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permettre de rendre des comptes...
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les violations des droits de l'homme.
**Nous devons nous rappeler notre passé
pour faire en sorte qu'il ne se répète pas."**

Mgr DESMOND TUTU

Conférence Internationale de la Table Ronde des Archives (CITRA) Le Cap, 21 octobre 2003

POUR LA DÉFENSE
DES DROITS DE L'HOMME

LES ARCHIVES contre l'oubli



INTERNATIONAL COUNCIL ON ARCHIVES
CONSEIL INTERNATIONAL DES ARCHIVES

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Foreword

In 2001, in Reykjavik, Iceland, I opened the first conference in our three year theme on "Archives and Society" by citing my eminent Canadian predecessor Sir Arthur Doughty, who considered that "Of all national assets, archives are the most precious. They are the gift of one generation to another and the extent of our care of them marks the extent of our civilization." (1924). We then discussed the active role of archivists and their responsibility for the creation of society's memory. The choices made as a result of the archival processes of appraisal and acquisition, between records that merit preservation and those which can be destroyed, are decisive. In the age of electronic media appraisal is clearly a matter of conscious choice early in the life-cycle and cannot be left to accident or later consideration. The challenge for our profession is to ensure that this memory is comprehensive rather than exclusive and that the documentary heritage we chose to leave to the future reflects the full diversity and complexity of the experience of our societies

In 2002, we continued our discussions in Marseilles, in France, by shifting the perspective and asking ourselves: How does society perceive archives? We found that, despite our efforts, it was clear that we had not really been successful in informing our fellow citizens about how to access their memory. Archives are respected and honoured but the use of archives remains a mystery for all but a very few. We traditionally reach our audience through those writers, broadcasters and teachers who present the results of their research to a broader public. Digitization offers the possibility of bringing facsimiles of documentary media directly to schools and to individuals but the possibilities have only begun to be explored.

In 2003, our exploration of this theme was taken up again in Cape Town, concentrating on one crucial question, that of archives and human rights. This time, our responsibility came to light in a striking manner: individuals, minorities and societies cannot achieve justice, validate their rights and carry through their efforts for reconciliation, unless the authoritative evidence of the violations which they have suffered is preserved and accessible.

On her visit to Grosse Ile in Quebec in 1994, where thousands of Irish immigrants to Canada (1847) died of hunger and cholera, Mary Robinson, then President of Ireland, said that we all have the choice of whether to be spectators or participants in facing the human suffering which surrounds us and punctuates our history. "If we are spectators then we close these people to a prison of statistics and memories, from which they can never escape to challenge our conscience and compassion." She continued this theme elsewhere, adding "It is important, indeed, imperative, that we the survivors, and future generations, should know about those who had no one to speak for them at the time of their greatest need and suffering. The story of the silent people should be heard."

Over the past three years, many CITRA participants stressed that as architects and guardians of our collective memory, archivists cannot simply be spectators. Faced with the threats weighing on these documents and the stakes that they represent, we must be active participants both in developing the documentary heritage using all media and all sources and then in making it accessible as a living part of our societies. The experience

of many countries has been eloquent: archives are the foundation for understanding and social peace and form an essential part of the underpinning for a democratic society.

Ian E. Wilson
CITRA President

Avant-propos

En 2001 à Reykjavik, en Islande, j'ai ouvert la première conférence de notre thème triennal "Archives et Société" en citant mon éminent prédécesseur, Sir Arthur Doughty; il estimait que "de tous les biens qui constituent le patrimoine national, les archives sont le plus précieux. Elles sont le don d'une génération à une autre et le soin qu'on leur apporte traduit notre degré de civilisation" (1924). Nous avons alors discuté du rôle actif de l'archiviste et de sa responsabilité dans la constitution de la mémoire de la société; en effet, les choix qu'il opère par ses décisions d'évaluation et de collecte, entre les documents méritant d'être conservés et ceux qui peuvent être éliminés, sont déterminants. A l'âge de l'électronique, l'évaluation est clairement une question de choix délibéré, au début du cycle de vie, et elle ne peut être laissée au hasard ni reportée à un examen ultérieur. Le défi pour notre profession est d'assurer que cette mémoire soit complète et sans exclusive, et que le patrimoine documentaire que nous choisissons de laisser après nous reflète toute la diversité et la complexité de l'expérience de nos sociétés.

