

HUMAN RIGHTS

Access to the Archival Heritage as a Reflection of the Human Right to Culture. UNESCO's Perspective¹

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Abstract

The study intends to raise the profile of the archival (documentary) heritage importance in any nation building through the fact that it comprises the entire amount of the written proofs related to the mankind development. The focus of the research follows, using the historical method, the line of the initiatives and projects promoted by UNESCO, in terms of preservation of and access to the archives, as the first intergovernmental organization which have received the responsibility for promoting and development of this kind of heritage. We've had a special interest to clarify a few matters of terminology and clasification related to archival/documentary heritage and cultural heritage. Based on a qualitative research method, the present work analyses how the UNESCO approaches in this field, either individual or collaborative – especially with International Council on Archives (ICA), are strongly connected to the specific events/phenomena that happened around that time worldwide: political events, technological revolution etc. The study provides a synthesis of the activities developed by UNESCO which aim to protect archival heritage and to enlarge the access, to protect the right to the cultural heritage. The study can be used as a tool in creating or improving national and institutional policies in the field of protection and accessibility of the archives.

Keywords: UNESCO, human rights, access to archives, cultural heritage, archival heritage, International Council on Archives (ICA).

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I. Introducere

The increasing interest in responding and solving societal phenomena has always led to a keen need for information. It is why the (cultural) documentary heritage – a people's, a state's or a whole world's *memory* and *conscience* – has an unquestionable importance in close connection to the present. In the past, the access to the archives constituted by kings, emperors, popes, province governors or priests, was a privilege and not a right, to the benefit only of people who were ascribed high responsibilities and met public appreciation (Hurmuzache 1994, pp. 47-48). Opening archives to unofficial researchers is closely related to the idea of democracy as it appeared during the 4th Century BC in Athens. In Europe, the Italian medieval cities ensured public access to archives as early as the 13th Century. During Renaissance, archives became a source of information for those who tried to inspire human activity through knowledge of the past.

As of the 18th Century, mankind has also supposed, apart from the rights bringing „self-determination” powers, „a minimum intellectual development connected to the access to education, culture, information” (Zlătescu&Moroianu Zlătescu 2003, p. 12). Within this determining context, the wide access of the public to archived documents was available as of 1789, „when the Declaration of the Rights of Man and of the Citizen was issued by France's National Assembly”, this representing „the first statement addressed to all citizens, irrespective of their nationality or social class” (Moroianu Zlătescu 2008, p. 20).

II. Conceptual, terminological and taxonomic aspects. Unesco perspective and actions

Henceforth, rendering archives accessible has been a progressively evolving process but it does not constitute the object of this research. Our approach focuses on the international initiatives in the field after the 2nd World War, when the General Assembly of the United Nations Organization (henceforth, UN) has brought *human rights* back in the foreground. By adopting the Universal Declaration of Human Rights (UDHR, by the UN General Assembly on December 10th, 1948), this body has stated, among many other fundamental rights, the right to research, to education (Art. 26) and the right to receive and search for information and ideas, the right to participate in the cultural life and to benefit from its outcomes (Art. 27), meanwhile asking all member states, all the peoples in general, to encourage and ensure the universal and effective respect thereof.

In accordance with the Universal Declaration, the International Covenant on Economic, Social and Cultural Rights (ICESCR, the UN General Assembly adopted on December 16th, 1966), recognizes under Art. 15 the following rights: to participate in the cultural life, to benefit from scientific progress and its applications, to benefit from the protection of the moral and material interests resulting from any scientific, literary and artistic product whose author is may be.

As of the debut of its activity, the United Nations Educational, Scientific and Cultural Organization (henceforth, UNESCO), one of the 16 UN agencies, has undertaken and come up with measures in the field of protection and accessibilization of the cultural heritage, which thematically is included in the list of rights under its attributions/competences (reiterated during the First International Colloquium on Human Rights, of November 1992 in Laguna (Gisèle 1993, pp. 169-191), when a reform of the organization was produced).

