

Disputed Archival Claims: An International Survey 2018/2019

Report to the International Council on Archives'
Expert Group on Shared Archival Heritage

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Translation of survey responses in French by Christine Cross



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1. Executive Summary

This report presents the data received from an international survey of claims over displaced archives, conducted on behalf of the International Council on Archives' (ICA) Expert Group on Shared Archival Heritage (EGSAH). The survey was conducted between 30 August 2018 and 15 January 2019 and 27 valid responses were received.

The report presents background information about the problem of displaced archives and multilateral efforts to resolve archival claims. It describes Leopold Auer's survey of 1997/8, through ICA for UNESCO, before outlining the methodology of the 2018/9 survey. The 2018/9 questionnaire is provided in the Appendix to this report.

Section 3 of this report then presents the data received on a case by case basis. Section 4 presents aggregations of the data including data on the causes of displacement, the nature of the disputed archives, the state of communications, negotiations and existing agreements, any partial transfers, claims over originals and copies and settlement through copying, the viability of joint heritage arrangements, attitudes to financing and conducting copying and transfers of rights, the legal bases of claims, and bilateral and multilateral measures to resolve claims. The report concludes with a high level comparison between the 1997/8 and 2018/9 survey data.

A version of this report was submitted to EGSAH with recommendations for further work, further data collection in particular regions, policy work and support for bilateral and multilateral dialogues. The present version reports the survey data and aggregations only, for publication.

2. Background

This report presents the data received from an international survey of claims over displaced archives, conducted on behalf of the International Council on Archives' (ICA) Expert Group on Shared Archival Heritage (EGSAH). A version of this report was submitted to EGSAH with recommendations for further work, further data collection in particular regions, policy work and support for bilateral and multilateral dialogues. The present version reports the survey data and aggregations only, for publication.

2.1 Displaced Archives

The literature on displaced archives shows a variety of definitions for 'displaced archives' and the use of other terms ('migrated archives', 'expatriate archives', 'disputed archival claims', 'joint archival heritage', 'shared archival heritage', etc.) for the same or similar phenomena. The term 'displaced archives' is being used in this report to describe archives removed from the place of their creation, where the ownership of the archives is disputed by two or more parties.

Displaced archives have long been a concern for archivists, governments and communities around the world. The modern history of international efforts to address this problem is described in the introduction to the book *Displaced Archives*:

In 1977, UNESCO published a study it commissioned from the International Council on Archives (ICA): Charles Kecskeméti's *Archival Claims: Preliminary Study on the Principles and Criteria to be Applied in Negotiations*. Its principal contribution to the study of archival displacement was the definition of a number of principles - 'territorial provenance', 'retroactive patrimoniality', 'functional pertinence', 'joint heritage' – that might provide a vocabulary for discussions. The 1977 study informed UNESCO's 1981 *Model Bilateral and Multilateral Agreements and Conventions Concerning the Transfer of Archives*, in which Kecskeméti and Evert Van Laar outlined different types of agreements on displaced archives, discussing their forms, coverage and the conditions appropriate to their use. As this work was going on, the International Law Commission was considering the same issue. Its work would culminate in 1983 in the *Vienna Convention on Succession of States in Respect of State Property, Archives and Debts*. The Convention was adopted by the United Nations, but it has not come into force since too few states have consented to it...

Some research and analysis of archival claims has been undertaken since the Vienna Convention. In 1995, the ICA published a *Reference Dossier on Archival Claims* compiled by Hervé Bastien. The dossier brings together

international legal texts, relevant UNESCO resolutions and key ICA documents including resolutions, the advice ICA provided on the Vienna Convention and a position paper adopted by ICA's Executive Committee in 1995. It is an invaluable resource for the study of the problem of displaced archives. In 1998, Leopold Auer's *Disputed Archival Claims: Analysis of an International Survey (A RAMP Study)* was published by UNESCO. It reports on Auer's survey of archival claims, providing examples and statistics that lend 'colour to the already existing picture' and augment Bastien's *Dossier*.

This appears to have been the last on the matter until the 2004 ICA Congress in Vienna, just over twenty years after the Vienna Convention. At the 2004 Congress, the National Archivist of Algeria, Abdelmadjid Chikhi, raised the issue of displaced archives. In May 2009, the Executive Board of the ICA, meeting in Tamanrasset, Algeria, approved the establishment of the Displaced Archives Working Group.¹

This history is brought up to date (as at August 2019) in an article in *Archival Science*, "Displaced Archives": Proposing A Research Agenda':

[The inactivity of the ICA's Displaced Archives Working Group] spurred the creation of the *Displacements and Diasporas* project, which has led to *Displaced Archives*, an edited book of essays with the stated aim of reviving international discussions on this topic (Lowry [2017a](#)). Ahead of the publication of *Displaced Archives*, contributors to the book presented a panel at the 2016 Congress of the ICA. At the conclusion of the panel, the President of the ICA announced the formation of the Expert Group on Shared Archival Heritage (EGSAH), led by Njörður Sigurðsson of the National Archives of Iceland, a country with some experience of disputed and repatriated cultural heritage, having received manuscripts from Denmark in an amicable repatriation in 1997. The work of the *Displacements and Diasporas* project also prompted the Association of Commonwealth Archivists and Records Managers (ACARM) to adopt a position paper calling for the repatriation of the Migrated Archive, a series of records held in Britain but comprising papers removed from 37 former colonies (ACARM [2017](#)). At the ICA's 2018 conference in Yaounde, Cameroon, the President of the Forum of National Archivists (FAN) hosted a discussion about displaced archives, and at the same conference, the EGSAH presented a panel that included presentations on cases including South Africa and Namibia and the Netherlands and Suriname. The panel prompted vigorous debate about some of the ongoing cases and some of the technical problems connected with the resolution of claims, such as definitions of provenance and the physical conditions necessary for safeguarding fragile material. In March 2019, an important development occurred at a meeting of Caribbean archivists in Suriname, where archival repatriation was

¹ Lowry, J., 'Introduction: Displaced Archives' in Lowry, J. (ed.) *Displaced Archives*, Routledge: Abingdon, 2017, p.3.

connected with slavery reparations through the concept of historical justice. Currently, *A Proposal for Action on African Archives in Europe* (Mnjama and Lowry [2017](#)) is being translated into French, the EGSAH is planning a special issue of *Comma*, the ICA's journal, and a second volume of *Displaced Archives* is being prepared.²

Like the Working Group on Displaced Archives before it, the EGSAH recognised the need for an up to date picture of disputed archival claims. At its 2017 meeting in Mexico City, the EGSAH endorsed the idea of a new survey, twenty years after Auer's survey, to better understand how the landscape had changed.

2.2 First (1997/8) Survey

In 1998, UNESCO published the results of Leopold Auer's international survey on disputed archival claims.³ Auer circulated a first questionnaire to the national archives of 83 countries. Forty-five did not respond at all; eight national archives did not wish to participate; and one preferred bilateral contact. The archives of five countries reported no disputed archival claims. The remaining 24 national archives responded positively to the first questionnaire, identifying 61 disputed archival claims against 25 countries. They were sent a second, more detailed questionnaire. The 17 responses to the second questionnaire provided detail on the claims, though Auer notes some discrepancies in the data across the two surveys.

A high level comparison of the data from the 1997/8 and 2018/9 surveys is presented in Section 5 of this report.

2.3 Current (2018/9) Survey

2.3.1 Survey Design and Distribution

Auer's survey questionnaire was used as the basis for the 2018/9 questionnaire. It was revised to reflect changes in technology, with the inclusion of digitisation alongside microfilming in recognition of the fact that various copying technologies are used internationally. The language of the questionnaire was also changed to make it broader in scope than the 1997/8 questionnaire, with the intention of accommodating claims by actors beyond nation states (communities, First Nations, sub-national governments, the private sector, etc.). This was an effort to recognise the diverse causes and

² Lowry, J., "'Displaced Archives': Proposing A Research Agenda', *Archival Science*, 19:4, 2019.

³ Auer's *Disputed Archival Claims – Analysis of an International Survey: A RAMP Study* is available at <https://unesdoc.unesco.org/ark:/48223/pf0000113472>

results of displacement. The questionnaire is included in the Appendix to this report.

Auer's survey was mailed directly to national archives, but the present survey was open to all, published on the ICA website in English and French on 30 August 2018. The survey was promoted through the Twitter accounts of the ICA, the Chair of EGSAH, the author of this report, and the Liverpool University Centre for Archive Studies. There was a healthy response in terms of retweets. The survey was also promoted by the Chair of EGSAH and the author through various list-servs, including the ICA, ESARBICA and national professional list-servs. Re-posting and sharing of the survey was encouraged, and it is understood that the survey was shared through Caribbean, South American, North American and Australasian professional networks. The Forum of National Archivists (FAN) kindly sent the survey directly to all national archivists who are ICA members.

The 9 December 2018 deadline was extended to 15 January 2019 after several potential respondents asked for more time to respond. The results of the survey are reported case by case in Section 3 of this report, below.

2.3.2 Notes on the Interpretation of the Data and Limitations of the Study

The data from this survey cannot form a complete picture of the extent and nature of displaced archives because the survey population was self-selecting. Furthermore, some cases of archival displacement are subject to ongoing negotiations that might have been upset by the parties' participation in this survey, and several institutions declined to participate for this reason. Additionally, the author received correspondence with anecdotal stories of displacement affecting most regions of the world, but these are not presented or aggregated in this report because that correspondence was not intended to constitute a claim.

The data from this survey will not be directly comparable with the data from the 1997/8 data because some of the states or political entities named in the 1997/8 survey no longer exist. Also, those who reported claims in the 1990s may be unable or unwilling to report claims now, and vice versa, because of changes in the international geopolitical landscape.

The literature shows that some new cases have occurred since the 1997/8 survey, such as the removal of records from Iraq to the USA. Not all of these new cases have been reported in the current survey. Some of the cases reported in 1997/8 have been reported in the current survey. Regarding those

that have not been reported again, it would be useful to investigate if the claims have been resolved.

One response (Claim 25) was a nil response (reporting no claims). Future surveys could request responses from countries without claims, in order to form a fuller picture of the situation internationally. However, the results of the current survey present more diverse configurations of actors than were apparent in the 1997/8 data because of the wording of the 2018/9 survey questionnaire, which encouraged reporting on cases beyond the nation state, such as cases involving communities, non-government organisations, First Nations, religious organisations, and the private sector. The diversity in claimants is also attributable to the fact that the survey was openly accessible.

Data on the 32 claims recorded through the online survey were received from the ICA in a spreadsheet. Claim 33 was received directly by the author in an email. The data from that claim was entered into the spreadsheet with a note about its receipt by email. Two worksheets were created in the spreadsheet. The first worksheet ('Original Data') shows the data as it was received. The second worksheet ('Cleaned Data') shows the cleaned data. This spreadsheet has been submitted to EGSAH. The data was cleaned in the following ways:

- Duplicate and void responses have been deleted from the Cleaned Data worksheet to allow easier aggregation of valid responses. The duplicate and void responses remain in the Original Data worksheet.
- In the Cleaned Data worksheet, some data in column B 'Names of organisation' have been amended to make clear which country the organisation is in i.e. 'Ministère des Arts et de la Culture' became 'Ministère des Arts et de la Culture, Cameroun'.
- In the Cleaned Data worksheet only, respondents contact details (originally columns C to G) were deleted for data protection reasons, so that the data in the worksheet could be shared if necessary.
- In the English text, typographical errors and spelling mistakes have been corrected to improve searchability in the 'Cleaned Data' worksheet. Typographical errors and spelling mistakes in French responses were corrected during the process of translating this report.
- In column C 'Country in which you have a claim', a number of respondents recorded their own countries due to the ambiguity created by the word 'in' (rather than 'against'). This data was replaced with the name of the country or institution against which the claim was being made, using information from other fields.
- Where data recorded through a drop down menu or button disagrees with data received through a free text field, the free text has been treated as authoritative. For example, if a respondent has used a drop down menu to state that copies have been received (column Y in the spreadsheet), and then in the free text field (column Z in the spreadsheet) states 'No originals or copies have been received',

the former is taken as an accidental or erroneous response. In this case, the data in the column Y has been removed in the Cleaned Data worksheet but not in the Original Data worksheet. Conversely, if a column contains no data but free text indicates that it should have, data has been added to the column retrospectively. For example where 'succession of states' is indicated as a cause for displacement in free text (column K) but not in the column for 'Break-up of former political grouping (succession of states)' (column G) an 'x' has been added to column G. These measures are intended to facilitate accurate aggregation.

Claim 5 was submitted by the Swaziland National Archives. Since the claim was received, Swaziland has changed its name to Eswatini. The spreadsheet and this report use the term Swaziland in line with the data as received before the name change.

It should be noted that the claims from Greenland (claims 8 and 9) arguably constitute 'sub-national or intranational' claims, like the claim made by Madeira, because Greenland is officially an autonomous region of the Kingdom of Denmark. Nevertheless, the claims have been aggregated in the 'decolonisation' category as this was the category selected by the respondent. This interpretation affects the figures given in the aggregations in Section 4.

Claim 24, which is from the Cyprus State Archives, is for records held by the 'Turkish Cypriot administration', refers to a 'Turkish occupation' and discusses negotiations with the Republic of Turkey. The claim appears to recognise an interdependent or cooperative relationship between the Turkish Cypriot administration and the Republic of Turkey, but it is not clear which body the claim is made against. Recognising that the Republic of Cyprus is the only government of the island that is internationally recognised, this study nevertheless cannot seek to resolve this ambiguity in the claim, and therefore interprets the claim to be made against the 'self-declared Turkish Republic of Northern Cyprus'.

