The ICA decided the creation of a Human Rights Working Group after the 2003 CITRA conference in Cape Town dedicated to Archives and Human Rights. The ICA commitment in this field, however, has a much longer history. From the very beginning, in fact, the ICA was conceived as an organization that promotes the preservation and use of archives because of the role that archives play in society. The ICA was never intended to be a guild aimed at advancing the interests of its members, nor as an association concerned only with the technicalities of archival work. In 1946, when the US National Archivist Solon. T. Buck wrote to the UNESCO that “Archivists of all countries need to unite” and launched the idea of the creation of an international organization of archivists, he conceived of archival cooperation as a peace building tool and looked at “greater freedom of access” to archives in all countries as an antidote against nationalist historiography. In the years of decolonization, the ICA devoted great attention to the role that archives could play in the nation-building process.

After the end of the Cold war, it became easier for the ICA to talk about archives as a tool for advancing citizens’ rights without fear of being considered an instrument of a block against the other one. At the same time, concern with human increased world wide and this fact reflected on ICA, which started to talk more explicitly of archives as an instrument to support human rights.

In 1993, during the CITRA held in Mexico, the ICA decided the creation of a working group on the archives of the former authoritarian regimes; such working group, chaired by the archivist of

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the Spanish military archives Antonio Gonzalez Quintana, published in 1996 some guidelines², which Antonio later expanded into a volume titled Archival policies in the protection of human rights, which you can download for free from the ICA website³.

Another useful resource that you can download from the HRWG pages of the ICA website is the HRWG Newsletter, edited by Trudy Huskamp Peterson, who has been the chair of the WG from its creation until last September. The Newsletter has been published on a monthly basis since December 2009; each issue includes dozens of pieces of news that have to do, in one way or another, with the intersection between records, archives and human rights. Just to give you an idea of the kind of news that you can find in the newsletter, I will tell you that the last issue (October 2016) includes about 60 pieces of news. They range from the imminent disclosure of the Vatican archival sources on the last military dictatorship in Argentina, to the controversy over the Ford Motor Company’s plan to ship its archives from Australia to the United States, the negotiations between Bulgaria and Russia over the archives brought to Soviet Union during WWII, the theft, in Honduras, of the court-case files on the assassination of environmental activist Berta Caceres, and on how, in Thailand, poor record keeping of land-deed documents contributed to deforestation. In short, every issue is a trove of information, which I found incredibly useful, among other things, as a teaching tool, because it vividly show students the relevance that archival work can have in society.

I think that this superb tool is not sufficiently known among archivists. It did not help that we had some troubles with the website and the subscription system, which we are now trying to fix. At any rate, the Newsletter circulates via the ICA mailing list, and it is advertised on the ICA homepage. I take the opportunity to invite you to circulate the HRWG Newsletter in your countries. And if you want to have a piece of news published in the newsletter, just contact Trudy Peterson.

² Antonio GONZÁLEZ QUINTANA, “Archives of the Security Services of Former Repressive Regimes”, in Janus, 1998, n. 2 (in English and Spanish) and in Janus, 1999, n. 1 in French.
From December 2010 through July 2012, Trudy Peterson published as an introduction to the Newsletter a commentary of each individual article of the Universal Declaration of Human Rights, showing how records and archives are often essential to enforce such rights. If archives are necessary to enforce human rights, it means that archivists play a crucial role in supporting them. For this reason, as most of you know, the HRWG drafted the Basic Principles on the Role of Archivists and Records Managers in Support of Human Rights, which translate into a set of professional guidelines some human rights and fundamental freedoms recognized by the United Nations and other international organizations.

Many of you have already heard me talking about them in Seoul, and so I will not expand much on this point. I will only briefly remind you that the Basic Principles comprise 25 articles. The bulk of them are grounded on the right to learn the truth about past Human Rights violations. In a nutshell, they encourage archivists to place special care when they select, describe and make available archives documenting human rights violations.

Five articles are based on the principle of non discrimination, which archivists should put into practice when dealing with users, when hiring new archivists and when selecting and acquiring archives. Five articles of the Basic Principles concern, in one way or another, the right of access, including the protection of personal data. Two articles focus on disputed archival claims, which archivists should settle “in a spirit of fairness and mutual respect”. Two articles are grounded on the ethical imperative to report gross violation of human rights, while other two articles support archivists’ right to freedom of expression and association and finally one encourages professional associations to provide guidance and support to archivists handling archives with human rights aspects.

Let me finally inform you that the Basic Principles are now available on the ICA website in English, French, Spanish and Portuguese and are in the process of being translated in other languages. We very much encourage colleagues to translate them in their national languages, circulate them, and discuss them.
Currently, the HRWG is engaged on different other fronts. We are working at an ICA project on a standard agreement on copying archives and exporting copies. Let me tell you in a nutshell what the problem that we intend to address is. Some wealthy Western institutions (mostly North American Universities – carry out large scale digitalization projects of entire archival fonds of some poor countries around the world. This fact is per se very good, but the problem is that the archival institutions of poor countries often completely lose control over such archival fonds. For example access policies or copyright policies get decided by other institutions on the other side of the Ocean, often without consultation. We think that this is unfair. So, by drafting a model agreement, we think that the ICA can help parties to negotiate fair agreements. Some colleagues prepared a first draft, that has been discussed within the working group and with external experts. We now would like to discuss it with the ICA expert group on legal matters, which the EB decided to bring back to life. Unfortunately, it is not operational yet.

