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Implementing the ICA Code of Ethics: Experiences and Challenges

Margaret Turner

Karen Benedict

Yvonne Bos-Rops

Diane Carlisle

The ICA Code of Ethics: A Challenge for Professional Organizations

Yvonne Bos-Rops

Ladies and gentlemen, dear colleagues,

For the last 15 years the ICA code of ethics has been an almost permanent item on the agenda of ICA's Section of Records Management and Archival Professional Associations, in short ICA/SPA. Vienna 2004 is already the 3rd international congress on archives with a session on ethics. On two European conferences (Barcelona 1997 and Florence 2001) attention was paid to the code. You might rightly suspect there is a story to be told.

It is this story that I want to tell you today. It is the story of the reasons for writing an international code of ethics; the struggle to come to a text; the discussions, lobbying and politics surrounding the code of ethics; the promotion of the ICA code of ethics; its character and future

1. How it all started

For a long time in many countries a professional code was seen as something special for the medical world and other liberal professions. In the cultural sector the idea of having a professional code arose in the 1980s, in libraries and museums. At the end of the 1980s International Council of Museums (ICOM) made an international code for museums which has since been adopted in various countries.

In the archival world only some conservation experts were aware of the need for rules: in the 1950s already restoration principles were formulated by Roger Ellis, and the 1980s saw a continuation of the discussion.

Archivists generally were not aware of the need for something like a code. In many countries they felt that archival matters were adequately dealt with in an archives act and other regulations.

It is therefore not surprising that the first attempts to make a professional code for archivists came from a country unhampered by a long archival tradition - the United States of America. You probably all know the story, Karen Benedict has written about it:

- The historian, Robert C. Binkley, who in 1939 already called for a code to help archivists in dealing with the conflict between freedom of information versus protection of privacy.
- The first code from 1955, written by the archivist of the United States Wayne C. Grover, intended to be a training document for archivists of the National Archives.
- The famous Lowenheim case (1968) - professor Francis L. Lowenheim accused the Roosevelt Library of denying him access to certain letters because a staff member wanted to edit these himself - which, together with changes in society in the field of freedom of information, protection of privacy, and copyright, caused the Society of American Archivists to adopt a first code in 1980.

The American example seems to have acted as a source of inspiration, both internationally and on a national level.

- In 1982 ICA published a RAMP-study by Michel Duchemin on '*Obstacles to access, use and transfer of information from archives*', and in 1985 the 24th meeting of ICA/CITRA (the yearly gathering of heads of national archives and presidents of archival associations) was devoted to '*access to archives and privacy*'.

- Around the same time ethics became a topic on national level.

The Australian handbook *Keeping Archives* from 1987 enumerated the five responsibilities of the archivist. In 1988 the English Society of Archivists organised a symposium on ethics. Various attempts for a code of ethics were made, but until 1991 only the *Association des Archivistes du Quebec* in Canada had formally adopted a code.

It is in this atmosphere that SPA decided to take up the subject of a code of ethics. The reasons for that are given as the growing interest in the theme of a code and the recognition that problems arose because of lack of one.

2. The first versions (1990-1994)

According to a speech Marco Carassi gave at the 5th European conference on archives in Barcelona, work on the code started in 1990. The minutes of that meeting of the steering committee of SPA are brief. In September 1990 is only mentioned that the Italian member of the steering committee Marco Carassi would prepare a text, a compilation of existing codes, to be discussed at the next meeting of the steering committee in 1991. At the delegates meeting of SPA in 1990 no mention was made to the members of a possible code.

SPA worked fast. In March 1991 already there was on a first text. Based on that, the decision was taken to organise a symposium during the coming International Congress on Archives in Montreal (1992), devoted to the introduction of and discussion and comments on a code of ethics. Again it was Marco Carassi who would prepare a text: a discussion paper [and I quote] 'as near as possible to a draft code of ethics'. In its autumn meeting the steering committee had a discussion on this first draft and (inevitably) wanted a second version which [quote] 'given the importance of the subject and the need for a full professional debate, both at national and at international level...should contain both the outlines of the draft code and a line of march'. It was also

recognised that most interested parties were 'not in the same gear or at the same speed', so that a full debate would not be possible before Montreal.

This time the steering committee felt confident enough to announce to its members that the second symposium during the Montreal congress would be devoted to the code of ethics, whereas the year before the subject was only given as [I quote] 'another matter of professional interest'.

During the next year further discussions on the text followed, for instance on the extent to which each of the statements in the draft code should be supported by a commentary explaining the need, detailing the intent and providing examples.

At the symposium at 1992 International Congress on Archives in Montreal the code of ethics was introduced by the English archivist Michael Roper. He answered the question 'why do we need a code' simply with 'every profession needs one', referring to British plans to come to a register of archivists and recognition of professional competence. After that the draft code was discussed. As the session was meant to feel how the associations thought about the idea of a code, no decisions were taken.

