

Jelka Melik¹

EUROPEAN UNION AND PROTAGONISTS OF ARCHIVAL PROTECTION

Abstract

Purpose: *The purpose of our paper is to show that historical archives in Slovenia and in other states, members of European Union, need changes in order to play a more important role in the society.*

Method/approach: *The method used in our paper is first of all a descriptive method, showing the state of archives in Europe today. By using the comparative method, we compared the situation in the archival field in the European Union with the vision of the future development of the European Union. The third method applied is the method of analysis and synthesis. Finally, the compilation method was used to summarize the findings.*

Results: *We found that changes in the archival field are necessary both in the Member States and at the level of the European Union.*

Conclusion/findings: *In conclusion, we have identified the need for a threefold transformation of the archival field. First, it must be emancipated from its traditional confinement within the cultural sector, with greater emphasis placed on the primary mission of archives: their essential contribution to democracy and the rule of law. Second, the relationship between public archives and records creators must evolve. The archival profession should become more forward-looking, integrating the roles of both historical archivist and records manager. The archivist must emerge as a key actor in the protection of archives, with responsibilities spanning from the creation of documents to their long-term preservation in historical repositories. Finally, transformation is also needed at the European Union level. The EU should take a more active role in identifying and supporting the archival needs of its Member States. Archival policy and preservation must become a shared concern and responsibility of the European Union.*

Keywords: *archives, historical archives, archivist, records manager*

¹ Jelka Melik, phd, associate professor, Alma Mater Europaea University, Maribor, Slovenia, jelka.melik@almamater.si.

INTRODUCTION

The title of our article about the central guardians of the most important documents directs us first to answer the following questions: What are archives and what are historical archives? Which tasks of archives are fundamental? What is the role of the European Union in the field of archives protection?

1. ARCHIVES – DEFINITION AND MISSION

At the outset, we should highlight the inconsistent archival terminology. Each country has its own terms, and the EU also has its own. It would be useful and good if terminology were unified at the European level.

In EU law, the term archives is defined in Article 1(2)(a) of Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983, concerning the opening of the historical archives of the European Economic Community and the European Atomic Energy Community to the public. According to this regulation, archives comprise all documents and records—regardless of type or medium—that originated in or were received by one of the institutions, bodies, offices, agencies, or their representatives or servants in the performance of their duties, and which relate to the activities of those Communities.

In this context, state or national archives are defined as all documents and records—of any type and in any medium—that originated in or were received by public institutions in the course of performing their public duties. Historical archives, on the other hand, refer to records or documents of enduring value.

Valorization must take into account the cultural, administrative and legal dimensions of archives. In other words: historical archives consist of records that have been selected for permanent preservation on the grounds of their enduring cultural, administrative and legal value.

A) THE CULTURAL DIMENSION OF ARCHIVES

Archives are undoubtedly part of the cultural heritage of every nation. They are certainly a fundamental element of national memory. They are indispensable material for the formation of collective memory. In Slovenian legislation (Protection of Documents and Archives and Archival Institutions Act (2006 with additions), Article 1) states that archives are “cultural monuments”. Also, international archival

law regulates international relations in the field of protecting archives primarily as an indispensable part of national cultural heritage. However, it is necessary to note that this very dimension of archives is increasingly emphasized and at the same time the other/primary role(s) of archives is/are being reduced and marginalized.

The former Keeper of the Records of Scotland, Peter Cadell (1941–2010) warned in an article on European public archives twenty-one years ago that the fundamental importance of archives for administrative and legal purposes should be particularly emphasized (Cadell, 2003, 3–13). Only in this case, he wrote, will archives also be available for cultural purposes. In emphasizing exclusively the cultural importance of public archives, however, many important documents can be destroyed with impunity. Cadell gives the example of former socialist countries, where this emphasis was an established practice, namely because the archival service could shake off any responsibility for the preservation of certain political, judicial and administrative documents. Public Archives and their mission, he wrote, are still far too often seen as a kind of cultural supplement, an almost unnecessary historical addition to leisure activities, like museums and galleries. Today, public archives fall under the jurisdiction of the ministries of culture not only in most post-socialist European countries, but also in most other European countries. Exceptions include, for example, Austria and Lithuania, where the Federal Chancellor or Prime Minister is responsible for the archives, the Czech Republic and Slovakia, where the Ministry of the Interior is responsible for the public archives, and Cyprus, where the archives fall under the Ministry of Justice (European Commission, Secretariat-General, 2005, 27–28).

B. THE ADMINISTRATIVE DIMENSION OF ARCHIVES

The administrative task of archives is certainly important. Indeed, public archival services are part of modern public administration in most European countries and, as such, contribute to the development of document management in government and wider society.

The US-American archivist and archival theorist Theodore Roosevelt Schellenberg, in his book *Modern Archives*, already seventy years ago identified the need for government and administration to keep older records as the main source of information on all its activities as a reason for the creation of state or national

archives. They contain evidence of the financial and legal obligations that must be preserved to protect the government, as well as the vast store of official experience that the government needs to ensure continuity and consistency in its actions, to take policy decisions, and to solve social and economic, organisational and procedural problems (Schellenberg, 1956, 8–10).

