

Archival Records as Cultural Goods

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Summary

Regulations on archives and archival records and on protection of cultural monuments apply to archival records. Archive material, records, documents, letters, manuscripts, films, buildings and other facilities that permanently preserve or display cultural goods are cultural goods. The owner of a cultural good is obliged to enable accessibility to the cultural good to the public. Duties connected with the protection of archive material are performed by the archives. What is archival records mainly and mostly depends on records' creator, or on a context of records' creation. Partially that is why is so difficult to identify at first sight if some record is archival. It seems that the main archival records' nature or essence is not as much its permanent value as its uniqueness, fact that certain act was created only in as much of copies as necessary to perform a task, and is not designed for dissemination. Information technology causes changes in archives' work. Traditional, classical records become digitally accessible by scanning. On-line accessibility of records enables simultaneous usage of the same records by several users. That was not possible with traditional records. Today's demands require that all the users should be allowed to use and interpret records according to theirs own needs. That is a new idea for archivists, and implies acceptance of users' competence in relations to research field and not enforcement of "right" way how to understand the records. IT have lead at the end of the last century, to creation of the first archival standards: ISAD(G) and ISAAR (CPF). IT influence indirectly leads to acceleration of human rights protection. Greater accessibility of electronic records and standardization of finding aids unavoidably leads archival profession to leave its hermetisam and false self-sufficiency. Archival profession has to learn to respect different opinions and to achieve joint point of views by discussion and dialog.

Key words: archival records, cultural goods, users

Introduction

People needs to preserve proofs of theirs relations, activities, properties and possessions are old as human race. In terms of evidences, information and data

protection archives are old as literacy. Archives are bench mark of a society that remembers, and that wants to remember. Records are cultural goods, historical and scientific resource which main function is consultation. Preserved records pass on our cultural heritage from one generation to another.

Review of basic Croatian regulations

*The Constitution of the Republic of Croatia*¹ promotes people and citizens' economic and cultural progress and social welfare. Respect of human rights is one of the highest values of the constitutional order of the Republic of Croatia and base for interpretation of the Constitution. The Republic stimulates and assists the development of science, culture and the arts, protects scientific, cultural and artistic goods as spiritual national values. Provision 52 determines that things of special cultural, historical... significance which are specified by law to be of interest to the Republic shall enjoy its special protection. Provisions of the Constitution are in detail determined by laws and other rules and regulations.

Archival, as well as regulations on protection of cultural goods are relevant for archival records.² Basic archival regulation is the *Law on archival records and archives*³. Law determines that archival records are of interest for the Republic of Croatia and enjoy its special protection. Archival and current records are protected regardless of whose property or possession they are in, respectively who owns them, or are they registered or recorded. The regulations on the protection of cultural monuments are applied to archival records too.

Principal act on protection of cultural goods is the *Law on the protection and preservation of cultural goods*⁴. Cultural goods are of interest to the Republic of Croatia and receive its special protection. Cultural good, regardless of ownership, preventative protection or registration, receives protection. The purpose of the protection of cultural goods are protection and preservation of cultural goods in an undamaged and original state; transfer of cultural goods to future generations; and establishing conditions where a cultural good may serve the needs of individuals and general interest according to its purpose and importance. The owner of a cultural good is obliged to enable accessibility to the cultural good to the public.

Cultural goods are, among others, buildings and other facilities that permanently preserve or display cultural goods and documentation concerning them. Archive material, records, documents, letters, manuscripts, a collection of items

¹ Narodne novine (NN) no. 41/2001 (Official Gazette of the Republic of Croatia, free of charge available on: <http://www.nn.hr>)

² All relevant regulations are free of charge available on the Ministry of Culture web site: <http://www.min-kulture.hr>

³ NN 105/1997, 64/2000

⁴ NN 69/1999, 151/2003, 157/2003

in museums, galleries, libraries and other institutions, as well as in other legal entities, national and administrative bodies, including those with physical persons, and films are moveable cultural goods.