En 2002, nous avons poursuivi la réflexion à Marseille, en France, en renversant la perspective et en nous demandant comment la société perçoit les archives. Nous constatons alors que, malgré nos efforts, il était clair que nous n'avions pas vraiment réussi à informer nos concitoyens sur la manière d'accéder à leur mémoire. Les archives sont respectées et honorées mais leur usage demeure un mystère pour la plupart. Nous atteignons traditionnellement notre public par l'intermédiaire des écrivains, journalistes de radio et enseignants qui présentent les résultats de leur recherche à un public plus large. La numérisation offre la possibilité de mettre les fac-similés des documents directement à disposition des écoles et des individus, mais on commence seulement à en explorer les potentialités.

En 2003, nous avons continué au Cap l'étude de notre thème en nous concentrant sur la question vitale des archives et des droits de l'homme. Cette fois notre responsabilité est apparue de façon éclatante : les individus, les minorités et les sociétés ne peuvent obtenir justice, faire valoir leurs droits et mener à bien leurs efforts de réconciliation que si des preuves dignes de foi des violations qu'elles ont subies sont conservées et accessibles.

En visitant Grosse Ile au Québec en 1994, où 15 000 irlandais émigrant au Canada périrent de faim et du choléra en 1847, Mary Robinson, alors présidente d'Irlande, disait que nous avons tous le choix, nous pouvons être spectateurs ou participants sur la scène de la souffrance humaine qui nous entoure et jalonne notre histoire. "Si nous sommes spectateurs, alors nous enfermons les gens dans une prison de statistiques et de souvenirs, d'où ils ne pourront jamais s'échapper pour interpellier notre conscience et notre compassion". "Il est essentiel", ajoutait-elle dans un autre contexte, "il est même impératif, que nous les survivants, et les futures générations, sachions ce qu'ont subi ceux qui n'ont eu personne pour parler pour eux, au moment où ils en avaient le plus besoin et où ils souffraient le plus. L'histoire des gens silencieux doit être entendue".

Au cours des trois dernières années, de nombreux participants à la CITRA ont souligné qu'en tant qu'architectes et gardiens de notre mémoire collective, les archivistes ne peuvent pas être de simples spectateurs. Devant les menaces qui pèsent sur ces documents et les enjeux qu'ils représentent, nous devons être des participants actifs, à la fois pour développer le patrimoine archivistique en utilisant tous les médias et toutes les sources, et en le rendant ensuite accessible, comme part vivante de nos sociétés.

L'expérience de nombreux pays est éloquente : les archives sont le fondement de la paix sociale et elles constituent une part essentielle des bases d'une société démocratique.

Ian Wilson
Président de la CITRA

Introduction

"We are ashamed of that part of our history, but it is our history nonetheless. And it stands there recorded in our National Archives... The records are crucial to hold us accountable... They are a potent bulwark against human rights violations. We must remember our past so that we do not repeat it."

It was with this warning that 1984 Nobel Peace Prize Winner Desmond Tutu, former president of the South African Truth and Reconciliation Commission rounded off his inaugural speech at the 37th international Conference of the Round Table on Archives (CITRA). Dr Ben Ngubane, the South African Minister of Arts, Culture, Science and Technology had just announced, at the opening of the conference, the transfer of the records of that Commission to the National Archives.

50 years after the idea of a Round Table for national archivists was conceived,¹ CITRA was held for the second time in Africa.² The "rainbow nation" seemed the obvious choice to host a conference on the theme of "Archives and Human Rights", given the exemplary way in which it has achieved its transition to democracy; and Cape Town in particular was appropriate since it had been the headquarters of the Truth and Reconciliation Commission.

The heartfelt remarks of Archbishop Tutu, and the standing ovation – a first in the annals of CITRA – which followed them, the presence at the opening ceremony of the former president of Botswana, Sir Ketumile Masire, and of the ten ministers from southern and eastern Africa responsible for archives, the message of Mary Robinson, and the warmth of the welcome from the South African people, the call of the traditional praise-singer, the beauty of Cape Town, everything came together to make this conference a major archival event and an unforgettable moment in time.

