



## Steps towards clarifying the legal situation of the Grimm Memory of the World documents and issuing the UNESCO certificate:

For some 20 years controversy has surrounded library holdings on the Grimms from the Provincial Library Kassel — a library in which the Brothers Grimm themselves worked as librarians — and from other libraries in Kassel with which the Provincial Library is amalgamated. In a nomination form submitted to the UNESCO programme "Memory of the World" in 2004 the Association of the Brothers Grimm named itself the owner of five personal annotated copies of Grimms' Fairy Tales that belong to these holdings. As has been demonstrated, the Association has no claim to such ownership. Currently, the public is aware of differing claims to ownership from the University of Kassel (as an institution of the state of Hesse) and from the city of Kassel. At the start of 2007 the city of Kassel decided to withdraw for the time being the personal copies of the Tales, which had until then been kept in the Brothers Grimm Museum, from display and to shut them away in a bank safe.

The problems summarised here could be solved in five steps as follows:

**1. Immediately move the five volumes out of the bank safe and into the Provincial and Murhard Library.** The library is designed for such holdings in terms both of appropriate conservation and of security and its staff is fully qualified; all holdings are available to bona fide scholars; borrowing for exhibition purposes is possible. — Holdings belonging to the city of Kassel are also kept in the library so that there is no immediate need to establish whether the five volumes belong to the city or the state. — The books can be put on display immediately in the strong room of the library's Manuscript Department; they can likewise be digitised professionally without delay and made generally available on the internet. Thus key requirements of the Memory of the World programme would be met.

**2. Establish the legal ownership of the five volumes on the Memory of the World Register.** According to the UNESCO Guidelines (General Guidelines, 2002, pp. 44-45, Appendix A, §5: Legal Information) it is essential to establish the full legal status

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#### Öffnungszeiten:

Donnerstag, 13.30 – 15 Uhr  
Um Anmeldung wird gebeten!

#### Sitz:

Universitätsgebäude am Hegelplatz  
Dorotheenstr. 24 (Eingang Universitätsstr. 1). Räume 3.013 / 3.016

of nominated documents, including ownership, custodianship, responsible administration and copyright, before they can be added to the Register. This was not done as required during the nomination process in 2004 / 05. As a first step, the legal positions of the city and the state should immediately be made publicly available so that they can be subject to public scrutiny and debate. As both parties received legal opinions some time ago, their present legal positions can be published without further delay.

**3. Ascertain all the holdings kept in the Brothers Grimm Museum that were in the possession of the Provincial Library, the Murhard Library, the Murhard and Provincial Library and the University Library. Return these holdings to the (University) Library.**

This is a question of credibility in that the five volumes on the Memory of the World Register belong to these historical library holdings and represent merely the 'tip of an iceberg' of a total of some 2.000 items. It would make no sense to solve the problem for five volumes alone, but not for the majority of the holdings. The University Library and the city of Kassel have already done preparatory work on this so that the transfer could largely be completed in the first quarter of 2008.

4. These steps should satisfy the necessary preconditions set out in the UNESCO Guidelines for **adding the volumes to the Memory of the World Register** and for **awarding a new certificate in public**. Setting ownership aside, it could be both sensible and appropriate to make out the certificate jointly to the University of Kassel and the City of Kassel in order that both should take responsibility for the preservation, accessibility and presentation of the UNESCO-Memory of the World documents. Given the mistakes made, it would not be acceptable to include the Association of the Brothers Grimm; no special (legal) connection exists between the Grimm Association and the five volumes which could justify such inclusion.

5. **Arrangements for new loans** can be worked out between the University Library of Kassel and the Board of Trustees of the Brothers Grimm Museum.

**Steps towards dealing with the incorrect form nominating the personal annotated copies of the Grimms for inclusion in the Memory of the World programme:**

According to the UNESCO Guidelines, information on the legal status of the documents should have been definitively established by the nominator (Association of the Brothers Grimm) and then in addition checked during the nomination process (national UNESCO-MOW nominating committee; international MOW Register Sub-Committee RSC). Adding documents to the Register in accordance with UNESCO Guidelines is only possible after their full legal status has been established. In the case of the "Kinder- und Hausmärchen" the Guidelines were not followed. According to a UNESCO spokesperson, an incorrect nomination form which has been accepted by UNESCO and has led to documents being added to the Memory of the World Register cannot subsequently be altered.

The following courses of action are possible:

1. the present nomination form is preserved and appears as before on UNESCO registers, but a **commentary** referring to and correcting the false information once and for all is added in all cases;
2. the rightful owner requests UNESCO to **suspend the present nomination form as invalid** and to accept a **new nomination** from him- or herself as the rightful owner. This possibility has already been the subject of informal discussions between citizens of Kassel and UNESCO;
3. the **Association of the Brothers Grimm withdraws its nomination** in order to clear the way for a **new nomination by the rightful owner**.

Auckland and Berlin, 5.12.2007

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