

EURBICA PROJECT OF A EUROPEAN LEGAL DATABASE

By Christine Martinez, Archives de France

Background

The idea of a European legal database is not a recent one. It was raised some years ago in the context of ICA Committee on Legal Matters, and developed by Jean Le Pottier, former secretary of the Committee, in a report available on the website of the Council of Europe. The idea was to collect all the European legal rules related to records and archives in a single database that would be accessible via the Internet. At some later stage of the project, other relevant laws (e.g. access and data protection) would be added to corpus. The project was then taken into account by EURBICA because it concerns all European countries, that is more or less the geographical area covered by EURBICA.

Objectives

Legal regulations from constitutions and laws to by-laws and decrees do not only constitute a framework for archivists' daily work, which we have to agree to, but also are conditions, which we have to learn to define or to influence. The project of the database would, therefore, be a multi-purpose one :

- to raise the awareness of the archivists for their dependence from legal regulations;
- to enhance and facilitate international co-operation;
- to give an overview over and show the diversity of existing legal regulations;
- to sensitise archivists for legal matters and capacitate them to participate in legislative processes;
- to serve archival science, as legal matters are an established branch of archival science.

Another possible purpose could have been to help harmonization of European archival legislations to a certain point. Though it can't seem quite unrealistic at the moment, even if harmonization is a strong measure in the European Union, this idea is important because then the possibility of an analytic and comparative approach was taken into account in the conception of the database.

Work plan

In spite of its relevance, the implementation of the project was put back mainly because of three problems : how to work, how to translate, how get money to develop the product ?

Two proposals were therefore suggested by Andreas Kellerhals, member of the Executive committee of EURBICA :

- to appoint an expert with perhaps assistant who would concentrate on the project full time as paid employees. However EURBICA's members should participate to some extent in the project on a voluntary basis.
- In the second alternative, the work would be carried out entirely on a voluntary basis, with one or two members responsible for the gathering of information and their integration in the database.

Nevertheless, the following questions must be addressed in both alternatives:

- What are the relevant data (central points in the legislation);
- How to collect the data;
- How to organise the analysis of the data;
- How to organise translating;
- How to build up the database (technical aspects);
- How to organise the maintenance of the database.

A mixed solution was adopted, combining the two alternatives described above. As legal matters in the archival field (and legal matters in general), are closely linked to political and administrative local context, it seemed unrealistic that such a project, including a comparative approach, could be entrusted to a single expert, whatever his(her) competencies could be. When the structure of the database was defined (see below), the responsibilities were clearly determined, based on a collaborative work :

- An experts group composed by volunteers countries from EURBICA (namely, Finland, France, Switzerland, United Kingdom), works on the structure and content of the database;
- A “second circle” of four countries (Lithuania, Slovenia, Slovakia, Turkey) accepted to join the project team, to provide information according to the rules and models established by the experts group.
- In a further step, when the product is technically ready, EURBICA members partners of the project will have to provide the information, put it in the database, and update it, each partner having his own working space.
- An EURBICA’s editorial board will be responsible for the publication of the data proposed by the countries partners.
- The technical part of the work, described in specifications that have already been elaborated, will be done by an external society.

Structure and content

The “database” aroused discussions among EURBICA’s members. Should it be a gateway instead? A gateway would be suitable if the question was simply of a collection of laws. The database on the contrary allows a comparative approach, and the possibility of emphasising the context information which is very important.

The second question was about the choice of the texts. Should the database only present the archival legislation, strictly speaking, or others relevant texts and disposals more or less linked to records and archives management? It was decided that, in spite of the fact that each country partner would be responsible for the information to be integrated in the database, the project team would advise them to enlarge the choice according to the real situation and the administrative context..

In April 2004, an EURBICA executive board meeting was dedicated to the project, whose main lines were decided as described above. The *Direction des Archives de France* proposed to build a prototype taking these specifications into account. A reduced working group of the directorate was dedicated to it, and the result presented in the International Congress in

Vienna (August 2004), then in Den Haag, when the DLM Forum meeting of October 2004. It seemed that the prototype aroused a lot of interest.

