

INTERNATIONAL NGO DAY

8 DECEMBER 2006

HUMAN DIGNITY

FRANCOISE SAUVAGE, chair of the NGO/UNESCO Liaison Committee introduced the day and the theme chosen for discussion, **“Human Dignity”**.

Why have we chosen this wide-ranging topic which is difficult to define but closely linked to our human identity and which makes us think about the universal values which should underpin our actions?

- The concept of human dignity is central to all the conventions and recommendations adopted by UNESCO since it was founded.
- The concept of human dignity is central to all the sectors and priority transversal themes of UNESCO’s work.
- The concept of human dignity is central to the work of those NGOs whose mission is to work closely with disadvantaged people, cultural diversity and social issues.

And yet despite all the legal powers of the United Nations this concept of human dignity is marginalised and interpreted differently according to the identity of the persons concerned.

“In a globalised world, faced with the uncontrollable development of communications, does human dignity still constitute a universal value which serves as a framework of thought and action valid for all?”

OMAR MASSALHA, UNESCO Director of Relations with International Organisations, representing the Deputy Director General, considered that every human being should be open to three cultures:

- the industrial culture which gives him access to progress
- world culture or mass culture which entertains him
- regional culture which provides him with the true values of his cultural identity

Every human being has two sides:

- a perverse, animal, vicious side
- a more civil, benevolent, refined and delicate nature which ought to triumph over the other.

Only respect for the values of cultural identity enable human beings to be civilised. This is the work of civil society and of NGOs. Mr.Massalha concluded: “We need missionaries, not bureaucrats.”

MR. LAKATOS, Chair of the NGO Committee of the Executive Council of UNESCO, reminded the meeting that the concept of human dignity is referred to in Article 1 of the International Declaration of Human Rights (1948) which states: “All human beings are born free and equal in rights and dignity.”

One of the great hopes of our civilisation at the dawn of the 21st Century is our growing awareness that human dignity must be fully taken into account. It is at the very heart of the human spirit and of human existence. The basis of tolerance is unconditional mutual respect.

UNESCO has a very important role in the exchange of opinion but sets store by NGOs and their ability to play a crucial role in putting our common values into action.

Mme.Sauvage introduced **KATERINA STENO**, Director of the Division of Cultural Policy and Intercultural Dialogue and handed over the Chair for the plenary session.

Katerina Stenou pointed out that

- the theme of human dignity runs through all sectors of UNESCO’s work, and particularly work concerning culture; and that the dignity of every culture deserves respect
- human dignity is an ancient and useful concept
- the concept of human rights is more recent and is legal a legal concept
- Human dignity is an idea half-way between philosophy and everyday experience. Just thinking about dignity is a state of grace and a step forward.
- Each person has an essential dignity; the mere fact of being a human being means that a person has dignity.
- Human dignity is the foundation and link between cultures, religions and civilisations.
- Human dignity is the essential element for the ethical and political survival of humanity. Which provokes the question: how should these thoughts be translated into action?

GIOVANNI FILORAMO, Professor of History at the University of Turin, spoke on “*The dignity of man and religious identity*”, starting with a few outline thoughts.

There seems to be no official declaration giving an important place to dignity.

Dignity and fundamental human rights are not of the same order:

- Rights can be limited, regulated, restricted and, in some cases, suspended.
- Dignity is an absolute value which can in no case be disputed.
- Human dignity is an inviolable, invulnerable minimum value. It creates a human bond across cultures, but takes diversity into account.

Eight speakers representing civil society gave accounts of their different approaches and their main supportive activities. They followed the “highway of dignity” in three workshops dealing with its physical, cultural and social dimensions.

Workshop No.1. Human dignity and its scientific and ethical dimension.