This study aims to achieve, by using mainly the qualitative research method, an analysis of the initiatives, approaches and documents resulting thereof, of the projects and collaborations of international bodies, especially UNESCO, mainly or secondarily aiming to ensure access to the archival heritage and its protection implicitly, because the disappearance of something of universal value deprives the whole world of the benefits it can provide.

One of the problems raised within this study is that of terminology. In official documents and the (scientific) literature, the archival heritage bears various names, significantly different in meaning, being identified with the *documentary heritage* or as a component of the *cultural goods*. A general (and complete) definition of the archival heritage has been given by International Council on Archives² (henceforth, ICA): „Archives are the documentary by-product of human activity retained for their long-term value”, which „provide a direct window on past events. They can come in a wide range of formats including written, photographic, moving image, sound, digital and analogue. Archives are held by public and private institutions and individuals around the world” (ICA *What are archives?*).

Defining the archival/documentary heritage comes alongside its inclusion to the vast system of the cultural heritage. If we consider the documents issued by UNESCO we can observe a series of notable differences. Thus, within its first convention, in 1954, applying in the field of cultural heritage, in a specific context of military peril - the *Convention for the Protection of Cultural Property in the Event of Armed Conflict* - the term *cultural property* covers, among others, “manuscripts, books (...) and important collections of books or archives or of reproductions”. This convention sets measures to protect the cultural heritage at risk, in order to ensure the future access thereto. The following Convention, in chronological order, reflecting UNESCO’s interest in protecting the cultural heritage, is the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, of 1970, wherein, under Art. 1 (h) and

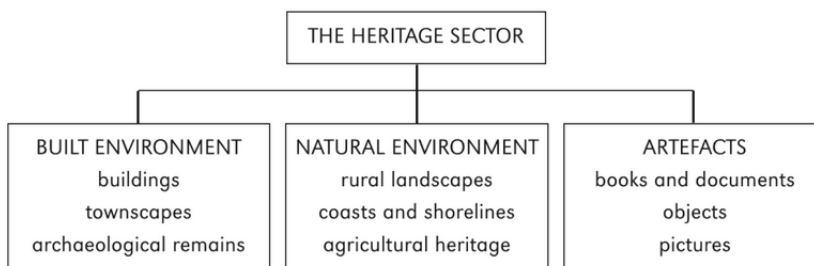
² In the Preamble of its Constitution, The International Council on Archives (ICA) is defined as “an international non-governmental and non-profit making organization governed by the French law relating to associations of 1 July 1901. With an expanding network and a critical role as a global information exchange for records and archive professionals working in institutions of all kinds, it provides guidelines on the ethical choices facing archivists and works to raise the profile of archives among decision-makers and the general public”.

(j), we can find the same inclusion of the archival heritage. Also, the Art. 4 of the Convention of 1970 states that the cultural heritage of every state is integrated to the larger field of *cultural property* (Duțu, Lazăr & Predescu 2018, p. 115).

Whereas within the texts of these two conventions, of 1954 and 1970, *cultural property* content could be found also in the archives, the *Convention Concerning the Protection of the World Cultural and Natural Heritage*, of 1972, does not comprise, within the definition of the cultural heritage, the documentary component any longer (under Art. 1 we can find out that „cultural heritage” comprises only three categories of elements: monuments, groups of buildings and sites). *Mexico City Declaration on Cultural Policies* of 1982 reiterates that, under Art. 23, the contents of the cultural heritage that includes both tangible and intangible works through which the creativity of that people finds expression: languages, rites, beliefs, historic places and monuments, literature, works of art, archives and libraries.