As observed in section 4 of this report, 'Aggregation of Results', a look at the responses raises questions about the reach of this survey. Looking at the cases of displacement through decolonisation, for instance, it is noticeable that no responses were received from South American countries, which might be attributable to a lack of claims or a lack of political will to discuss claims, but it might equally be a consequence of not translating the survey into Spanish or Portuguese or it might suggest a failure to publicise the survey sufficiently in that region. Similar observations about gaps in the data, which may or may not relate to limitations in the research design, are made throughout section 4, 'Aggregation of Results', and informed the recommendations to EGSAH in the fuller version of this report.

2.4 Acknowledgements

This work has been made possible through the efforts of the members of the Expert Group on Shared Archival Heritage, whose comments on the draft survey questionnaire strengthened it greatly, Celine Fernandez, who translated the survey questionnaire into French, Marianne Deraze who managed the online survey so effectively, Jeff James who promoted the survey to the national archivists in his capacity as Chair of the Forum of National Archivists, Maria Paula Garcia Mosquera who provided support and expertise in the finalization and dissemination of the document, and H  l  ne Benoist, Christine Cross, Rachel Janod and Pierrick Jeancolas, who translated the report into French.

3. Results

Three national archival institutions declined to participate because of the risk that a public statement on disputed claims might jeopardise ongoing bilateral discussions about repatriation. Some of those cases are already documented in the literature.

Leaving aside the refusals, in total, 33 responses were received; 32 through the online form and one by email. Of these responses, one was a void response (no data supplied) and five responses were duplicates or incomplete versions of one of three valid responses. Only the valid responses appear in Section 3, 'Results' and Section 4, 'Aggregation of Data'.

Below is the valid data from the survey, organised under the name of the institution making the claim, presented in the order in which the responses were received.

Claim 1: Ministry of Arts and Culture (Cameroon)

The Ministry of Arts and Culture of Cameroon has a claim against France as a result of decolonisation. The respondent comments:

When Cameroon became independent, certain archives were moved to France in application of the so-called "territorial pertinence principle" which was quoted at the time as the reason for the transfer. This principle relates to cases of territories jointly managed by a local and a foreign administration, in which political, diplomatic and military sovereignty lies in the hands of the foreign power. In the case of so-called sovereign archives, it is the "territorial pertinence principle" that applies, while for administrative archives it is the so-called "territorial provenance principle" that is applicable. It is probably because of this dichotomy that many archive collections were divided, with the result that research conducted in the two countries concerned can only be based on assumptions with regard to the "missing" parts! This can only be described as a lose-lose situation!

The claim concerns public records. According to the respondent, there have been no bilateral or multilateral negotiations regarding this claim and no agreement has been made for transfer of originals or copies. The respondent makes the claim against originals, rather than complete or selective copies, but notes that digitisation, paid for by France, could be used as an interim measure. The respondent believes that a Cameroonian / French joint working group would be a useful form of cooperation on this problem. The respondent would like to see expert consultations with archivists on this claim and sees a role for UNESCO or the ICA in helping to resolve the claim.

Claim 2: Autonomous Region of Madeira

The Autonomous Region of Madeira's Regional Legislative Assembly has a claim against the national government of Portugal arising from 'reluctance of central government to transfer archival holdings to their local communities'. The claim concerns public and private archives. There has been communication between the respondent and the Portuguese government, including bilateral or multilateral negotiations, but these are not ongoing. The respondent comments: 'Some meetings with the Ministry of Culture has been realised in 2004-2005 and 2016-2017'.

About the origins of the claim, the respondent commented:

After the creation of Distrital Archives of Funchal in 1931, the first claim to the National Archives of Portugal "Torre do Tombo" has been made in 1933. The archival holdings were transferred in the late of XIX century from Madeira Island to Lisbon by . [sic] Since that time, no solutions for the return has been made and the central government is not willing to transfer 11 archival fonds. After the creation of the Autonomous Region of Madeira (1976), the Regional Archives of Madeira received a new building in 2004. The claim for the return of the 11 archival fonds to the Madeiran community has been made but the central government refused to transfer their cultural heritage. The Regional Assembly of Madeira published a statement to the central government for the return of archival fonds custodied by the National Archives of Portugal "Resolution of the Legislative Assembly of the Autonomous Region of Madeira n.º 3/2017/M, 2017-01-12."⁴

An agreement for transfer has been made but only covering part of the fond/records concerned, and there have been partial transfers of copies, some free of charge and some paid for by the regional government. However, the claim is against originals. Furthermore, the respondent does not envisage the possibility of joint heritage arrangements in this case.

The main fonds concerned are:

Alfândega do Funchal
Comissão da Fazenda do Distrito da Madeira e Porto Santo
Convento de Nossa Senhora da Porciúncula da Ribeira Brava
Convento de Nossa Senhora da Piedade de Santa Cruz
Convento de São Bernardino de Câmara de Lobos
Convento de Santa Clara do Funchal
Convento de São Francisco do Funchal
Convento de São Sebastião da Calheta

⁴ <http://data.dre.pt/eli/resolalram/3/2017/01/12/m/dre/pt/html>

Provedoria e Junta da Real Fazenda do Funchal
Cabido da Sé do Funchal
Convento de Nossa Senhora da Encarnação do Funchal
PIDE-DGS Subdelegação do Funchal
União Nacional, Comissão do Funchal

These fonds span the period 1447 to the 20th century and have an approximate quantity of 2178 'units' described as 'books, cases,...'.

The respondent does not see digitisation as helpful in resolving this claim, stating:

...microfilming/digitisation is costly for short/medium term, technology is evolving, surrogates never replace original formats and the custodians could stop online access to archival databases (financial problems, legacy formats, political changes of priorities, ...). The problem is both information access and access to cultural heritage.

Asked about the legal basis of the claim, the respondent answered:

There is no legal basis for intranational return of archives to their originary communities. The only legal basis is a Resolution of the Legislative Assembly of the Autonomous Region of Madeira n.º 3/2017/M, 2017-01-12⁵, a recommendation to the central government to making efforts for their return of Madeiran archival fonds custodied by the National Archives of Portugal.

Asked about legal or other reasons supporting the status quo, the respondent answered:

The Royal Ordinance of the 9 June 1886 is mentioned by the National Archives of Portugal (uniquely for Madeiran holdings) never existed.

The respondent felt that a guarantee of access to the archives concerned on a reciprocal basis would help to resolve the claim, and that expert consultations of archivists may also help, noting:

In intranational context, it is necessary the involvement of the International Council of Archives or UNESCO. Unfortunately, Regional Autonomies has no representation in ICA council and in the European Archives Group (EAG). The topics to be discussed is
- an legal agreement between the autonomic-regional government and the central government for the return of cultural heritage (like the

⁵ <http://data.dre.pt/eli/resolalram/3/2017/01/12/m/dre/pt/html>

American NAGPRA) to their regional communities.
- the role of National Archives in a post-deaccessioning context.

The respondent commented:

Spain could be an excellent moderator, because this country has a similar intranational claim for "Papeles de Salamanca" by the Catalanian Regional Government.

And that:

Portugal has a Portal of Archives developed by the General Directorat for the Book, Archives and Libraries of the Ministry of Culture. Digital reunification could be a solution but not perfect: the problem is not only the access to information but also access to cultural heritage. Madeira is an island and the return of Madeiran fonds may have multiplier positive effects for the community.

The respondent thought that interventions from the United Nations, UNESCO, the European Union and the ICA (particularly the EGSAH) could be helpful, and when asked about the role that could be played by UNESCO and/or ICA, the respondent answered that they could be 'mediators'.

Finally, the respondent commented:

The scientific literature is focusing to international claims. Intranational archival claims remains in the invisibility inside each Nation (perhaps language burden). First, it is necessary to clarify the terminology (we have synonyms like displaced, fugitive, seized, migrated archives, replevin, and also return, repatriation and restitution). Second, it is necessary to understand the politics of inalienability of cultural heritage inside each Nation. Latin speaking countries has no legislation for deaccession. Could NAGPRA be a good solution for intranational issues? Could the Spanish case a good solution for Portugal?⁶

Claim 5: Swaziland National Archives

The Swaziland National Archives, now Eswatini National Archives, has a claim against the United Kingdom arising from decolonisation, the succession of states and the movement of people. The claim concerns both public and private archives. The respondent states that there are ongoing negotiations with the United Kingdom, remarking that the 'negotiations are ongoing with some few issues: regarding the issue of payment and record copies and nature of formats'.

⁶ <https://www.boe.es/buscar/pdf/2005/BOE-A-2005-18934-consolidado.pdf>

An agreement for transfers of originals or copies has not been made, but the respondent has paid for some copies of records. The claim is against complete and selective copies of records, not against originals, for which the respondent can envisage a joint heritage arrangement.

Claim 6: Archive of the Jewish Community of Vienna

The Archive of the Jewish Community of Vienna has a claim against Poland arising from the Second World War. The claim is for both public and private archives. There are ongoing negotiations, of which the respondent writes:

the negotiations including handing over a claim took place from 2011 until now involving the foreign ministry of Austria and Poland as well as the Polish Ambassador in Vienna and the Austrian Ambassador in Warsaw.

The claim arises from the 'identification of the archival material proving the provenance and legal ownership'. No agreement for transfers of originals or copies has been made. The claim is against originals, and the respondent does not envisage the possibility of joint heritage arrangements.

The main fonds concerned are described as:

- appr. 50 folders of archival material from the Jewish Communities in Vienna and Graz
- 93 to 98 Hebrew manuscripts of the Library of the Jewish Communities in Vienna and of the Israelite Theological Seminary in Vienna

amounting to approximately 20 metres of material. These materials span the period 1500 to 1940s.

Digitisation will not resolve this claim, the respondent stating that:

The majority of the manuscripts is already digitized. Our Claim is not related to digitals but to the originals - due to our ownership. For the rest of the archival material we offered digitization without any fees. They were not interested in this offer.

Regarding the legal basis for the claim, the respondent writes:

There is not legal basis between Poland and Austria for the return of archival material that has been confiscated by the Nazis.
We can prove the provenance with the original stamps on the archival material.

Regarding access to the materials, the respondent believes this should be governed by the rules applying in the country to which they are transferred (Austria).

The respondent believes that intergovernmental consultations could be useful in resolving the claim, noting that ‘only those countries should be involved to which the claim/claims relate subjects to be discussed: acknowledgment of the legal ownership, no political decisions’ and that ‘The [archival] expertise has already been done’. The respondent believes that interventions from UNESCO and the European Union could be helpful, and states:

I see the ICA and/or the UNESCO as organizations that create clear guidelines for the return of stolen archive material. Everyone should be able to rely on it.

Claim 7: National Archives of Benin

The national archives of Benin has a claim against France arising from decolonisation. This concerns public archives. There has been communication between the two parties, but no negotiations. The respondent remarks:

Benin has asked France to return some of its cultural property. France has acceded to its request and negotiations are in progress between the two countries. It is possible that archives will form part of these negotiations.

There has been no agreement for transfers of originals or copies. The claim is against originals and copies (complete and selective). Asked about the fonds concerned, the respondent wrote:

- Archival fonds of the French Colony of Dahomey (public and, if relevant, private).
- Archival fonds from French West Africa concerning Dahomey
- Photographs relating to the socio-political and cultural life of Dahomey

No official evaluation has been made of the volumes concerned.

The respondent is open to the notion of joint heritage arrangements and resolution through digitisation, which should be paid for by France in the view of the respondent. Full rights over the images should accompany the surrogates, and access conditions for transferred originals or copies should, according to the respondent, be set by Benin. The respondent believes that a joint Benin – France working group would be a useful step forward.

The respondent would like to see intergovernmental consultations and the production of copies as an interim measure.

The respondent remarked that ‘A neutral UN agency (UNESCO) or a neutral NGO (ICA for example) could play a part’, and the respondent would like to see:

Joint design of research instruments – Sharing research instruments –
Providing input for a joint electronic platform, access for researchers.

The respondent thought that the interventions of the United Nations, UNESCO and the African Union could be useful and on the question of UNESCO and ICA involvement, the respondent wrote:

- Assist countries formerly colonised to claim their rights, since most of the archives removed were displaced at the time when these countries obtained their independence.
- Establish flexible negotiating arrangements among the countries concerned.
- Assist States making claims in establishing the conditions conducive to ensuring that fonds transferred or repatriated are preserved in the best possible way.

As a general comment, the respondent wrote:

It is vital that those responsible for displacing the records of other peoples should recognise the rights of their original owners to their heritage and to the return of this heritage. Vulnerable populations (black and/or French-speaking Africa) should be in a position to take responsibility for their own heritage and share it with the rest of the world in a spirit of peace and mutual exchange.

And regarding relevant citations, wrote:

I do not know whether there are any legal texts on the subject of displaced archives. However, there are precedents with regard to return of cultural objects. These could be called into play when dealing with the legal issues involved.

Claim 8: Greenland National Museum and Archives

The Greenland National Museum and Archives has two claims against Denmark. The two claims were submitted separately because of their particularities. This summary concerns the first claim.

The claim arises from decolonisation, and the respondent writes:

Greenland is a part of the Danish Realm but has had Home Rule since 1979 and Self Government since 2009. Greenland has its own legislation on archives and archival matters and its own archival organization (NKA) to uphold the law. Both law and archive are separate from the Danish.

Denmark still presides over the police and court system and has a government representation (the Ombudsman of the Realm) in Greenland. Archives from these institutions are kept in Greenland but separate from the Greenlandic archive organization (NKA). Greenland's formal status as a colony of Denmark ended in 1953 when Greenland was integrated as a special region to Denmark. This happened as response to UN demands for decolonization and demands from Greenlandic politicians for a status granting more equal terms for Greenlanders as Danish citizens.