The structure of the database is quite simple. The full information is presented country by country, each one having, as we previously said, a specific working space. For each country, the information is structured according to several rubrics :

Rubric 1 : Political and administrative context

This rubric should contain a short description of administrative and territorial administration of the country, with some general information. These data are important to understand, for instance, the relationship between central and local powers, and therefore, some disposals of the archival law.

Rubric 2 : Legal framework of the administration and management of records and archives

This seems a long title, but one has to understand clearly what it is about. This rubric is the key one to understand the background of the archival legal system of a country : why, how, and when it was elaborated; what are the links between the different texts, if there exist different legal disposals related to records and archives. It is in fact the analysis of the legal context. This is a delicate part to elaborate, that is why the working group decided to provide several examples for it.

Rubric 3 : Texts

This part contains the legal texts themselves. There are several ways to integrate them in the database, according to the partners possibilities (copying the texts, or establishing a link). It was decided that in the first step, the texts would be provided in the original language, and, if possible, in a French and/or English version. But as the issue of translation was difficult to deal with, it was decided to begin with original texts. Nevertheless, as the work on the texts themselves will be done by local professionals, the translation can be considered in a further step. The important thing is first to get partnership, and texts.

Rubric 4 : Bibliography

It will be composed of books or articles on the specific topic or relevant themes published in the country, even in local language.

Rubric 5 : Contacts

Names of experts, professionals who have competencies in this specific field, legal correspondent in public administrations or institutions of the country can be useful to get further information.

All the information of these rubrics will be provided and submitted for publication by the partners themselves.

Besides the information about the European countries, a special field will be dedicated to European institutions or organizations (European Union, Council of Europe) legal disposals, resolutions or recommendations concerning records and archives. The responsible for the integration and updating of data in the European field has not be identified yet.

Finally, a general bibliography, concerning the archival legal science, could be added to the structure.

A comparative approach

One can be only interested by the experience of a single country. Nevertheless, it is possible to make research in the database in order to compare such-and such a specific point of different archival laws. For instance, it can be interesting, if they exist, to compare the definitions of records and archives in different countries, or the disposals for access, etc.

In order to obtain it, it was necessary to elaborate an index. This was a difficult experience, because of the problem of different traditions and cultures, and of the different languages that, in a further step, will be used in the database.

In fact, the index should be conceived in such a way that, even if the texts are not translated into French and/or English, there is a possibility to find the information. This was a challenge for the working group, that decided to work with a conceptual approach : the texts would be indexed using concepts, not words. The group was divided in two sub-groups : French speaking (France and Switzerland), and English speaking (Finland and United Kingdom). Both teams worked on a project of conceptual index. The two proposals, French and English, were then compared in order to unify the index and combine this “multi-cultural” approach. In fact, it appeared that the index should be very short, not detailed, so that everyone can easily make a research, whatever his administrative cultural environment is, and find the information. The work on the index is already in progress, and will be different of that proposed in the prototype. Ideally, it will be possible to conduce the research in English, and get answers in English, French, even in original language. Step by step, when the countries partners are able to manage a translation, the indexing will be done in several languages. Others “common” languages will be added to the system too : German, Spanish...

Further steps

By now, it is difficult to go on without funding, mainly in the technical field. Nevertheless, the ICA, through the *Direction des archives de France* has prepared detailed technical specifications, so that the prototype, when the project get more funds, can be changed in a definitive database.

Meanwhile, more presentations of the prototype will be done in order to get partners. The working group is going on working on the elaboration of the rubrics models and tools (index). The tests will be done with the “second circle” of partners.

When the database is ready, special regional workshops will be organised to show the process of filling the database, and indexing the texts.

We hope that concerned countries and European organisations and institutions will get more interest in our proposal of project. Definitively, this is a European project, that has to be implemented together, not by one or two experts. This is the only way to get results that can satisfied everybody.