Moderator: Andre Jaegle (World Federation of Scientific Workers)

Rapporteur: Catherine Deremble (International Office of Catholic Education)

Speaker No.1. G.Tritto, President of the Académie médicale des technologies biomédicales (ICET)

How does new medical technology show concern for human dignity? All the sciences converge towards the life sciences as a common ground where the objective is to improve human performance. There are four groups of new structures relating to human life: nanotechnology, biotechnology, information technology and cognitive technology (NBIC). Each one of these, in accordance with its characteristics, works in the following fields: productivity, security, learning about life, ageing, coherence of life. They show how society can be permeated.

The evolution of biology goes along with the development of language and communication in general. So, to the extent that researchers are thinkers, technology can be put to work. Because today it is essential to respond to the why and the how which people must understand, it is necessary to better ensure the convergence of the sciences so as to allow the development of new technologies able to guarantee personalised medical care; to enlarge our knowledge of the human brain,; to improve treatment of handicaps; and generally to improve human performance.

So today we have a new concept: “transhumanity”

Speaker No.2. Khadidiatou Diallo, founder of the Action Group against Genital Mutilation (GAMS).

In the fight for the liberation of women, where do we situate the claim that “,my body belongs to me”?

A personal journey which brought her to Europe and to awareness: Khadidiatou Diallo from Senegal had never been to school, was circumcised at the age of seven, married at 12, a mother at 14. Arriving in Belgium, she was unable to read or write and it was there that she realised that she had never questioned the way she had lived. Enrolled at an adult education school (COB), she decided to investigate the problem of mutilation and to bring into the open her fight for the integrity of the female body.

In this struggle she denounced the fact that African women are forced to stay silent, although they would like to talk about what they suffer, and she wanted to make better known the link between women's and children's rights. In order to defend women's rights, it is absolutely essential to be concerned about the rights of children, whose vulnerability is beyond measure. Today in the world there are thousands of women and children who are abused.

Speaker No.3. Johan van Albada, Secretary general of the International Council of Archives (ICA).

What role archives play concerning the respect of human rights?

ICA is present in 180 countries. The purpose of the Organisation is to run all administrative aspects relative to documents and archives in a specific social and economic context.

Today, everywhere in the world, documents are lost for various reasons: migrations, natural disasters, death penalties, transfert from colonial status to independency, etc...

Without archives, the living and the dead lose their identity and therefore their dignity. We have to get into action against mafiosis who appropriate somebody else's identity, and in favour of the right to get certified copies of lost papers, and the protection of archives.

However, we have to remember that, considering documents are component of everybody's dignity, and thus a blessing, they can also be used against individuals or populations in order to trace them. It has been the case for Hitler vis-à-vis Jewish populations. In that sense if we still can consider archives as neutral, the way they are used is not.

An archivist is a messenger whose duty is to guarantee the authenticity of documents. He can't do his work without an ethical thought. Together with other services, like police and various investigation departments, archivists have to take necessary measures to identify every document in order to help legal procedures to proceed.

Workshop No.2. Human dignity and the cultural dimension.

Moderator: J-L. de Paape, Internayional Council for Philosophy and Human Sciences.

Rapporteur: Jean-Claude Guillemard, International School Psychology Association (ISPA)

The theme discussed in this workshop was a follow up to the lectures given in the morning by Professors Filoramo and Yacoub.

Speaker No.1. Frances Albernoz, Cultural Policy Division of UNESCO.

She emphasised that dignity was an age old concept, although it is more than ever a current concern, both in political discourse and in the struggle for the recognition of rights.

The advance of globalisation reveals to us an image of cultural diversity which we need conceptual tools to understand. When we meet “the other” we are forced to come to terms with self-respect, respect for others, equal rights and legitimacy. Dignity is beyond law, but it operates on the political, social and cultural levels and has the effect of reinforcing the law.

In all these approaches, the cultural dimension is central and the definition of dignity comes through culture. But is human dignity not so greatly affected by very different ways of understanding culture that it cannot be truly universal? There are grey areas and it is often more visible when it is flouted.

Is dignity inseparable from our place, and especially our recognition, in the heart of society?