The claim concerns public archives, and there are ongoing negotiations over this claim, since 1983. Describing the claim, the respondent wrote:

The claims described here (second part is submitted in separate questionnaire) regards an archive from one of the two colonial governors in Greenland - namely the governor of the southern region. The archive from this governor - who was the only functioning governor during ww2 - from ca. 1930 to 1953 when Greenland was formally decolonized, was kept in the offices of what became the office of the sole governor and Danish state representative, Landshøvding, following 1953. While the post 1953 archives are recognized as Danish state archives, the pre-1953 governor's archive should be recognized as the archive of a local (in Greenland), colonial office and, as such, according to the formal agreement of archival jurisdiction between Denmark and Greenland belong to the collections of the Greenlandic archives (NKA). This goes for the northern governor whose archive, due to a shipwreck in 1959, is very incomplete and should also apply to the southern governor's archives until 1953. The archive in question is currently held by Danish state authorities in Greenland on the same terms as the state archives of the post-1953 collections to which we make no claim other than preservation and access control by agreement (see second questionnaire).

The claim concerns the Southern Governor's Archive, 1933 to 1953, which runs to 38.5 metres.

No agreements for transfers of originals or copies have been made. The claim is made against originals, but the respondent could envisage joint heritage arrangements. The respondent does not consider digitisation a solution, stating:

Originals are kept in Greenland and should, as they are created here, remain here. However, if the Danish state requests digital copying before handing

over the archive, NKA would meet the demand. However, it seems that a smaller part of the archive has been transferred to Denmark in the 1960's. This should be documented in such a manner that the transferred units can be brought back in the archive from which they were removed.

And of the legal basis for its claim, the respondent states:

As explained in 1.1 - pre-decolonization colonial office whose geographical counterpart (Northern Governor's archive) has never been questioned as a part of the Greenlandic collections.

On the legal basis for the status quo:

The claim has historically been made as part of negotiations of an agreement about the Greenlandic archival organization's (NKA) role in the collection, preservation and access to the archives of the Danish state authorities in Greenland (see comments under 3). Possibly because the archive in question is kept as a part of the Ombudsman of the Realm's archive. However, these two matters should be negotiated separately as they are about two separate issues: The archival claim in question is a claim for a full transfer of the archive, the negotiations about the state archives are about the care of and access to archives that are of extreme importance to the Greenlandic population while still recognized as archives belonging to the Danish state.

According to the respondent, access should be determined by Greenland. The respondent believes that guarantee of access to the archives concerned on a reciprocal basis would be beneficial, as would intergovernmental consultations between:

Denmark and Greenland as there is a general need for a renewed discussion about responsibilities for co-operation about shared and connected collections (not claims of transfer, but co-operation about registration, access and possibly also research). In addition, there should also be a renewed negotiation about the tasks connected to the archives from the Danish state authorities (see above) in Greenland as these are currently not tended to due to geographical distance from Denmark and their status between to archival legislations - the Greenlandic and Danish respectively. This could possibly be supported by intergovernmental guidelines and best practices, possibly also offering expert guidance as a neutral actor in negotiations.

The respondent believes that the United Nations and UNESCO could be helpful in resolving the claim, and believes that UNESCO and the ICA could be helpful:

By encouraging, with reference to guidelines and best practices regarding displaced archives, state actors to engage in negotiations concerning archival

matters. Furthermore, formally request information about such ongoing claims and the status of negotiations from the states to which the claims are raised. Offering expert guidance in negotiations - guidance based on described best practices and experience with solutions ranging from agreements of transfer, digitisation, joint registration and research projects etc etc.

Claim 9: Greenland National Museum and Archives

Regarding Greenland National Museum and Archives' second claim, the respondent provides the same historical, geopolitical context before describing this claim as a claim over public records. While there are ongoing negotiations over these records, a start date for these talks is not provided (1983 for the first claim).

This claim arises from:

...the awareness that the archives from the remaining Danish state authorities (police, court system and Ombudsman of the Realm), some deposited (only physical storage) at NKA, are not being looked after, collected, registered and made accessible along the lines of neither Danish nor Greenlandic archival legislative standards. NKA has negotiated for an agreement that would enable NKA, as the central, official archive in Greenland, to perform these tasks on behalf of the Danish state. Our concern arises from the apparent lack of care for these collections (still growing) especially given their great significance to the Greenlandic people.

The claim concerns:

Archives - deposited, held and still being created - from the Danish state authorities in Greenland:

- 1) Rigsombudsmanden (Ombudsman of the Realm in Greenland)
- 2) The Police
- 3) Entire court system

These records date from 1953 to the present. Regarding the approximate quantity, the respondent states:

Given circumstances impossible to estimate but the archives deposited in the NKA vaults is estimated to ca. 780 metres

No agreements for transfers have been made. The claim is against originals but joint heritage arrangements may be possible. Digitisation is not seen as a solution in this case. The respondent states:

It is not a transfer claim but a claim to perform tasks to safeguard the preservation of important archives on behalf of the Danish state.

Regarding the legal basis for the claim:

We assess this as a severe problem given the fact that neither Greenlandic legislation nor Danish legislation on the preservation of archives is currently valid for these archives. An agreement should grant either one of the legislations valid to safeguard the collections that are invaluable heritage as well as judicial security for the citizens of Greenland.

And for the status quo:

In our opinion none as the safety of the collections are put at risk and the problem grows exponentially with time as the collection grow under these circumstances.

In the view of the respondent, access could be governed by the rules applying before transfer because but 'Danish and Greenlandic law is very similar on the issue of access, so either way will work'.

The respondent would like to see a guarantee of access to the archives concerned on a reciprocal basis and intergovernmental consultations. The respondent writes:

This is a complex and, probably, rather unique issue. We would find it very useful if this issue could be reviewed by external experts on such divisions of archives in decolonized societies under home rule - or self governing acts - could be a vantage point for best practice descriptions or guidelines to resolve matters in formal agreements.

The respondent sees a role for the United Nations and UNESCO and ICA, as in its first claim:

By encouraging, with reference to guidelines and best practices regarding displaced archives, state actors to engage in negotiations concerning archival matters. Furthermore, formally request information about such ongoing claims and the status of negotiations from the states to which the claims are raised. Offering expert guidance in negotiations - guidance based on described best practices and experience with solutions ranging from agreements of transfer, digitization, joint registration and research projects etc etc.

Claim 10: National Archives of Malta

The National Archives of Malta has a claim against the United Kingdom arising from decolonisation, noting:

The issue of Malta is similar to all Commonwealth countries and we have circa 2500 files that belong to Malta but are held at TNA.

These are public archives. While there has been communication between Malta and the UK about these records, there have been no negotiations. The respondent comments 'The only representation made was the joint efforts via ACARM [Association of Commonwealth Archivists and Records Managers]'.

The claim is for a complete digital copy: 'Malta would be glad if it receives digital copies of all the records.' The respondent is open to the idea of joint heritage arrangements.

'The fonds are those listed in the general list ACARM has.' These date from 1900 to the 1960s and run to approximately 2500 files. The respondent believes that the UK should pay for the digitisation, overseen by a joint working group, with full rights over the images being transferred to Malta. Access to the images should be governed by Malta, in the view of the respondent.

Regarding the legal basis for the claim, the respondent stated: 'We consider it more of a moral and archival measure than a legal issue.' The respondent sees value in expert consultations between the archivists of Malta and the UK, with roles for UNESCO and the ICA in facilitating the discussions:

It should be the general direction of UNESCO and ICA guiding the principles and the good will of archivists in both countries to resolve the issue.

Claim 11: Archives State Agency, Bulgaria

The Archives State Agency of Bulgaria has a claim against Russia arising from the Second World War. The claim is for public records. The records are:

- Russian State Military Archives: 489k, 494k, 499k, 1362k, 1390k, 1391k, 1707k
- Russian State Military-Historical Archives: 430k
- Central Archives of the Ministry of Defence of the Russian Federation: 500
- Archives of the Foreign Policy of the Russian Federation: 74, 161, 235, 296

- [Archives of the Foreign Policy of the Russian Empire: 296](#)

with an extent of approximately 1410 ‘archival units’, and with a date range of 1917 – 1954.

Negotiations occurred in 2008-2009 and 2016; they are not ongoing. The claim is for originals or for selective copies, as Bulgaria has already purchased some copies. Joint heritage arrangements are not considered an option in this case.

The respondent believes that digitisation could be used to resolve the claim, and that the digitisation should be funded by the two countries jointly, overseen by a joint working group. Access to the surrogates should, in the view of the respondent, be governed by the rules applying in Bulgaria. The respondent would like to see guarantees of access on a reciprocal basis and joint working on findings aids. The respondent sees a role for UNESCO and the ICA in this case but has not been explicit about what that role might be.

Claim 12: Croatian State Archives

The Croatian State Archives has a claim against Serbia for records removed during conflict (the Second World War and the ‘Homeland War 1991-1995’) and the succession of states (former SFRJ). These are public archives, comprising:

- [Fonds created by public administration and armed forces on the territory of today’s Croatia during the Word War Two](#)
- [Moving pictures produced or distributed by organizations registered in Croatia, deposited in film archives in Belgrade](#)

with an extent of 350 linear metres and a date range of 1919-1990.

Negotiations have been ongoing since 2001. An agreement for the transfer of originals has been made but not completed. Croatia has purchased some copies. Croatia seeks originals or copies (paid for jointly by the two countries and made available according to Croatian law) and is open to joint heritage arrangements.

The legal basis for this claim is Annex D of the *Agreement on succession issues* and the legal basis for the status quo is ‘No agreement on the implementation of the Annex D of the *Agreement on succession issues*.’

The respondent would like to see intergovernmental consultations on this claim, stating:

Successor states of former SFRJ should be involved in consultation. The most important subject is implementation of the Agreement on succession issues, Annex D.

The respondent can envisage the following international cooperation:

International project of digitization of shared archival heritage of former SFRJ involved national archives of Croatia, Slovenia, Serbia, Bosnia and Hercegovina and Macedonia is prepared.

The respondent sees a role for UNESCO and the ICA in the promulgation of professional standards and guidelines.

Claim 13: Moroccan Archives

The national archives of Morocco has two claims, the first against France arising from decolonisation. That claim is for public and private archives; “Various fonds produced in Morocco during the colonial period”. Negotiations are ongoing and no agreement has been reached. Regarding the origins of the claim, the respondent writes:

- Pressure from Moroccan researchers obliged to travel abroad to consult records concerning their own country.
- A provision in the Moroccan Archives Act that recommends showing an interest in archives concerning Morocco located abroad.

Some copies have been received, free of charge. The claim is therefore for selective copies, which would be made available according to Moroccan laws or norms. The respondent is open to the idea of joint heritage arrangements. The respondent would like to see a joint working group and collaborative work on finding aids. The respondent sees possible roles for the United Nations, UNESCO, the Arab League and the ICA in the resolution of this claim but does not elaborate on what these roles might be.

Claim 14: Moroccan Archives

The second Moroccan claim is against Spain and also arises from decolonisation. The claim is for public and private archives, but the respondent cannot be explicit about the fonds because it is ‘Difficult to be explicit given the lack of inventory’. The claim is motivated by ‘Pressure from Moroccan researchers obliged to go to Spain to carry out research into their own country’.

The respondent claims complete or selective copies but could also envisage joint heritage arrangements. Digitisation could be used to settle this claim, but the respondent believes that Spain should pay for the digitisation, with access rules to be set by Morocco. The respondent would like to see joint working with Spain, including on the production of finding aids.

Negotiations are said to be ongoing. The respondent sees possible roles for the United Nations, UNESCO, the Arab League and the ICA in the resolution of this claim.

Claim 15: Ministry of Public Service - National Records Centre and Archives, Uganda

The national archives of Uganda has two claims. The first is against the United Kingdom for records removed during decolonisation. These are public records created in Uganda during the colonial period, with a date range of 1890 to 1962 and an estimated extent of 57 metres. The respondent cites Uganda's *National Records and Archives Act, 2001* as the legal basis for the claim.

There have been negotiations in the past:

Negotiations were made in 1999 with the support of DANIDA project and some microfilm copies were repatriated.

These copies were paid for by DANIDA on behalf of the Ugandan national archives. Talks have ceased.

The respondent seeks a complete set of copies, with copyright vested in the government of Uganda. It is also open to joint heritage arrangements. The respondent would like to see copying paid for by donors, UNESCO or the ICA.

The respondent would like to see a joint working group established and intergovernmental consultations covering the United Kingdom and the countries that comprised British East Africa: 'Kenya, Tanzania, Zanzibar and Uganda' and 'What to discuss would be decolonization, repatriation of migrated archives, transfer arrangements'.

The respondent could envisage useful interventions from the United Nations, UNESCO, the European Union, the African Union, and the ICA, and in regard to the latter, in the areas of:

- Preservation and digitizing our heritage, spearheading negotiations between the states, funding Archival Institutions operating under challenging conditions.

- Joint reparation of databases, guides or other finding aids, expert consultations of Archivists
- International Treaties.

Claim 16: Ministry of Public Service - National Records Centre and Archives, Uganda

Uganda's second claim is against Tanzania for public records removed during decolonisation, the Second World War, the succession of states and the movement of peoples. There have been no discussions on this subject. The respondent notes:

We have never started any claims because these should be spear headed by organisation which are Non Governmental Organisations which are neutral in nature if that information should be accessed

No further information about this claim was supplied by the respondent.

Claim 17: Bank of Uganda

The Bank of Uganda has a claim against the United Kingdom for public records removed during decolonisation, in particular:

Records of currency matters generated during the East African Currency Board between 1919 to 1966. Particularly those relating to the Uganda Protectorate.

