles have their origin in the fundamental mission of archiving: Archives are made and kept for consultation. It would be incongruous to keep archives that are not – or, still worse, that will never be – open for consultation: no archives without access. Consultation of archives needs both, reliable finding aids and reliable rules of access. The Principles define the fundamental principles on how archivists can ensure access to archives to people who need information from the archives. Furthermore, they “provide the archivists with an authoritative international baseline against which to measure their existing access policy and practices and a framework to use when developing new or modifying existing access rules”.¹⁰

The text includes an introduction followed by ten short principles followed by commenting paragraphs.¹¹ The paragraphs are containing further significant reflections on the leading principles. In addition, some recent examples of cases illustrate critical situations of archival practices or situations of archivists facing ethical dilemmas. The

⁸ Principles of Access to Archives, p. 3.

⁹ Principles of Access to Archives, p. 3.

¹⁰ Principles of Access to Archives, p. 6.

¹¹ The bold type sentences are full citations of the ten principles, they are followed by explanations paraphrasing the original commenting paragraphs.

examples are collected from ICA's Human Right Working Group Newsletter.¹²

10.1 Principle One: Right of Access to the Archives of Public Bodies

The public has the right of access to archives of public bodies. Both public and private entities should open their archives to the greatest extent possible.

The right to information is fundamental as it is included in the catalogue of human rights and recognized by all relevant international human rights treaties. As archives are responsible for preservation of information, access to archives is fundamental right for individuals and an essential condition for an informed society. In a democratic society citizens need to have the right of access to the archives of public bodies guaranteed by national law. Otherwise the accountability and transparency of public administration is insufficient and good governance may fail.

Even though private archives do not have a legal obligation to grant access, archivists working in private archives holding institutions encourage their institution to provide access to the public at the largest possible extent. They stress the institution's social responsibility and the need to build credibility through transparency.

10.1.1 Guatemala

Guatemala established a truth commission in 1997 at the end of its civil war. As it began its investigations, the commission asked to see the police records. The police denied that they had any archives, saying they had destroyed all their records in the wake of the 1996 peace accords. So the truth commission wrote its report without

¹² See <http://www.ica.org/?lid=12315&bid=1082>. The Newsletter is published monthly since 2011.

access to police records. It was not until 2005, half a dozen years after the report was published, that the staff of Guatemala's human rights ombudsman accidentally stumbled upon the police archives. The records—hundreds of thousands of documents—are now being arranged and described and used to prosecute and convict policemen and other government officials for crimes committed during the long Guatemalan civil war in the last half of the 20th century.

HRWG Newsletter, October 2010

10.1.2 Canada.

The Canadian Truth and Reconciliation Commission is researching “the history, purpose, operation and supervision of the Indian Residential School system, the effect and consequences of IRS (including systemic harms, intergenerational consequences and the impact on human dignity) and the ongoing legacy of the residential schools.” An estimated 100,000 First Nations children were taken from their families and forced to attend 130 residential schools over more than a century, starting in the 1880s and ending in 1996. The majority of the schools were operated by Roman Catholic entities, about a quarter of the schools run by the Anglican Church, and the remainder by Presbyterians and the United Church. Records of all these churches are vital resources for the work of the Commission.

HRWG Newsletter September 2012

10.1.3 Switzerland

In 1996 the canton of Appenzell-Ausserrhoden sold the state-owned Ausserrhoder Kantonalbank to UBS, the biggest Swiss bank company. The sale included the cantonal bank's complete archives dating from its founding in 1877, which UBS was obliged to preserve. However, historians researching the history of the cantonal bank have been denied access to the records by UBS, which claims that the archives now have a private character. A member of parliament from the canton insists that there is a right of access to the records which were created as state records; the canton's government must now find a solution to bring the archives back under public archives access rules.

HRWG Newsletter May 2014

10.2 Principle Two: Institutions Acknowledge the Existence of their Archives

Institutions holding archives make known the existence of the archives, including the existence of closed materials, and disclose the existence of restrictions that affect access to the archives.

Unknown archives are useless. The public shall be enabled to know about the existence of archives and to locate archival material, to know which archival institution is holding the material and what conditions are ruling the use of the material. Therefore archivists provide information on the extent that users are able to understand whether the material is pertinent or not to their purpose. Archivists provide this information irrespective to the question whether the material is accessible or not. A user may even get the information whether an item

(a collection, a series, a file, a document) has been destroyed. Knowledge of archives also includes accurate description and availability of finding aids complying with international standards of archival description.