The much younger Universal Declaration on Archives, initiated by the International Council on Archives and adopted by UNESCO on 10 November 2011, also stresses that archives must continue to be a source of valuable and reliable information that supports accountable and transparent government.

C. THE LEGAL DIMENSION OF ARCHIVES

Archives are also important as a guarantor of the legal security of persons. Documents are evidence of certain facts and, above all, are irreplaceable in the everyday life of citizens and in legal proceedings. This dimension of archives is strongly present in the history of Slovenians. After 1991, when Slovenia became an independent country, this has been particularly important. Public archives have made it possible to redress many of the wrongs of the previous social system. It was this experience that led to a substantial amendment of the definition of archives and historical archives in the current Archives Act (Protection of Documents and Archives and Archival Institutions Act, 2006 with additions). Historical archives are now important archives that have permanent value for history, other sciences, culture, and protect the legal interest of legal and natural persons. In summary, the most important task of archives is their contribution to democracy and the protection of fundamental rights and the rule of law. It is particularly important that archives are recorded information of past events and evidence of certain facts. Archives reveal the truth, uncover what has been withheld, and finally allow for the correction of errors and injustices committed.

2. COOPERATION BETWEEN ARCHIVES AND CREATORS OF ARCHIVES

Taking into account all three dimensions of archives, the digitalization of operations establishes the necessity of closer cooperation between creators of archives from the field of public administration and archival services. It is also necessary to establish a new profession that will combine or unite the „records manager“

who works for the creators of archives and the archivist in public archives. In fact, it is about restoring the old situation.

Until the French Revolution, the same officials were responsible for managing records and later for their preservation. After the bourgeois revolutions in Europe, a division between the two roles occurred. But a hundred years later, new changes followed, which turned the process in the opposite direction, backwards. By organizing archives, the principle of origin (provenience) and original arrangement was established. Archives and historical archives formed successive stages in the same process. Increasing quantities of archives required archivists to evaluate archives as quickly as possible, which resulted in an increasing need to know the organization and operation and, above all, the business of the creators of archives. The determination of historical archives gradually moved to earlier stages of the life cycle of records or documents. Historical archives must be determined at the stage of document creation and not at its end. The activities of archivists are increasingly merging with those who manage documents for the creators of archives. Both would require essentially the same education, the same knowledge. Both would also participate in the most important activity, the evaluation of records or documents and the selection or determination of those that have lasting value, both culturally, legally and administratively.²

3. THE EUROPEAN UNION AND ITS ROLE IN THE FIELD OF ARCHIVES

A. EUROPEAN ARCHIVES GROUP

The definition of archives, their protection and management are primarily a matter for each country. Nevertheless, European countries that are members of the European Union and have partially renounced their sovereignty, have certain duties that indirectly concern archives, namely respect for values such as democracy, the rule of law, and fundamental rights.

The European Archives Group (EAG) operates within the European Commission, which is an official expert body of the Commission, established at the beginning of 2006. The group has an informal status and falls under the Sec-

2 More on this issue Theo Thomassen (2000, 7–18).

retariat-General as the competent Directorate-General (DG). It is composed of representatives of the national archives of the Member States of the European Union. Its task is to ensure cooperation and coordination on general matters related to archives, since the management of archives is the responsibility of each Member State. There is no provision for an umbrella arrangement in the European Union. The Group should promote the exchange of knowledge and experience between Member States in the field and provide strategic advice to the Commission on matters related to archives. For example, regulations concerning the digital single market, copyright, data protection, digital signatures or artificial intelligence are in the spotlight.

So far, the group has been involved in several European Union programmes, such as making archives in Europe more accessible through the European Archive Portal and digital preservation methods in the framework of the E-ARK project. The European Archives Group has also produced guidelines for the implementation of the European Union General Data Protection Regulation (GDPR).

When monitoring developments in the field of archives, we can conclude that the EAG's modest role should be questioned and upgraded, as it does not significantly influence decision-making in the European Union or legal acts of the European Union that would affect the field of archives. Its composition should also be reconsidered. It is supposed to include mainly representatives of national archives, which means that the group does not necessarily include archival scientists who deal with theory in the field of archival sciences. They can be invited to participate, but they are not regular members of the group. Information about the EAG can also be found online among the information on the European Commission's expert groups. Where does this group belong and what is its role? Official members of the group are not known which limits its transparency (European Commission, s.d.).