The date range is 1919 to 1966; the respondent is unable to estimate the extent.

The respondent notes 'The Bank Archives would like to have a full collection of records that document its existence from the point on inception and also have litigation readiness'. The claim is motivated by 'The need to have litigation readiness. and the requirement by the National Archives and records Act of Uganda 2001 requires for proper custody of all official fonds'. There has been no communication on this subject between the parties.

The claim is for originals or copies, and the respondent could envisage joint heritage arrangements. The respondent states:

The joint share and management of databases and related aids may be key in circumstances where first of all the repatriation of the migrated information materials may take long to be effected and the option at hand would be sharing joint databases between the current custodian and the claimant. so I

believe that the project of joint management of information management resources would be viable for the claimant in the short run.

However, joint heritage arrangements are seen to be an interim measure:

I personally believe that having service level agreements [SLA] between current custodians and the original owners of the displaced Archives can help a lot to harmonise the problems involved. These agreements can in the interim enable the original owner have access to her/his Archives until a decisive move is undertaken to repatriate the archives to the original owner. Basically, I would advocate for open access to the original owner until the ultimate transfer decision is made. This would reduce or solve on the conflict.

In the case of copies, the respondent believes that Uganda should pay for the copies and have open access rights. The respondent sees a role for the ICA as 'a mediation manager who can guide on the transfer procedures and any other legal concerns relating to the migrated Archives'.

Claim 18: Kenya National Archives and Documentation Service

The Kenya National Archives and Documentation Service has a claim against the United Kingdom for public and private records removed during decolonisation, stating 'The records were removed from situ and their provenance when Kenya gained its independence'. The date range for these records is 1920 to 1964.

There have been bilateral discussions about repatriation but these are not ongoing. The respondent states 'Several attempts have been made to reclaim the records since 1969 without much success'.

The claim is for originals or copies, though some copies have been purchased by Kenya. The respondent believes that copies should be paid for by the United Kingdom, with full rights over the copies lying with Kenya. The respondent could envisage joint heritage arrangements. The respondent believes that joint working groups and expert consultations with archivists could be helpful in resolving this claim, as could interventions from the United Nations, UNESCO, the African Union and the ICA.

Claim 19: Head Office of Polish State Archives

The Polish State Archives has a claim against Russia for public records removed during the Second World War. The respondent writes:

The claim refers to the materials from the end of XVIII ct. - first partition of Poland in 1772. First group of documents were moved by Russians military

troops from Polish state archives in the end of XVIII ct., next - during the XIX ct. when Poland were under Russian power, during the First World War and the WWII.

The list contains several hundred fonds of XVIII-XX ct.

Regarding extent: 'it is not known but we can say about thousands linear metres of documents'.

There have previously been bilateral negotiations, but:

No progress in negotiations from 2014 (there was the last bilateral meeting in Warsaw between the Polish and Russian archives authorities). The political situation influences the position of Russian archives authorities.

There have also been partial transfers in the past; 'after 1945 as a result of international agreements part of originals were provided free of charge'. The current claim is for originals or a complete copy, and the respondent could envisage joint heritage arrangements. The respondent believes that digitisation should be jointly funded by Poland and Russia, with access to the surrogates according to Polish law.

The legal basis for the claim:

for all materials - Peace Treaty in Riga of 18 March 1921 (between Poland and Russia and Ukraine finishing the Polish-Soviet War of 1920) - article IX devoted the cultural and archives heritage. Russia was obliged to return to Poland all historical materials from 1772 - not made entirely until then.

The respondent also cites the Vienna convention of 1983 and the Hague convention of 1954.

The respondent believes that the status quo is perpetuated by the current political situation. The respondent would like to see intergovernmental consultations between Poland and Russia and notes:

We have international legal instrument - the main question is about their implementation in practice

The respondent sees a role for the ICA in helping to resolve the claim.

Claim 22: Head Office of Polish State Archives

The Polish State Archives has a claim against Germany for public and private records removed during the Second World War and 'succession of states and

movement of peoples as a result of borders change after 1945'. The respondent describes the records as

... several hundred fonds - the most important documents for the Polish history are preserved in the Prussian Foundation of Cultural Property - institution with the private organisation status - according to the German authorities it is the main reason for the lack of progress in Polish-German negotiations (private organisation is not submitted to the government and its regulations and obligations).

The extent is not known and the date range is 18th to 20th century. The legal basis for the claim is:

Agreement of Potsdam of 2 August 1945 finishing the WWII, Paris Peace Treaty of 1947, Vienna convention of 1983, bilateral treaty on borders and friendship of 1970 between Poland and Germany

The respondent also cites the Vienna convention of 1983, the Hague conventions of 1907 and 1954 and the Paris convention of 1970. There have been negotiations but these have stopped 'because of different interpretation [of] international law regulations'.

There has previously been a partial return 'in 1947 (Stebelski mission) 19 carriages of documents looted from Polish state archives were provided free of charge'.

The claim is for originals or complete copies, and the respondent can envisage joint heritage arrangements. The respondent believes that any digitisation should be jointly funded by the parties. The respondent would like to see intergovernmental consultations and believes that the European Union and the ICA could be helpful in resolving the claim.

Claim 23: Head Office of Polish State Archives

The Polish State Archives has a claim against Ukraine for public and private records removed during the Second World War and the 'movement of people connected with borders changes after 1945 and succession of states'. The records are described as

... several hundred items - the most important records for the Polish history are preserved in Lvov archives (former Polish territories until 1939). The Polish provenance has approximately 90% holdings in Lvov (over 15 000 linear metres).

The date range is given as 13th to 20th century.

The claim has been the subject of negotiations but these are not ongoing. The claim is for originals or copies and the respondent could envisage joint heritage arrangements. In this case, the respondent believes that Poland should pay for the digitisation with access 'to all users excluding [Polish] law limitation'. The respondent envisages a 'project of microfilming and digitisation of Polish materials [by the respondent] in the Ukrainian archives in the frame of bilateral agreements and conception of common heritage'.

The legal basis of the claim is given as:

Hague convention of 1907, Agreement between the governments of Poland and Ukraine for cooperation in the field of protection and return of cultural goods lost and illegally relocated during WWII of 25 June 1996. On its basis, a bilateral intergovernmental commission with the participation of archival experts was established in 1997. It developed assumptions for the concept of a joint Polish-Ukrainian archival heritage.

Ukrainian law is given as the legal basis for the status quo. The respondent states that 'the Ukrainian law established in recent years excludes the possibility of return of originals to the other country'.

There appears to be a history of cooperation between the parties. The respondent writes that:

Common projects were realized by many years. Their results are printed joint guides and publication of sources about the Polish materials in Ukrainian archives. A project "Reconstitution of the Memory of Poland" has been implemented since 1997 - its result is database with information and scans of Polish documents preserved in the Ukrainian archives.

The respondent could see a role for UNESCO and the ICA but notes:

Difficult economic situation of Ukraine influences the situation in Ukrainian archives and their possibilities in international cooperation. The Ukrainian archives are very open to cooperation with Polish archives - the solution is to increase the scope of work with digitisation of records what needs the financial and technical support such projects. A good solution is further implementation of the concept of common archival heritage.

Claim 24: Cyprus State Archives

The Cyprus State Archives makes a claim against the self-declared Turkish Republic of Northern Cyprus arising from the 'Turkish invasion in 1974 and occupation of 37% of the area belonging to the Sovereignty of the Republic of

Cyprus. Public archives were also seized in 1963 when Turkish Cypriots took over areas of the Republic unlawfully by force'. The following public and private archives are claimed:

Public Archives of the following Government Departments:

1. District Office of Nicosia
2. District Office of Famagusta
3. Sub-district Morphou
4. Supreme Constitutional Court
5. District Court of Nicosia
6. District Court of Famagusta
7. District Court of Kyrenia
8. Court of sub-district of Morphou
9. Court of sub-district of Lefka
10. Department of Lands & Surveys Nicosia
11. Department Lands & Surveys Famagusta
12. Department Lands & Surveys Kyrenia
13. Gov. Departments & Corpor. Public Utility
14. Municipal Archives of Famagusta
15. Municipal Archives of Kyrenia
16. Municipal Archives of Morphou

The following non-public Archives:

1. Ecclesiastical records
2. Bank Archives

The date range for the public archives is 1878 to 1974 and no date range is given for the non-public archives.

Regarding communications and negotiations between the parties, the respondent writes:

An official claim by the Republic of Cyprus has been made for the return of all original Department of Lands & Surveys archives seized in 1963 and held in the occupied areas. The remainder of the public archives, seized in 1974 in the occupied areas, are included in the negotiations for the solution of the Cyprus problem, taking place since 1974.

No agreements for transfers have been made, and no transfers of originals or copies have been received. The claim is for originals only and joint heritage arrangements cannot be envisaged by the respondent.

The respondent sees the formal international recognition of the sovereignty of the Republic of Cyprus as the legal basis for the return of the records, and regarding the status quo: 'The illegal status quo is supported by Turkey's continuing occupation'.

Regarding the way forward, the respondent writes that:

The governments of Turkey and the Republic of Cyprus, as part of the overall negotiations, should discuss the handing over of the archives to the rightful owner which is the Republic of Cyprus.

UNESCO and ICA could put pressure on Turkey to transfer the original archives to the rightful owner, which is the Republic of Cyprus.

Claim 25: National Archives of Australia

The National Archives of Australia has no claims over displaced archives.

Claim 26: Jamaica Archives and Records Department

The national archives of Jamaica has a claim against the United Kingdom for public records removed during decolonisation. While there has been some communication between the two countries on this matter, there have been no negotiations:

The Archives Advisory Committee of the Jamaica Archives and Records Department (JARD) requested the re-repatriation of these files to our country through the British High Commission in 2012.

The records are described as '31 Boxes of files removed from Jamaica on the eve of our Independence and deposit same to the British National Archives' concerning:

Independence, Political Activity; Secretary of State of the Colonies; Defense and Security; Defense Scheme; Defense Related Files; Naval; Intelligence and Security; Regional/Federation of the West Indies; Cuba; Cayman Islands, Turks and Caicos; British Guiana, British Honduras, Grenada; Emigration; Economy, Industry and Agriculture.

The date range for these records is 1940 to 1962.

The respondent does not state if the claim is for originals or copies, but states that it would be satisfied with digital copies and could envisage joint archival heritage arrangements. The respondent would like to see the digitisation paid for by the United Kingdom and the digital copies placed in the public domain, proposing a:

Digital Preservation Project. The database will give you access to digital version of the documents and thus facilitate use in multiple locations. The

project may be funded under the UNESCO's Memory of the World (MOW) programme and other aspects funded/ supported by Britain through under their education and training programmes.

The respondent would like to see intergovernmental consultations between Britain, Jamaica, Cayman Island, British Guiana, British Honduras, Grenada, Cuba to 'determine the access mechanism to be used'.

The respondent could see potential benefit in the involvement of the United Nations, UNESCO, CARICOM and the respondent would like to see the ICA 'Provide leadership in the negotiations'. The respondent would also like to see work to 'Encourage research institutions in respective countries to become acquainted with these collections and to encourage/ guide their students to exploit the information which lie there-in'.

Claim 27: Archives and Libraries of Rwanda (RALSA)

RALSA made one claim concerning several parties including Belgium, Germany, the Vatican and the 'Protestant church'. The claim is for public and private archives removed during decolonisation. There have been ongoing negotiations over this claim, as recently as March 2018. The respondent describes the claim:

In response to an invitation sent to the Belgian and German governments asking for discussions on the issue of colonial archives and the possibility of their return to Rwanda, the representative of Belgium's Museum for Central Africa expressed the museum's willingness to return the archives concerned. Since then, regular talks have been held. On the other hand, negotiations with Germany, the Vatican and the Protestant Church have yet to begin.

The respondent does not have a list of fonds but provides the date range 1850 to 1970 and estimates the extent at around 400 linear metres.

The claim is for originals or copies and the respondent can envisage joint heritage arrangements. The respondent would be satisfied with copies and suggests that the United Nations might pay for them but 'All rights should be transferred'.

The respondent can see a benefit in a joint working group and remarks about collaboration:

In the event of the databases, guides and other research instruments being jointly prepared, the country transferring and the claimant country should work with UNESCO and ICA to make recommendations with regard to the types of databases, contribute to the compilation of the guides and other

research instruments and their translation, and provide training for the staff who will be responsible for servicing these archives.

The respondent would also like to see interventions from the United Nations, UNESCO and the African Union, and could see the ICA as a mediator and guide.

Claim 28: National Archives of Trinidad and Tobago

The National Archives of Trinidad and Tobago has a claim against Spain arising from Spanish conquest and colonisation of Trinidad, 1498-1797. The claim is for public archives.

The respondent notes that discussions began in 2016 with a letter to the Director Archivo General de Indias, Seville, Spain and continues to the present day.

There was a partial transfer of copies:

Free of charge. A small amount was gifted to the nation on the 50th anniversary of our Independence. The claim is therefore for selective copies, and the respondent could envisage shared heritage arrangements. The list of records is extensive but the physical extent is unknown.

The respondent believes that Spain should pay for the copying, with rights residing with Trinidad and Tobago.

The respondent would like to see joint working groups and intergovernmental consultations between Spain, Venezuela and Trinidad and Tobago to discuss the identification and selection of relevant records, access to the collections, digitisation and funding. The respondent could also envisage roles for UNESCO, CARICOM, and the Organisation of American States, and notes:

ICA as the international body representing archives should act as an advocate at the highest level. It should state a position supporting shared archives, provide guidelines and best practices. If possible, facilitate relevant projects.

