

The Overseas Archives in France and Their Importance in Writing Modern and Contemporary Algerian History

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Received: 20/07/2024

Published: 06/02/2025

Abstract:

The archive is the primary source for knowing the historical truth, and for this reason it has received the attention of countries that have collected and preserved archives in official centres.

The Algerian state has taken care of the archives, collecting and has established several institutions to ensure this

Given the importance of the archives of the period of the French presence in Algeria, which plays a major role in writing the history of Algeria in a scientific and objective way and preserving the Algerian national memory

This is what promoted Algeria to seek, within the framework of international norms and conventions archives within the framework of the archival dispute between it and France

Keywords: archive, writing the history, Algeria, French.

Introduction:

Archives are the primary foundation of modern historical studies. Based on this principle, archival documents have become invaluable to the history of nations, especially for modern and contemporary periods. Archival documents

are generally accurate and objective, as they were official records intended for formal communication between authorities, not specifically written to serve as historical records. This lends them a high degree of reliability and makes them crucial for capturing life in its various facets, adding significant scholarly value to studies grounded in archival material.

Aware of the importance of these historical documents, the French colonial authorities transferred a substantial portion of the Algerian archival material to France. Since independence, Algeria has sought to recover this crucial historical resource, which is foundational for rigorous, objective studies of our national history.

Based on the above, the following questions arise:

- 1. What is the scientific and historical value of the Algerian archives held in France?**
- 2. How can these archives serve as a foundation for writing Algerian national history?**
- 3. What are the chances of their return to Algeria?**
- 4. What specific concerns does France have regarding the full release or return of these archives?**

First: The Importance of Algerian Archives in France for Writing the National History of Algeria

The heritage of any nation lies in its history. If history is the guide of civilization and the memory of a nation, its source is documentation. Documents represent trustworthiness, reliability, and a foundation of certainty, knowledge,

and power¹. The raw material for books is original documents, which is why archives are the treasuries of history. They gather experiences that guide governance and administration on the right path, making it the historian's mission to document all aspects of life with accuracy and integrity.²

Archival documents have thus become invaluable in historical studies, offering rich informational and intellectual content³.

They are the most reliable source for historical writing, enabling historians to analyze and reconstruct events with objectivity⁴. A glance at the vast quantity of archives taken to France gives the impression that Algeria has suffered a looting of its history rather than a mere transfer of documents⁵. The Algerian state's demand for the return of these archives from France, and France's reluctance to comply, reflects the sensitivity of their contents. Historians specializing in the Algerian War, particularly the period from **1954-1962**, note that full disclosure of these archives could strain Algerian-French

1. Ahmed Boudoucha. "Archival Legislation, Technology, and Their Role in Supporting and Developing the National Archives." *Journal of Libraries and Information Sciences*, Vol. 2, No. 3, December 2003, pp. 95-96.

2. Salem Aboud Alousi, Mohamed Mahjoub Malik. "Archives: History, Types, and Management." (2) Baghdad: General Authority of the Alexandria Library, 1979, p. [missing page number].

(3)3. Abdullah Maqlati. "The Archives of the Algerian Revolution." National Archives of Algeria, Example from the National Doctoral Conference on the Problem of Writing Modern and Contemporary Algerian History, held on November 2, 2016, Algeria, Publications of the Laboratory of Studies and Research in the Algerian Revolution, Mohamed Boudiaf University, no date, p. 19.

4. Jamal Qandel. "The Archival Documents of Maurice and Challe Held at the Military Archives Center in Vincennes, Paris." National Doctoral Conference on the Problem of Writing Modern and Contemporary Algerian History, held on November 2, 2016, *ibid.*, p. 5

5. Lakhdar Omrani. "The Archival Conflict Between Algeria and France: The Principle of Territoriality and National Sovereignty." *Journal of Human Sciences*, p. 141.

relations, as hiding them protects the accused⁶ rather than the victims of the liberation struggle.

For Algeria, having access to these archives is vital to writing and shaping its collective memory. A substantial part of the Algerian people's history, particularly concerning a crucial period, is still held by French authorities. French archivists, under French law, sometimes require special permits for Algerian researchers to access certain records, while French researchers have unrestricted access. This limitation also financially burdens Algerian scholars and postgraduate students who must cover substantial costs for visas, transportation, accommodation, and research time, creating significant obstacles⁷.