The European Archives Group (EAG) has primarily a political rather than a professional role. This might imply certain threats as regards the amnesia of European society. With changes in governments of EU Member States, the attitude towards public Archives and the documents that are or should be stored in them, may be at stake. Archives should be independent bodies, like the judiciary sector, and not part of the executive branch of government. Memory is an indispensable creator of coexistence between Member States. Coexistence is possible in

the long term only with a clear memory and transparent action in the present. Archives are important building block of the European memory, which is also made up of the memories of individual Member States (Schlenker, 2022, 9–14). With documents lost, the possibility of an objective look back into the European past is also lost. Everyone should know, as the great French historian Emmanuel Bernard Le Roy Ladurie wrote, that „It is impossible to explain the present with the present.“ (Davies, 2013, 609)

The EAG website on the European Commission website has published the Strategy of the European Archives Group for the years 2025 to 2030 (European Commission, Secretariat-General, 2024). What does the action plan aimed at achieving its long-term and general goals tell? Let's look at some of the most important thoughts, findings and ideas. Above all, it is noticeable that the group is aware of its too modest role and the role of public archives in the European Union in general and the consequent general neglect of archival issues. It emphasizes that the essence of the identity of the European Union is actually in agreement on common values such as democracy, the rule of law, fundamental human and civil rights and freedoms, such as freedom of speech, gender equality and equal opportunities. The EAG also highlights the challenge of advising the Commission more effectively and, consequently, increasing the influence of national archives in the decision-making process of the European institutions. The group's future work plan should be based primarily on the connection of archives as indispensable institutions for the preservation and strengthening of democracy in the European Union and its Member States. In doing so, it draws on the more than decade-old Universal Declaration on Archives, which states the “crucial need of archives for the protection of citizens' rights” and warns that the relationship between archives and citizens' rights cannot be separated from the relationship between archives and democracy. A fundamental condition for an open and democratic society and the core mission of archives is to preserve credible and reliable information that is accessible to the public. Well-organized and accessible archives provide citizens with transparency that enables a better understanding of social events and is a prerequisite for aware citizens.

The Strategic Plan adds that history and recent geopolitical events show that democracy cannot be taken for granted, but must be actively promoted and supported, because the strength of the European Union depends on a consensus on shared democratic values and a commitment to fundamental human and civil rights, freedom of speech, the rule of law, gender equality and equal opportunities. As a fundamental objective for the future, the Work Plan states that in an era of increasing disinformation and the emergence and progress of high-tech companies processing large amounts of data, it is essential to strengthen the visibility and role of archival institutions. Their image must be built as professional institutions, responsible not only for assessing and collecting records, but also for actively supporting and participating in their creation. Archives must continue to be a source of valuable and reliable information.

B. THE EUROPEAN COMMISSION'S PLANS FOR THE FUTURE

European Commission President Ursula von der Leyen, presented her political guidelines for the next European Commission 2024-2029 to the European Parliament. She was re-elected to head the Commission in July 2024. Let's take a look at some of the main highlights from her presentation in the European Parliament: "Our Union and our democracy are constant work in progress. And there is more that we can do. We need an ambitious reform agenda to ensure the functioning of a larger Union and to increase democratic legitimacy.«... The rule of law and the fight against corruption will be at the heart of our work /.../ I believe we need Treaty change where it can improve our Union /.../ We need to revise the Framework Agreement to ensure more transparency, more accountability and more presence in the Parliament" (European Commission, 2024).

4. CULTURE AND A RENEWED EUROPEAN UNION

In the above-mentioned vision of the future European Union, culture does not appear as an important field of activity. In fact, it is mentioned only once, in connection with agriculture.

Robert Menasse, a multi-award-winning Austrian writer, essayist and philosopher, some time ago moved to Brussels for four years to write a novel about the European supranational political-economic association. In his novel *The*

Capital, which some have called the first great novel of the European Union we find a number of writings on the role of culture in the European Union as for example: “Culture was a meaningless ministry without a budget or any weight in the Commission, without influence or power /.../ Culture and Education ministry had zero profile within the European Commission; others gently mocked it /.../ And when people said ‘Culture’ there was always an undertone, it sounded like Wall Street brokers saying ‘numismatics’, the hobby of a cranky relative. But even amongst the public, insofar as they were at all interested, the image of the ‘European culture’ was a poor one.” (Menasse, 2020, 26, 35, 36).

It is not customary to cite quotes from novels as evidence for claims in scientific articles. But in this case, I used this example because the novel *Capital* is much more than just an ordinary novel, more than just a sharp political satire on the EU. It opens up a view into the essence of the work of this supranational organization. Otherwise, a brief look at the website, where the commissioners and their areas are listed, is sufficient. Culture falls under the commissioner who is responsible first for intergenerational justice and young people and only then for culture and sport. (European Commission, College of Commissioners).

5. CONCLUSION

The field of archives needs transformation. First, it is necessary to highlight the legal and administrative dimension, and the necessary contribution to democracy and the rule of law.

It is also necessary to change the relationship between archives and the creators of archives. Their cooperation must become closer. The archivist profession should be made fit for the future. It should combine the profession of archivist in public or historical archives and records manager. The archivist is the future protagonist of the protection of archives. His field extends from the creation of a document to its long-term storage in historical archives. The third pillar of transformation must concern the role of the European Union, which will also need the cooperation of archives of Member States. The field of archives must become a concern and competence of the European Union. Archives, as documents of member states, will have to be preserved. Without archives, it will not be possible

to see mistakes and deviations, correct injustices, find solutions for democracy, particularly during crises, and eliminate shortcomings.

Using the case of Slovenia, we can see how much we need archives, how important it is to preserve documents, not only for research purposes, but also for the needs of legal proceedings and legislation, and for monitoring the activities of government bodies.

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