The 168 delegates, directors of national archives and presidents of professional organisations, from 70 different countries, discussed the fundamental role of records for the protection of human rights. Archivists are directly involved in the matter insofar as archival document provide evidence for identifying responsibilities, the first stage in the process of reconstructing individual identities and of reconciling societies.

The first two working sessions were built around the types of sources which mean that violations of human rights can be documented – national and intergovernmental on the one hand, international and non-governmental on the other, and the different uses to be made of them – political, legal, historical, and for remembering. The third session was devoted to the preservation of the memory of traditional African societies.

Guy Braibant, son of one of the three founders of CITRA, began by giving the legal viewpoint on the need for a reconciliation between two apparently unrelated ideas – the concept of archives, and the concept of human rights. Whether it is a matter of civil rights, or of the more recent right of access to information, archives play an essential role in contemporary societies and are a valuable tool for any democratic state.

¹ In his preface to the proceedings of the first three CITRA conferences, Charles Braibant recalled the circumstances in which the idea of CITRA was conceived in 1953. The first CITRA was organised in Paris in 1954, Charles Braibant and Robert-Henri Bautier, *Une Table Ronde utile à l'histoire*, Paris, 1958.

² CITRA was held in Nairobi, Kenya in 1976.

The "boomerang effect" of "records of terror" is well known; these are the records created under totalitarian regimes which have passed from the service of repressive regimes to the service of democracy. Records of the police and intelligence services, of armies, detention camps, these documents created in the service of oppression are the very same ones which can be used to prove that victims have suffered abuse and privation, and to help obtain both justice and reparation.

Antonio González Quintana was well placed to give an account of the decade that has passed since the CITRA meeting held in Mexico in 1993 which had recommended a report on the archives of security services of former repressive regimes. He recalled the background to the 1995 study carried out for UNESCO and the ICA under his leadership.³ Since that time, the globalisation of justice, in the shape of the creation of the International Court of Justice, has given the issue a universal dimension, which goes beyond the territorial boundaries of the countries immediately affected. Some progress has been made; the special Independent Expert to the United Nations on action to combat impunity, Louis Joinet, made a proposal to the Commission for Human Rights for a set of *Principles for the protection and promotion of human rights through action to combat impunity*.⁴ These principles are based on collective rights, such as the right to know, and those which flow from them: the inalienable right to truth and that duty to remember which is the responsibility of the state in order to stave off any attempt at revisionism. The necessity to preserve archives, and to make accessible those archives which allow the facts of any violations to be established, form part of the measures suggested by the Joinet Report. These principles have not yet been submitted for the approval of the UN General Assembly, but the international justice system has already made use of them on several occasions.

Antonio González Quintana demonstrated how important it is to identify and preserve these archives as well as any substitute sources which could make up for their being missing. From his point of view, recognition that professional archivists have a role to play here is essential.

Klaus Oldenhage then gave an account of his professional experience in the management of Nazi and Communist archives in Germany, a country which endured two repressive regimes of opposing ideologies in succession. Insofar as there were more similarities than differences between these regimes, the experience gained in managing the archives of the former was hugely helpful in dealing with those of the latter. Indeed, following German re-unification, the earlier experiences allowed similar procedures to be established, ones based on the principles of impartiality and on equal treatment for all. Through this unique experience, he could state with confidence, that for the protection of, and for an equitable balance between the rights of victims and those of their former oppressors, it is essential that it is the archivist, rather than the politician, who decides the fate of the records of any repressive regime. He advised countries faced with this kind of situation to transfer these records to existing archives services rather than to institutions set up on an ad hoc basis for that specific purpose.