Claim 29: Arxiu Nacional d'Andorra

The national archives of Andorra has a claim against France, stating:

With the approval of the Andorran Constitution in 1993, the authority of the joint heads of state of Andorra (episcopal and French co-princes) over the Andorran people were transferred to the Andorran institutions (parliament and government).

When authority, responsibilities and accountability are transferred to a State in this way, it is also necessary to transfer all the titles, tests and information needed to perform the resulting tasks.

Act 9/2003 on the principality's cultural heritage, in particular its Article 28, states that Andorra's documentary heritage is included, among other things, in the documents "produced or received by the public authorities in Andorra in the exercise of their functions, including those of its historic institutions (officers [Vegueria] and departments of the co-principality).

The claim is for the following public archives:

- Archives of the Permanent Andorran Delegation in Perpignan (Archives of the Pyrénées Orientales département)
- Archives of the French Vegueria of Andorra (Centre for Diplomatic Archives in Nantes)

The date ranges are 1882 to 1993 and 1930 to 1993, and the extent 'ADPO 1723W (35 ml) et Centre archives de Nantes (90 ml)'.

While there have been negotiations in the past (1995 and 2000), these have stopped. Regarding the legal basis of the claim, the respondent writes:

Act 9/2003 on the principality's cultural heritage, in particular its Article 28 ,states the following: Andorra's documentary heritage is included, among other things, in the documents "produced or received by the public authorities in Andorra in the exercise of their functions, including those of its historic institutions (officers [Vegueria] and departments of the co-principality).

And:

Since the services of the Co-princes in Andorra, the Veguerias, and abroad, as well as the Permanent Andorran Delegation in Perpignan are "historic Andorran institutions", the documents they create are part of the cultural heritage of the Andorran people (Cultural Heritage Act of Andorra, 2003).

The claim is for complete copies and the respondent could envisage joint heritage arrangements. The respondent believes that the digitisation should be paid for by the two countries jointly. Regarding rights: "Consultation rights should be compliant with the relevant standards." The respondent would like to see intergovernmental consultations between France and Andorra and could see UNESCO and ICA as mediators.

Claim 32: National Archives and Records Service of South Africa

The claim from the national archives of South Africa concerns records removed to the United Kingdom during decolonisation. The respondent writes:

South Africa was a colony of the United Kingdom up to 1961. It should be noted that some records from the colonial collection would also include former colonies such as Basutoland (Lesotho), Swaziland (Eswatini) and Bechuanaland Protectorate (Botswana). For South Africa this would include records on the Cape Colony (1806 - 1910), Natal Colony (1824 - 1910), Orange River Colony (1848- 1910), Transvaal (1871- 1910) and the Union of South Africa (including South West Africa, now Namibia) 1910 - 1961.

There was discussions and agreements between the Public Record Office (now the National Archives) in Kew UK and the State Archives of South Africa (now the National Archives and Records Service of South Africa) during the 1960's As a result of this a number of collections at the Public Record Office were microfilmed and presented to the State Archives. Copyright remained with the Public Record Office. Similar projects were done by the National Archives of Botswana and recommendations were made about microfilming these colonial records and treating this project as a shared heritage between Botswana, Lesotho and Eswatini and recommended the shared costs by the said countries. At that time recommendations were made to UNESCO under its "migrated archives project" of the 1980's to 1990's.

The respondent notes that some copies were purchased. The claim is for a complete set of copies, though the respondent could envisage joint heritage arrangements.

The following records are claimed:

- Records of the Colonial Office pertaining to South Africa.
- Records of the Foreign Office pertaining to South Africa
- Records of the War Office pertaining to South Africa
- General colonial records on South Africa, including the former colonies such as Basutoland (Lesotho), Swaziland (Eswatini) and Bechuanaland Protectorate (Botswana). For South Africa this would include records on the Cape Colony (1806 - 1910), Natal Colony (1824 - 1910), Orange River Colony (1848- 1910), Transvaal (1871- 1910) and the Union of South Africa (including South West Africa, now Namibia) 1910 - 1961.

The date range is 1806 to 1961 and the extent is unknown.

The respondent believes that the UK should pay for the digitisation, and that 'Both the National Archives in the UK and South Africa should have all rights.'

The respondent would like to see expert consultations with archivists from United Kingdom and South Africa and interventions from UNESCO, the African Union, ACARM, IRMT, ICA and 'Bi-National Commissions between South Africa and the United Kingdom'. Regarding the role of the ICA in particular, the respondent would like to see it 'Assisting the concerned countries in negotiating for the return of the shared heritage (migrated, displaced or removed archives)'.

Claim 33: National Archives of Bahrain

The National Archives of Bahrain has a claim relating to public and private:

Archival groups relating to Bahrain that created during the period of British protection or pre independence or national governance from UK, India, Iran, Turkey & other GCC.

The physical extent is unknown but the date range is 1800 to 1971 (pre-independence).

There has been no correspondence between the parties. The claim is motivated by the 'Newly established National Archives Center and its Legislations'. The claim is against originals or copies and the respondent can envisage joint heritage arrangements. The respondent believes that Bahrain should pay for the copies, with copyright transferred to Bahrain and access governed by Bahraini law or regulation.

The respondent would like to see intergovernmental consultations and a joint working group established. It could envisage roles for UNESCO, the Arab League and relevant ICA branches, with 'UNESCO and ICA as supervising and part sponsoring'.

4. Aggregation of Results

4.1 Causes of Displacement

4.1.1 Decolonisation

Seventeen claims relate to decolonisation. These are:

- Claim 1: Cameroon against France
- Claim 5: Swaziland against UK
- Claim 7: Benin against France
- Claims 8 and 9: Greenland against Denmark
- Claim 10: Malta against UK
- Claim 13: Morocco against France
- Claim 14: Morocco against Spain
- Claim 15: Uganda against UK
- Claim 16: Uganda against Tanzania
- Claim 17: Bank of Uganda against UK
- Claim 18: Kenya against UK
- Claim 26: Jamaica against UK
- Claim 27: Rwanda against Belgium, Germany, the Vatican and the 'Protestant church'.
- Claim 28: Trinidad and Tobago against Spain
- Claim 32: South Africa against the UK
- Claim 33: Bahrain against United Kingdom, India, Iran, Turkey and other GCC

Countries with claims against them as a result of decolonisation are UK (8 claims), France (3 claims), Denmark (2 claims), Spain (2 claims), Belgium (1 claim), Germany (1 claim), India (1 claim), Iran (1 claim), Tanzania (1 claim, though this presumably relates to Ugandan records removed to Tanzania as a result of British decolonisation), Turkey (1 claim), the Vatican (1 claim), an unspecified Protestant church (1 claim) and unspecified member countries of the Gulf Cooperation Council (1 claim).

4.1.2 Second World War

Seven responses relate to the Second World War. These are:

- Claim 6: Archive of the Jewish Community of Vienna against Poland
- Claim 11: Bulgaria against Russia
- Claim 12: Croatia against Serbia
- Claim 16: Uganda against Tanzania
- Claim 19: Poland against Russia
- Claim 22: Poland against Germany
- Claim 23: Poland against Ukraine

Countries with claims against them as a result of the Second World War are Russia (2 claims), Germany (1 claim), Poland (1 claim), Serbia (1 claim), Tanzania (1 claim) and Ukraine (1 claim).

4.1.3 Other Wars

There was one claim related to other wars. This was Claim 12 (Croatia against Serbia) and it relates to the 'Homeland War 1991-1995'. This claim also relates to the Second World War and the succession of states. Claim 12 mentions specifically:

- Fonds created by public administration and armed forces on the territory of today's Croatia during the Word War Two
- Moving pictures produced or distributed by organizations registered in Croatia, deposited in film archives in Belgrade [relating to the succession of states]

It is not specific about the displacements of the 'Homeland War 1991-1995'.

The claim from Cyprus (Claim 24) did not indicate displacement through 'Other Wars' but in the free text field stated 'Turkish invasion in 1974 and occupation of 37% of the area belonging to the Sovereignty of the Republic of Cyprus. Public archives were also seized in 1963 when Turkish Cypriots took over areas of the Republic unlawfully by force'.

It is notable that no claims were related to other wars or invasions, such as the records removed by the United States of America during its invasions of Middle Eastern countries. This may be due to the language of the survey and ongoing political considerations.

4.1.4 Succession of States

Five claims are related to the succession of states. These are:

- Claim 5: Swaziland against UK
- Claim 12: Croatia against Serbia
- Claim 16: Uganda against Tanzania
- Claim 22: Poland against Germany
- Claim 23: Poland against Ukraine

It is notable that many of the well-known cases relating to records created by Yugoslavia and the USSR have not been reported.

Claim 5 does not explain how it relates to the succession of states and though the survey describes the succession of states as the break-up of a political entity, this may, in this case, relate to independence from Britain.

Claim 12 relates to 'Moving pictures produced or distributed by organizations registered in Croatia, deposited in film archives in Belgrade' in relation to the break-up of Yugoslavia.

Claim 16 does not provide details of the displaced records, but again this claim may relate primarily to records removed to Tanzania during British decolonisation.

Claims 22 and 23 were attributed to the Second World War and 'Also - succession of states and movement of peoples as a result of borders change after 1945'.

4.1.5 Movement of People

This cause of displacement was not included in the 1997/8 survey. It was included in the present survey in an attempt to uncover more diverse forms of displacement. Four claims relate to the movement of people:

- Claim 5: Swaziland against UK
- Claim 16: Uganda against Tanzania
- Claim 22: Poland against Germany
- Claim 23: Poland against Ukraine

None of these claims elaborate on how the movement of people caused archival displacements.

4.1.6 Operations of Multinational Corporations

Given the role of chartered companies in colonisation and, increasingly, the role of private sector actors in international conflicts, and the existence of records of international provenance in business archives around the world, it is clear that some displacements arise from this cause, but none of the claims made through this survey related to the operations of multinational corporations.

4.1.7 Sub-National or Intranational Claims

One claim (Claim 2 (Madeira against Portugal)) was an intranational claim, which related to the 'reluctance of central government to transfer archival holdings to their local communities'.

The two claims from Greenland (claims 8 and 9) are arguably sub-national or intranational claims, but they were reported as relating to decolonisation and they have been aggregated as such.

No intra-national claims were reported in the 1997/8 survey.

4.2 Public or Private Archives

4.2.1 Public Archives

Fifteen claims related to public archives only. These were:

- Claim 1: Cameroon against France
- Claim 7: Benin against France
- Claims 8 and 9: Greenland against Denmark
- Claim 10: Malta against UK
- Claim 11: Bulgaria against Russia
- Claim 12: Croatia against Serbia
- Claim 15: Uganda against UK
- Claim 16: Uganda against Tanzania
- Claim 17: Bank of Uganda against UK
- Claim 19: Poland against Russia
- Claim 26: Jamaica against UK
- Claim 28: Trinidad and Tobago against Spain
- Claim 29: Andorra against France
- Claim 32: South Africa against the UK

Countries with claims against them for public records are UK (5 claims), France (3 claims), Denmark (2 claims), Russia (2 claims), Serbia (1 claim), Spain (1 claim) and Tanzania (1 claim).

4.2.2 Private Archives

No claims were made for private archives alone. The predominance of public archives in these results may reflect the nature of the problem as it really is. It may also be a reflection of the nature of the problem as currently understood by an international archival community shaped by and acting through the ICA, which began life as a forum of national archives, though it continues to

broaden in scope and membership. It may reflect a bias in the research, in that the survey was conducted for ICA and, though open to all, FAN members were invited to participate directly. But whatever the cause, it illustrates what is apparent in the literature and related initiatives: that the work on displaced archives and related topics such as the illicit trade in cultural heritage, the market for private papers, diasporic literary archives, and memorialisation projects such as presidential libraries are disconnected from each other and that their intersections are under-researched.

It should be noted that the Polish claim against Germany (Claim 22) appears to be the only claim over records that are in the custody of a private institution (the Prussian Foundation of Cultural Property). The respondent notes that this is cited by the German authorities as a reason for inaction on repatriation in this case.

4.2.3 Public and Private Archives

Eleven claims relate to both public and private archives. These are:

- Claim 2: Madeira against Portugal
- Claim 5: Swaziland against UK
- Claim 6: Archive of the Jewish Community of Vienna against Poland
- Claim 13: Morocco against France
- Claim 14: Morocco against Spain
- Claim 18: Kenya against UK
- Claim 22: Poland against Germany
- Claim 23: Poland against Ukraine
- Claim 24: Cyprus
- Claim 27: Rwanda against Belgium, Germany, the Vatican and the 'Protestant church'.
- Claim 33: Bahrain against United Kingdom, India, Iran, Turkey and other GCC

Countries with claims against them for both public and private archives are United Kingdom (3 claims), Germany (2 claims), Belgium (1 claim), the self-declared Turkish Republic of Northern Cyprus (1 claim), France (1 claim), India (1 claim), Iran (1 claim), Poland (1 claim), Portugal (1 claim), Spain (1 claim), Turkey (1 claim), Ukraine (1 claim), the Vatican (1 claim). Unspecified member states of the Gulf Cooperation Council are also mentioned in this category. An unspecified Protestant church is also mentioned in this category.

Regarding the nature of the materials, Claim 2 (Madeira against Portugal) concerns administrative records together with church records. Claim 6 (Archive of the Jewish Community of Vienna against Poland) mentions approximately 50 folders of archival material from the Jewish communities in

Vienna and Graz and 93 to 98 Hebrew manuscripts. Claim 13 (Morocco against France) mentions public and private archives of the colonial period, Claim 24 (Cyprus) mentions numerous series of public archives and, amongst 'non-public archives', ecclesiastical records and bank archives. Overall, there is a lack of information on the nature of displaced private archives.