SPEECH OF MR J. VAN ALBADA

The importance of records and archives for human dignity

As a start, I will share some impressionistic views, from the perspective of the International Council on Archives, the ICA. But let me first introduce the ICA very briefly. The ICA is a non-governmental organisation bringing together the national archivists of about 180 countries, as well as other archivists from all these and ten additional countries. ICA truly spans the globe, as well as all aspects of records and archives management, whatever the media. ICA has, therefore, the right to speak with authority in international debates.

Today, I speak in a personal capacity and I alone am responsible for this speech. However, I thank two ICA staff in particular for their input, Perrine Canavaggio and David Leitch, whose English I will pronounce. Please note that in my presentation, I will use the terms records and archives as synonyms.

I will share some impressionistic views regarding the context in which records and archives professionals work, an economic, legal and social context that varies greatly around the globe and that sets the degrees of freedom and the obligations of my fellow professionals in our member countries.

Most of you may remember those pictures of refugees from Kosovo being robbed of their identity cards by enemy militia; you may remember the ethnic cleansing of huge sections of former Yugoslavia. Some of you may have read those stories about the victims of the Tsunami in Aceh, who not only lost their loved ones, but also their property deeds, either on paper or embedded in oral tradition. In Aceh, not only papers were washed away, but also those who could testify in a common village meeting on property matters.

Let us move to a different part of the world, the USA. Few of you may be aware of the loss of court files as result of the Katrina flooding, or of the devaluation of the evidential value of files as blood samples and other DNA containing materials have been literally watered down – what will happen to those inmates of death rows whose files were under review?

Are you aware that, in the Middle East, the Ministry of Interior in Nablus on the West-Bank, including the records, has been bulldozed during the conflicts a few months ago?

Who heard about those victims of police abuse in some countries in Latin-America who stormed police stations and destroyed their contents, thereby destroying also the evidence of those abuses?

To continue – Africa, in some countries it sufficed to shell the roofs of office blocks and records and archives repositories, and to put a few holes in the roofs – the following tropical rainstorms did the rest of the work – archives turned into compost.

I should also highlight a different concern. What about what is called the ‘repatriation’ to the metropolitan country of records created by colonial or occupying authorities? Creation of geographical distance and thus costs, creation of legal hindrances through access rules, do not necessarily help local people to get access to those records. Non-accessibility is from the perspective of immediate need for information identical to, and even more frustrating than, non-existence.

We agree that access to education, to health, to impartial justice is a human right. Individuals who have lost their papers, such as birth certificates, marriage licences, school diplomas, hospital records, property deeds should be enabled to get hold of certified copies thereof. In other words, the availability of relevant records centres as well as their accessibility should go hand in hand with the right to education, to health, etc.

Yes, we have invented auxiliary constructions, the Nansen pass in former times, the Red Cross and UNHCR, who do their utmost to provide people with papers that may help them to rebuild their lives. However, who can outwit those near Mafiosi of any sort who drive survivors from their farms, claiming to be the rightful owners, bringing with them witnesses who would testify on their behalf?

Without proper record keeping, including preservation, society would lose a carefully woven and stable information infrastructure; how faulty it may be in the eyes of the experts meeting here today. Without this information infrastructure, the living and the dead will lose their identity when harm overwhelms us.

As International Council on Archives, we are working mainly in two directions, advocacy on the one hand, development of best practice and standards on the other hand; these two directions go, of course, hand in hand with education and training.

While working in those directions we are very much aware that records and archives preservation should allow for ongoing verification and procedures should guarantee the ongoing validity of real and virtual documents in legal procedures.

Many leaders are discussing nowadays e-government and e-governance; from our perspective those presentations have a high Jules Verne impact. Can countries and organisations, which are unable to organise a paper trail in accordance with international accountancy or audit rules, do so in an electronic environment?

In our modern world integrity, reliability, a 'habeas corpus' mentality is dependent on the co-operation between two systems for arranging society: reciprocity and mutuality. By 'reciprocity' in this context I mean long standing social bonds in society, giving the framework for a peaceful and regulated society,, which we might call 'traditional society'; by 'mutuality' I mean contracts of limited duration, which we might define as the current mentality based on return of investment, or 'what is in it for me'.