There was some animated discussion on this issue. In light of the Spanish experience, Antonio González Quintana considered that a specialist repository had more resources at its disposal, and consequently could be more effective. Over and above the suspicions that might be raised by the use of existing services (and sometimes with good reason),

³ Antonio González Quintana, "Les archives des services de sécurité des anciens régimes répressifs", *Janus*, 1999.1 and "Archives of the Security Services of Former Repressive Regimes", *Janus*, 1998.2.
⁴ United Nations Document.E/CN.4/Sub.2/1997/20/Rev.1

they did not always have the appropriate resources to meet the demands generated by these types of documents. Nevertheless, one of the final resolutions of the conference was that public authorities should be urged as far as was possible to place these records with public archive services.

The Ukrainian experience, set out by Hennadii Boriak, illustrates only too well the practical and legal difficulties faced by archivists in managing and making accessible the archives of secret service organisations.⁵ They encountered new ethical problems when confronted with material of doubtful authenticity.

Courts produce and collect, as part of their role, much documentation which relates to the violation of human rights. Aware of the role that archives can play in the judicial process and in the prosecution of the guilty, the governing body of the International Criminal Tribunal for Rwanda (ICTR) gave Tom Adami the resources needed for their management. He outlined the dilemmas inherent in the management of legal information and the difficulties encountered within the context of the globalisation of international criminal justice. An innovative electronic records management system has been set up which allows for remote filing and remote access to many document types, whatever their origin, location or medium. This represents the development of a new area within archival practice.

In a message to delegates, Adama Dieng, Registrar to the ICTR, drew attention to the investment made in its archives service and announced the projects which aim at enabling archival and legal professionals in other African countries to benefit from it, within a framework of continuous training. ICTR records will be deposited, at the end of its mandate, at UN headquarters, but the national archives of the African nations concerned will receive copies.

Even well-established democracies must keep their houses in order as Gabrielle Nishiguchi highlighted, in a moving presentation of several examples of the violations of the rights of minorities - Chinese, Japanese and Ukrainian - in Canada during the twentieth century. She encouraged archivists to come down on the side of history's forgotten and underprivileged peoples, particularly when selecting documents for permanent preservation.

The issue of access to archives came up throughout the discussion e.g. in relation to the archives of former colonial regimes, such as France with Algeria (Abdelkrim Badjadja) and the archives of the Commission on Truth and Reconciliation in South Africa (Ethel Kriger). The President of the South African Association of Archivists suggested that the Commission's records might be given a special status allowing unreserved access. She called upon national archives to conduct a survey of security services archives held within those organisations and to review the selection criteria for material relating to the judicial function. At a general level, she invited archivists to promote a human rights culture in society, with losing sight of the fact that, in the words of Mbaye Thiam, "we are not prosecutors or arbiters, we are archivists".

The second session was given over to sources from international and inter-governmental organisations. Gloria Alberti and Patricia Tappatá de Valdez recalled the context of urgency in which the archives of Latin American human rights organisations had been established, aiming to provide evidence of the abuse suffered by victims. These *archives*

⁵ Hennadii Boriak, who contributed to the 2002 Marseilles CITRA agreed to prepare a paper in the eventuality of a conference speaker withdrawing. The CITRA Bureau decided to publish it as it fits perfectly within the overall framework of the conference.

of pain comprise a mix of documents and objects whose strength lies in their authenticity and unique character. Both speakers emphasised the dangers which threaten these collections, and the necessity of introducing professional archival management in order to preserve them.

In Chile, joint action by the national archives and human rights organisations resulted in their archives becoming part of UNESCO's *Memory of the World* programme. In Argentina, the eight NGOs which make up *Memoria Abierta* have begun a programme for managing documents that they have collected and secondary sources which they have created, along with the recording of oral testimony from participants and witness. (Following the Cape Town CITRA meeting, a special institution was created at the end of 2003, the *Archivo Nacional de la Memoria*. Separate from the *Archivo General de la Nación*, this public institution aims to safeguard, manage and exploit those public archives which are evidence of the violation of basic rights.)

International organisations also hold records which can support the search for truth. In this regard Georges Willemin showed the extent to which the archives of the International Committee of the Red Cross can contribute to the process of reconstructing the identity of individual victims of armed conflict, and to the reconstruction of the collective memory.