The National Archives Institution has two essential roles: gathering historical materials, in whatever form they may be (paper or audio), and preparing archival materials for researchers by providing comprehensive information on sources.⁸

Second: The Archival Dispute Between Algeria and France

Since the 17th century, through the end of World War II, treaties ending armed conflicts have generally addressed the fate of documents and records, due to their legal and administrative value⁹. Archival disputes between nations are

6. Samia Azzi. "The Importance of Audiovisual Archives in Building National Memory Through (6) Films." Master's Thesis in Information and Communication Sciences, specializing in Cinema, Television, and New Media. Algeria: University of Algiers 3, Faculty of Political Science and Media, Department of Information and Communication Sciences, 2012/2013, p. 137.

7. Lakhdar Omrani. *ibid.*, p. 143. (7)

8. Mohamed Lehouari. "Sheikhi: Many Obstacles Prevent the Return of Archives from France." (8) Echorouk Online. Available online: <https://www.echoroukonline.com>. Date accessed: March 12, 2019, at 12:09.

9. Lakhdar Omrani. *ibid.*, p. 130. (9)

more common than widely known, mostly affecting archival specialists, historians, and diplomats.¹⁰

Due to the importance of documents in historical research, disputes over their ownership have frequently arisen. Like other countries, Algeria continues to seek the return of archives taken to France during the colonial period, particularly in **1961 and 1962**, based on its rights under international treaties and laws¹¹. **The Évian Accords**, through which Algeria gained independence and which serve as a primary reference for all Algerian-French agreements, did not address the issue of archives.¹²

This omission raises questions, as posed by Dr. Lakhdar Amrani in his article, "The Algerian-French Archival Dispute Between the Principle of Territoriality and National Sovereignty." He questions whether the lack of an archival clause was due to French negotiators' avoidance of the topic or the Algerian side's inexperience, as France has a longstanding expertise in ending conflicts. Perhaps this situation¹³ is best summarized by General **de Gaulle's** comment about the content of **the Évian Accords**: "It contains everything we wanted it to contain."¹⁴

Algeria has relied on legitimate international legal principles to reclaim its archives, drawing upon files prepared by governmental institutions. This effort is based on the principle of respecting and returning archives that were taken by

10. Kamel Derouaz. "Legal Protection of Archives in Algerian Legislation." *Journal of Libraries and Information Sciences*, Vol. 2, No. 3, December 2003, p. 125.

11. Nour Eddine Magder. "The Fate of Algerian Archival Documents During the Ottoman Era After Algeria's Independence in 1962." National Doctoral Conference on the Problem of Writing Modern and Contemporary Algerian History, held on November 2, 2016, *ibid.*, p. 108.

12. Kamel Derouaz. *ibid.*, p. 128.⁽¹²⁾

13. Khadr Omrani. *ibid.*, p. 131.⁽¹³⁾

14. Kamel Derouaz. *ibid.*, p. 128. ⁽¹⁴⁾

European countries upon their departure from former colonies. Algeria's argument rests on the right to self-determination, which encompasses complete sovereignty, including the right of peoples to their history, memory, and identity. Any violation of these rights is, therefore, a violation of the state's sovereignty¹⁵.

Third: Algeria's Right to Its Archives According to International Charters and Laws

1. Principles of Archives in International Law:

A. Principle of Succession Between States:

This principle involves one state replacing another in its responsibilities for international relations over a specific territory¹⁶. International succession is an inevitable outcome of changes to a state's territory, regardless of the cause—whether it is a state relinquishing part of its territory to another, part of a territory gaining independence¹⁷, or multiple states uniting to form a single nation, or, as in Algeria's case, a formerly colonized state achieving independence. Under this principle, a colonizing power is obliged to return the archives it produced on the territory of the decolonized state. The fate of the archives is tied to the fate of the territory, so when territory is reclaimed, so too should be its archival records.

B. Principle of Archival Territoriality:

This principle holds that archives remain in the territory where they were produced, which serves as a basis for their repatriation in cases where they were removed. This concept emerged in the 14th century, specifically in **1352**, when

15. Same reference, p. 126.⁽¹⁵⁾

16. Hakim Mena. "The Concept of International Inheritance (Succession) in Public International Law." *Journal of Sharia and Economics*, Vol. 5, No. 9, p. 203.⁽¹⁶⁾

17. Same reference, p. [missing page number] ⁽¹⁷⁾

the Count of Savoy and the King of France exchanged archives as part of a territorial exchange.