Duties connected with the protection of archive material are performed by archives within the framework of their activities in accordance with the provisions concerning archive materials and archives. The procedure for establishing the characteristics of cultural goods for archive material is undertaken with a decision concerning the establishment of the characteristics of a cultural good brought by the Croatian State Archives, which obliged to submit the decision to the Ministry of Culture so that it may be entered into the Register of Cultural Goods of the Republic of Croatia. The Register⁵ is a public book kept by the Ministry's Directorate for the Protection of Cultural Goods. Each entry in the Register is published in the "Narodne Novine" (Official Gazette).⁶

*Regulation on archives' registers*⁷ define that the Croatian State Archives, as a central and parent state archives, is bound to keep, among others, the Register of archival records that are proclaimed cultural goods. Register contains following data: ordinal number and date of registration, basic data on owner/holder of records, title of archival fonds/collection or fonds/collections' entity, date, classification mark and registry number of decree on establishment of characteristics of a cultural goods.⁸

What is archival records

If we take one document, very few persons including professionals will be able to say *at first sight*: "This is archival records!" Let us take example known to everybody: invitation to this conference. Faculty of Humanities and Social Science organizes these meeting. Invitation is the Faculty's permanent record (because it is created by the Faculty's action and documents its activity), so it is archival record.

On the other hand, the very same invitation, received by, for example, the Municipal Library Samobor, that caused no further Library's actions (the Library has not sent its employee as participant or lecturer...) has no permanent value for the Library (do not document any of its activities), so the invitation can be destroyed after several years.

It is even more difficult when records that are not acts are concerned. Proceedings of this conference will be recognized at first sight, by majority of persons, no mater of their education and knowledge, as book, and they will say that pro-

⁵ Regulation of Register of cultural goods of the Republic of Croatia, NN 37/2001

⁶ NN 151/2002, 8/2005, 5/2006, 124/2006...

⁷ NN 90/2002

⁸ Register is not available on the Croatian State Archives web-site.

ceedings should be held by some library. But, few will recognize the proceedings as archival records. I suppose that even the Faculty will preserve the proceeding in its library, not its archives.

The Law on archival records and archives determines that archival records are considered records or documents created by legal or physical persons in pursuance of their activities, being of permanent significance for culture, history and sciences regardless of the place and time of their creation, not depending on the form and medium they have been preserved thereon. Archival records are created by selection of current records. Current records make a whole of records or documents created or received through the function and activity of a particular legal or physical person. Records or documents are in particular acts, charters, subsidiary office and business books, card indexes, maps, plans, drawings, placards, blank forms, photographs, moving images (film and video recordings), sound recordings, microforms, machine readable records, databanks, including programs and tools for using thereof.

Recognition of permanent records is somewhat facilitated by regulations in force.

*Regulation on appraisal and procedures of selection and disposal of archives*⁹ defines, among others, appraisal criteria and creators' of archives categorization. Appraisal is procedure for judging records value and defining retention period, and also way of disposal of each type or each unit of records.

Appraisal criteria are criteria for defining obligation, needs and interests, and wide individual or social usefulness for records' preservation until expiration of the retention period. Appraisal criteria are:

- significance of activity and function of creator,
- legal acts, rules and standards which determinate particularly disposal conditions,
- business purposes and purposes for supervising of business procedures,
- protection interests of individual or corporate persons,
- public interest for information and data in archives,
- evidential value of records and possibility of trusted provide insight into activities of creator in transparent and structured form,
- information value of archives,
- meaning of archives for culture, history and other sciences,
- value of archives in sense of cultural heritage.

Categorization is procedure of classification of records' creators in groups depending on meaning and value of the whole records created through their function and activity. There are three categories of creators:

- First category are creators responsible for defining policies, goals and methodologies for performing activities and functions; also the creators

⁹ NN 90/2002

which archives are transparent for recognize methodology, wideness and conditions for particularly business in frame of the same activities ...

- Second category are creators on field of particular activity which are responsible for implementation of policy and performing current activities, which wideness and methodology aren't clear through the archives of creators of first category ...
- Third category are creators which mean and area of activity are mostly documenting with archives of creators in first and second categories ...