4.3 Communications, Negotiations and Existing Agreements

21 claims have been the subject of communication between the parties. Four claims have not.

19 claims have been subject to negotiations. Seven claims have not. 10 claims are subject to ongoing negotiations.

The following table shows survey responses relating to communications and negotiations between the parties.

Table 1. Communications and Negotiations Between Parties					
	Name of organisation	Communication between parties	Bi-lateral or multilateral negotiations	Are these negotiations continuing?	Comments:
1	Ministry of Arts and Culture, Cameroon		No	No	
2	Autonomous Region of Madeira	Yes	Yes	No	Some meetings with the Ministry of Culture has been realised in 2004-2005 and 2016-2017.
5	Swaziland National Archives	Yes	Yes	Yes	The negotiations are ongoing with some few issues: regarding the issue of payment and record copies and nature of formats

6	Archive of the Jewish Community of Vienna	Yes	Yes	Yes	the negotiations including handing over a claim took place from 2011 until now involving the foreign ministry of Austria and Poland as well as the polish Ambassador in Vienna and the Austrian Ambassador in Warsaw.
7	National Archives of Benin	Yes	No		Benin has asked France to return some of its cultural property. France has acceded to its request and negotiations are in progress between the two countries. It is possible that archives will form part of these negotiations.
8	Greenland National Museum and Archives	Yes	Yes	Yes	Ongoing since 1983.
9	Greenland National Museum and Archives	Yes	Yes	Yes	
10	National Archives of Malta	Yes	No	No	The only representation made was the joint efforts via ACARM
11	Archives State	Yes	Yes	No	Years in which negotiations

	Agency, Bulgaria				occurred: 2008-2009, 2016.
12	Croatian State Archives	Yes	Yes	Yes	Negotiation period - from 2001 till nowadays
13	Moroccan Archives	Yes	Yes	Yes	
14	Moroccan Archives	Yes	Yes	Yes	
15	Ministry of Public Service - National Records Centre and Archives, Uganda	Yes	Yes	No	Negotiations were made in 1999 with the support of DANIDA project and some microfilm copies were repatriated.
16	Ministry of Public Service- National Records Centre and Archives, Uganda	No	No	No	We have never started any claims because these should be spear headed by organisation which are Non Governmental Organisations which are neutral in nature if that information should be accessed
17	Bank of Uganda	No	No	No	Yet to commence on the communications
18	Kenya National Archives and Documentati on Service	Yes	Yes	No	Several attempts have been made to reclaim the records since 1969 without much success

19	Head Office of Polish State Archives	Yes	Yes	No	No progress in negotiations from 2014 (there was the last bilateral meeting in Warsaw between the Polish and Russian archives authorities). The political situation influences the position of Russian archives authorities.
22	Head Office of Polish State Archives	Yes	Yes	No	No progress in negotiations because of different interpretation international law regulations
23	Head Office of Polish State Archives	Yes	Yes	No	the Ukrainian law established in recent years excludes the possibility of return of originals to the other country
24	Cyprus State Archives	No	Yes	Yes	An official claim by the Republic of Cyprus has been made for the return of all original Department of Lands & Surveys archives seized in 1963 and held in the occupied

					areas. The remainder of the public archives, seized in 1974 in the occupied areas, are included in the negotiations for the solution of the Cyprus problem, taking place since 1974.
26	Jamaica Archives and Records Department	Yes	No		
27	Archives and Libraries of Rwanda (RALSA)	Yes	Yes	Yes	Since March 2018.
28	National Archives of Trinidad and Tobago	Yes	Yes	Yes	Discussions began in 2016 with a letter to the Director Archivo General de Indias, Seville, Spain and continues to present.
29	Arxiu Nacional d'Andorra	Yes	Yes	No	Negotiations took place in 1995 and 2000. They failed to produce results.
32	National Archives and Records Service of South Africa	Yes	Yes	No	There was discussions and agreements between the Public Record Office (now the National Archives) in Kew UK and

				<p>the State Archives of South Africa (now the National Archives and Records Service of South Africa) during the 1960's As a result of this a number of collections at the Public Record Office were microfilmed and presented to the State Archives. Copyright remained with the Public Record Office. Similar projects were done by the National Archives of Botswana and recommendations were made about microfilming these colonial records and treating this project as a shared heritage between Botswana, Lesotho and Eswathini and recommended the shared costs by the said countries. At that time recommendations</p>
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					ons were made to UNESCO under its "migrated archives project" of the 1980's to 1990's.
33	National Archives of Bahrain	No	No	No	

The following table shows the responses relating to agreements between the parties.

Table 2. Agreements Between Parties		
	Name of organisation	Agreement for transfer of originals or copies
1	Ministry of Arts and Culture, Cameroon	Has not been made.
2	Autonomous Region of Madeira	Has been made but only covering part of the fond/records concerned.
5	Swaziland National Archives	Has not been made.
6	Archive of the Jewish Community of Vienna	Has not been made.
7	National Archives of Benin	Has not been made.
8	Greenland National Museum and Archives	Has not been made.
9	Greenland National Museum and Archives	Has not been made.
10	National Archives of Malta	Has not been made.
11	Archives State Agency, Bulgaria	
12	Croatian State Archives	Has been made but not completed.
13	Moroccan Archives	Has not been made.
14	Moroccan Archives	Has not been made.
15	Ministry of Public Service - National Records Centre and Archives, Uganda	Has not been made.
16	Ministry of Public Service- National Records Centre and Archives, Uganda	Has not been made.
17	Bank of Uganda	Has not been made.
18	Kenya National Archives and Documentation Service	Has not been made.
19	Head Office of Polish State Archives	Has not been made.
22	Head Office of Polish State Archives	Has not been made.
23	Head Office of Polish State Archives	Has not been made.
24	Cyprus State Archives	Has not been made.
26	Jamaica Archives and Records Department	Has not been made.
27	Archives and Libraries of Rwanda (RALSA)	Has not been made.

28	National Archives of Trinidad and Tobago	Has not been made.
29	Arxiu Nacional d'Andorra	Has not been made.
32	National Archives and Records Service of South Africa	Has been made but only covering part of the fond/records concerned.
33	National Archives of Bahrain	Has not been made.

In 21 cases, no agreements have been made between the parties. In two cases, agreements have been made but only covering part of the fond/records concerned. In one case, an agreement has been made but not completed.

4.4 Partial Transfers

12 of the claims concern cases where there have been partial transfers. Two of the 12 were transfers of originals, and 10 of the 12 were transfers of copies. The following table provides the details.

Table 3. Partial transfers			
	Name of organisation	Have there been partial transfers	If yes, have these been purchased by you or provided free of charge?
1	Ministry of Arts and Culture, Cameroon		
2	Autonomous Region of Madeira	Of copies.	Yes, both: by purchase and free of charge
5	Swaziland National Archives	Of copies.	Purchased by us
6	Archive of the Jewish Community of Vienna		
7	National Archives of Benin		
8	Greenland National Museum and Archives		
9	Greenland National Museum and Archives		
10	National Archives of Malta		Malta would be glad if it receives digital copies of all the records.
11	Archives State Agency, Bulgaria	Of copies.	Purchased
12	Croatian State Archives	Of copies.	Copies were paid by us.
13	Moroccan Archives	Of copies.	Free of charge
14	Moroccan Archives		
15	Ministry of Public Service - National Records Centre and Archives, Uganda	Of copies.	The microfilm copies were purchased by DANIDA on behalf of the National Archives
16	Ministry of Public Service- National Records Centre and Archives, Uganda		
17	Bank of Uganda		

18	Kenya National Archives and Documentation Service	Of copies.	Purchased
19	Head Office of Polish State Archives	Of originals.	Yes, after 1945 as a result of international agreements part of originals were provided free of charge
22	Head Office of Polish State Archives	Of originals.	Yes, in 1947 (Stebelski mission) 19 carriages of documents looted from Polish state archives were provided free of charges
23	Head Office of Polish State Archives		No
24	Cyprus State Archives		No, there have been no partial transfers of originals or copies.
26	Jamaica Archives and Records Department		
27	Archives and Libraries of Rwanda (RALSA)		
28	National Archives of Trinidad and Tobago	Of copies.	Free of charge. A small amount was gifted to the nation on the 50th anniversary of our Independence.
29	Arxiu Nacional d'Andorra	Of copies.	
32	National Archives and Records Service of South Africa	Of copies.	Purchased
33	National Archives of Bahrain		

4.5 Claims for Originals and Copies

The following table shows the responses relating to the nature of the claims in respect to originals, complete copies and selective copies.

Table 4. Claims for Originals and Copies				
	Name of organisation	Claim against originals?	Claim against a complete copy?	Claim against selective copies?
1	Ministry of Arts and Culture, Cameroon	X		
2	Autonomous Region of Madeira	X		
5	Swaziland National Archives		X	X
6	Archive of the Jewish Community of Vienna	X		
7	National Archives of Benin	X	X	X

8	Greenland National Museum and Archives	X		
9	Greenland National Museum and Archives	X		
10	National Archives of Malta		X	
11	Archives State Agency, Bulgaria	X		X
12	Croatian State Archives	X	X	X
13	Moroccan Archives			X
14	Moroccan Archives		X	X
15	Ministry of Public Service - National Records Centre and Archives, Uganda		X	
16	Ministry of Public Service- National Records Centre and Archives, Uganda			
17	Bank of Uganda	X	X	X
18	Kenya National Archives and Documentation Service, Kenya	X	X	X
19	Head Office of Polish State Archives	X	X	
22	Head Office of Polish State Archives	X	X	
23	Head Office of Polish State Archives	X	X	X
24	Cyprus State Archives	X		
25	National Archives of Australia			
26	Jamaica Archives and Records Department			
27	Archives and Libraries of Rwanda (RALSA)	X	X	X
28	National Archives of Trinidad and Tobago			X
29	Arxiu Nacional d'Andorra		X	
32	National Archives and Records Service of South Africa		X	
33	National Archives of Bahrain	X		x

There are six claims for originals only: Cameroon (Claim 1), Madeira (Claim 2), Jewish Community of Vienna (Claim 6), Greenland (Claims 8 and 9) and Cyprus (Claim 24).

There are four claims for complete copies only: Malta (Claim 10), Uganda (Claim 15), Andorra (Claim 29) and South Africa (Claim 32).

There are two claims for selective copies only: Morocco (Claim 13) and Trinidad and Tobago (Claim 28).

There are six claims with an interest in originals, complete copies and selective copies: Benin (Claim 7), Croatia (Claim 12), Bank of Uganda (Claim 17), Kenya (Claim 18), Poland (Claim 23) and Rwanda (Claim 27). It is not possible from the data to determine definitively if these claims could be settled by either originals or copies (and if there is a spectrum of preference from originals, through complete copies to selective copies), or if the interest in originals and copies relates to different fonds, series or collections covered by the claim.

There are two claims that have indicated a desire for originals or selective copies but not complete copies: Bulgaria (Claim 11) and Bahrain (Claim 33). In the case of Bulgaria, the claim indicates that Bulgaria has previously purchased selective copies from Russia, and that its claim could be settled through digitisation, which suggests there is a preference to receive originals, but digital copies of the remaining records would be satisfactory. In the case of Bahrain, the claim concerns multiple countries, so it may be that the desire for originals and selective copies relates to different funds in different countries.

4.6 Settlement through Copying

The following table shows whether or not the claims are for originals, complete copies or selective copies and whether or not they could be settled through the provision of copies.

Table 5. Settlement through Copying					
	Name of organisation	Claim against originals?	Claim against a complete copy?	Claim against selective copies?	Can digitisation / microfilm be used to resolve this claim?
1	Ministry of Arts and Culture, Cameroon	X			Yes
2	Autonomous Region of Madeira	X			No
5	Swaziland National Archives		X	X	
6	Archive of the Jewish Community of Vienna	X			No
7	National Archives of Benin	X	X	X	Yes
8	Greenland National Museum and Archives	X			No
9	Greenland National Museum and Archives	X			No
10	National Archives of Malta		X		Yes
11	Archives State Agency, Bulgaria	X		X	Yes
12	Croatian State Archives	X	X	X	Yes
13	Moroccan Archives			X	Yes
14	Moroccan Archives		X	X	Yes
15	Ministry of Public Service - National Records Centre and Archives, Uganda		X		Yes

16	Ministry of Public Service- National Records Centre and Archives, Uganda				
17	Bank of Uganda	X	X	X	Yes
18	Kenya National Archives and Documentation Service	X	X	X	Yes
19	Head Office of Polish State Archives	X	X		Yes
22	Head Office of Polish State Archives	X	X		Yes
23	Head Office of Polish State Archives	X	X	X	Yes
24	Cyprus State Archives	X			No
26	Jamaica Archives and Records Department				Yes
27	Archives and Libraries of Rwanda (RALSA)	X	X	X	Yes
28	National Archives of Trinidad and Tobago			X	Yes
29	Arxiu Nacional d'Andorra		X		Yes
32	National Archives and Records Service of South Africa		X		Yes
33	National Archives of Bahrain	X		X	Yes

20 out of 27 valid claims could be settled through digitisation or microfilming.

Six claims are for originals only, of which only one could be settled through copying. Four claims are for complete copies only and two claims are for selective copies only and could therefore be settled through copying.

Claim 16 (Uganda) did not include this information. Claim 26 (Jamaica) did not report whether the claim was for originals or copies but did state that the claim could be settled through digitisation.

