

*Ensuring access to the Film Archives:  
Military Archives or The Voice of the Armed Forces?*

**1) Why are there military film archives?**

During the First World War, in 1915, the French Armed Forces created two sections to capture war images: the photography section and the cinematography section. These two bodies provided images to cinemas and the press, which were not allowed on the front lines. The beginnings of military cinema are closely related to civilian cinema. The Armed Forces' first 4 cameramen were from the four cinema companies of the time: Gaumont, Pathé, Eclair and Eclipse. The images captured by the SCA (Armed Forces Film Services) were put together as newsreels and shown in civilian cinemas.

The two main objectives established in 1915 for these two sections are important for understanding the content of the collections and the fact that these images must be accessible to the public:

- To inform public opinion or notably communicate through propaganda
- To create documentation for the purpose of recording military history.

In 1917, General Lyautey, the then Minister of War, wrote about the cinematography section of the Armed Forces, "... for French propaganda abroad, gather snapshots and films that show that the troops are well-kept and in high spirits and that showcase their heroic actions," and to "bring together as many archives on military operations as possible".

Thus, from the beginning, these films were meant to be shown and accessible. They were always carefully documented and held by the body that produced them. From WWI to today, the *Service cinématographique des armées*, then the *Etablissement cinématographique et photographique de l'armée* and finally the ECPAD (*Établissement de communication et de production audiovisuelle de la Défense*) were all responsible for both production and preservation.

**2) The legal context**

From an administrative point of view, the ECPAD is still under the aegis of the Ministry of Defense as a public administrative institution.

For the moment, the collection preserved at ECPAD does not pose much of a problem in terms of rights. Most of the films were produced by military personnel who were compensated for this purpose; the rights are therefore considered as belonging to the State. However, transposing the new European provisions on copyrights into French Law may cause this to be called into question. In addition, ECPAD holds films to which it does not have the rights. In this case, the films can be viewed, but the user is directed to the rights holders before using the film.

For the Ministry of Defense, films produced as part of its activity are public archives, subject to the Law of 1979 (currently being revised), which gives every citizen the right to access these materials. However, contrary to the law that sets deadlines for communicating public archives, the shortest deadline being 30 years, military films are either viewable immediately, or protected for an indefinite period of time, because they are classified for the sake of protecting national defense secrets. This is a very strict inter-ministerial regulation.

### **3) Managing “secret” films**

Today, 146 of the 21,000 film references preserved at the ECPAD are classified. This represents 1,480 elements, in the form of 35 and 16mm film or videocassettes. These materials mostly concern trade secrets or special units whose identities must be protected, rather than real military secrets.

Yet, we cannot control access to them: it is in fact the organization that ordered them to be produced that decides whether or not they are accessible. A film is classified according to a specific decision. Similarly, to for a film to become accessible, a conscious decision must be taken; this does not occur automatically. . Images produced by the ECPAD as part of military operations abroad are also subject to validation (not to say “censorship”) from the Defense Staff, which is the higher authority for reporting teams in operations.

Regulations are currently being reformed to possibly establish automatic declassification deadlines. In the meantime, it is the Archives' responsibility to keep up to date the list of films that can be “released.” Now, many of these films no longer contain sensitive information. The ordering body should therefore be contacted and asked to decide on declassification. However, military secrets are still a cause for concern. This is why we must teach and make clear that our professionalism and special facilities (authorized personnel, safes, certified laboratories) are the best guarantee that truly sensitive films will be protected. This is how we will gain the trust of these bodies.

There is an even more insidious problem: “random classification.” For an unprotected film, this happens whenever anybody from ECPAD or another authority with no connection to the ordering body decides to classify the materials based on a totally subjective decision. This often occurs without a written order; in such a case, the Archive Department is faced with an arbitrary decision, the material proof of which cannot be kept, and must remove the once accessible materials from the viewable media. This last point is often a good argument to avoid these “random classifications”: we consider it useless to protect materials that have been accessible for years, and of which copies have already been distributed.

#### **4) Guaranteeing and improving access to records**

The images produced by the Armed Forces must remain accessible because they meet three essential needs of the public: information, historical research (the two initial objectives of ECPAD – one could even say that these pictures were created for this reason), and legal evidence. For example, in certain proceedings, the legal system has been able to access material shot in Rwanda or during nuclear tests. It is thus the Archive Department's duty to guarantee access through several different channels.

The first access method, projection, has existed in the military for a long time. Since 1915, films produced by the Armed Forces were shown to the military and sometimes in civilian cinemas. Regiments could also borrow copies of films. Today, our role is no longer that of a military film archive. However, from time to time, we can show these materials as a result of cooperation with other film archives (*Cinémathèque Française, Cinémathèque de Toulouse, Cinémathèque de Grenoble*, etc.). We do so in compliance with FIAF regulations and the Declaration on Fair Use, that is to say, without financial compensation.

The second access method is the opportunity for the public to view the films, freely and at no charge, at the *Fort d'Ivry*, in a viewing area open seven days a week. We are working to improve access to materials through backups, digitization, and document processing. With the help of a new database in which the digitized films are directly viewable, we hope to increase access for professionals, researchers, and military history enthusiasts. ECPAD's commercial activity (which we will revisit later) leads it to utilize film rights. However, we do apply the pedagogical and cultural exception for non-commercial use.

The third access method concerns publications, pedagogical actions, and making information or even a portion of the collections, available on the Internet. This is an activity which ECPAD is developing.

The Archive Department must offer the best possible access to the materials, but it cannot guarantee that their use will be the most appropriate. The best we can do is to provide all documentary information needed to understand the picture, but this will not necessarily prevent misappropriations. This is a concern for the services that produce these images and then give them to us for preservation. The Armed Forces often want to retain control of their pictures, avoiding association with any commercial brand. We are in the process of establishing a protocol that will encourage the military to entrust their images to us by guaranteeing that they will be able that they will have a say in the commercial uses of these images.

One feature of ECPAD's status may contradict the rules of Fair Use. ECPAD is indeed an *établissement public à caractère administratif* (public, administrative institution), and its governing Ministry expects it to have a certain financial autonomy. This lies in its ability to generate turnover and a profit from its production and archive management activities. As for audiovisual production, it is logical for ECPAD to provide services for a fee. On the other hand, for archives, we must maintain a balance between the necessities of business and those of preserving materials. For example, document backup priorities were initially defined according to media preservation criteria. Fortunately, the oldest and most fragile documents (dating from WWI and WWII) happen to be the ones most often viewed by the public, and so they were the first to be backed up. Because of ministerial budgetary restrictions, ECPAD increasingly supports the notion of "regalia assignment" and "public service" with respect to heritage, which leads to dissociating archive management, preservation, and public availability from any commercial necessity of profitability.

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