

The first stage of the return (History of an announced return)

This is the sixth time since 1989, when the editorial of issue number 3 dealt with the return of the Catalan documents confiscated during the Spanish Civil War, that we have returned to the subject. This time, however, it is to congratulate ourselves on the arrival of the documents that were confiscated from the Government of Catalonia in the first half of 1939.

Nevertheless, this editorial may not be the last because the private documents of associations, trade unions, political parties and private individuals as well as those of Catalan councils and municipalities are still pending return.

A review of the facts and people involved in the history of this claim shows that a long time has passed since Member of Parliament Antoni de Senillosa's motion, at the start of the new democracy, demanded the return of the Government of Catalonia documents.

Subsequently, in the nineteen eighties, an agreement between the Spanish and Catalan Autonomous Community governments made possible the reorganisation, description and micro-filming of the collection that has now been returned. This work, which was undertaken essentially by two Catalan archivists, Miquel Casademont and Antoni Mayans, provided researchers with a microfilmed copy of the documents that is kept at the National Archive of Catalonia.

Another development in this long story was the 1995 agreement of the council of ministers by which the confiscated Catalan documents were to be returned. Nevertheless, the government of the socialist party of that time had numerous fronts open, which prompted the then Minister of Culture to reappraise this agreement and formulate technical objections to their return.

2002 saw a real turning point with the formation of the Dignity Commission, of which our Association soon became part. This entity was to be a very important civil platform for putting pressure on the institutions to prompt the return of the Catalan documents.

However, it was not until 2005, having passed through two committees of historians in 1996 and 2002, that a committee of experts issued a final report proposing the return of the Catalan documents under the conditions that are now well known.

This committee of experts, which at last included some archivists and upon which the Association of Archivists of Catalonia was represented by our colleague Àngels Bernal, took the matter onto strictly technical terrain. It championed an approach from a professional archivist's perspective in order to avoid partisan or demagogic confrontation.

It was not until Law 21/2005, of 17 November, on the restitution to the Government of Catalonia of the documents confiscated because of the Spanish Civil War, that they were effectively returned. The long wait ended on 31 January with the arrival of the documentation of the Generalitat at the National Archive of Catalonia.

Recently, the interest of many Catalans has made the exhibition "The return of the confiscated documents to Catalonia", which has just finished at the Palau Moja in

Barcelona, a great public success and has shown the impact of the media in the matter.

What role has the Association of Archivists of Catalonia played to date? Over the years that this anomalous situation has lasted, the Association has always supported the claim for the return of the Catalan documents. It based its stance on internationally acknowledged archiving principles and on effective legislation on archives and documentary heritage.

Hence, in addition to devoting the editorials of issues 3, 15, 30, 59 and 66 to the matter, our Association has prompted debates (many of us still remember the debate at the Archive Conference in Lleida), publications such as *Textos*, number 2, "Catalan documentation in Salamanca: the state of the question, 1936-2003", which was published in three languages and disseminated in a large number of archives around the world, and the technical conference in March 2003 which was attended by Michel Duchein and Klaus Oldenhage.

Moreover, the Association of Archivists of Catalonia has done educational work and explained the technical reasons for which return was recommended; respect for the guidelines and recommendations of the International Council on Archives and UNESCO, the principle of origin and the erroneous notion of archival unity, the principle of collection unity that rules that documentation produced by an individual constitutes a documentary collection that should not be divided and awards ownership to its producer or the legitimate heirs, respect for effective legislation that establishes that Catalonia has exclusive authority for archives, and that therefore, the Catalan documents are Catalan documentary heritage and must be conserved in the archives of the System of Archives of Catalonia, etc.

With regard to the question of whether dispersion makes access to the information difficult, new technologies (digitalisation for example) now allow the return of the originals to their legitimate owners without any loss of information or restrictions in access to researchers.

Special attention has been paid by the Association to article 2.7 of the Professional code of ethics, approved by the International Council on Archives in 1996, and article 3.4 of the Professional Code of Ethics of Catalan archivists, which rules that "*archivists must encourage the return of displaced archives*". In accordance with this premise, professionals who work with archives are bound by duty to do all they can to ensure that documents confiscated in situations such as that which concerns us are returned to their legitimate owners.

Undoubtedly, return of the documents has also been an act of historic justice and education, as stated by the much acknowledged Human Rights Watch, advisory NGO to the UN, in its 2004 report, "the documents of the Republican institutions make it perfectly clear that their purpose was the defence of civil liberties and of the democratic regime, a fact that was never put into doubt by the international community. Franco's regime, however, initiated a plan of political persecution that is documented in the very instructions of the generals who rose up in arms against the Government of the Republic."

We do not wish to conclude this editorial without thanking all the individuals and institutions that have made these initial steps in the return of the Catalan documents possible; from the Sub-Directorate General for Archives to the Dignity Commission, and all those colleagues who have worked all these years to achieve this objective.