In a methodology manual (CDIS 2014) by which UNESCO sets a series of indicators for the establishment and implementation of standards, policies, concrete mechanisms and measures for the conservation, safeguarding, management, transmission and valorization of heritage, two notions are mentioned: cultural heritage and cultural property. It is also envisaged that the terminology has not been streamlined or standardised. For this reason, some working definitions were proposed to be taken as a guide to identify: cultural heritage (which refers to: monuments, groups of buildings and sites) and cultural property (which belongs to various categories, including but not resuming to rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary etc.) singly or in collections, archives, including sound, photographic and cinematographic archives).

Scientific literature provides a series of classifications among which we believe to be concluding the one made by John Feather, British professor and theorist, who includes archives to the category of artefacts (objects produced by human activity):



Source: Feather, 2018.

Despite these clarifications, the diverse way the archival/document heritage is defined in the documents issued by UNESCO, the explicit or non-explicit

inclusion thereof in the concept of cultural heritage withholds us from giving precise definitions but does not hinder us to conclude that everything preserved within archives, libraries, museums etc. as witnesses of the past (distant or recent) must be preserved for the future. Together with the natural heritage, these „heritages are conceived as transgenerational; structuring solidarity must manifest both among present-day generations but also between them and future generations” (Duțu, Lazăr & Predescu 2018, p. 36).

Yet another aspect worth being considered for discussion, in direct relation with the above made classification and inclusion, is that of the large scale late use of the phrase of *right to culture* - an amount of several fundamental rights consecrated by the *The Universal Declaration of Human Rights* and acknowledged by *The International Covenant on Economic, Social and Cultural Rights*, “this category of rights without which both a human being and the human society in itself would be deprived of attributives essential to their existence and becoming” (Moroianu Zlătescu 2008, p. 95).

Through extension, the right to culture means the right to education, the right to participate in the cultural life and to benefitting from its outcomes, the right to rest and leisure (art. 26-27, 24 UDHR) time and, moreover, to benefit from scientific progress and its applications, from the protection of moral and material interests coming out from any scientific, literary or artistic production whose author an individual may be, to the freedom indispensable for scientific research and creative activities (Art. 15 ICESCR), rights belonging to the second generation, opening the premises for the consecration of third generation rights - to development, peace and a healthy environment (Moroianu Zlătescu 1997, pp. 14-15). In other words, the right to culture means the right to preserve, develop and have access to culture (Donders 2012, pp. 165-182); therefore guaranteeing these rights implies ensuring the access to the cultural - and, implicitly - the archival heritage.

This right to culture is intensely promoted by UNESCO, who considers it to be fundamental for the creation of human identity and dignity. In explanatory materials it defines *cultural rights* in the form provided by the *Declaration on Cultural Diversity* (Paris, 2001) as the right of access to, participation in and enjoyment of culture. This includes the right of individuals and communities to know, understand, visit, make use of, maintain, exchange and develop cultural heritage and cultural expressions (UNESCO *The right to culture*). These cultural rights together with their ways of achievements, implying other human rights such as the right of freedom of expression, the right to information and the right to education, fill the notion of right of culture with meaningful content.

Leaving aside the generalistic approach to cultural heritage, we must say that UNESCO has been given primary responsibility for promoting the development of archives. During its first two decades most of its projects involving archives

were of limited duration and usually in direct response to specific requests from Member States (Walne 1990, p. III).

In 1970, with the active support of the International Council on Archives (ICA), UNESCO began to develop guidelines for a policy on archives development, but a series of internal reorganizations and financial problems prevented implementation of many of the proposed projects. It was not until 1979 that UNESCO was able to address adequately the problems of archival development. The result was the *Records and Archives Administration Programme* (RAMP) (Paris, 1979). As originally conceived, RAMP had two overall objectives: to promote and assist in the creation of a full awareness and understanding of the value and uses of records and archives as basic information resources, particularly in relation to planning and development and in conjunction with other information resources and to assist Member States, upon request, in the organization and development of the records management and archival systems and services necessary for full and effective utilization of these basic information resources.