Other terms one might use would be government – a respected and respectful arrangement of impartial law and order and governance – decision making and implementation as such, based on partial interests.

What ever names we choose, all systems need records and archives, as engines need fuel. Records cannot be choosy and prefer democrats to potentates, multiple party systems to a one party system, nor angels to criminals. Records serve as fuel. Preservation of records is in the interests of individuals, be they citizens, victims, clients – preservation serves us in any role we may play and at any stage of life.

Those, who have had a look at the list of people present here today, may have noticed that most if not all of us would identify ourselves as citizens of democratic countries. Very few may have clear or faint memories of themselves as citizens of countries governed by a party, a clan or a company.

People from those countries may interpret the title of my paper in a different manner and may arrive at opposite conclusions from the same arguments. In some countries preservation of records is an undoubted blessing, in others preservation of records may be a danger. I only need to refer at the civic administration in the Netherlands, introduced in the 1930ies, facilitating the Nazis to locate the citizens of Jewish faith before rounding them up in order to have them transported to termination camps.

Being the Secretary General of the International Council of Archives, a non-governmental organisation, it is not my role to distinguish between systems, or to rank them in any manner. However, I feel free to observe that from the roughly 190 member countries we could easily distinguish countries coming under the headings I have just outlined to arrive at valid statistical conclusions about the role that records and archives may play.

To remain close to my school days, Hans and Sophie Scholl, icons of the resistance in Germany, as well as Adolf Hitler relied on information derived from records for writing their resistance pamphlets and *Mein Kampf*. I do not need to explain that data as such are neutral, that even records are neutral, however it is their use or attributions that can create pain and relief. Records and archives are used for saving lives, for building bridges, for planning schools and education, as well as for the preparation of bombardments, for destroying bridges, for destroying life and dignity. As archivists, we play the role of messenger, a dangerous role in the Hellenic past when messengers often were considered to be the personification of the message. Or would it be better to compare us with the pianist, as in the expression 'don't shoot the pianist'? Does this

expression mean that the composer would qualify as a justified target, or the manufacturer of the piano?

I will not hide that as an individual I am less certain about the ethical role archivists should play. It is easy to claim the role of hero in a safe and peaceful society. Colleagues in Amsterdam who forged civic administration records during the Nazi occupation and thereby saved lives, acted in contravention with the Code of Ethics of the ICA, stating amongst other things that archivists should guarantee the authenticity of the records they keep – did they really? Or does respect for human dignity count for more than any professional code of conduct? This subject would qualify for a conference in its own right; a subject for the next NGO conference? One does not need to be a prophet to see the urgency for such a conference -- collectively our NGOs would have the moral status to facilitate this debate in UNESCO and to force the member states of the wider UN organisation to continue it subsequently in other fora.

Let me speak a few words about an internal professional discussion. Usually records and archives professionals refrain from out-reach, we may be service oriented, but our services are limited to our role of middle men in information, moving records around. Usually we do not address the people outside our inner circles and we most certainly do not explain to our clientele that without our services they easily might go out of business; we hold the key, they hold the lock. Or should I say, they hold the lock and thereby control the rights of citizens, whatever their nationality?

We as ICA are engaging ourselves in organising conferences on records and human rights, convinced as we are that in the long term preservation of and access to records and archives will be instrumental in providing evidence and support to the cause of the citizens of the world, to the cause of human dignity.

We usually do not explain our masters that records have a value, a market value even, particularly in case of theft or blackmail. Records are valued, in both meanings of the word, if lost through disaster or incidents, as reconstruction of records can be time and cost intensive. This is certainly the case for paper records; less so for electronic records.

As proper records management is in the interest of all concerned, I would like to suggest some general solutions for preserving records which the archival community, at national, regional and international levels, needs to take forward – the execution thereof ought to be surveyed by all stakeholders.