Regulation¹⁰ on criteria for establishing value of movables that has cultural, artistic or historical value¹¹ gives further criterion for establishing movables' value:

- item's historical provenience,
- item's cultural, artistic or historical significance,
- item's market value,
- others item's characteristics that makes part of its cultural, artistic or historical value (method of its construction, material and so on).

Regulation on establishing cultural items that are considered as a national treasure of members states of the European Union¹² determines that national treasure are archival materials and any parts thereof, older than 50 years, as well as photographs, films and negatives thereof.

What is archival records mainly and mostly depends on records' creator, or on a context of records' creation. Partially that is why is so difficult to identify at first sight if some record is archival. There is a need to evaluate value, significance, needs... so determining which document is archival one depends on knowledge and competence of person – evaluator. It is not rare that the very same act (records of same creator) various archivists evaluate differently; or that the very same act is evaluated by the very same archivist one year as archival one and after one or two years as records of no value that can be destroyed. That is why regulations determine that evaluation should be preformed by a commission.

If a librarian destroys or not purchase particular book, that is not a loss, because some other library has it, or will buy it. However, it is quite different when archival records are concerned; records that are destroyed are destroyed forever and can not be regained. Finality of selection of archival records from currents ones is crucial and impossible to revoke. It seems that the main archival records' nature or essence is not as much its permanent value as it uniqueness, fact that certain act was

¹⁰ NN 77/2004

¹¹ Regulation applies to establishing value of movables seized during the Yugoslav communist regime.

¹² NN 38/2004

created only in as much of copies as necessary to perform a task, and is not designed for dissemination.

Archives' breakthrough¹³

Information technology (IT) causes, at least in the world, changes in archives' work. Traditional, classical records, that make major part of archives' holdings, become digitally accessible to users by scanning. Today documents are created and stored electronically as well. By their concept electronic records are not different from classic ones. "Record is recorded evidence on legal act, written in accordance with adequate form, established to quarantines it's authentic and to give it probatory force".¹⁴ IT has not changed basic essence of documents' creation. Documents are output or by-product of administrative procedures. Basic role of archives is not changed as well – to preserve documents as evidence of activities. Basic task of archivist is not changed either: to enable consultation of records and to give infrastructure that make easier to manage them.

IT changes, at first place, transparency of archivists' performances, and their attitude toward users. Till the end of the XVIII century archives were secret and not available to public. Where archives started to open most of the users came from the narrow, academic community, and had to clarify why and for what purpose want to use the records. Even today user of records held by a Croatian state archives, records that are according to the Law available for consultation, has to give written statement for what purpose he/she will use the records, what can be considered very much as intrusion of user's privacy.¹⁵ Users' opinions on this – is not known officially. Last research of users needs in Croatia was conducted in the year 1962.¹⁶ According to the Statistic Annual for the year 2006¹⁷ 258 employees of archives, of archival profession, have assisted 6.324 users. It should be mentioned that archives are open during working days, averagely from 8 a.m. to 4 p.m. So employed citizens can consult records, for pri-

¹³ See: Charter on the Preservation of the Digital Heritage, http://portal.unesco.org/ci/en/ev.php-URL_ID=13367&URL_DO=DO_TOPIC&URL_SECTION=201.html; Preserving Digital Heritage: Principles and Policies, selected papers of the international conference organized by the Netherlands National Commission for UNESCO, edited by Yola de Lusanet, Vincent Wintermans, http://www.unesco.nl/images/preserving_the_digital_heritage.pdf

¹⁴ Definition of record according to Luciana Duranti in Guercio, M. Načela, metode i instrumenti za stvaranje, zaštitu i korištenje arhivskih zapisa u digitalnom okruženju. // Modernizacija hrvatske uprave. Zagreb : Društveno veleučilište u Zagrebu, 2003., pages 247-278

¹⁵ If libraries or museums would ask theirs users to give written statement on purpose of the records consultation, there would be reactions from users, organizations that protect human rights and part of the public.