Archivists provide information about restricted material, including the reason for the restriction and the information about date the material will get disclosed.

10.2.1 United Kingdom/Northern Ireland.

The Guardian reported that the U.K. Ministry of Defence is holding more than 66,000 historic files in a warehouse in Derbyshire, many of which should have been transferred to the National Archives. Included in the holding are “‘hundreds and hundreds of boxes’ each containing about 10 files that were sent to the warehouse when the British army’s Northern Ireland headquarters closed four years ago.” They include records are “from the 1970s and early 80s, some of the most bloody and controversial years of the Troubles,” and the Ministry of Defence had not told the Historic Enquiries Team, a “police unit that is reviewing hundreds of violent deaths during the conflict,” that the files exist.

HRWG Newsletter October 2013

10.2.2 United Kingdom/Kenya/former British colonies

In 2009 five Kenyans sued the UK government, saying they were tortured during British rule in Kenya in the 1950s. On 5 April, two days before the first day of the trial, the Foreign Office said that it holds some 2000 boxes of files containing official records from 37 former

colonies, none of which has ever been made available to the public. Of these, approximately 300 are related to Kenya, and 30 are reported to be relevant to the case. One of the suspected rebels detained during the 1950s Mau Mau uprising was U.S. President Barak Obama's grandfather, Hussein Onyango Obama. The Foreign Office minister said the records will be transferred to the National Archives, but that the transfer may take "some years to complete." Another official explained to the Financial Times, "All historical documents need to be read by reviewers ahead of their transfer to the National Archives."

HRWG Newsletter April 2011

10.3 Principle Three: Institutions Should Be Pro-active

Institutions holding archives adopt a pro-active approach to access.

Archivists have the professional responsibility to promote access to archives. They act in order to ensure access. If access is not yet possible, due to legal restriction or to preponderant interests of specific individuals or groups, they nevertheless act in a way that one day, when the restriction will be cancelled, access will not be hindered. They apply accurate instruments and appropriate means to promote the knowledge of archives and they proactively provide access to specific holdings that are of wide interest to the public through print publication, digitization or by cooperation with external publication projects.

10.3.1 Japan/Korea.

Korea was a colony of Japan from 1910-1945, and in 1923 "up to 6,000 Koreans were killed" by the Japanese

in the “Kanto massacre.” Records relating to the massacre were found in the South Korean Embassy in Japan last year (see HRWG News 2013-11), and a list of 318 of the victims, including their names, addresses and “circumstances under which the victims were killed,” was released by the National Archives of Korea, adding to information it previously released. The records are now available for those who officially apply for the release of the information, the national archives said, adding that they will release the records over the Internet from July so everybody could browse the lists unconditionally. The National Assembly of Korea is considering a “bill aimed at restoring the reputations of the massacre victims,” reported the KoreaHerald.com.

HRWG Newsletter June 2014

10.4 Principle Four: Institutions Maintain Clarity on Restrictions

Institutions holding archives ensure that restrictions on access are clear and of stated duration, are based on pertinent legislation, acknowledge the right of privacy and respect the rights of owners of private materials.

Archivists provide the widest possible access to archives, but they nevertheless recognize and accept the need for some restrictions, both, general or specific. Restriction may be imposed by legislation, by institutional policy or by conditions set by a private donor. Archivists seek to limit the scope of restrictions. Therefore restrictions shall only be valid for a limited period. It follows that no archives shall remain closed for an unlimited time: No closure without disclosure, no locking away without closing date.

Access rules shall be clear. Denial of access should be based on a general rule or law or an access policy, published by the archives institution showing the entire framework of access rules, by such making understandable to the requester why his request for access is denied.

10.5 Principle Five: Equal Availability

Archives are made available on equal and fair terms.

Access rules shall be applied without discrimination but on equal and fairly applied terms. They may however differentiate between categories of users as e.g. privacy reasons may provide privileged access to specifically affected persons. When access to an item is granted to a person of the general public, the same item must be open to all other persons of the general public. Archivists commit themselves to offer fair use of their archives and not to apply practices or impediments hindering consultation.