During the next two years the steering committee worked on perfecting the text. A new draft was circulated among the associations, ICA bodies, and other organizations. Their comments were discussed and amendments were introduced in order to make the code acceptable to different national traditions. The draft text was compared to existing codes from related professions. It became clear that the code should be more a code of ethics than a code of practice. Therefore the basic duties concerning the respect of interests of archivists, users, employers and records were emphasised and different practices were accepted within uniform principles. Special care was taken to prevent that uncarefully stated rights and duties should restrict the archivist's personal freedom. It was also definitely decided not to make two codes, one for state and municipal archivists in and one for private archivists, as was suggested by some, but one text for the whole profession.

In October 1994 a final English draft of the code of ethics, together with a 'very careful French translation' was presented to the Executive Committee of ICA. The decision of the EC was to take place at its Spring meeting in 1995.

3. From 6 articles to 'the 10 commandments' (1995-1996)

In the spring meeting of the steering committee of SPA of 1995 the discussion on the code of ethics was devoted to the problem of getting the code of ethics translated in all five or six official languages of ICA. Unofficial translations in Italian, Spanish and German were already sent to the ICA secretariat and an investigation was started to the need to have a Russian and a Chinese translation. Everyone was ready for the final phase of the adoption of the code. In the minutes of this meeting the Steering Committee expressed its hope [and I quote] 'that the text, which is the result of three years careful work and consultation with various ICA bodies, won't be altered too much'. But this was not to be.

It came as a shock to SPA that the EC in its meeting of April 1995 in Guangzhou had not approved the existing text of the code of ethics. It became known that a new draft of the code was asked for. It is thanks to the personal intervention of ICA's president, Jean Pierre Wallot, that this decision did not mean the end of the ICA code of ethics.

He wrote SPA to tell that he would take part in one of the sessions of the next meeting the SPA steering committee was to have in Washington in September 1995, in order to explain what was decided and he stressed that 'it would be necessary to overcome all possible misunderstandings and find the best solutions in the interest of our profession'.

The Executive Committee had recommended that the president of ICA, 'taking inspiration from the SPA document and some existing codes, should propose a draft of short and universal principles' that would be discussed at a meeting with the representative of SPA on the executive committee (Reimer Witt) and the president of SPA (Yvonne Bos-Rops). The background to this was the need in the Executive Committee of universal or near universal principles, to which later rules, practices and examples could be added. Otherwise there was a risk of never being able to approve the code itself.

The meeting took place in June 1995, Amsterdam. There, two new texts, a list of ten principles which Wallot had prepared in consultation with representatives from the Canadian association, and a new version of this text prepared by the secretary general of ICA and the deputy secretary general, were merged to a third version. This common version was then circulated to members of the Executive Committee and of the Steering Committee of SPA.

In Washington, after a careful explanation of the situation by Wallot and in order to avoid stagnation and the risk of not having a code of ethics in time for adoption at the delegates meeting in Beijing, SPA steering committee agreed to collaborate with the ICA president on the new text. It approved 'in principle' the text of Wallot. This was also done to avoid that all the work that was already done should not be in vain. A few days later the Executive Committee also approved the new text 'in principle', leaving all room for adding comment and further improvement.

Reimer Witt then produced a last text, fitting in the SPA code as a commentary to the Wallot principles. This version and the comments by SPA steering committee members were discussed in November 1995 at a second meeting of Wallot, Witt and Bos-Rops in Amsterdam. It was decided to stay as close as possible to the agreed documents: the Wallot text and the SPA code.

Finally the new version was agreed upon in the Spring meeting of the steering committee of SPA in Schleswig. There on Sunday February 2 at midnight the final touches were added to the English and French versions of the code. In its spring meeting of 1996 in Ottawa the text was unanimously agreed upon by the Executive Committee whereafter it was presented to the General Assembly of ICA.

4. An international Code of Ethics

On 6 September 1996 in its XIIIrd session in Beijing (China) the General Assembly of the International Council on Archives (ICA) formally adopted the international code of ethics for archivists. With the adoption of the code of ethics for archivists there was for the first time one universally accepted text for the whole profession. Seven months later, in April 1997 in its meeting in Schwerin (Germany) the Executive Committee of ICA could note with satisfaction that the Code had been well received by the profession in all parts of the world and that translations in five languages were already available. It was recognised that, apart from the national archival institutions, professional associations could play an important role through their journals, their educational activities and their contacts with almost every member in the profession, regardless of position. Therefore the Executive Committee of ICA invited the Section of Professional Archival Associations (ICA/SPA) to prepare a multilingual edition containing all available versions of the code.

The role of SPA changed from producer of the code to promoter of the code. Within three years it succeeded in getting translation of the text in more than twenty languages - an edition of which on CD-ROM was presented to the Executive Committee in 2000. The associations were urged to discuss and adopt the code. Since the adoption of the ICA-code the subject of ethics has found a place on the agenda of archival institutions and professional associations in many countries. The text was discussed and/or adopted by archival organisations and associations all over the world. In several countries the archival associations organised study days with often a lively debate on professional ethics. In some countries this resulted in a national code.

