

STATEMENT ON ARCHIVES BUSINESS AND HUMAN RIGHTS

Geneve, 28 November 2017 (UN Forum on Business and Human Rights)

The International Council on Archives, the non-governmental organization created in 1948 at the behest of UNESCO, has incorporated decisively the issue of human rights on its agenda, stressing the importance that archives have for defending them.

Archives, understood as the services accountable for implementing records management and records keeping systems, which guarantee the conservation, custody and availability of records generated by public bodies, corporations or individuals in the exercise and development of their activities, are irreplaceable tools to support the basic rights of persons, among others, the right to personal identity, the right to private property or the right to information. They are also the main instrument to ensure awareness of the truth about violations of human rights when these have occurred, and are the best guarantee for getting the precise evidences to punish those responsible for such violations, and to obtain reparation for victims.

The UN bodies linked to the human rights defense, from the Human Rights Council and the Office of the High Commissioner for Human Rights, to the General Assembly, have demonstrated in official documents, recommendations and declarations, this close relationship between human rights and archives. Thus, the Rapporteurs Louis Joinet and Diane Orentlicher, in their reports on the fight against impunity for human rights violations and the right to know, and the rapporteur Pablo de Greiff, in his reports on the exercise of the right to truth about such violations and the mechanisms to prevent denial or repetition, have generated principles and recommendations which are essential references on the role of archives and archivists in the fight against the most serious human rights violations.

Archivists, meanwhile, from the International Council of Archives, have also highlighted the strong relationship between archives and human rights in various documents, from recommendations on the treatment of archives of state security of the former repressive regimes to the basic Principles on access, as well as the resolutions of conferences and congresses, and have assumed, with great conviction, the protagonist role of archives in the defense of human rights. In this work, they have collected the UN recommendations and have collaborated actively in its dissemination and implementation.

The Guiding Principles for Business and Human Rights, adopted by the UN Human Rights Council and also known as Principles Ruggie, referring to the rapporteur editor thereof, constitute a document of extraordinary value to guide business in the framework of respect for human rights. Legitimate pursuit of profit for its owners and shareholders does not always escape of the companies temptation to gain advantage, in a global market and open to strong competition, in violating social and economic rights of workers, undermining the foundations and wealth of an entire community or risking the health of consumers. Unlike Joinet or De Greiff Principles, whose recommendations are primarily aimed at public records, and addressed for documents produced by administrations and public institutions in general, referring the responsibilities that public authorities must take with respect to each other, the Ruggie Principles affect in a very important way private entities as business corporations and

follow-up depends largely on the willingness of the own private entities, not having the same capacity of coercion existing to government agencies

The Principles, however, impose on States different requirements as to monitor the activities of enterprises in their own territory not violate human rights or to advise them in their actions, especially when it is developed abroad, and in areas potentially in danger of human rights violations, such as conflict zones or developing countries. They are therefore applicable to public authorities and, looking at the role of victims of human rights violations committed by companies, recognizing the need to create redress for those affected, individually or collectively, they are also applicable to organizations of civil society: trade unions, NGOs, victims' associations, human rights defenders ...

In the community of archivists who are part of the International Council on Archives draws our attention and makes us address the forum monitoring the implementation of the Ruggie principles, the absolute absence of references in the document to archives or records management systems. As with the aforementioned principles on the right to know and the right to truth, archives and records are essential for Governments in their work of oversight, for enterprises to develop their own policies and for implementing reparation mechanisms within the companies; ultimately, in the three aspects that the principles contemplated. As we will try to show in a detailed analysis (see Annex 1) the application of the Guiding Principles on Business and Human Rights requires records and archives to:

- 1.- provide objective elements for assisting States in their responsibilities
- 2.- serve as evidences for the companies to endorse a committed to human rights and to address the possible claims that can receive under repairing mechanisms
- 3.- help social organizations and victims to get documentary evidences in their complaints and claims

States must ensure that records produced monitoring activities in business regarding Human Rights are integrated into the public archives and Recordkeeping system. Corporations should ensure that their records are treated appropriately, ensuring their preservation and enabling their disposal and communication as a tool for ensuring transparency in their actions. NGOs and unions also must build their archives systems in order to deal with complaints of violations of human rights by businesses. Ultimately, only developing document management policies and efficient systems files is possible the full implementation of the Guiding Principles for Business and Human Rights in the three areas indicated.

As part of this concern, the Section of Business Archives, the Section of Professional Associations and the Working Group on Archives and Human Rights of the International Council on Archives, gathered together in Reykjavik in September 2015, they agreed to contact the Monitoring Group of the Guiding Principles on Business and human Rights in order to encourage the need to address archival policies to facilitate the effectiveness of the principles.

The importance of documenting violations of Human Rights and the need of mechanisms to improve the management of knowledge on this subject were reflected in the report of the Secretary-General of the United Nations of 2 July 2012 Contribution of the United Nations as a

whole to promote the program on business and human rights and the dissemination and application of the Guiding Principles on business and human rights stating that "currently there is not worldwide an archive of information on patterns of negative consequences of business activities on human rights and the responses adopted by States and companies, as well as other stakeholders, to address these consequences ", before which proposes the creation of a repository in which "to collect information on processes and state initiatives, policies and business practices and the use of mechanisms of accountability for affected stakeholders, proposing to reach this goal the institutionalization within the UN of a global archive on business and human rights"

Following this statement, in annex 1, are collected specific references to the concrete principles with a direct relationship with archives and records management. In annex 2 the statement is completed with a series of general conclusion and some guidelines on the archival policies which should be implemented, in our opinion, by governments, business and social organizations