Archivists monitor restrictions of access and promptly remove those no longer warranted. They encourage legislative and regulatory actions that open records, and they do not support actions to reclose or reclassify previously available information or to dispose such material. Private archives holding institutions provide equal access to external users. However institutional security needs or secrecy on business and private affairs may require archivists to apply distinct rules. The criteria for selective access shall be stated in a public and clear access policy, and archivists encourage their institutions to reduce such exceptions to the greatest extent possible.

10.5.1 Switzerland

Based on the Swiss Federal Law on Archives stating an embargo period of 30 years and in cases in government's

preponderant interest an exceptional embargo period of 50 years, a user requested in spring 2014 access to files of the aerial photograph service of the 1950's of the Federal Military Department kept at Swiss Federal Archives. He also asked access to a database serving as search tool to aerial photographs, as search tools are following the law in general always disclosed. To his amazement access was denied when he asked for it at the reading room. He was declared that based on a new regulation the archives of the Military Department would be now underlying a retention period of 80 years. In the meantime, the researcher has received access to the requested material.

Information received from the researcher, June 2014

10.5.2 Switzerland/South Africa

The death of Nelson Mandela reopened the discussion in Switzerland about disclosing the records of the close relationship between the Swiss government and the apartheid regime in South Africa from the 1950s until the end of the 1980s. (In spite of the UN embargo, Swiss banks and industrial companies continued to do business in South Africa.) In 2000, the Swiss Research Foundation began a major study of this history; however, as a result of lobbying by Swiss banks and after a lawsuit was filed in the U.S. by anti-apartheid groups against Swiss business operations in 2002, the Swiss government refused to permit access to the relevant files kept at the Swiss Federal Archives, including files that had been disclosed previously and partly consulted by the study group. Since that time, Swiss historians have published major parts of

the history based on records in South Africa, Washington and London, but evidence of many details on South Africa's gold exports via Switzerland, on war material sold by Swiss companies, and contacts between intelligence services are still unknown. Members of parliament have asked the ruling Federal Council when it will open the archives; thus far, the Council has said that the records would be closed so long as the litigation is still pending.

HRWG Newsletter December 2012; in the meantime
Swiss government has decided disclosure of the files

10.6 Principle Six: Archived Evidence of Serious Crimes

Institutions holding archives ensure that victims of serious crimes under international law have access to archives that provide evidence needed to assert their human rights and to document violations of them, even if those archives are closed to the general public.

UN Human Rights declarations are stating that victims of serious crimes under international law have a right to know the truth about the violations.¹³ Therefore, access to archives is a fundamental right to learn the truth, to hold persons accountable for human right violations, to initiate proceedings and to enable individuals to claim compensation, and also to defend individuals against charges of human rights violations.

¹³ See United Nations High Commission on Human Rights, Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, Report by the independent expert Diane Orentlicher, 08/02/1995, E/CN.4/2005/102/Add.1, http://ap.ohchr.org/documents/alldocs.aspx?doc_id=10800

The Principles state that each person is entitled to know whether his or her name appears in State archives and, if it does, to challenge the validity of the information by submitting to the archival institution a statement that will be made available by the archivists whenever the file containing the name is requested for research use.

Archival institutions protect human rights by holding evidence of violations and crimes under national and international law. Persons seeking access to archives for human rights purposes are given access to relevant archives, public as well as, to the extent possible, private, even if those archives are closed to the general public.

10.6.1 Philippines

The government is undertaking a project to document the human rights violations that occurred during the martial law period of the Ferdinand Marcos regime, thereby helping victims assemble the information necessary to file a claim with the Human Rights Victims Claims Board. The “Martial Law Files Project,” reported The Philippine Star, “aims at mapping the existing files, records and archives dispersed among different state and non-state organizations and institutions.” The money to pay claims comes from money returned to the Philippine government from Switzerland where it was deposited during the Marcos regime. The Swiss Ambassador to the Philippines noted, “The importance of preserving archives and records on human rights violations committed during dictatorships or wars is often underestimated or even forgotten” but “documenting atrocities and human fates is essential to allow mechanisms such as judicial investigations and prosecutions, truth commissions, reparation programs and vetting processes to be based on

accurate and credible documents and evidence and therefore bring justice for individuals and reconciliation for societies.”