In the first place, there need to be clearly established audit trails for electronic records used by public authorities and private organisations in the course of their business operations. Records managers and archivists should be thoroughly familiar with audit trails in the paper world. However, they should not assume that they know what effective audit in the electronic world means. We need to form close alliances with auditors in order to improve the general standard of electronic record keeping.

There is a lot to be learnt from an Australian example. There the National Archives has been working with the National Audit Office on a performance audit, which covered

issues relevant to all government agencies and has resulted in recommendations for improving the state of government electronic record-keeping generally. In the coming year the International Council on Archives intends to explore the possibilities for closer collaboration and common projects with international audit organisations.

Secondly, we need to develop a way of providing a precise 'finger print', in the sense of a unique identifier, for each electronic record. The importance of this requirement was brought home to me recently in the context of cultural protection. Under the 2nd Protocol of the Hague Convention, countries are asked to nominate those parts of its cultural heritage that are of particular significance for humanity for 'enhanced protection'. If cultural heritage covered by 'enhanced protection' is damaged or stolen as a result of military action, then international court proceedings should follow. For criminal prosecutions to stand any chance of success, it has to be established that the items destroyed or damaged are exactly the same as those that feature on the 'enhanced protection' list. If this evidence is not forthcoming, then judges will be reluctant to convict and many guilty parties will escape penalties on a technicality. The metadata for the record will not suffice to prove its identity, because it is nearly always possible to change the metadata. A way has to be found of identifying a record through time, in spite of any changes that may be made to the accompanying metadata.

Finally, many countries will need to consider new information and archival legislation that clearly defines what an electronic record is. For example, there is a widespread view that e-mails are not proper records and do not need to be preserved. Yet they can contain the same sort of information as the old policy files kept on paper and selected for permanent preservation as a matter of course.

In the English-speaking world the concept of a record's authenticity being underpinned by the constant official possession of the same physical object simply does not work in the electronic environment. Indeed, it is highly unlikely that the physical support for a record in a permanent digital archive will be the same as the one on which it was first created.

It can only be a matter of time before the authenticity of an electronic record, which is of central importance in a major dispute, is challenged in court. I am no legal expert, but there appears to be at least some doubt that the authenticity of the record will be upheld, no matter how rigorous the audit trials may be. The work being done by some archive theorists about archives in the electronic, post-custodial era needs to be translated into precise legislative provisions. Without the certainty of the law to guarantee the authenticity of electronic record, the value of the archivist's work will diminish, if not vanish completely. What is the point of archivists preserving electronic records if their authenticity is not accepted? What if all of us would lose our electronic proof of property, our school or health records? What if the electronically stored data would be annihilated through a sort of legal fire storm caused by culpable negligence?

Let me widen the discussion, and call on you to support us in those actions, in the interest of our children and grand-children.

Before finishing, I would like to address a different, but related issue, namely the Hague Convention and its 2nd Protocol in particular. As you may know the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict sets the code of conduct in case of armed conflict. UNESCO is the holder of this important instrument of international law. The 2nd Protocol widens the scope of the Convention by setting the legal framework for making contraventions potential breaches of international law that should be brought before the International Criminal Court as war crimes.

Currently UNESCO and a group of member states elected on the Bureau have started discussions on the guidelines for the implementation of this Second Protocol. I am involved in this debate as president of the ICBS, bringing together the umbrella NGOs for most of the cultural heritage, namely CCAAA, ICA, ICOM, ICOMOS and IFLA. Given the importance of the issue, we may need to call on you to lobby members of UNESCO's Executive Council and members of the General Conference so that the Second Protocol is implemented in a thorough but realistic way.

I reveal no secret when stating that cultural heritage be it tangible or intangible, movable or immovable, be it housed in archives, libraries, monuments, museums, theatres or upheld in social traditions or rituals, needs legal protection also in international and civil armed conflicts.

Given the extremely limited resources of UNESCO and the scarcity of external funding, I have reason to fear that the scales of justice will be offered to a goddess with a lame arm; a horrifying prospect for those who do consider not only archives but also cultural heritage as essential prerequisites for human dignity.

Therefore I call on you all to be available for action when the time calls.