Several claims were made against originals, complete copies and selective copies (Claim 7, Benin, Claim 12, Croatia, Claim 17, Bank of Uganda, Claim 18, Kenya, Claim 23, Poland, Claim 27, Rwanda) but could nevertheless be settled through digitisation or microfilming.

Two claims were for originals or complete copies (Claims 19 and 22 from Poland). Two claims were for complete or selective copies (Claim 5, Swaziland, and claim 14, Morocco). It would be useful to understand if these answers relate to the same or different fonds. Claim 11 (Bulgaria) was for originals or selective copies to complete the partial run of digital surrogates Bulgaria

already holds. Claim 33 (Bahrain) was for originals or selective copies. This answer presumably reflects the range of fonds that the claim relates to.

4.7 Viability of Joint Heritage Arrangements

The survey asked respondents ‘Is it possible to envisage the creation of ‘joint heritage’ arrangements as a means of facilitating the solution to this claim?’ The survey provided the definition of ‘joint heritage’ given in the 1997/8 survey, which is:

Archive groups (fonds) resulting from the activities of administrations, functions of which are shared between two or more successor States may be declared ‘joint heritage’. Rights and responsibilities connected with the custody of and access to the joint archival heritage are to be specified in the agreement concluded on its establishment by the States concerned.

The following tables gives the responses to the question about joint heritage.

Table 6. Attitude to Joint Heritage Arrangements		
	Name of organisation:	Is it possible to envisage the creation of ‘joint heritage’ arrangements as a means of facilitating the solution to this claim?
1	Ministry of Arts and Culture, Cameroon	
2	Autonomous Region of Madeira	No
5	Swaziland National Archives	Yes
6	Archive of the Jewish Community of Vienna	No
7	National Archives of Benin	Yes
8	Greenland National Museum and Archives	Yes
9	Greenland National Museum and Archives	Yes
10	National Archives of Malta	Yes
11	Archives State Agency, Bulgaria	No
12	Croatian State Archives	Yes
13	Moroccan Archives	Yes
14	Moroccan Archives	Yes
15	Ministry of Public Service - National Records Centre and Archives, Uganda	Yes
16	Ministry of Public Service- National Records Centre and Archives, Uganda	
17	Bank of Uganda	Yes
18	Kenya National Archives and Documentation Service	Yes
19	Head Office of Polish State Archives	Yes
22	Head Office of Polish State Archives	Yes
23	Head Office of Polish State Archives	Yes
24	Cyprus State Archives	No

26	Jamaica Archives and Records Department	Yes
27	Archives and Libraries of Rwanda (RALSA)	Yes
28	National Archives of Trinidad and Tobago	Yes
29	Arxiu Nacional d'Andorra	Yes
32	National Archives and Records Service of South Africa	Yes
33	National Archives of Bahrain	Yes

This table shows that the majority of respondents are willing to consider joint heritage arrangements (21 respondents believed that joint heritage arrangements could resolve their claim. Four respondents believed that joint heritage arrangements could not resolve their claims).

The following table shows this data alongside the data about claims for originals, complete copies or selective copies.

Table 7. Nature of Claims and Attitudes to Joint Heritage Arrangements					
	Name of organisation:	Claim against originals?	Claim against a complete copy?	Claim against selective copies?	Is it possible to envisage the creation of 'joint heritage' arrangements as a means of facilitating the solution to this claim?
1	Cameroon	X			
2	Madeira	X			No
5	Swaziland		X	X	Yes
6	Jewish Community of Vienna	X			No
7	Benin	X	X	X	Yes
8	Greenland	X			Yes
9	Greenland	X			Yes
10	Malta		X		Yes
11	Bulgaria	X		X	No
12	Croatia	X	X	X	Yes
13	Morocco			X	Yes
14	Morocco		X	X	Yes
15	Uganda		X		Yes
16	Uganda				
17	Bank of Uganda	X	X	X	Yes
18	Kenya	X	X	X	Yes
19	Poland	X	X		Yes
22	Poland	X	X		Yes
23	Poland	X	X	X	Yes
24	Cyprus	X			No
25	Australia				

26	Jamaica				Yes
27	Rwanda	X	X	X	Yes
28	Trinidad and Tobago			X	Yes
29	Andorra		X		Yes
32	South Africa		X		Yes
33	Bahrain	X		X	Yes

The claims with no joint heritage option are 2 (Madeira), 6 (Jewish Community of Vienna), 11 (Bulgaria), 24 (Cyprus). Three of these claims are for originals only, and the other is for originals or selective copies. One claim for originals only (Claim 1, Cameroon) is silent on joint heritage.

In the three remaining cases, the responses have in common a sense that an historical wrong or oversight persists. In the claim from Madeira, it appears to be the respondents' view that the historical movement towards Madeiran semi-autonomy has not been reflected in Portugal's treatment of records created on Madeira.

The claim from the Archive of the Jewish Community of Vienna relates to material stolen by the Nazis. It states in response to a question about the legal basis for the claim, 'There is not legal basis between Poland and Austria for the return of archival material that has been confiscated by the Nazis'. Furthermore, the respondent states that they have digital copies, and seek the return of originals 'due to ownership'.

Claim 24 from the Cyprus State Archives relates to public, church and bank records in the possession of the self-declared Turkish Republic of Northern Cyprus, which the respondent identifies as an injustice arising from an illegal occupation.

The following table shows the respondents' attitudes to both joint heritage and copying as routes to resolution.

Table 8. Joint Heritage and Copying			
	Name of organisation	Joint heritage?	Can digitisation / microfilm be used to resolve this claim
1	Ministry of Arts and Culture, Cameroon		Yes
2	Autonomous Region of Madeira	No	No
5	Swaziland National Archives	Yes	
6	Archive of the Jewish Community of Vienna	No	No
7	National Archives of Benin	Yes	Yes

8	Greenland National Museum and Archives	Yes	No
9	Greenland National Museum and Archives	Yes	No
10	National Archives of Malta	Yes	Yes
11	Archives State Agency, Bulgaria	No	Yes
12	Croatian State Archives	Yes	Yes
13	Moroccan Archives	Yes	Yes
14	Moroccan Archives	Yes	Yes
15	Ministry of Public Service - National Records Centre and Archives, Uganda	Yes	Yes
16	Ministry of Public Service- National Records Centre and Archives, Uganda		
17	Bank of Uganda	Yes	Yes
18	Kenya National Archives and Documentation Service	Yes	Yes
19	Head Office of Polish State Archives	Yes	Yes
22	Head Office of Polish State Archives	Yes	Yes
23	Head Office of Polish State Archives	Yes	Yes
24	Cyprus State Archives	No	No
26	Jamaica Archives and Records Department	Yes	Yes
27	Archives and Libraries of Rwanda (RALSA)	Yes	Yes
28	National Archives of Trinidad and Tobago	Yes	Yes
29	Arxiu Nacional d'Andorra	Yes	Yes
32	National Archives and Records Service of South Africa	Yes	Yes
33	National Archives of Bahrain	Yes	Yes

Claims where joint heritage or copying could resolve the case: 17 out of 27.
Neither: 3

The two claims from Greenland (Claims 8 and 9) could be resolved through joint heritage arrangements but not digitisation, while the claim from Bulgaria (Claim 11) could be settled through copying but not joint heritage.

4.8 Attitudes towards Financing and Conducting Copying and the Transfer of Rights

The following table shows all responses received pertaining to financing and conducting digitisation. All respondents to these questions indicated that digitisation could be used to resolve their claim, but not all respondents whose claims could be settled through digitisation answered the questions presented in this table.

Table 9. Financing and Conducting Copying				
	Name of organisation	Financing of copying. In your opinion, who should the costs of microfilming / digitisation be borne by:	If other parties please specify	Preparation and carrying out of microfilming / digitisation. How can the two parties co-operate in this?
1	Ministry of Arts and Culture, Cameroon	the country possessing the fonds / records		By creating joint working groups
7	National Archives of Benin	the country possessing the fonds / records		By creating joint working groups
10	National Archives of Malta	the country possessing the fonds / records		By creating joint working groups
11	Archives State Agency, Bulgaria	the two countries jointly		By creating joint working groups
12	Croatian State Archives	the two countries jointly		By joint financing.
13	Moroccan Archives	the country possessing the fonds / records		By creating joint working groups
14	Moroccan Archives	the country possessing the fonds / records		By creating joint working groups
15	Ministry of Public Service - National Records Centre and Archives, Uganda		Donors, UNESCO and ICA	By creating joint working groups
17	Bank of Uganda	the country making the claim	NA	By creating joint working groups
18	Kenya National Archives and Documentation Service	the country possessing the fonds / records		By creating joint working groups

19	Head Office of Polish State Archives	the two countries jointly		By joint financing.
22	Head Office of Polish State Archives	the two countries jointly		By joint financing.
23	Head Office of Polish State Archives	the country making the claim		By creating joint working groups
26	Jamaica Archives and Records Department	the country possessing the fonds / records		
27	Archives and Libraries of Rwanda (RALSA)	other parties (please specify)	United Nations	By creating joint working groups
28	National Archives of Trinidad and Tobago	the country possessing the fonds / records		By creating joint working groups
29	Arxiu Nacional d'Andorra	the two countries jointly		By creating joint working groups
32	National Archives and Records Service of South Africa	the country possessing the fonds / records		By creating joint working groups
33	National Archives of Bahrain	the country making the claim		By creating joint working groups

In relation to financing digitisation, nine claims stated that digitisation should be paid for by the country possessing the fonds or records: Cameroon (Claim 1), Benin (Claim 7), Malta (Claim 10), Morocco (Claims 13 and 14), Kenya (Claim 18), Jamaica (26), Trinidad and Tobago (Claim 28) and South Africa (Claim 32).

Five claims stated that digitisation should be paid for by the two countries jointly: Bulgaria (Claim 11), Croatia (Claim 12), Poland (Claims 19 and 22) and Andorra (Claim 29). Three claims stated that digitisation should be paid for by the country making the claim: Bank of Uganda (Claim 17), Poland (Claim 23) and Bahrain (Claim 33). Two claims stated that other parties should pay. Uganda (Claim 15) indicated that UNESCO and ICA, and Rwanda (Claim 27) indicated that the United Nations should fund the copying.

Regarding cooperation on digitisation, 15 claims stated that the parties should cooperate by creating joint working groups: Cameroon (Claim 1), Benin (Claim 7), Malta (Claim 10), Bulgaria (Claim 11), Morocco (Claims 13 and 14), Uganda (Claim 15), Bank of Uganda (Claim 17), Kenya (Claim 18), Poland (Claim 23), Rwanda (Claim 27), Trinidad and Tobago (Claim 28), Andorra (Claim 29), South

Africa (Claim 32) and Bahrain (Claim 33). Three claims stated that the parties should cooperate through joint financing: Croatia (Claim 12) and Poland (Claims 19 and 22).

The following remarks were made about the transfer of rights:

Table 10. Transfer of Rights		
	Name of organisation	What rights should be transferred with the copies?
7	National Archives of Benin	All rights
10	National Archives of Malta	The full rights of the originals
12	Croatian State Archives	Reuse according the national legislation.
15	Ministry of Public Service - National Records Centre and Archives, Uganda	Basic copyright exceptions
17	Bank of Uganda	Open access rights.
18	Kenya National Archives and Documentation Service	Entire rights
19	Head Office of Polish State Archives	Common access to the all users (excluding the law limitation)
22	Head Office of Polish State Archives	Access for all users excluding law limitation
23	Head Office of Polish State Archives	Access to all users excluding law limitation. The Head Office of Polish State Archives realizes project of microfilming and digitisation of Polish materials in the Ukrainian archives in the frame of bilateral agreements and conception of common heritage.
26	Jamaica Archives and Records Department	Placed in the Public Domain.
27	Archives and Libraries of Rwanda (RALSA)	All rights should be transferred
28	National Archives of Trinidad and Tobago	All rights as would usually apply in archives.
29	Arxiu Nacional d'Andorra	Consultation right in accordance with the standards in force
32	National Archives and Records Service of South Africa	Both the National Archives in the UK and South Africa should have all rights.
33	National Archives of Bahrain	Copyright Transference documents

4.9 Legal Bases For and Against Claims

See the individual entries in Section 3 for details of the responses to questions about the legal bases for the claim and for the status quo.

4.10 Bilateral Measures

When asked which of the bilateral options presented would help in resolving the claim, 14 responded ‘production of copies in the meantime, before an agreement is reached’ and eight responded ‘guarantee of access to the archives concerned, on a reciprocal basis’.

4.11 Multilateral Measures

When asked which of the multilateral options presented would be useful in resolving the claim, five respondents answered ‘expert consultations of archivists’, 12 said ‘intergovernmental consultations’ and seven said ‘joint preparation of databases, guides or other finding aids’. See the individual entries in Section 3 for details of any free text comments the respondents made about these measures.

The numbers below indicate how many respondents thought it would be useful to see the preparation of an international legal instrument at the level of the

UN: 10

UNESCO: 18

African Union: 5

European Union: 5

Arab League: 3

CARICOM: 2

ASEAN: 0

Organisation of American States: 1

Other: 6 (inc. 5 indicating ICA, and 1 also indicating ICA Regional Branches, ACARM and IRMT).

When asked if they see a role for UNESCO or the ICA, 24 of 27 respondents said ‘yes’, 0 respondents said ‘no’. Asked what role the respondents saw for UNESCO or ICA, the following responses were received.

Table 11. Possible Roles for UNESCO and ICA
Mediators.
I see the ICA and/or the UNESCO as organizations that create clear guidelines for the return of stolen archive material. Everyone should be able to rely on it.
Assist countries formerly colonised to claim their rights, since most of the archives removed were displaced at the time when these countries obtained their independence. Establish flexible negotiating arrangements among the countries concerned. Assist States making claims in establishing the conditions conducive to ensuring that fonds transferred or repatriated are preserved in the best possible way.

