

LAW ON ARCHIVES AND DOCUMENTS: 0 BALANCE

In June this year, two years had passed since the Law 10/2001 on archives and documents was unanimously approved by all the members of the Parliament of Catalonia. The Law, which was eagerly awaited and highly welcomed by professional archivists, has now been effective for twenty-seven months.

The Law, which opens up new horizons for our country's archives, defined a recordkeeping model and system, sketched out the basic work to be done and established the tools necessary for the "archive function" to be fulfilled in terms of efficacy and efficiency by all of us who are responsible for them. It is a modern law that was designed to respond to the public's documentation and information needs. It also contemplated comprehensive processing of the documentation and required all the authorities to have electronic document and archive management systems to serve the public interest.

The Law evidently determines that it is the responsibility of the Government of Catalonia, through the General Directorate of Cultural Heritage and, exceptionally, the Archive Service of the Government of Catalonia to develop regulations on the principles and the bases of the Law and, particularly, the to create and start up the bodies that must ensure compliance therewith and provide for its application.

Is it too early to take stock of it now eight hundred days have passed since it was passed? We at the Association of Archivists of Catalonia think it is not and have proposed to do just this. What has been done to implement a law upon which so many hopes were pinned?

On 29 July, the *Diari Oficial de la Generalitat de Catalunya* (Official Journal of the Government of Catalonia) published Decree 117/2003 of 8 July on the composition and operation of the National Archives Council (CNA). It has taken over two years to draw up a decree that includes 4 articles, the first of which refers to its composition, the second to the appointment of its members, the third to the six-monthly system (sic) of ordinary meetings and the fourth to the establishment of allowances for the members for attendance at meetings.

We leave interpretation of the analysis of the CNA's composition and of whether it represents the current situation in the professional sector in Catalonia up to each and everyone. However, we at the AAC continue to believe strongly, as we once stated, that the preparation of a general strategic programme was essential prior to the approval of this decree and that programme should include at least the following:

- a) The establishment of objectives and broad lines of action for the gradual implementation of the principles of the Law and compliance with its mandates.
- b) Anticipation of the mechanisms to guarantee cohesion and ensure the end result

c) A determination of priorities, evaluation of the implementation costs and establishment of the performance schedule.

In February this year, upon the request of the General Directorate of Cultural Heritage, the AAC prepared and presented a report on a draft decree on access to and the evaluation of administrative documentation. Seven months later we have still not received a response to and/or comments on the mentioned document. In view of the numerous suggestions and amendments considered therein, the report concluded by proposing that the best alternative was to write a new text. We are now well into the third year since the law was passed and this crucial, fundamental issue is still pending update in a new regulation.

In recent months we have also helped to create what has been called the "register of archives", in accordance with that envisaged in article 24 of the Law 10/2001 on archives and documents. Calling the production of a list from the archive directory of the Government of Catalonia the register of archives is another example of scant respect for our services and sites and for the hard work done in recordkeeping in other public institutions and in the professional sector. A simple interpretation of decree 35/1992 of 10 February, on the partial implementation of the Law 17/1990, of 2 November, of museums (art. 18-27), produced by the same General Directorate, which also has authority in archives, reveals how things may have been done.

It is short and sharp, skeletal decree of CNA creation and merely a register of archives that is not a register as such. Where are the instruments that ought to have facilitated and stimulated professionals' work and contributed both to modernising the authorities and guaranteeing the rights of the public? Could it be that the administrative bodies with authority for archives and documents do not share the spirit and principles that the legislators included in the law? Is it possible they do not believe in it? This situation does give the impression that, for the Archive Service, the production and approval of the Law was simply a formality, as if it were an end in itself and not a starting point. How has this state of practically total blockage come about?

It is for us to bear witness to this stagnation, lack of motivation, and, in short, virtual paralysis. Assessing causes and acting consistently ought to be the responsibility of those who have been attributed powers. For archives and documentary heritage, these are awarded to the Government of Catalonia in the Statute of Autonomy. We are only asking them to exercise them.