¹⁶ See Hedbeli, Ž. Korisnici, arhivi, literatura, Zagovor za istraživanje korisnika arhiva u Hrvatskoj, <http://www.filos.com/mkrzak/akt.htm#clanci>, 29.3. 2002.

¹⁷ http://www.dzs.hr/Hrv_Eng/ljetopis/2006/28-Binder.pdf

vate purpose, only during their annual or sick leave. When, and if, research of users needs in Croatia would be conducted, it is also necessary to research needs of persons that up to now, because of the archives' working hours, are not in position to use records.

Majority of users satisfy their needs with picture of a document, and do not care if the document is held by an archives, library, museum, private collection or some office. Users expect records to be available on their personal computers, any time and any place. On-line accessibility of records enables simultaneous usage of the same records by several users. That is not possible with traditional records, and represents a challenge for archivists that they, on principle, not have met yet. (Libraries are different, several copies of a book can be used, in a same library, simultaneously by several users.)

On-line documents, available on foreign archives' web sites, users all around the world use anonymously. Today's demands require that all the users should be allowed to use and interpret records according to their own needs. For archivists it is new idea and implies acceptance of users' competence in relations to research field, and not enforcement of "right" way how to understand the records.

IT, and possibilities that it gives regarding exchange and dissemination of information, have led at the end of the last century to creation of the first archival standards: General International Standard Archival Description ISAD(G), and International Standard Archival Authority Record for Corporate Bodies, Persons, and Families ISAAR (CPF). Archival Code of Ethics is introduced as well. Draft of International Standard on Activities/Functions of Corporate Bodies is published recently. Further standardization of archives' performance and output is expected and unavoidable. Standardization of finding aids and on-line available records imply greater submissiveness of archivists' work to public evaluation, which is more or less (un)wanted challenge for majority of archivists, which they just learn to respond.

In the second half of the XX century IT development and acceleration of information exchange possibilities have indirectly led to acceleration of human rights protection. Article 19 of the Universal Declaration of Human Rights¹⁸ determines: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Article 27, subsection 1, says: "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

¹⁸ Adopted and proclaimed by General Assembly, resolution 217 A (III) of 10 December 1948, <http://www.un.org/Overview/rights.html>

*Council of Europe framework convention on the value of cultural heritage for society*¹⁹ defines that rights relating to cultural heritage are inherent in the right to participate in cultural life, as defined in the article 27 of the Universal Declaration of Human Rights. The Convention's parties undertake to develop the use of digital technology to enhance access to cultural heritage and the benefits which derive from it, and to seek to resolve obstacles to access to information relating to cultural heritage.

According to the Statistic Annual Croatian archives hold 90.132 linear meters of records, 63.966 or 71% of them are arranged. Archivists just have to arrange and describe something less than one third of their fonds and collections. Unarranged records are not available for consultation, in principle. No Croatian state archives records are available on-line for a time being.²⁰

Conclusions

Standardization of finding aids (product of archivists' work) necessary for exchange of relevant data and for greater accessibility of electronic records unavoidably leads archival profession to leave its hermetism and false self-sufficiency. Archivists, at least Croatian ones, just have to realize that users are in centre of attention, that main purpose of archives' work is fast, easy and simple accessibility of finding-aids and records, and that basic human rights are freedom of information and freedom of participation in the cultural life. That means completely arranged and described records, accurate and reliable data, much more cooperation with related professions and records' creators, archivists' permanent education, and research of users needs. And, what is maybe most difficult for such a small profession as archival profession is, respect of different opinions and achieving joint point of views by discussion and dialog.

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¹⁹ Republic of Croatia has signed the Convention on 27.10.2005., NN – Medunarodni ugovori 5/07

²⁰ See Hedbeli, Ž. Korisnici, arhivi, literatura : Zagovor za istraživanje korisnika arhiva u Hrvatskoj – osam godina poslije. 6. zbornik referatov dopolnilnega izobraževanja s področij arhivistike, dokumentalistike i informatike v Radencih 28.-30. marca 2007 : Tehnični in vsebinski problemi klasičnega in elektronskega arhiviranja, Maribor : Pokrajinski arhiv Maribor, 2007. pp. 350-358

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