



SURVEY ON MILITARY AND INTELLIGENCE ARCHIVES IN EUROPEAN COUNTRIES

(Please, if you need more space for comments, add supplementary sheets)

Country: Belgium

Name of institution: National archives and State Archives in the Provinces

Parent institution: Belgian Science Policy Office (BELSPO)

(Is your institution part of the Ministry of Culture or of another Ministry, or is under the authority of the Prime Minister, etc.?)

1) Do the following bodies transfer their archives to the National Archives or do they run their own independent historical archives (or neither)? (for Intelligence Agencies, please add as many entries as you need)

	They transfer their archives to the NA	They run their own independent historical archives	They do not make their archives available to researchers
Army, Navy, Air Force		X	
Ministry of Defence		X	
<u>Intelligence Agencies:</u>			
- Belgian General Information and Security Service			X
- Belgian State Security Service			X

Comments:

- The archives of the Ministry of Defence (including the archives of the following Components: Land, Air, Naval, Medical) are under the supervision of the National Archives by virtue of the Law on Archives of 24/06/1955 amended by the law of 06/05/2009. Since the amendment of the Law on Archives in 2009, the Ministry is also obliged to transfer its archives older than 50 years to the



National Archives, which has not been done until today however. Talks are currently taking place about on-going or future archive transfers.

- The archives of the Belgian State Security Service are also under the supervision of the National Archives. By virtue of the Law on Archives, the Service is obliged to transfer archives older than 30 years to the National Archives. In practice, the Belgian State Security Service has not transferred any document from the period after 1945 so far.

2) In case such bodies run their own independent historical archives, are they staffed with professional archivists? (for Intelligence Agencies, please add as many entries as you need)

	YES	NO
Army, Navy, Air Force	X	
Ministry of Defence	X	
<u>Intelligence agencies:</u>		
- Belgian General Information and Security Service		X
- Belgian State Security Service	X	

Comments:.....
.....
.....

3) In case intelligence and/or military archives are transferred to the National archives, are such archives transferred only after declassification or do the National Archives receive and preserve classified information (top secret, secret, etc.)?

	YES	NO
Archives including classified records are transferred only after declassification		
The National Archives receive and preserve classified information		



Comments: Currently not applicable. If archives will be transferred from the Ministry of Defence to the State Archives in the future, this will only take place after declassification by the "Commission for the Disclosure of Archives" of the Ministry of Defence.

4) After how many years are the archives the following bodies supposed to be transferred to the National Archives or other archival institution?

	Number of years	The rule is actually enforced (YES / NO)
Army, Navy, Air Force	50 years	
Ministry of Defence	50 years	
<u>Intelligence agencies</u>		
- Belgian General Information and Security Service	50 years	
- Belgian State Security Service	30 years	

Comments: Legal framework = Law on Archives of 24/06/1955, amended by the law of 06/05/2009, and the execution decree of 18/08/2010

5) As far as selection and transfer of archives is concern, do military bodies and intelligence services have to follow guidelines issued by the National Archives or by the Directorate General of Archives?

	YES	NO
Army, Navy, Air Force	X	
Ministry of Defence	X	
Intelligence agencies	X	

Comments: As mentioned under question 1, the archives of these institutions are under the supervision of the State Archives.



6) Do archivists from the National Archives participate in the decisions regarding the selection and transfer of military archives and of the archives of the intelligence agencies?

	YES	NO
Army, Navy, Air Force	X	
Ministry of Defence	X	
Intelligence agencies	x	

Comments: In 2012, records schedules were set up for the archives of the Ministry of Defence (including the archives of the cabinet of the Chief of Defence, Assistant Chief of Staff (ACOS), the General Directorates (DG) and Components (COMOPSAIR, COMOPSLAND, COMOPSENAV, COMOPSEMED)). These guidelines were established by archivists of the State Archives and approved by the National Archives and by the Ministry of Defence.