Together, these two principles support the notion that archives should remain in the location where they were created, affirming peoples' rights to their intellectual and cultural heritage¹⁸.

B. Principle of Respect for Archival Holdings:

This principle is fundamental in archival science and stipulates those collections of archival documents should remain as they were originally organized by their creators, without mixing them with materials from other sources¹⁹. It is universally accepted that France established this principle of respecting archival holdings and the related concept of territorial origin²⁰.

Second: International Conferences and Texts of International and Regional Treaties

In addition to international legal principles on archives, United Nations resolutions, recommendations from international conferences, bilateral and regional treaties, and the International Council on Archives (ICA) have influenced France on the subject of returning Algeria's archives²¹

The United Nations General Assembly Resolution **36/147** of **December 16, 1981**, states in its sixth paragraph that attacks on religious and cultural sites constitute war crimes. The **1949** Geneva Convention goes further, with Article **147** classifying the destruction or misappropriation of religious, historical, and

(¹⁸)18. Boudeouira Tahar. "Organization and Algerian Archival Legislation: Between Text Size and the Reality of Challenges." *Journal of Human Sciences*, p. 171.

19. Lakhdar Omrani. *ibid.*, p. 142. (¹⁹)

20. Same reference, p. 131. (²⁰)

21. Abdelkader Douha. "Algerian Archives in France from an International Law Perspective." (²¹) *Mediterranean Dialogue*, No. 6, March 2014, p. 45.

cultural properties, when not justified by military necessity, as serious breaches. Article **85** of the First Additional Protocol even specifies that these breaches are war crimes. The Hague Conventions of **1899** and **1907** also prohibit the destruction or confiscation of others' properties, particularly Article **23** of the Regulations respecting the Laws and Customs of War on Land from the **1907** Convention.²²

A third convention, **the 1954 Hague Convention for the Protection of Cultural Property** in the Event of Armed Conflict, reinforces the sanctity of cultural assets, affirming previous conventions. This convention defines cultural property as manuscripts, books, artifacts of historical or artistic value, scientific collections, significant libraries, and archives.

Article 2 states that protecting cultural property includes safeguarding and respecting these items, while Article 4 obliges contracting parties to refrain from any act of hostility toward these assets, prohibit theft or misappropriation, and avoid seizing cultural property. France's seizure of Algerian archives falls within this prohibition²³. The 1983 Vienna Convention on State Succession in Respect of State Property, Archives, and Debts further confirms these principles.

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Fourth: Reasons Behind France's Secrecy over the Algerian Archives

The issue of repatriating archives has often strained Algerian-French relations. For Algeria, these archives are a crucial national memory, necessary to document a history of struggle and liberation. For France, however, the archives

22. Same reference, p. [missing page 46]. (²²)

23. Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, May (²³) 14, 1954

24. Kamel Derouaz. *ibid.*, p. 126. (²⁴)

are viewed as records of sovereignty²⁵. France's reluctance to return these documents or grant Algeria access stems from several factors. For example, under old French law, medical records can only be accessed **150** years after a person's birth, or **120** years if the record concerns a government employee, such as a soldier or officer.

The French archives contain secrets that complicate the official narratives of history. For instance, some records indicate that soldiers died of diseases like typhus or cholera rather than in battle against Algerians. In cases where soldiers fled from combat, the archival record might reveal that they were executed by their own superiors for desertion. In such cases, two files were often created: one stating the soldier died heroically in battle, and another with the true details of their death. If such files were made public, it could provoke significant public outcry in France, casting doubt on the official records given to families and damaging France's reputation. Furthermore, France fears the legal, ethical, political, and judicial repercussions that could arise if these details were revealed, impacting France's image²⁶ both domestically and internationally. From the French perspective, Algeria's repeated requests for the return of the original documents or microfilms are sometimes viewed as politically motivated rather than purely historical. Consequently, France is likely to continue safeguarding these archives as a means of protecting national interests and maintaining secrecy²⁷.