HRWG Newsletter, February 2014

10.6.2 Switzerland

Between 1926 and 1972, the private relief and care foundation "Pro Juventute" included a programme for the re-education of travellers' "Kinder der Landstrasse" (children of the street, Yenish children). The children were systematically taken away from their parents and placed in homes or given to foster parents. Parents were compulsorily relieved of their parental rights. After raising criticism these programmes ended in the 1970's. In 1990 the archives of "Pro Juventute's" programme have been transferred to the Swiss Federal Archives. This has been done on initiative of proactive thinking archivists but against the will of the affected and now adult persons who claimed destruction of their personal files saying that they would contain the untruth and lies. Later these files provided evidence of kinship and elucidation of the actions of involved authorities.

Dictionnaire historique Suisse, art. 'Jenische'

10.7 Principle Seven: Appealing Denial of Access

Users have the right to appeal a denial of access.

Archives access rules include a procedure to appeal against initial denials of access. The reasons for denial are stated clearly in writing to the applicant. Users are informed about their right to appeal. An appeal shall be reviewed by an independent and impartial authority. For non-

public archives the appealing process should follow the same general approach. Archivists provide all information relevant to the case to the reviewing authority but do not take part in the final decision.

10.7.1 Turkey

A researcher responding to the claim made by Turkish Prime Minister Erdogan that the Turkish archives are open for researchers on the Armenian Genocide in 1915 told Bianet [Turkish online newspaper] that “the military archives are open to researchers on the paper. To say, you apply to the archives for research and you are replied after a-month evaluation. The subject you work on or your views directly affect the chance of rejection. No reason is stated for those who were rejected”.

HRWG Newsletter May 2014

10.7.2 Australia/Indonesia/Timor-Leste

A researcher at the National Archives of Australia requested access to two Foreign Affairs and Trade files “that contain reports about a major Indonesian military offensive across East Timor in late 1981 and early 1982,” the Sydney Morning Herald reported. The operation was particularly brutal, with serious human rights violations. The National Archives denied access to 140 of the 600 pages; the researcher appealed to the government’s Administrative Appeal Tribunal, which upheld the denial, noting that the government “stressed the particular sensitivity about the relationship currently between Australia and Indonesia.” The United States advised Australia that four documents should be withheld because

they contain “ongoing sensitivities.” The researcher plans to challenge the decision.

HRWG Newsletter April 2014

10.8 Principle Eight: Ensuring No Operational Constraints

Institutions holding archives ensure that operational constraints do not prevent access to archives.

Equal right to access includes the equal right to benefit from the archives. Archivists understand the needs of their users, both the existing and the potential users. They support users who are disabled, illiterate or otherwise disadvantaged.

Archivists offer easy services. They avoid hindering practices such as delays in responding requests, obstructive hindrance in the reading room, bureaucratic hurdles of reproduction, unreasonable fees etc. Public archival institutions do not charge admission fees to users. Private archival institutions may apply admission fees but the fee charged must not be an obstacle to using the archives. Users who have not got the opportunity to visit the archival institution in person can obtain copies of documents at a fair price.

In case an archival item contains sensitive information archivists grant partial release by retaining such information by redacting the sensitive sentences.

10.8.1 Romania

In a case demonstrating the problems caused by the lack of a pro-active approach, Romania, like many countries in Eastern Europe, is struggling with the issue of restitution to former owners of properties confiscated by its Communist government after World War II. In the summer of 2012, Balkan Insight reported that only about

11 percent of property claims in Romania were resolved and “some properties have been illegally given to people who forged ownership documents or inheritance papers” because “the files of the real owners of properties dispossessed by the Communists lie abandoned in the archives of the Property Restitution Agency.” Without an effort to arrange and describe and effectively make the records available, people are denied the opportunity to advance a claim for restitution.

HRWG Newsletter November 2012

10.9 Principle Nine: Ensure Access for Maintenance

Archivists have access to all closed archives and perform necessary archival work on them.

Archivists have access to all archives in their custody in order to evaluate, preserve, arrange and describe the material. This allows to make their existence and the reasons for their closing known to the public. Furthermore, it helps to prevent closed material from being destroyed or forgotten. Finally, it helps to ensure the integrity of archives. Archival proceeding of closed archives promotes public confidence in the archival institution and archival profession.

10.9.1 El Salvador/Guatemala

The archives of the United Nations holds the records of the truth commissions in El Salvador and Guatemala. Under the terms of the deposits, the records are closed to public access. However, the UN interprets this as a ban on any kind of work in the records: preservation, arrangement and description. Consequently the records,

which include fragile electronic and audio-visual records, are deteriorating.