The HRWG is also working on the complex issue of providing a safe haven for archives at risk. Once again, Trudy Peterson is playing a leading role. She has in fact been working already for some years with the National Archives of the Marshall Islands, that are seriously running the risk of going underwater due to climate change. The archives of other small insular countries in the Pacific and the Caribbean are risking a similar fate, and so do those of low-lying nations such as Bangladesh. Needless to say, risks for archives so serious as to require relocation do not come only from climate change, but also from war, political unrest, civil wars, and so on. Relocation is an extremely complex issue and not only because it is difficult to find institutions that are willing to host foreign archives and that have the material resources and technical capabilities to doing it, but also because there are a number of legal, archival, ethical and political issues that need to be taken into account. Just to name one, what happens if the depositor and/or the institute seeking a safe haven no longer exists?

In order to discuss such issues, the NGO Swisspeace, in collaboration with the Swiss Federal Department of Foreign Affairs and the Swiss Federal Archives, organized a workshop last
October. Andreas Kellerhals, Jussi Nuorteva and Odile Welfélé who attended the meeting would be more qualified than me to tell you about it (unfortunately I could not attend it because I was sick). At any rate, I learned that the workshop decided the creation of a working group that will carry out follow up work, which is composed by representatives of institutions potentially seeking safe haven, representatives of institutions that can offer safe haven, and a few other persons, including two members of the HRWG.

I am very happy that our Slovak hosts decided to invite Andrea Hänger to give a paper on this issues, so I will not further expand on this point. Let me only add that I think that as EBNA, we might want to consider to take common initiatives in this domain. For example, we could think of encouraging the EU to take a more active role in protecting archives at risk. Fore example, the EU Commission might enable EU archival institution to act as safe havens for archives in danger of destruction.

The HRWG is committed on different other fronts, such as developing a model curriculum on archives and human rights. But I would like to use the remaining time of my presentation to discuss only one, concerning business archives and human rights. Let me explain to you very briefly what the background is.

In the last decade, the UN Commission on Human Rights (from 2006, Human Rights Council) has devoted increasing attention to the violation of human rights perpetrated by economic actors. In 2005, the Commission on Human Rights requested the Secretary General to appoint a Special representative on the issue of human rights and transnational corporations and other business enterprises. The special representative, among other things, elaborated a set of Guidelines on Business and Human Rights, which in 2011 the UN Human Rights Council unanimously endorsed. Such principles address the role and responsibilities of the state and of business and indicate possible remedies. They are a very good and important document. The problem is that this Guidelines, such as other otherwise excellent documents by the UN on business and human rights never mention the necessity of preserving archives. I do not need to explain to you why it is
important that business preserve archives in order to prove their compliance with the law, protect the rights of workers, provide information that can be necessary to remedy to violations of human rights, and so on and so forth. In short, we think that the UN is doing a serious mistake when in fails to consider how archives are in many cases necessary to achieve the goals of improving the human rights standards of businesses.

I should add that the UN have filed to mention archives also in other important documents on issues that directly concern archives and human rights. For example, in the General Comment on the article 15 of the International Covenant on Economic, Social and Cultural Rights, concerning the right of everyone to take part in cultural life, the archives are never mentioned. In the comment, one can for example read that under art. 15 of the Covenant, the states should guarantee

“access for all, without discrimination on grounds of financial or any other status, to museums, libraries, cinemas and theatres and to cultural activities, services and events.”

I am sure you will agree with me that next to museums and libraries, the General Comment should have mentioned “archives”. The Human Rights Working Group deems that we should try to make the UN more aware of the relevance of archives to achieve the goals in the domain of human rights that they are pursuing.

Regarding the specific issue of business archives and human rights, our line of action is the following. First of all, we contacted the ICA Section on Business Archives and last year at the ICA annual conference in Reykjavik we held a joint meeting. This year, in Seoul, two representatives of the Business Archives Section participated in our meeting and we wish to continue cooperating with them on this front. We are in the process of elaborating a document on the relevance of good recordkeeping for improving human rights standards in the business sector. Two Spanish colleagues prepared a draft commentary to the UN Guiding Principles on Business and Human Rights, that highlights how many of such principles require good recordkeeping systems to be enforced.
The UN Human Rights Council has repeatedly underlined that it considers the Guiding Principles on Business and Human Rights to be a dynamic document that could evolve in the future. We think that we should pursue the goal of having the archives mentioned in the future versions of the Guiding Principles. It will not be easy, but we should try.

In 2011, the UN Human Rights Council decided to establish an Annual Forum on business and human rights, to serve as a venue for stakeholders to discuss trends and challenges, to identify good practices, and so on. We think that if, as ICA, we are able to agree on a document that calls the attention on the relevance of good archival practices for improving human rights standards in the business sector, the ICA president could then present it at such a Forum. And this would be a good way to start a dialogue with the UN about this issue. Your inputs and suggestions on how we could raise awareness on the importance of good recordkeeping practices for improving human rights standards in the business sector will be very welcomed.