Mainly aiming to protect and accessibilize archives, a UNESCO initiative named Memory of the World Program, was initiated in 1992 with the specific purpose to „preserve the document heritage of humankind” but also to facilitate free access to the pieces undertaken by the Program (irrespective of its kind but showing exceptional cultural value of universal interest: document, book, manuscript, music sheet, photo, sound or video document). As of 1995 one of the main Program components has been constituted, namely *The Memory of the World Register*, which lists documentary heritage which has been recommended by the International Advisory Committee, and endorsed by the Director-General of UNESCO, as corresponding to the selection criteria regarding world significance and outstanding universal value.

Inclusion of documents to the Program Register is restrictive, is made by nominalization, while member states have the right to propose, every second year, one or two documents that later, in order to be accepted, must pass the analysis the above mentioned international consultation body on the basis of some other universal selection criteria alongside uniqueness, authenticity and integrity (more about *Memory of the World Programme* and *Register* see in: Edmonson, Jordan & Prodan, 2020. Romania hasn't so far recorded an heritage fond within the Program Register but the Ministry of Culture, together with the Romanian Academy, the Romanian Cultural Institute of Istanbul and the Turkish National Commission for UNESCO are preparing the file to nominalize great scientist Dimitrie Cantemir, a file entitled *Manuscripts, engravings, documents and books of Dimitrie Cantemir in Romania and Turkey*.

Technological evolution has urged UNESCO to conceive a form adapted to the new modern conditions and to take profit of the advantages offered by science: *Charter on the Preservation of Digital Heritage*, of 2003, regarding the long

term filing of digitalized documents as well as of exclusively digital materials. The main purpose of preserving the digital heritage is to ensure that it remains accessible to the public, the human kind will enjoy it in the future. Even in the Preamble we find out that UNESCO intends to maintain, increase and diffuse knowledge, by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science through the following two mechanisms: 'Information for All' Program³, which provides a platform for discussions and action on information policies and the safeguarding of recorded knowledge and 'Memory of the World' Program which aims to ensure the preservation and universal accessibility of the world's documentary heritage.

The UNESCO/UBC *Vancouver Declaration. The Memory of the World in the Digital Age: Digitization and Preservation*, adopted at the Memory of the World Conference of Vancouver, of September 2012, where international experts agreed that there is a pressing need to establish a roadmap for solutions, agreements and policies, that ensure long term access and trustworthy preservation of digital information, largely stands in the same line. Later, PERSIST Project was officially launched at the International UNESCO Conference in Hague (December 5-6, 2013) and represents a true catalyst for UNESCO as regards involvement into digital preservation, affirmed a decade ago through the *Charter on the Preservation of Digital Heritage* (Art. 12).

According to the aims of the organization, UNESCO had an important contribution to the creation of the United Nation 2030 Agenda for Sustainable Development, adopted in September 2015, as part of the 70th session of the UN General Assembly, and the Sustainable Development Goals (17 SDGs). The agenda opens for UNESCO multiple directions for action globally, with later effects on the regional and national level, in order to, among others, increase the quality of education on all levels, to ensure long term sustained education opportunities for any person (SDG 4), to develop science, technology and innovation (SDG 9), to acknowledge the role of public access to information in order to ensure a proper governance (SDG 16), to promote culture (through heritage and creativity), to preserve the cultural and natural heritage (SDG 11, also against illicit traffic of cultural property and their recovery (SDG 16). Thus UNESCO will contribute to the implementation of the SDGs in six domains: education - where has the leading role, natural sciences, social and human sciences, culture, communication and information, environment (sustainable development goals for ocean).

In all these directions, the documentary/archival heritage represents a component that must be taken into consideration. It was not accidental that in

³ The *Information for All Programme* (IFAP) was established in 2001 to provide a platform for all the stakeholders in the knowledge societies to participate in international discussions on policy and guidelines for action in the area of access to information and knowledge.

less than one month after the Year 2030 Agenda and the SDGs were adopted, UNESCO passed *The Recommendation concerning the preservation of, and access to, documentary heritage including in digital form*. Under the slogan „Documentary heritage records the unfolding of human thought and events, the evolution of languages, cultures, peoples and their understanding of the world”, this UNESCO recommendation is the first to embrace the field of the documentary heritage in its entirety and can be considered a *summum* of all previous normative instruments that relate to aspects in this field. It provides, also, a legislative basis for UNESCO’s Memory of the World Program.