In too many countries the national archives is in theory responsible for the records of the government but does not have access—even for preservation purposes—to inspect storage conditions or even ascertain the volume and condition of some records including those of the current and past heads of state. These are impossible situations. Archivists must be trusted to ensure that records are preserved and described, whether or not the records must be restricted from public access.

HRWG Newsletter May 2013

10.9.2 France

The paper archives of the former General Secretary Claude G ant, Chief of staff of former President Nicolas Sarkozy, have vanished without trace. When the judge investigating the involvement of the Sarkozy administration in a merger of two important French banks in 2009 requested the records, the current General Secretary reported, “They have never been transferred to the Archives Nationales, and they haven’t been kept at the Presidential office either.” The loss of information from the government’s inner circle will (at minimum) hinder the writing of history of the Sarkozy administration.

HRWG Newsletter February 2014

10.10 Principle Ten: Giving Archivists a Voice

Archivists Participate in the Decision-Making Process on Access.

As the archivists know the material in their care and custody they encourage their institution to establish an access policy and review archives for possible release. They cooperate with lawyers and other partners in deciding on the access regulation and interpretation of restrictions. Archivists apply their knowledge when making decision on access. Archivists help their institution achieve informed and consistent decisions and encourage the responsible authority to formulate clear mandates and consistent rules for access. In the absence of unambiguous guidelines, archivists provide appropriate access by considering professional ethics, equity and fairness and legal requirements. Archivists permanently monitor restrictions, reviewing archives and removing restrictions that are no longer applicable.

The *ten Principles of Access to Archives* provide archivists with an authoritative basic framework for rules, policies and operational guidelines. It helps the archivists to measure their existing access policy and archiving practices. They can use it as a guideline and framework for developing archives legislation and access rules or access policies. While a code of ethics for professionals is aiming the conduct and behaviours of individuals, the Principles of Access to Archives constitute an instrument in the hand of the archivists to:

1. improve their own practices and to better shoulder their professional responsibilities;
2. measure whether the regulations in application correspond to the international standards;
3. have better argument in discussion and negotiation with superior instances and bodies;
4. back archivists committed to ensure archiving especially of human rights violations and granting access to victims of human rights violations searching probative evidence of mistreatment;

5. finally on a general level, contribute to the core mission of archiving which is transparency and accountability through documentary evidence of the creator body's activities.

The responsibility to adopt and implement the Principles in an organisation is shared not only by the professional archivists but by all executives of the parent body, administrators, archivists, donors and the personal transferring their records to the archival custody.¹⁴

Thus, the Principles of Access to Archives represent an instrument of good governance of archiving irrespective of the ethical conduct of the individual professional archivists. The Principles do not focus on the archivist's behaviour as an individual but they address all actors dealing with recorded information or archives. The Principles of Access to Archives are stating a general, internationally valid due diligence standard for archives thereby strengthening the standing of the archival core functions to offer to the citizens an indispensable instrument for transparency and accountability, both essential elements of rule of law and democracy.

The IFLA Code of Ethics for Librarians and other Information Workers has been published in 2012; it is the same year ICA has published its Principle of Access to Archives. As mentioned before, two years are too short to start an evaluation of the impacts of both texts in practice. But it may be that the Bossey conference provides findings of positive effects of the IFLA Code of Ethics. Concerning the ICA's Principles I am however not fully optimistic. Already during the preparation of the draft of the Principles of Access to Archives one of the major challenges has been to formulate statements that are not only binding for the public sector but also authoritative for archives of the private sector. Since its publication I have not been able to see that the text has kindled a broad discussion and I suspect that many archivists

¹⁴ See more details of the shared responsibility in Principles of Access to Archives, p. 7.

haven't taken notice of it at all. Nevertheless, the text is an important achievement that can be extremely helpful in any critical situation when archives come under – political – pressure, mainly where human rights question are concerned. It can help to mobilize international support where archivists risk losing ground to powerful forces of government or society. The professional community of archivists is small and many archivists are working alone in their respective organization. All the more they are in need of reliable networks. The Principles of Access to Archives are a robust statement of good governance of archives. As such they will always facilitate building of strong ties of solidarity among worldwide professional archivists.