No record schedule has so far been set up for the Belgian State Security Service.

7) According to the ICA Principles of Access to Archives, art. 9, "Archivists have access to all closed archives and perform necessary archival work on them". Is this principle enforced in your country, as far as military archives and the archives of intelligence agencies are concerned?

	YES	NO
Army, Navy, Air Force	X	
Ministry of Defence	X	
Intelligence agencies		X

Comments:.....
.....

8) Are there archivists from the National Archives who have security clearances (i.e. who can access classified information)?

YES	X
NO	



Comments:.....
.....
.....

9) As far as the management of records and archives are concerned, do military corps and intelligence agencies have to follow guidelines and directives issued by the National Archives or by the Directorate General of Archives?

	YES	NO
Army, Navy, Air Force		X
Ministry of Defence		X
Intelligence agencies		X

Comments: They are not mandatory. Recommendations were indeed formulated within the framework of the archives audit of 2012 (project records schedules Defence) about archives document management. Today, talks are still being held on a regular basis with Defence about archives and document management (among others about digital archiving)

10) Does your national legislation provide for automatic declassification of classified national security information after a given number of years?

YES	
NO	X

Comments: This issue has been subject to intense debate for years. In the past, several attempts were made in order to adapt the regulatory framework (mission for the new government, more precisely for the ministers of Justice, Defence and Foreign Affairs).

11) In case you answered YES to question no. 10, after how many years?

.....
.....
.....

Comments:.....
.....
.....



12) Does your national legislation provide for automatic declassification of classified information regarding national defence (for example, information on weapons of mass destruction) after a given number of years? In case, after how many years?

YES	
NO	X

Comments:.....
.....
.....

13) In case you answered YES to question no. 12, after how many years?

.....
.....
.....

14) Does your national legislation provide for automatic declassification of classified information originating from a foreign government (or from a foreign intelligence agency, foreign police authority, etc.) after a given number of years? Or is such kind of information declassified only after consulting with the originating country?

	YES	NO
Classified information originating from a foreign government is declassified only with the agreement of the foreign government	X	
Classified information originating from a foreign government is automatically declassified after a given number of years, like other classified information		X

Comments: Art. 5 of the law of 11 December 1998 about classification and security authorisations, security certification and security advice stipulates that "the government body or person (...) having decided the classification also takes the decision to review or declassify".



15) Does your national legislation provide for special rules regarding the declassification of classified information originating from the NATO?

YES	
NO	X

Comments: There is only the law of 11 December 1998 (Law about the about classification and security authorisations, security certification and security advice). Art. 5 of this law stipulates that "the government body or person (...) having decided the classification also takes the decision to review or declassify".

16) Are information originating from the NATO declassified after a given number of years or are decisions regarding the declassification of NATO documents left to NATO itself?

	YES	NO
Information originating from the NATO are declassified after a given number of years		X
Decisions regarding the declassification of NATO documents are left to NATO itself	X	

Comments:.....
.....
.....

ADDITIONAL QUESTION...



Dear Giulia,

Our Ministry of Foreign Affairs just asked us - as the Ministry of Defence has done already earlier - NOT TO MAKE the classification plan and records schedule of the archives of their organisation PUBLICLY AVAILABLE, that is to say not to publish them online and not to share them with researchers!

There reason for this is, I quote: "The justification for this non-publication of the classification plan of the State Archives by the National Archives is based on considerations regarding the confidentiality and security of the information originating from international organisations (NATO, EU, OSCE,...) and foreign organisations (Foreign Affairs of other countries,...) and on considerations related to the degree of classification of documents that might be listed in classification plans."

I think this is and additional important aspect to the subject of the survey you have issued about the archives of security organisations, that is to say: to which extent can the following be made public in their respective countries:

- descriptions of archives - at serial level (ISAD-G)
- inclusive dates of the archives
- selection criteria or definitive destination etc.

Just for information.
Best regards,

Karel