By encouraging, with reference to guidelines and best practices regarding displaced archives, state actors to engage in negotiations concerning archival matters. Furthermore, formally request information about such ongoing claims and the status of negotiations from the states to which the claims are raised. Offering expert guidance in negotiations - guidance based on described best practices and experience with solutions ranging from agreements of transfer, digitisation, joint registration and research projects etc.
See above under 6.2 [At 6.2 the respondent stated: 'This is a complex and, probably, rather unique issue. We would find it very useful if this issue could be reviewed by external experts on such divisions of archives in decolonized societies under home rule - or self-governing acts - could be a vantage point for best practice descriptions or guidelines to resolve matters in formal agreements'].
The lead in discussions should be theirs.
Professional standards and guidelines.
Preservation and digitizing our heritage, spearheading negotiations between the states, funding Archival Institutions operating under challenging conditions.
ICA can act as a mediation manager who can guide on the transfer procedures and any other legal concerns relating to the migrated Archives.
They have the expertise
UNESCO and ICA could put pressure on Turkey to transfer the original archives to the rightful owner, which is the Republic of Cyprus.
Provide leadership in the negotiations.
Mediator and guide
ICA as the international body representing archives should act as an advocate at the highest level. It should state a position supporting shared archives, provide guidelines and best practices. If possible, facilitate relevant projects.
Mediator
Assisting the concerned countries in negotiating for the return of the shared heritage (migrated, displaced or removed archives)
Supervision & partly sponsoring

4.12 General Comments about Resolutions to Problems of Displaced Archives

The following responses were received to the question 'Do you have any comments regarding how problems relating to displaced archives might be resolved?'

Table 12. General Comments on the Resolution of Claims
The scientific literature is focusing to international claims. Intranational archival claims remains in the invisibility inside each Nation (perhaps language burden). First, it is necessary to clarify the terminology (we have synonyms like displaced, fugitive, seized, migrated archives, replevin, and also return, repatriation and restitution). Second, it is necessary to understand the politics of inalienability of cultural heritage inside each Nation. Latin speaking countries has no legislation for deaccession. Could NAGPRA be a good solution for intranational issues? Could the Spanish case a good solution for Portugal (https://www.boe.es/buscar/pdf/2005/BOE-A-2005-18934-consolidado.pdf)?
It is vital that those responsible for displacing the records of other peoples should recognise the rights of their original owners to their heritage and to the return of this heritage. Vulnerable populations (black and/or French-speaking Africa) should be in a position to take

responsibility for their own heritage and share it with the rest of the world in a spirit of peace and mutual exchange.
See above (6.3) [The comment at 6.3 (Role for UNESCO or ICA) stated; 'By encouraging, with reference to guidelines and best practices regarding displaced archives, state actors to engage in negotiations concerning archival matters. Furthermore, formally request information about such ongoing claims and the status of negotiations from the states to which the claims are raised. Offering expert guidance in negotiations - guidance based on described best practices and experience with solutions ranging from agreements of transfer, digitisation, joint registration and research projects etc etc.']
See above under 6.2 [At 6.2 the respondent stated: 'This is a complex and, probably, rather unique issue. We would find it very useful if this issue could be reviewed by external experts on such divisions of archives in decolonized societies under home rule - or self-governing acts - could be a vantage point for best practice descriptions or guidelines to resolve matters in formal agreements'].
It should be the general direction of UNESCO and ICA guiding the principles and the good will of archivists in both countries to resolve the issue.
Joint reparation of databases, guides or other finding aids, expert consultations of Archivists
I personally believe that having service level agreements between current custodians and the original owners of the displaced Archives can help a lot to harmonise the problems involved. These agreements can in the interim enable the original owner have access to her/his Archives until a decisive move is undertaken to repatriate the archives to the original owner. Basically, I would advocate for open access to the original owner until the ultimate transfer decision is made. this would reduce or solve on the conflict.
Discussions and sharing of archival resources with interested parties.
Difficult economic situation of Ukraine influences the situation in Ukrainian archives and their possibilities in international cooperation. The Ukrainian archives are very open to cooperation with Polish archives - the solution is to increase the scope of work with digitisation of records what needs the financial and technical support such projects. A good solution is further implementation of the concept of common archival heritage.
Encourage research institutions in respective countries to become acquainted with these collections and to encourage/ guide their students to exploit the information which lie there-in.
It is difficult to make general statements on this as each case is different. However, the first step must always be a willingness to communicate. Begin discussions and try to keep the door open with give and take.
Cordial negotiations enhancing equal partnership

5. Comparison between Surveys

The table below compares the 1997/8 and 2018/9 survey data. The 'Claim' column lists the countries or institutions making the claim in alphabetical order. Entries without numbers or with numbers presented without parentheses refer to the cases reported in the 1997/8 report in section 2 'Case by Case Survey'. Claim numbers in parentheses refer to the claim as reported in the 2018/9 survey. Letter 'x' is used in the 'Against' columns to indicate that no claim was made by the country named in the 'Claim' column.

Table 13. 1997/8 and 2018/9 Data		
Claim	Against	Against
	1997/8	2018/9
Algeria	France	X
Andorra (Claim 29)	Spain	France
Australia (Claim 25)	X	X
Austria 1	Bosnia and Herzegovina	X
Austria 2	Russian Federation	X
Bahrain (Claim 33)	X	United Kingdom, India, Iran, Turkey and other GCC countries
Benin (Claim 7)	X	France
Bulgaria (Claim 11)	X	Russia
Cameroon (Claim 1)	X	France
China 1	Russian Federation	X
China 2	United Kingdom	X
Croatia 1	Austria	X
Croatia 2	Italy	X
Croatia 3	Yugoslavia	X
Croatia (Claim 12)	X	Serbia
Cyprus (Claim 24)	X	Self-declared Turkish republic of Northern Cyprus
Estonia	Russian Federation	X
Germany 1	Russian Federation	X
Germany 2	Czech Republic	X
Germany 3	France	X
Germany 4	Poland	X
Greenland (Claim 8)	X	Denmark
Greenland (Claim 9)	X	Denmark
India 1	United Kingdom	X
India 2	France	X
Jamaica (Claim 26)	X	United Kingdom
Jewish Community in Vienna (Claim 6)	X	Poland
Kenya (Claim 18)	United Kingdom	United Kingdom
Latvia	Russian Federation	X

Lithuania	Russian Federation	X
FYR Macedonia 1	Bosnia and Herzegovina	X
FYR Macedonia 2	Croatia	X
FYR Macedonia 3	Slovenia	X
FYR Macedonia 4	Yugoslavia	X
Madeira (Claim 2)	X	Portugal
Malta (Claim 10)	X	United Kingdom
Mongolia	Russian Federation	X
Morocco (Claim 13)	X	France
Morocco (Claim 14)	X	Spain
Netherlands	Russian Federation	X
Pakistan 1	United Kingdom	X
Pakistan 2	India	X
Poland 1 (Claim 22)	Germany	Germany
Poland 2	Lithuania	X
Poland 3	Belarus	X
Poland 4 (Claim 19)	Russian Federation	Russia
Poland 5 (Claim 23)	Ukraine	Ukraine
Poland 6	Stanford University	X
Romania	Hungary	X
Russian Federation	United States of America	X
Rwanda (Claim 27)	X	Belgium, Germany, the Vatican and the 'Protestant church'
Slovenia 1	Austria	X
Slovenia 2	Italy	X
Slovenia 3	Yugoslavia	X
South Africa (Claim 32)	X	United Kingdom
Swaziland (Claim 5)	X	United Kingdom
Tanzania 1-10	Belgium, Burundi, France, Germany, India, Kenya, Rwanda, Uganda, United Kingdom, United States of America	X
Trinidad and Tobago (Claim 28)	X	Spain
Tunisia	France	
Uganda (Claim 15)	X	United Kingdom
Uganda (Claim 16)	X	Tanzania
Uganda, Bank of (Claim 17)	x	United Kingdom
Yugoslavia 1	Austria	X
Yugoslavia 2	Germany	X
Yugoslavia 3	Russian Federation	X
Yugoslavia 4	Bosnia and Herzegovina	X
Yugoslavia 5	Bosnia and Herzegovina	X
Yugoslavia 6	FYR Macedonia	X
Yugoslavia 7	Slovenia	X
Yugoslavia 8	Austria	X

Yugoslavia 9	Bosnia and Herzegovina	X
Yugoslavia 10	Croatia	X
Yugoslavia 11	FYR Macedonia	X
Zambia	United Kingdom	X

Appendix

Survey Questionnaire in English

1. Name of organisation:
Contact name:
Address:
Telephone:
Email:
Website:

2. Country in which you have a claim:

(If more than one, please copy this form and fill in one for each claim)

3. What is the origin of this claim (*tick one*)?

 Decolonisation

 Second World War

 Other war (please state)

 Break-up of former political grouping (succession of states)

 Movement of peoples / diasporas

 Operations of multinational corporations

 Other (please state)

4. Does this claim concern:

 Public archives Private papers Both

5. Has there been any communication between your organisation and the organisation holding the records?

 Yes No

Have there been any bi-lateral or multilateral negotiations regarding this claim?

 Yes No

If yes, in which years did negotiations occur?

Are these negotiations continuing?

Yes

No

Comments on negotiations:

Part 1 Origins of the Claim

1.1 This claim arose as a result of:

1.2 Has an agreement for transfer of originals or copies: *(tick one)*

- a. been made but not completed?
- b. not been made?
- c. been made but only covering part of the fond/records concerned?

1.3 Have there been partial transfers:

of originals? Yes No
of copies? Yes No

If yes, have these been purchased by you or provided free of charge?

Part 2 Type of Claim

2.1 Is this a:

Claim against originals?
Claim against a complete copy?
Claim against selective copies?

In case of a complex claim, all three may apply, depending on the fonds / records concerned.

2.2 Is it possible to envisage the creation of 'joint heritage' arrangements (see definition below) as a means of facilitating the solution to this claim?

Yes

No

The definition of 'joint heritage' is: "Archive groups (fonds) resulting from the activities of administrations, functions of which are shared between two or more successor States may be declare 'joint heritage'. Rights and responsibilities connected with the custody of and access to the joint archival heritage are to be specified in the agreement concluded on its establishment by the states concerned".

Part 3 The fonds involved in the claim

- 3.1 Please list the main fonds concerned below:
- 3.2 Covering dates:
- 3.3 Approximate quantity (preferably in linear metres):

Part 4 Copies

In some cases, digitisation or microfilming may be instrumental in resolving a claim, but not all claims can be met in this way.

- 4.1 Can digitisation / microfilm be used to resolve this claim?

Yes

No (if not, please state why)

If yes, go on to 4.2; if no, go on to Part 5

- 4.2 Financing of copying. In your opinion, who should the costs of microfilming / digitisation be borne by:

the country possessing the fonds / records	<input type="checkbox"/>
the country making the claim	<input type="checkbox"/>
the two countries jointly	<input type="checkbox"/>
other parties (please specify)	<input type="checkbox"/>

- 4.3 Preparation and carrying out of microfilming / digitisation. How can the two parties co-operate in this?

- by joint financing? Yes No
 by creating joint working groups? Yes No

4.4 What rights should be transferred with the copies?

Part 5. Claims for transfer of original documents

5.1 Legal basis for the claim (please refer to the different fonds mentioned in part 3)

5.2 Legal or other reasons supporting the status quo

5.3 Access conditions in the event of transfer (closure periods etc.).
 The conditions for access for researchers should be governed by:

- a. the rules applying before transfer
 b. the rules applying in the country to which they are transferred

Reasons for your choice:

- it is more favourable for researchers
 it is more compatible with the interests of the states concerned
 other (please state)

Part 6 Measures that would aid a solution to the claim

6.1 Practical bi-lateral measures.

Which of the following would, in your opinion, be helpful in resolving this claim:

guarantee of access to the archives concerned on a reciprocal basis?

- Yes No

production of copies in the meantime, before an agreement is reached?

- Yes No

6.2 Multi-lateral measures.

Which of the following would, in your opinion, be useful in resolving this claim:

a) expert consultations of archivists

Yes No

If yes, which countries should be involved, and what subjects should be discussed:

b) intergovernmental consultations

Yes No

If yes, which countries should be involved, and what subjects should be discussed:

c) joint preparation of databases, guides or other finding aids

Yes No

If yes, please give a short description of the project you would like to see undertaken:

d) preparation of an international legal instrument at the level of

United Nations	<input type="checkbox"/> Yes	<input type="checkbox"/> No
UNESCO	<input type="checkbox"/> Yes	<input type="checkbox"/> No
European Union	<input type="checkbox"/> Yes	<input type="checkbox"/> No
African Union	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Arab League	<input type="checkbox"/> Yes	<input type="checkbox"/> No
CARICOM	<input type="checkbox"/> Yes	<input type="checkbox"/> No
ASEAN	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Organisation of American States	<input type="checkbox"/> Yes	<input type="checkbox"/> No
other (please specify)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

e) other (please specify) _____

6.3 Do you see a role for UNESCO and ICA in preparing or taking the initiative in multi-lateral measures?

Yes No

If yes, what role:

- 6.4 Do you have any comments regarding how problems relating to displaced archives might be resolved?

Part 7 Supporting texts

Please list archival or legal texts or international instruments which, in your opinion would most help to reconcile the different points of view in this claim:

 ICA International Council on Archives

 @ICArchiv

ICA International Council on Archives

60, rue des Francs Bourgeois

75003 PARIS

FRANCE

+33 (0)1 81 70 55 62

www.ica.org