Alan Divack talked about an international non-governmental organisation (NGO) the Ford Foundation. Its human rights activities make up its main area of work. Two of its projects, working with the Memorial association in Russia, and with human rights non-governmental organizations in Latin America have resulted in support for the preservation of those organisations' archives, whose survival, Divack emphasised, is precarious. The Foundation also assists the National Security Archives, an American NGO which provides access to classified government documents through the systematic use of freedom of information legislation.

Many issues were discussed. How can the search for truth and respect for individual privacy be reconciled? The right to remember with the right to forget? How can the preservation of sensitive documents be assured when fear might be aroused by their being used again? These are professional and ethical questions of such sensitivity that they have no answers and some delegates expressed a wish to revisit the subject in the future. For Patricia Valdez, the state of a country's archives is a reflection of its level of democracy. The need for an awareness campaign among NGOs was recognised as a way of encouraging them to take care of their archives themselves.

The third session was given over to the memory of traditional African societies. It provided the opportunity for and extension of the pre-conference on oral history held in Pretoria.⁶ Idrissa Yanssambou gave an account of the projects which aim to ensure the conservation of ancient Arab and Ajamis documents, currently held in appalling conditions. The memory of Nigerian peoples is made up of oral sources which are the subject of collecting and digitisation projects. Henri Bredekamp reminded delegates that "words are powerful political weapons" and he described the project to record the experiences of the indigenous Griqua people, displaced during the apartheid regime. The South African National Archives' National Oral History Project aims to fill some of the gaps which resulted from the policies of both the former colonial and apartheid regimes. Graham Dominy, the conference host, described the joint project between South Africa and Mali to ensure protection for medieval manuscripts of Timbuktu.

⁶ The resolutions of the pre-conference held in Pretoria between 13-17 October 2003 are available in French and English on the ICA website: www.ica.org/cot

Mbaye Thiam dealt with information rights in sub-Saharan Africa taking Senegal as his example. Here the government has begun to take steps to facilitate access rights to official documentation. He made a plea for the establishment of a real information access policy which should be accompanied by the introduction of records management programmes into departments. He emphasised the benefits which such programmes would bring in terms of modernisation and development. At the time when democracy is emerging in sub-Saharan Africa, his ambition was for such measures to extend to all of francophone Africa.

The government ministers responsible for archives in countries of southern and eastern Africa, who came together at the conference, adopted a "Declaration on archives in Africa". This declaration underlines the importance of the African documentary heritage and the need for Africa to devote the necessary resources to ensuring the conservation and management of written, oral and electronic records. It recommends the African Union to establish, within the NEPAD' framework a steering committee to encourage archival cooperation along with a programme of promotional activities for archives, "a service which is essential for democracy" in the words of the South African Minister of Arts and Culture.

In their final resolutions, delegates invited African governments to modernise their administrations by introducing records management programmes, in accordance with the rules of good governance and administrative transparency. They noted the fundamental importance of archives - particularly at the period when countries are making the transition to democracy - "as evidence supporting victims' rights for reparation; as an essential element of collective memory; as a means of determining responsibilities for rights violations; and as a basis for reconciliation and universal justice".

They resolved to continue the discussions through a series of projects aimed at raising public awareness of the issues. In particular it was agreed to facilitate the use of archives and encourage public authorities to disseminate information about their existence more widely. The numerous sources in both public and private archives which relate to the history of abuse of human rights are to be brought together in an international guide produced under the auspices of the ICA. The establishment of an "Archives and Human Rights" prize was suggested, along with the organisation of a travelling or virtual exhibition on the same theme.

These resolutions created a real programme of work for the future. The CITRA Bureau has encouraged them to be followed up and a special working group has been established to oversee the coordination and implementation of the projects.

The three-year cycle begun in Reykjavik in 2001 and continued at Marseilles in 2002 on the theme *Archives and Society* came to an end in Cape Town and the vital importance of archives to citizens and society has been made very clear. The CITRA meeting in Cape Town does not represent a result - it is merely a point of departure because of the myriad questions which still remain. It provoked expectations that we hope will not be disappointed, and a real sense of purpose.

The Cape of Good Hope lives up to its name. We need to keep hold of that Cape spirit.

Perrine Canavaggio
Secretary of CITRA

⁷ New Partnership for African Development