5. The character of a code of ethics

A code of ethics for archivists generally provokes the same two questions: 'what is it exactly' and 'what is the use of it'.

There are several definitions, but one of the best is the one based on the Dictionary of philosophy by A. Flew and quoted in an article on ethics in conservation. It says: 'professional ethics is a set of standards by which a particular group decides to regulate its behaviour. These standards must somehow have come to be agreed (at least by the more influential members of the group), and appear ultimately to owe their authority to the fact that they serve to distinguish what is legitimate or accepted in pursuit of the aims of the group from what is not.'

In 1992 the French association of archivists made a comparison between several professional codes. The result of this analysis was that in general a code is a document with four types of rules: a definition of the group for whom the code is meant; a mission statement and the general rules for the professional; an enumeration of the obligations of the professional towards various groups in society; and rules about the execution of the profession.

As said before the ICA code is a mixture of ethics and practical matters. The 'ten commandments' are focussed on the behaviour of the archivist and stress his responsibility as keeper of the integrity of archives. In everything he does the archivist should act respectfully and professionally (art. 1, 2, 3, 4). He should record and be able to justify his actions on archival materials (art. 5). He should stimulate the use of archives and provide impartial service to everyone (art. 6). In addition he is expected to respect both access and privacy and act within the boundaries of the law (art.7), to avoid using his position to unfairly benefit himself or others (art.8), to continually update his professional knowledge and share the results with others (art.9) and to promote the preservation and use of the world's documentary heritage (art.10).

6. How to promote a code of ethics

Debate on the code usually starts with a question about the use. When does an archivist need one, if ever? In the beginning in many countries with an old archival tradition the reaction of archivists towards the idea of a code has been divided. During discussions opinion usually gradually shifts to a positive attitude. There is much to be said in favour of a professional code, if only because it is always better to think about values and principles and write them down before problems arise and one has to improvise.

In general it can be stated that the necessity of guidance by, for instance, a code of ethics arises when moral values and questions of integrity are involved. In short at a moment when the really difficult choices, which every profession knows, have to be made. In the archival profession these problems very often arise in the field of acquisition and privacy. For example: what should an archivist do when he can obtain important material,

which is better placed in another repository? Or when he is offered archives which are very interesting, but under condition of very limited access or when he suspects they are of dubious provenance? After the transfer of archives the archivist often is confronted with the tricky questions around privacy. Of course there are laws, rules and regulations - but what is to be done when these are not clear? When, for instance, there is no restriction on access to a document, but the archivist discovers that it contains information which can cause serious damage to the interests of other, still living people, or even to his employers?

Acquisition and privacy are not the only subjects about which problems can arise. Some more examples: what is to be done when an employer because of lack of money wants to sell an important part of the collection to a private person, thereby reducing access, or when there is pressure on the archivist to destroy certain documents? Of course a code of ethics can never provide a definite solution for problems like these. It is not intended to. In the introduction to the ICA code this is made clear. The code is a reminder of the essential values of the profession: its identity, its mission, its place in society. It provides an ethical framework for members of the profession. And it is precisely for that reason that a code can be a useful instrument for the profession to assert itself. Recent experience shows that almost everywhere the international code provokes a debate among professionals. At almost all study days on archival ethics the archival associations have organised in the last ten years archivists were forced to rethink the basic values of the profession. And this is as it should be. The ICA code is a living document. It can be used to inform new members of the profession of their duties and to remind experienced colleagues of their responsibilities. It can also be used to show the outside world what the profession stands for and, by this, illustrate the importance of archives for society.

7. The future

To discuss and adopt a code is not the end of the process. It must have a place in professional training and to make a code really effective one needs an authority and perhaps even sanctions. The international code has no sanctions. ICA relies on the professional associations, national and otherwise, for its adoption and enforcement. On a national level every country has its own way to deal with archivists who act against the code. In the United States for instance SAA since 1994 has had a Committee in Ethics and Professional Conduct. This body is charged with the task to review on a continuing basis the SAA code of ethics, to propose changes when necessary and to develop a procedure for treating complaints - by preference by mediation between parties. In the United Kingdom the discussion about ethics led to a process of defining the profession, of certification of archival training and to a development toward a register of archivists - from which a misbehaving colleague can be struck.

It is in this field that the professional association often plays an important role. In many countries the association is a binding element. It provides the only forum where all archivists can discuss professional matters on a more or less equal footing, regardless of status or hierarchical relations. It is one of the main responsibilities of a professional association to guard the values and standards of the profession.

We live in an age of rapid change: growing specialization among archivists (with all the dangers of the group falling apart), changes in training (with more emphasis on information management and electronic records), processes of privatisation, the rapid growth of electronic archives (and all its problems of selection and preservation), and the ever growing importance of privacy regulations. In this world the code of ethics for archivists is an instrument which can help to guard the fundamental values of the profession.