Fifth: Algeria's Efforts and Endeavors to Retrieve Its Archives from France

25. Samia Azzi. *ibid.*, p. 137. ⁽²⁵⁾

⁽²⁶⁾26. Abdel Karim Boudjahia, "The Algerian-French Archival Dispute" on YouTube. Date accessed: February 27, 2019, at 09:12.

⁽²⁷⁾ 27. Thierry Sarmant. *archives of the revolution of Algeria: The secret between violence and memory* OpenEdition Books.

The removal of Algerian archives to France has inflicted severe harm on Algeria, leaving it with fragmented or incomplete records that hinder effective administration in areas such as civil status records, population and agricultural statistics, and boundary demarcation with neighboring countries. Technical planning for urban areas, earthquake-prone zones (as seen during the Chlef earthquake, formerly El Asnam), and essential political files—such as those on prisoners and missing persons—are also affected²⁸.

In 2004, France proposed several options to Algeria to address the dispute. The French offer included providing Algeria with microfilm copies rather than the original documents, which would remain French property. The microfilms contain technical documents created before 1832, records from the “Arab Bureaus” (native administration offices), archives produced by the general government offices in Algiers, documents known as the “Spanish archives,” and political correspondence related to native affairs. Although this offer seems attractive, it raises the critical question of whether Algeria, as a sovereign independent state, would accept such an arrangement at the cost of relinquishing the original documents.²⁹

Abdelmadjid Chikhi, the Director General of the Algerian National Archives, mentioned that retrieving Algeria's archives from France faces significant obstacles, although he did not disclose specifics. During a radio interview commemorating the May 8, 1945 massacres, Chikhi affirmed that Algeria is steadfast in its claim for the original copies of its archives. He noted that negotiations with France are ongoing and that dialogue has not been entirely severed, although it has yet to yield tangible results. Efforts are being made to

28. Kamel Derouaz. *ibid.*, p. 127. (²⁸)

(²⁹)Lakhdar Omrani. *ibid.*, p. [146].

broaden Algeria's claim by seeking support from other nations with confiscated archives, forming committees within the International Archives and the Arab League³⁰ to support Algeria's stance. The Minister of Veterans' Affairs, Tayeb Zitouni, also stressed the importance of recovering the archives, describing it as an essential step in preserving Algeria's history. He emphasized that reclaiming the archives is a demand Algeria will never abandon³¹.

France has a responsibility, not only to return the tons of stolen archival materials—an act that constitutes a war crime under international law—but also to account for any Algerian documents destroyed during its occupation³², particularly those from the Ottoman period. Following France's invasion, significant Ottoman-era Algerian archives were pillaged³³ by French soldiers and officers, as noted by **Albert Devaux**, appointed in 1849 as the first curator of Ottoman Algerian archives. This destruction and confiscation aimed to erase Algeria's identity, history, and culture, eradicating any traces of its existence and heritage³⁴.

Conclusion

Based on the above, we can conclude the following points:

1. The Algerian archives located in France hold significant and strategic value for documenting Algeria's modern and contemporary history.

30. Mohamed Lehouari. *ibid.*,. (³⁰)

(³¹)31. Sabrina S. "The Return of the National Archives from France is a Sacred Demand." *Al-Alam for Administration, National Specialized News Daily*. Available online: <https://www.moneadm.com>. Date accessed: March 12, 2019, at 11:07.

32. Abdelkader Douha. *ibid.*, p. 46.(³²)

33. Nour Eddine Magder. *ibid.*, p. 107. (³³)

34. Abdelkader Douha. *ibid.*, p. 46(³⁴)

2. The demand for the restitution of Algeria's archives from France is a fundamental, irrevocable national goal.
3. All international conventions and customary laws affirm Algeria's legitimate right to recover its archives held in France.

Therefore, Algeria requires wise leadership capable of reclaiming this historical treasure—the Algerian archives in France—which serve as the cornerstone for writing our national history in the modern and contemporary eras.

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3. Abdullah Mqlati. *The Archives of the Algerian Revolution*. National Archives Center of Algeria as a Model. Proceedings of the National Doctoral Conference on the Issue of Writing Modern and Contemporary Algerian History, November 2, 2016, Algeria, Publications of the Research Laboratory on the Algerian Revolution, Mohamed Boudiaf University, no date, p. 19.
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5. Lakhdar Omarani. *The Algerian-French Archival Dispute Between the Principle of Territoriality and National Sovereignty*. Journal of Humanities Sciences.
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