The access to the document heritage, as the title itself shows, is an important objective of the Recommendation (discussed under points 3.1 to 3.7, 4.4, 4.7) and is defined as any form of use of a memory institution’s collections, services or knowledge, and reference to related sources of information and the subject areas they represent. It can be seen from two perspectives: one proactive (initiated by the institution itself) and, the second, reactive (initiated by users of the institution) (Edmondson 2015, p. 3). Considering that *There is no point in preservation unless it leads to access*, the normative instrument supports enlarging access to documents, shows the advantages existent in digital age searchable (on-line content, downloads, social media), encourages memory institutions to have a web presence, including a portal to their own collections, recommends that the catalogues and finding aids, whether analogue or digital, should be structured to international standards so they can be machine readable, globally searchable and linkable and promotes the digitisation of content which enables remote research and democratization of access. It even presents details related to document description, such as the need for their contextualization, in order to be accurately understood and appreciated in the context of their time, their current condition and the manner of their presentation. It does not exclude the possibility that, in certain conditions (conservation measures or to protect the commercial privileges of a copyright owner, privacy or security), access may be restricted partially or totally but highlights the necessity that such measures should be clearly defined and of limited duration. The chapter dedicated to accessing end up with the conclusion that the inherent right of access must exist as set out in UNESCO’s constitution, the Universal Declaration of Human Rights and similar instruments. Therefore, the idea to ensure access to the archival heritage returns, closing into a circle, to the idea of paying respect to the fundamental human rights.

III. UNESCO & International Council on Archives

The profile of UNESCO measures regarding the protection of the archival heritage and the increase of the access thereto cannot be described realistically without considering the instances of cooperation with other bodies in the field. Because our research has established its approach on a global level, exclusively,

we will hereby deal with UNESCO's cooperation with the International Council on Archives⁴ (henceforth, ICA) (more about ICA: Canavaggio, 2015), the leading international nongovernmental organization for archives and archivists. Initially constituted as a UNESCO satellite, the ICA is developing – in time – a self-sustained activity, maintaining close relations of collaboration between the two institutions, while UNESCO grants it the statute of associated partner.

In 1970, with the active support of the ICA, UNESCO drafts the RAMP Programme aiming to develop specialized information systems in the fields of education, culture and communication, and the natural and social sciences (Walne 1990, p. IV).

A resettlement of the collaboration took place at the meetings of the representatives of the two organizations, on November 12th, 2011, after UNESCO joined the Universal Declaration on Archives, initiated by the ICA and adopted during the 36th Session of the General Conference of UNESCO. The more notable directions of collaboration deal with the ICA Strategy for Africa, the Memory of the World Programme and the PERSIST Project (where to, alongside the two above, the International Federation of Library Associations and Institutions – IFLA also joined).

IV. Conclusion

Far from dealing with the entire UNESCO activity, as regards the (cultural) archival heritage, we still consider that this material largely reflects the contribution of this body to make us aware of the need to protect it. In order for the things to evolve on the directions set by UNESCO, globally, it is necessary that they be reflected and represented on the regional and national levels. While through the collaboration and support given to these levels as well, UNESCO accomplishes its mission to protect and accessibilize the documentary heritage from archives, libraries and museums, which constitutes a major part of the memory of the peoples of the world and reflects the diversity of peoples, languages and cultures.

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⁴ The existence of ICA dates back in when, under the aegis of the League of Nations, the Institute for Intellectual Co-operation creates a Permanent Consultative Committee on Archives which, later, with UNESCO guidance, at the June 19th, 1948, transforms in ICA, non-governmental organisation, with international influence in the archives matter.

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